
11.2 Review of Better Apartments Design Standards

Executive Summary**Purpose**

The purpose of this report is to:

- (a) provide Council with a summary of the *Better Apartments in Neighbourhoods Discussion Paper 2019* released by Department of Land, Water and Planning (DELWP);
- (b) outline Council officers' position on the draft standards; and
- (c) recommend feedback on the discussion paper to be submitted to DELWP.

Key Issues

The key issue for Council in considering the *Better Apartments in Neighbourhoods Discussion Paper 2019* is whether the draft standards are appropriate for a Yarra context and any suggested improvements limited to the items for discussion only.

Financial Implications

None anticipated.

PROPOSAL

The Department of Environment, Land, Water and Planning has released a discussion paper that explores five policy elements to form part of a revised Better Apartment Design Standards, these are:

- (a) Green space;
- (b) High quality building facades;
- (c) Protection from wind impacts;
- (d) Attractive engage streets; and
- (e) Better managed construction impacts.

11.2 Review of Better Apartments Design Standards

Reference: D19/154388
Authoriser: Manager Statutory Planning

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Background

2. In 2017, the Minister for Planning (the Minister) introduced the *Better Apartments Design Standards* in the Victorian Planning Provisions. The intent for these new controls was to improve the internal design of new apartments and make them more liveable and sustainable. This was in response to concerns that apartment developments were not providing safe, liveable and healthy environments.
3. These controls were introduced into the Yarra Planning Scheme (the Scheme) on 13 April 2017 via Amendment VC136 at clauses 55.07 (apartment developments up to 4 storeys) and clause 58 (apartment developments of five or more storeys)
4. Amendment VC136 also introduced the following definition for an 'Apartment' at clause 73.01 (general terms) of the Scheme:
 - (a) *A dwelling located above the ceiling level or below the floor level of another dwelling and is part of a building containing two or more dwellings.*
5. Amendment VC139, gazetted on 29 August 2017, introduced new guidelines for apartment developments: *Urban Design Guidelines for Victoria* (DELWP 2017) and subsequently deleted redundant references to the Design Guidelines for Higher Density Residential Development (DSE 2004)
6. DELWP has released the subject discussion paper on the next phase of the apartment standards for feedback, with all submissions required prior to Friday, 27 September 2019.
7. The Discussion Paper states that DELWP will be considering all submissions where making recommendations to the Minister. A consultation report will also be prepared by DELWP summarising the submissions and any further proposed changes in light of the submission feedback.
8. The Discussion Paper also states that DELWP will propose further changes to the *Better Apartment Design Guidelines* later in 2019 in relation to building setbacks, to improve the amenity impacts of apartment developments. Consultation regarding these will occur at a later date.

External Consultation

9. Informal discussions with MEL Consulting Wind Consultants.

Internal Consultation (One Yarra)

10. The following internal departments have been consulted in preparing this report:
 - (a) Strategic Planning;
 - (b) Urban Design;

- (c) Open Space Planning and Design; and
- (d) Construction Management.

Financial Implications

11. None anticipated.

Economic Implications

12. Additional standards may impact upon development costs to the private sector.

Sustainability Implications

13. The proposed standards seek to have positive sustainability implications through increased landscaping and tree planting opportunities.

Social Implications

14. The proposed standards seek to improve the amenity for persons living in apartments.

Human Rights Implications

15. Nil

Communications with CALD Communities Implications

16. N/A

Council Plan, Strategy and Policy Implications

17. The proposed amendments to the apartment standards support a number of broad Council intents regarding amenity and liveability, and specifically the greening of apartments. In this respect, the proposals also support the intent of Council's *Urban Forest Strategy 2017*.

Legal Implications

18. Nil

Draft Apartment Standards

19. The follow sections provide detail and assessment on the five topics contained within the discussion paper, which are as follows:
- (a) Green Space;
 - (b) High quality building facades;
 - (c) Protection from wind impacts;
 - (d) Attractive, engaging streets; and
 - (e) Better managed construction impacts.

