



Planning scheme amendment process

Information sheet

Introduction

The Cardinia Planning Scheme comprises a number of sections including the Planning Policy Framework, Local Planning Policy Framework, Zones, Overlays, Particular Provisions, General Provisions and Operational Provisions. Some of these sections contain fixed content that is the same in every planning scheme across Victoria. Other sections contain local content specific to Cardinia Shire which can be changed by a planning scheme amendment.

Council regularly makes amendments to ensure the Cardinia Planning Scheme is up-to-date and relevant. Landowners can also request Council amend the planning scheme, usually to amend land zoning or overlay provisions.

Important considerations

- The amendment process can be complex and lengthy, often between 12 and 18 months from start to finish, if not longer.
- Depending on what is being requested, some amendment applications will require expert reports on various matters including, but not limited to, flora and fauna, bushfire management and soil capability.
- An amendment request must be consistent with the objectives of the *Planning and Environment Act (1987)*, the Planning Policy Framework and the Local Planning Policy Framework.
- The Department of Environment, Land, Water and Planning (DELWP) has prepared a number of [planning practice notes](#) which may be relevant to an amendment application.
- The amendment will need to comply with the time frames set in [Ministerial Direction No. 15](#).
- The applicant is required to pay a number of fees at several stages of the amendment process. The applicant is also responsible for the costs associated with a Planning Panel if one is required.
- A number of amendment documents will need to be prepared at each stage of the process and submitted to Council with enough time for internal review.
- If you are unfamiliar with the amendment process Council recommends you appoint a planning consultant to assist in preparing the required documents and liaising with Council.

The planning scheme amendment process

Authorisation (fee required)

- You will be required to prepare a number of amendment documents.
- The amendment must be endorsed at a Council meeting before it can proceed.
- The Minister for Planning must authorise the preparation of the amendment.

Exhibition

- You will be required to prepare a number of amendment documents.
- The amendment will be exhibited for a minimum of one month.
- You will be required to notify adjacent landowners and occupiers, relevant authorities and prescribed ministers about the amendment.
- Submissions on the amendment are welcome.

Consideration of submissions (fee required)

- If submissions objecting to the amendment are received that cannot be resolved, they will be referred to an independent planning panel appointed by the Minister for Planning.

- If no objecting submissions are received, the process to adopt the amendment can start.

Planning panel (fee required)

- The appointment of a planning panel must be endorsed at a Council meeting.
- The applicant will be required to pay the cost of a planning panel. This cost can be quite significant depending on the length of the panel process and number of panel members.

Adoption (fee required)

- Following the planning panel's advice, or if no objecting submissions are received, Council officers will prepare a report for a Council meeting seeking adoption of the amendment.
- If Council resolves to adopt the amendment, it will be sent to the Minister for Planning for approval.

Ministerial Approval (fee required)

- The Minister for Planning considers approval of the amendment. Approval is not guaranteed.
- If the amendment is approved the Minister will publish the approval in the Government Gazette and Council will publish the approval in local newspapers.

Fees

[Fees](#) under the *Planning and Environment Act 1987* are set by the *Planning and Environment (Fees) Amendment Regulations 2016*. In accordance with the *Monetary Units Act 2004*, the value of a fee unit is fixed by the Treasurer each year. Refer to the [Department of Treasury and Finance Indexation of fees and penalties](#) web page.

Victorian Government Planning Scheme Amendment Fees 2022-2023				
Stage	Stage of Amendment	Fee Units	Fee	Paid to
1	For: a) considering a request to amend a planning scheme; and b) taking action required by Division 1 of Part 3 of the Act; and c) considering any submissions which do not seek a change to the amendment; and d) if applicable, abandoning the amendment	206	\$3,149.70	Planning Authority by the proponent at the time at which the amendment is requested.
2	For: a) considering (i) up to and including 10 submissions which seek a change to an amendment and where necessary referring the submissions to a panel; or (ii) 11 to (and including) 20 submissions which seek a change to an amendment and where necessary referring the submissions to a panel; or (iii) Submissions that exceed 20 submissions which seek a change to an amendment, and where necessary referring the submissions to a panel; and b) providing assistance to a panel in accordance with section 158 of the Act; and c) making a submission to a panel appointed under Part 8 of the Act at a hearing referred to in section 24(b) of the Act; and d) considering the panel's report in accordance with section 27 of the Act; and e) after considering submissions and the panel's report, abandoning the amendment.	1021 2040 2727	\$15,611.10 \$31,191.60 \$41,695.80	Planning Authority by the proponent before the planning authority considers submissions.

Victorian Government Planning Scheme Amendment Fees 2022-2023				
Stage	Stage of Amendment	Fee Units	Fee	Paid to
3	For: a) adopting the amendment or part of the amendment in accordance with section 29 of the Act; and b) submitting the amendment for approval by the Minister in accordance with section 31 of the Act; and c) giving the notice of the approval of the amendment required by section 36(2) of the Act.	32.5 If the Minister is not the planning authority Nil fee If the Minister is the planning authority	\$496.90	Planning Authority by the proponent before the planning authority adopts the amendment.
4	For: a) consideration by the Minister of a request to approve the amendment in accordance with section 35 of the Act; and b) giving notice of approval of the amendment in accordance with section 36(1) of the Act.	32.5 If the Minister is not the planning authority Nil fee If the Minister is the planning authority	\$496.90	The Minister at the time the planning authority submits the amendment to the Minister for approval.

Contact information

People considering applying for an amendment are strongly encouraged to speak to Council's Strategic Planning Team before lodging. Strategic Planners will advise if the application is likely to be supported.

Cardinia Shire Council

Phone: 1300 787 624

Email: mail@cardinia.vic.gov.au

Web: cardinia.vic.gov.au

National Relay Service (NRS)

TTY: 133 677 (ask for 1300 787 624)

Speak and Listen (speech-to-speech): 1300 555 727 (ask for 1300 787 624)

Translator Interpretation Service

131 450 (ask for 1300 787 624)