Delete all highlighted content and insert content as relevant in the body of the report.

Planning and Environment Act 1987

# [Insert Planning Scheme name] Planning Scheme

# Amendment C[insert amendment number]

# [Insert if combined permit and amendment] Planning Permit Application [Insert permit reference number]

# Explanatory Report

## Overview

[Insert an overview of the amendment and planning permit application which clearly explains in concise plain language the intent of the proposed amendment and the expected outcomes in five to ten lines. The use of additional plans, maps, graphics and images to better explain the expected outcomes of the amendment is encouraged. These graphics and images should only focus on factual representations. For further detail, refer to the example explanatory report.]

### Where you may inspect this amendment

The amendment can be inspected free of charge at the [insert planning authority name] website at [insert planning authority’s website]

And/or

The amendment is available for public inspection, free of charge, during office hours at the following places:

[insert planning authority’s details]

The amendment can also be inspected free of charge at the Department of Transport and Planning website at <http://www.planning.vic.gov.au/public-inspection> or by contacting the office on 1800 789 386 to arrange a time to view the amendment documentation.

The following two sections of the Explanatory Report are only applicable to exhibited amendments.

### Submissions

Include for exhibited amendments and remove at adoption.

Any person may make a submission to the planning authority about the amendment [and/or planning permit]. Submissions about the amendment [and/or planning permit] must be received by [insert submissions due date].

A submission must be sent to: [insert planning authority’s address]

### Panel hearing dates

Include for exhibited amendments and remove at adoption.

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

* Directions hearing: [insert directions hearing date]
* Panel hearing: [insert panel hearing date]

## Details of the amendment

### Who is the planning authority?

This amendment has been prepared by the [insert name of planning authority], [insert which (for planning authority) or who (for Minister)] is the planning authority for this amendment.

The amendment has been made at the request of [insert who requested the amendment].

### Land affected by the amendment

The amendment applies to [insert an accurate description of land affected by the amendment, using an address and maps. Maps could include showing a locality map, aerial map and maps of zones and overlays.]

[Insert mapping reference table if large number of maps are being inserted, amended or deleted.]

A mapping reference table is attached at Attachment X to this Explanatory Report.

[Insert this section if a combined permit and amendment]

The amendment is a combined planning permit application and planning scheme amendment under section 96A of the *Planning and Environment Act 1987* (the Act).

The planning permit application applies to [insert an accurate description of land affected by the planning permit application.]

### What the amendment does

The amendment [Provide a brief description of the proposed amendment in three to five lines. Provide a simple explanation of what the amendment is doing and the expected use and/or development outcomes if the amendment is approved].

The amendment [Also provide a detailed list of the proposed changes to the planning scheme. Where a rezoning is occurring, explain what the land is being rezoned from and refer to [**Use of standard terms for the Explanatory Report and Application Forms document**](https://www.planning.vic.gov.au/__data/assets/word_doc/0026/635633/Use-of-Standard-Terms-August-2023.docx) to complete this section.]

[Insert this section if combined permit and amendment]

The planning permit application seeks approval for:

* [insert detailed description of all permissions sought]

The planning permit is attached as a separate document to this Explanatory Report.

## Strategic assessment of the amendment

[Refer to [PPN46:Strategic assessment guidelines](https://www.planning.vic.gov.au/guides-and-resources/guides/planning-practice-notes/strategic-assessment-guidelines) for preparing and evaluating planning scheme amendments].

### Why is the amendment required?

Explain why the amendment is needed and what the intended outcome is.

Use subheadings (Apply **Style Heading 3**) to clarify why different parts of the amendment achieve the intended outcome. For example, policy changes, applying the design and development overlay, rezoning land, correction of zoning anomalies, background documents, etc.

In answering this question, consider:

* What does the amendment intend to do and how does it intend to do it?
* Is it supported by or is it a result of any strategic study or report?
* Is the planning scheme the most appropriate means of controlling the issue or achieving the desired outcome?
* Will the planning policy or provision to be introduced result in a good planning outcome?
* Will the amendment have a net community benefit and will these benefits outweigh the costs of the new requirements?
* Does the amendment repeat provisions already in the scheme? If so, what additional value will the amendment provide?
* Is the matter already dealt with under other regulations such as the Building Regulations? For example, the energy rating requirement for residential dwellings.

### How does the amendment implement the objectives of planning in Victoria?

Does the amendment implement the objectives of planning in Victoria (sections 4(1) and 12(1)(a) of the Act)?

### How does the amendment address any environmental, social and economic effects?

Does the amendment adequately address any environmental, social and economic effects (sections 12(2)(b) and (c) of the Act)? The normal way of assessing the social and economic effects is to consider whether or not the amendment results in a net community benefit.

