## 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 at <http://www.dtpli.vic.gov.au/planning>

Ministerial Direction No 15 (MD15) –The planning scheme amendment process

* Advisory Note 48 (AN48) - Ministerial Direction No 15 – the planning scheme amendment process
* Practice Note 77 (PN77) – Pre-setting panel hearing dates.

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

## Process for Pre-setting 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 procedure 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 Planning Panels Victoria Panel Coordinator to discuss potential hearing dates.
* At least 25 business days prior to 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 Planning Panels Victoria.
* The planning authority will receive an automatically generated receipt, advising that the request has been received by Planning Panels Victoria.
* Within 15 business days after the receipt of the request to pre-set the hearing dates, Planning Panels Victoria will confirm the agreed dates with the planning authority.
* If there is a proponent involved (other than the planning authority), they must be notified by the planning authority 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 in a ZIP format.
* Submit the on-line form to Planning Panels Victoria.

[Go to the online Pre-set Panel Hearing Request Form](http://www.dtpli.vic.gov.au/planning/panels-and-committees/pre-setting-panel-hearing-dates/planning-panels-hearing-request-form)

## Post Exhibition Process

**Prior to the submission of 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 Co-ordinator (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 still 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 (refer to the attached Sample Letter 1).

After receipt of the formal Panel request the Minister or a delegate 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.

## Hearing Timeframes

The Hearing dates should be within the timeframes outlined in the Explanatory Report.

##  Pre-setting Hearing Dates Outline

An outline of the process for pre-setting Hearing dates is included in page 4 of this guide.

## Contacting the Panel Co-ordinator

Panel Co-ordinator

Planning Panels Victoria

GPO Box 2392

Melbourne 3001

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

Phone: 8392 6397

## 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>

## Sample Letter 1 - Requesting the Appointment of a Panel

<insert date>

Panel Co-ordinator

Planning Panels Victoria

GPO Box 2392

MELBOURNE 3001

Dear Panel Co-ordinator

**RE: <Insert Planning Scheme Amendment>**

**Request to Appoint a Panel**

After considering submissions to the above amendment, Council resolved at its meeting on<insert date> to refer the submission(s) to a Panel.

This amendment was prepared by <insert council>, at the request of <insert proponent details>.

On behalf of <insert council>, I request that a Panel be appointed under Part 8 of the *Planning and Environment Act* *1987* to consider the above amendment and submissions received.

The amendment proposes to: <insert summary>

During the exhibition period <insert dates>, <insert number> submissions were received. They were received from <insert submitter details>. The major issues raised were <insert key issues highlighted in submissions>.

For your convenience I have enclosed the following documents:

* <insert additional material>

If you have any queries or would like further information, please contact <Insert officer’s name and contact details>.

Yours sincerely,

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

|  |  |
| --- | --- |
| **Action (and the relevant document/s)*****AN48 – Advisory Note 48******MD15 –Ministerial Direction 15******PN77 – Practice Note 77*** | **Action required****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 Co-ordinator to discuss potential Hearing dates  |
| At least 25 business days prior the anticipated commencement of exhibition (PN77) | Planning Authority submits a requests to PPV (by Email - see online form on the DPCD 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 (planning.panels@dtpli.vic.gov.au) 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 ‘*commence its functions’* 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 |