Green SpaceBackground

20. The apartment guidelines currently contain objectives and standards for landscaping (Clauses 55.07-4 and 58.03-5). The guidelines for apartment developments of 5 storeys or more also contain objectives and standards for communal open space (Clause 58.03-2).
21. The Discussion Paper outlines three issues with the current controls:
- (a) landscaping is often an afterthought in developments with canopy trees either too small or not provided;
 - (b) developments of less than 40 dwellings are not required to provide communal open space and therefore will often not have access to a garden; and
 - (c) apartment buildings at street level do not contribute to green streetscapes.
22. The proposed controls seek to respond to these issues by:
- (a) prioritising canopy trees and clearly define the space needed for healthy trees;

- (b) require all apartment development to include landscaped communal open space;
- (c) encourage landscaping within front setbacks; and
- (d) support landscaping, even in areas without a landscape character.

Proposed changes

23. The key changes in the proposed amended Landscape Standard D10 are summarised as follows:
- (a) The canopy tree requirements in Table D2 are amended as follows:
 - (i) deep soil requirements to apply for all site areas (currently only applicable to sites greater than 750sqm);
 - (ii) tree provision now includes the canopy spread (current only the height); and
 - (iii) minimum planter soil volumes introduced;
 - (b) In the event that canopy trees cannot not be provided, the proposed standard removes reference to an 'equivalent canopy cover' in relation to the provision of other alternative responses such as vegetated planters, climbers over pergolas, green roof or green walls;
 - (c) Encourage landscaping to be provided within building frontages to reduce the visual impact of buildings;
 - (d) Encourage communal open space to have canopy trees;
 - (e) The following existing standards are proposed to be removed:
 - (i) protect any predominant landscape features of the area;
 - (ii) take into account the soil type and drainage patterns of the site and integrate planting and water management;
 - (iii) allow for intended vegetation growth and structural protection of buildings;
 - (iv) in locations of habitat importance, maintain existing habitat and provide for new habitat for plant and animals; and
 - (v) provide a safe, attractive and functional environment for residents.
24. The change to the communal open space Standard D7 is summarised as follows:
- (a) Communal open space is to be provided for all apartment development (currently only applicable to developments with 40 or more dwellings). For apartment developments with less than 10 dwellings, the minimum area requirement is capped at 25sqm (rather than 2.5sqm per dwelling).

Officer Assessment

25. The provision for a greater guidance on canopy spread and soil volumes is supported.
26. The deep soil requirement for sites less than 1000sqm is 5%, with the minimum tree provision of 1 small tree per 30sqm. As a result, applying the deep soil area for sites less than 600sqm is likely to be of limited benefit given that the deep soil area would not meet the threshold for a canopy tree (i.e. 5% of site area would be less than 30sqm). Deep soil areas on smaller sites would also likely become a 'litter trap' and ongoing maintenance issue.
27. Apartment development within Yarra is largely occurring within Commercial 1 and Mixed Use Zones. In these areas, provision for deep soil is often not feasible or appropriate. Characteristically these are more robust areas where boundary to boundary construction is a contributory character of the area and as such it would not be appropriate to provide deep soil areas within setbacks. There are also very few sites that would be sufficient in area to accommodate deep soil areas central to the site and that would also achieve a reasonable level of solar access.

