

# Terms of Reference

## Great Ocean Road Region Standing Advisory Committee

Standing Advisory Committee appointed under Part 7, section 151 of the *Planning and Environment Act 1987* to provide expert advice on planning, ecological and landscape matters in the Great Ocean Road region.

### Name

1. The Standing Advisory Committee is to be known as the Great Ocean Road Region Standing Advisory Committee.

The Standing Advisory Committee is to have members with the following expertise and skills:

- a. strategic and statutory land use planning
  - b. architecture, urban design and landscape architecture
  - c. marine and coastal environmental science
  - d. environment and biodiversity
  - e. transport planning
  - f. Traditional Owner values
  - g. heritage
  - h. tourism and economic viability
  - i. other skills as determined by the Minister or the Co-Chairs of the Standing Advisory Committee.
2. The Standing Advisory Committee will include two appointed Co-Chairs, one Deputy Chair and up to five other appropriately qualified members appointed by the Minister for Planning.
  3. The Standing Advisory Committee will consult with the relevant Traditional Owners in the region as appropriate.
  4. The Standing Advisory Committee may seek legal and technical advice on any matter or referral that it sees fit.
  5. Appointments to the Standing Advisory Committee are for a maximum period of five years. Members are eligible for reappointment.
  6. The Barwon South West Regional Planning Services team within the Department of Environment, Land, Water and Planning (DELWP) will liaise with Planning Panels Victoria (PPV) to support the Standing Advisory Committee.

### Purpose

7. The purpose of the Standing Advisory Committee is to consider the matters listed below, within the Great Ocean Road Strategic Framework Plan Indicative Area, that will impact on or facilitate the Great Ocean Road visitor economy, as shown in **Appendix 1**, to provide independent advice:
  - a. To the Minister for Planning on planning scheme amendments and planning permit applications, that are included in **Appendix 2**, and are referred to or called in by the Minister for Planning.
  - b. To a responsible authority on the appropriateness of the land use and design of visitor economy development proposals, included in **Appendix 3**, referred by a responsible authority.

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- c. On matters referred by the Minister for Energy Environment and Climate Change, including the development or review of coastal and marine management plans and consents to use, or develop marine and coastal Crown land.
  - d. On policy and strategic matters referred by the Minister for Planning, including but not limited to:
    - the development and operation of the Great Ocean Road Strategic Framework Plan and planning guidelines, and
    - the protection of ecological and landscape integrity.

## Background

8. In recognition of the national significance of the Great Ocean Road, the Great Ocean Road Taskforce was established to provide advice to the Victorian Government on the governance arrangements for the Great Ocean Road and its landscapes. The Terms of Reference for the Taskforce required it to make recommendations on governance reforms to increase tourism while supporting local communities and protecting the environment. The Taskforce report was released in August 2018.
9. In response to the recommendations of the Great Ocean Road Taskforce, the Victorian Government has released the *Great Ocean Road Action Plan, October 2018*. In the Action Plan, the Victorian Government has committed to introducing legislation which will define the area that encompasses the Great Ocean Road region, make the management of the region publicly accountable, and develop a strategic planning framework plan to provide direction for future land use and development in the region.
10. The Action Plan outlines five objectives that will provide direction on governance and decision-making for the Great Ocean Road Strategic Framework area:
  - a. Protect the ecological and landscape integrity of coastal and marine environments.
  - b. Increase Traditional Owner involvement.
  - c. Protect distinctive areas and landscapes.
  - d. Grow the local, state and national visitor economies.
  - e. Modernise governance.
11. The Action Plan recommends the establishment of this Standing Advisory Committee to provide independent expert advice on sustainable land development and development proposals to protect the Great Ocean Road Region from inappropriate development and support environmentally sustainable developments that will secure the region's future prosperity and liveability.

## Method

### Operation

12. The Standing Advisory Committee may apply at any time to the Minister for Planning to amend these Terms of Reference.
13. The Minister for Planning, or delegate, may refer proposals and relevant matters, including those identified in **Appendix 2**, to the Standing Advisory Committee for advice. The Minister or delegate may determine that a proposal does not need to be referred to the Standing Advisory Committee.
14. A responsible authority may request that the Minister for Planning refer a relevant visitor economy development proposal identified in **Appendix 3** to the Standing Advisory Committee for advice.
15. The Minister for Energy, Environment and Climate Change, or a delegate, may refer coastal and marine management plans and applications for consent to use marine and coastal Crown land to the Standing Advisory Committee to provide advice.
16. The Standing Advisory Committee may meet and invite others to meet with it when there is a quorum of at least two Committee members, including either of the Co-Chairs or Deputy Chair.
17. The Standing Advisory Committee may seek advice from experts when it considers this is necessary.
18. The Standing Advisory Committee may inform itself in any way it sees fit, but must consider:

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- a. provisions of the *Planning and Environment Act 1987*
  - b. provisions of the *Marine and Coastal Act 2018*
  - c. provisions of legislation to protect the Great Ocean Road Region (when adopted)
  - d. the Great Ocean Road Strategic Framework Plan and Planning Guidelines (when approved)
  - e. the objectives and actions included in the *Great Ocean Road Action Plan*
  - f. relevant local planning schemes that apply in the area where a proposal is to be located, including any state planning policy for the Great Ocean Road, adopted plans, strategies or planning scheme amendments
  - g. the views of the Traditional Owner groups
  - h. the views of project proponents and all relevant material prepared by or for project proponents, including any amended documentation
  - i. the views of the council in the area where the proposal is located
  - j. the views of relevant referral and servicing authorities and Crown land management agencies
  - k. all relevant material provided to the Standing Advisory Committee by all other participating parties
  - l. all submissions and evidence received.

#### **Notice**

- 19. For those matters where the Minister for Planning is the planning or responsible authority, DELWP will be responsible for giving notice of permit applications in accordance with the requirements of the relevant planning scheme and the *Planning and Environment Act 1987*.
- 20. Where a planning scheme amendment is proposed, the relevant Planning Authority will be responsible for giving notice in accordance with the requirements of the *Planning and Environment Act 1987*.
- 21. For the public notice or public exhibition of relevant planning applications or planning scheme amendments, the Standing Advisory Committee must be consulted to agree upon:
  - a. the scope of public notice
  - b. public exhibition dates
  - c. a directions hearing date
  - d. the public hearing dates.

The agreed dates are to be included on all notices.

#### **Hearings**

- 22. For land use and design matters referred to the Standing Advisory Committee, the Co-Chairs will have discretion to select a member or members of the Standing Advisory Committee with relevant expertise to review the matter. To provide expert design advice, the Co-Chairs may refer the proposal to the Office of the Victorian Government Architect.
- 23. The Standing Advisory Committee will undertake an initial assessment of the proposed planning scheme amendment, planning permit application, strategic framework plan, coastal management plan or matter referred, and prepare a preliminary report. This assessment stage will not include a public hearing, but the Standing Advisory Committee may invite any party to address any matters identified by it.
- 24. At the discretion of the Standing Advisory Committee, the matter may be assessed 'on the papers', or through targeted consultation or agency forums without the need for a public hearing.
- 25. For relevant matters, the Standing Advisory Committee may carry out a directions hearing and public hearing following the giving of notice of a planning permit application, the exhibition of a planning scheme amendment or the exhibition of a draft Strategic Framework Plan.
- 26. The Standing Advisory Committee will regulate its own proceedings. It may limit the time of parties appearing before it and may prohibit or regulate cross-examination.



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27. For matters where DELWP has responsibility for giving notice, 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.
  28. Any written submissions, or other supporting documentation provided to the Standing Advisory Committee during a public hearing, must be available for public inspection until the submission of its report unless the Standing Advisory Committee specifically directs that the material is to remain confidential.
  29. The Standing Advisory Committee must retain a library of any written submissions or other supporting documentation provided directly to it until a decision has been made on its report or five years has passed from the time of its appointment.

## **Outcomes**

30. The Standing Advisory Committee must produce a written report for the Minister for Planning for each matter referred to it.
31. The Standing Advisory Committee's report must address the following:
  - a. an assessment of relevant state and local policy for each referred matter
  - b. an assessment of submissions to the Standing Advisory Committee
  - c. any other relevant matters raised during the Standing Advisory Committee hearing
  - d. provide recommendations to the Minister for Planning and, where applicable, the Minister for Energy, Environment and Climate Change
  - e. a list of persons who made submissions considered by the Standing Advisory Committee
  - f. a list of persons consulted or heard.
32. Following the completion of any report, the Standing Advisory Committee may deliver an oral briefing to DELWP officers, and/or the Minister for Planning.
33. For proposals referred by a responsible authority to the Standing Advisory Committee, its report shall be provided to the responsible authority.
34. For proposals referred by the Minister for Energy, Environment and Climate Change or delegate, the Standing Advisory Committee's report shall be provided to the Minister for Energy, Environment and Climate Change or delegate.
35. The reports of the Standing Advisory Committee will be publicly released at the discretion of the Minister for Planning in conjunction with the relevant council and/or the Minister for Energy, Environment and Climate Change.

