

Better Apartments in Neighbourhoods: Discussion Paper 2019 (DELWP)

Submission from Nillumbik Shire Council

24 September 2019

Introduction

Nillumbik Shire Council (Council) welcomes the opportunity to provide a submission to the discussion paper for the State Government's Review "Better Apartments in Neighbourhoods". Approximately 10 years ago, there was no apartment development in the Shire of Nillumbik (the Shire). However, in the last 10 years, the Shire has experienced significant growth in apartments, particularly in the Eltham Major Activity Centre. Whilst Council supports the growth of its two major activity centres at Eltham and Diamond Creek, the strong emergence of apartment living in the Shire has thrown up some significant challenges for Council and the community, particularly in relation to protecting and enhancing local character. These issues inform many of Council's comments within this submission.

Council's response to the discussion paper follows the template the State Government has provided for responses and is provided below.

Section 2: Green space

1. Proposed changes to the landscaping standard (Section 2.4 in the discussion paper)

Council strongly supports the objective proposed by the discussion paper to provide consistent, high quality landscaping outcomes for all apartment developments. Similarly, Council agrees with the findings underpinning this objective, which are:

- Quality communal space should be provided in all apartment developments
- Some apartment buildings at street level do not contribute to green streetscapes.
- Landscaping is often an afterthought in the building design and planning process and that the need for canopy trees is particularly not addressed

Regarding this last finding, canopy trees are a particularly important contributing element to the preferred character for both the Eltham and Diamond Creek Activity Centres, one which reflects both areas' landscape and heritage. Hence, Council's planning provisions for the activity centres strongly support the establishment of canopy trees in redevelopment of each centre, particularly as a means to modify the visual impact of larger buildings, including apartment buildings. It has been Council's experience, however, that it can be extremely hard to impress on applicants the need to adequately plan for canopy trees early in the design of apartments, which can both hinder the planning process and the quality of the final outcome. Too often designs

proposed to place landscaping in highly constrained areas of a site, such as narrow side setbacks.

Consistent with the above discussion, Council supports the proposed changes to the landscape standard which aim to strengthen the need for landscaping, particularly canopy trees and to maximise the longevity, quality and benefits of the landscaping.

However, Council questions the suitability of certain requirements in table D2. There is a concern that the minimum tree provision should require additional vegetation. At a minimum, any minimum tree provision requirements need to support any additional or specific planting required at the local level by local planning provisions. In addition, the minimum tree requirement needs to provide for successional planting. It is important that the spaces for landscaping are designed to be sufficient to allow for successional planting. Otherwise, the longevity of the contribution of vegetation to a development can be significantly compromised.

The rationale for both the minimum tree requirements and deep soil area requirements should be clearly provided, including a clear reference to the research. Further, Council is concerned that some of the underlining research may be dated and inadequate. In addition, Council would suggest that the requirements contained in Table D2 need to be supported visually, so that all parties (applicants, residents, planners etc.) can clearly understand the requirements.

With regards to the standard “Development should retain existing canopy trees. Existing canopy trees can be included in meeting the number specified in column 2 of Table D2.”, it is recommended that the controls include a retrospective provision for trees removed prior to lodgement or during the application process. Further, it is suggested that the state government review the application of Clause 52.13 (Bushfire Exemptions) in Commercial Zones, as Council has found that these exemptions often allow wholesale removal of trees and that they can result in planning permit conditions that require tree protection or landscaping which are ultra vires.

Council has issue with the statement under the suggested Standard for 2.4 that “Where canopy trees have not been provided, other alternative responses such as vegetated planters, climbers over pergolas, green roofs or green walls, should be used.” These “Alternative responses” are a cost saver and yield increaser for the developer and often have the potential to create unreasonable long term cost impacts on future owners and occupiers - which is undesirable. This standard is a very vague and more information should be specified in relation to these alternative responses to

avoid poor outcomes. Minimum standards of width, length and depth of planters should be provided. Watering taps should be required on all balconies if such landscaping is proposed. It is often not practical to enforce the upkeep of a planter box on private properties with a large number of future owners and occupiers and thus, these alternative responses should be in common property. Further, Council is of the view that the wording of the statement too easily allows a design response to default to the easier “alternative responses”.

Council also raises issue with a statement on p14 that “Communal open space should have canopy trees.” Often roof top communal open spaces are provided and it is not practical or appropriate to provide trees on a roof. Further, ground level communal open space should, where possible, be collocated next to adjacent communal open space areas to improve planting opportunities.

Finally, the standard should specify that sections and details of deep planting areas, including drainage measures, soil type and watering requirements should be provided.

2. Proposed changes to the communal open space standard (Section 2.5 in the discussion paper)

The intent of providing quality communal open space is a positive initiative and Council generally agrees with the suggestions in this section.

Having said that, the standard should specify a minimum dimensions of 5 metres for communal open space and that communal open space should provide communal cooking facilities, reticulated water, sink, power, tables and seating. Communal open spaces should also, at a minimum, include 25% of its area covered with shade sails for weather protection, otherwise it may be unusable.

There may be issues with providing roof top communal open spaces if these exceed height restrictions. A modification may be required to Clause 73.01 (General Terms) regarding the definitions provided for building height and domestic services. Domestic services normal to a dwelling should also include communal facilities for apartments including associated balcony rails. Domestic services normal to a dwelling should not be part of the building height.

3. Proposed changes to the design response for landscaping (Section 2.6 in the discussion paper)

Council generally supports the proposed requirements, but suggests that a design response should also be required to explain how the proposed design allows successional planting, responds to adjacent deep rooted planting areas, or allows for reciprocal planting opportunities on adjacent land.

4. Proposed changes to the landscaping section in the Apartment Design Guidelines for Victoria (Section 2.7 in the discussion paper)

Council supports the suggestion that there be a permit condition requiring information about how landscaping will be maintained. However, this requirement should be more detailed. For example, to require information about how landscaping will be maintained in both common areas and on private land. It is preferable to provide opportunities for private land to be landscaped at the discretion of future owners/occupiers, noting that some future owners/occupiers will opt to not landscape their private gardens/planters etc. and to not rely upon landscaping on private land as a means of achieving landscape outcomes. The information should also provide details as to the statutory process that will be used to guarantee landscaping is maintained.

