

## PRIVATE PLANNING SCHEME AMENDMENT POLICY

<b>Approval Level:</b>	Council
<b>Policy Type:</b>	Council
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<b>Responsible Officer:</b>	Coordinator Planning, Strategy and Policy
<b>Owner:</b>	Planning
<b>Responsible Director:</b>	Strategy and Growth
<b>Relevant Legislation/Authority:</b>	Planning and Environment Act 1987; Planning and Environment (Fees) Regulations 2016.
<b>DOCSETID:</b>	4841941

### 1. PURPOSE

This policy has been written to:

- Ensure a consistent and equitable approach when considering privately led planning scheme amendments; and
- Ensure all privately led planning scheme amendments demonstrate strategic merit and are fully proponent funded.

### 2. BACKGROUND

The *Planning and Environment Act 1987* allows for an amendment to be requested by Council, a 'Council Amendment', or Council can respond to a request for an amendment by any person or body, a 'Private Amendment'.

A Council amendment is one prepared by the City on behalf of the community generally to implement strategies or projects, correct anomalies or create efficiencies.

A private amendment is one initiated by a proponent or landowner where they are the primary beneficiary of the amendment. This may include where an amendment will increase site useability, value or marketability. For a private amendment to be supported it must demonstrate that it will create a community benefit.

There are many matters that the City must consider in determining whether to recommend to Council that a private amendment request be supported. They include whether:

- The desired outcome can be achieved through other means;
- The amendment helps to implement the objectives of the Planning and Environment Act 1987;
- The amendment is in accordance with adopted Council strategies, plans and policies and is strategically justified; and
- Any potential issues and impacts have been identified and addressed as much as possible.

The Council as planning authority is under no legal obligation to undertake a privately requested amendment.

If Council decides to support an amendment request, the City will work closely with the proponent on the form of the amendment and information required to support the amendment at the various stages in the process.

### 3. SCOPE

This Policy applies to private individuals or groups or their representatives, referred to as proponents, who request a change to the Greater Bendigo Planning Scheme.

### 4. DEFINITIONS

<b>Term</b>	<b>Definition</b>
Planning Scheme Amendment	A change to a planning scheme undertaken by the planning authority who is authorised by the Minister for Planning to prepare.
Proponent	Private individuals or groups or their representatives who requests Council to undertake a planning scheme amendment to the Greater Bendigo Planning Scheme.
Scheme	Greater Bendigo Planning Scheme.
City	City of Greater Bendigo.
Strategic merit	Proposals that: <ul style="list-style-type: none"> <li>• Align with adopted State and local strategies, plans and policies.</li> <li>• Align with Department of Environment, Land, Water and Planning (DELWP) Practice Notes, and Ministerial Directions.</li> <li>• Don't contradict any strategic work which has been completed or is currently underway.</li> <li>• Have a social, economic and environmental benefit.</li> </ul>
Abandon	Council resolution to no longer proceed with an amendment.
Council Amendment	An amendment prepared by the City of Greater Bendigo and funded by the organisation.
Private Amendment	An amendment initiated by a proponent or landowner where the main beneficiary of the amendment is the proponent or landowner.
Section 96A Amendment	Where the City agrees to consider the application for a planning permit at the same time as the preparation of a proposed amendment.

## 5. PRINCIPLES

The following principles will apply to all private amendment requests:

- Amendments must have strategic merit;
- Agreement is required by City officers on technical reports, any peer reviews, and on the form and content of the private amendment at each stage;
- All direct costs attributed to private amendments will be borne by the proponent; and
- Private amendment requests where all relevant information and fees are received will be dealt with in a timely manner by City officers with regular communication with the proponent.

## 6. POLICY

It is policy that:

### **Facilitating private amendment requests**

The City will facilitate proponent led planning scheme amendments which meet the following requirements.

- Strategic merit is demonstrated, including alignment with existing Council strategies and State and local planning policies;
- All documentation is prepared to a high standard where it is supported by City officers; and
- Preliminary issues have been identified and addressed with relevant referral authorities and any stakeholders.

### **Agreement on form of the amendment**

The proponent must agree with the City on the form of the amendment prior to seeking Ministerial Authorisation, proceeding to Panel, and seeking Ministerial Approval.

The City will refer the amendment to the Department of Environment, Land, Water and Planning at key stages in the process. The proponent must agree to make changes as a result of authorisation conditions prior to the amendment being exhibited.

