

Terms of Reference

Distinctive Areas and Landscapes Standing Advisory Committee

Version 3: Amended April 2022

A Standing Advisory Committee (Committee) appointed pursuant to section 151 of the *Planning and Environment Act 1987 (the Act)* to provide advice on referred matters relating to the draft Statements of Planning Policy (SPP) for the declared areas of Bass Coast and Bellarine Peninsula pursuant to Part 3AAB of the Act.

Name

The Committee is to be known as the 'Distinctive Areas and Landscapes Standing Advisory Committee'.

Membership

1. The Committee is to have members with one or more of the following skills, preferably with knowledge within the relevant SPP area:
 - a) Strategic and statutory planning
 - b) Planning law
 - c) Land development and property economics
 - d) Environmental and landscape planning
 - e) Aboriginal cultural heritage
 - f) Post-contact heritage
 - g) Infrastructure and transport planning
2. The Committee is to be constituted by up to three members, including a Chair or Deputy Chair.
3. The Committee may seek advice from other experts where it considers this necessary.

Purpose

4. The purpose of the Committee is to provide timely advice to the Minister for Planning (**the Minister**) on the matters relating to the draft SPPs for the Bass Coast and Bellarine Peninsula declared areas, as specifically outlined in the letter of referral from the Minister.

Background

Distinctive Areas and Landscapes Program

5. In May 2018, the Act was amended to recognise and safeguard the state's distinctive areas and landscapes and to achieve better coordinated and integrated policy development, implementation and decision-making for ensuring greater protection and conservation of them.¹
6. Section 46AO of the Act enables the Governor in Council, on the recommendation of the Minister, to declare an area a 'distinctive area and landscape' subject to the Minister being satisfied that an area has a majority of the following attributes and that the area is under threat of significant or irreversible land use change that would affect the environmental, social or economic value of the area:
 - a) outstanding environmental significance;
 - b) significant geographical features, including natural landforms;
 - c) heritage and cultural significance;
 - d) natural resources or productive land of significance;

¹ Section 46AN *Planning and Environment Act 1987*

- e) strategic infrastructure or built form of significance;
 - f) a prescribed attribute.
7. Once declared, a SPP must be prepared for the area in consultation with each responsible public entity (RPE) for the area, the local community, and any other person or entity that the Minister considers may be affected by the SPP.
 8. A SPP must include a >50-year vision, a framework plan and policies to guide land use, development and management decisions to better protect the unique features of the declared area for current and future generations. It may specify settlement boundaries or designate specific settlement boundaries as protected settlement boundaries.
 9. RPEs comprise agencies and bodies responsible for various functions in the declared area, including councils. They must not act inconsistently with any provision of the SPP that is expressed to be binding on them when performing a function or duty or exercising a power in relation to the declared area. The Minister must seek their endorsement (and Ministers responsible for those RPEs) of the final SPP before it is recommended by the Minister for approval by the Governor in Council.
 10. The Bass Coast and Bellarine Peninsula were originally declared as distinctive areas and landscapes in October 2019 and redeclared in September 2021.

Method

11. The Minister will refer specific matters to the Committee for independent advice through the terms of the letter of referral.
12. A letter of referral will be a public document and is to be read in conjunction with these terms of reference.
13. The Committee may inform itself in any way it sees fit.
14. The Committee may meet and depending on the nature of the referral and the issues raised, undertake consultation that is fit for purpose. This may be "on the papers"; through "round table" discussions or forums; or by conducting hearings, including by video conference. There must be a quorum of at least two Committee members, including either the Chair or a Deputy Chair for any aspect of its work.
15. In acting on a referral, the Committee may direct that parties meet to discuss issues in dispute between them to resolve or narrow the issues in dispute to be considered by the Committee.
16. The Committee may direct relevant parties to provide additional information on specified matters.
17. The Committee may apply to the Minister to amend these Terms of Reference.
18. All oral submissions and public processes of the Committee will be recorded.

Outcomes

19. The Committee must produce a written report for the Minister.
20. The Committee's report must address the following:
 - a) Matters raised by the Minister in the letter of referral.
 - b) Recommendations to the Minister on the referred matters.
 - c) A list of persons consulted or heard.
21. The report of the Committee must be submitted in stages if possible.
22. Following the completion of the report the Committee may be required to deliver an oral briefing to DELWP staff, or directly to the Minister should the Minister so determine.

Submissions are public documents

23. The Committee must retain a library of any written submissions or other supporting documentation provided to it directly to it until a decision has been made on its report or five years has passed from the time of its appointment.

24. 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 'in camera'.
25. All submissions, evidence and other material received will be treated as public documents and will be placed online as part of the exhibition and public notification process at the Minister's discretion.

Timing

26. a) Subject to clause 26(b), the Committee is required to submit its report in writing as soon as practicable and no later than 40 business days from the completion of its proceedings or consultation process.
b) In relation to the matters referred to the Committee on 7 December 2021 in relation to the Draft Bellarine Peninsula SPP, the Committee is required to submit its report (or all staged reports) in writing as soon as practicable and by no later than 8 July 2022.

Fee

27. The fee for the Committee will be set at the current rate for a Panel appointed under Part 8 of the Act.
28. The costs of the Committee will be met by DELWP.



Richard Wynne MP
Minister for Planning

Date: 25/4/22

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

Project Management

- 1 Administrative and operational support to the Committee will be overseen by a senior DELWP officer to be advised.
- 2 Day to day liaison for the Committee will be through a project officer of Planning Panels Victoria on planning.panels@delwp.vic.gov.au, to be agreed with Planning Panels Victoria.