

# Terms of Reference

## Distinctive Areas and Landscapes Standing Advisory Committee

A Standing Advisory Committee appointed pursuant to section 151 of the *Planning and Environment Act 1987* (the Act) to provide advice on Statements of Planning Policy (SPP) for the declared areas of Bass Coast, Bellarine Peninsula and Surf Coast pursuant to Division 3 of Part 3AAB – Distinctive Areas and Landscapes of the (the Act).

### Name

The Standing Advisory Committee is to be known as the ‘Distinctive Areas and Landscapes Standing Advisory Committee’.

1. The Standing Advisory Committee is to have members with the following skills:
  - a) Strategic and statutory planning
  - b) Planning law
  - c) Land development and property economics
  - d) Environmental and landscape planning
  - e) Aboriginal cultural heritage
  - f) Post-contact heritage
  - g) Infrastructure and transport planning
2. The Standing Advisory Committee will include an appointed Chair and Deputy Chairs.

### Purpose

3. The purpose of the Standing Advisory Committee is to advise the Minister for Planning on any matters listed below as they relate to the preparation of SPPs for the Bass Coast, Bellarine Peninsula and Surf Coast declared areas:
  - a) the rigor of any policy proposed in a draft SPP, referred by the Minister for Planning, in meeting the objects of Section 46AN of the Act:
    - o *to recognise the importance of distinctive areas and landscapes to the people of Victoria and to protect and conserve the unique features and special characteristics of those areas and landscapes; and*
    - o *to enhance the conservation of the environment in declared areas including the unique habitats, ecosystems and biodiversity of declared areas; and*
    - o *to enable the integration of policy development, implementation and decision-making for declared areas under Statements of Planning Policy;*
    - o *to recognise the connection and stewardship of Traditional Owners in relation to land in declared areas.*
  - b) any other planning policy and implementation related matter referred by the Minister for Planning.

## Background

### Distinctive Areas and Landscapes Program

4. In May 2018, the Victorian Government amended the Act to recognise and safeguard the state's distinctive areas and landscapes and to achieve better coordinated and integrated policy development, implementation and decision-making for ensuring greater protection and conservation of them.
5. Section 46AP of the Act enables the government to declare an area a 'distinctive area and landscape' subject to the Minister being satisfied that an area has a majority of the following attributes and that the area is under threat of significant or irreversible land use change that would affect the environmental, social or economic value of the area:
  - a) outstanding environmental significance;
  - b) significant geographical features, including natural landforms;
  - c) heritage and cultural significance;
  - d) natural resources or productive land of significance;
  - e) strategic infrastructure or built form of significance;
  - f) an attribute prescribed for the purposes of this section.
6. Once declared, a SPP must be prepared for the area in consultation with each responsible public entity (RPE) for the area, the local community any other person or entity that the Minister considers may be affected by the SPP such as Traditional Owners.
7. An SPP will include a 50-year vision, strategic framework plan and policies to guide land use, development and management decisions to better protect the unique features of the declared area for current and future generations. It also provides the opportunity to designate long term settlement boundaries as protected settlement boundaries.
8. A protected settlement boundary is a defined limit to urban expansion, like Melbourne's urban growth boundary. Any change to a protected settlement boundary identified in a SPP must be ratified by both houses of parliament.
9. RPEs are different agencies and bodies responsible for managing public land in the declared area, including councils. They must have regard to the SPP when developing their own policies, taking action or making decisions in relation to the declared area. The Minister for Planning must seek their endorsement of the draft SPP before the document is finalised for determination by the Governor in Council.
10. Four areas have been declared a distinctive area and landscape. The Macedon Ranges region was the first area declared under the legislation and has acted as a pilot project. Surf Coast was declared in September 2019, and Bass Coast and Bellarine Peninsula were declared in October 2019.
11. The government's distinctive areas and landscapes program delivers the government's commitment to protect the Surf Coast and Bellarine Peninsula from overdevelopment and implements Policy 7.1.2 of *Plan Melbourne 2017-2051* and Victoria's Regional Growth Plans to strengthen the protection of state significant attributes found in the peri-urban areas of Melbourne and regional cities.

