

Strategic Assessment Guidelines

for preparing and evaluating planning scheme amendments

Planning Practice Note 46

AUGUST 2018

Minister's Direction No. 11 Strategic Assessment of Amendments requires a planning authority to evaluate and discuss how an amendment addresses several strategic considerations. What should be considered as part of the direction is explained in this practice note.

The Strategic Assessment Guidelines provide a consistent framework for preparing and evaluating a proposed planning scheme amendment and its outcomes.

Not all amendments require a detailed assessment against the strategic considerations. This practice note also outlines how some minor amendments only require a brief assessment against the strategic considerations.

Amendments that do require assessment should use the *Strategic Assessment Guidelines* in all stages of the amendment process and be evaluated against the strategic considerations.

Do I need to respond to every consideration?

If any of the strategic considerations are not relevant to your amendment, you should provide a brief reason why.

How do I decide how much justification is needed against each consideration?

The level of justification needed for each consideration and the amendment overall should be proportional to the impact the amendment will have. Minor amendments are not required to provide a detailed analysis against the guidelines and generally not required to be supported by detailed strategic studies.

Which practice notes should be considered in preparing and assessing an amendment?

Some planning issues or particular *Victoria Planning Provisions* (VPP) tools have specific planning practice notes that provide guidance. All relevant planning practice notes should be considered in association with the *Strategic Assessment Guidelines* when preparing an amendment to ensure consistency and best practice.

The *Strategic Assessment Guidelines checklist on page 7* is a handy tool that can be used as a guide when preparing an assessment of an amendment.

Amendments that *do not* require an assessment against the strategic considerations

Minister's Direction No. 11 does not apply to classes of amendment prescribed in regulation 8 of the Planning and Environment Regulations 2015. This exemption applies regardless of whether the amendment is prepared under section 20A or another provision of the *Planning and Environment Act 1987* (the Act).

Although an assessment against these guidelines is not required, a planning authority must still have regard to the requirements of section 12 of the Act.



Amendments that *only* require a brief assessment against the strategic considerations

Types of amendments that may be suitable for a brief assessment include:

- changes in schedules that reduce permit requirements
- minor changes that involve a small number of lots or a minor ordinance change which is consistent with state and local policy
- applying a 'land management overlay' where there is a clear basis for its application, for example, the application of a Floodway Overlay where information is available to show that the land is subject to flooding
- rezoning of land to reflect its current use or ownership, for example, the rezoning of land into Public Park and Recreation Zone when the land has been acquired by local government or the rezoning of land from the Comprehensive Development Zone to an appropriate standard zone once the development is completed.

The strategic assessment should be straightforward and brief and only considerations that are relevant need addressing.

Amendments that *do* require a full assessment against the strategic considerations

A full assessment against the strategic considerations should be made for amendments that include:

- major changes in policy
- introduction or extension of a zone or overlay that would produce a different or new land use or development outcome
- major changes to the ordinance or mapping that involve a large number of lots.

Planning authorities can contact the relevant State Government regional planning office for assistance when determining the level of justification required to support the amendment and which strategic considerations need addressing.

The strategic considerations

The questions under each strategic consideration are prompts to assist the response to the strategic consideration. It may not be necessary to respond to all the questions under each strategic consideration.

The checklist included in this practice note can be used to assist the preparation and assessment of an amendment.

1. Why is an amendment required?

- What does the amendment intend to do and what is the desired outcome?
- How does it intend to do it?
- Is it supported by or is it a result of any strategic study or report?
- Is the planning scheme the most appropriate means of controlling the issue or achieving the desired outcome, or can another existing regulatory or administrative process deal with the issue? For example, can the matter be dealt with by a local law or other non-statutory tool (such as pre-application meetings, community education, information sheets and council newsletters)?

Guidance to planning scheme users such as 'how to make an application for a residential development' or 'best practice urban design guidelines' should be non-statutory documents rather than a planning scheme control.

- Will the planning policy or provision to be introduced result in a good planning outcome?
- Will the amendment have a net community benefit?
- Will the community benefit outweigh the cost of the new requirements?
- Does the amendment repeat provisions already in the planning scheme? If so, what additional value will the amendment provide?
- Is the matter already dealt with under other regulations such as the Building Regulations 2018? For example, the energy rating requirement for residential dwellings.



