

Attachment 5: Community concerns and proposals

Table 1 of this attachment lists the main concerns raised by community members and their proposed solutions to address their concerns. Table 1 also indicates whether or not each proposal is recommended by Council Officers as part of the Ministerial Amendment.

While many of the concerns raised by members of the community are recommended to be addressed through changes to DDO26, some proposals are considered beyond the scope of the guidelines for Ministerial intervention. Generally, these would require a significant change to the planning controls and / or a departure from controls as exhibited / adopted by Council, and therefore have not been 'tested' through a public process to date.

These proposals and the reasons why they are not recommended are listed in Table 2 of this Attachment. A number of outcomes sought by the community can however, be achieved through other mechanisms e.g. the new Better Apartment Design Standards.

Table 1: Community concerns and proposals

Main community concern	Community proposal	Community proposal recommended as part of Amendment
<ul style="list-style-type: none"> General lack of certainty about interpretation of discretionary DDO controls – resulting in: <ul style="list-style-type: none"> Uncertainty about development outcomes. Most decisions being reviewed by VCAT. Concern that approved development will result in poor amenity in the Precinct. 	<ul style="list-style-type: none"> Strengthen 'must' requirements (that are interpreted as discretionary) so that they are applied as mandatory. 	Yes – but for certain 'must' requirements only
	<ul style="list-style-type: none"> Make specific discretionary controls relating to amenity, mandatory. (See details below.) 	Yes – for some discretionary controls (not all requested)
<ul style="list-style-type: none"> Side and rear setbacks and separation distances (between buildings) – raising concerns about restrictions on sky views and privacy, overshadowing and poor quality public realm. 	<ul style="list-style-type: none"> Make discretionary side and rear setback controls (separation distances), mandatory. 	Yes
	<ul style="list-style-type: none"> Insert new mandatory requirements to protect privacy, overlooking and overshadowing. 	No
	<ul style="list-style-type: none"> Create new through-block links. 	Yes – some (not all requested)
	<ul style="list-style-type: none"> Identify which small / irregular shaped lots will struggle to achieve quality development outcomes unless they amalgamate. 	No

Main community concern	Community proposal	Community proposal recommended as part of Amendment
<ul style="list-style-type: none"> • Amenity of the public realm – with provision of the following elements considered inadequate: <ul style="list-style-type: none"> - Solar access - Active streets and passive surveillance - Pedestrian access 	<ul style="list-style-type: none"> • Require front setbacks and make them mandatory along Wells Street. 	No
	<ul style="list-style-type: none"> • Make the discretionary provision not to overshadow the southern footpath of Park Street, mandatory. 	No
	<ul style="list-style-type: none"> • Make it mandatory not to overshadow public spaces. 	No
	<ul style="list-style-type: none"> • Require additional through-block links to be created and specify their location. 	Yes – some (not in all locations requested)
	<ul style="list-style-type: none"> • Make the existing discretionary requirement for rubbish to be stored and collected away from pedestrian areas and be appropriately screened, mandatory. 	Yes
	<ul style="list-style-type: none"> • Make the existing discretionary requirement for exhaust stacks from underground car parks to be located away from main pedestrian areas, mandatory. 	Yes
	<ul style="list-style-type: none"> • Make provision of active frontages, mandatory. 	No
<ul style="list-style-type: none"> • Internal apartment amenity – concern that poor quality internal amenity will diminish the quality of development in the Precinct, reduce its liveability and land value. 	<ul style="list-style-type: none"> • Protect internal access to daylight. • Require adequate-sized balconies. • Include mandatory requirements for liveability and privacy. 	No
<ul style="list-style-type: none"> • Household diversity – concern that dwellings are predominantly being built as investment properties rather than for owner-occupiers. 	<ul style="list-style-type: none"> • Improve the quality of apartment buildings, making them more attractive to owner-occupiers by strengthening ‘must’ requirements (that are interpreted as discretionary) and applying them as mandatory. 	No
<ul style="list-style-type: none"> • Existing peak hour traffic congestion – concentrated in Wells Street, Park Street, Albert Road and Queens Lane. 	<ul style="list-style-type: none"> • Include a requirement to widen narrow laneways. 	Yes

Main community concern	Community proposal	Community proposal recommended as part of Amendment
<ul style="list-style-type: none"> • Accessibility of narrow laneways for cars – presenting the following problems: <ul style="list-style-type: none"> - Queuing whilst waiting for people to enter car parks. - Difficulty entering/exiting car parks due to tight turning circles and large cars. - Traffic being blocked by on-street loading. 	<ul style="list-style-type: none"> • Create additional through-block links for cars to reduce queuing time. 	No
	<ul style="list-style-type: none"> • Require large developments to provide onsite loading bays. 	Yes
<ul style="list-style-type: none"> • Convenient visitor car parking – is increasingly difficult to access. 	<ul style="list-style-type: none"> • Reduce visitor car parking exemptions. 	No
	<ul style="list-style-type: none"> • Do not allow on-street loading, which takes up on-street parking space. 	Yes