## Method

### General

12. The Minister for Planning, or delegate, may refer relevant matters to the Standing Advisory Committee for independent advice.
13. Each referral will be accompanied by a letter of referral to the Committee Chair, outlining the matters referred. The letter of referral will be a public document.
14. The Standing Advisory Committee may inform itself in any way it sees fit, and must consider all relevant matters, including and not limited to:
  - a) relevant provisions of the Act, the Victoria Planning Provisions, *Plan Melbourne 2017 - 2050: Metropolitan Planning Strategy* and the relevant Regional Growth Plans

- b) the relevant Planning Schemes, including any adopted plans, strategies or planning scheme amendments
  - c) the draft SPP for each of the declared areas of Bass Coast, Bellarine Peninsula and Surf Coast
  - d) any background documents released with the draft SPP
  - e) the views of Traditional Owner groups
  - f) the views of the relevant Councils
  - g) the views of RPEs
  - h) the views of the Department of Environment, Land, Water and Planning (DELWP) and other relevant agencies
  - i) any submissions and evidence received.
15. The Standing Advisory Committee may apply to the Minister for Planning to vary these Terms of Reference in any way it sees fit prior to submission of its report to the Minister for Planning.
16. The Standing Advisory Committee may seek legal, technical or expert advice on any matter or referral that it sees fit.

### **Notice**

17. DELWP must liaise with the Standing Advisory Committee to agree on the following as relevant:
- a) the public exhibition dates
  - b) direction hearings dates
  - c) public hearing dates.
- The agreed dates are to be included on all notices.
18. DELWP will be responsible for giving notice and inviting written submissions within a 40 business-day notice period where relevant.
19. The Standing Advisory Committee is not expected to carry out any public notification or referral; but may do so if it considers it to be appropriate.
20. All submissions are to be collected by the Office of Planning Panels Victoria (PPV) in accordance with the Guide to Privacy at PPV'. Electronic copies of submissions will be provided to DELWP and each relevant council.
21. 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 Standing Advisory Committee matters.
22. The Standing Advisory Committee must consider all relevant submissions.

### **Hearing:**

23. 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.
24. For relevant matters, the Standing Advisory Committee may carry out a directions hearing and public hearing following the giving of notice of a draft SPP or other related planning policy matters.
25. The Standing Advisory Committee may conduct hearings, workshops, forums or other meetings using video conferencing or similar technology as necessary.
26. The Standing Advisory Committee may meet and invite others to meet with them when there is a quorum of at least two Standing Advisory Committee Members including the Chair or Deputy Chairs.
27. 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.

### **Outcomes**

28. The Standing Advisory Committee must produce a written report or reports for the Minister for Planning.

29. The Standing Advisory Committee's report must address the following:
- a) An assessment of relevant state and local policy for each referred matter.
  - b) Recommendations to the Minister for Planning on the referred matter.
  - c) An assessment of submissions to the Standing Advisory Committee.
  - d) Any other relevant matters raised in the course of any Standing Advisory Committee hearings.
  - e) A list of persons who made submissions considered by the Standing Advisory Committee.
  - f) A list of persons consulted or heard.
30. The report or reports of the Standing Advisory Committee may be submitted in stages depending of the timing of the matters referred to it.
31. Following the completion of the report the Standing Advisory Committee may deliver an oral briefing to DELWP staff, or the Minister for Planning.

### **Submissions are public documents**

32. The Standing Advisory Committee must retain a library of any written submissions or other supporting documentation provided to it directly to it until a decision has been made on its report or five years has passed from the time of its appointment.
33. Any written submissions or other supporting documentation provided to the Standing Advisory Committee 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 'in camera'.
34. All submissions, evidence and other material received will be treated as public documents and will be placed online as part of the exhibition and public notification process.

### **Timing**

35. The Standing Advisory Committee is required to submit its report in writing as soon as practicable and no later than 40 business days from the completion hearings.

### **Fee**

36. The fee for the Standing Advisory Committee will be set at the current rate for a Panel appointed under Part 8 of the Act.
37. The costs of the Standing Advisory Committee will be met by DELWP.



**HON RICHARD WYNNE MP**  
**Minister for Planning**

Date: 28 / 06 / 2020

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

## **Project Management**

- 1 Administrative and operational support to the Standing Advisory Committee will be provided by Mia Davison, Manager Places and Precincts, of DELWP on (03) 136 186 and [planning.implementation@delwp.vic.gov.au](mailto:planning.implementation@delwp.vic.gov.au).
- 2 Day to day liaison for the Standing Advisory Committee will be through Chris Brennan, Project Officer, of Planning Panels Victoria on (03) 8624 5715 and [planning.panels@delwp.vic.gov.au](mailto:planning.panels@delwp.vic.gov.au).