



Better Apartments in Neighbourhoods – Feedback Form

For technical feedback on final draft standards, guidelines and practice note - March 2020

Attention Stuart Grigg

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Please return your feedback to Stuart by Friday 17 April 2020.

Organisation: City of Port Phillip

Date: 16/04/2020

The City of Port Phillip welcomes the opportunity to provide feedback on the Draft Better Apartments in Neighbourhoods standards, guidelines and practice note - March 2020.

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This submission has been prepared by Council officers and is not a formal position of Port Phillip Council.

We note that the City of Port Phillip has previously provided extensive, detailed submissions to DELWP on previous iterations of the Building Better Apartments reforms in the following documents:

- City of Port Phillip Submission to the Better Apartments Draft Design Standards (19 September 2016)
- City of Port Phillip Submission to the Better Apartment Guidelines (April 2017).
- City of Port Phillip Officer Submission to the Better Apartment Guidelines (August 2018)
- Policy Proposals for Confidential Discussion – CoPP Officer feedback (April 2019)
- City of Port Phillip Officer Submission to the Better Apartment Guidelines (September 2019)

In principle, Council officers strongly support the inclusion of building standards to improve the quality of apartment design and provide greater certainty to the community and development sector. Further, we consider that siting and setback standards are also required to ensure some objectives can be met.

We look forward to engaging with DELWP in future as the policies relating to external amenity impacts and standards are reviewed.

Apartment design standards

Page / section	Comment	Proposed wording or change
4	Clarify whether 'serviced apartments' are required to meet the same communal open space requirements as 'apartments'	Recommend Standard: All developments including/not including serviced apartments should provide a minimum area of outdoor communal open space of 30 square metres.

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5	Decision criteria should ensure that the endorsed plans maintain consistency through to practical completion to avoid diminished benefits or outcomes through either design development and secondary consent.	Propose Design guideline that must consider: the appearance and material systems and maintenance.
6	Standard: <i>Wind mitigation design elements, such as canopies and screens, should be located within the site, unless consistent with the existing urban context or preferred future development of the area.</i> Reference to canopies and screens may be problematic when proposed solutions diminish the appearance of the building or is proposed within setback areas.	Propose to delete reference ' such as canopies and screens ' so not to imply they will be supported in all contexts.
	Standard <i>"Not cause unsafe wind conditions, as specified in Table W, for public land, publicly accessible areas on private land, private open space and communal open space."</i> 'Unsafe' is a very low bar, particularly for communal open space. In addition, this doesn't appear to cover communally accessible areas on private land that are not open space (eg walkways/ entries/ etc).	Propose: 'safe' wind conditions are a mandatory requirement including for private land including walkways, entrances, alfresco etc.
8	Standard: <i>Blank walls should be avoided along street frontages.</i> Provide some examples of what the ideal treatment is to avoid frosted or glazed glass as an alternative to a blank walls. Blank walls should also be avoided 'where ever possible' including the rear of a building if it is visible from a distance.	Propose: Blank walls should be minimised to ensure street frontages are designed to enhance the appearance of the building and pedestrian amenity.

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	Ensure that entrances to buildings and internal circulation areas to apartments are universally accessible. This is to ensure consideration of people ageing in place or with different degrees of ability can not only enter a development but navigate safely to every apartment.	Propose objective: ensure primary street entrances and internal circulation areas are universally accessible.
9	Access from private driveways/porte-cochere drop off areas should be considered in the design and not reliant on street parking or pavement areas.	Propose Standard: Large scale developments must provide for access within title boundary for service, emergency and delivery vehicles.
10	Site services should consider a more thorough and consistent approach by documenting service provider requirements so they don't dominate frontages, are integrated and not unsightly.	Propose illustrating in guidelines the placement, access and service provider requirements for realistic and practical placement of site services and responsive design solutions. Additional guideline: the views of any relevant service authority, if provided.

