



# Planning Scheme Amendment Guide

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## **INTRODUCTION**

The following information is provided as a guide for persons who wish to apply to have land rezoned, or to amend part of the Surf Coast Planning Scheme, for a particular purpose.

The *Planning & Environment Act 1987* establishes the planning scheme amendment process which is neither a rapid or simple procedure. Nor can the end result be guaranteed because of the several different organisations and people that are involved in making decisions along the way.

**Fees** for the process are regulated under the Planning and Environment (Fees) Regulations 2000, refer to the Department of Environment, Land, Water and Planning website at <http://www.dtpli.vic.gov.au/planning/about-planning/legislation-and-regulations/fees-under-the-planning-and-environment-act>. You will also be charged additional fees as part of the Privately Funded Planning Scheme Amendment Process. You should talk to the Surf Coast Shire Planning Department to find out about these fees.

**Note:** The Department of Environment, Land, Water and Planning has only recently changed its name, therefore the website still appears as [www.dtpli.vic.gov.au](http://www.dtpli.vic.gov.au).

## **PRE-APPLICATION CONSULTATION**

Intending applicants are advised to seek preliminary discussions with staff of the Strategic Planning Unit as well as professional town planning assistance when preparing their application so that any potential problems can be resolved early and the proposal given its best possible chance of success.

Intending applicants should be aware that Council will not become involved in drawn out discussions and investigations as part of this pre-application stage. The purpose of the pre-application consultation is to identify possible problems that would have to be addressed by the applicant and what information would need to be submitted with the application.

At the pre-application stage, applicants should provide a summary of the proposal and a brief explanation as to how the applicant believes the proposal will address the requirements of Ministerial Direction No. 11 'Strategic Assessment of Amendments', refer to the Department of Environment, Land, Water and Planning website at <http://www.dtpli.vic.gov.au/planning/about-planning/the-ministers-role/ministerial-directions>.

It is important for the person proposing an amendment to recognise that they are asking a planning authority to act legislatively and to begin a process to change the law (that is, the planning scheme) about how land may be used and developed. This is quite different from making a decision in accordance with a planning scheme about an application for a particular proposal.

There is no right of review of an authority's decision not to prepare an amendment. Therefore it is important for a proponent to address potential adverse issues and demonstrate how they might be overcome (or what mitigating circumstances may apply) before making a formal request. The proponent will generally need to demonstrate some public benefit (or, at least, that there will be negligible public disbenefit) if the amendment is made.

Council officers will provide an initial informal opinion on the proposal, without prejudice, which is subject to the provision of full information with the application and detailed assessment by Council and other bodies. While such opinion is not binding it does give the applicant an initial indication of Council's likely position to the proposal based on current legislation, State Policy and Council Policy.

## **APPLICATION**

There is no specific application form for planning scheme amendments. However, **ALL** applications should be submitted in hardcopy (minimum 3 hard copies) and electronic format. Planning staff will advise how many hard copies will be required. Electronic documents should be submitted on CD, however documents can also be emailed to [info@surfcoast.vic.gov.au](mailto:info@surfcoast.vic.gov.au).

The application **must** contain the following:

- **Property Description** – sufficient details to fully identify the property, its location and its extent, e.g. survey plans, street number, area and dimension.
- **Copy of title.**
- **Site Conditions** – description or plan of existing use and development on the land including location of buildings, structures and access, any significant natural features (vegetation, wetlands, creeks, steep slopes, etc) and any known heritage items (buildings, sites, artefacts, etc.).
- **Site Analysis** – description or plan describing surrounding use and development and the relationship of the site to community services and facilities.
- **Availability of Services** – whether reticulated water and sewerage, stormwater, etc, is available or could feasibly be made available if necessary.
- **Proposal** – clear and full explanation of what planning scheme amendment is requested and what use or development is consequently intended. For rezoning applications for the purpose of more intense residential development conceptual subdivision plans will be required.
- **Justification** – the onus is on the applicant to justify why an amendment to the Surf Coast Planning Scheme is required. It is essential that all proposed amendments are consistent with the State and Local Planning Policies as set out in the State Planning Policy Framework (SPPF) and Local Planning Policy Framework (LPPF). The Explanatory Report accompanying every amendment must contain the strategic and policy justification for the proposal. The Explanatory Report must include an assessment in accordance with:
  1. Ministerial Direction No. 11
  2. Strategic Assessment Guidelines (April 2008)
  3. Any other relevant Ministerial Directions

An assessment in accordance with the above should be detailed and include such things as a Flora and Fauna Report, Cultural Heritage Due Diligence Report, Fire Risk and Management Report, and evidence of discussion with various agencies such as DELWP, Corangamite Catchment Management Authority, CFA and Vic Roads as required.

Ministerial Directions and the Strategic Assessment Guidelines can be accessed on the Department of Environment, Land, Water and Planning website, <http://www.dtpli.vic.gov.au/planning/planning-schemes/changing-the-planning-scheme>.

**Documentation** – It is expected that all applications for a planning scheme amendment will be accompanied by draft amendment documentation as set out in the DELWP publication "*Preparing the Documentation for a Planning Scheme Amendment*".

## **TIME**

The adequacy of information submitted with the application, the complexity of the proposal, the extent and nature of public submissions, the necessity for an Independent Panel, etc., all influence the length of time that it takes to make an amendment to the Planning Scheme. It is not a rapid or simple procedure and depends on input from several people and organisations apart from Council, eg. Department of Environment, Land, Water and Planning, Vic Roads, Barwon Water, etc.

For a reasonably straight forward amendment, with no objections, and where the information provided is adequate, applicants should expect a minimum time of between six and twelve months for the whole process. Where Section 173 Agreements have to be negotiated, Independent Panel hearings conducted or other government agency requirements satisfied, anywhere from one to twelve months **additional** time could be involved.

## **USE OF CONSULTANTS**

At times it may be necessary for Council to appoint a consultant to run a privately funded planning scheme amendment. In such an instance, Council will ask the proponent to sign an undertaking which details the principles of the agreement to engage said consultant and will specify matters such as the cost, the consultant details and completion arrangements. It should be noted that the Proponent will only deal with the consultant as if the Consultant is an employee of Council.

## **ADDITIONAL RESOURCES**

**Department of Environment, Land, Water and Planning website – [www.dtpli.vic.gov.au](http://www.dtpli.vic.gov.au)**  
DELWP manage the regulatory framework for land-use planning, environment assessment and land subdivision. It provides advice on planning policy and urban design, strategic planning, and information on land development and forecasting. The DELWP website contains a significant amount of information which is beneficial for applicants to consider when preparing submissions, some which are of particular importance are listed below.

### **Changing the Planning Scheme**

<http://www.dtpli.vic.gov.au/planning/planning-schemes/changing-the-planning-scheme>

### **Preparing the documentation for a Planning scheme amendment**

<http://www.DTPLI.vic.gov.au/planning/planning-schemes/changing-the-planning-scheme/steps-in-the-amendment-process>.

### **Planning Schemes Online**

The Surf Coast Planning Scheme can be accessed via the Planning section of the DELWP website (select “Go to Planning Schemes Online” from the online services menu).

# SUMMARY OF PLANNING SCHEME AMENDMENT PROCESS