The final form and content of the amendment is subject to the review of the Department of Environment, Land, Water and Planning and the approval of the Minister for Planning.

### **Community benefit**

Priority will be given to proposals which demonstrate the greatest community benefit, in the event that multiple requests are received simultaneously. This will be balanced with the existing work program within the Strategic Planning unit.

### **Planning Scheme Amendment costs**

All costs associated with privately led amendments must be funded by the proponent. This includes:

- All planning scheme amendment documentation;
- Any technical studies to inform the planning scheme amendment;
- Any peer reviews requested by the City or DELWP;
- Any documentation required to support a planning permit in the case of a Section 96A Amendment;
- All statutory fees associated with the planning scheme amendment as set out in the Planning and Environment (Fee) Regulations 2016;
- Public exhibition costs;
- Planning Panel fees; and
- Post approval implementation costs.

Proponents must sign an agreement in relation to funding of the planning scheme amendment prior to Council seeking authorisation.

Note: If at any stage during the amendment process the proponent breaks the agreement, the service can be withdrawn, and a decision made on whether the amendment should be abandoned.

All costs and fees are payable at the time they are incurred and independent of Council's decision to support, change or abandon the amendment at any time.

### **Landowner agreement**

The landowner must be supportive of the amendment and co-sign the funding agreement if the proponent is not the landowner.

### **Public exhibition**

The amount and type of notification must be agreed to by City officers.

Proponents are encouraged to provide drop in sessions or other opportunities to make it easy for the community to provide feedback particularly for more complicated amendments. These sessions will be at the proponent cost.

### **Funding of additional staff resources**

The provision of funding to the City for additional staff resources to assist with the delivery of privately led planning scheme amendments will not be supported.

## **7. ROLES AND RESPONSIBILITIES**

<b>Who</b>	<b>Responsibility</b>
Councillors	Have regard to this policy when considering private amendment requests.
Proponent	Sign funding agreement.  Work with City officers on agreed technical reports, peer reviews and on the form and content of the planning scheme amendment.  Work with City officers to agree on how to progress the different stages of the amendment.
Landowner	If not the proponent, the landowner must agree to private amendment request.

	Sign funding agreement.
City officers	<p>Assess all privately led planning scheme amendment requests on their strategic merit and alignment with State and local planning policies.</p> <p>Provide advice to proponents.</p> <p>Agree to progress the private amendment to a future Council meeting, subject to:</p> <ul style="list-style-type: none"> <li>• _all documentation being prepared to a sufficient standard;</li> <li>• _preliminary issues being identified and addressed; and</li> <li>• _fees being received in accordance with the <i>Planning and Environment (Fee) Regulations 2016</i>.</li> </ul> <p>Review this policy every four years.</p>
Department of Environment, Land, Water and Planning	Assess amendment documentation at all stages in the process to ensure it aligns with State planning policy and is strategically justified.

## 8. RELATED DOCUMENTS

Readers are encouraged to access relevant documents and/or resources which are available as per the below.

These include:

- Planning and Environment Act 1987;
- Planning and Environment (Fee) Regulations 2016;
- Ministerial Direction No.11: Strategic Assessment of Amendments;
- Ministerial Direction No.15: The Planning Scheme Amendment Process;
- Ministerial Direction on the Form and Content of Planning Schemes;
- Planning Practice Note 26: Ministerial Powers of intervention in Planning and Heritage Matters;
- Planning Practice Note 46: Strategic Assessment Guidelines; and
- Planning Practice Note 74: Making planning documents available to the public.

## 9. HUMAN RIGHTS COMPATIBILITY

The implications of this policy have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

## 10. ADMINISTRATIVE UPDATES

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this, such a change may be made administratively. Examples include a change to the name of a City unit, a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact. However, any change or

update which materially alters this document must be made through consultation with the staff Consultative Committee and with the approval of EMT or where required, resolution of Council.

**11. DOCUMENT HISTORY**

<b>Date Approved</b>	<b>Responsible Officer</b>	<b>Unit</b>	<b>Change Type</b>	<b>Version</b>	<b>Next Review Date</b>
<i>November, 2022</i>	<i>BM</i>	<i>Strategic Planning</i>	<i>Review of 2015 update to Private Planning Scheme Amendment Policy</i>	<i>1</i>	<i>2026</i>