

Ministerial Direction No. 15 – the planning scheme amendment process

This advisory note provides information about Ministerial Direction No.15 which sets times for completing steps in the planning scheme amendment process.

To meet the challenges of Victoria's future growth and change it is important that the planning system works efficiently and facilitates timely and accountable decision making.

An efficient and certain planning system is necessary for encouraging the investment, innovation and participation that will support Victoria's growth. Unreasonable and unnecessary delays in the planning scheme amendment process can increase costs, and reduce confidence and certainty.

Direction No.15 encourages consistent, efficient and timely processing of amendments by setting times for completing key steps in the amendment process.

Who does the direction apply to?

The direction applies to the Minister for Planning, the Secretary of the Department of Planning and Community Development, a panel appointed under Part 8 of the *Planning and Environment Act 1987 (Act)* and all planning authorities in Victoria.

What does the direction do?

The direction sets times for completing steps in the amendment process, including:

- preparing an amendment after authorisation has been granted
- pre-setting a date for a directions hearing and a panel hearing
- giving notice of an amendment
- considering submissions and requesting the appointment of a panel
- commencement of the panel's functions (that is, a directions hearing, or if a directions hearing is not required, the panel hearing).
- a panel submitting its report to the planning authority
- the planning authority and the Minister making a decision on the amendment.

When does the direction come into effect?

The direction will come into effect on 25 October 2012. The direction will be published in the *Victoria Government Gazette* on that day.



An exemption may be granted

The Minister expects that the majority of amendments will comply with the direction. However, there may be circumstances where more time is required to complete one or more steps in the process.

To provide for these circumstances, the Minister may exempt an amendment from the need to comply with one or more of the requirements of the direction. An exemption may be granted subject to conditions.

Each exemption request will be considered on its merits. However, the circumstances in which an exemption may be appropriate include:

- the amendment is initiated by a council for a significant strategic matter (for example, to implement a policy review) and specific parties (for example, land and business owners) would not be disadvantaged by a longer processing time
- where the public interest would be served by providing more time to complete a step
- where more time is required to ensure a just and fair process
- to properly address an unforeseen significant environmental, safety or policy issue raised during the amendment process
- where both the proponent and the planning authority agree that an exemption is necessary to ensure the amendment is properly prepared and considered.

If a planning authority considers that a proposed amendment warrants an exemption from the direction, a request can be made at the time authorisation is sought. Otherwise, an exemption can be sought at any stage.

What action can the Minister take to expedite an amendment process?

Under section 185A of the Act the Minister may direct a planning authority to take any steps in the planning scheme amendment process within a specified time (not less than 6 weeks). If the planning authority fails to take a step within the specified time, the Minister may then take that step and all other steps required to be taken under Part 3 of the Act.

Further information and useful links

Direction No. 15 is available at www.dpcd.vic.gov.au/planning.

Further information about the Victorian planning system is available online at www.dpcd.vic.gov.au/planning

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