Section 3: Appearance of the building

5. Proposed new external walls and materials standard (Section 3.4 in the discussion paper)

Council generally supports the initiatives in this section, but recommends the following:

- Ensure that controls specify that building materials comply with building regulations, including any regulations concerning the use of non-combustible materials. Currently timber external cladding is not a viable option for most apartment buildings.
- Provide a requirement for “sacrificial articulation” i.e. modest articulation/rebates/coloured concrete/murals provided to blank walls located on boundaries which are anticipated to be built over in the future.
- Ensure that building materials are not “watered down” through future amendments to planning permits as a cost saving measure for the applicant.

- Require regard for the visibility of external cladding materials from the public realm, noting that soffit cladding will be highly visible from the public realm and should be detailed.

6. Proposed changes to the design response (Section 3.5 in the discussion paper)

The proposed new requirement (“The design response must include a design rationale for the external walls, and the selection of the external materials”) is a positive initiative. However, Council recommends the project include reference to colours and artwork. It is noted that most apartment designs do not include colours or artwork, but instead utilise varying shades of grey. This leads to bland, banal and uninspired urban design outcomes.

7. Proposed changes to the Apartment Design Guidelines for Victoria for external walls and materials (Section 3.6 in the discussion paper)

Council supports the suggested permit conditions requiring more detailed information with an application regarding external walls. However, Council suggests the permit conditions are modified to:

- Require details of the combustibility of proposed external cladding materials and their compatibility with building regulations.
- Require information about how the external walls will be cleaned and maintained, including any permanent infrastructure installed on the building required to safely access external facades.

Section 4: Wind impacts

8. Proposed new standard for wind impacts (Section 4.4 in the discussion paper)

Generally in relation Section 4, Council supports efforts to properly identify and respond to the impacts of wind associated with apartments. However, the paper appears to only concern itself with the effect of apartment buildings in creating wind issues for surrounding sites. There should also be a response to the matter of minimising the impact of wind upon the habitability of outside areas in the upper levels of apartment buildings.

With particular reference to Section 4.4, it is unclear what standard is to be applied here. This control is very vague and will confuse all parties. What is the tool that should be used to measure wind impacts? This needs to be clarified.

9. Proposed changes to the Apartment Design Guidelines for Victoria for wind impacts (Section 4.5 in the discussion paper)

The standard should set some basic design principles to avoid wind tunnelling/impacts. These could be in relation to podium tower design, including preferred tower setbacks, appropriate minimum façade articulation stepping measures, optimal and sub-optimal sun shading devices and both good and bad balcony and awning design types. Also, some easy fix measures for lower buildings should be identified.

Section 5: Street interface

10. Proposed changes to integration with the street standard (Section 5.4 in the discussion paper)

In relation to Section 5 (Street Interface), Council is generally very supportive of the initiatives proposed by the discussion paper.

With particular reference to Section 5.4 (Proposed changes to integration with the street standard – all apartments), Council has a suggested improvement regarding the statement “Development next to existing public open space should be laid out to complement the open space.” In relation to this statement, Council recommends that the State Government should identify and promote opportunities for applicants to enter into a S173 agreement to allow direct pedestrian access out onto adjacent public open

space, without accruing any common law right of carriageway over the public open space.

In regards to the statement that “Buildings should provide for residential, commercial, retail or other active uses at street fronts.” Council requests more guidance be provided to ensure such uses are not token in scale.

11. Proposed changes to vehicle access standard (Section 5.5 in the discussion paper)

In relation to the statement, “The number of access points to a road should be minimised”, Council suggests that where vehicle access is available off a Right of Way, no vehicle access should be provided off a road.

12. Proposed changes to site services standard (Section 5.6 in the discussion paper)

Council recommends the standard is modified to require that service infrastructure be detailed on the plans and elevations, in particular that down pipes, gutters, fire sprinklers, mains power, metre boxes, power substations, fire hydrants etc. are noted. These have significant detrimental visual impacts and are often ignored by developers as an after-thought in the design process.

13. Proposed changes to Apartment Design Guidelines for Victoria for site services (Section 5.7 in the discussion paper)

Council recommends the second statement should be to “require” rather than “recommend” early consultation between applicants and service providers to understand spatial requirements and negotiate good design outcomes.

Section 6: Construction impacts

14. Proposed new standards for construction impacts (Section 6.4 in the discussion paper)

This is the one Section with which Council has significant issue. Whilst Council supports the intent to reduce the impacts on surrounding communities of the construction phase, Council does not support the broad and significant initiative in this section to delegate control of these impacts to the planning process.

By way of background, the planning process does not typically manage the construction process. The EPA controls construction noise and hours of construction and normal work hours for large residential developments in residential areas are: 7am – 6pm Weekdays and 9am – 1pm Saturday. No construction is permitted on Sundays. Construction techniques and effects – noise, dust, stability of existing foundations and damage to nearby dwellings are not a consideration under the Planning & Environment Act or the Nillumbik Planning Scheme.

Further, currently, an owner who is proposing building work has obligations under the Building Act 1993 to protect adjoining property from potential damage from their work. If building work is close to or adjacent to adjoining property boundaries, then an owner may be required to carry out protection work in respect of that adjoining property. This is to ensure that the adjoining property is not affected or damaged by the proposed building work. Protection work provides protection to adjoining property from damage due to building work. It includes, but is not limited to, underpinning of adjoining property footings, including vertical support, lateral support, protection against variation in earth pressures, ground anchors, and other means of support for the adjoining property. Council emphasises that this process is not controlled or overseen via planning process and regulations.

