

19 September 2016

**The Hon. Richard Wynne, MP**

Minister for Planning  
Department of Environment, Land, Water and Planning  
Level 15, 1 Spring Street  
Melbourne V 3000

Dear Minister,

**RE: BETTER APARTMENTS DRAFT DESIGN STANDARDS**

David Lock Associates (Australia) Pty. Ltd. ('DLA') is pleased to provide this submission to the exhibition of the proposed 'Better Apartments' draft design standards. By way of background, DLA is a specialist town planning and urban design consultancy with a drive to imagine the people and places of tomorrow, and our team of town planners and urban designers are heavily involved in all aspects of planning and design across metropolitan Melbourne and regional Victoria. This – combined the expertise and exposure we have gained by way of our interstate and overseas offices – allows us to bring a unique perspective on the draft design standards, and the following comments are made accordingly with the intent of ensuring that the final guidelines are relevant, applicable and logical.

**General Comments**

We fundamentally agree that the proposed design standards are a positive outcome that will provide greater certainty around apartment design and internal amenity outcomes, and will achieve vastly improved planning and design outcomes compared to the existing framework (particularly the *Guidelines for Higher Density Residential Development*). The spectrum of matters contemplated under the draft design standards is broadly appropriate, and the intention to propose alternative design responses to satisfy a specific design objective (as per existing ResCode provisions) is specifically supported as it offers the certainty of a 'deemed to satisfy' solution as well as the flexibility for both innovation and contextual solutions.

We remain concerned about the manner in which the design guidelines have been exhibited, and question the logic of exhibiting the draft Design Standards without draft Objectives or Decision Guidelines. Our experience is that the specific Objectives and Decision Guidelines are invariably more pertinent to good planning and design outcomes than the Standard alone, and – without them – the basis for many aspects of the technical Standards is unclear. We submit that these should be made available to the broader community and development industry prior to the finalisation of the design guidelines.

**Building Setback**

This is the most pertinent of the exhibited Standards with respect to urban design, and – as exhibited – will have a significant impact on the development capacity of an area. Whilst we understand that site-specific planning policy (such as DDOs and Structure Plans) will overrule the exhibited guidelines, consideration should be given to incorporating a different 'lesser' standard in areas where significant growth is anticipated (such as in urban renewal areas and commercially/RGZ zoned land). Doing so would be consistent with aspects of Melbourne Amendment C270 (DDO10) and Port Phillip C107 (DDO26) – both of which apply to state-significant areas. Refer overleaf.

