

## Have your say

The Department of Environment, Land, Water and Planning (DELWP) invites all Victorians to provide feedback about the policy proposals in the discussion paper by making a submission.

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 change you would like

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## **Green space**

Please provide feedback on the four proposed changes.

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

# Building Better Apartments in Neighbourhoods

We support changing the landscaping standard. Please refer to comments below.

The local ESD Planning policies held by numerous Victorian Councils include the following objectives:

- To protect and enhance biodiversity within the municipality.
- To provide environmentally sustainable landscapes and natural habitats and minimise the urban heat island effect.
- To encourage the retention of significant trees”.

The benefits of appropriate landscaping are many and can include:

- Direct economic benefits such as lower air-conditioning costs
- Indirect economic benefits such as increased market value
- Improved health and wellbeing
- Moderation of Urban Heat Island Effect
- Reduction of glare and ground temperature
- Reduction of penetrating winds
- Improved air quality
- Seasonal heat control
- Improved habitat ecosystems

We provide the following recommendations:

- that guidance is provided on where it would be acceptable to not provide canopy trees. In these instances, further guidance on the extent (ie spatial requirements, species selection and diversity etc) of the ‘other alternative responses’ (as outlined in the standards) is required.
- We are concerned that the space provisions included are inadequate for trees to establish, potentially leading to ineffective outcomes.
- The decision guideline ‘Whether landscaping is part of the existing or preferred future landscape character’ should be revised to ensure that the other objectives are met and that the landscaping provides a level to support biodiversity, wellbeing etc. This is due to this type of statement having been used at VCAT to justify lowering landscape requirements in areas with existing poor provision. All areas, no matter what the current landscape provision, should be provided with equitable landscape provisions.
- Table D2, page 15 should also include: A minimum standard of one canopy tree for every 12m of street frontage, and an incentive to retain existing trees (as per Table 1 – Deep Soil Areas p32 BADS)
- Use of containerised tree planting for canopy trees should be discouraged. Though where allowed, proposed containerised tree planting should include a typical technical detail with the following information at a minimum; ‘proof of adequate soil volume to allow the tree to thrive, drainage and irrigation and tree anchoring systems.’
- The use of landscaping to shade sun exposed areas should be encouraged in lieu of shade structures. This should be strengthened to introduce more greening in developments.
- Include a reference to using, where possible, preferred species as outlined by the local government.
- Encourage undergrounding of power lines suggested in areas where this will not impact on tree root development of canopy trees.
- Aerial bundling and underground powerlines should be encouraged where greater canopy outcomes can be achieved with fewer trees or reduced soil areas.
- Basement carparks should not extend from boundary to boundary and should allow for tree planting in natural ground.
- Positioning of trees should not overly impact neighbouring properties and also provide equitable development rights. Suggest this is quantified to ‘located trees so that no more than x% of the tree canopy at expected mature growth will overhang the boundary’.
- Include reference to a broader range of landscape types like urban agriculture or green infrastructure.
- Include reference to the amenity required to make Green Space engaging and well used.
- Encourage spaces to be more diverse and useful. Landscape areas in developments are often submitted that are simply edge treatments or circulation pathways that have planting.
- the proposed changes should be increased in landscaping provision (e.g. minimum tree provision) to assist councils in achieving state government (and councils’) urban greening targets.

# Building Better Apartments in Neighbourhoods

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

We support the proposed changes to the communal open space standard as outlined in the Discussion Paper.

The policy basis behind the local ESD Planning policies notes that the policy provides a “framework for early consideration of environmental sustainability at the building design stage in order to achieve ... Improved amenity and liveability”. Furthermore, the ESD Policies also “encourage the provision of space for productive gardens, particularly in larger residential developments”. We are of the view that the proposed change to the communal open space standard supports the policy basis and objective included in the local ESD Policies.

We provide the following recommendations:

- planting schedules and management frameworks be required for landscaped communal open space.
- where communal open space is connected to internal communal space, consideration should be given to the provision of good daylight access to this internal space, such as the inclusion of atrium design features.

We support the ratio of open space per dwelling / person and are of the view that this will enable improved landscaping outcomes and improved amenity and liveability, including access to daylight which is essential to human wellbeing.

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

We support the proposed changes to the design response as outlined in the Discussion Paper.

We suggest that the decision guidelines refer to not just ‘the design response’ but also to ‘Context and Climate’. This is to ensure orientation and adjacencies; character and efficiency are at the forefront of design and decision making.

We support the requirement for landscaping site area allocation, including soil depth and width, and considerations for plant types specified on plans.

