

No.	INDEPENDENT ADVISOR RECOMMENDATIONS	OFFICER RECOMMENDATIONS
<b>DESIGN AND BUILT FORM</b>		
<b>The Design of the Building</b>		
1	<p><u>Issues</u></p> <p>While the majority of submissions generally supported the proposed design, some submitters considered the design to be excessive, using terms such as ‘domineering’, ‘overdevelopment’, ‘bulky and unforgiving’, ‘not in keeping with its neighbours’ and ‘too large’. Some submitters also expressed concern about the bulk and impact of the proposed building when viewed from Jackson Street or Enfield Street.</p> <p><u>Independent Advisor Assessment:</u></p> <p>The proposed VPC building is a dramatic and unusual design, but has been strongly supported by most submitters. The design was selected from a large number of competing designs by an expert selection panel of architects and successfully melds the desire for a unique and iconic home for the LGBTQI community with the need to maintain a recognisably St Kilda aesthetic.</p> <p>The location in a Major Activity Centre and a Commercial 1 Zone is appropriate for a multi-function building.</p> <p>Consideration of the overall design is intimately linked to the design issues that most concerned some submitters. These principally related to building height, setbacks and the proposed portico treatment to Fitzroy Street. These issues are not considered to warrant any substantial change to the overall design.</p> <p><u>Recommendation</u></p> <p>No substantial change to the overall design concept is required as a result of issues raised in the written submissions. However, some minor changes may be required to address other</p>	<p><u>Officer Response</u></p> <p>The assessment provided by the Independent Advisor is considered accurate and appropriate for the reasons outlined in Council’s endorsed submission to the Independent Advisor.</p> <p>However, the detailed design of some specific elements of the proposed building in relation to the design of the portico, the Jackson Street plaza, the basement car park and the proposed radio mast / flagpole is addressed later in this report.</p> <p>The Incorporated Document comprises Development Plans and a set of conditions.</p> <p>The design of the building is considered appropriate, subject to Condition 1 of the Incorporated Document requiring amended plans to be submitted for endorsement. The amended plans must be generally in accordance with the Development Plans that form part of the Incorporated Document, but modified to show certain changes, including (amongst others):</p> <ul style="list-style-type: none"> <li>- Any design changes resulting from recommendations contained in the approved CPTED Safety in Design Review.</li> </ul> <p>Once approved, and amended plans will be the ‘Endorsed Plans.’</p> <p><u>Officer Recommendation</u></p> <p><b>The assessment of the Independent Advisor is considered accurate and appropriate, subject to a</b></p>

No.	INDEPENDENT ADVISOR RECOMMENDATIONS	OFFICER RECOMMENDATIONS
	<p>recommendations of this report (including the Crime Prevention Through Environmental Design analysis, which is discussed later in this table).</p>	<p><b>condition being included in the Incorporated Document requiring amended plans showing:</b></p> <ul style="list-style-type: none"> <li>- <b>Any design changes resulting from recommendations contained in the approved CPTED Safety in Design Review.</b></li> </ul> <p><b>Change the Amendment to include a revised condition (Condition 1.b.) within the Incorporated Document to achieve this outcome.</b></p> <p><b>Refer to Attachment 6 for detail of the changes to the Incorporated Document conditions.</b></p>
<b>Building Height</b>		
	<p><u>Issues</u></p> <p>The proposed building will exceed the mandatory maximum building height of 16.5 metres applied to the land by Design and Development Overlay DDO6-2.</p> <p>Parts of the proposed building (other than the mast) will reach a maximum height of approximately 21 metres. The parts higher than 16.5 metres include the curved 'shell' elements and an enclosed building element on the roof terrace. Some of these components would typically be exempt from meeting the mandatory 16.5 metre height limit of DDO6-2.</p> <p><u>Independent Advisor Assessment:</u></p> <p>There is considerable support in the written and verbal submissions for the VPC design to be iconic or outstanding. Given the location of the VPC in a Major Activity Centre and the aspiration to achieve a building that aspires to a strong identity,</p>	<p><u>Officer Response</u></p> <p>The assessment provided by the Independent Advisor in relation to building height is considered accurate and appropriate in relation to the:</p> <ul style="list-style-type: none"> <li>- overall design response of the building;</li> <li>- justification provided regarding non-compliance with the DDO6-2 requirements relating to overall height of the building; and</li> <li>- achieving the design objectives of the DDO6-2.</li> </ul> <p>Given that Council's endorsed submission agreed that the relevant design objectives were met, no overarching changes to the height of the building are required.</p> <p><u>Officer Recommendation</u></p>

No.	INDEPENDENT ADVISOR RECOMMENDATIONS	OFFICER RECOMMENDATIONS
	<p>some latitude about the height is reasonable for this unique building.</p> <p>Council's submission considered that the design objectives of DDO6-2 Fitzroy Street Central (south east side between Grey Street and Acland Street) are still met by the design. These design objectives are:</p> <ul style="list-style-type: none"> <li>- To retain a street wall height that preserves the prominence of local landmarks including the George Hotel and the Prince of Wales Hotel and to accentuate the street's topography.</li> <li>- To ensure upper levels provide visual connection with street level activity.</li> <li>- To encourage the provision of weather protection to the footpath.</li> <li>- To ensure that buildings are designed to provide casual surveillance of the street from upper levels.</li> <li>- To ensure new buildings do not unreasonably overshadow the private open space of neighbouring residential properties.</li> </ul> <p><u>Recommendation</u></p> <p>The increased height can be justified, provided that the design objectives of DDO6-2 is still seen to be respected.</p>	<p><b>The assessment of the Independent Advisor is considered accurate and appropriate in relation to building height.</b></p> <p><b>No change to the Amendment is required.</b></p>
<b>Side and rear setbacks, interface and shadow impacts</b>		
	<p><u>Issues</u></p> <p>The proposed building is setback a minimum of 3.8m at the Jackson Street (rear) boundary. The setbacks increase at points due to scalloping of the façade that is designed to respond to the Tree Protection Zone needed to protect the existing peppercorn trees.</p>	<p><u>Officer Response</u></p> <p>The assessment provided by the Independent Advisor in relation to the side and rear setbacks is considered accurate and appropriate in relation to the:</p> <ul style="list-style-type: none"> <li>- interface to residential properties on Jackson Street;</li> </ul>