The types of environmental, social and economic issues that need to be considered are dependant on the nature and scale of the amendment. Issues may include:

- the likely effect on air, land and water quality of the area
- potential impact on buffers and threshold distances, and the likely effect on community amenity
- the likely effect on the health of ecological systems and the biodiversity they support (including ecosystems, habitats, species and genetic diversity)
- the likely effect on sites with significant historic, architectural, aesthetic, scientific and cultural values
- the likely effect on natural resources including energy, water, land, flora and minerals
- the likely effect on the economic well-being of the community
- potential changes to the economic and social life of the existing community
- the vitality and viability of existing agriculture, industry, tourism and commercial or retail activity in surrounding areas
- the likely effect on future public and private sector investment in the immediate and surrounding areas
- the likely effect on the range of goods and services in the immediate and surrounding areas
- the likely effect on potential capacity for growth of the immediate and surrounding areas, including the likely effect on the opportunities for expansion, improvement or redevelopment
- the impact on employment in the area
- the impact of likely changes in travel patterns for shopping, employment and social and leisure activities
- the impact on transport movement, services and infrastructure, including public transport
- the likely effect on community infrastructure in the immediate and surrounding areas
- the likely effect on public infrastructure in the immediate and surrounding areas
- potential changes to the attractiveness and physical condition of the immediate and surrounding areas
- the likely effect on the attractiveness, amenity and safety of the public realm
- the achievement of high quality urban design and architecture.

2. Does the amendment implement the objectives of planning and address any environmental, social and economic effects?

- Does the amendment implement the objectives of planning in Victoria (sections 4(1) and 12(1)(a) of the Act)?
- Does the amendment adequately address any environmental, social and economic effects (sections 12(2)(b) and (c) of the Act)? The normal way of assessing the social and economic effects is to consider whether or not the amendment results in a net community benefit.

An environmental, social and economic assessment should include an evaluation of the costs and benefits to businesses and the community arising from any requirement of the amendment.

3. Does the amendment address relevant bushfire risk?

An amendment must be assessed to determine whether the changes proposed will result in any increase to the risk to life as a priority, property, community infrastructure and the natural environment from bushfire.

- Does the amendment meet the objective and give effect to the strategies to address bushfire risk in the Planning Policy Framework (Clause 13.02 of the planning scheme)?
- Has the view of the relevant fire authority been sought in formulating the amendment? If the relevant fire authority has provided advice this should be summarised in the explanatory report.
- If the planning scheme includes a Local Planning Policy Framework at Clause 20, is the amendment consistent with the objectives and strategies that apply to bushfire risk?
- Is local policy for bushfire risk management required to support the amendment?

4. Does the amendment comply with all the relevant Minister's Directions?

- Does the amendment comply with the requirements of the Ministerial Direction - [The Form and Content of Planning Schemes](#) (section 7(5) of the Act)?
- Do any other Minister's Directions apply to the amendment? If so, have they been complied with?
- Is the amendment accompanied by all the information required by a direction?



5. How does the amendment support or implement the Planning Policy Framework (PPF)?

To ensure planning schemes further the objectives of planning in Victoria, planning authorities must take into account and give effect to the general principles and specific policies contained in the PPF.

- What objectives and strategies of the PPF are relevant and how are they relevant?
- Does the amendment or proposal support or give effect to the objectives and strategies of the PPF?
- Are there any competing PPF objectives? If so, how have they been balanced in favour of net community benefit and sustainable development (Clause 71.02-3 of the planning scheme)?
- Does the amendment support or give effect to any relevant adopted state policy?

If the planning scheme includes a Municipal Planning Strategy (MPS) at Clause 02 and the amendment seeks to introduce or amend a local planning policy in the PPF:

- Does the new or amended local planning policy:
 - respond to a demonstrated need?
 - implement a strategic direction in the MPS?
 - relate to a specific discretion or group of discretions in the planning scheme?
 - assist the responsible authority to make a decision?
 - assist any other person to understand whether a proposal is likely to be supported?
- Does the amendment affect any other existing planning policy or tool?
- Is a local planning policy necessary OR is the issue adequately covered by another planning tool (eg overlay) or decision guideline?

6. How does the amendment support or implement the Local Planning Policy Framework (LPPF) and, specifically, the Municipal Strategic Statement (MSS)?

This strategic consideration only applies if the planning scheme includes an LPPF at Clause 20.

The LPPF sets a local and regional strategic policy context for a municipality. It comprises the MSS and local planning policies.

