

Terms of Reference

Government Land Standing Advisory Committee

Version 4: May 2020 - These terms of reference supersede previously approved versions.

An Advisory Committee appointed pursuant to Part 7, section 151 of the *Planning and Environment Act 1987* to report on proposals to change the planning provisions to land owned, proposed to be owned in the future or to facilitate the delivery of priority projects by the Victorian Government.

Name and Membership

1. The Advisory Committee is to be known as the 'Government Land Standing Advisory Committee'.
2. The Advisory Committee is to have members with the following skills:
 - a. statutory and strategic land use planning,
 - b. land development and property economics,
 - c. urban design,
 - d. civil engineering and transport planning, and
 - e. social and environmental planning.
3. The Advisory Committee will include an appointed Chair, Deputy Chairs and not less than five other appropriately qualified members.
4. The Government Land Planning Service (GLPS) within the Department of Environment, Land, Water & Planning (DELWP) will liaise with Planning Panels Victoria (PPV) to support the Advisory Committee.

Purpose

5. The purpose of the Advisory Committee is to:
 - a. advise the Minister for Planning on the suitability of new changes to planning provisions for land owned, proposed to be acquired or to land required to facilitate the delivery of priority projects by the Victorian Government, and
 - b. provide a timely, transparent and consultative process to facilitate proposed changes to land owned or proposed to be acquired; or to support delivery of priority projects by the Victorian Government.

Background

6. The Victorian Government framework for the use, management, disposal and acquisition of its land assets is outlined in the following documents:
 - a. *Victorian Government Land Use Policy and Guidelines*, Land Use Victoria, DELWP, Dec 2017
 - b. *Victorian Government Landholding Policy and Guidelines*, Department of Treasury and Finance, August 2015,
 - c. *Victorian Government Strategic Crown Land Assessment Policy and Guidelines*, DELWP, April 2016, and
 - d. *Victorian Government Land Transactions Policy and Guidelines*, DELWP, April 2016.
7. The Victorian Government acquires land, or an interest in land, to provide new infrastructure, enable the optimal use of existing infrastructure to contribute to the economic, social or community benefits of the State. The Victorian Government continuously reviews its land holdings to support current and future service delivery requirements. In some instances, planning controls may need to be amended to ensure that they reflect the existing or proposed use and development on land by a Victorian Government department or agency.

8. It is important to ensure that planning provisions applicable to land are appropriate to protect current and future government assets, comply with government policies, maximise planning certainty and capture the value of underutilised or surplus government land.
9. Land identified as surplus by a landholding agency is first offered for sale to all other Victorian Government departments and agencies, as well as to the relevant local government and the Commonwealth Government unless a specific exemption is obtained. This is called the First Right of Refusal process. If no other government agency or the relevant council wishes to purchase the land, it is determined to be surplus to Victorian Government requirements.
10. Appropriate planning provisions need to be in place to maximise the value of land and deliver certainty to the State. This includes land:
 - a. which has been identified as surplus to requirements,
 - b. which is required for strategic acquisition, or
 - c. where service delivery requirements have changed.

Method

11. The Minister for Planning or delegate will refer land in one or more locations to the Advisory Committee for advice on future planning controls for the land.
12. The Minister for Planning may include additional land owned by the Victorian Government or local government where it enables a more comprehensive delivery outcome for the State. The inclusion of this land must be agreed to by the Minister for Planning as part of any referral.
13. In making a referral, the Minister for Planning or delegate must be satisfied that the proposed planning controls 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*.
14. A proposal may be in the form of changes to the planning scheme and/or a combined planning permit application.
15. The Minister for Planning may seek additional advice from the Advisory Committee based on specific proposals.
16. The Advisory Committee may meet and invite others to meet with it when there is a quorum of at least two members.

Scope

17. The Advisory Committee may inform itself in anyway it sees fit, but must consider:
 - a. the suitability of the proposed planning provision changes considering the State and Local Planning Policy Frameworks,
 - b. whether the proposed planning provisions 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*,
 - c. the extent to which the proposed planning framework is responsive to any key issues on the land or within the local context,
 - d. all relevant documentation prepared by or for GLPS, or otherwise provided to the Advisory Committee,
 - e. all relevant submissions made about the proposed planning provisions for identified government land, and
 - f. any addition matters as directed by the Minister for Planning.
18. The Advisory Committee can only consider the application of a public land zone if requested by:
 - a. the Minister for Planning in a referral, or

- b. a Victorian Government department or agency where a public land zone is needed for identified current or future service delivery purpose.