28. Furthermore, due to Yarra's past industrial activity, land contamination of some sites would prevent deep soil planting opportunities. It is recommended that this is added as a decision guideline as to when deep soil planting may not be feasible or appropriate.
29. Landscaped front setbacks are not characteristic in the areas typically experiencing growth in Yarra, however landscape opportunities, such as planter boxes and climbers should be encouraged on building facades to soften buildings.
30. Where the threshold for a canopy tree is triggered, the existing standard currently enables applicants to easily provide climbers and green walls in lieu of canopy trees. This issue has not been readily addressed by the proposed standard. Climbers and green walls are not considered an acceptable substitute to canopy trees and therefore it is recommended that this flexibility is removed. In sites where deep soil planting cannot be provided, canopy tree requirements should still be met within adequately sized planters.
31. Council Officers do not support the deletion of the standards as identified as they continue to be relevant considerations and useful for the assessment of a landscape plan.
32. Council officers support the intent of communal open space requirements for all apartment developments, however communal open space areas also contribute to building upkeep costs. Shared between a number of residents, the upkeep costs are not unreasonable, however for a small number of dwellings, it is likely to be significant and impact the dwelling affordability.
33. Council officers support communal open space for apartment developments with less than 40 dwellings, however for the reasons discussed, a threshold is still considered appropriate. Given that it requires 10 dwellings (at a rate of 2.5sqm per dwelling) to achieve a 25sqm area, it is considered reasonable that the minimum threshold be increased to apartments developments with 10 dwellings.

Summary points

34. In summary, the following amendments are recommended:
 - (a) Deep soil site areas should only be triggered for sites greater than 600sqm;
 - (b) Include a decision guideline to allow for consideration of contaminated land when determining whether deep soil planting can be achieved;
 - (c) Encourage landscaping to be provided within building *facades* to reduce the visual impact of buildings where front setbacks are not a character of the area;
 - (d) Encourage alternative responses to tree planting *in addition to* rather than *in lieu of* the canopy tree requirements;
 - (e) Retain existing standards that have been deleted; and
 - (f) Communal open space to be required for 10 or more dwellings.

High quality building facades

Background

35. The current apartment guidelines do not provide any clear guidance on assessing the appearance, quality and durability of materials. The issues identified in the discussion paper are as follows:
 - (a) Some apartments do not age well;
 - (b) There are few provisions outside Central Melbourne to ensure high-quality design of building facades;
 - (c) The design of building facades may not adequately allow for maintenance; and
 - (d) The 'as constructed' quality of building facades and materials does not always match that of the original planning approval.
36. In assessing apartment developments, Yarra's planning officers rely on local urban design and built form policies within Scheme, specifically clause 21.05 and clause 22.10 (although

not applicable in a Heritage Overlay). However, the guidance is vague and does not adequately address the issues above as identified in the discussion paper.

Proposed changes

37. The proposed new standard is to include/encourage:
- (a) External walls of buildings to provide articulation through variation in depth, form and fixtures;
 - (b) External materials to provide visual interest through variation in material, colour and texture and be durable for the life of the building; and
 - (c) Safe and convenient access should be provided for maintenance.
38. It is proposed to include a new requirement for a design rational for external walls and selection of materials.
39. It is also proposed to update the Apartment Design Guidelines to suggest permit conditions for section details at a scale of 1:20 to illustrate the buildings external.

Officer Assessment

40. Council Officers support greater guidance regarding the design of building facades, however suggest additional standards to address the following:
- (a) Discourage sheer unarticulated walls e.g. pre cast concrete unless abutting existing walls to the same or greater height. Due to the narrowness of sites, walls often abut side boundaries and are highly visible. If left untreated, these walls can poorly impact upon the presentation of the development;
 - (b) Articulation details should have regard to the distance that the building will be viewed. Articulation to a street level façade can be much more intricate compared to an upper level wall. Articulation to an upper level wall that is too subtle will have little benefit in improving its appearance; and
 - (c) Building design and material selection should also have regard to:
 - (i) Protection from weathering (e.g. overhangs to prevent leaching, edges to prevent drip lines); and
 - (ii) Material selection which reduces ongoing maintenance costs (e.g. graffiti resistant, materials that weather well).
41. To ensure the 'as built' conditions of major developments reflect the quality depicted on the architectural drawings, Council officers at Yarra commonly add a permit condition that requires the ongoing involvement of the architects (or an alternative architectural firm to the satisfaction of the Responsible Authority) to oversee the design and construction of the development and ensure the design quality and appearance of the development as shown on the endorsed plans is realised. Council officers encourage this to be included as a recommended condition for developments of 5 or more storeys.
42. For greater certainty and assurance on building façade quality, Council Officers also suggest that a Façade Strategy is included as a recommend permit condition for more complex developments. The Façade Strategy should cover/include:
- (a) elevation drawings at a scale of 1:20 illustrating typical podium details, entries and doors, and utilities and typical mid-level and tower facade details;
 - (b) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
 - (c) information about how the façade will be maintained, including any vegetation; and
 - (d) a sample board and coloured drawings outlining colours, materials and finishes.