It appears that the discussion paper's proposed Standard 6.4 seeks to bring matters already managed under other legislation into the planning arena. This is not appropriate. This is a specialist task which is typically conducted by local laws and infrastructure officers at Council, the EPA and building authorities. Furthermore, the suggested standard will raise unreasonable expectations from the public as to the skills and capacity of planners to manage this additional work. It will also burden and slow the planning process due to the additional burden it will place on planning.

15. Proposed changes to the Apartment Design Guidelines for Victoria for construction impacts (Section 6.5 in the discussion paper).

See point 14 above. This condition is not appropriate.

Better Apartments in Neighbourhoods

Discussion Paper 2019



Acknowledgments

We acknowledge and respect Victorian Traditional Owners as the original custodians of Victoria's land and waters, their unique ability to care for Country and deep spiritual connection to it. We honour Elders past and present whose knowledge and wisdom has ensured the continuation of culture and traditional practices.

We are committed to genuinely partner, and meaningfully engage, with Victoria's Traditional Owners and Aboriginal communities to support the protection of Country, the maintenance of spiritual and cultural practices and their broader aspirations in the 21st century and beyond.

Cover: Elwood House (Woods Bagot)

Photo: Trevor Mein

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1. Introduction

1.1 Building better apartments

Apartment living is an increasingly common housing choice. Apartment buildings need to provide high-quality homes, and they need to maintain and improve neighbourhood amenity.

By 2051, Victoria's population is forecast to increase by over four million people — that's an estimated 1.9 million additional households. The Victorian Government is working to ensure Victoria's growing population will be well-housed, including in better apartments.

Until recently, most apartment developments have been built in inner Melbourne, where there are some established planning practices to control external amenity impacts. As apartment developments are built in more diverse locations in Victoria, there is a greater need to ensure they help make streets and neighbourhoods pleasant places to live and visit.

In 2017, the government introduced the *Better Apartments Design Standards* in the Victoria Planning Provisions, to improve the internal design of new apartments and make them more liveable and sustainable. The standards were a response to concerns that some new apartment developments were not providing safe and healthy environments.



Figure 1. Elwood House (Woods Bagot)
Photo: Trevor Mein

1.2 Summary of the proposed changes

With a focus on the relationship between new apartment developments and the amenity of existing neighbourhoods, the government has announced further changes to the planning rules for apartment developments.

In order to deliver on this commitment, this discussion paper proposes some potential changes to the *Better Apartments Design Standards* and the *Apartment Design Guidelines for Victoria*. The discussion paper explores five policy aims for new apartment developments, including the need for:

- **Green space** in common areas of buildings, which preferably include trees to provide shade and urban cooling, and landscaping that softens the street.
- **High quality building facades** made from robust, durable and attractive materials that complement surrounding buildings and provide visual interest.

- **Protection from wind impacts** on surrounding streets and open space, so the spaces are comfortable to use and likely to be used more often.
- **Attractive, engaging streets** that enhance the amenity, safety and walkability of the neighbourhood.
- **Better managed construction impacts** of building work on existing neighbourhoods.

Taken collectively, the five proposed changes to the current planning rules will create greener, more robust apartment buildings that contribute to the life of their neighbourhood and provide a legacy of quality housing stock for future generations.

Table 1 summarises the main issues and proposed changes which are further explained in this discussion paper.



Figure 2. 35 Spring Street (Bates Smart)
 Photo: Peter Clarke

Table 1: Proposed changes to the Better Apartments Design Standards and Apartment Design Guidelines for Victoria (Summary)

| Green Space | |
|-----------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Proposed Outcome | <ul style="list-style-type: none"> • Consistent, high quality landscaping outcomes for all apartment developments. |
| Current Issues | <ul style="list-style-type: none"> • Despite the current planning rules, landscaping is often an afterthought in the building design and planning process. Canopy trees, that improve people’s wellbeing and provide urban cooling, are often either too small or not provided at all. • Developments of 40 dwellings or fewer will often not have communal open space which means that residents may not have access to a garden. • Some apartment buildings at street level do not contribute to green streetscapes. |
| Proposed Changes | <ul style="list-style-type: none"> • Change the current standards to: <ul style="list-style-type: none"> – clarify landscaping objectives and standards to prioritise canopy trees. Clearly describe the design space needed for healthy canopy trees – require all apartment developments to include landscaped communal open space – encourage landscaping in street frontages – support landscaping, even in areas without an existing landscape character. • Amend the <i>Apartment Design Guidelines for Victoria</i> to improve guidance about landscaping and include a suggested permit condition requiring information about how the landscaping will be maintained. |
| Appearance of the Building | |
| Proposed Outcome | <ul style="list-style-type: none"> • Apartment developments are attractive and built from durable materials, so they stand the test of time. |
| Current Issues | <ul style="list-style-type: none"> • Some apartment developments do not age well. • There are few planning provisions outside central Melbourne to ensure high-quality design of building facades. • The design of a building’s facade may not adequately allow for maintenance. • The quality of a constructed building’s facades and materials does not always match the quality of the original planning approval. |
| Proposed Changes | <ul style="list-style-type: none"> • Create a new standard to: <ul style="list-style-type: none"> – require all apartment developments to have a high-quality external building design through the use of form and fittings – require external materials on the building to have visual interest and be durable for the life of the building – ensure that the external walls of the building are accessible for maintenance – ensure what is built matches the standard of the initial approval. • Amend the <i>Apartment Design Guidelines for Victoria</i> to help ensure materials and built form achieve the standard. |