## **Timing**

36. All reports of the Standing Advisory Committee will be completed and submitted no later than 40 business days from completion of its hearings or other assessment role, unless otherwise specifically requested in each referral.

## **Fees**

37. The fee for the Standing Advisory Committee will be set at the current rate for a panel appointed under Part 8 of the *Planning and Environment Act 1987*.
38. No fees will be charged for the service of the Office of the Victorian Government Architect.
39. The costs of the Standing Advisory Committee may be met by project proponents where the Minister for Planning is the responsible authority or by the person(s) requesting a planning scheme amendment, where a council is the planning authority, unless the Minister for Planning directs otherwise.

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## Review

These Terms of Reference may be reviewed twelve months after the appointment of the Standing Advisory Committee to ensure its operation is meeting the objectives of the Great Ocean Road Action Plan.

A handwritten signature in blue ink, appearing to read 'Richard Wynne', is written over the printed name.

**HON RICHARD WYNNE MP**  
Minister for Planning

Date: 13/4/19

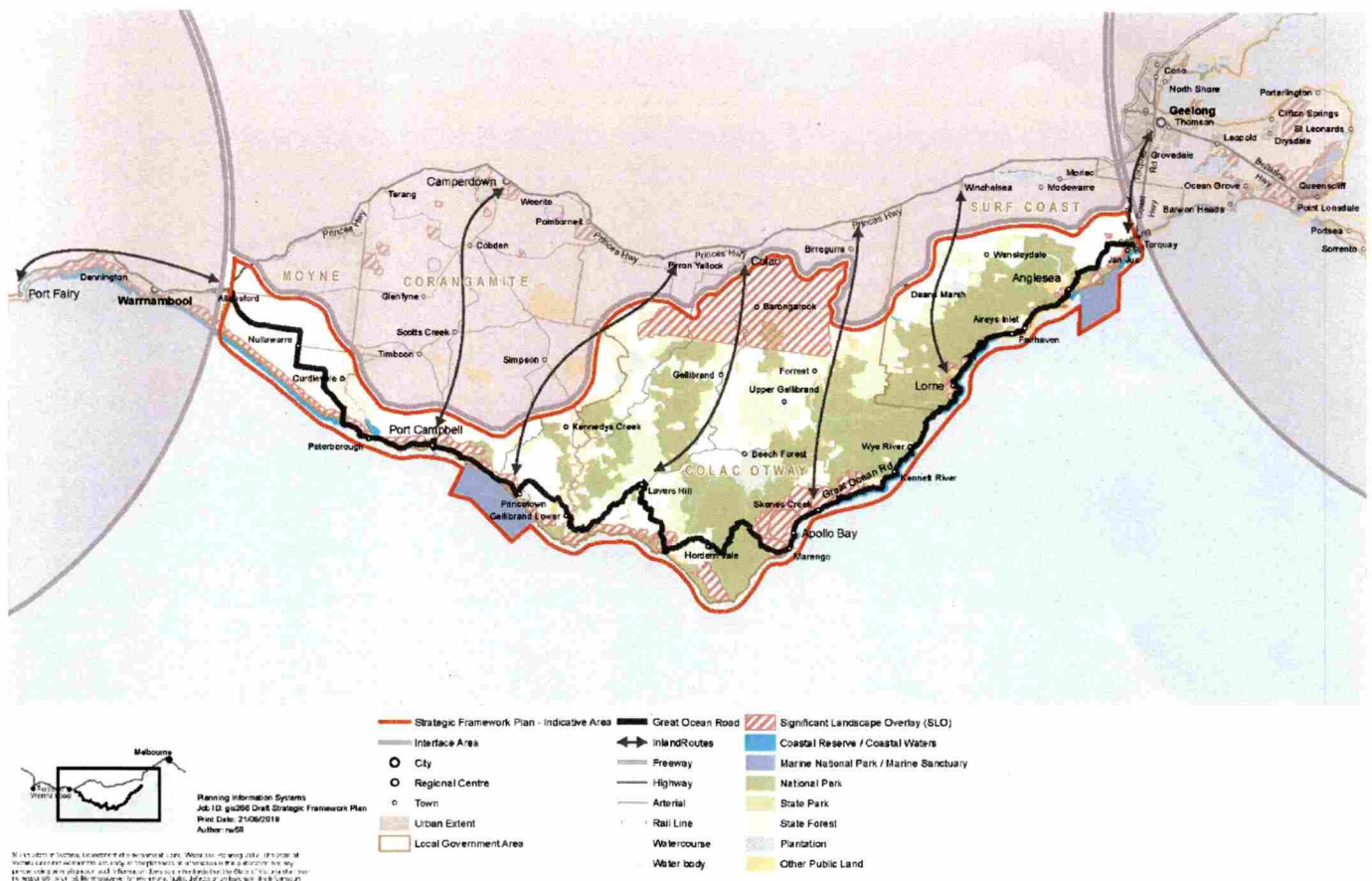
## Appendix 1 – Great Ocean Road Region

NOTE: For the purpose of this Standing Advisory Committee, the Great Ocean Road Region is defined as the Strategic Framework Plan Indicative Area in the *Independent Co-Chairs Final Report, Great Ocean Road Taskforce* (illustrated below within the red line).

The interface area is defined as the area south of the Princes Highway (illustrated below by the black line).

These definitions will be superseded by a defined Study Area to be included in the proposed Great Ocean Road Strategic Framework Plan.

### Strategic Framework Plan - Indicative Area





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## Appendix 2

### List of matters to be considered for a request to the Minister for Planning to be referred to the Great Ocean Road Region Standing Advisory Committee

#### Planning scheme amendments

In the Colac Otway, Corangamite, Moyne, Surf Coast, and Warrnambool Planning Schemes, a request to authorise a planning scheme amendment in the Great Ocean Road Strategic Framework Plan Indicative Area will be assessed for any matters that may impact the Great Ocean Road Region or the visitor economy within the region, and may be referred to the Standing Advisory Committee for pre-authorisation review. These matters may include, but are not limited to:

- a. the rezoning of land in the Rural Activity Zone, Special Use Zone or Comprehensive Development Zone to another zone
- b. the introduction of any new policy that will impact use and development adjacent to the Great Ocean Road
- c. a proposal to apply or extend an overlay to land adjacent to the Great Ocean Road.

