

Terms of Reference

Rosemaur Gallery Advisory Committee

Version: July 2020

Advisory Committee appointed pursuant to Part 7, section 151 of the *Planning and Environment Act 1987* to report on the proposed use and development of an exhibition centre (art gallery), function centre, restaurant and dwellings known as the 'Rosemaur Gallery' at 193-209 King Road, Harkaway.

Name

The Advisory Committee is to be known as the 'Rosemaur Gallery Advisory Committee'.

1. The Advisory Committee is to have members with the following skills:
 - a. Statutory and strategic planning, with an understanding of green wedge policy and provisions;
 - b. Urban design;
 - c. Traffic management.

Purpose

2. The purpose of the Advisory Committee is to advise the Minister for Planning on all relevant planning matters associated with the proposed use and development, and the suitability of the planning controls proposed to be introduced by Casey Planning Scheme Amendment C273case to facilitate the proposal.

Background

3. Architecture Associates Pty Ltd has requested that the Minister for Planning facilitate consideration of the development of an exhibition centre (art gallery), function centre, restaurant and dwellings known as the 'Rosemaur Gallery' at 193-209 King Road, Harkaway, using his powers of intervention under section 20(4) of the Act to prepare, adopt and approve Amendment C273case.
4. The site is approximately 8 hectares and located 2 kilometres east of the Harkaway township in an area that is predominantly used for rural living purposes. King Road provides access to the site and is currently unsealed at this location.
5. The site is within the Green Wedge A Zone (GWAZ4) and is affected by the Significant Landscape Overlay and the Bushfire Management Overlay.
6. The proposed development is expected to attract up to 1,500 visitors per week in peak periods, and up to 2,500 visitors when large events are held. The restaurant would be open from 7 am until late, seven days per week, and is proposed to host events. The two dwellings are proposed to accommodate specialist persons such as a caretaker, visiting artists away from their normal place of residence or security personnel.
7. A planning scheme amendment is proposed to facilitate the proposal as the dwellings and use of the land for a function centre and restaurant, not in conjunction with an agricultural or winery use, are prohibited by the Casey Planning Scheme.
8. Amendment C273case proposes to apply the Specific Controls Overlay to the land and introduce an incorporated document into the planning scheme to exempt the proposed use and development from the need for a planning permit, allowing the project to proceed in accordance with conditions.
9. On 6 May 2020, the Minister decided to undertake limited consultation with potentially affected parties under section 20(5) of the Act and appoint an Advisory Committee to review the proposal and consider any submissions received.

Method

General

10. The Advisory Committee may apply to vary these Terms of Reference in any way it sees fit before submitting its report.
11. The Advisory Committee may inform itself in anyway it sees fit, but must consider:
 - a. The relevant provisions of the *Planning and Environment Act 1987*, the Casey Planning Scheme and any adopted plan, strategy or planning scheme amendment;
 - b. The views of the proponent, Casey City Council, Creative Victoria and referral authorities including the Country Fire Authority and South East Water;
 - c. All relevant material prepared by or for the proponent, and provided to the Advisory Committee;
 - d. All submissions and evidence received.

Notice

12. The Department of Environment, Land, Water and Planning (DELWP) must liaise with the Advisory Committee to agree on the public exhibition dates and if required, directions and public hearing dates. The agreed dates are to be included on all notices.
13. DELWP will provide direct notice (by letter) inviting submissions within a four week period, to:
 - a. Landowners and occupiers adjoining or surrounding the site
 - b. Casey City Council
 - c. Creative Victoria
 - d. Referral authorities including the Country Fire Authority and South East Water
14. All submissions are to be collected by DELWP via email or post. All personal information will be handled in accordance with the *Privacy and Data Protection Act 2014*.
15. DELWP will refer submissions received to the Advisory Committee by letter. The letter of referral will be a public document.
16. Electronic copies of submissions will be provided by DELWP to the proponent, Casey City Council and any submitter upon request.
17. Petitions and pro-form letters will be treated as a single submission and only the first name to appear on the first page of the submission will receive correspondence on Advisory Committee matters.
18. 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.

Hearing

19. The Advisory Committee may carry out a public hearing if, after considering the matters raised in submissions, it is deemed necessary. The hearing may be undertaken using video conferencing or similar technology.
20. The Advisory Committee may limit the time of parties appearing before it, and prohibit or regulate cross-examination.

Outcomes

21. The Advisory Committee must produce a written report for the Minister for Planning providing the following:
 - a. An assessment of submissions to the Advisory Committee.
 - b. A (without prejudice) draft incorporated document including relevant conditions.

- c. Any other relevant matters raised in the course of the Advisory Committee hearing.
- d. A list of persons who made submissions considered by the Advisory Committee.
- e. A list of persons consulted or heard.

Submissions are public documents

- 22. 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.
- 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 the material is to remain 'in camera'.

Timing

- 24. The Advisory Committee should commence its hearings as soon as practicable after the completion of the notice period.
- 25. The Advisory Committee is required to submit its report in writing as soon as practicable but no later than 30 days from the completion of its hearings.

Fee

- 26. 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*.
- 27. The costs of the Advisory Committee will be met by the proponent, Architecture Associates Pty Ltd.



HON RICHARD WYNNE MP
Minister for Planning

Date: 30 / 08 / 2020

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 Lauren Peek, Acting Senior Planner, State Planning Services, DELWP on (03) 8392 5508 and lauren.peek@delwp.vic.gov.au.
2. Day to day liaison for the Advisory Committee will be through Ellen Ryan, Graduate Project Officer, Planning Panels Victoria on (03) 8624 3129 and planning.panels@delwp.vic.gov.au.