Summary points

43. In summary, the following amendments are recommended:

- (a) Discourage sheer unarticulated walls unless abutting existing walls to the same or greater height;
- (b) Articulation details should have regard to the distance that the building will be viewed
- (c) Building design and material selection should also have regard to protection from weathering and reducing ongoing maintenance costs; and
- (d) Include a recommended condition for apartment developments of 5 or more storeys for ongoing involvement of the architects (or an alternative architectural firm to the satisfaction of the Responsible Authority) to oversee the design and construction of the development and ensure the design quality and appearance of the development as shown on the endorsed plans is realised.
- (e) Include a recommended permit condition for a Façade Strategy on complex developments, to cover/include:
 - (i) elevation drawings at a scale of 1:20 illustrating typical podium details, entries and doors, and utilities and typical mid-level and tower facade details;
 - (ii) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
 - (iii) information about how the façade will be maintained, including any vegetation; and
 - (iv) a sample board and coloured drawings outlining colours, materials and finishes.

Protection from wind impacts

Background

- 44. There are presently no standards relating to wind impacts. Tall buildings can exacerbate wind gusts that can affect pedestrian environments including the amenity and usability of open space areas.
- 45. It is proposed to introduce a new standard for apartment buildings of 5 or more storeys. While some inner city Councils (Melbourne, Port Phillip & Stonnington) have policy guidance on wind conditions and when a wind report is required, the Yarra Planning Scheme presently does not provide any specific guidance.
- 46. Current practice of Yarra's planning officers is to request a wind report for major developments of 7 or more storeys where wind impacts are a potential concern. This would usually be requested prior to public notification of an application. The wind report will typically be a 'desk top' assessment from a qualified wind consultant who will provide an opinion on the likely wind impacts from a development based on their experience. This is then peer reviewed by another qualified wind consultant. In cases where there is uncertainty as to whether wind comfort levels will be met, a wind tunnel test will be requested, typically by way of permit condition.

Proposed changes

- 47. A new objective and standard is proposed. The objective would be: *To ensure the design and layout of development does not generate unacceptable wind impacts within the site or on surrounding land.* The standard introduces wind criteria relating to unsafe and comfort wind conditions within Table W. This is to be met having regard to the following:
 - (a) Development should not cause unsafe wind conditions for public land, publically assessable areas, private open space and communal open space;
 - (b) Development should achieve comfortable wind conditions for public land and publically accessible areas;
 - (c) Trees and landscaping should not be relied upon as the primary means for achieving wind mitigation or to meet the minimum wind requirements;

- (d) Any wind mitigation measures (e.g. canopies and screens) to be located within the subject site, unless consistent with the existing or proposed urban context; and
- (e) Assessment distance is calculated as half the total height of the building or half the longest width of the building, whichever the greater. The distance is to be measured from all facades.

48. Table W is as follows:

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).