No.	INDEPENDENT ADVISOR RECOMMENDATIONS	OFFICER RECOMMENDATIONS
	<p>One submitter considers that the wall proposed at the rear facing Jackson Street is a 'high wall' that will create a feeling of 'claustrophobia' (25).</p> <p>Two submitters consider that the proposal would cause prolonged shadowing to the surrounding area (21, 29).</p> <p>Two submitters consider that the proposal would reduce natural light to residents along Jackson Street (21, 29).</p> <p>Council's City Design Officer considers that the proposed building is sufficiently stepped back from Jackson Street and would ensure adequate access to daylight is maintained for adjacent residential properties. Accordingly, Council's submission does not seek any changes to this aspect of the proposal.</p> <p><u>Independent Advisor Assessment:</u></p> <p>Shadow plans provided by the project architects show that the development will not overshadow the private open space of residential properties along Jackson Street between 9.00am and 2.00pm on 22 September.</p> <p><u>Recommendation</u></p> <p>The proposed building setbacks are satisfactory.</p>	<ul style="list-style-type: none"> <li>- detailed design;</li> <li>- building bulk;</li> <li>- impact on trees; and</li> <li>- overshadowing.</li> </ul> <p><u>Officer Recommendation</u></p> <p><b>The assessment of the Independent Advisor is considered accurate and appropriate in regard to side and rear setbacks, interface and shadow impacts.</b></p> <p><b>No change to the Amendment is required.</b></p>
<b>The Portico</b>		
	<p><u>Issues</u></p> <p>The proposed development provides a feature portico that extends across the full width of the Fitzroy Street frontage. A terrace is proposed above the portico. The portico is supported by columns that are approximately 2 - 2.4 metres wide, creating a colonnade along Fitzroy Street over the footpath.</p> <p>The portico will have a vertical clearance of approximately 6 metres to the footpath along the full Fitzroy Street frontage.</p>	<p><u>Officer Response</u></p> <p>The assessment provided by the Independent Advisor is considered accurate and appropriate, provided that conditions are included in the Incorporated Document to ensure that the following recommendation of the CPTED analysis is adhered to:</p> <ul style="list-style-type: none"> <li>- The detailed design of the portico is to ensure that the cast in-situ concrete faces will not provide</li> </ul>

No.	INDEPENDENT ADVISOR RECOMMENDATIONS	OFFICER RECOMMENDATIONS
	<p>Six submitters specifically stated that they supported the design of the portico however, others raised some concerns about the proposal. These are discussed below.</p> <p><i>Daylight</i></p> <p>Two submissions raised concerns about the visual impact of the portico, and one submission raised concern with potential loss of daylight to Fitzroy Street.</p> <p><i>Safety</i></p> <p>Council also advised that number of people at the drop-in-sessions raised concerns about the potential safety issues associated with the design of the portico and the width of the columns. These concerns related to the potential loss of clear lines of sight and the potential creation of spaces which could encourage anti-social behaviour and loitering.</p> <p>Council initiated a Crime Prevention Through Environmental Design (CPTED) analysis of the safety issues related to the portico. This analysis is included in the report Safety in Design Review - Pride Centre prepared by Salus Risk Consulting (refer to Attachment 7).</p> <p><i>Precedent</i></p> <p>There were also concerns expressed through verbal feedback that the proposal could set a precedent for similar porticos in other locations along Fitzroy Street.</p> <p><u>Independent Advisor Assessment:</u></p> <p>The portico is an integral part of the overall winning design. For the same reasons that it is appropriate to consider a building that is taller than would normally be expected, it is reasonable to consider a portico that is unusual, provided that:</p> <ul style="list-style-type: none"> <li>- there is an inherent relationship to the overall design objective; and</li> </ul>	<p>climbing points; no vegetation is provided that could provide hiding places; and that gaps between the colonnades are sufficient to allow visibility from the street and the footpath.</p> <p>The Incorporated Document comprises Development Plans and a set of conditions.</p> <p>The Portico is considered appropriate, subject to Condition 1 of the Incorporated Document requiring amended plans to be submitted for endorsement. The amended plans must be generally in accordance with the Development Plans that form part of the Incorporated Document, but modified to show certain changes, including (amongst others):</p> <ul style="list-style-type: none"> <li>- Any design changes resulting from recommendations contained in the approved CPTED Safety in Design Review.</li> </ul> <p>Once approved, and amended plans will be the 'Endorsed Plans.'</p> <p><u>Officer Recommendation</u></p> <p><b>The assessment of the Independent Advisor is considered accurate and appropriate.</b></p> <p><b>The portico should be retained subject to a condition (Condition 1.b.) being included in the Incorporated Document requiring amended plans showing:</b></p> <ul style="list-style-type: none"> <li>- <b>Any design changes resulting from recommendations contained in the approved CPTED Safety in Design Review.</b></li> </ul> <p><b>Change the Amendment to include a revised condition within the Incorporated Document to achieve this outcome.</b></p>

No.	INDEPENDENT ADVISOR RECOMMENDATIONS	OFFICER RECOMMENDATIONS
	<ul style="list-style-type: none"> <li>- the design provides satisfactory outcomes in terms of daylight, sunlight and community safety.</li> </ul> <p><i>Daylight</i></p> <p>The daylight analysis of the proposed portico compares the existing daylight received by the footpath with the daylight that would be received by the footpath if the portico is constructed. This analysis shows that the proposed portico will increase daylight to the Fitzroy Street footpath, mainly due to the increased height of the proposed portico compared to the existing canopy.</p> <p>In addition, a sunlight analysis (refer to Attachment 4) shows the proposed portico will increase sunlight access to the Fitzroy Street footpath at 3pm at the September equinox.</p> <p><i>Safety</i></p> <p>In relation to the portico, the CPTED analysis provides the following guidance for the detailed design of the portico:</p> <ul style="list-style-type: none"> <li>- <i>The portico will not afford climbing. The cast in-situ concrete faces will not provide climbing points.</i></li> <li>- <i>The portico will not be planted with dense creeper or other vegetation that would provide hiding places.</i></li> <li>- <i>There are no inside corners that could provide hiding places. Gaps between the portico elements are visible from at least two sides, such as from motor traffic and tram traffic on the roadway, and from the footpath itself.</i></li> </ul> <p><u>Recommendation</u></p> <p>The daylight, sunlight and CPTED analyses show that there are no undesirable outcomes in relation to these issues.</p> <p>The portico is an integral part of the overall design and there is no significant reason why it should not be retained.</p>	<p><b>Refer to Attachment 6 for detail of the changes to the Incorporated Document conditions.</b></p>

No.	INDEPENDENT ADVISOR RECOMMENDATIONS	OFFICER RECOMMENDATIONS
<b>The Jackson Street plaza</b>		
	<p><u>Issues</u></p> <p>Along Jackson Street at the rear, the development proposes to incorporate a small open 'plaza' area comprising 18 bike spaces and the two peppercorn trees that are proposed to be retained. A portion of the area is also proposed as a secure courtyard with access from inside the building.</p> <p>This issue was not specifically raised in the written submissions, however Council advised that some residents verbally expressed concerns about the safety of this space and the potential use of the space for anti-social behaviour, loitering and sleeping rough.</p> <p>Other submissions support the plaza because it retains the two existing mature peppercorn trees.</p> <p><u>Independent Advisor Assessment:</u></p> <p>The CPTED analysis notes (refer to Attachment 7) in regard to Jackson Street and the plaza area that:</p> <p><i>The perimeter on the Jackson Street facades should be well-lit with vandal resistant lighting. Automatic motion-sensor lighting will assist in reducing crime if it tends to actuate as a person approaches a secluded area.</i></p> <p><i>Lighting should not be so bright as to:</i></p> <ul style="list-style-type: none"> <li>- <i>prevent users from observing people approaching from the dark.</i></li> <li>- <i>cause nuisance to neighbouring residential properties compared to existing conditions.</i></li> </ul> <p><i>This outcome can easily be achieved in conjunction with lighting (and / or electrical) consultant.</i></p>	<p><u>Officer Response</u></p> <p>The assessment provided by the Independent Advisor is considered accurate and appropriate and is made, provided that conditions are included in the Incorporated Document to ensure that the following recommendations of the CPTED analysis are adhered to:</p> <ul style="list-style-type: none"> <li>- Introduction of automatic motion sensor, vandal resistant lighting (designed by a suitably qualified lighting / electrical specialist) around the perimeter of the Jackson Street facades. Such lighting should not be so bright as to prevent users from observing people approaching from the dark or cause nuisance to neighbouring residential properties compared to existing conditions.</li> <li>- Siting of fixed outdoor furniture designed to ensure access for mobility impaired persons; unobstructed sightlines to the footpath, street and any nearby buildings; and that seating is adequate for short-term use only and should not be so comfortable as to encourage long-term occupation and sleeping.</li> </ul> <p>The Incorporated Document comprises Development Plans and a set of conditions.</p> <p>Condition 1 of the Incorporated Document will require amended plans to be submitted for endorsement. The amended plans must be generally in accordance with the Development Plans that form part of the Incorporated Document, but modified to show certain changes, including (amongst others):</p>