Use the following sub-headings to discuss each effect:

* Environmental
* Social
* Economic

The types of environmental, social and economic issues that need to be considered are dependent on the nature and scale of the amendment. Issues may include:

* the likely effect on air, land and water quality of the area
* potential impact on buffers and threshold distances, and the likely effect on community amenity
* the likely effect on the health of ecological systems and the biodiversity they support (including ecosystems, habitats, species and genetic diversity)
* the likely effect on sites with significant historic, architectural, aesthetic, scientific and cultural values
* the likely effect on natural resources including energy, water, land, flora and minerals
* the likely effect on the economic well-being of the community
* potential changes to the economic and social life of the existing community
* the vitality and viability of existing agriculture, industry, tourism and commercial or retail activity in surrounding areas
* the likely effect on future public and private sector investment in the immediate and surrounding areas
* the likely effect on the range of goods and services in the immediate and surrounding areas
* the likely effect on potential capacity for growth of the immediate and surrounding areas, including the likely effect on the opportunities for expansion, improvement or redevelopment
* the impact on employment in the area
* the impact of likely changes in travel patterns for shopping, employment and social and leisure activities
* the impact on transport movement, services and infrastructure, including public transport
* the likely effect on community infrastructure in the immediate and surrounding areas
* the likely effect on public infrastructure in the immediate and surrounding areas
* potential changes to the attractiveness and physical condition of the immediate and surrounding areas
* the likely effect on the attractiveness, amenity and safety of the public realm
* the achievement of high quality urban design and architecture.

### Does the amendment address relevant bushfire risk?

An amendment must be assessed to determine whether the changes proposed will result in any increase to the risk to life as a priority, property, community infrastructure and the natural environment from bushfire.

In answering this question consider:

* Does the amendment meet the objective and give effect to the strategies to address Bushfire risk in the Planning Policy Framework (PPF) (Clause 13.02 of the planning scheme)?
* Has the view of the relevant fire authority been sought in formulating the amendment? If the relevant fire authority has provided advice this should be summarised in the explanatory report.
* If the planning scheme includes a Local Planning Policy Framework at Clause 20, is the amendment consistent with the objectives and strategies that apply to bushfire risk? Is local policy for bushfire risk management required to support the amendment?
* Potential subheadings to demonstrate how the amendment addresses relevant bushfire risk may include:
	+ Landscape considerations
	+ Alternative locations for development
	+ Availability of safe areas
	+ Site-based exposure
	+ Views from the relevant fire authority.

Standard wording for amendments that are compliant:

*“The Amendment meets bushfire policy in Clause 13.02 of the Planning Scheme because…”*

### Does the amendment comply with the requirements of any other Minister’s Direction applicable to the amendment?

In answering this question consider:

* Does the amendment comply with the requirements of the Ministerial Direction -The Form and Content of Planning Schemes (section 7(5) of the Act)?
* Does any other Minister’s Direction apply to the amendment under section 12(2)(a) of the Act? If so, has it been complied with? List any relevant Minister’s Direction and provide a response to each.
* Is the amendment accompanied by all the information required by a Direction?

Standard wording for example of compliance with Ministerial Direction 11:

“*The amendment complies with Ministerial Direction No. 11 (Strategic Assessment of Amendments) under section 12 of the Planning and Environment Act 1987. The amendment is consistent with this direction which ensures a comprehensive strategic evaluation of a planning scheme amendment and the outcomes it produces...”*

### How does the amendment support or implement the Planning Policy Framework and any adopted State policy?

To ensure planning schemes further the objectives of planning in Victoria, planning authorities must take into account and give effect to the general principles and specific policies contained in the PPF. The use of subheadings is encouraged for each of the policies to provide clear information on how the objectives and strategies have been satisfied.

In answering this question consider:

* Does the amendment support or give effect to any relevant adopted state policy?
* What objectives and strategies of the PPF are relevant and how are they relevant?
* Does the amendment or proposal support or give effect to the objectives and strategies of the PPF?
* Are there any competing PPF objectives? If so, how have they been balanced in favour of net community benefit and sustainable development (Clause 71.02-3 of the planning scheme)?

If the planning scheme includes a Municipal Planning Strategy (MPS) at Clause 02 and the amendment seeks to introduce or amend a local planning policy in the PPF:

* Does the local planning policy:
	+ respond to a demonstrated need?
	+ implement a strategic direction in the MPS?
	+ relate to a specific discretion or group of discretions in the scheme?
	+ assist the responsible authority to make a decision?
	+ assist any other person to understand whether a proposal is likely to be supported or not?
* Does the amendment affect any other existing planning policy or tool?
* Is a local planning policy necessary? Or is the issue adequately covered by another planning tool (e.g., overlay) or decision guideline?

### How does the amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

This strategic consideration only applies if the planning scheme includes an LPPF at Clause 20.

In answering this question consider:

* How does the amendment seek to implement or support the Municipal Strategic Statement (MSS)?
* Does the amendment seek to change the objectives or strategies of the MSS? If so, what is the change?
* What effect will any change to the MSS have on the rest of the MSS?
* Is the amendment consistent/inconsistent with strategic directions elsewhere in the MSS?
* What is the cumulative effect of this amendment on the other objectives in the MSS? For example, how will the introduction of a Heritage Overlay affect the housing or economic development objectives of the municipality?

