

Terms of Reference

Transport Infrastructure and Network Standing Advisory Committee

Standing Advisory Committee appointed pursuant to Part 7, Section 151 of the *Planning and Environment Act 1987* to provide advice on planning proposals to deliver the safe, integrated and sustainable development of the State Transport System.

Name

1. The Standing Advisory Committee is to be known as the 'Transport Infrastructure and Network Standing Advisory Committee' or 'TINSAC' (**the Committee**).
2. The Standing Advisory Committee is to have members with the following skills:
 - a) Strategic and statutory land use and planning
 - b) Civil engineering
 - c) Land development and property economics
 - d) Traffic and transport planning
 - e) Biodiversity
 - f) Urban design and built form
 - g) Heritage (post contact and Aboriginal)
 - h) Planning law
3. The Standing Advisory Committee may also seek specialist advice as appropriate.
4. The Standing Advisory Committee will include an appointed Chair, Deputy Chair and other appropriately qualified members.

Purpose

5. The Standing Advisory Committee will provide advice to the Minister for Planning on:
 - a) Transport infrastructure policy, planning and delivery relating to the State Transport System.
 - b) Proposed changes to planning provisions or permit applications for land owned, controlled or managed by the Victorian Government for a transport purpose or to support transport project delivery.
 - c) Land no longer required following completion of transport projects, or land to be acquired to facilitate a transport project.
 - d) Integrated development opportunities that are located on transport land or benefit from co-location with transport infrastructure.

Background

6. Victoria's transport needs are changing. We need to plan for increased movement of people and goods, deliver critical infrastructure and jobs via our transport system. The *Transport Integration Act 2010* puts the user, not the mode, at the centre of the transport system. Delivering integrated transport and land use planning will ensure our cities and regions are efficient and liveable and well placed to face these contemporary challenges.
7. Transport planning and projects in Victoria are varied and include:
 - a) the planning and delivery of transport infrastructure critical to the effective operation of the State Transport System which may be delivered through planning scheme amendments or planning permit processes.
 - b) disposal of transport owned and zoned land when it is no longer required.

- c) acquisition of land for transport projects.
 - d) integrated land use and transport planning to allow for the delivery of 20 minute neighbourhoods and transit oriented development.
 - e) regular transport policy updates and review, including the development of strategic plans and programs.
8. The Standing Advisory Committee process has been established to provide a consistent and transparent process for considering transport projects and their implications on the State Transport System and wider community, impacts to land owned or adjacent to the State Transport System; and transport planning provisions.

Method

General

9. The Minister for Planning, or delegate, will refer a proposal to change planning provisions or a planning permit application by a transport proponent to the Committee for advice.
10. In making a referral the Minister for Planning, or delegate, must:
- a) be satisfied that any future planning provisions for the land make proper use of the Victoria Planning Provisions and are prepared and presented in accordance with the Ministerial Direction on The Form and Content of Planning Schemes and the Practitioners Guide to Drafting Planning Schemes and other relevant Ministerial Directions and Practice Notes;
 - b) determine the extent and form of any consultation on the proposal required, including if a public information session should be held; and
 - c) determine the form of the hearing by the Committee Assessment (e.g. in person, 'on the papers', public hearing, videoconference).
11. A proposal may be in the form of changes to a planning scheme(s) and/or a planning permit application.

Stage 1: Exhibition

12. Following referral, the Committee will determine the following and advise DELWP and the transport proponent in writing:
- a) the public exhibition period dates (up to four weeks) (if applicable)
 - b) the public information session date (if applicable)
 - c) a Directions Hearing date (if applicable), and
 - d) the Public Hearing dates (if applicable).
13. DELWP is responsible for notification of the proposal, unless DELWP request that this task is undertaken by the transport proponent. This will include sending letters seeking written submissions on the proposal to:
- a) Relevant council(s).
 - b) Relevant government agencies, servicing authorities and ministers.
 - c) Neighbouring and nearby owners and occupiers who may be materially affected by the proposal (the relevant council(s) will be consulted about the extent of notification).
14. The Committee may hold an information session as it sees fit or if directed by the Minister for Planning, inviting any relevant councils, government departments, agencies, servicing authorities, traditional owner group(s), referral authorities, neighbouring landowners and occupiers and other interested parties, no less than two weeks after the commencement of the consultation period to discuss the Committee Process.
15. All submissions are to be collected at the office of Planning Panels Victoria (PPV) in accordance with the 'Guide to Privacy at PPV'. An electronic copy will be made for each relevant council and the transport proponent, and electronic copies may also be provided to other submitters upon request.

