

##### GUIDELINES FOR MAKING A SUBMISSION ABOUT A PLANNING SCHEME AMENDMENT

## Making a Submission

* **Any person** may make a written submission to Council about an amendment to the Mildura Planning Scheme if a notice of that amendment has been given (refer Outline of Planning Scheme Amendment Process chart on reverse side).
* A submission may **support**, **oppose** or **seek changes** to an amendment.
* A submission **must not** request a change to the terms of any State-standard provision to be included in the planning scheme by an amendment.

#### A submission can request that a State-standard provision be included in or deleted from the scheme.

### Form of Submission

* There are **no** specific requirements about the form a submission must take:
* Submission may be **clearly** handwritten in submitter’s own words.

### What the Submission Should Do

* Clearly **identify** the amendment it refers to by citing the amendment number.
* Set out the submitter’s **views** on the amendment – this **may** include:
* Why the submitter supports or opposes the amendment;
* How the amendment will materially affect the submitter.
* Respond to the specific **strategic** planning basis for the amendment as appropriate – this may include:
* Matters addressed by the Department of Sustainability & Environment General Practice Note ‘Strategic Assessment Guidelines for Planning Scheme Amendments’.
* Clearly set out the relevant **planning** considerations upon which the submitter’s view is based.
* Set out what the submitter would **like** Council to do – this **may** include:
* Abandon the proposal completely;
* Exclude certain land from its effect;
* Include additional conditions on a proposed use;
* Approve the amendment as exhibited.
* Give the Submitter’s name and address and **contact** details.
* In the case of a submission made jointly by a number of people, the submission should nominate **one** person as the group’s representative for notices and representation at a panel hearing.

### What will happen to the Submission

* Council **must** make every submission available for **public inspection** until the end of two months after either the amendment comes into effect or lapses.
* A person making a submission should ensure it is received by Council **before** the advertised closing date for submissions on the notice of amendment.
* Council **must** consider all submissions made ***on*** or ***before*** the date on the notice - Council **may** consider ***late*** submissions.
* Submissions provided are considered **public documents** and issues/matters raised therein (including authorship) **may** be reported to Council in an open Council meeting Agenda.
* After considering a submission which requests a change to an amendment, **if** Council does not either agree to the request or abandon the amendment, Council **must** refer the submission to an independent panel.
* Council **may** refer to the panel submissions which do not require a change to the amendment.
* The independent panel **must** consider all submissions referred to it.
* The independent panel will also conduct a **hearing** for those submitters who wish to be heard.
* Council must take into consideration the report of the independent panel.



OUTLINE OF PLANNING SCHEME AMENDMENT PROCESS

**PLANNING REVIEW AND AMENDMENT PREPARATION:**

* Strategic Planning Review – MSS Review; Strategic studies; corrections to Planning Scheme; individual requests
* Council considers formal request for an amendment
* Council considers Strategic Basis for Amendment and whether to request *Authorisation*
* Conduct Preliminary Investigation regarding appropriateness of amendment
* Assessment against DSE Strategic Assessment Guidelines
* Prepare Amendment Documents

**Step 1**

**Council May**

Not Agree to Request

**Step 2**

ment

**AUTHORISATION:**

* Establish Strategic Basis for Amendment in accord with Strategic Assessment Guidelines
* Council required to gain authorisation to proceed by providing draft explanatory report
* Minister advises re authorisation and confirms exempt or *Prescribed* amendments (S.20)

**Minister May Not**

Authorise Amendment

OR

* Minister advises re authorisation
* Minister may include conditions of authorisation and/or partial exemption of notice
* Minister may withdraw authorisation any time prior to gazettal of final approval

**Minister May Not**

Authorise Amendment

**Amendment lapses if not adopted 2 years from exhibition gazettal**

**Step 3**

ment

**COUNCIL GIVES NOTICE OF AMENDMENT:**

* Once authorised, prepare Amendment, distribute documents and give notice as required/exempt
* Notice of Exhibition published in local newspaper
* On the same day or after giving all other notices, notice is published in Govt Gazette
* Copies of the Amendment available for inspection for minimum 30 days from notice in Govt Gazette
* Any person may make a submission (refer Guidelines for Making Submissions)
* Council makes submissions available for inspection

**COUNCIL CONSIDERS ALL SUBMISSIONS:**

* If no submissions seek to change the amendment or if Council agrees to the changes;

Step 4

**Council May**

Abandon Amendment or Part Thereof

OR

* If Council is not prepared to change amendment as requested
* Independent Panel is appointed by Minister for Planning – Panel hearing is conducted for submitters who wish to be heard
* Panel considers all submissions and provides report to Council

**Step 5**

**COUNCIL ADOPTION OR ABANDONMENT OF AMENDMENT:**

* Council reviews proposal taking account of all submissions and any Panel Report and recommendations
* Council adopts amendment:- as exhibited or - with modifications or - in part with or without changes
* Council submits amendment to Minister for Planning for approval

**Council May**

Abandon Amendment or Part Thereof

Step 6

**APPROVAL OF AMENDMENT BY MINISTER:**

* Minister may direct more notice of the amendment (Steps 3-5 above repeated)
* Minister may direct Council to give notice of any changes to the amendment – submissions to be made to Minister – Minister may or may not appoint Independent Panel to report to Minister
* Minister advises amendment to be either *approved* or *not approved* in whole or in part

Prepare

# Approved

# Amendment comes into effect when Minister publishes notice in Government Gazette

Abandoned / Not Approved / Lapsed Minister Places Notice in Government Gazette