If the amendment seeks to introduce or amend a local planning policy consider:

* Does the local planning policy:
	+ respond to a demonstrated need?
	+ implement an objective or strategy in the MSS?
	+ relate to a specific discretion or group of discretions in the scheme?
	+ assist the responsible authority to make a decision?
	+ assist any other person to understand whether a proposal is likely to be supported or not?
* Is a local planning policy necessary? Or is the issue adequately covered by another planning tool (eg. overlay) or decision guideline?

### How does the amendment support or implement the Municipal Planning Strategy?

This strategic consideration only applies if the planning scheme includes an MPS at Clause 02.

In answering this question consider:

* How does the amendment seek to implement or support the MPS?
* Does the amendment seek to change the strategic directions of the MPS? If so, what is the change?
* What effect will any change to the MPS have on the rest of the MPS?
* Is the amendment consistent/inconsistent with strategic directions elsewhere in the MPS?
* What is the cumulative effect of this amendment on the other directions in the MPS? For example, how will the introduction of a Heritage Overlay affect the housing or economic development directions for the municipality?

### Does the amendment make proper use of the Victoria Planning Provisions?

Does the amendment use the most appropriate Victoria Planning Provisions tool to achieve the strategic objective(s) of the scheme? (For example, is an appropriate zone or overlay used?) How does the selected tool give effect to the intended outcome and is it consistent with the Ministerial Direction - The Form and Content of Planning Schemes?

Refer to [Practitioner’s guide to Victoria’s planning schemes](https://www.planning.vic.gov.au/guides-and-resources/guides/practitioners-guide-to-victorias-planning-schemes) for choice of tools.

### How does the amendment address the views of any relevant agency?

What were the views of the relevant agencies and how were they addressed?

#### Exhibition stage

* Include which agencies were consulted prior to exhibition and, if appropriate their preliminary views.
* Provide details if views of agencies will also be sought during exhibition.

#### Approval stage

* How were the views of these agencies addressed after exhibition?

### Does the amendment address relevant requirements of the Transport Integration Act 2010?

Section 25 of the Transport Integration Act 2010 requires a planning authority to have regard to specified transport system objectives and decision-making principles where a planning scheme amendment is likely to have a significant impact on the transport system, as defined in the Transport Integration Act 2010.

In determining whether a planning scheme amendment will have a significant impact on the transport system, a planning authority should consider the likely land use and development outcomes from a planning scheme amendment for all of the specified components of the transport system, and in particular a change to the demand for transport services and infrastructure.

If a planning scheme amendment is likely to have a significant impact on the transport system, the planning authority must have regard to the following specified in the Transport Integration Act 2010, and undertake an assessment accordingly:

* The transport system objectives, as set out in Division 2 of Part 2.
* The decision-making principles as set out in Division 3 of Part 2.
* Any statement of policy principles, as set out in Division 4 of Part 2.

You can check if a statement of policy principles has been issued by going to the land use planning under the Transport Integration Act webpage of the Department of Transport and Planning website: [www.dtp.vic.gov.au](http://www.dtp.vic.gov.au).

If a planning authority determines that a planning scheme amendment will not have a significant impact on the transport system, no further assessment is required.

### How does the amendment have regard to the principles set out in the *Yarra River Protection (Wilip-gin Birrarung murron) Act 2017* in relation to Yarra River land and other land, the use or development of which may affect Yarra River land?

The *Yarra River Protection (Wilip-gin Birrarung murron) Act 2017* sets out that a planning authority must have regard to the principles in Part 2 of that Act when performing functions or duties or exercising powers in relation to Yarra River land or other land, the use or development of which may affect Yarra River land.

In determining whether Yarra River land is affected by a planning scheme amendment, a planning authority should refer to Part 3 of the *Yarra River Protection (Wilip-gin Birrarung murron) Act 2017*. Maps are available on the Department of Transport and Planning website: planning.vic.gov.au.

If Yarra River land (including other land) is affected by a planning scheme amendment, the planning authority must have regard to the principles specified in Part 2 of the *Yarra River Protection (Wilip-gin Birrarung murron) Act 2017* including the general principles, environmental principles, social principles, recreational principles, cultural principles and management principles.

## Resource and administrative costs

### What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?

What are the cost implications for a responsible authority in implementing and administrating the new planning provisions including:

* The estimated increase in number of planning permit applications
* Planning staff resources
* Other miscellaneous costs including legal or other professional advice, for example, heritage advisers
* Capacity to consider the new applications within the prescribed time.

Delete mapping reference table attachment if not required.

## Attachment X – Mapping reference table

| Location  | Land /Area Affected | Mapping Reference | Address | Proposed Zone changes | Proposed Overlay changes | Proposed deletion changes |
| --- | --- | --- | --- | --- | --- | --- |
| [Insert Town, Precinct and etc] | [Insert land or area affected] | [Insert map reference]  | [insert address] | [insert zone change if applicable] | [insert overlay change if applicable] | [insert deletion change if applicable] |
| ExampleGumnut | Land bounded by Gumnut Road and Cupid Lane, Gumnut | Gumnut C001 001vpoMap37 ExhibitionGumnut C001 002vpoMap38 Exhibition | 1-11 Gumnut Road, Gumnut | Rezone from C1Z to MUZ1 | DDO58 | D-DDO1 |
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