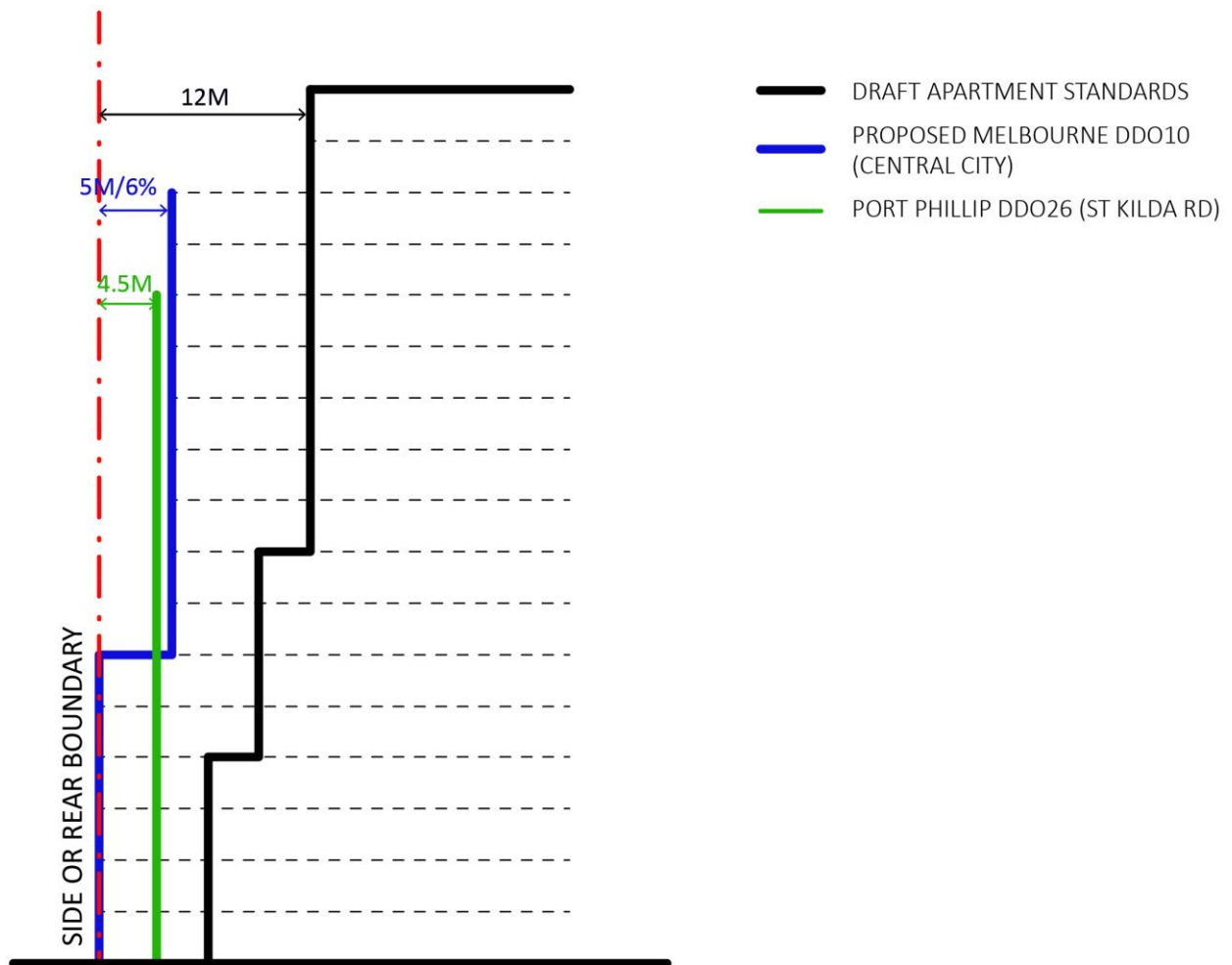


Figure 1 – Comparison of draft design guideline side/rear setback outcomes against that existent in Port Phillip DDO26 (St Kilda Road North) and proposed for the Central City under DDO10 (Melbourne Amendment C270).

It is also important to note that the proposed building setbacks have significant implications in terms of the necessary minimum lot size necessary for ‘Standard Compliant’ development. Our analysis of the urban design and planning implications of this are as follows:

Site Width	Development Ability
Properties < 33m wide	Unlikely to be developed above 4 storeys (13.5m)
Properties 33-39m wide	Unlikely to be developed above 8 storeys (25m)
Properties > 39m wide	Can be developed above 8 storeys (25m)

Figure 2 – Implied site development ability based on strict adherence to exhibited setback provisions

Further, the setback should acknowledge the myriad considerations associated with the primary orientation of a dwelling, and for that reason should distinguish between living room and bedroom/study windows (with the latter having a significantly reduced setback requirement). It is also noted that matters in commercial areas (where side setbacks expectations differ significantly to residential areas) often refer to the existing Standard B17 guidance in the determination of appropriate side and rear setbacks, and it is unclear how the proposed guidance accounts for this possibility. Finally, it is our concern that the Standard as exhibited will encourage 'wedding cake' buildings and will likely have the perverse outcome of blank walls at more modest setbacks from side boundaries.

We submit that the Objective and Decision Guidelines will be of crucial importance to this provision and suggest that the Decision Guidelines should have regard to the existing condition of abutting properties, the likely future development of abutting properties, the width of the site and abutting properties, the primary orientation of dwellings, whether there are any alternative sources of daylight, alternative privacy measures and whether the character of the broader area is commercial (as a minimum).

### **Room Depth**

Whilst supportive of the intent of prescribing minimum living room standards (particularly in the context of existing guidance regarding minimum balcony dimensions), we are concerned that the apartment depth Standard will have the perverse effect of encouraging smaller living areas given the current wording precludes the possibility of a larger living areas. We also query the logic that kitchens inherently have lesser daylight requirements to a living area and note that the manner in which people spend their time in their apartments is a personal choice. It is recommended that the Standard fall silent on specific kitchen location, and that the room depth Standard instead only apply to a minimum m<sup>2</sup> of living room area (which may include kitchens) that achieves acceptable daylight outcomes. Any additional space provided in excess of this should be encouraged (rather than penalised) as this too contributes to the amenity of an apartment.