49. The decision guidelines make reference to a wind report submitted by a suitably qualified specialist.

Officer Assessment

- 50. Council Officers support the inclusion of a wind impact assessment standard for developments of 5 storeys or greater.
- 51. The wording of the standard suggests that there may be situations where unsafe wind conditions caused by a development would be allowed. This is not supported by Council’s planning officers. The standard also only directs public land and publically accessible areas to achieve the comfort criteria. To ensure all outdoor areas are usable, it is considered that a reasonable comfort criteria should also be achieved for communal and private open space areas.
- 52. The comfort criteria within Table W refers to a “mean speed” rather than a specific direction criteria. Melbourne’s wind climate experiences strong northern and westerly wind gusts, however other wind directions are typically milder. Using an average speed across all directions is likely to mask more severe wind impacts from northerly and westerly winds.
- 53. Greater guidance is required to establish where sitting, standing and walking criteria is to be met. Informed by advice from various Wind Consultants, it is standard practice to apply:
 - (a) Walking comfort for footpaths and other pedestrian thoroughfares;
 - (b) Standing comfort for building entrances, communal terraces and open space; and
 - (c) Sitting comfort for outdoor café seating.
- 54. The above criteria has been accepted for many developments within the City of Yarra as achieving an appropriate level of wind comfort.
- 55. The standard suggests that trees and landscaping could be used, in conjunction with other measures, to achieve the minimum wind requirements. It is not clear whether this is in relation to safety or comfort criteria. However, in either instance, Council officers do not support any reliance on vegetation to achieve minimum wind requirements. While vegetation

can ameliorate wind conditions, it is too variable to be relied upon i.e. trees may fail or vegetation may otherwise not grow with the density of foliage required.

56. Wind mitigation measures are often an afterthought in the design of a building. It is recommended that a standard is required to also ensure that wind mitigation measures are appropriately integrated into the design of the building.
57. The assessment distance is unclear and may result in excessive study areas, particularly within built up areas where wind impacts from developments are more immediate to the site. It is suggested that wind assessments beyond the site boundaries could be limited to the publicly accessible areas between the nearest adjacent buildings, including publically accessible areas on private land; or the proposed assessment distance, whichever the lesser.
58. The proposed decision guidelines do not require consideration of existing conditions. There may be situations where existing conditions already exceed comfort levels and therefore it may not be possible for a proposed development to achieve the comfort criteria in these cases. This should be included as a decision guideline to consider this circumstance.
59. Reference to a wind report should be contained within the standard rather than the decision guidelines. Based on current practice, Council officers would support a desktop report initially with a wind tunnel assessment to be provided in situation where further analysis is warranted to determine that the wind comfort criteria is met.

Summary points

60. Strengthen the standard by removing reference to '*should not cause*' in relation to unsafe wind conditions.
61. Nominated comfort criteria to also be met within private open space and communal open space areas.
62. Comfortable wind criteria to be based upon specific direction criteria rather than mean wind speeds from any direction.
63. Identify which comfort criteria should be used, suggest:
 - (a) Walking comfort for footpaths and other pedestrian thoroughfares;
 - (b) Standing comfort for building entrances, communal and private open space area; and
 - (c) Sitting comfort for outdoor café seating.
64. Remove reference to 'primary' in regard to the relation to trees and landscaping for wind mitigation and include reference to minimum comfort criteria.
65. Include within the standard that wind mitigation measures to be appropriately integrated into the design of the building.
66. Limit wind assessment areas beyond the site boundaries to publicly accessible areas between the nearest adjacent buildings, including publically accessible areas on private land; or the proposed assessment distance, whichever the lesser.
67. Include the consideration of existing wind conditions in the decision guidelines.
68. Include reference to a desktop wind report prepared by a suitably qualified specialist within the standard, with wind tunnel testing to be undertaken in situations where further wind analysis is required to ascertain whether wind comfort criteria will be met.

Attractive, engaging streets

Background

69. The current apartment guidelines include an objective and standards for integration with the street (Clause 58.02-5), however they provided limited detail in support of active and engaging streetscapes. There are also objectives and standards for vehicle access and site services (Clauses 58.03-6 and 58.06-2), however, these provide little guidance on the visual impact that these services can have on the presentation of a building.

70. The Discussion Paper suggests that there are issues with windowless and blank walls, prominent vehicle entrances, and visible car parking and building services that dominate the street frontage. The proposed changes seek to address this issue.

