

Reducing amendment timeframes

Advisory Note

February 2007

This advisory note provides information and advice about action taken by the Department of Sustainability and Environment (DSE) to reduce timeframes for responding to amendments initiated by Councils.

The advisory note covers:

- the performance targets for amendment processes
- DSE actions to reduce amendment timeframes
- future changes to streamline amendments.

Why introduce performance targets for amendments?

In the report *Cutting red tape in planning (August 2006)*, the Government committed to action to reduce amendment timeframes and documentation. There is potential to reduce timelines for authorisation of amendments and any subsequent approval of amendments.

It is anticipated that performance standards will achieve the following benefits:

- better management of the amendment process and the reduction of timeframes

- cost savings to councils and other parties awaiting the outcome of an amendment
- requirements for further information are conveyed promptly to councils.

What are the performance targets?

Two performance targets for amendments have been set, firstly at the authorisation stage and secondly at the amendment assessment stage.

These targets are not timeframes prescribed under the *Planning and Environment Act 1987* or Regulations but have been introduced to achieve streamlining. The targets are:

Performance target 1 – a decision on whether or not a council will be authorised to prepare an amendment will be made within 15 working days of the receipt of the completed authorisation request. This will apply to 80% of cases to ensure that all straightforward requests are dealt with quickly.

Performance target 2 – DSE will complete assessment of an adopted amendment to enable a decision to be made on the amendment within 30 working days of receipt of the adopted amendment and all required documentation. This will also apply to 80% of cases.

What changes are being made by DSE?

Performance Target 1 – Authorisation within 15 working days

Under section 9(2) of the *Planning and Environment Act 1987*, the Minister for Planning may authorise a council to prepare an amendment. The Advisory Note, *Changes to the planning scheme amendment process (May 2005)* sets out the information that should accompany an authorisation request. When these requirements are satisfied the authorisation process can commence.

In order to meet the performance target of 15 working days, DSE will deal with requests as follows:

- Inappropriate authorisation requests will be rejected immediately.
- DSE will assess whether the information accompanying the request for authorisation is sufficient. Where additional information is required, a request for the information will be sent to the council from the DSE regional office. The 15 working day timeframe will commence when the completed request is received.

How can councils assist?

It is important that council staff discuss proposed amendments, especially complex proposals, with the DSE regional office prior to lodgement. This will ensure that the information provided with the request is appropriate and will facilitate statutory processing of amendments.

Performance Target 2 – DSE assessment within 30 working days

Amendments which are submitted to the Minister for approval must be submitted with the information prescribed in Regulation 10 of the Planning and Environment Regulations 2005 and with the prescribed fee.

In order to meet the performance target of 30 working days:

- DSE will assess whether the information accompanying the amendment submitted for approval is sufficient for an assessment and whether changes need to be made to the amendment.
- Where additional information is required or changes need to be made to the amendment, a request will be sent to the council from the DSE regional office. The 30 working day timeframe will commence when the requested material is received.

How can councils assist?

Achieving these performance targets relies on a strong working relationship between the DSE regional office and councils. The DSE regional office will check requests for authorisation and the amendments submitted to the Minister for approval as soon as they are received and will advise council immediately if any additional information or change is needed.

It is important that council staff discuss an amendment, especially a complex amendment, with the DSE regional office prior to submitting it for assessment. This will reduce the need for further requests for information or changes.

Common situations where further material will be sought are:

- where not all the prescribed information has been sent
- where essential background information is lacking
- where further strategic justification is required
- where the amendment does not make proper use of the *Victoria Planning Provisions*.

In preparing the explanatory report to accompany an amendment, a council must evaluate the amendment against the General Practice Note, *Strategic Assessment Guidelines for planning scheme amendments (Aug 2004)*. By addressing the guidelines adequately, many changes or requests for information should be avoided.

If DSE requests further information or changes, a council will first be asked to provide DSE with an estimate of how long it needs to provide the information or changes.

If this information cannot be provided initially, the request from DSE will ask the council to give a written response within 30 days indicating a date by which the information or changes will be provided.

In assembling the amendment, the council should make full use of the DSE planning scheme amendments web page. This page provides a range of information relating to the amendment process including standard templates for all necessary documents.

What other changes will be made to streamline amendments?

Other actions in the *Cutting red tape in planning* report to further reduce amendment timeframes are:

- a protocol so that a panel can be pre-appointed, and the date for a directions hearing specified before exhibition when appropriate (Action 6.2 of *Cutting red tape in planning*)

- review of the *Strategic Assessment Guidelines* so that the level of strategic justification needed is proportional to the significance of the proposal (Action 6.3)
- new, simplified amendment documentation suitable for inclusion in electronic amendment systems (Action 6.4).

These actions are being progressively implemented. They will further reduce the costs and delays in processing amendments and free up resources of councils.

Further information about amendments

For more information about the planning scheme amendment process, go to the DSE web page 'Amendments to planning schemes' which can be accessed from www.dse.vic.gov.au/planning.

This web page contains links to information about the process of amending planning schemes, standard templates and links to other useful sites. It also contains information about the status and progress of individual amendments.

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