No.	INDEPENDENT ADVISOR RECOMMENDATIONS	OFFICER RECOMMENDATIONS
	<p><i>Seating should be designed to be adequate for short-term use only and should not be so comfortable as to encourage long-term occupation and sleeping.</i></p> <p><i>Seats and associated street furniture should be located with unobstructed sightlines to the footpath, street and any nearby buildings. Along the seating area there should be enough space for a mobility impaired person (e.g. wheelchair user) or with a child's pram to wait comfortably, undercover if possible.</i></p> <p><u>Recommendation</u></p> <p>Given the location, it is very important that the design of the external interface areas adequately respond to community safety issues through good CPTED design. This will require close consideration of the fine detail of design, lighting and finishes and can be dealt with as final plans are approved.</p>	<ul style="list-style-type: none"> <li>- Any design changes resulting from recommendations contained in the approved CPTED Safety in Design Review.</li> </ul> <p>Once approved, and amended plans will be the 'Endorsed Plans.'</p> <p><u>Officer Recommendation</u></p> <p><b>The assessment of the Independent Advisor is considered accurate and appropriate.</b></p> <p><b>A condition be included in the Incorporated Document that requires amended plans showing:</b></p> <ul style="list-style-type: none"> <li>- <b>Any design changes resulting from recommendations contained in the approved CPTED Safety in Design Review.</b></li> </ul> <p><b>Change the Amendment to include a revised condition (Condition 1.b.) within the Incorporated Document to achieve this outcome.</b></p> <p><b>Refer to Attachment 6 for detail of the changes to the Incorporated Document conditions.</b></p>
<b>The radio mast / flagpole (including consideration of design changes proposed following community consultation)</b>		
	<p><u>Issues</u></p> <p>A radio mast / flagpole is proposed on the roof top terrace.</p> <p>One written submission (24) does not support the use of the proposed mast to raise a rainbow flag, 'particularly at the heights proposed'. The submitter does not consider that one particular group should be elevated over others and that it is not Council's role to support an ideology.</p> <p><u>Independent Advisor Assessment:</u></p>	<p><u>Officer Response</u></p> <p>Council did not raise a concern in its submission to the Independent Advisor with the original height or design of the radio mast that was shown in the Development Plans that formed part of the Incorporated Document. However, the submission on behalf of the VPC Board to the Independent Advisor significantly altered this component of the proposal.</p> <p>The mast is now proposed to include a large flagpole and be contained within a large architectural feature which is almost as wide as the flag itself.</p>



No.	INDEPENDENT ADVISOR RECOMMENDATIONS	OFFICER RECOMMENDATIONS
	<p>The intention for the mast or flagpole is not clear from the information provided by the VPC.</p> <p>Any use of the mast for a large flag, lighting or other form of display will be of potential concern to some community members and nearby residents.</p> <p>This change is not likely to be 'imperceptible'.</p> <p><u>Recommendation</u></p> <p>Council should seek further information from the VPC about the intended function of the mast and consider whether or not a provision about managing the use of the mast should be included in the Incorporated Document.</p>	<p>In particular, it is noted that the original Development Plans show a 'Radio mast' designed as a simple cone shaped structure. In contrast, the amended feature is more visually imposing than the previous design in terms of bulk and is taller in height. The design intent of the new structure is for a flood-lit structure comprising ten poles (one in each signifying of the colours of the LGBTIQ flag) with a central flag pole.</p> <p>Council's City Design Officer does not support the changes to this feature. In particular, they consider that the 'mast' appears 'stuck on' to the building and is not consistent with the strong and consistent architectural language of the rest of the building. Further, they note that rather than a celebratory gesture, the overly large and ornate mast seems unnecessary given that the Pride Centre proposal will already be a striking building and a feature of Fitzroy Street.</p> <p>The Independent Advisor noted the significant change and suggested that Council seek further information from the VPC Board about the intended function of this element to enable consideration around a condition to guide its final design in the Incorporated Document. Council officers sought such advice from the VPC Board were provided with a schematic design (refer to Attachment 9) that shows the structure in greater detail.</p> <p>While the symbolism intended by the design is understood, the structure is substantially different than the version that was subject to consultation with the community and has the potential to create offsite amenity concerns, particularly in relation to residents in Jackson Street. As a result, it is considered that this element should be deleted from the plans and that the mast structure return to as it was in the version of the plans that was subject to community consultation.</p>

No.	INDEPENDENT ADVISOR RECOMMENDATIONS	OFFICER RECOMMENDATIONS
		<p>Should the VPC Board want to pursue structure in the future, this should be required to seek the necessary approvals at that time.</p> <p><u>Officer Recommendation</u></p> <p><b>The assessment of the Independent Advisor is noted.</b></p> <p><b>The Development Plans within the Incorporated Document should be amended to reinstate the consultation version of the mast.</b></p>
<b>TRAFFIC AND CAR PARKING</b>		
<b>Traffic Impacts</b>		
	<p><u>Issues</u></p> <p>The Traffic Impact Assessment Report prepared by Irwin Consulting for the VPC estimates (page 16) that the development would generate up to 710 vehicle movements per day overall and 196 vehicle movements per hour during peak period.</p> <p>One submitter was concerned that the development would add to congestion along Fitzroy Street, particularly in summer.</p> <p>Three submitters were concerned about the impact on resident's ability to park and increase of traffic along Jackson Street and (25) that Jackson Street could become a two-way street and result in the loss of parking.</p> <p>One submitter considered the basement car park would be satisfactory.</p> <p><u>Independent Advisor Assessment:</u></p> <p>The area is highly accessible by public transport and cycling connections. Both the Council and the Traffic Impact</p>	<p><u>Officer Response</u></p> <p>The assessment provided by the Independent Advisor is considered accurate and appropriate.</p> <p><u>Officer Recommendation</u></p> <p><b>The assessment of the Independent Advisor is considered accurate and appropriate.</b></p> <p><b>No change to the Amendment is required.</b></p>

