*The purpose of this brochure is to answer common questions about panel procedures, and particularly aims to help anyone attending a Panel Hearing for the first time.*

## What is a Panel?

Under the *Planning and Environment Act 1987* (the Act), a Panel is appointed by the Minister for Planning to hear submissions made about amendments to planning schemes and to make recommendations or provide advice about whether or not the amendment should proceed. It will have one or more members, depending on the complexity of the issues involved.

## What does a Panel do?

The basic role of a Panel is to:

* Give submitters an opportunity to be heard in an informal, non-judicial manner. A Panel is not a court and is not bound by legal rules of evidence.
* Give expert advice to the Planning Authority (usually the local Council) or the Minister about an amendment and about submissions referred to it. The Panel may inquire into all aspects of the amendment and submissions.

## Are submissions public documents?

Yes. All submissions received and all information provided in respect of the Amendment at the Hearing will be treated as public documents.

Please note: Planning Panels Victoria is bound by the terms of the *Information Privacy Act 2001* with regard to the use of submissions from individuals and other personal information.

## Can I read other submissions that have been made?

Yes. You can inspect the submissions at the office of the Planning Authority that prepared the amendment. It is recommended you contact the Planning Authority to arrange a time to inspect the submissions, as from time to time, the Planning Authority may need time to organise inspection of the submissions.

## How does the Panel consider submissions?

The Panel will consider all written submissions sent to the Planning Authority. It also gives anyone who made a written submission an opportunity to present their key points at a public hearing.

If directed by the Planning Authority or the Minister, the Panel also hears other people (e.g. late submitters).

You may make your submission to the Panel in person, or you may be represented by another person. The submission may be oral or partly oral and written. If represented by another person, written authority should be available to be given to the Panel if you are not present. You can also call expert witnesses to give evidence to the Panel.

## What happens at a Panel Hearing?

A Hearing is conducted in a relatively informal manner. People are encouraged to represent themselves and may be present at the Hearing at any time. People not wishing to make a submission at the Hearing are welcome to attend the Hearing which is open to the public.

If you call an expert witness, normally cross-examination (questioning) of the witness by other presenters will be allowed by the Panel. Submitters are not cross-examined but may be asked questions by the Panel to clarify their submission.

The Panel will usually hold a short separate Hearing before the main Hearing at which any submissions are presented so that organisational and other matters (e.g. exchange of information) can be arranged. This is commonly called a ‘Directions Hearing’.

All people who made a submission about the amendment. will be sent a ‘Request to be Heard’ form. They should complete and return the form if they wish to be heard at the Panel Hearing.

The Panel prepares a timetable based on the information in the ‘Request to be Heard’ forms.

Usually the procedure at the main Hearing is:

* The chair of the Panel commences the Hearing, describes the amendment and introduces the members of the Panel.
* A representative of the Planning Authority outlines the purpose of the amendment, what changes (if any) are proposed to the amendment as a result of considering submissions, and the Planning Authority’s attitude to the referred submissions.
* If the municipal Council is not the Planning Authority, a representative of the Council gives its view of the amendment.
* If someone asked the Planning Authority to prepare the amendment (the proponent), that person presents submissions (and usually evidence) to support the request.
* Submitters are heard in the order set out in the timetable or decided by the chairperson.
* A short response to the submission made during the Hearing (known as a ‘right of reply’) by the Planning Authority and the proponent is usually allowed by the Panel.

If you need clarification on any aspect of the Hearing or the amendment, you may ask the Panel. The Panel may ask the Planning Authority (or someone else) to respond. The Panel may adjourn the Hearing to other dates if it considers this necessary. It may inform itself on any matters as it sees fit.

## Presentation of submissions at the main Panel Hearing

You should:

* Identify your main arguments. This should be as brief as possible if they are matters already covered in your written submission to the Planning Authority.
* Avoid lengthy repeating points made by previous speakers.
* Make sure that your presentation relates to the matters under discussion, is based on fact, and relates to planning matters.

Provide the Panel with copies of documents referred to in your presentation. If possible, use visual aids such as photographs and plans to highlight the main points.

You should provide one copy of written material and reports for each Panel member, the Planning Authority, and the proponent. One spare copy should also be provided. As a general rule, six to ten copies should be adequate.

## Will the Hearing be recorded?

Hearings are not usually recorded by the Panel. Parties may record all or part of the Hearing with the knowledge and consent of the Panel and on any conditions the Panel specifies. Photographs and video recordings of the Hearing are only allowed if the Panel consents.

## What happens after the Hearing is finished?

After considering all submissions and hearing all those who wish to be heard, making site inspections and considering all information presented to it, the Panel will send the Planning Authority a written report on the amendment. (This usually occurs from 20 to 40 business days after the close of the Hearings, depending upon the number of Panel members and the complexity of the matter.)

The Planning Authority must consider the Panel’s report before it decides whether or not to adopt the amendment (that is before it decides whether or not to forward it to the Minister recommending approval). If it decides to adopt the amendment, as it was exhibited or in some modified form, the Planning Authority may accept or not accept all or part of the Panel’s report and/or change the amendment. If the amendment is adopted, a copy of all submissions and the Panel report are given to the Minister.

If the Planning Authority disagrees with the Panel, it must tell the Minister why, and why changes were made. It must also give the Minister other information as set out in the Planning and Environment Regulations 1988.

## What happens if the Planning Authority does not make a decision on the amendment?

If the Planning Authority has not adopted the amendment, or been granted an extension of time by the Minister, the amendment will lapse two years after the date that public notice of it was given (in particular as published in the Government Gazette).

## How do I know when a report has been submitted and/or is available for inspection by the public?

If you would like to know when the Panel submits its report, you should contact the Planning Authority and ask to be advised of the date it receives the report. In accordance with the Act, the Panel’s report is available for public inspection once the Planning Authority has decided whether or not to adopt the amendment or after it has been with the Planning Authority for 28 days, whichever is the earlier.

## How do submitters know if the amendment has been approved?

If the Minister has decided to approve the amendment, notice will be published in the Government Gazette, and the Planning Authority must give notice to the Minister’s satisfaction. This may take the form of a newspaper notice or a personal notice to the submitters.

## Other types of Panels

A Panel may be appointed under the Act to consider other matters (e.g. planning permits referred to or called in by the Minister or applied for in conjunction with an amendment) or under other Acts (for example, an Environment Effects Statement prepared under the *Environment Effects Act 1978*).

Advisory Committees may also be appointed by the Minister under the Planning and Environment Act 1987 to consider specific proposals or to review planning policies. When one of these other types of Panels or an Advisory Committee holds a Public Hearing, similar procedures are followed to those described for a Hearing about planning scheme amendments. There is no obligation to release the reports of these types of Panels and Advisory Committees to the public.

## Further Information

Further information about Planning Panels Victoria can be found on the department’s website:

<http://www.dtpli.vic.gov.au/planning/panels-and-committees>