

**DIRECTION NO. 15**

# **THE PLANNING SCHEME AMENDMENT PROCESS**

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## **Purpose**

1. The purpose of this Direction is to set times for completing steps in the planning scheme amendment process.

## **Application**

2. This Direction applies to the Minister for Planning, the Secretary to the Department, Panels appointed under Part 8 of the *Planning and Environment Act 1987* (Act), and all planning authorities in Victoria.

## **Definition**

3. In section 3 of the Act *business day* means a day other than—
  - (1) a Saturday or a Sunday; or
  - (2) a day appointed under the *Public Holidays Act 1993* as a public holiday or public half-holiday.

## **Directions**

### **4. Exhibition and notice of amendment**

- (1) A planning authority must give notice of an amendment as required by Division 1 of Part 3 of the Act:
  - (a) within 40 business days of receiving authorisation to prepare the amendment under section 8A, 8B or 9 of the Act; or
  - (b) if the planning authority may prepare the amendment without the Minister's authorisation under section 8A(7) of the Act, within 40 business days after the end of the period of 10 business days referred to in that section.

Note 1: Section 8A(7) of the Act applies to an application for authorisation made by a municipal council as planning authority for its municipal district. If within 10 business days of receiving an application for authorisation from a council, the Minister has not notified the council of his or her decision, the council may prepare the amendment without authorisation.

Note 2: Section 17(3) of the Act requires a planning authority to give copies of an amendment and other documents to the Minister at least 10 business days before it gives notice of the amendment under section 19 of the Act.

### **Public submissions about an amendment**

- (2) Before notice of an amendment is given under section 19 of the Act, a planning authority must, with the agreement of Planning Panels Victoria, 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. This does not apply if the planning authority only gives notice of the amendment under section 19(1)(c) of the Act.
- (3) The planning authority must request the appointment of a Panel under Part 8 of the Act within 40 business days of the closing date for submissions unless a Panel is not required.

### **Panel hearing**

- (4) A Panel appointed under Part 8 of the Act to consider submissions to an amendment must commence carrying out its functions under that Part or Part 3 of the Act within 20 business days of its appointment.
- (5) A Panel must provide its report to the planning authority under section 25 of the Act as follows:
  - (a) If the Panel consists of one member, the report must be provided to the planning authority within 20 business days after the last date of the Panel hearing or after all information necessary to prepare the report has been received by the Panel.
  - (b) If the Panel consists of two members, the report must be provided to the planning authority within 30 business days after the last date of the Panel hearing or after all information necessary to prepare the report has been received by the Panel.
  - (c) If the Panel consists of three or more members, the report must be provided to the planning authority within 40 business days after the last date of the Panel hearing or after all information necessary to prepare the report has been received by the Panel.

### **Decision on amendment by a planning authority**

- (6) A planning authority must make a decision to abandon an amendment under section 28 or adopt an amendment under section 29 of the Act (as the case may be) as follows:
  - (a) If no submissions have been referred to a Panel under section 23 of the Act, the planning authority must make the decision within 60 business days of the closing date for submissions.
  - (b) If a Panel was appointed to consider submissions to the amendment, the planning authority must make the decision within 40 business days of the date it receives the Panel's report.

### **Submission of an adopted amendment to the Minister**

- (7) A planning authority must submit an adopted amendment under section 31 of the Act, together with the prescribed information, within 10 business days of the date the amendment was adopted.

### **Decision by the Minister**

- (8) If a planning authority submits an adopted amendment to the Minister in accordance with the requirements of section 31 of the Act, the Minister must make a decision on the amendment within 40 business days of receiving the adopted amendment.

### **Exemption by Minister**

5. The Minister may grant an exemption from the need to comply with one or more of the requirements of this Direction in relation to a particular amendment. An exemption may be granted subject to conditions.

### **Transitional provisions**

6. (1) If a planning authority:
- (a) was authorised to prepare an amendment under section 8A or 9 of the Act before 25 October 2012, clause 4(1) of this Direction does not apply to that amendment;
  - (b) has given notice of an amendment under section 19 of the Act before 25 October 2012, clauses 4(2), 4(3) and 4(6) of this Direction do not apply to that amendment;
  - (c) has adopted an amendment under section 29 of the Act before 25 October 2012, clause 4(7) of this Direction does not apply to that amendment;
  - (d) has submitted an amendment to the Minister under section 31 of the Act before 25 October 2012, clause 4(8) of this Direction does not apply to that amendment.
- (2) If a Panel has been appointed under Part 8 of the Act to consider submissions to an amendment before 25 October 2012, clauses 4(4) and 4(5) of this Direction do not apply to that amendment.

**MATTHEW GUY MLC**  
Minister for Planning

Date: 18 October 2013

<b>Commencement Details</b>	
Commenced	28 October 2013