No.	INDEPENDENT ADVISOR RECOMMENDATIONS	OFFICER RECOMMENDATIONS
	<p>Assessment Report agree that traffic impacts will be acceptable in the location.</p> <p><u>Recommendation</u></p> <p>The traffic impacts from the proposal are consistent with expected activity in a Major Activity Centre.</p>	
<b>The number of car spaces to be provided / proposed car parking dispensation</b>		
	<p><u>Issues</u></p> <p>The current planning scheme controls require 199 car parking spaces to be provided on the site.</p> <p>The proposed development provides 27 car spaces in a basement car park, with 20 car spaces available for public use (replacing the current public car park) and seven for the use of the VPC.</p> <p><u>Independent Advisor Assessment:</u></p> <p>The broader issue of resident and visitor car parking in the Fitzroy Street area is beyond the scope of this amendment. However, the proposed development would create additional demand for public parking in the area given the limited amount of parking proposed on site.</p> <p>Council's local policy at Clause 21.03-2 of the Port Phillip Planning Scheme aims to reduce the impact of private cars on the liveability of the city by raising the profile of sustainable transport and encouraging people to walk more often.</p> <p>The policy guidelines at clause 21.03-2 require that any proposal that seeks a dispensation in car parking be accompanied by an analysis prepared by a suitably qualified consultant that identifies:</p> <ul style="list-style-type: none"> <li>- what the increase in car parking demand will be;</li> </ul>	<p><u>Officer Response</u></p> <p>There is policy support for a sizeable car parking dispensation due to the location of the site within an activity centre.</p> <p>The Traffic Impact Assessment from the consultants acting on behalf of the VPC Board supports this outcome however, does not assess weekend evening parking occupancy.</p> <p>A draft Green Travel Plan has also been provided to support the proposal. Council officers have provided a series of specific suggestions related to encouraging walking, cycling and public transport and other initiatives to facilitate car share or small vehicle use where sustainable transport modes are not possible.</p> <p>Representatives of the VPC Board have provisionally responded to each of these suggestions and indicated a willingness to explore most of the above suggestions as part of a resubmitted Green Travel Plan subject to spatial and cost considerations.</p> <p>It is agreed that spatial constraints on the site will mean that not all of the above suggestions will be possible to achieve. As a result, further analysis will need to assess which options will achieve the greatest impact from a sustainable travel perspective.</p>

No.	INDEPENDENT ADVISOR RECOMMENDATIONS	OFFICER RECOMMENDATIONS
	<ul style="list-style-type: none"> <li>- what impact this will have upon car parking demand in the area;</li> <li>- whether the car parking can be accommodated on site, and what the impact of this will be upon street parking;</li> <li>- where applicable, how the site will be accessed by heavy vehicles including the likely type and frequency of such vehicles, and the routes that they may use to access the site; and</li> <li>- what the increase in traffic volume will be.</li> </ul> <p>The proposal is supported by the Traffic Impact Assessment Report provided by Irwin Consulting for the VPC.</p> <p>Council considers this analysis goes some way to undertaking the above requirements, but observes however that providing only 27 car spaces is a significant shortfall from the number of car parking spaces anticipated by Clause 52.06 of the planning scheme.</p> <p>Considerations put forward that support a dispensation include that:</p> <ul style="list-style-type: none"> <li>- the site is well located to public transport;</li> <li>- more bicycle parking is provided than is required, together with end-of-trip facilities;</li> <li>- parking survey results show an adequate number of short-term and long-term car spaces are available near the site;</li> <li>- the peak demand periods of the activities at the VPC are expected to occur at different times;</li> <li>- there are other sites in Fitzroy Street with similar intensity of use that do not provide on-site parking; and</li> </ul>	<p>Given that the cost of delivering a second basement level to the building would far outweigh the cost of pursuing green travel initiatives, cost is not considered to be an appropriate rationale for not pursuing outcomes that would otherwise work well from a detailed design and sustainable transport outcome perspective.</p> <p>Should the Green Travel Plan outcomes be maximised having regard to the suggested improvements by Council officers, a 90% sustainable travel mode is considered to be achievable. On this basis, the proposed car parking dispensation should be supported subject to the inclusion of a carefully worded condition in the Incorporated Document that specifically requires the following matters to be addressed to Council's satisfaction:</p> <ul style="list-style-type: none"> <li>- Maximisation of bicycle related infrastructure including increased provision of bicycle parking, provision of air pumps at on-site bicycle parking areas, increased bicycle hoops at the Fitzroy Street frontage of the site and at other off-site locations within 50 metres of the site, provision of additional bicycle user amenities (lockers, showers, towel drying facilities, etc.).</li> <li>- Installation of permanent fixtures within the building to erect signs in prominent locations advising of directions to nearest tram, train and bus stops and associated timetabling; information regarding the location of nearby car share services; and information on nearby bicycle routes and on-site / nearby bicycle parking facilities.</li> <li>- Establishment of a Commuter Club that requires tenants to pay an annual fee to fund car share membership, myki passes and electric fleet bicycles.</li> </ul>

No.	INDEPENDENT ADVISOR RECOMMENDATIONS	OFFICER RECOMMENDATIONS
	<ul style="list-style-type: none"> <li>- many visitors are expected to visit multiple uses in the VPC as well as visit in conjunction with a trip to another destination in the activity centre.</li> </ul> <p>Implementing an effective Green Travel Plan will be an important complement to any car parking dispensation.</p> <p>There is policy support to reduce the provision of on-site car parking in a Major Activity Centre, but any reduction needs to ensure that the cumulative transport impacts of the proposal are acceptable.</p> <p>Given the proposal is located in an activity centre, it is reasonable for most short-term car parking demand to be accommodated by publicly available car parking consistent with the parking arrangements of most other uses in the commercial precinct.</p> <p>The exact extent of any reduction will need to be decided by Council after considering the requested revised Traffic Impact Assessment Report and revised Green Travel Plan.</p> <p><u>Recommendation</u></p> <ol style="list-style-type: none"> <li>1. That the VPC provide Council with a revised Traffic Impact Assessment Report and Green Travel Plan.</li> <li>2. That the Incorporated Document be appropriately amended to require the provision of a traffic impact assessment report and a green travel plan, to the satisfaction of the Responsible Authority.</li> </ol>	<ul style="list-style-type: none"> <li>- Introduction of a strategy to encourage visitors to the VPC to utilise sustainable travel modes.</li> <li>- Scooter / electric bicycle charging points.</li> <li>- Provision of scooter / motorcycle parking.</li> <li>- Introduction of a strategy to maximise the use of car share services for tenants and visitors of the site where car movements are necessary.</li> <li>- Introduction of time limitations on public parking on-site to discourage use by commuters to the VPC.</li> <li>- Specific targets to guide and monitor the ongoing implementation of the Green Travel Plan.</li> <li>- Identification of persons responsible for the implementation of actions.</li> <li>- Estimated timescales and costs for each action.</li> <li>- Inclusion of a plan for the monitoring and review of the Travel Plan every 3 years after the use of the building commences.</li> </ul> <p>Once approved, the Green Travel Plan should be implemented via the introduction of an Agreement pursuant to Section 173 of the Planning and Environment Act 1987 that ties the requirements to the title of the land. This will ensure that the provisions of the Green Travel Plan will be able to be enforced in perpetuity.</p> <p><u>Officer Recommendation</u></p> <p><b>Support the proposed car parking dispensation subject to a revised condition in the Incorporated Document that requires the elements described in the above dot points to be addressed in a Green Travel Plan to the satisfaction of the Responsible Authority.</b></p>