Proposed changes

71. In regard to the integration with the street, it is proposed to add a second objective to encourage active street fronts. The existing standards are proposed to be amended, with new standards added as summarised below:
- (a) Reference to cycle links has been added with developments to now provide adequate vehicle, pedestrian and cycle links;
 - (b) Reference to 'in front of dwellings' has been deleted from the standard requiring high fencing to be avoided where practical;
 - (c) A new standard requests that buildings provide for residential, commercial, retail or other active uses at street fronts;
 - (d) A new standard requires that car parking and internal waste collection area of a building should be located behind residential, commercial, retail or other active uses along street fronts; and
 - (e) A new standard seeks to avoid blank walls along street fronts.
72. In regard to vehicle access, it is proposed to make reference to 'access points' in the objective, which seeks to minimise the impacts of vehicle crossovers on the streetscape.
73. A new standard is proposed that car parking entries should be consolidated, minimised in size and integrated within the façade and where practicable located at the side or rear of the building.
74. In regard to site services, it is proposed to amend the second objective to include reference to site services i.e. to ensure that site services and facilities are accessible, adequate and attractive. It is also proposed to add a new standard that: *metres, utility services and service cupboards should be designed as an integrated component of the façade.*
75. The Discussion Paper also indicates that principles for well located, designed and integrated services will be added to the Apartment Design Guidelines for Victoria.

Officer Assessment

76. Council Officers support the expansion of the Integration with the Street objectives and standards, however advocate additional detail within the standards as follows:
- (a) Delete reference to 'where practical' from the standard discouraging high fencing. The standard is not mandatory so in situations where high fencing is appropriate, this could be permitted. Reference to 'where practical' potentially indicates a greater acceptable on high fencing in certain situations;
 - (b) Greater guidance in relation to what is desirable for active streets such as high levels of glazing at street level. Reference should also be made to activation of upper levels through windows or balconies, which contribute to active streetscapes and security through passive surveillance; and
 - (c) Residential uses at ground level do not necessarily support an active streetscape and can result in a poor internal amenity from occupants seeking privacy through perpetually closed blinds. Layout and design should have regard to the protection of privacy whilst maximising opportunities for active frontages and integrated streetscapes.
77. Council officers support the inclusion of design principles within the Apartment Design Guidelines to provide guidance on how activation and street integration is to be achieved.
78. The first standard within 'Integration with the Street' requires adequate vehicle, pedestrian and cycle links. It is considered that this would be more suited to 'access' considerations

under Clause 58.03-6 given that it relates to vehicle access/integration more so than street activation.

79. Council officers also encourage additional standards within Access, including:
 - (a) Separation of pedestrian and bicycle access points from vehicle access points; and
 - (b) Ensure the design and location of car parking entries minimises conflicts with pedestrians, cyclists and vehicles.
80. Council officers support the new standard for site services, however believe that the standard should be strengthened by discouraging services facing the street or where required by the service provider, their size and prominence be reduced as much as practicable. While utility and emergency providers require some services to be accessible from the public realm, in cases where services do not be positioned along the frontage or can be reduced in size, greater policy support for this outcome is requested i.e. substations in basements.

Summary points

81. Delete reference to 'where practical' from the standard discouraging high fencing.
82. Clarify within the Standards how active streets are to be achieved e.g. high levels of glazing at street level and glazing and balconies to upper levels.
83. Include a standard that requires consideration of privacy for dwellings when designing for active frontages.
84. Include reference to the Apartment Design Guidelines in the decision guidelines and update these to provide examples on how activation and street integration can be achieved.
85. Relocate the standard on adequate vehicle, pedestrian and cycling links to the Access Standard.
86. Include additional standards for Access requiring a separation of pedestrian and bicycle access points from vehicle access points and minimise potential conflicts with pedestrians, cyclists and vehicles.
87. Include an additional standard for site services that discourages services facing the street or where unavoidable, reduce their size and prominence as much as practicable.

