

Terms of Reference

Fishermans Bend Planning Review Panel

Advisory Committee appointed pursuant to Part 7, section 151 of the *Planning and Environment Act 1987* to report on the proposed Planning Scheme Amendment GC81 for Fishermans Bend, to ensure the vision for Fishermans Bend is realised.

Name

The Advisory Committee is to be known as the 'Fishermans Bend Planning Review Panel'.

1. The membership of the Review Panel is to include the following skills:
 - a. Statutory and strategic land use planning
 - b. Land development and property economics
 - c. Social and environmental planning
 - d. Planning law
 - e. Infrastructure and transport planning
2. The Review Panel will include an appointed Chair and Deputy Chair.

Purpose

3. The purpose of the Review Panel is to advise the Minister for Planning on the appropriateness of the proposed planning scheme amendment GC81.

Background

4. Fishermans Bend is Australia's largest urban renewal project covering approximately 480 hectares of mainly industrial land (nearly three times the size of the Central Business District). The area spans two councils – the City of Melbourne and the City of Port Phillip. Fishermans Bend is one of several priority precincts identified in Plan Melbourne as playing a central role in accommodating significant growth.
5. In 2012, the former Minister for Planning declared Fishermans Bend a project of State significance and approved Melbourne Planning Scheme Amendment C170 and Port Phillip Planning Scheme Amendment C102 with exemption under section 20(4) of the Act.
6. The Fishermans Bend Urban Renewal Area Draft Vision was released in September 2013 by Places Victoria, in collaboration with the State Government, City of Port Phillip, City of Melbourne and the Office of the Victorian Government Architect. The draft vision underwent six weeks of consultation.
7. In 2014, Amendment GC7 was approved by the former Minister, which introduced the Fishermans Bend Strategic Framework Plan (July 2014) as an incorporated document to the Melbourne and Port Phillip Planning Schemes using his powers of exemption under section 20(4) of the Act.
8. In April 2015, The Minister for Planning, under section 20(4) of the Act, approved planning scheme Amendment GC29, which introduced interim planning controls and updated the Framework to the *Fishermans Bend Strategic Framework Plan (July 2014, amended April 2015)*. At the same time the Minister for Planning committed to "recast the development of Fishermans Bend into a series of distinct neighbourhoods, allowing Victorian planners to showcase best practice renewal".
9. In June 2015, Government established an independent Ministerial Advisory Committee (MAC) to provide community and expert advice for Fishermans Bend.
10. The Fishermans Bend Taskforce (the Taskforce) was subsequently created in February 2016 as a dedicated unit within DELWP to carry out strategic planning work for Fishermans Bend in response to one of the MAC's recommendations.

11. On 3 October 2016, following extensive community consultation, the Minister for Planning released the Fishermans Bend Vision – The next chapter in Melbourne’s growth story, September 2016.
12. In November 2016, while the Fishermans Bend Framework and permanent planning controls were being developed, Government introduced interim planning controls as part of Planning Scheme Amendment GC50 (updated by GC59).
13. Planning Scheme Amendment GC81 has been prepared to implement the Vision for Fishermans Bend through a suite of permanent controls including amendments to the Melbourne and Port Phillip Planning Scheme and a new Fishermans Bend Framework.
14. The Minister for Planning is the responsible authority for assessing planning permit applications above a certain threshold of development under Clause 61.01 of the Melbourne and Port Phillip Planning Scheme.

Method

15. The Review Panel may apply to vary these Terms of Reference in any way it sees fit before submitting its report(s).
16. The Review Panel is expected to carry out a public hearing on the planning scheme amendment.
17. The Review Panel may meet and invite others to meet with it when there is a quorum of at least two Committee members including either the Chair or Deputy Chair.
18. The Review Panel may seek advice from experts where it considers this is necessary.
19. The Review Panel may retain legal counsel to assist it.
20. Planning Panels Victoria is to provide administrative support as required.
21. The Review Panel will be briefed on relevant background information by the Fishermans Bend Taskforce.