No.	INDEPENDENT ADVISOR RECOMMENDATIONS	OFFICER RECOMMENDATIONS
		<p><b>Change the Amendment to include a revised condition (Condition 12) within the Incorporated Document to achieve this outcome.</b></p> <p><b>Refer to Attachment 6 or detail of the changes to the Incorporated Document conditions.</b></p>
<b>Availability and access to car parking</b>		
	<p><u>Issues</u></p> <p>The basement car park will be accessed from an entrance in Jackson Street. The existing car park in Jackson Street is at grade and open to the public.</p> <p>Three submitters noted that parking is already difficult for residents as there are a few 'permit only' spaces and considered the loss of the carpark will make this worse. One submitter asked that residents be allowed access to the carpark.</p> <p>Council advised that some residents at the drop-in-sessions were concerned that the spaces allocated for public use would be frequently used by VPC occupants and visitors, given the limited car parking spaces proposed for the VPC.</p> <p>Some residents at the drop-in-sessions were also concerned the public would not be aware that car parking in the basement of a private building was available to them.</p> <p><u>Independent Advisor Assessment:</u></p> <p>The layout of the basement car park is constrained and will provide little capacity for public users to manoeuvre if they cannot find a space or other vehicles are also manoeuvring in the access lane. As a result, it would be very beneficial to users to be able to see electronic signage to indicate parking availability before they enter.</p>	<p><u>Officer Response</u></p> <p>The assessment provided by the Independent Advisor is considered accurate and appropriate.</p> <p>Condition 1 of the Incorporated Document will require amended plans to be submitted for endorsement. The amended plans must be generally in accordance with the Development Plans that form part of the Incorporated Document, but modified to show certain changes, including (amongst others):</p> <ul style="list-style-type: none"> <li>- the introduction of a parking restriction of 3 hours on the public car spaces in the basement car park; and</li> <li>- the installation of electronic signage to indicate the number of public parking spaces that are available in the basement car park.</li> </ul> <p>Once approved, and amended plans will be the 'Endorsed Plans.'</p> <p><u>Officer Recommendation</u></p> <p><b>The assessment of the Independent Advisor is considered accurate and appropriate.</b></p> <p><b>Change the Amendment to include conditions (Condition 1.h. and 1.i.) in the Incorporated Document that require the Endorsed Plans to show:</b></p>

No.	INDEPENDENT ADVISOR RECOMMENDATIONS	OFFICER RECOMMENDATIONS
	<p>Applying a time limit to public parking in the basement carpark will ensure that parking can be fairly accessed by public users.</p> <p>The need for a directional sign and a 'right turn only' sign are matters that can be assessed after the VPC has been operating for a time. Council is likely to have the ability to erect such signage in the public road if the need is substantiated.</p> <p><u>Recommendation</u></p> <p>Council's request to apply a time limit to public parking in the basement carpark is supported. Accordingly, the Incorporated Document should be appropriately amended to enable Council to impose a suitable time limit on parking in the basement carpark.</p> <p>Council's request for electronic signage to indicate parking availability in the basement car park is sensible and reasonable and should not be difficult to implement. Accordingly, the Incorporated Document should be appropriately amended to require the provision of electronic signage that indicates parking availability in the basement car park, to the satisfaction of the Responsible Authority.</p>	<ul style="list-style-type: none"> <li>- <b>the introduction of a parking restriction of 3 hours on the public car spaces in the basement car park; and</b></li> <li>- <b>the installation of electronic signage to indicate the number of public parking spaces that are available in the basement car park.</b></li> </ul> <p><b>Refer to Attachment 6 for detail of the changes to the Incorporated Document conditions.</b></p>
<b>AMENITY IMPACTS FROM BEHAVIOUR AND NOISE</b>		
<b>Community safety at the carpark entrance to the plaza</b>		
	<p><u>Issues</u></p> <p>Council's submission suggested that local residents and traders have expressed concerns about the safety of the publicly accessible underground car park, given the lack of surveillance and access restrictions. There are concerns that this will encourage anti-social behaviour, loitering, sleeping rough and drug use.</p> <p><u>Independent Advisor Assessment:</u></p>	<p><u>Officer Response</u></p> <p>The assessment provided by the Independent Advisor is considered accurate and appropriate, subject to conditions being included in the Incorporated Document that ensure the following recommendations of the CPTED analysis are adhered to:</p>

No.	INDEPENDENT ADVISOR RECOMMENDATIONS	OFFICER RECOMMENDATIONS
	<p>The CPTED analysis provided by Council (refer to Attachment 7) notes in regard to the carpark and carpark entry that:</p> <p><i>The ramp vehicle access to Jackson Street could be a vulnerable location. The first and most robust option is to provide a gate and fence to prevent unauthorised access. For example, a palisade-style design cannot be climbed.</i></p> <p><i>Further deterrence can be achieved by the creation of clear sightlines, effective lighting and landscaping that makes places attractive, but does not provide offenders with a place to hide or entrap victims.</i></p> <p><i>Management is to ensure that space is appropriately utilised and well cared for. Glazing and lighting, both to the east and west of the ramp, could give a greater impression of surveillance, thereby deterring potential crime. Putting the lighting on a motion sensor may assist.</i></p> <p>Given the location, it is very important that the design of the external interface areas adequately responds to community safety issues through good CPTED design. This will require close consideration of the fine detail of design, lighting and finishes and can be dealt with as final plans are approved.</p> <p><u>Recommendation</u></p> <p>The Incorporated Document and any relevant plans should be appropriately amended to ensure that the final design and lighting of the car park, carpark entry area and the Jackson Street plaza area deliver an effective CPTED outcome, to the satisfaction of the Responsible Authority.</p>	<ul style="list-style-type: none"> <li>- Introduction of a gate / fence treatment to the satisfaction of Council to prevent unauthorised access to the basement; and</li> <li>- Detailed design of the development is to ensure that clear sightlines are maintained, and motion sensitive lighting (designed by a suitably qualified lighting / electrical specialist) is provided in the vicinity of the ramp vehicle access to the underground basement.</li> </ul> <p>Condition 1 of the Incorporated Document will require amended plans be submitted that show any design changes resulting from the recommendations of the CPTED Safety in Design Review.</p> <p>Once approved, and amended plans will be the 'Endorsed Plans.'</p> <p><u>Officer Recommendation</u></p> <p><b>The assessment of the Independent Advisor is considered accurate and appropriate.</b></p> <p><b>Change the Amendment to include a condition (Condition 1.b.) in the Incorporated Document that require the Endorsed Plans to show:</b></p> <ul style="list-style-type: none"> <li>- <b>Any design changes resulting from recommendations contained in the approved CPTED Safety in Design Review.</b></li> </ul> <p><b>Refer to Attachment 6 for detail of the changes to the Incorporated Document conditions.</b></p>
<b>Licensed area and noise</b>		
	<p><u>Issues</u></p> <p>The VPC is proposed to include offices, shops, food and drink premises, a radio station, a medical centre, places of assembly</p>	<p><u>Officer Response</u></p> <p>The recommendation to remove the words 'but not limited to' in relation to the suite of land uses to be allowed in the</p>