Better managed construction impacts

Background

88. At Yarra City Council, a Construction Management Plan is a standard planning permit condition requirement for all large and hard to access developments prior to the commencement of the development. The Construction Management Unit reviews and authorises construction management plans, this includes input from Council's traffic engineers, civil engineers and in some cases input from other authorities such as CitiPower and VicRoads. However, many other Victorian municipalities do not have these measures in place and as such, the construction phase can cause excessive impacts on the surrounding area.
89. Presently, there are no specific standards within the Scheme that require Construction Management Plans to be prepared. The Discussion Paper proposes to create a new standard to require details of how a site will be managed prior to and during the construction period to ensure that apartment building construction is consistently managed with less disturbance on existing neighbourhoods.

Proposed changes

90. New objectives and standards are proposed. The objectives seek to protect the site and surrounding area from environmental degradation or nuisance prior to and during construction. They also seek to protect the drainage infrastructure and receiving waters from sedimentation and contamination.
91. The new standard would require applications to describe how the site will be managed prior to and during construction. A list of potential items to be managed would also be included.

92. The Discussion Paper also outlines that it proposes to amend the apartment design guidelines to include a construction management plan before the development commences, including demolition.

Officer Assessment

93. Council officers do not support the inclusion of a construction impacts standard for apartment developments. Construction management is a vital component of development in the City of Yarra due to its built up, inner city context, however providing this information at the planning application stage is of little benefit to construction management or the assessment of apartment developments.
94. Construction Management Plans are a document prepared by the appointed builder to outline their construction methodology based on the current conditions. Preparing this information at the planning application stage would require input from a builder potentially years before the commencement of the development. This would lead to uncertainty in respect to the consideration of other developments and potential street upgrade works and service installations that may occur in the time between the planning application stage and commencement of the development.
95. The construction methodology is unrelated to the assessment of an application insofar as the construction methodology does not inform the ultimate design and quality of the proposed apartment development. It is therefore not considered a necessary ingredient for planning officers to assess the application before them, however it is likely to unnecessarily delay the assessment of plans as matters relating to construction are negotiated.
96. Furthermore, the objective as proposed is likely to unreasonably increase community expectations. It is not feasible to protect surrounding areas from any nuisance during construction, as construction does inherently cause some disruption. Furthermore, introducing a requirement to consider construction methodology for apartment developments would also create inconsistency in the assessment process for other non-residential developments, which would not be required to provide up-front construction methodology statements.
97. Council's planning officers, however, do support the recommendation for a Construction Management Plan to be included as a permit condition prior to commencement of works, including demolition, bulk excavation and site preparation works. Presently, Council officers have difficulty requiring construction management plans for demolition and site preparation works where no planning permit is required for those works i.e. on sites not protected by a heritage overlay. The requirement for a Construction Management Plan prior to demolition for all sites would be beneficial.
98. The listed items to be covered by a construction management plan is largely supported, however should also include asset protection and civil works.

Summary points

99. Do not support the inclusion of objectives and standards relating to construction impacts at the planning application stage.
100. Support the inclusion of construction management plans as a condition of permit prior to the commencement of demolition.
101. Request that Construction management plans required as a condition of permit also include details on asset protection and civil works.

Conclusion

102. Council Officers support and encourage greater guidance for apartment developments to ensure the impact on neighbourhoods and that adverse impacts are assessed and managed. However, as outlined in this report, particular changes are recommended on the proposed standards to ensure that they are relevant and useful for future developments within the City of Yarra. A summary of this feedback is contained within the recommendation below.