Table 2: Community concerns / proposals considered to be beyond the scope of Ministerial Amendment C154

Community concern / proposal considered outside scope	Rationale / Alternative ways to address
<p>Seek mandatory requirements to protect privacy, overlooking and overshadowing.</p>	<ul style="list-style-type: none"> • These concerns will be largely addressed by making discretionary side and rear setback controls mandatory. • The introduction of the <i>Better Apartment Design Standards</i> will also help to address these concerns.
<p>Identify which small / irregular shaped lots will struggle to achieve quality development outcomes unless they amalgamate.</p>	<ul style="list-style-type: none"> • Making mandatory side and rear setback / tower separation distance requirements is anticipated to address underlying concern that VCAT is approving applications which do not meet side and rear setback requirements. • Updating this provision in-line with Council’s adopted version of DDO26, will have the effect of requiring minimum tower separation to be achieved on each site, allowing two narrow sites to develop in a manner that enables them to jointly meet the tower separation concept by essentially backing onto each other, or will result in situation where amalgamation with an adjoining site is required to develop up to the maximum height.
<p>Make front setbacks mandatory along Wells Street.</p>	<ul style="list-style-type: none"> • The western side of Wells Street has already been developed and VCAT has issued a permit for 200-204 Wells Street with no ground-level setbacks to Wells Street, therefore it is now not possible to achieve front setbacks.
<p>Make the discretionary provision not to overshadow the southern footpath of Park Street, mandatory.</p>	<ul style="list-style-type: none"> • This control was originally exhibited by Council when the recommended mandatory maximum building heights was 45 metres. • It is now not possible to achieve the permissible 60 metre building heights along Park Street without overshadowing the southern side of Wells Street unless a terraced / ramp-style built form was proposed. This is not a desirable built form outcome visually and would detract from the street in an overall sense. • Mandatory overshadowing controls are typically applied to public space where people are likely to gather for recreational purposes such as a major park rather from a street which is likely to form more of a movement network over time. • It is also noted that Council’s adopted position in relation to Amendment C107 was for this control to be discretionary.
<p>Make requirements for active frontages to be mandatory, including:</p> <ul style="list-style-type: none"> • Sleeving of above-ground car parking with active uses. • For buildings on corner sites to address both street frontages 	<ul style="list-style-type: none"> • Council’s adopted position accepted the Panel recommendation to include a discretionary requirement to sleeve car parking at ground level or above, in recognition that some sites may not be able to achieve this outcome.
<p>Create additional through-block links for cars to reduce traffic congestion.</p>	<ul style="list-style-type: none"> • Creating new lanes accessible to cars every 100 metres is likely to result in ‘rat running’ and will not resolve traffic congestion issues in the broader area which are largely due to regional traffic flows related to the role of Kings Way and other busy arterial roads in the vicinity.

Community concern / proposal considered outside scope	Rationale / Alternative ways to address
	<ul style="list-style-type: none"> • Extending laneways such as Little Bank Street through to Kings Way is unlikely to be supported by VicRoads given the arterial role of this road and potential safety issues related to the proximity to other intersections along Kings Way, such as Park Street. • The addition of ANZAC Station and the overall increase in density in the precinct is going to result in a large increase in the number of pedestrians and cyclists in the area. As a result, a more appropriate objective would be to prioritise pedestrian permeability not additional thoroughfares for cars. Therefore, vehicular use of pedestrian links is not supported.
Reduce visitor car parking exemptions.	<ul style="list-style-type: none"> • The Planning Scheme sets minimum default car parking rates for different land uses which can be reduced with evidence on a discretionary basis. It is possible for Council to utilise the Parking Overlay in the future to set a maximum car parking rate, however this is typically for used with the intention of enshrining a lower rate of provision, rather than a higher one.
Strengthen 'must' requirements (that are interpreted as discretionary) so that they are applied as mandatory.	<ul style="list-style-type: none"> • Mandatory provisions should only be considered in circumstances where it can be clearly demonstrated that discretionary provisions are insufficient to achieve desired outcomes. These are reflected in Table 1 of Attachment 6. • A blanket change of all discretionary 'must' controls to 'mandatory musts' is therefore not recommended. • The DDO is recommended to be tightened to reflect the intention for certain requirements to be considered mandatory and others not.
Indirectly encourage the development of apartments for owner-occupiers rather than renters by strengthening discretionary controls.	<ul style="list-style-type: none"> • Specific discretionary controls are recommended to be strengthened to achieve appropriate development outcomes. • It is not the role of the Planning System to influence property tenure.
Protect internal apartment amenity.	<ul style="list-style-type: none"> • No changes to the DDO are considered necessary. Internal apartment amenity is now protected through the <i>Better Apartment Design Standards</i> which have been implemented since DDO26 came into operation.