| Wind Impacts | |
|-------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Proposed Outcome | <ul style="list-style-type: none"> • Apartment developments do not exacerbate windy conditions to public and private open spaces. |
| Current Issues | <ul style="list-style-type: none"> • Tall buildings can exacerbate wind gusts which can affect pedestrians and the safety and amenity of public, private and communal spaces. • In most of Victoria, there are no specific planning requirements to manage wind effects. • Wind effects may not be considered early in the design process, which may cause costly redesigns or poor design outcomes. |
| Proposed Changes | <ul style="list-style-type: none"> • Create a new standard for apartment buildings of five or more storeys to: <ul style="list-style-type: none"> – ensure wind effects on streets and open spaces are considered – define comfortable and unsafe wind conditions. • Amend the <i>Apartment Design Guidelines for Victoria</i> to clarify when a desktop wind study or wind tunnel analysis is likely to be required, so wind effects are considered earlier in the design process. |
| Street Interface | |
| Proposed Outcome | <ul style="list-style-type: none"> • Apartment developments are attractive at street level and contribute to the life of the neighbourhood. |
| Current Issues | <ul style="list-style-type: none"> • Windowless and blank walls, prominent vehicle entries, visible car parking and building services that dominate the street frontage can detract from the look and feel of the street and reduce pedestrian safety. |
| Proposed Changes | <ul style="list-style-type: none"> • Change the standards to: <ul style="list-style-type: none"> – integrate apartment developments with the street through active street fronts – minimise the impact on the streetscape of vehicle entries – ensure site services can be installed and easily maintained and site facilities are accessible, adequate and attractive. • Amend the <i>Apartment Design Guidelines for Victoria</i> to include principles for services and to recommend early consultation between permit applicants and service providers to achieve good design outcomes. |
| Construction Impacts | |
| Proposed Outcome | <ul style="list-style-type: none"> • The impacts of apartment building construction are consistently managed with less disturbance on existing neighborhoods. |
| Current Issues | <ul style="list-style-type: none"> • The construction phase of an apartment development can impact neighbours. • Current standards do not address managing construction issues. |
| Proposed Changes | <ul style="list-style-type: none"> • Create a new standard to require consideration of how a site will be managed prior to and during the construction period. • Amend the <i>Apartment Design Guidelines for Victoria</i> to include a suggested permit condition for a construction management plan. |

1.3 Have your say

This discussion paper provides the basis for public consultation and feedback about the proposed changes to the *Better Apartments Design Standards* and the *Apartment Design Guidelines for Victoria*, so Victoria has planning rules for new apartment developments that benefit the community and are workable for industry.

The Department of Environment, Land, Water and Planning (DELWP) invites all Victorians to provide feedback about the proposals in this paper by making a submission. Your feedback will result in better policy and development outcomes.

Submissions can be made online via the online submission form, or by uploading your completed submission form to www.engage.vic.gov.au/building-better-apartments-in-neighbourhoods

Submissions close on Friday 27 September 2019 at 5 pm.

Your submission will be made public and deidentified in the case of individuals, unless the department determines your submission should remain confidential.

Form of submissions

For each of the proposed changes your submission could:

- state your (or your organisation's) position on the issues raised and on the proposed changes
- explain your position, supporting your explanation with evidence as you see fit
- explain any other changes you would like.

The discussion paper has a 'Questions to reflect on' box for certain proposed changes. This indicates a specific topic about which we would appreciate feedback.

1.4 Next steps

DELWP will consider all submissions we receive when making recommendations to the Minister. We will prepare a consultation report summarising the submissions and further proposed changes in light of the submission feedback.

Any changes to the *Better Apartments Design Standards* will be implemented in a way that supports industry and local government. This will include an update to the *Apartment Design Guidelines for Victoria*.

1.5 Future activities

The proposed changes are an item in a continuing work program to improve the internal and external amenity of apartments for the benefit of Victoria.

Monitoring and review

The government will continue to monitor the performance of the *Better Apartments Design Standards* and continue to identify and improve, in consultation with industry and local government, the Victoria Planning Provisions to encourage high-quality apartment design and construction.

External amenity standards — setbacks

Later in 2019, the government will propose further changes to the *Better Apartments Design Standards* and the *Apartment Design Guidelines for Victoria* in relation to building setbacks, to improve the amenity impacts of apartment developments. It will also consult with the public and industry about these proposed changes.

Architect plans for world-leading apartments

The government will support Victoria's architects to work side-by-side with the Office of the Victorian Government Architect to produce plans for apartment developments in Victoria that are world-leaders in design, sustainability and liveability.

2. Green Space

2.1 Issue

Apartment developments will help form the future character of our cities and their landscaping plays an important role in creating attractive and liveable urban environments.

Landscaping, particularly canopy trees, improves people’s well-being and helps cool the urban environment. Trees provide visual relief, connections with nature, shade for recreation and habitat for fauna. Their volume helps cool the urban environment. Canopy trees are particularly effective as they can be more-resilient than smaller plants.

There is evidence that despite the current *Better Apartments Design Standards*, landscaping is often an afterthought in the building design and planning process, and the intent of the current landscaping standards is not always realised. There are rarely deep-soil areas for trees; mature trees are removed and new trees are too small. Landscaping is not

being located optimally for solar access, and trees do not have adequate space for their canopy spread or soil volume.

Furthermore, apartment developments often provide limited landscaping along building frontages, which contributes to harder and less welcoming streetscapes and buildings.

The current *Better Apartments Design Standards* do not require smaller apartment developments to have communal open space, which means residents may not have access to a garden.



Figure 3. Assembly Apartments (Woods Bagot).
Photo: Trevor Mein

2.2 Proposed changes

Clarify landscaping objectives and standards to prefer canopy trees

The proposed standard clarifies that the preferred design response for landscaping apartment developments is canopy trees. The proposed standard would:

- clarify that existing, mature trees should be retained and that new trees of a certain canopy spread should be provided either in deep soil areas or in planters
- retain the flexibility to have vegetated planters, pergolas, green roofs or walls instead of canopy trees
- provide guidance about the minimum soil volumes for planters, so trees thrive
- require a variety of trees, shrubs and grasses including flowering native species
- encourage landscaping treatments that cool the urban environment.

Require all apartment developments to include landscaped communal open space

The proposed standard would:

- remove the existing threshold of 40 or more dwellings for the provision of communal open space
- ensure a minimum 25m² of communal open space is provided in any apartment development, to accommodate a canopy tree.