16. Submitters will have a minimum of four weeks from the start of the notification period to lodge written submissions with the Committee.
17. Petitions and pro-forma letters will be treated as single submissions and only the first name to appear on any petition will receive correspondence in relation to the Committee matters.

Stage 2: Committee Assessment

18. The Committee may conduct a Directions Hearing, especially for complex proposals. The Directions Hearing may be conducted in any appropriate format, including by videoconference, as the Committee sees fit.
19. The Committee is expected to provide all submitters with an opportunity to be heard, unless the matter raised in submissions is out of scope. The opportunity to be heard may be by public hearing, videoconference, 'on the papers' or an alternative format as the Committee sees fit, for example a workshop or roundtable. Submitters are not required to have formal representation at the hearing.
20. The Committee may limit the time of parties who wish to appear before it at a public hearing and may prohibit or regulate cross-examination.
21. The Committee may meet and invite others to meet with it when there is a quorum of at least two of the Committee members, must include chair or deputy chair.
22. The Committee may inform itself in any way it sees fit, but must consider:
 - a) Any relevant provisions in the Metropolitan Planning Strategy and the Planning Policy Framework, particularly Clause 18: Transport.
 - b) Any relevant provisions of the applicable planning scheme(s);
 - c) Any relevant documentation prepared by or for the proponent, or otherwise provided to the Committee;
 - d) Any relevant submissions made in relation to the proposal; and
 - e) Any additional matters as directed by the Minister for Planning in a referral.

Stage 3 - Reporting

23. The Committee must produce brief written reports for the Minister for Planning providing:
 - a) An assessment of the appropriateness of any changes of planning provisions or planning permit requirements in the context of the relevant planning scheme and the Planning Policy Framework.
 - b) Consideration of whether the proposed planning provisions make proper use of the Victoria Planning Provision and are prepared and presented in accordance with the Ministerial Direction on The Form and Content of Planning Schemes.
 - c) As assessment of whether planning scheme amendments could be prepared and adopted for each proposal, including the recommended planning provisions.
 - d) An assessment of submissions to the Advisory Committee.
 - e) Any other relevant matters raised during the hearing(s).
 - f) A list of persons who made submission considered by the Advisory Committee.
 - g) A list of persons consulted or heard, including via videoconference.
 - h) Endorsement by the Chair or the Deputy Chair.
24. The reports may be submitted in stages.

Submissions are public documents

25. 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.

26. 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.

Timing

27. Once a referral is made by a transport proponent, DELWP should start any exhibition process within 40 business days.
28. The Committee is required to begin its hearing no later than 10 business days from the final date of submissions or as otherwise agreed with DELWP (in consultation with the transport proponent).
29. The Committee is required to submit its report in writing as soon as practicable to the Minister for Planning but no later than 20 business days from the completion of its hearing.

Fee

30. The fee for the Committee will be set at the current rate for a panel appointed under part 8 of the *Planning and Environment Act 1987*.
31. The costs of the Committee will be met by the relevant transport proponent.



Richard Wynne MP
Minister for Planning

Date: 20/12/22

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

Project Management

32. Operational support to the exhibition and referral process will be by the Department of Environment, Land, Water and Planning.
33. Day to day liaison for this matter. Inquiries regarding the Advisory Committee process can be made to Hayley Becker, Manager Major Projects, PPV at hayley.becker@delwp.vic.gov.au.
34. General inquiries can be direct to the Department of Transport on statutory.planning@roads.vic.gov.au.