RECOMMENDATION

1. That:

- (a) Council receive the report on the Review of Better Apartments Design Standards.
- (b) Council submit the following feedback to the Department of Environment, Land, Water and Planning in response to the Discussion Paper 2019:

Green Space

- (i) Deep soil site areas should only be triggered for sites greater than 600sqm;
- (ii) Include a decision guideline to allow for consideration of contaminated land when determining whether deep soil planting can be achieved;
- (iii) Encourage landscaping to be provided within building facades to reduce the visual impact of buildings where front setbacks are not a character of the area;
- (iv) Encourage alternative responses to tree planting in addition to, rather than in lieu of, the canopy tree requirements;
- (v) Retain existing standards that have been deleted;
- (vi) Communal open space to be required for 10 or more dwellings;

High quality building facades

- (vii) Discourage sheer unarticulated walls unless abutting existing walls to the same or greater height;
- (viii) Articulation details should have regard to the distance that the building will be viewed;
- (ix) Building design and material selection should also have regard to protection from weathering and reducing ongoing maintenance costs;
- (x) Include a recommended condition for apartment developments of 5 or more storeys for ongoing involvement of the architects (or an alternative architectural firm to the satisfaction of the Responsible Authority) to oversee the design and construction of the development and ensure the design quality and appearance of the development as shown on the endorsed plans is realised;
- (xi) Include a recommended permit condition for a Façade Strategy on complex developments, to cover/include:
 - elevation drawings at a scale of 1:20 illustrating typical podium details, entries and doors, and utilities and typical mid-level and tower facade details;
 - section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
 - information about how the façade will be maintained, including any vegetation; and
 - a sample board and coloured drawings outlining colours, materials and finishes.

Protection from Wind Impacts

- (xii) Strengthen the standard by removing reference to '*should not cause*' in relation to unsafe wind conditions;
- (xiii) Nominated comfort criteria to also be met within private open space and communal open space areas;

- (xiv) Comfortable wind criteria to be based upon specific direction criteria rather than mean wind speeds from any direction;
- (xv) Identity which comfort criteria should be used, suggest:
 - Walking comfort for footpaths and other pedestrian thoroughfares;
 - Standing comfort for building entrances, communal and private open space area;
 - Sitting comfort for outdoor café seating;
- (xvi) Remove reference to 'primary' in regard to the relation to trees and landscaping for wind mitigation and include reference to minimum comfort criteria;
- (xvii) Include within the standard that wind mitigation measures to be appropriately integrated into the design of the building;
- (xviii) Limit wind assessment areas beyond the site boundaries to publicly accessible areas between the nearest adjacent buildings, including publically accessible areas on private land; or the proposed assessment distance, whichever the lesser;
- (xix) Include the consideration of existing wind conditions in the decision guidelines;
- (xx) Include reference to a desktop wind report prepared by a suitably qualified specialist within the standard, with wind tunnel testing to be undertaken in situations where further wind analysis is required to ascertain whether wind comfort criteria will be met;

Active engaging streets

- (xxi) Delete reference to 'where practical' from the standard discouraging high fencing;
- (xxii) Clarify within the Standards how active streets are to be achieved e.g. high levels of glazing at street level and glazing and balconies to upper levels;
- (xxiii) Include a standard that requires consideration of privacy for dwellings when designing for active frontages;
- (xxiv) Include reference to the Apartment Design Guidelines in the decision guidelines and update these to provide examples on how activation and street integration can be achieved;
- (xxv) Relocate the standard on adequate vehicle, pedestrian and cycling links to the Access Standard;
- (xxvi) Include additional standards for Access requiring a separation of pedestrian and bicycle access points from vehicle access points and minimise potential conflicts with pedestrians, cyclists and vehicles;
- (xxvii) Include an additional standard for site services that discourages services facing the street or where unavoidable, reduce their size and prominence as much as practicable;

Better Managed Construction Impacts

- (xxviii) Do not support the inclusion of objectives and standards relating to construction impacts at the planning application stage;
- (xxix) Support the inclusion of construction management plans as a condition of permit prior to the commencement of demolition; and
- (xxx) Request that Construction management plans required as a condition of permit also include details on asset protection and civil works.

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Attachments

- 1 Better Apartments Discussion Paper 2019