The definition of communal open space in *Apartment Design Guidelines for Victoria* would also be amended, to indicate this space can be either indoors or outdoors.

Encourage landscaping in street frontages

The proposed standard would amend the current landscaping standard to encourage landscaping elements that contribute to streetscape amenity. This would also help improve the appearance and amenity of streets and buildings as urban areas develop and grow.

Clarify landscaping objectives to support the area’s landscape character

The objectives of the landscape standard would be amended to require apartment developments to provide landscaping, even in areas without an existing landscape character, to encourage emerging green neighbourhoods.

2.3 Outcomes

- Ground-floor gardens with canopy trees located in deep-soil areas.
- Upper-level terraces or rooftops incorporating landscaping to provide shade and places for recreation.
- Improved overall site landscaping that provides canopy trees in communal areas for residents’ amenity and wellbeing.
- Buildings that use vegetation to soften their appearance at the street level and which support streetscape amenity.
- Landscaping that better mitigates the effect of urban heat and improves urban cooling.
- Landscaping that supports native fauna and provides opportunities for residents to enjoy nature.



Figure 4. Elwood House (Woods Bagot)
Photo: Trevor Mein

2.4 Proposed changes to landscaping standard (all apartment developments)

Objectives

- To provide landscaping that supports the existing, or preferred future, landscape character of the area.
- To provide landscaping that supports wellbeing and amenity.
- To encourage the retention of mature vegetation on the site.
- To provide landscaping that is varied and supports biodiversity.
- To provide climate responsive landscaping.
- To provide landscaping that reduces the urban heat island effect.

Standard

Canopy trees should be provided at the number specified in column 2 of Table D2.

Development should retain existing canopy trees. Existing canopy trees can be included in meeting the number specified in column 2 of Table D2.

Communal open space should have canopy trees.

Canopy trees should be located in deep soil areas as specified in column 3 of Table D2.

If the development does not provide the deep soil areas specified in column 3 of Table D2, a planter should be used to provide each canopy tree with the minimum soil volume as specified in column 4 of Table D2.

Where canopy trees have not been provided, other alternative responses such as vegetated planters, climbers over pergolas, green roofs or green walls, should be used.

Landscaping or shade structures should shade sun exposed areas, including pedestrian accessways and outdoor areas.

Landscaping should be provided within building frontages to reduce the visual impact of buildings.

Landscaping should be irrigated, and planting schemes should use a variety of trees, shrubs and grasses, including flowering native species.

Sun exposed trafficable areas should use surface materials that lower surface temperatures and reduce heat absorption.

The landscape layout and design should specify landscape themes, vegetation (location and species), paving, lighting and how landscaping will be irrigated and maintained.

Development should meet any additional landscape requirements specified in a schedule to the zone.

continued on the next page...

Table D2 Deep soil areas and canopy trees

| Site area | Minimum tree provision | Deep soil areas | Planter soil volume |
|---------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------|--------------------------------------------------------------------------------------------------|
| <1000 square metres | 1 small tree (4-5 metre canopy spread / 6-8 metres high) per 30 square metres of deep soil area | 5% of site area (minimum plan dimension of 3 metres) | 10-12 cubic metres 0.8 metre minimum depth |
| 1001 – 1500 square metres | 1 medium tree (8 metre canopy spread / 8-12 metres high) per 50 square metres of deep soil area or 1 large tree (at least 10-16 metre canopy spread / 12-18 metres high) per 90 square metres of deep soil area | 7.5% of site area (minimum plan dimension of 3 metres) | 30 cubic metres 1 metre minimum depth Or 50-120 cubic metres 1.5 metre minimum depth |
| 1501 - 2500 square metres | 2 medium trees per 90 square metres of deep soil area or 1 large tree per 90 square metres of deep soil area | 10% of site area (minimum plan dimension of 3 metres) | 48 cubic metres 1 metre minimum depth or 50-120 cubic metres 1.5 metre minimum depth |
| >2500 square metres | 2 medium trees per 90 square metres of deep soil area or 1 large tree per 90 square metres of deep soil area | 15% of site area (minimum plan dimension of 6 metres) | 48 cubic metres 1 metre minimum depth or 50-120 cubic metres 1.5 metre minimum depth |

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant plan or policy for landscape character and environmental sustainability in the Municipal Planning Strategy and the Planning Policy Framework.
- The design response.
- The health of any trees to be removed.
- Whether landscaping is part of the existing or preferred future landscape character.
- The suitability of the proposed location and soil volume for canopy trees.
- The ongoing management of landscaping within the development.
- The soil type and drainage patterns of the site.

2.5 Proposed changes to communal open space standard (all apartment developments)

Objective

To ensure that communal open space is accessible, practical, attractive, easily maintained and integrated with the layout of the development.

Standard

Developments with 10 dwellings or less should provide a minimum area of communal open space of 25 square metres. Developments with 11 or more dwellings should provide a minimum area of communal open space of 2.5 square metres per dwelling or 250 square metres, whichever is the lesser.

Communal open space should:

- Be located to:
 - Provide passive surveillance opportunities, where appropriate.
 - Provide outlook for as many dwellings as practicable.
 - Avoid overlooking into habitable rooms and private open space of new dwellings.
 - Minimise noise impacts to new and existing dwellings.
- Be designed to protect any natural features on the site.
- Maximise landscaping opportunities particularly the provision of canopy trees.
- Be accessible, useable and capable of efficient management.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant urban design objective, policy or statement set out in this scheme.
- The design response.
- The useability and amenity of the communal open space based on its size, location, accessibility and reasonable recreation needs of residents.
- The contribution of communal open space towards supporting on site landscaping including canopy trees.
- The availability of and access to public open space.

2.6 Proposed changes to the design response

Include the following new requirements:

- The design response must explain how the proposed design accommodates landscaping elements within the site.
- The design response must include plans and sections indicating where deep soil areas and canopy trees are to be located including, where relevant, soil volume allocation, planter pit dimensions and watering and drainage infrastructure.

