

Terms of Reference

Sandown Racecourse Advisory Committee



Department
of Transport
and Planning

Advisory Committee appointed pursuant to Part 7, section 151 of the *Planning and Environment Act 1987* (PE Act) to advise the Minister for Planning on the redevelopment of the Sandown Racecourse.

Name

1. The Advisory Committee is to be known as the 'Sandown Racecourse Advisory Committee' (the Committee).
2. The Committee is to have members with the following skills:
 - a. Statutory and strategic land use planning
 - b. Urban design and landscape architecture
 - c. Environment and biodiversity including potentially contaminated land
 - d. Geotechnical and hydrology
 - e. Traffic and transport
 - f. Economic development
 - g. Development contributions including community facility and open space planning
 - h. Heritage
3. The Committee may also seek specialist advice about the horse racing and track industry as appropriate.

Purpose

4. The purpose of the Committee is to advise the Minister for Planning (the Minister) on all relevant matters associated with the proposed redevelopment of the Sandown Racecourse, including:
 - a. Whether proposed Greater Dandenong Planning Scheme Amendment C229gdan (the draft Amendment) should be approved and in what form, including the proposed Sandown Racecourse Comprehensive Development Plan and the proposed Sandown Racecourse Development Contributions Plan.

Background

5. Sandown Racecourse is an approximately 112-hectare site located in the City of Greater Dandenong and currently used as a horse racing track, motorsport circuit and entertainment centre. The site adjoins the Sandown Park train station and includes the Sandown Park Grandstand which is listed on the Victorian Heritage Register (H2391).
6. In 2017, the Victorian Planning Authority (VPA) led preparation of the Monash National Employment and Innovation Cluster Draft Framework Plan (the Draft Framework Plan) which included Sandown Racecourse and surrounding land in the Sandown Park Station Precinct. The Draft Framework Plan has not been adopted by the Victorian Government and is not referred in the Greater Dandenong Planning Scheme.
7. In 2019, the then Minister for Planning requested that the VPA provide advice to Greater Dandenong City Council (the Council) about planning for the Sandown Racecourse.
8. Between 2019 and 2022, the former Department of Environment, Land, Water and Planning, now Department of Transport and Planning (DTP) provided advice to the VPA and the Council on planning for the site including the proposed use of the Comprehensive Development Zone and 'gateway approval process', and waterway management and drainage.
9. On 9 September 2022, following a request from the Melbourne Racing Club (the Proponent), the Council requested authorisation from the Minister to prepare and exhibit the draft Amendment.



10. The draft Amendment proposes to facilitate the redevelopment of Sandown Racecourse including approximately 7,500 new dwellings, affordable housing, 20,000 square metres of retail and commercial space and over 20 hectares public space including open space, school, community facilities.
11. Specifically, the following changes are proposed to the Greater Dandenong Planning Scheme:
 - a. Amend the Planning Policy Framework to include new local planning policy for the site at Clause 22.13 (Sandown racecourse).
 - b. Rezone the land from Special Use Zone, Urban Floodway Zone and General Residential Zone to the Comprehensive Development Zone (CDZ3).
 - c. Delete the Heritage Overlay (HO54) from the site and apply the Development Contributions Plan Overlay (DCPO4) and Environmental Audit Overlay.
 - d. Amend the Schedule to Clause 53.01 (Public open space contribution and subdivision) to introduce a site-specific public open space contribution.
 - e. Amend the Schedule to Clause 72.04 (Documents incorporated in this planning scheme) to incorporate the Sandown Racecourse Comprehensive Development Plan and Sandown Racecourse Development Contributions Plan.
 - f. Make consequential changes to the Schedule to Schedule to Clause 72.03 (What does this planning scheme consist of?), Clause 72.08 (Background documents) and associated planning scheme maps.
12. On 12 December 2022, DTP wrote to the Council requesting additional information relating to:
 - a. Detailed drafting matters including form and content of the proposed schedule to the Comprehensive Development Zone, implementation of a dwelling cap, affordable housing provision, use of local planning policy and background documents.
 - b. Development contributions including classification of development and community infrastructure projects, land acquisition arrangements and consistency with the *Ministerial Direction on the Preparation and Content of Development Contributions Plans*.
 - c. Public open space contributions including alignment with the *Greater Dandenong Open Space Strategy Open Space Contributions Assessment (Urban Enterprise, December 2020)*.
13. A response to the further information request was received from the Council on 4 July 2023 including a revised proposed Comprehensive Development Plan and revised proposed Development Contributions Plan.
14. On 12 December 2023, the Minister made the following decisions in relation to the draft Amendment:
 - a. Undertake informal consultation on the draft Amendment under section 20(5) of the PE Act; and
 - b. Establish an advisory committee under section 151 of the PE Act to consider submissions and the draft Amendment before deciding whether to prepare, adopt and approve an amendment without the usual notice requirements under section 20(4) of the PE Act.

Process

Stage 1: Initial assessment

15. The Committee is to undertake an initial assessment and provide written comments on the material that has been prepared by the Proponent including the proposed Sandown Racecourse Comprehensive Development Plan, Development Contributions Plan and associated draft Amendment documentation.
16. The Committee is not required to consult with any party however may invite the Council, the Proponent, DTP, other relevant agencies or any other party to identify or address any matters through meetings, workshops or written comments.
17. The Committee must identify whether there is sufficient information before it to enable public consultation and if necessary, seek further information that it considers must be prepared before public consultation. This includes, but is not limited to, the information that is required to address those matters set out in section 12(2) of the PE Act.