19. The Advisory Committee cannot consider whether or not it was appropriate to declare the land surplus.

Process

Stage 1 – Exhibition

20. Following referral, the Advisory Committee will liaise with the GLPS to agree:

- a. the public exhibition period dates (up to six weeks),
- b. the public information session date (if applicable),
- c. a Directions Hearing date (if applicable), and
- d. the Public Hearing dates (if applicable).

21. The GLPS will send letters seeking written submissions on the proposal to:

- a. relevant council(s),
- b. relevant government agencies and servicing authorities, and
- c. neighbouring and nearby owners and occupiers who may be materially affected by a proposal (the relevant council(s) will be consulted about the extent of notification).

22. The GLPS will place a public notice in a local newspaper at least one week prior to the public information session.

23. The Advisory Committee may hold an information session as it sees fit or if directed by the Minister, inviting all relevant councils, government departments, agencies, servicing authorities, neighbouring residents other interested parties, no less than two weeks after the commencement of the consultation period to discuss the Standing Advisory Committee process.

24. Submitters will have a minimum of six weeks from the start of the notification period to lodge written submissions with the Advisory Committee.

25. Submissions will be collected at the office of PPV in accordance with the *Guide to Privacy at PPV*. Electronic copies will provide to the proponent, each relevant council and GLPS.

26. 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.

27. Submissions will be accepted via the Advisory Committee website: <https://engage.vic.gov.au/glsac>. PPV will assist anyone who is unable to lodge submissions via this website.

28. The Advisory 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.

29. 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 the material is to remain 'in camera'.

Stage 2 – Public Hearings

30. The Advisory Committee may conduct a Directions Hearing as it sees fit, especially for complex proposals. The Directions Hearing may be conducted in any appropriate format, including by video conference, as the Advisory Committee sees fit.

31. The Advisory Committee is expected to provide all submitters with an opportunity to be heard. The opportunity to be heard may be by Public Hearing, video conference, 'on the papers' or an alternative format as the Advisory Committee sees fit. Submitters are not required to have formal representation at the hearing.

32. The Advisory Committee may limit the time of parties who wish to appear before it at the Public Hearing and may regulate cross-examination. The Advisory Committee will set time frames as appropriate using the following as a guide:
- a. local council - 3 hours,
 - b. land owner - 3 hours,
 - c. agency or statutory authority -1hour,
 - d. community group - 1hour, and
 - e. individuals - 30 minutes.
33. The Advisory Committee may meet and invite others to meet with it when there is a quorum of at least one Chair or Deputy Chair, or two of the Committee members.

Stage 3 – Outcomes

34. The Advisory Committee must produce a written report for the Minister for Planning providing:
- a. an assessment of the appropriateness of any changes of planning provisions in the context of the relevant planning scheme and State and Local Planning Policy Frameworks,
 - b. consideration of whether the proposed planning provisions 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*,
 - c. an 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 submissions considered by the Advisory Committee,
 - g. a list of persons consulted or heard,
 - h. endorsement by the Chair or the Deputy Chair.
35. The Advisory Committee may apply to vary these Terms of Reference in any way it sees fit prior to submission of its report to the Minister for Planning.

Timing

36. The Advisory Committee is required to begin its hearings (Directions Hearings or Public Hearings) no later than 20 business days from the date of final date of submissions, unless otherwise agree to by GLPS, or unless the site owner requests an adjournment.
37. The Advisory Committee is required to submit its report in writing as soon as practicable but no later than 20 business days from:
- a. the completion of its hearings. or
 - b. the final date of any further submissions requested by the Advisory Committee during the hearings.
38. The Advisory Committee may submit its report in stages.

Fee

39. 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*.
40. The costs of the Advisory Committee will be met by the proponent.



Richard Wynne MP
Minister for Planning

Date: 11 / 06 / 2020

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

Project Management

41. Day to day liaison for this matter will be through the GLPS at glp.service@delwp.vic.gov.au.
42. Inquiries regarding the Advisory Committee process can be made to PPV at planning.panels@delwp.vic.gov.au.