Apartment Design Guidelines update

Page / section	Comment	Proposed wording or change
2	Biodiversity is listed in the objectives but not mentioned in 'why is this important?' The benefits of maintaining ecosystems through planting and water sensitive urban design should be prioritised.	Suggest text change: <i>Apartment developments will help form the future character of our cities by enhancing biodiversity and ecosystems that create attractive and liveable urban environments.</i>

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	Given many apartment developments have no front setback and mixed uses, the objective: <i>'To ensure landscaping reduces the visual impact of buildings on the streetscape'</i> is not always applicable or preferred.	Delete objective: To ensure landscaping reduces the visual impact of buildings on the streetscape.
3	There is no incentive to retain existing trees. This is important to maintain established biodiversity and ecosystems where possible and to highlight the importance of maintaining existing landscape character.	Suggest retaining existing policy that encourages the retention of existing trees. (noted under Table 1, p32, BADS, Deep Soil Areas: <i>'Where and existing tree over 8m can be retained on a lot greater than 1000m2 without damage during construction period, the minimum deep soil requirement is 7% of the site area'</i>)
	Ensure WSUD systems are considered in landscape management and design.	Add WSUD as an integration system that supports built form under the subtitle: <i>What are the types of landscaping that can be accommodated on an apartment site?</i>
3 & 4	Text introducing the different tables (D2, D3 and D4) is confusing ie <i>"Deep soil should be provided in accordance with table D2. Canopy trees should be provided in an area of deep soil in accordance with table D3."</i>	Recommend merging tables or clarify that the deep soil required for canopy trees (D3) is in addition to the general deep soil requirements specified in D2

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4	Decision guidelines should refer to age of trees and preferred species (as outlined by the responsible authority to encourage design responses that facilitate biodiversity)	Propose new decision guideline: The design response including area of canopy coverage; use of existing trees; preferred species and potential to enhance biodiversity.
5	<p><i>Ideally locate new canopy trees on the north, east or west side of the new apartment development so they have solar access and will shade the building from summer sun'. The guidelines are for buildings over 15m tall so trees are unlikely to shade large buildings effectively.</i></p> <p><i>'Avoid siting canopy trees which are prone to dropping branches in or adjacent to communal and private open spaces'</i> Overly prescriptive statement given that the likelihood of dropping branches may be determined by wind as well as species.</p>	<p>Suggest alternative text: "...and will provide summer shade and improve the thermal efficiency of apartments."</p> <p>Delete guidance: Avoid using trees that are prone to dropping branches.</p>
6	<p>Principle Two Guidance: States canopy trees should be prioritised in communal open space but diagram shows a rooftop communal open space with no canopy tree cover. Also consider there are many upright, fastigate, columnar trees that may be more appropriate or likely to achieve the objectives.</p> <p>Guidance needs to ensure there is adequate maintenance space to access planters.</p> <p>Guidance should illustrate how a maintenance plan should inform the design and be considered for the life of the plants as well as the life of the building.</p>	<p>Propose that the diagram shows how all principles can be realised.</p> <p>Add point to guidance: design should be informed with a management plan to ensure that plantings can be managed and maintained for the life of the building.</p>

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	<i>'Provide canopy trees where they provide shade to communal open spaces before being used elsewhere'</i> The intent is unclear given most trees will be located in communal areas. This is repeated on page 7 by suggesting trees are to be located in deep soil areas.	Suggest that communal open space should coincide with deep soil planting areas with capacity to provide canopy trees.
8	Repetition of plant types gives a harmonious composition but may diminish disease resistance. Local councils should be aware of any local outbreaks of disease and be able to recommend appropriate species.	Suggested Principle 4 Guidance: Consult responsible authority to determine appropriate tree species.
9	Light coloured materials can create excessive glare and reflection, especially at higher elevations.	Propose that reflectivity, glint and glare is considered in the design response.
	Principle 5: <i>'These structures can be provided on the ground and on various heights of the building'</i> . This is a statement, not a guideline. It is preferred that ground level be used to facilitate trees in deep soil and may be counter-productive to encourage structures as an alternative.	Suggest rewording so it is clear that structures are not provided on the ground in lieu of trees.
10	Principle 6 - <i>Locate trees, shrubs and ground covers in-ground where possible. If there is insufficient ground area, locate them in constructed planters.</i> Unnecessary. Repeats previous advice.	Delete

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11	<p><i>Use landscape to enliven building frontages'</i></p> <p>This principle needs to address need for safe and effective maintenance of planting on facades and the building's exterior.</p> <p><i>'Landscaping to building frontages should be designed to last for the life of the building'.</i> This is not always practicable and some climbing plants may damage the exterior.</p>	<p>Incorporate measures for safe and effective maintenance of planting on facades &</p> <p>Suggest edit to guidance: Provide landscaping that is durable, long-living and easily maintained. Ensure planting provides amenity to residents</p>
12	<p>Principle 8 is supported however hardscaping is not referred to in objectives.</p> <p><i>'Create a place that is resilient to the impacts of climate change'</i> Lacks clarity of the subject, place.</p> <p><i>'Be mindful of the location of plant species that may drop limbs during drought or particularly hot weather'</i> or high winds.</p>	<p>Include “hardscape materials to reflect heat” or “Green roof reducing UHI and enhancing building insulation.”</p> <p>or 'Provide landscaping that will be resilient to the impacts of climate change'</p> <p>&</p> <p>Suggest alternative text: Ensure trees can be maintained so they don't drop limbs.</p>
20	<p>Standard for communal open space does not refer to climate responsive design or location within functional layout.</p>	<p>Suggest additional Standard - Communal open space should be: oriented to take advantage of the sun (northern aspect) or to maximise solar access and wind protection.</p>
21	<p>Principle 1 should outline intent before stating how it can be achieved.</p>	<p>Recommend developing intent from the objectives on p20.</p>

