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Requests to Amend the Surf Coast Planning Scheme

Guide for Applicants

Updated July 2021

REQUESTS TO AMEND THE SURF COAST PLANNING SCHEME

GUIDELINES FOR APPLICANTS

Introduction

The following information is provided as information for persons wishing to submit a request to Council to amend the planning scheme.

The planning scheme is a combination of written ordinance and maps and is based on State and Local Government policies and objectives for the use, development and protection of land. A change to the planning provisions in the planning scheme such as the zoning of land or the provisions that apply can be considered by Council under the Planning and Environment Act 1987.

As the planning scheme is a legal instrument, the process can be complicated and time consuming, with the average amendment taking approximately 1-2 years to complete.

Council needs to consider the amendment request against State and Local Policy and the environmental, social and economic effects. Council will also evaluate if the proposal has a net community benefit.

Application Requirements

There is no specific application form for planning scheme amendments. However, all applications should be submitted in electronic format. Electronic documents should be submitted on USB or via email. Documents can be emailed to info@surfcoast.vic.gov.au (note there is a 40MB maximum per email).

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 dimensions.
- **Copy of Title** and copies of any registered restrictions, covenants, and Section 173 agreements.
- **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 Municipal Planning Strategy (MPS) and Planning Policy Framework (PPF) of the Planning Scheme. 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
3. Any other relevant Ministerial Directions

Ministerial Directions and the Strategic Assessment Guidelines can be accessed on the DELWP website at www.planning.vic.gov.au/schemes-and-amendments/amending-a-planning-scheme.

- **Supporting Documentation** – An assessment in accordance with the above should be supported by relevant technical studies, as appropriate, such as: a Flora and Fauna Report, Cultural Heritage Due Diligence Report, Bushfire Management Report and Traffic Impact Assessment and evidence of discussion with various agencies such as DELWP, Corangamite Catchment Management Authority, CFA and Vic Roads as required. Additional reports may be requested by Council depending on the nature of the proposal.
- **Amendment 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 Planning Scheme Amendment Documentation* (refer to www.planning.vic.gov.au/schemes-and-amendments/amending-a-planning-scheme).

Costs and Fees

Council Policy

Council's position on private planning scheme amendment fees is set out in Council Policy SCS-042. A copy of the policy can be found on our website at:

www.surfcoast.vic.gov.au/About-us/Council/Policies-plans-strategies-and-reports/Council-Policies

Prescribed Fee

The current fees for planning scheme amendment requests under the Planning and Environment Act regulations are increased each year in accordance with CPI. The current fees can be viewed on the Department of Environment Land Water and Planning website:

www.planning.vic.gov.au/legislation-regulations-and-fees/planning-and-subdivision-fees

Fees for Stages 1 – 3 are paid to Council, while the Stage 4 fee (final approval by the Minister) is paid to the Minister for Planning.

Additional Costs

If submissions are received to a planning scheme amendment, Council will usually refer them to an independent planning panel appointed by the State Government. Section 156(3) of the Planning and Environment Act allows Council to request applicants to contribute to the cost of a planning panel. The cost of the panel can vary significantly depending on the number of submissions, issues to be considered and the length of the panel hearing. As an indication, a very basic one day panel hearing can cost approximately \$10,000. Lengthy panel hearings can be much more.

Timing for Processing an Amendment Request

Council has a fixed strategic workplan and budget prepared almost twelve months in advance every year. The workplan takes into account officer workload and the strategic priorities of the Council. Therefore, ad hoc requests for planning scheme amendments cannot be processed immediately upon receipt if resources, including budget and staff resources, are not available. A budget bid/project proposal would need to be prepared twelve months in advance of the new financial year. Project proposals are evaluated against competing demands across Council, the Council Plan and identified strategic priorities.

Alternative Arrangements: Voluntary Agreements

If timing is important to the applicant, and they wish the amendment request to be processed prior to Council's consideration in the next financial year, the applicant can consider entering into a voluntary agreement with Council to cover any costs of the amendment which exceed the statutory fees. This could include the full cost of the panel hearing, expert witnesses (if agreed necessary with the applicant) or additional costs as agreed with Council.

A voluntary agreement to cover additional costs will only be considered after the proposal has been assessed by officers and supported for exhibition.

Pre-Application Consultation

It is highly recommended that for all planning scheme amendment proposals, applicants should seek a pre-application meeting with Council's strategic planners in addition to professional town planning assistance. Any potential problems can then be resolved early and the proposal given its best chance of success.

Depending on the proposal, it is also recommended that applicants seek preliminary advice from Government Agencies that may have input into the decision-making. For example, Barwon Water, VicRoads, Country Fire Authority, Department of Environment Land Water and Planning and Corangamite Catchment Management Authority if relevant. Council will consult relevant agencies as part of the formal process, but early consultation is recommended so that any potential issues are identified early in the process, and addressed, prior to submitting a formal request to amend the planning scheme.

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' and how the proposal is consistent with State and Local Policy.

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.

Council officers will also advise on the capacity of Council to consider an amendment request and the likely timing of when an amendment request may be processed, having regard to officer workload and strategic priorities. Council has a fixed strategic workplan prepared in advance every year.

Additional Resources

Department of Environment, Land, Water and Planning – www.delwp.vic.gov.au

DELWP manages the regulatory framework for land-use planning and environmental assessment in Victoria and provides advice on planning policy, strategic planning and urban design. The DELWP website contains a significant amount of information which is beneficial for applicants to consider when preparing an amendment request. Sites of particular importance are listed below.

Planning Services

www.planning.vic.gov.au/guide-home/find-a-planning-service

A Guide to the Planning System

www.planning.vic.gov.au/guide-home/guide-to-victorias-planning-system

Amending the Planning Scheme

www.planning.vic.gov.au/schemes-and-amendments/amending-a-planning-scheme

Planning Schemes Online

The Surf Coast Planning Scheme can be viewed at www.planning.vic.gov.au/schemes-and-amendments/browse-planning-schemes-by-map

For further information or to make an appointment with a Planning Officer to discuss your proposal please call Surf Coast Shire Council on (03) 5261 0600 or email info@surfcoast.vic.gov.au.