2.7 Proposed changes to the Apartment Design Guidelines for Victoria

Include as a suggested permit condition:

- Information about how the landscaping will be maintained.

3. Appearance Of The Building

3.1 Issue

Apartment developments are substantial buildings that should be designed to endure for 40, even 100 years. They should age well by remaining attractive and minimising maintenance.

At present, outside areas where design and development controls apply (such as in central Melbourne), there are few planning provisions to ensure high-quality external façade design. As apartment developments are built in more locations across Victoria, there is a need for planning rules that address the attractiveness and durability of these buildings as they will be significant structures in their neighbourhood. Smaller apartment developments that use external wall coatings on lightweight construction can be seen in some cases to crack and stain.

The design of building facades do not always allow for easy maintenance access. Cleaning and maintenance access to the facades of apartment buildings needs to be considered up-front, in the site layout and building design process, to ensure the apartment building ages well and doesn't deteriorate.

Further, a standard for external walls and materials would help to ensure the quality and appearance of a finished building is similar to that which was initially approved. Currently, the quality of a building's external materials and facade design can reduce between planning approval and construction. An approved planning permit can be amended during the design development and construction phases to change the design of the facade and the external materials. There is evidence such amendments sometimes result in less visually-interesting external materials, or a loss of depth in a façade design, such as balconies or structural elements. Currently, the planning system does not provide adequate guidance to planners about which design changes are acceptable.



Figure 5. Oxford and Peel, (Jackson Clements Burrows Architects)
Photo: Peter Clarke

3.2 Proposed changes

Proposed changes to the *Better Apartments Design Standards* would focus on matters best-managed through the planning system (such as the built form, a building's appearance and access for facade maintenance). The proposed changes are intended to complement the building control system.

A proposed new standard would require all apartment developments to have a visually interesting and high-quality external design and have external materials that are durable for the life of the building and have visual interest. It would also require apartment buildings to have external walls that are accessible for maintenance.

The proposed standard would provide a benchmark for the responsible authority about the appearance of apartment developments, to be applied at the planning permit stage and through to construction and use. If the appearance of the building is to change during design development, construction or use, a permit applicant would be required to explain the design approach for the building's exterior design and appearance and to justify the selection of external materials. The planner could then consider whether proposed changes achieve an equivalent outcome.

Provide guidance to ensure materials and built form achieve the standard

To assist planners and applicants, the *Apartment Design Guidelines for Victoria* would be amended to provide principles for how to identify whether external materials or built form achieve the proposed standard and other supporting resources such as possible permit conditions.

3.3 Outcomes

- Apartment buildings look attractive and are built from durable materials, so they age well.
- Apartment buildings are cost-effective to maintain.
- Planning processes maintain the quality of appearance of an apartment development through the design development and construction stages. As a result, apartment buildings achieve the expectations of the originally approved permit.

A QUESTION TO REFLECT ON WHEN PROVIDING YOUR FEEDBACK

1. *What support and information do planners need about design quality and external materials to implement the proposed standard?*

3.4 Proposed new external walls and materials standard (all apartment developments)

Objectives

To ensure that the design and finish of external walls makes a positive contribution to the public realm.

To ensure that the external walls and materials of buildings are visually interesting and of a high-quality design standard.

To ensure that the external materials are low maintenance and durable.

To ensure that the external walls of the building are readily accessible for maintenance.

Standard

The external walls of buildings should provide articulation through variation in depth, form and fixtures.

The external materials should:

- provide visual interest through variation in material, colour and texture.
- be durable for the life of the building.

Safe and convenient access to external walls should be provided for maintenance.

Decision Guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant building design and urban design objective, policy or statement set out in this scheme.
- The urban context report.
- The design response.

3.5 Proposed changes to the design response

Include the following new requirement:

- The design response must include a design rationale for the external walls, and the selection of the external materials.

3.6 Proposed changes to the Apartment Design Guidelines for Victoria

Include as suggested permit conditions:

- Section details at a scale of at least 1:20 illustrating the building's external walls, including materials and construction details.
- Information about how the external walls will be maintained.

4. Wind Impacts

4.1 Issue

Tall buildings can intensify windy conditions and adversely affect pedestrian comfort and the safety and amenity of public, private and communal open spaces. They do this by blocking the natural path of wind, changing its course, and channelling wind to ground level.

Most places in Victoria have no specific planning requirements to manage wind effects. There is nothing specific in the current *Better Apartments Design Standards* to require responsible authorities to consider wind effects. Such consideration in the planning permit process can depend on individual councils and whether controls to address wind have been included in a local planning scheme.

Not considering wind early in the design process can lead to costly redesigns and poor design outcomes. Wind effects are

often only considered at a late stage including when the responsible authority asks for a wind analysis. This can greatly increase costs if developers must reconfigure the form, layout and design of a proposed development to achieve acceptable wind outcomes. This late-stage consideration can also result in poor design outcomes when wind-mitigation elements such as canopies and screens are added as an afterthought, instead of being well-integrated components of the initial building design.



Figure 6. 35 Spring Street (Bates Smart)
Photo: Peter Clarke

4.2 Proposed changes

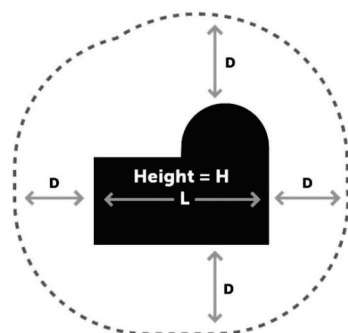
Ensure wind effects are considered

A new standard, which would apply to apartment buildings of five or more storeys, is proposed for inclusion in all planning schemes. It would ensure apartment developments do not adversely affect people’s safety or the usability, functionality and amenity of public, communal and private open space. It would prioritise protection of a comfortable wind environment for the public realm, and it would also consider wind impacts on private and communal open space.