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23	<i>Where sited in upper levels or rooftops, avoid outdoor communal open space having adverse amenity impacts on neighbouring sites'.</i>	Suggest alternative text: Plan and locate upper level or rooftop communal open spaces to minimise off-site amenity impacts
	Diagram suggests a pergola provides weather protection. It's permeable by its nature and offers little protection from wind and sun. Illustrating pergolas in setback areas conflicts with setback policies.	Omit pergolas from upper floor diagrams.
26	<i>Design outdoor communal open space to facilitate a functional outdoor environment comprising a range of activities in an attractive setting'</i>	Suggest alternative text: Ensure outdoor communal space provides for a range of activities in a functional and attractive setting with consideration of screening and acoustic attenuation.
	<i>The function and amenity of communal open space should not to be compromised by visible or noisy building services'.</i>	Suggest alternative text: Locate building services to avoid impacting the function and amenity of communal open space
27	<i>To ensure that building façades incorporate materials that make a positive contribution to the existing urban context or preferred future development of the area.</i>	Suggest alternative text: To ensure that building façades incorporate materials that make a positive contribution to the preferred character of the area.
	Poor external wall finishes can occur where a neighbour will not grant access to their property during construction.	Consider an objective regarding the construction of external walls on boundaries and the selection of finishes that do not require access from a neighbour's property.

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	Durability of materials' may be difficult to test through planning and compete with building codes.	Recommend training and integration with building codes be made available to responsible authorities.
	<i>The external materials of the apartment building should support the current or preferred future character of the area</i>	Suggest alternative text: The external materials of the apartment building should support the preferred character of the area
28	Principle 2 diagram features a 3 storey development	Suggest image edit: Demonstration of residential character of a 5 storey apartment building in a suburban context. Ideally this would have trees in front as per: <i>To ensure landscaping reduces the visual impact of buildings on the streetscape'</i> stated on p2
29	Principle 3 guidance may be too prescriptive while the diagram presents a design that would only be suitable for some properties in a wedding cake form. This built form generally presents excessive visual bulk and may not be a good representation of preferred outcomes.	Suggest reconsidering the inclusion of the diagram
30	Use of jargon: 'warmth', 'honest', 'permeable'	Recommend subjective words be avoided.
31	<i>Design external walls for the future practical maintenance of a building.</i>	Suggest alternative text: Incorporate measures for the practical maintenance of external walls, winter gardens and light wells.
32	<i>The mechanical influence of wind comes from the pressure effects and object transport</i>	Unclear what 'mechanical influences and object transport' are. Suggest amend or clarify.

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39	<i>'The way a building integrates with the street influences the safety, amenity and enjoyment of the public realm'</i>	Suggest alternative text: How a building integrates with the street can influence the safety...etc
41	<i>'Limit the length and height of retaining walls along street frontages to no greater than 1m to avoid extensive visual and physical barriers'. May be too restrictive in a sloping condition.</i>	Suggest alternative text: Limit the length and height of retaining walls along street frontages to avoid visual and physical barriers.
	Principle 2 - the balustrade/fence should be solid or provide visual screening up to 1m high (the height of planter box in section diagram and solid fencing/walls shown on diagrams on bottom of page 42 and top of page 45)	Suggest delete 'permeable' Elevate the internal ground level, being the living area or balcony, by up to 1m from the street level with low fencing as a means of providing both a sense of privacy and better sightlines to streets and public spaces.
43	Diagram provides one good and one bad edge to the entry. It presents a concealment that should be avoided in areas with no setback. Entrances/windows/ etc should be designed with consideration of CPTED principles.	Suggest image edit to illustrate double splayed entrance as best street frontage outcome.
46	Demonstration of vehicle access diagrams imply steps at pedestrian entrances giving wrong impression.	Suggest delete
	No consideration for the provision of access to premises standards as an objective. Only safe access between vehicles and pedestrians	Suggest adding reference to standards