Municipal Strategic Statement

The MSS contains the strategic planning objectives of the council and the strategies employed to achieve them. There should be a clear link between the objectives and outcomes sought by the MSS and the requirements applied in the planning scheme. When preparing an amendment to the planning scheme, the planning authority must take the MSS into account (section 12(2)(ab) of the Act). Questions that should be addressed include:

- How does the amendment seek to implement or support the MSS?
- Does the amendment seek to change the objectives or strategies of the MSS? If so, what is the change?
- What effect will any change to the MSS have on the rest of the MSS?
 - Is the amendment consistent/inconsistent with strategic directions elsewhere in the MSS?
 - What is the cumulative effect of this amendment on the other objectives in the MSS? For example, how will the introduction of a Heritage Overlay affect the housing or economic development objectives of the municipality?

Local Planning Policy

A local planning policy is a tool for day-to-day decision making in relation to a specific discretion in the planning scheme. It helps the responsible authority and other users of the planning scheme to understand how a particular discretion is likely to be exercised.

If the amendment seeks to introduce or amend a local planning policy:

- Does the local planning policy:
 - respond to a demonstrated need?
 - implement an objective or strategy in the MSS?
 - relate to a specific discretion or group of discretions in the planning scheme?
 - assist the responsible authority to make a decision?
 - assist any other person to understand whether a proposal is likely to be supported?
- Does the amendment affect any other existing local planning policy or tool?



- Is a local planning policy necessary OR is the issue adequately covered by another planning tool (eg overlay) or decision guideline?

[Planning Practice Note 8: Writing a Local Planning Policy](#) provides format, content and language guidance for introducing a new or changing an existing local planning policy.

7. How does the amendment support or implement the Municipal Planning Strategy (MPS)?

This strategic consideration only applies if the planning scheme includes an MPS at Clause 02.

The MPS is a succinct expression of the overarching strategic policy directions of a municipality. It provides for the planning scheme's policy foundation, based on the municipality's location and regional context, history, assets, strengths, key attributes and influences.

In answering this question consider:

- How does the amendment seek to implement or support the MPS?
- Does the amendment seek to change the strategic directions of the MPS? If so, what is the change?
- What effect will any change to the MPS have on the rest of the MPS?
 - Is the amendment consistent/inconsistent with strategic directions elsewhere in the MPS?
 - What is the cumulative effect of this amendment on the other directions in the MPS? For example, how will the introduction of a Heritage Overlay affect the housing or economic development directions for the municipality?

8. Does the amendment make proper use of the Victoria Planning Provisions?

The application of zones, overlays and local provisions must have a readily discernible basis in the PPF or LPPF.

- Does the amendment use the most appropriate VPP tool to achieve the strategic objective(s) of the planning scheme? (For example, is an appropriate zone or overlay used?) How does the selected tool give effect to the intended outcome?
- Does the amendment affect, conflict with or duplicate another existing provision in the planning scheme that deals with the same land, use or development? If so, have the provisions been reconciled?

- Does the control capture matters that do not specifically relate to the purpose or objectives of the control or matters that should not be dealt with under planning?
- Does the amendment make any existing provisions in the planning scheme redundant? If so, does the amendment remove the redundant provisions?
- Is the amendment consistent with any relevant planning practice note?

Planning practice notes provide best practice guidance about the use and application of many VPP tools, explanation and guidance about statutory processes and recommended structure and wording of statutory documents.

9. How does the amendment address the views of relevant agencies?

The amendment must address the views of any relevant agency.

- Have the views of any relevant agency been addressed?

10. Does the amendment address the requirements of the Transport Integration Act 2010?

Planning authorities, acting under the *Planning and Environment Act 1987*, are an 'interface body' under the *Transport Integration Act 2010* (TIA).

The TIA requires a planning authority to have regard to a set of transport system objectives and decision making principles where a planning scheme amendment is likely to have a 'significant impact on the transport system'.

- Is the amendment likely to have a significant impact on the transport system, as defined by section 3 of the TIA?

If so, explain how the amendment addresses the transport system objectives and decision making principles set out in Part 2, Divisions 2 and 3 of the TIA. Document your assessment and provide a short summary in the explanatory report.

The TIA also requires a planning authority to have regard to any *statement of policy principles*:

- in which it is specified; or
- that specifies powers or functions which the planning authority is exercising.

