

Terms of Reference

Precincts Standing Advisory Committee



Precincts Standing Advisory Committee

Standing Advisory Committee appointed pursuant to Part 7, section 151 of the *Planning and Environment Act 1987* (the Act) to provide independent advice on referred precinct planning matters to the Minister for Planning, and where relevant, to a lead Minister for the precinct and a precinct planning lead (the State or local government department or agency responsible for preparing and progressing draft precinct plans).

Name and membership

The Standing Advisory Committee is to be known as the 'Precincts Standing Advisory Committee' (the Committee).

1. The Committee is to have members with a broad understanding of the following skills and knowledge:
 - a. State planning policy
 - b. Strategic and statutory land use planning
 - c. Urban design and architecture
 - d. Planning law
 - e. Economic development
 - f. Land and property development and economics
 - g. Development contributions
 - h. Environmental, biodiversity and landscape planning
 - i. Heritage (Aboriginal and post contact)
 - j. Infrastructure and transport planning
 - k. Social impacts.
2. The Committee will include a lead Chair, Deputy Chairs and no less than ten other standing members.

Purpose

3. The purpose of the Committee is to provide timely and independent advice on the following referrals:
 - a. **Unresolved issues raised in submissions on draft precinct plans**

Having regard to the referral letter, any issues raised in submissions on draft precinct plans, including draft planning scheme amendments, that have not been resolved by the precinct planning lead, and in respect of which the Minister for Planning has sought advice.
 - b. **Any other precinct planning matters**

Having regard to the referral letter, any other strategic or statutory precinct planning matters as decided by the Minister for Planning.



Background

Precincts

4. Precincts are areas with significant potential to support strategic planning priorities, including accommodating population and employment growth, attracting state significant investment, and creating sustainable and liveable communities.
5. Precinct planning is often complex, as it can involve substantial land use and development changes, large pieces of land, significant infrastructure investments and diverse stakeholder interests.
6. Various government departments and agencies are responsible for preparing draft precinct plans, including draft planning scheme amendments. Following public consultation on a draft plan, submissions are considered by the precinct planning lead. Where issues raised in submissions are not resolved by the precinct planning lead, independent review and advice to the Minister for Planning may be required.
7. There may also be other scenarios where the Minister for Planning is seeking targeted independent advice on strategic or statutory precinct planning matters. For example, development contributions requirements, affordable housing policy, or planning permit applications for key development sites within a precinct.
8. The Committee has been established to ensure a targeted, timely and consistent approach to providing independent advice on precinct planning matters, so that state objectives for these areas can be achieved.

Scope

9. In providing independent advice, the Committee must consider:
 - a. the referral letter from the Minister for Planning
 - b. the relevant draft precinct plans, including draft planning scheme amendments
 - c. any unresolved issues referred
 - d. any Statement of Policy Intent and Precinct Opportunity Statement (or equivalent) for the precinct
 - e. Plan Melbourne or any relevant Regional Growth Plan (or equivalent)
 - f. the applicable planning scheme
 - g. relevant state and local policy, and
 - h. any other material referred to it by the Minister for Planning.
10. It is outside the scope of the Committee to prosecute the contents of any State policy, including any Statement of Policy Intent or Precinct Opportunity Statement (or equivalent), already implemented in a planning scheme for the precinct.

Method

General

11. The Minister for Planning may refer precinct planning matters to the Committee for independent advice.
12. To facilitate timely advice, the Committee may:
 - a. assess matters 'on the papers'
 - b. direct the precinct planning lead to identify unresolved issues in submissions
 - c. direct parties meet to resolve or refine issues in dispute
 - d. call for informal roundtable discussions
 - e. require the use of expert conclaves
 - f. consider unresolved issues by grouping in themes or issues, and
 - g. set time limits for oral submissions, expert evidence, and cross-examination.



13. The Committee is not expected to carry out a public hearing but may do so if it is deemed necessary to assist the Committee to consider the matters raised in the Minister for Planning's referral letter. This decision should be made with a quorum of at least two Committee members including the lead Chair or a Deputy Chair.
14. The Committee may conduct proceedings, in-person or via video conference, when there is a quorum of at least two Committee members including the lead Chair or a Deputy Chair.
15. The Committee may direct the precinct planning lead and relevant parties to provide additional information.
16. The Committee may apply to the Minister for Planning to vary these Terms of Reference or the relevant referral letter in any way it sees fit before submitting its report(s).
17. Planning Panels Victoria is to provide administrative support as required. The Committee may also direct the precinct planning lead to provide administrative and technical support for hearings.