Stage 2: Public consultation

18. The Committee, in consultation with DTP, will agree:
 - a. The public consultation dates
 - b. A directions hearing date
 - c. The public hearing dates
19. The agreed dates are to be included in all relevant consultation material or notices.
20. DTP will give informal notice of the proposal for at least 25 business days including:
 - a. Direct notice to the Council and the Proponent.
 - b. Direct notice to owners and occupiers who may be materially affected by the proposal, identified in consultation with the council.
 - c. A notice in a local newspaper generally circulating in the area.
 - d. Direct notice to government agencies and servicing authorities including:
 - i. Head, Transport for Victoria
 - ii. Melbourne Water
 - iii. Heritage Victoria
 - iv. Environment Protection Authority
 - v. Victorian School Building Authority
 - e. Direct notice to the relevant Traditional Owners.
 - f. Direct notice to Racing Victoria.
21. The Committee is expected to provide all submitters who made a submission during the public consultation period with notice of the directions hearing and public hearing and provide them with the opportunity to be heard.
22. The Committee is not expected to carry out any additional public notification or referral but may do so if it considers it to be appropriate.

Stage 3: Public hearing

23. The Committee is expected to carry out a public hearing as soon as practicable.
24. Prior to the commencement of the hearing, the Committee must hold a directions hearing to make directions it considers necessary or appropriate as to the conduct, scope or scheduling of the public hearing.
25. The Committee may request additional information from any submitter, government agency or servicing authority about any material submitted or required during the hearing.
26. The Committee may seek advice from other experts, including legal counsel where it considers this is necessary.
27. The Committee may conduct hearings, workshops or other meetings as necessary when there is a quorum of at least two Committee members, one of whom must be the Chair or a Deputy Chair.
28. The Committee may limit the time of parties appearing before it and may prohibit or regulate cross-examination.
29. The Committee may inform itself in any way it sees fit, and must consider all relevant matters, including but not limited to:
 - a. Relevant provisions of the PE Act and the Greater Dandenong Planning Scheme, including any adopted plans, strategies or planning scheme amendments.
 - b. Whether the proposed planning provisions make proper use of the Victoria Planning Provisions.
 - c. Whether the proposed planning provisions are prepared in accordance with the Ministerial Direction on the Form and Content of Planning Schemes.
 - d. The views of the Proponent, the Council and any state agency, department or servicing authority.



- e. All relevant material prepared by or for the Proponent or otherwise provided to the Committee, including any amended material submitted.
 - f. The matters identified in the submissions received about the draft Amendment.
 - g. Any specific matters identified by DTP or the Minister.
30. The Committee may apply to the Minister to vary these Terms of Reference in any way it sees fit prior to submission of a report.

Stage 4: Outcomes

31. The Committee must produce a final written report to the Minister providing the following:
- a. A short description of the project.
 - b. An assessment of consistency of the proposal with the Greater Dandenong Planning Scheme.
 - c. A list of those who made submissions and provided evidence.
 - d. A summary and assessment of the submissions and evidence made to the Committee.
 - e. An assessment of the proposal considering the matters outlined at paragraph 29 of these Terms of Reference.
 - f. An assessment of all relevant matters concerning the Amendment, including the proposed Sandown Racecourse Comprehensive Development Plan and the proposed Sandown Racecourse Development Contributions Plan.
 - g. Any other relevant matters raised during the Committee process.
 - h. Recommendations and reasons for its recommendations.
 - i. A preferred version of the draft planning scheme ordinance including any recommended changes to the proposed zone schedules, Comprehensive Development Plan, Development Contributions Plan and any other relevant clauses of the Greater Dandenong Planning Scheme.
32. Following the completion of a report, the Committee may deliver an oral briefing to the Minister and/or DTP.

Submissions

33. The Committee must retain a library of any written submissions or other supporting documentation provided to it directly until a decision has been made on its report or five years has passed from the time of its appointment.
34. Any written submissions or other supporting documentation provided to the Committee must be available for public inspection until the submission of its report, unless the Committee specifically directs that the material is to remain confidential.
35. Submissions will be collected by the Office of Planning Panels Victoria (PPV) in accordance with the 'Guide to Privacy at PPV' and collected through the Engage Victoria website. Electronic copies of submissions will be made available to the Proponent, the Council and DTP. Electronic copies may also be provided to other submitters on request.
36. Petition responses will be treated as a single submission and only the first name to appear on the submission will be registered and receive correspondence about Committee matters.
37. Pro-forma submitters will be registered and contacted individually if they provide their contact details. However, pro-forma submitters who want to be heard at the hearing may be encouraged to present as a group, given their submissions raise the same issues.
38. The Committee may direct DTP to prepare a summary of key issues raised in submissions.

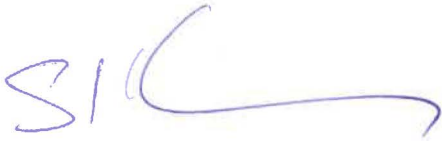
Timing

39. The Committee is required to submit its report in writing as soon as practicable but no later than 30 business days from the completion of its hearings or receipt of further submissions/material directed by the Committee.



Fee

40. The fee for the Committee will be set at the current rate for a Panel appointed under Part 8 of the PE Act.
41. The costs of the Committee, including costs of obtaining any expert advice, technical administration and legal support, venue hire and other costs will be met by the Proponent.
42. PPV is to provide any necessary administrative support to the Committee. In addition, the Proponent is to provide any necessary administrative or technical support to the Committee in relation to the conduct of the hearing (if required).



The Hon Sonya Kilkenny MP
Minister for Planning

Date:

2/3/2024



The following information does not form part of the Terms of Reference.

Contacts

1. Administrative and operational support to the Committee will be provided by State Planning Services, Department of Transport and Planning. Email stateplanning.services@delwp.vic.gov.au.
2. Day to day liaison for the Committee will be managed by Planning Panels Victoria. Call [REDACTED] or email planning.panels@delwp.vic.gov.au.