No.	INDEPENDENT ADVISOR RECOMMENDATIONS	OFFICER RECOMMENDATIONS
	<p>(including a function centre), a reading room, a gallery and the sale and consumption of liquor.</p> <p>Spaces on the ground floor, second level and the rooftop terrace are proposed to be licensed. These licenced areas would be confined to the 'red line areas' depicted on the (draft) development plans that from part of the draft Incorporated Document. These plans contemplate the use of the licensed areas for 'Multi-purpose room' (Ground floor), 'Place of Assembly / Function centre' (level 2), and 'Roof-top amenity space' (level 4/rooftop).</p> <p>There is also a 'commercial café / food and drink premises' located on the ground floor that is not proposed to be licensed.</p> <p>Three written submissions and verbal feedback from the drop-in-sessions expressed concern about the potential for noise, particularly from events held on the open rooftop terrace, to impact the amenity of the neighbouring residential area. Submitters observed that '...large gatherings on the rooftop could be a nightmare for the surrounding neighbourhood' and 'Noise is one of the most serious issues we deal with on a daily basis in our area...'.  One submitter considers that liquor licensing should be kept to a minimum and another considered that the roof top should not be used for functions but for quiet relaxation.  One submitter supported a wider range of licensed venues becoming available.  One submitter was concerned that the proposed licensed premises would worsen the anti-social behaviour being experienced by residents along Fitzroy Street, Jackson Street and Grey Street.  Council advised that local residents and traders who attended the drop-in sessions were generally comfortable with the VPC</p>	<p>proposed development is in line with Council's submission to the Independent Advisor and is therefore agreed. In addition, the recommended change to specifically prohibit the use of the premises for a 'nightclub' is also in line with Council's submission and agreed.</p> <p>While the intent of the recommended 'Good Neighbour Protocol' has merit, Council's ability to manage this issue is already addressed by way of the conditions included within the draft Incorporated Document in relation to hours of operation, noise, outside activity and the sale and consumption of liquor. In addition, Council has a Local Law relating to noise and amenity requirements that must be adhered to by the VPC. The EPA also has processes in place to manage noise pollution. Duplication of these formal and binding requirements is not appropriate as it is likely to create confusion amongst landowners and the operators of the VPC in relation to enforcement, if required.</p> <p>Notwithstanding that this is not a matter that requires a change in the Incorporated Document, there is merit in requesting that the VPC Board develop a 'Good Neighbour Protocol' to provide a process to residents that makes them the first point of contact and a resolution process, if they have a concern with the operation of the VPC. Such a protocol could also cover issues such as notifying nearby residents of large one-off events.</p> <p><u>Officer Recommendation</u></p> <p><b>The Advisor's recommendation to specifically exclude a 'nightclub as a potential land use is considered accurate and appropriate for the reasons outlined in Council's endorsed submission to the Independent Advisor.</b></p> <p><b>Change the Incorporated Document to:</b></p> <ul style="list-style-type: none"> <li>- <b>Remove the words 'but not limited to'</b></li> </ul>

No.	INDEPENDENT ADVISOR RECOMMENDATIONS	OFFICER RECOMMENDATIONS
	<p>containing a number of function spaces that would be licensed and intended to cater for events.</p> <p><u>Independent Advisor Assessment:</u></p> <p>The draft Incorporated Document outlines a number of ‘amenity and noise’ conditions for the purpose of minimising the impacts of the proposed use of the development. This includes limiting operating hours of operation and the number of patrons within the proposed licensed areas, as well as managing noise levels.</p> <p>The scope of permitted uses in the Incorporated Document should accurately reflect the uses intended for the building. Given that use as a nightclub is not intended, the amendment to the Incorporated Document proposed by Council to change ‘Place of Assembly (including a function centre)’ to ‘Place of Assembly (other than Nightclub)’ is appropriate.</p> <p>Consideration of the submissions about amenity and traffic impacts on the adjacent residential areas in Jackson Street and Enfield Street does highlight the need for the VPC to be conscious of the potential impacts of its activities on these nearby residential areas and to be respectful of those owners and residents.</p> <p>Council and the VPC should consider the creation of a ‘Good Neighbour Protocol’ by the VPC in consultation with residents to establish a clear understanding of expected amenity and interaction outcomes and a pathway for discussion and resolution of issues as they arise.</p> <p><u>Recommendation</u></p> <p>The proposed conditions in the draft Incorporated Document relating to amenity and noise should appropriately manage the concerns of submitters.</p> <p>The permitted uses in the Incorporated Document should not include uses that are not intended.</p>	<p>- <b>Amend the reference to a ‘Place of Assembly (including a function centre)’ to be ‘Place of Assembly (excluding a nightclub)’.</b></p> <p><b>Request VPC develop a ‘Good Neighbour’ Protocol with neighbouring residents to establish a dispute resolution process and a notification process for upcoming events outside of the Amendment.</b></p>

No.	INDEPENDENT ADVISOR RECOMMENDATIONS	OFFICER RECOMMENDATIONS
	<p>The Incorporated Document should be amended at the relevant section to change 'Place of Assembly (including a function centre)' to 'Place of Assembly (other than Nightclub)'.</p> <p>Council and the VPC should consider the creation of a 'Good Neighbour Protocol' by the VPC in consultation with residents to establish a clear understanding of expected amenity and interaction outcomes and a pathway for discussion and resolution of issues as they arise.</p>	
<b>RETENTION AND PROTECTION OF EXISTING TREES</b>		
	<p><u>Issues</u></p> <p>The Chinese elm on Fitzroy Street and the two peppercorns at the rear of 3/77 Fitzroy Street are proposed to be retained</p> <p>The draft Incorporated Document requires provision of an Arborist Assessment to indicate how existing trees on and immediately adjacent to the site proposed for retention could be retained and maintained in good health.</p> <p><u>Independent Advisor Assessment:</u></p> <p>In relation to the Chinese elm on Fitzroy Street, both the VPC arborist and Council's arborist consider that the location of a portico column is likely to have an impact on the survival of the Chinese elm street tree on Fitzroy Street given the proposed location of the column and its footings in the Tree Protection Zone and the extent of pruning that would be required.</p> <p>Council has asked that aspects of the arborist assessment for this tree be reviewed before a decision is made.</p> <p>The VPC say that the portico should not be modified and the tree can be replaced if necessary.</p> <p>As this tree is a street tree on public land, this is ultimately a decision for the Council. Subject to the further assessment that</p>	<p><u>Officer Response</u></p> <p>Council's Arborist has reviewed the Arborist Report provided by the VPC and has inspected the tree on Fitzroy Street and advised that the proposed portico design could potentially result in damage and therefore loss of the street tree. Notwithstanding this, the tree should be retained if possible, and its removal compensated for if it is later removed.</p> <p><u>Officer Recommendation</u></p> <p><b>The Advisor's recommendation is considered accurate and appropriate, subject to a minor change to enable a monetary contribution to be provided to compensate for the removal of the street tree if required as per Council's standard planning permit condition.</b></p> <p><b>Change the Amendment to include revised conditions (Conditions 5, 6 and 7) within the Incorporated Document to achieve the outcome described above.</b></p> <p><b>Refer to Attachment 6 for detail of the changes to the Incorporated Document conditions.</b></p>