Public consultation

18. The precinct planning lead will be responsible for obtaining any advice from referral authorities needed and conducting public consultation, including inviting written submissions, on a draft precinct plan and any relevant draft planning scheme amendment.
19. The precinct planning lead will consider all submissions relevant to the scope of consultation, and where possible seek to resolve issues with submitters. Issues which are not resolved are to be identified for the Minister for Planning to consider whether the Committee's advice is required.
20. Petitions will be treated as a single submission and only the first name to appear on the petition will receive correspondence on Committee matters.
21. Submitters who provide a pro-forma submission will be encouraged to be heard by the Committee as a group.
22. The Committee is not expected to carry out additional public consultation or referrals.

Referral to Committee

23. It is expected that any draft precinct plans, including draft planning scheme amendments, that progress to public consultation are consistent with the objectives of planning in Victoria, have demonstrated strategic merit, and make proper use of the Victoria Planning Provisions with drafting in accordance with the *Ministerial Direction: The Form and Content of Planning Schemes*.
24. If these matters aren't addressed to the Minister for Planning's satisfaction, the Minister for Planning may seek advice on any of these matters from the Committee.
25. The Minister for Planning's referral letter to the Committee should specify:
 - a. any unresolved issues on which advice is sought
 - b. how the draft planning documents have been changed to resolve any issues raised in submissions
 - c. whether the Committee's advice is sought on any matters pursuant to clauses 22 and 23, and
 - d. any other precinct planning matters that the Committee is to consider.
26. The letter of referral will be a public document.

Keeping hearings focused

27. A person whose unresolved issues have been referred to the Committee may apply to the Committee to be heard in relation to the proposed draft precinct plan or draft planning scheme amendment.
28. An application to be heard should:
 - a. contain an outline of the matters that the person wishes to address
 - b. demonstrate how those matters are relevant to the matters raised in the Minister for Planning's referral letter, and
 - c. give an estimate of the time that the person considers that the oral submission will take to be made.
29. When considering an application to be heard, the Committee should consider if granting the request is likely to materially assist their consideration of the matters raised in the Minister for Planning's referral letter and help achieve their purpose of providing timely and independent advice.



30. The Committee may grant an application to be heard on conditions, including in respect of the manner, mode and forum for submissions, which may include a requirement that submissions be made in writing, and time permitted for oral submissions and evidence (if any).
31. Submissions and evidence may be given to the Committee orally or in writing or partly orally and partly in writing, at the Committee's discretion.
32. The Committee must not consider submissions or evidence on a matter that a planning authority is prevented from considering by operation ss 22(3) and 22(5) of the Act.

Submissions are public documents

33. The Committee must retain a library of any written submissions or other supporting documents provided to it until a decision has been made on its report or five years has passed from the time of its appointment.
34. These documents must be available for public inspection until the submission of its report, unless the Committee specifically directs that the material is to remain in confidence.
35. Documents may be made available for public inspection electronically.

Outcomes

36. The Committee must produce a written report, which includes:
 - a. A summary and assessment of any unresolved issues referred
 - b. A summary and assessment of any other matters referred
 - c. A summary of any outcomes reached through parties resolving issues after the matter was referred to the Committee
 - d. Recommendations and reasons for its recommendations in regard to the matters referred
 - e. A list of persons or authorities/agencies who made submissions considered by the Committee
 - f. A list of tabled documents
 - g. A list of persons consulted or heard
 - h. Any other relevant matters raised in the course of the Committee process.
37. The Committee's recommendations and any outcomes reached through parties resolving issues after the matter was referred to the Committee must not be inconsistent with any State policy, including any Statement of Policy Intent or Precinct Opportunity Statement (or equivalent), already implemented in a planning scheme for the precinct.
38. Following the completion of the report, the Committee may deliver an oral briefing to the precinct planning lead, lead Minister and Minister for Planning. The briefing may be by video conference or telephone. The Committee is not required to record any such briefing, or to make the fact or content of the briefing public.

Timing

39. The Committee is required to commence its work by issuing a written notice of the referral from the Minister for Planning to all referred submitters within 10 business days after receipt of a letter of referral.
40. The Committee is required to submit its report in writing to the:
 - a. Minister for Planning
 - b. Lead Minister, and
 - c. the precinct planning lead,as soon as practicable but no later than 20 business days from the last day of its proceedings.
41. The Minister for Planning's referral letter may extend this timeframe for complex matters.
42. Planning Panels Victoria must publicly release the report of the Committee within 10 business days of submitting it to the relevant parties.



Fee

- 43. The fee for the Committee will be set at the current rate for a Panel appointed under Part 8 of the Act.
- 44. The costs of the Committee will be met by DTP, who may ask the relevant precinct planning lead to meet those costs.

Hon Sonya Kilkenny MP

Minister for Planning

Date:

29/10/23