Define comfortable and unsafe wind conditions

The proposed new standard would define comfortable and unsafe wind conditions so there are consistent benchmarks across Victoria for assessing wind effects.

Figure 7 shows the area to which the proposed standard would apply. The area includes the site and surrounding land, and the area is half the longest width of the building or half the building’s height, whichever is greater.



Assessment distance D = greater of:
 $L/2$ (Half longest width of building)
 OR
 $H/2$ (Half overall height of building)

Figure 7. Diagram of the assessment distance for the proposed new wind standard

Clarify when a desktop wind study or wind tunnel analysis may be required

It is also proposed to amend the *Apartment Design Guidelines for Victoria* to encourage designers and responsible authorities to consider wind effects early in the design process and to clarify when a desktop wind study or a more-thorough wind tunnel analysis are likely to be required.

4.3 Outcomes

- Public, communal and private open space around apartments is safe, comfortable to use and likely to be used more often.
- Wind requirements for apartment developments are clear, consistent and well-understood.
- Wind effects are considered up-front in the planning and design phases of apartment developments.

4.4 Proposed new wind impacts standard (apartment developments of five or more storeys)

Objective

To ensure the design and layout of development does not generate unacceptable wind impacts within the site or on surrounding land.

Standard

The form, layout and design of development should minimise adverse wind impacts within the site or on surrounding land.

Within the assessment distance development should as a minimum:

- Not cause unsafe wind conditions, as specified in Table W, for public land, publicly accessible areas, private open space and communal open space.
- Achieve comfortable wind conditions, as specified in Table W, for public land and publicly accessible areas.

Trees and landscaping should not be relied upon as the primary means of wind mitigation or to meet minimum wind requirements.

Wind mitigation elements, such as canopies and screens, should be located within the subject site unless consistent with the existing or preferred urban context.

In this clause, assessment distance means a distance measured on the horizontal plane from all facades which is equal to half the longest width of the building, or half the total height of the building, whichever is greater.

Table W

| Wind conditions | Requirement |
|--------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Unsafe | The hourly maximum 3 second gust which exceeds 20 metres per second from any wind direction considering at least 16 wind directions with the corresponding probability of exceedance percentage. |
| Comfortable | <p>A mean wind speed from any wind direction with probability of exceedance less than 20% of the time, equal to or less than:</p> <ul style="list-style-type: none"> • 3 metres per second for sitting areas, • 4 metres per second for standing areas, • 5 metres per second for walking areas. <p>Hourly mean wind speed is the maximum of the:</p> <ul style="list-style-type: none"> • Hourly mean wind speed, or • Gust equivalent mean speed (3 second gust wind speed divided by 1.85). |

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The urban context report.
- The design response.
- The usability, functionality and amenity of public, private and communal open space.
- Whether it has been demonstrated that the development will meet the specified wind conditions in a wind report prepared by a suitably qualified specialist submitted with the application.

4.5 Proposed changes to the Apartment Design Guidelines for Victoria

Encourage applicants to consider wind early in the building design process.

Clarify circumstances and contexts where:

- A desktop wind study is likely to be required.
- Wind tunnel analysis is likely to be required.

SOME QUESTIONS TO REFLECT ON WHEN PROVIDING YOUR FEEDBACK

- 1. Is five or more stories an appropriate threshold for considering wind impacts?*
- 2. What factors should be considered in determining when to undertake either desktop wind analysis or wind tunnel analysis?*

5. Street Interface

5.1 Issue

Active building frontages provide streets with life and energy. Apartment buildings that provide pleasant pedestrian experiences improve the walkability and amenity of the public realm: people are more likely to walk down streets that are varied and visually interesting and that strongly connect the public realm with the interiors of buildings.

Windowless and blank walls, prominent vehicle entries, visible car parking and building services that dominate the street frontage can create poor street interfaces, which undermine safety and detract from the look and feel of a street. Although the functional layouts of apartment buildings and the requirements of service authorities often require building services to be at ground level and on the street frontage, how these are integrated with the building design can

minimise negative impacts on the public realm. The current *Better Apartments Design Standards* do not sufficiently emphasise the need for street interface design to integrate building services and the other functional requirements of an apartment building.



Figure 8. Nightingale 1 (Breathe Architecture)
Photo by Bonnie Herring

5.2 Proposed changes

Improve street interfaces

Amendments are proposed to existing objectives and standards to:

- integrate the layout of developments with the street and encourage active street-level frontages
- minimise the impact of vehicle crossovers and access points on the streetscape
- ensure site services are accessible, adequate and attractive.

The proposed amendments address building design elements that can lead to unsafe, unpleasant street environments. The amended standards would encourage the design of street-level frontages of apartment buildings that:

- provide for active uses and passive surveillance
- integrate building services with the façade
- reduce the visual impact of car parking, vehicle entry and waste collection areas
- avoid blank walls.

Guidance regarding service authority requirements

Proposed amendments to the *Apartment Design Guidelines for Victoria* would provide greater support for designers and responsible authorities by setting out principles for well-located, designed and integrated building services. Early consultation between applicants and service providers would be also be recommended, to help applicants determine the spatial requirements (such as the size and location) of building services and to negotiate good design outcomes.

5.3 Outcomes

- Buildings that are more-attractive at street level.
- High-quality places with enhanced urban character and improved walkability.
- Safer, more pleasant streets.
- Greater community acceptance of new apartment developments.

5.4 Proposed changes to integration with the street standard (all apartment developments)

Objective

To integrate the layout of development with the street.

To encourage active street fronts. [new]

Standard

Developments should provide adequate vehicle, pedestrian and cycling links that maintain or enhance local accessibility. [amended]

Development should be oriented to front existing and proposed streets.

High front fencing should be avoided if practicable. [amended]

Development next to existing public open space should be laid out to complement the open space.

Buildings should provide for residential, commercial, retail or other active uses at street fronts. [new]

Car parking and internal waste collection areas of buildings should be located behind residential, commercial, retail or other active uses along street fronts. [new]

Blank walls should be avoided along street fronts. [new]

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant urban design objective, policy or statement set out in this scheme.
- The design response.