A statement of policy principles would set out further objectives and decision making principles for an interface body to have regard to.



- Are there any applicable statements of policy principles prepared under section 22 of the TIA?

If so, assess how the amendment addresses any specified policy principles that apply to the proposal. Document your assessment and summarise it in the explanatory report.

- You can check if a statement of policy principles has been issued by going to the 'Transport Integration Act' webpage of Transport for Victoria at transport.vic.gov.au/about/legislation/transport-integration-act.
- Further information regarding the interface body obligations is available at the same location.

11. What impact will the new planning provisions have on the administrative costs of the responsible authority?

The introduction of new or amended planning scheme requirements can often have significant resource implications for a council. Quantifying the resource implications of an amendment on the council is a relevant operational consideration.

Councils must be able to document the likely resource cost of implementing and administering a proposed change to the planning scheme.

- What are the cost implications for a responsible authority in implementing and administering the new planning provisions including:
 - the estimated increase in number of planning permit applications
 - planning staff resources
 - other miscellaneous costs including legal or other professional advice, for example, heritage advisers
 - capacity to consider the new application within the prescribed time.

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Strategic Assessment Guidelines checklist

This checklist is a tool that provides a quick snapshot of the abovementioned information. It may be helpful to use while preparing an amendment assessment.

Strategic consideration	Yes	No	N/A	Comment
Why is an amendment required?	<ul style="list-style-type: none"> • What does the amendment intend to do and what is its desired outcome? <input type="checkbox"/> • How does it intend to do it? <input type="checkbox"/> • Is it supported by or is it a result of any strategic study or report? <input type="checkbox"/> • Will the planning policy, provision or control result in the desired planning outcome? <input type="checkbox"/> • Will the amendment have a net community benefit? <input type="checkbox"/> • Will the community benefit outweigh the cost of the new control? <input type="checkbox"/> • Does the amendment repeat provisions already in the planning scheme? <input type="checkbox"/> • Is the planning scheme the most appropriate means of controlling the issue or can other existing regulatory or process mechanisms deal with the issue? <input type="checkbox"/> • Is the matter already dealt with under other regulations? <input type="checkbox"/> 			
Does the amendment implement the objectives of planning and address any environmental, social and economic effects?	<ul style="list-style-type: none"> • Does the amendment implement the objectives of planning in Victoria? (Refer to section 4 of the <i>Planning and Environment Act 1987</i>) <input type="checkbox"/> • Does the amendment adequately address any environmental effects? <input type="checkbox"/> • Does the amendment adequately address any social effects? <input type="checkbox"/> • Does the amendment adequately address any economic effects? <input type="checkbox"/> 			
Does the amendment address relevant bushfire risk?	<ul style="list-style-type: none"> • Does the amendment meet the objective and give effect to the strategies to address the risk to life as a priority, property, community infrastructure and the natural environment from bushfire in the Planning Policy Framework (Clause 13.02 of the planning scheme)? <input type="checkbox"/> • Has the view of the relevant fire authority been sought in formulating the amendment? <input type="checkbox"/> • If the planning scheme includes a Local Planning Policy Framework at Clause 20, is the amendment consistent with the objectives and strategies that apply to bushfire risk? <input type="checkbox"/> • Is local policy for bushfire risk management required to support the amendment? <input type="checkbox"/> 			



Strategic consideration	Yes	No	N/A	Comment
<p>Does the amendment make proper use of the VPP?</p>	<ul style="list-style-type: none"> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 	<ul style="list-style-type: none"> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 	<ul style="list-style-type: none"> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 	
<p>How does the amendment address the views of any relevant agency?</p>	<ul style="list-style-type: none"> <input type="checkbox"/> 	<ul style="list-style-type: none"> <input type="checkbox"/> 	<ul style="list-style-type: none"> <input type="checkbox"/> 	
<p>Does the amendment address the requirements of the <i>Transport Integration Act 2010</i> (TIA)?</p>	<ul style="list-style-type: none"> <input type="checkbox"/> <input type="checkbox"/> 	<ul style="list-style-type: none"> <input type="checkbox"/> <input type="checkbox"/> 	<ul style="list-style-type: none"> <input type="checkbox"/> <input type="checkbox"/> 	
<p>What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?</p>	<ul style="list-style-type: none"> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 	<ul style="list-style-type: none"> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 	<ul style="list-style-type: none"> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 	