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56	Construction impacts may not be effectively reviewed at the time of application or planning assessment and may even be beyond the scope of planning approval process. Post planning issues can be covered by local laws, city permits and building regulations. Construction impacts category may not be influential or helping to produce improved building performance and outcomes.	Suggest delete
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Wind impacts practice note

Page / section	Comment	Proposed wording or change
	<p>General comment:</p> <p>The “unsafe criterion” is a very low benchmark since it relates to a person being knocked over. The ‘unsafe conditions’ not only relate only to a person being blown over but by other objects that are part of the urban environment being blown over and hitting someone/ damaging property? (i.e. both fixed and nonfixed objects such as bins, non-fixed street furniture such as café chairs & tables)</p> <p>The Practice note should specify the criterion for walking, standing and sitting is expected.</p>	<p>Suggest safety criteria considers the holistic impact of wind as it relates to amenity, context, people and structural integrity of development and not just people being blown over.</p> <p>Consider the use of space to determine what criteria is appropriate such as sitting on a balcony where walking is less likely.</p> <p>Specify the criterion for walking, standing and sitting in a diagram or table.</p>

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	<p>Wind assessment requirements are supported, but very technical. Assessment requires expert assessment from a “wind engineer” and expertise and training should be made available to responsible authorities to ensure updated policies can be implemented and assessed with integrity.</p> <p>CMP model permit conditions also a good idea</p>	<p>Ensure training and assessment criteria is explicit. Recommend mandatory requirements are developed to ensure safety and manage expectations.</p>
1	<p>The Practice note may provide guidance for more than wind impacts for an apartment development. It should also state guidance to address wind impacts for all developments (greater than 5 storeys) and recommend that testing is used to inform the design rather than test the proposal.</p>	<p>Propose this also refer to Urban Design Guidelines of Victoria, DDOs, Fishermans Bend and other State / local controls.</p> <p>Propose that the practice note refer to all building of equal dimensions and not just apartments.</p> <p>Propose that wind testing should be done early in the conceptual development of the built form.</p>
2	<p>Addressing wind impacts in the planning scheme: The Victoria Planning Provisions (VPPs) provide policy direction to ensure new buildings minimise any detrimental impacts. <i>Minimising</i> impacts is different to mitigating or offsetting impacts and a more consistent language is preferred.</p>	<p>Proposed change to text. Replace 'minimise' with 'mitigate'</p>
3	<p>Unsafe conditions: The standard provides a criterion for unsafe wind conditions for pedestrians in the surrounding public and private open spaces.</p>	<p>Propose that the criterion is written as a madatory requirement (as outlined in Fishermans Bend)</p>

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	Comfortable conditions should be required to meet the purpose. Where private open spaces are to achieve the <i>walking criterion</i> when it is used primarily for sitting or standing falls short of expectations.	Propose that comfortable conditions in communal open spaces and private open spaces achieve the sitting criterion as a minimum.
4	Desktop Wind Study: Point 8 is unclear if recommendations are to respond to criteria exceedences or 'potential' exceedences.	Review intent.
	Desktop Wind Study: Point 9 implies that a statement indicating whether a wind tunnel model is required or not will be determined by a qualified wind engineering consultant. As such expertise is not readily available within local governments, it should also state when a wind tunnel model is the minimum requirement as well.	Propose that when buildings present the potential for adverse wind impacts as outlined in the points listed below, that a wind tunnel model is the minimum requirement: <ul style="list-style-type: none"> • A building with a rectangular/square built form • A building with broad faces orientated towards the prevailing and strong wind directions • A building with minimal (less than 5m) setbacks of the upper levels of the built form from the street wall for prevailing wind directions • A building with communal outdoor spaces located on podiums and/or around corners of the building
5	2. Seek professional advice from a wind engineering consultant. States: <i>For larger projects, those in more complex wind environments, and where significant adverse wind impacts would be expected, the wind engineer may advise that a wind tunnel model study be undertaken.</i> With the responsible authority assessing a proposal, it can reiterate further information from a wind tunnel model may be requested (as outlined on p6) 'under section 54 of the Planning and Environment Act 1987 prior to requiring public notice of the application'.	Propose 'the wind engineer may advise that a wind tunnel model study be undertaken' be amended to state 'the wind engineer or responsible authority may advise that a wind tunnel model study be undertaken'



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	Sub title: 'Determining if a wind impact assessment is satisfactory' should refer to a reponse to the assessment rather than the assessment itself.	Propose change to: 'Determining if the proposal's response to a wind impact assessment is satisfactory'
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