No.	INDEPENDENT ADVISOR RECOMMENDATIONS	OFFICER RECOMMENDATIONS
	<p>Council has sought, the preferred outcome appears to be to retain the tree if possible. If this is not possible, the tree should be replaced with an equivalent specimen, to the satisfaction of Council.</p> <p>In relation to the peppercorns on Jackson Street (at the rear of the site), both arborists agree that these trees can be successfully retained provided appropriate construction protection measures are implemented.</p> <p>These trees have a very significant impact on the amenity and feel of the interface with residential properties in Jackson Street and their retention will be in some measure a compensation for the other impacts the VPC will have on nearby residents. They should therefore be protected and retained as is proposed. If either tree is lost, the tree should be replaced with an equivalent specimen, to the satisfaction of the Responsible Authority.</p> <p><u>Recommendation</u></p> <p>The peppercorn trees in Jackson Street (rear) should be retained as proposed. The Chinese elm in Fitzroy Street should be retained if possible.</p> <p>The relevant condition of the Incorporated Document should be revised to include a requirement to replace any of the three significant trees with an equivalent specimen to the satisfaction of the Responsible Authority should they be required to be removed during construction or within an agreed period after.</p>	
<b>OTHER ISSUES</b>		
<b>Proposed Changes to the Incorporated Document</b>		
	<p><u>Issues</u></p> <p>Both the Council and the VPC have proposed changes to the draft Incorporated Document provided with the draft amendment documents. The VPC provided an alternative</p>	<p><u>Officer Response</u></p> <p>The Independent Advisor's assessment regarding 'Operation of Plans' is considered appropriate; the Endorsed Plans should be dimensioned sufficiently for their purpose, as</p>

No.	INDEPENDENT ADVISOR RECOMMENDATIONS	OFFICER RECOMMENDATIONS
	<p>'track changes' version as part of their submission. The views of the Council and the VPC are not consistent on some matters.</p> <p>A number of the proposed changes are minor. However, there are several matters where revision will improve the clarity and operational efficiency of the document.</p> <p><u>Independent Advisor Assessment:</u></p> <p>Given that the Independent Advisor is of the view that the document needs significant revision, rather than comment individually on each proposed change, a revised version is attached at Attachment 6 which is considered to form a more appropriate basis for the final approved Incorporated Document.</p> <p>Minor changes are not specifically discussed but their basis should be apparent. The more significant changes are discussed below.</p> <p><u>Operation of plans:</u></p> <p>The Incorporated Document envisages a two-level hierarchy of plans. The Development Plans that form part of the Incorporated Document and Endorsed Plans that the Responsible Authority approves and may amend from time to time.</p> <p>An Incorporated Document forms part of the planning scheme and can only be changed by a planning scheme amendment. It is not therefore appropriate or lawful for the Development Plans to be changed in any other way. This was proposed by the VPC but is not included in the revision for this reason.</p> <p>The Development Plans are overall plans that provide a basis for agreement about the expected form of development. The Endorsed Plans are the equivalent of the plans that would accompany a planning permit and should be sufficiently detailed for that purpose. For this reason, the Development Plans would only need to be dimensioned where a dimension is</p>	<p>recommended by Council's submission to the Independent Advisor.</p> <p>The Independent Advisor's assessment regarding the 'Identification of the agreed range of use and development allowed' is reasonable.</p> <p>When condition 3 was initially prepared by Council, the breadth of uses requested by the VPC was wide and less defined. Since (and as supported by the Independent Advisor), the uses have been refined and made more specific. The proposed uses are shown on the Development Plans.</p> <p>Condition 1 requires the use and development of the site to be generally in accordance with the Development Plans. The uses will be shown on both the Development Plan and the Endorsed Plan. The intent of condition 3 is captured via Condition 1.</p> <p>The other intent of Condition 3 is to manage the amenity impact of the uses that occur on the site. Additional conditions are now included in the Incorporated Document that will manage potential amenity impacts on the surrounding residential uses.</p> <p>Notwithstanding the above, an additional condition in the Incorporated Document should require the VPC to provide an amenity impact assessment associated with any request to change a use (requiring an amendment to the Endorsed Plans) and should be included in lieu of the current condition.</p> <p>The Independent Advisor's recommendation in relation to removing the requirement to secure off-site car parking is reasonable and appropriate as a more detailed assessment of the car parking provision has occurred. This detailed assessment, in conjunction with the Green Travel Plan required by Condition 12 adequately supports the proposed</p>

No.	INDEPENDENT ADVISOR RECOMMENDATIONS	OFFICER RECOMMENDATIONS
	<p>a critical matter. The Endorsed Plans should be dimensioned sufficiently for their purpose. This was a matter raised by the Council.</p> <p>The description of the range of use and development to be allowed is not consistent between the amendment document and the Incorporated Document. For consistency, a standard form of words should be used wherever this description is required in a statutory document.</p> <p>The addition of 'subdivision' in the description is not necessary as subdivision is included in the definition of development in the <i>Planning and Environment Act 1987</i>. This was proposed by the VPC.</p> <p>Council has proposed that the phrase 'but not limited to' be deleted from the Incorporated Document to provide greater certainty and transparency for stakeholders about what is being allowed. The VPC do not support this change and consider that the conditions of the Incorporated Document should not unreasonably limit logical and expected or complementary uses that the VPC may seek to provide for over time.</p> <p>The provisions of the Incorporated Document are intended to be an alternative to the existing clear provisions of the Commercial 1 Zone. The nature of the allowed uses in the VPC should be clearly specified in the Incorporated Document and not be subject to change or interpretation in a non-statutory way. The phrase 'but not limited to' should therefore be deleted.</p> <p>Similarly, the VPC does not support the retention of condition 3 of the draft Incorporated Document, which requires Requirement to show the location, net floor area and proposed extent of each specific use to be shown on a plan together with an assessment of the potential amenity impact. VPC say that this condition is unreasonably onerous. The condition is considered onerous. Once the Council has determined the extent of the uses to be allowed, the VPC should be able to</p>	<p>car parking provision, therefore a condition to secure off-site car parking is no longer necessary.</p> <p>The Independent Advisor's recommendation in relation to removing the requirement for staff to undertake a <i>Responsible Serving of Alcohol</i> course is reasonable and should be agreed to, as this requirement is a duplication of Section 108 of the Liquor Control Reform Act 1998.</p> <p><u>Officer Recommendation</u></p> <p><b>The assessment of the Independent Advisor is considered accurate and appropriate.</b></p> <p><b>Changes to the Incorporated Document and Development Plans are recommended.</b></p> <p><b>Refer to Attachment 6 for detail of the changes to the Incorporated Document conditions.</b></p>