#### Planning permit applications

In the Colac Otway, Corangamite, Moyne, Surf Coast and Warrnambool Planning Schemes, planning permit applications within the Great Ocean Road Strategic Framework Plan Indicative Area may be referred to the Standing Advisory Committee. These include, but are not limited to:

- a. the use of land, construction of a building or the construction or carrying out of works with a gross floor area exceeding 3,000 square metres
- b. the use of land, construction of a building or the construction or carrying out of works of four or more storeys, excluding a basement
- c. the use of land, construction of a building or construction or carrying out of works for 30 or more dwellings
- d. the use of land, construction of a building or construction or carrying out of works for group accommodation or a host farm, with 10 or more beds
- e. the use of land, construction of a building or construction or carrying out of works for Earth and energy resources industry (mineral extraction), Materials recycling, Refuse disposal, Rural industry (sawmill, abattoir), Telecommunications facility or Transfer station.

This does not apply to:

- a. the use or development of land that is undertaken in accordance with a building permit that was issued under the *Building Act 1993* before [date of appointment of the Standing Advisory Committee].
- b. The use or development of land that is undertaken in accordance with a planning permit that was issued under the *Planning and Environment Act 1987* before [date of appointment of the Standing Advisory Committee].

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## **Appendix 3**

### **Visitor economy land uses to be considered for a request to the Minister for Planning to be referred to the Great Ocean Road Region Standing Advisory Committee for Land Use and Design Advice**

The following uses are considered to be visitor economy land uses:

Airport

Amusement park

Art and craft centre (floor area in excess of 1,000 square metres)

Bed and breakfast (in excess of 10 beds)

Boat and caravan storage

Boat launching facility

Boat ramp

Camping and caravan park

Car park

Conference centre, exhibition centre, function centre, reception centre (floor area in excess of 1,000 square metres)

Golf course; Golf driving range

Group accommodation (excluding Dependent person's unit, Dwelling, Retirement village), in excess of 10 beds

Helicopter landing site; Heliport

Host farm (in excess of 10 beds)

Hotel (in excess of 30 beds)

Jetty

Major sports and recreation facility – outdoor recreation facility

Marina – recreational boat facility

Motor racing track

Paintball games facility

Race course

Residential hotel – motel (in excess of 30 beds)

Restaurant (in excess of 100 seats)

Tavern (floor area in excess of 1,000 square metres or 100 seats, whichever is greater)

Wharf

Winery

Zoo