Exhibition

22. DELWP will be responsible for notifying relevant persons, including land owners and occupiers who may be affected by the proposed planning scheme amendment.
23. The Review Panel is not expected to carry out any additional public notification or referral, but may do so if it considers it to be appropriate.
24. Submitters will have six weeks from notification from DELWP to lodge written submissions, with all submissions referred to the Review Panel to be considered for the Planning Scheme Amendment Hearing process.
25. Submissions will be collected by the office of Planning Panels Victoria in accordance with the Guide to Privacy at PPV. Copies of submissions will be made available to the City of Melbourne and the City of Port Phillip, DELWP, and other submitters upon request. Copies of submissions and other material will be published online where consent has been given.
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 submissions will receive correspondence in relation to the Review Panel.

Hearing Process

27. The Review Panel may inform itself in anyway it sees fit, but it must consider:
 - a. The State policy context of the Fishermans Bend area.
 - b. The extent to which the proposed changes to the Capital City Zone Schedule 1 (Port Phillip Planning Scheme) and Capital City Zone Schedule 4 (Melbourne Planning Scheme) allows for the *Fishermans Bend Vision, September 2016* to be achieved.
 - c. The extent to which all other proposed changes sought by GC81 allows for the *Fishermans Bend Vision, September 2016* to be achieved.
 - d. All relevant submissions made in regard to the proposed changes to the Port Phillip and Melbourne Planning Schemes.

- e. An assessment 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*.
28. The Review Panel will provide an opportunity for any person who requests to be heard through the submission process to present to it. Submitters are not required to have formal representation at the hearing.
29. The Review Panel may limit the time of parties appearing before it using the following time frames as a guide:
- a. Local council – 3 hours
 - b. Land owner – 2-3 hours
 - c. Agency or statutory authority – 1 hour
 - d. Community Group – 1 hour
 - e. Individual – 30 minutes
30. The Review Panel may at its discretion:
- a. Limit the time for presentation of evidence by witnesses.
 - b. Control cross examination of witnesses, including by prohibition of cross examination in appropriate circumstances.
 - c. Conduct concurrent hearings on matters as determined by the Review Panel where, in its opinion, no submitter who wishes to participate in the hearing is likely to be unfairly prejudiced by concurrent hearings.

Submissions are public documents

31. The Review Panel 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.
32. Any written submissions or other supporting documentation provided to the Review Panel must be available for public inspection until the submission of its report, unless the Review Panel specifically directs that the material is to remain 'in camera'.
33. All information will be made publicly available online where consent has been given.

Outcomes

34. The Review Panel must produce a written report for the Minister for Planning.
35. The report is to be produced following the conclusion of the public hearing on the planning scheme amendment and is to provide the following:
- a. A summary of the Review Panel's reasons for recommending (or otherwise) amendments to the proposed planning scheme amendment.
 - b. A track change version of the proposed planning scheme schedules and clauses.
 - c. Any additional recommendations for amendments to the proposed Capital City Zone Schedule.
 - d. Any additional recommendations for amendments to all other proposed planning scheme changes sought by the planning scheme amendment.
 - e. Any changes required to the draft Fishermans Bend Framework as a result of recommendations made to the planning scheme amendment.
 - f. A summary of all submitters heard that presented on matters outside the consideration of the Review Panel.
 - g. A list of persons who made submissions considered by the Review Panel.

h. A list of persons consulted or heard.

36. The report will be publicly released at the discretion on the Minister for Planning.

Timing

37. The Review Panel is required to attend public briefings by the Fishermans Bend Taskforce on date as agreed.

38. The Review Panel is required to commence the public hearing on the planning scheme amendment no later than week of 5 February 2018, or as agreed.

39. The Review Panel is required to submit its report in writing as soon as practicable but no later than 40 business days from the completion of the hearing.

Fee

40. The fee for the Review Panel will be set at the current rate for a Panel appointed under Part 8 of the *Planning and Environment Act 1987*.

41. The costs of the Review Panel will be met by the Fishermans Bend Taskforce of the Department of Environment, Land, Water and Planning.

Richard Wynne MP
Minister for Planning

Date:

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

Project Management

- 1 Administrative and operational support to the Review Panel will be provided by Fawn Goodall, Statutory Planner, the Department of Environment, Land, Water and Planning, 9948 2857 and fawn.goodall@delwp.vic.gov.au
- 2 Day to day liaison for the Review Panel will be through Andrea Harwood, Senior Project Manager, of Planning Panels Victoria on 8392 5123, andrea.harwood@delwp.vic.gov.au