In lieu of the exhibition of the Objective and Decision Guidelines it is difficult to understand what considerations have driven the room depth standard, but we recommend that consideration be given within the Decision Guidelines to the broad range of factors that influence daylight including window size and number, obstructions to daylight (screening and overhanging balconies), proximity of other buildings, and apartment orientation.

### **Windows**

Having toured a number of examples of 'snorkel' bedroom arrangements, we are not convinced that snorkels are inherently negative – particularly when coupled with their inherent floorplate and development efficiencies. Rather than banish these altogether (which is a 'blunt' approach that will likely encourage developers to remove the internal component of the snorkel to achieve compliance), we submit that the windows Standard should be amended to provide clear guidance on acceptable depth vs width ratios for snorkels. The Decision Guidelines should have regard to the use of the internal component of the snorkel (ie. no studies), the extent of glazing at the terminus of the snorkel, whether snorkels of adjacent dwellings are co-located, the orientation of the snorkel, the height of the snorkel with respect to surrounding built form, the dimension of external snorkel lightwell, and the obstructions external to the snorkel.

### **Storage**

The exhibited storage Standard does not address the problem that very little internal storage is often provided in some apartments. A better way of addressing this may be to include all necessary internal storage within a revised minimum m<sup>2</sup> requirement (including inbuilt wardrobes, kitchen cabinets and pantries). We also question the logic of external storage in the basement of a building being acceptable, but corridor storage is required to be located close to the corresponding apartment.

## Noise

Whilst we understand the intention behind the noise Standard, reasonable noise consideration is already covered by existing mechanisms such as SEPP N-1, 'Agent of Change' venue policies, and application requirements for acoustic reports in particularly noise-sensitive areas (such as within the City of Melbourne's proposed DDO10 for the Central City). Outside these frameworks we submit that noise assessment is subjective and directly relative to the character of an area, and for this reason we submit this Standard should be removed.

## Communal Open Space

As exhibited, we are concerned that the provisions of this Standard will likely encourage the location of communal open space in taller apartment buildings on the rooftop (rather than podium top) where – on balance - it will be subject to harsher wind effects. We submit that the Standard should be clear about preferred locations for communal open space, which can be achieved by way of revised standard or within the Decision Guidelines. Further, it would be useful to combine the proposed '*Solar Access to Communal Outdoor Open Space*' within the one '*Communal Open Space*' Standard to create a stronger nexus between minimum m<sup>2</sup> for communal open space and minimum solar access requirements (with Decision Guidelines for variations). Further definition of acceptable forms of communal open space (incorporating internal communal amenities such as gyms, cinemas and certain forms of community land uses) should be included to remove ambiguity and to encourage their provision by the market.

## Landscaping

We submit that the issue of landscaping is already comprehensively covered by existing planning scheme mechanisms including neighbourhood character studies, residential zone variations, local planning policies and the existing landscaping provisions of ResCode (for apartment buildings up to four storeys in height) where this is critical. Above this, it is submitted that apartment buildings of five or more storeys are typically expected in major change areas or inner-city locations where landscaping is of lesser importance to character and amenity. When combined with the requirement for landscape plans as part of typical residential development applications (which must be endorsed and form part of the planning permit), we submit that the proposed landscaping Standard is not necessary and that the existing provisions of Standards A8, B13 and ResCode character considerations are sufficient.

## Natural Ventilation

The draft Standards are too prescriptive with respect to percentage of dwellings requiring cross ventilation, and we are concerned that specifying minimum dwelling percentages for cross ventilation is too 'blunt' a tool that will stifle site-specific responses. We submit that cross-ventilation of corridors should be encouraged in taller development, and that dwellings should have the option of accessing ventilated corridors as part of cross-ventilation requirements if they so choose.

We thank you for the opportunity to contribute to the development of the draft design guidelines. If you have any queries on the above, please do not hesitate to contact our planning team directly on (03) 9682 8568 or at [info@dlaaust.com](mailto:info@dlaaust.com). We also request to be kept informed of the progress of the design guidelines as well as any future opportunities for consultation.

## David Lock Associates