

# Terms of Reference

## Waverley Park Transmission Lines Advisory Committee

Waverley Park Transmission Lines Advisory Committee

Version: 1 (September 2014)

**Advisory Committee appointed pursuant to Part 7, Section 151 of the *Planning and Environment Act 1987* (the Act) to report on the application to amend condition 50 of Planning Permit STA/2001/000714 to enable retention of the electricity transmission lines to remain above the ground at Waverley Park in the City of Monash.**

### Name

1. The Advisory Committee is to be known as the 'Waverley Park Transmission Lines Advisory Committee'.
2. The Advisory Committee is to have members with the following skills:
  - a. Planning,
  - b. Legal,
  - c. Engineering and infrastructure,
  - d. Urban design.

### Purpose

3. The purpose of the Advisory Committee is to consider matters raised in the Victorian Civil and Administrative Tribunal (VCAT) proceeding of *Mirvac Victoria Pty Ltd v Minister for Planning and others* (VCAT reference P768/2014) and to provide advice to the Minister for Planning on all relevant matters associated with Mirvac's application to amend Condition 50 of Planning Permit STA/2001/000714 to enable retention of the electricity transmission lines above ground at Waverley Park.

### Background

4. Waverley Park is essentially a 1250 residential dwelling development site for which the Minister for Planning is the responsible authority. Nearly 1100 dwellings have been constructed to date.
5. The site comprises dwellings, a large public open space network (including the Waverley Park Oval) and headquarters of the Hawthorn Football Club located in a small neighbourhood centre based within part of the former Victorian Football League Park grandstand.
6. On 7 March 2002, Amendment C30 to the Monash Planning Scheme made the Minister for Planning the Responsible Authority for the land known as Waverley Park.
7. On 14 August 2002, the then Minister for Planning approved Amendment C20 to the Monash Planning Scheme and issued Planning Permit No. STA/2001/000714 for the subdivision and development of Waverley Park.
8. Condition 50 of Planning Permit No. STA/2001/000714 requires that:
  - *The existing powerline easement through the land must be removed and the high voltage electricity transmission lines must be placed underground in a location and via a route which is to the satisfaction of SPI Powernet or the relevant electricity authority.*

9. On 8 June 2011, Mirvac lodged an application, pursuant to section 72 of the Act, to amend the requirement to underground the transmission lines as required in condition 50 and to amend the subdivision masterplan to show the transmission lines remaining overhead.
10. Public notification of the application to amend condition 50 of the permit was carried out between 20 August and 4 September 2013.
11. A total of 160 submissions were received, a majority opposing the application.
12. On 28 April 2014 the Minister for Planning issued a Refusal to Grant an Amendment to a Permit, with reasons for the refusal, in regard to Planning Permit Application No. STA/2001/000714B.
13. On 14 May 2014, Mirvac lodged an application for review at VCAT of the Minister for Planning's decision.
14. The Minister for Planning called in the VCAT proceeding on 14 August 2014, under clause 58 of schedule 1 to the *Victorian Civil and Administrative Tribunal Act 1998*.

## Method

15. The Advisory Committee may apply to the Minister to vary these Terms of Reference prior to submission of its report.
16. The Advisory Committee may inform itself in any way it sees fit, and must consider all relevant matters, including but not limited to:
  - a. relevant provisions of the *Planning and Environment Act 1987* and the Monash Planning Scheme;
  - b. All relevant material prepared by or for the applicant; and
  - c. All material filed in VCAT in the proceeding P768/2014; and
  - d. The views of Mirvac and Monash City Council; and
  - e. The views of SP AusNet or any relevant electricity authority.
17. The Advisory Committee is bound by the rules of natural justice.
18. The Advisory Committee may regulate its own proceedings, including:
  - a. conducting a hearing and inviting parties to present or make submissions to it;
  - b. conducting workshops or forums to explore design issues or other matters. Any workshops or forums must be public;
  - c. limiting the time of parties appearing before it;
  - d. prohibit or regulating cross-examination.

## Submissions are public documents

19. The 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.
20. 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'.

## Outcomes

21. The Advisory Committee must produce a written report, and submit it to the Minister for Planning, which includes the following:
  - a. An assessment of submissions made to the Advisory Committee.
  - b. An assessment of all relevant matters concerning the application to amend the permit.
  - c. A recommendation as to whether the permit should be amended and, if so, a recommended draft amended permit, including relevant conditions.
  - d. Any other relevant matters raised in the course of the Advisory Committee hearing.
  - e. A list of persons who made submissions to the Advisory Committee.
  - f. A list of persons consulted or heard.

## Timing

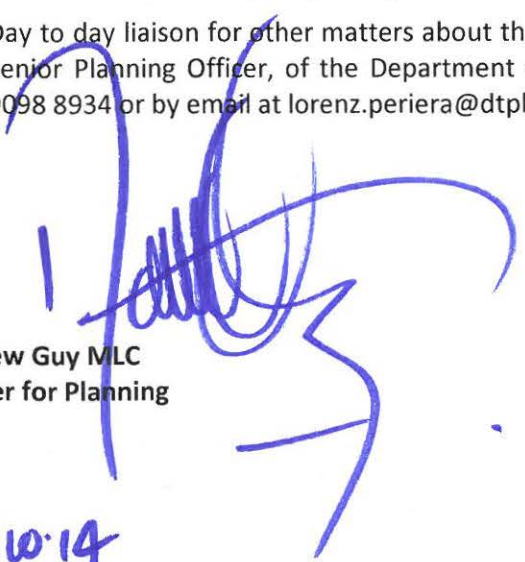
22. The Advisory Committee must complete its hearings no later than 40 business days from the date of its appointment.
23. The Advisory Committee must submit its report in writing as soon as practicable but no later than 40 business days from the completion of its hearings.

## Fee

24. 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*.
25. The costs of the Advisory Committee will be met by Department of Transport, Planning and Local Infrastructure.

## Project Manager

26. Day to day liaison for the advisory committee will be through Jessica Cutting, Senior Project Manager, of the Department of Transport, Planning and Local Infrastructure on ph. 8392 6383 or by email at Jessica.cutting@dtpli.vic.gov.au.
27. Day to day liaison for other matters about the proposed amendment will be through Lorenz Periera, Senior Planning Officer, of the Department of Transport, Planning and Local Infrastructure on ph. 9098 8934 or by email at lorenz.periera@dtpli.vic.gov.au.

  
Matthew Guy MLC  
Minister for Planning

Date:

6.10.14