

## Terms of Reference

### Victorian Pride Centre Independent Advisor

Date: 31 July 2018

#### Overview

The Port Phillip City Council has determined to appoint an Independent Advisor to review submissions and advise Council on draft Amendment C149 to the Port Phillip Planning Scheme, which seeks to facilitate the development of the proposed Victorian Pride Centre and be undertaken pursuant to section 20(4) of the *Planning and Environment Act 1987*. Whilst the appointment is made on an informal basis, the report of the Advisor will be made public.

#### Purpose

- a. To consider Amendment C149 to the Port Phillip Planning Scheme, which is proposed to facilitate the use and development of the Victorian Pride Centre and be progressed pursuant to section 20(4) of the *Planning and Environment Act 1987*.
- b. To consider all submissions received during the community engagement period – 2 July 2018 to 3 August 2018.
- c. To provide a report and recommendations to the Port Phillip City Council in relation to proposed Amendment C149 to the Port Phillip Planning Scheme, with advice on any changes to the Amendment (including the Incorporated Document comprising Development Plans and Conditions) it considers appropriate, having regard to issues raised in submissions and any other matters deemed relevant to the proposal.

#### Background

1. In April 2016, the Victorian Government announced funding to establish the Victorian Pride Centre (VPC), a new hub for the LGBTIQ community.
2. Following a competitive selection process, the Victorian Government and Port Phillip City Council announced Fitzroy Street, St Kilda as the future home of the VPC.
3. A design competition undertaken by the Victorian Pride Centre Board and the Royal Australian Institute of Architects produced a preferred concept design, which has since been the subject of more detailed planning and refinement by the Victorian Pride Centre Board and the winning architects.
4. The proposed design requires an amendment to the Port Phillip Planning Scheme to proceed as it does not meet a number of the mandatory design requirements contained within Schedule 6 to the Design and Development Overlay (Clause 43.02 of the Scheme) which applies to the land.
5. An amendment to the Port Phillip Planning Scheme is also required to rezone the property at Lot 3/77 Fitzroy Street to a Commercial 1 Zone, from the current Public Use zone (PUZ6) which reflects its existing use as a Council owned car park.
6. The Victorian Pride Centre Board has requested that Port Phillip City Council initiate an amendment for the above purposes, pursuant to section 20(4) of the *Planning and Environment Act 1987*.
7. This request highlighted a desire for a planning approval process that can meet milestones related to the release of funding for the VPC, and to deliver the project by the scheduled

opening in November / December 2020. It also recognises the project as one of state significance.

8. The request specifically seeks an amendment to the Port Phillip Planning Scheme by way of incorporation of a site-specific planning control in the Schedule to Clause 52.03 (specific sites and exclusions).
9. At its Ordinary Meeting of Council on 20 June 2018, Council resolved to support this request in-principle, subject to the outcomes of a robust community engagement process and the appointment of an Independent Advisor to consider informal submissions. The Minutes of that meeting are available on Council's website at:  
<http://www.portphillip.vic.gov.au/Minutes%20Ordinary%20Council%2020%20June%202018.pdf>
10. The informal consultation period commenced on 2 July 2018 and ends on 3 August 2018. Written submissions are lodged via Council's Have Your Say webpage.

## Method

11. The City of Port Phillip will refer a copy of the proposed Amendment C149 (draft documentation and supporting information as made available during the community engagement process), and all written submissions received to the Independent Advisor by no later than midday on 6 August 2018.
12. The Independent Advisor will review all submissions received and provide a report to Council by close of business on 15 August 2018. The report must make recommendations to the Council as to whether proposed Amendment C149 to the Port Phillip Planning Scheme should be progressed and what changes (if any) are required to respond to matters raised in the submissions that have been referred (or other matters as deemed relevant by the Advisor).
13. The Independent Advisor may inform themselves by any means they deem fit, but must consider all relevant matters including, but not limited to:
  - a. The relevant provisions of the *Planning and Environment Act 1987*.
  - b. The relevant provisions of the *Port Phillip Planning Scheme*.
  - c. The views expressed in all submissions received during the consultation period.
14. The Independent Advisor is not expected to conduct hearings or meetings but may request clarification from any party if they consider that this is required.
15. If the Independent Advisor decides to meet with any party, it must advise the City of Port Phillip of this and provide an opportunity for the City of Port Phillip; and the Victorian Pride Centre Board (if the Advisor deems this to be appropriate), to be represented at the meeting with at least one (1) full day of notice.

## Outcomes

16. The Independent Advisor must produce a written report for consideration by Port Phillip City Council which provides for the following:
  - a. An assessment of matters raised in submissions.
  - b. A recommendation as to whether Amendment C149 should proceed.
  - c. Specific recommendations regarding any changes which the Independent Advisor considers are required to address matters raised in submissions (or other matters as deemed relevant).
  - d. Details of all matters relied upon in reaching recommendations.

**Timing**

17. The Independent Advisor is to submit a report to the Port Phillip City Council by the close of business on 15 August 2018.

**Costs**

18. The costs of the Independent Advisor are to be met by the Victorian Pride Centre Board.

**PETER SMITH  
CHIEF EXECUTIVE OFFICER  
CITY OF PORT PHILLIP**