No.	INDEPENDENT ADVISOR RECOMMENDATIONS	OFFICER RECOMMENDATIONS
	<p>conduct those uses without undue restriction. The amenity impacts of all uses are addressed by relevant conditions in the Incorporated Document.</p> <p>A condition of the draft Incorporated Document proposes that the Traffic Impact Assessment report must:</p> <p><i>... identify opportunities for off-site parking spaces that could be used for the subject site and if required to support any proposed waiver in car parking rates, the report must demonstrate how the use of these spaces will be secured to the satisfaction of the Responsible Authority. The actions / recommendations of this document must be carried out to the satisfaction of the Responsible Authority.</i></p> <p>The VPC consider that this condition is onerous and unwarranted.</p> <p>Including such a requirement is having an 'each way bet' and is not appropriate. The car parking requirement for the proposal should be determined and made clear at the time of approval. It is not reasonable to impose a future liability that may or may not occur and where the basis for any decision to trigger that liability is not specified. This requirement has been removed from the revised draft.</p> <p>The requirement for staff to undertake a Responsible Serving of Alcohol course matter is not a planning matter and most likely duplicates the requirements of a liquor license. If so, it should be deleted.</p> <p>Council has proposed the inclusion of two conditions relating to crossovers. The VPC supports those conditions and they should be included.</p> <p>The VPC included a condition in their proposed revised draft about windows to adjoining land. The condition is reasonable and should be included.</p> <p><u>Recommendation</u></p>	

No.	INDEPENDENT ADVISOR RECOMMENDATIONS	OFFICER RECOMMENDATIONS
	The effectiveness of the proposed Incorporated Document would benefit significantly from a revision. The suggested revised version provided includes the changes noted in this section where necessary.	
<b>Changes to the Development Plans requested by the VPC</b>		
	<p><u>Issues</u></p> <p>The VPC have sought changes to the development plans (on 3 August 2018 and 23 August 2018) since community consultation.</p> <p><u>Independent Advisor Assessment:</u></p> <p>The VPC provided a design rationale that includes an assessment of the impact of the reduced front setback on the overall building design and proposes that this change will not have a significant impact.</p> <p>The effect of small changes to floor space on parking requirements can be considered as part of Council's decision about the extent of the car parking dispensation.</p> <p><u>Recommendation</u></p> <p>The changes to the plans proposed by VPC should be assessed by Council.</p>	<p><u>Officer Response</u></p> <p>All of the changes proposed to the Development Plans that are proposed to form part of the Incorporated Document are either minor, or were discussed and supported in Council's submission to the Independent Advisor, with the exception of the flagpole / radio mast which is addressed previously in this table.</p> <p>The changes proposed to the Development Plans by VPC that are considered minor and appropriate are:</p> <ul style="list-style-type: none"> <li>- Reduced front setback of Level 2 to Level 4.</li> <li>- New office area on the Mezzanine.</li> <li>- Modifications to windows (including deletion and addition).</li> <li>- Detail of the extent of the solar array at rooftop level.</li> </ul> <p><u>Officer Recommendation</u></p> <p><b>All changes to the development plans requested by the VPC (listed above), apart from the mast or flagpole, which is assessed earlier in this report, are considered appropriate.</b></p> <p><b>Change the Amendment to replace the consultation version of the Development Plans with the revised Development Plans subject to any changes required by Condition 1 of the Incorporated Document.</b></p>



No.	INDEPENDENT ADVISOR RECOMMENDATIONS	OFFICER RECOMMENDATIONS
		<b>Change the Amendment to amend the Development Plans to reinstate the consultation version of the mast.</b>
<b>Rezoning the carpark land to C1Z</b>		
	<p><u>Issues</u></p> <p>The amendment proposes to rezone lot 3/77 Fitzroy Street (the Jackson Street carpark) from Public Use Zone 6 to Commercial 1 Zone to reflect the proposed transfer of the land to the VPC and out of public ownership.</p> <p>Two submitters do not support the rezoning of public land to 'commercial'.</p> <p>Council supports the rezoning.</p> <p><u>Independent Advisor Assessment:</u></p> <p>Whether or not this land remains in public ownership is a decision for the Council. As the Council has decided that the land will be transferred to the VPC, it is not appropriate for the land to remain in the Public Use Zone.</p> <p>The land uses proposed for the VPC are consistent with the range of uses anticipated in the adjoining Commercial 1 Zone, so this is an appropriate zone to replace the Public Use Zone.</p>	<p><u>Officer Response</u></p> <p>The rezoning of the Public Use Zone site to a Commercial 1 Zone is appropriate because the land is to be transferred out of Council's ownership.</p> <p>Once the necessary planning approval for the site is obtained, the Section 173 Agreement on the site allows for the transfer of land (which is referred to as 'Site 2' in the section 173 Agreement) from Council to the VPC. When this occurs, it is no longer appropriate for the land to be in a Public Use Zone, as the land will no longer be owned by a public authority.</p> <p><u>Officer Recommendation</u></p> <p><b>Council support Amendment C149 to rezone the Public Use Zone to a Commercial 1 Zone.</b></p> <p><b>No change to the amendment is required.</b></p>
<b>Use of Council funds</b>		
	<p><u>Issues</u></p> <p>The Council has agreed to contribute the land at 3/77 Fitzroy Street to the VPC. This is equivalent to a financial contribution of about \$13 million.</p> <p>Two submitters do not support the use of Council funds to support the project.</p> <p><u>Independent Advisor Assessment:</u></p>	<p><u>Officer Response</u></p> <p>Council notes that decisions about expenditure are considered by separate process and are not a relevant consideration to the current planning proposal.</p> <p>Council's control of funds and expenditure is separate to its need to assess planning proposals under its role as a planning authority under the Act. The appointment of an</p>

No.	INDEPENDENT ADVISOR RECOMMENDATIONS	OFFICER RECOMMENDATIONS
	<p>Allocation of funding is a matter for the Council to decide separately and does not affect consideration of the amendment.</p>	<p>Independent Advisor to consider the submissions received about the amendment ensures a transparent process.</p> <p><u>Officer Recommendation</u></p> <p><b>The assessment of the Independent Advisor is considered accurate and appropriate.</b></p> <p><b>No change to the amendment is required.</b></p>
<b>Painting Jackson Street</b>		
	<p><u>Issues</u></p> <p>One submitter believed that Jackson Street was to be painted in rainbow colours and considered that this would ‘...make the area look like a theme park and this clearly has not been discussed with residents’.</p> <p><u>Independent Advisor Assessment:</u></p> <p>This is a matter for the Council to decide and does not affect consideration of the amendment.</p> <p>However, the response does highlight the need for the VPC to be conscious of the potential impacts of its activities on the nearby residential areas and to be respectful of those owners and residents.</p>	<p><u>Officer Response</u></p> <p>The street has recently been painted in rainbow colours.</p> <p><u>Officer Recommendation</u></p> <p><b>The assessment of the Independent Advisor is considered accurate and appropriate.</b></p> <p><b>No change to the amendment is required.</b></p>