

Presetting panel hearing dates

This practice note provides guidance on how to preset a date for a directions hearing and a panel hearing in accordance with Ministerial Direction No.15 – *The Planning Scheme Amendment Process*.

In this practice note a ‘business day’ means any day other than:

- a Saturday or a Sunday; or
- a day appointed under the *Public Holidays Act 1993* as a public holiday or public half-holiday.

Background

Ministerial Direction No.15 sets times for completing steps in the planning scheme amendment process and requires that:

- Before notice of an amendment is given under section 19 of the *Planning and Environment Act 1987* (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 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.
- 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 (that is, the directions hearing, or if a directions hearing is not required, the written directions of the panel).

Procedure for pre-setting dates

To enable the requirements of the direction to be achieved efficiently, PPV has established the following procedure:

- **Step 1** – The planning authority emails the PPV Panel Co-ordinator to discuss potential hearing dates after being authorised to prepare the amendment.
- **Step 2** – At least 25 business days prior to the anticipated commencement of the exhibition period, the planning authority emails the proposed hearing dates to the PPV.

The email should be in the form of the template on page 3 which is available on the department’s website as an online form and include the following information and documents:

- the proposed directions hearing and panel hearing dates
- a brief description of the purpose of the amendment
- the proposed exhibition period

- the date the amendment and submissions received will be considered at a council meeting
- the draft explanatory report
- the draft amendment documentation.
- **Step 3** – The Chief Panel Member agrees to the hearing dates or, in consultation with the planning authority, agrees to alternative dates or additional hearing days.
- **Step 4** – The Panel Co-ordinator confirms the agreed hearing dates by email within 15 business days of the email request being received from the planning authority.

If there is a proponent involved (other than the planning authority), they should be notified of the agreed dates by the planning authority.

The agreed panel hearing dates should be included in the explanatory report as part of the material available during the exhibition of the amendment.

Can the hearing dates be changed?

Yes, the hearing dates can be changed or additional days added if the circumstances warrant it and provided the timeframes outlined in Ministerial Direction No.15 are still met. The hearing dates can be cancelled if a panel is not required.

It is the responsibility of the planning authority to notify all submitters of any change to, or cancellation of, the hearing dates.

Advice to PPV following the closing date for submissions

To assist the scheduling of upcoming hearings, the planning authority is required to advise PPV by email of:

- the number of submissions received
- major issues
- the likelihood of the matter being referred to a panel
- council meeting date

within five business days of the closing date for submissions.

Does a planning authority need to formally request the Minister to appoint a panel?

Yes. A request in writing to the Minister for Planning (via PPV) to appoint a panel under Part 8 of the Act is still required and must be made within 40 business days of the closing date for submissions.

Contacting the Panel Co-ordinator

Email: planning.panels@delwp.vic.gov.au

Phone contact details are available on the department's website at: www.delwp.vic.gov.au/planning/panels-and-committees

Further information and useful links

The following information is available at www.delwp.vic.gov.au/planning:

- Direction No.15
- Further information about Direction No.15 is provided in Advisory Note 48 (September 2012)
- Further information about Planning Panels Victoria
- Further information about the Victorian planning system.

Email template

To:	planning.panels@delwp.vic.gov.au
Subject:	Proposed pre-set panel hearing dates, Amendment <insert amendment number>, <insert name of planning scheme> Planning Scheme
<p>Dear Chief Panel Member</p> <p>I request that the following panel hearing dates be approved:</p> <ul style="list-style-type: none">• directions hearing, week of <insert date>.• panel hearing, week of <insert date>. <p>The amendment proposes to: <insert summary>.</p> <p>The exhibition period for this amendment is proposed to begin on <insert dates> and finish on <insert dates>.</p> <p>The Council is expected to consider the amendment and any submissions received at its meeting on <insert date>.</p> <p>For your convenience I have enclosed the following documents:</p> <ul style="list-style-type: none">• the draft explanatory report• the draft amendment documentation <p>If you have any queries or would like further information, please contact <insert officer's name and contact details>.</p> <p>Yours sincerely</p>	

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