5.5 Proposed changes to access standard (all apartment developments)

Objective

To ensure the number and design of vehicle crossovers and access points respects the urban context and minimises impacts to the streetscape. [amended]

Standard

Car parking entries should be consolidated, minimised in size, integrated with the façade and where practicable located at the side or rear of the building. [new]

The width of accessways or car spaces should not exceed:

- 33 per cent of the street frontage, or
- if the width of the street frontage is less than 20 metres, 40 per cent of the street frontage.

No more than one single-width crossover should be provided for each dwelling fronting a street.

The location of crossovers should maximise the retention of on-street car parking spaces.

The number of access points to a road in a Road Zone should be minimised.

Developments must provide for access for service, emergency and delivery vehicles.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The impact on the streetscape
- The reduction of on-street car parking spaces.
- The effect on any significant vegetation on the site and footpath.

5.6 Proposed changes to site services standard (all apartment developments)

Objective

To ensure that site services can be installed and easily maintained.

To ensure that site services and facilities are accessible, adequate and attractive. [amended]

Standard

The design and layout of dwellings should provide sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically.

Meters, utility services and service cupboards should be designed as an integrated component of the façade. [new]

Mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development.

Mailboxes should be provided and located for convenient access as required by Australia Post.

Decision guidelines

Before deciding on an application, the responsible authority must consider the design response.

5.7 Proposed changes to the Apartment Design Guidelines for Victoria

Include principles for well located, designed and integrated services.

Recommend early consultation between applicants and service providers to understand spatial requirements and negotiate good design outcomes.

6. Construction Impacts

6.1 Issue

Apartment developments often have lengthy construction periods. The construction phase of an apartment development can cause a range of impacts on surrounding communities, including traffic, road and footpath closures, dust, odour and noise emissions.

Construction noise is a particular issue in residential areas, with common sources of community concern being early starts, loud radios, insufficient notification and excessive hours of operation.

Before construction commences, potential impacts on health, safety, amenity, traffic and the environment need to be considered to avoid unduly disturbing surrounding communities.

At present these issues are managed in a range of different ways by councils. The planning system does not provide any specific direction to ensure that planning approvals for apartment buildings consistently manage the impacts of construction.



6.2 Proposed changes

Ensure construction effects are considered

The government is committed to ensuring that the impacts from the construction phase of apartment development are consistently addressed across Victoria. A new standard will ensure that construction impacts on neighbours and surroundings communities are considered for every apartment development. This will close any gap where temporary site management issues are overlooked in the development approvals process.

The proposed new standard will require developers to identify how they will protect the site and its surrounds from environmental problems and nuisance during a construction period. It includes many of the issues typical to construction sites such as traffic, safety, air quality, noise, sediment run off and litter.

Suggested permit condition to address construction issues post planning permit

It is also proposed to amend the *Apartment Design Guidelines for Victoria* to include a suggested permit condition requiring the submission and approval of a construction management plan. Permit conditions allow information to be provided to and assessed by a council after the planning permit is issued. This allows temporary site issues to be considered by builders and developers alongside planning for the construction stage of a development.

6.3 Outcomes

- Construction impacts are consistently considered for every apartment development across Victoria.
- Residents experience less disturbance from construction activity.
- Community assets and public safety are protected.

6.4 Proposed new construction impacts standard (all apartment developments)

Objective

To protect the site and surrounding area from environmental degradation or nuisance prior to and during construction of development.

To protect drainage infrastructure and receiving waters from sedimentation and contamination.

Standard

An application should describe how the site will be managed prior to and during the construction period and may set out requirements for managing:

- Public safety and site security
- Operating hours, noise and vibration controls
- Air quality (airborne dust and pollutants)
- Traffic management
- Erosion and sediment
- Stormwater
- Litter, concrete and other construction wastes
- Chemical contamination

6.5 Proposed changes to the Apartment Design Guidelines for Victoria

Include as a suggested permit condition:

- Before the development commences, including demolition, bulk excavation and site preparation works, a Construction Management Plan must be submitted to and approved by council. The Construction Management Plan must consider the following, as appropriate:
 - Public safety and site security
 - Operating hours, noise and vibration controls
 - Air quality (airborne dust and pollutants)
 - Traffic management
 - Erosion and sediment
 - Stormwater
 - Litter, concrete and other construction wastes
 - Chemical contamination

8. Further Information

8.1 How the Victoria Planning Provisions work

Victoria's *Better Apartments Design Standards* are implemented in all planning schemes across the state through the Victoria Planning Provisions (VPP). The provisions adopt a performance-based approach, similar to that used to assess other forms of residential development. Provisions contain:

- Objectives
- Standards
- Decision guidelines.

The objectives describe the desired outcomes to be achieved in the completed development. An apartment development must meet all the objectives.

A standard contains the requirements to meet the objectives. A standard should normally be met. However, if the responsible authority is satisfied that an application for an alternative design solution meets the objective, the alternative design solution may be considered.

The decision guidelines set out the matters that the responsible authority must consider before deciding if an application meets the objectives.

8.2 Resources to support achieving better apartments

Victoria Planning Provisions - Planning Policy Framework

Clause 15.01-2S Building design

Victoria Planning Provisions - Particular provisions

Clause 55.07 Apartment developments

Clause 58 Apartment developments

Planning Advisory Notes

AN66 New planning provisions for apartment developments, Amendment VC136

Planning Practice Notes

PN83 Assessing external noise impacts for apartments

PN84 Applying the minimum garden area requirements

Other documents

Apartment Design Guidelines for Victoria

Urban Design Guidelines for Victoria

Better Apartments: Buyers and Renters Guide

Apartment Design Advisory Service

Free, non-statutory design advice service available for councils and apartment developers.

Further information

You can find further information and links to these resources at:

<https://www.planning.vic.gov.au/policy-and-strategy/better-apartments>

