

Terms of Reference

Yarra River – Bulleen Precinct Advisory Committee

An Advisory Committee has been appointed pursuant to Part 7, section 151 of the *Planning and Environment Act 1987 (the Act)* to provide advice about the draft Yarra River – Bulleen Precinct Land Use Framework Plan (**Framework Plan**).

Name

1. The Advisory Committee is to be known as the 'Yarra River – Bulleen Precinct Advisory Committee'.
2. The Advisory Committee is to have members with the following skills:
 - a) strategic and statutory planning;
 - b) urban design;
 - c) environment, including flooding; and
 - d) traffic/transport planning.

Purpose

3. The purpose of the Advisory Committee is to provide strategic and statutory planning advice to the Minister for Planning on the future of the Yarra River – Bulleen Precinct.
4. The Advisory Committee is expected to make recommendations to the Minister for Planning about the draft Framework Plan and draft planning scheme amendments in the precinct and options for implementation.

Background

Cultural River Precinct Structure Plan

5. DELWP is undertaking strategic work to implement Action 26 of the *Yarra River Action Plan, 2017* which seeks to work with Traditional Owners to map cultural values along the Yarra River.
6. A report on the core area of the precinct has been received by DELWP. This report outlines possibilities that may in turn inform the preparation of the draft Framework Plan.
7. A draft Framework Plan is planned for completion by the end of 2018.
8. Draft Planning Scheme Amendments have been prepared by the landowners of the Yarra Valley Country Club and the former Bulleen Drive-In.

Method

General

9. The Minister for Planning may seek additional advice from the Advisory Committee consistent with the Terms of Reference.
10. The Advisory Committee may apply to the Minister for Planning to vary these Terms of Reference in any way it sees fit prior to submission of its report to the Minister for Planning.
11. The Advisory Committee may meet and invite others to meet with it when there is a quorum of at least two members.

Scope

12. The Advisory 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 *Planning and Environment Act 1987*, the Victoria Planning Provisions and *Plan Melbourne 2017 - 2050: Metropolitan Planning Strategy*;
- b) the relevant Planning Schemes, including any adopted plans or strategies;
- c) strategic work by government in the Yarra River–Bulleen Precinct, including the draft Framework Plan;
- d) relevant reports made public by the North-East Link Authority and relevant local councils regarding land use in the precinct;
- e) all relevant material submitted on behalf of landowners of the Yarra Valley Country Club and the Former Bulleen Drive-In;
- f) all submissions and evidence received; and
- g) any additional matters as directed by the Minister for Planning.

Process

Stage 1: Public Exhibition

13. DELWP must liaise with the Advisory Committee to agree:
 - a) the public exhibition dates;
 - b) the public briefing date;
 - c) a Directions Hearing date;
 - d) the Public Hearing dates.
14. The agreed dates are to be included on all exhibition notices.
15. DELWP will provide direct notice (by letter) inviting written submissions within a 20 business-day exhibition period, at a minimum, to:
 - a) Manningham City Council;
 - b) Boroondara City Council;
 - c) Banyule City Council;
 - d) North East Link Authority;
 - e) Melbourne Water;
 - f) Creative Victoria;
 - g) Birrarung Council;
 - h) Wurundjeri Tribe Council;
 - i) Parks Victoria;
 - j) VicRoads;
 - k) Relevant public land committees of management; and
 - l) any landowners and occupiers affected by government’s strategic work in the Yarra River – Bulleen Precinct.
16. DELWP will place a notice in a local newspaper (where available) during the exhibition period.
17. The Advisory 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 2: Public Briefing and Submissions

18. The Advisory Committee will convene a public briefing session no less than two weeks after the commencement of the consultation period. The briefing will contain at least:
 - a) An overview of the Advisory Committee process provided by the Advisory Committee; and

- b) An overview of the Framework Plan provided by DELWP.
 - c) An overview of the draft planning scheme amendments provided by the land owners of the Yarra Valley Country Club and the Former Bulleen Drive-In.
19. Submitters will have 20 business-days from the start of the exhibition period to lodge written submissions with the Advisory Committee.
 20. Submissions will be collected at the office of PPV in accordance with the *Guide to Privacy at PPV*. Electronic copies of the submissions will be provided to each relevant council and DELWP. Electronic copies may also be provided to other submitters upon request.
 21. Petitions and pro-forma letters will be treated as single submissions and only the first name to appear on the first page of the submission will receive correspondence in relation to Advisory Committee matters.
 22. The Advisory Committee must retain a library of any written submissions or other supporting documentation provided to it directly until a Ministerial decision has been made on its report or five years has passed from the time of its appointment.
 23. Any written submissions or other supporting documentation provided to the Advisory Committee must be available for public inspection until the submission of its report, unless the Advisory Committee specifically directs that material is to remain 'in camera'.
 24. The Advisory Committee must consider all relevant submissions.

Stage 3: Public Hearing

25. The Advisory Committee will conduct a Directions Hearing as it sees fit.
26. The Advisory Committee is expected to carry out a Public Hearing and provide all submitters with an opportunity to be heard. Submitters are not required to have professional representation at the hearing.
27. The Advisory Committee may conduct workshops or forums to explore design issues or other matters. Any workshops or forums will be a public process.
28. Parties identified at Clause 14 are invited to present to the Advisory Committee.
29. The Advisory Committee may limit the time of parties appearing before it.
30. The Advisory Committee will manage and regulate any cross-examination to ensure it is directly relevant to its considerations and deliberations.

Stage 4: Outcomes

31. The Advisory Committee must produce a written report for the Minister for Planning providing the following:
 - a) an assessment on the appropriateness of the draft Framework Plan and draft planning scheme amendments, considering relevant planning schemes and State and Local Planning Policy Frameworks;
 - b) whether the draft Framework Plan provides a sound basis for the preparation of a planning scheme amendment;
 - c) whether the draft planning scheme amendments should proceed;
 - d) whether there are any technical investigations that ought to be carried out before a planning scheme amendment is prepared;
 - e) an assessment of submissions to the Advisory Committee;
 - f) any other relevant matters raised in the course of the Advisory Committee hearing;
 - g) a list of persons who made submissions considered by the Advisory Committee; and
 - h) a list of persons consulted or heard.
32. Following the completion of the report the Advisory Committee may deliver an oral briefing to Department staff, or the Minister for Planning.

Timing

33. The Advisory Committee is required to submit its report in writing as soon as practicable but no later than 30 business days from the completion hearings.

Fee

34. The fee for the Advisory Committee will be set at the current rate for a Panel appointed under Part 8 of the *Planning and Environment Act 1987*.
35. The costs of the Advisory Committee will be met by DELWP.



Hon Richard Wynne MP
Minister for Planning

Date: 17 October 2018

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

Project Management

- 1 Administrative and operational support to the Committee will be provided by Adam Henson, Acting Manager, Planning Services, DELWP, on (03) 8392 5468 or email adam.henson@delwp.vic.gov.au
- 2 Day to day liaison for the Advisory Committee will be through Joseph Morrow, Project Officer, of Planning Panels Victoria on (03) 8392 5137 planning.panels@delwp.vic.gov.au