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

We support the proposed changes to the Apartment Design Guidelines as outlined in the Discussion Paper.

\*Suggested Permit condition – Information on how the landscaping will be maintained.

Information could be submitted in the form of a Landscape Maintenance or Management plan which might include the following information:

- The location of any landscaping infrastructure (to ensure it is accessible). Infrastructure might include planters, climbing or support structures, water supply / taps and drainage.
- A detailed Landscape plan which might include:
  - Information about plant species (deciduous or evergreen, native or exotic)
  - Wind tolerance of plant species
  - Shade cover potential / canopy size
  - Water requirement (drought tolerant / xeriscape), etc.

## **Appearance of the building**

Please provide feedback on the three proposed changes.

*When providing your feedback please reflect on what support and information planners and applicants need about design quality and external materials to implement the proposed standards.*

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

We support the proposed inclusion of a new standard related to external walls and materials as outlined in the Discussion Paper.

We emphasise that there may be unintended consequences of requiring particular materials, for example the immediate carbon impact of heavy weight durable materials such as new brick or concrete. Opportunities exist to mitigate these impacts, such as the use of recycled materials, or supplementary extenders for concrete. The unintended consequences issue should be highlighted within any guidance material provided, and information on alternative materials included.

Page 36 of this document provides some broad information about materials:

<https://www.doncasterhill.com/sites/default/files/Sustainability/Sustainability%20Guidelines%20Main%20Text.pdf>

Further information on materials impacts can be found here:

<http://www.ecospecifier.com.au/knowledge-green/setting-priorities/eco-priority-guide-walls.aspx>

We also note that the State Government is currently preparing a policy on the Circular Economy, which incorporates draft options for addressing materials in the built environment. We encourage the DELWP apartment team to collaborate with the circular economy team to ensure the two policy areas align. We provide the following references to case studies related to circular materials.

[https://gxn.3xn.com/wp-content/uploads/sites/4/2019/02/CircleHouse\\_ENG\\_2018.pdf](https://gxn.3xn.com/wp-content/uploads/sites/4/2019/02/CircleHouse_ENG_2018.pdf)

<https://www.ellenmacarthurfoundation.org/assets/downloads/Built-Env-Co.Project.pdf>

We note that the first reference (Circle House) enables an approach to cladding that allows less durable aspects to be easily removed, up/recycled and replaced. This approach potentially has merit (depending on the environmental impact of the original materials used) but would need to be soundly supported with evidence of the materials stewardship process, and ease of maintenance / replacement.

We make the following recommendations:

- that a building's design be based on End of Life Potential (EOL) to ensure waste is minimised during design and construction, the inevitable demolition of the structure is considered in the design and that the quality of materials ensure the apartment building ages well and remains attractive.

We note the importance of durability and safety of materiality for the entire life cycle of the building. While we acknowledge that this is building legislation, with recent and escalating incidents of combustible cladding used on apartment facades [especially within Melbourne], the specification of safe, non-combustible materials should be mandatory to safeguard residents.

We support more robust acknowledgement of material selection specified at the planning stage to prevent cheaper, sub-standard options being substituted during the construction phase.

We would support a verification process of specified and acceptable materials during the various stages of the building procurement process.

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

We support the proposed changes to the design response as outlined in the Discussion Paper, in particular the requirement for a design rationale for external walls. We are of the view that the submission of a design rationale for external walls will encourage follow through of materials selected for façade treatments to the design development stage and through to as-built.

We recommend that any changes are aligned with updates to the Urban Design Guidelines for Victoria.

Acceptable materials for external walls should not only be attractive and durable, but also safe. The Victorian Cladding Taskforce has made some headway into determining what materials are acceptable, along with the Senate report on non-conforming building products. Recommendations included a proposed ban on polyethylene core ACP; expediting mandatory third-party certification scheme for high-risk building products, establishing building information databases and further reactionary enforcement considerations.

Cladding Taskforce:

[https://www.planning.vic.gov.au/\\_\\_data/assets/pdf\\_file/0019/426034/DELWP0124\\_Victorian\\_Cladding\\_Taskforce\\_Final\\_Report\\_July\\_2019\\_v9.pdf](https://www.planning.vic.gov.au/__data/assets/pdf_file/0019/426034/DELWP0124_Victorian_Cladding_Taskforce_Final_Report_July_2019_v9.pdf)

Senate report on non-conforming building products:

<https://aca.org.au/article/non-conforming-building-products-senate-report>

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

We support the proposed changes to the Apartment Design Guidelines as outlined in the Discussion Paper.

Apart from acoustic and thermal performance for energy efficiency and comfort, external walls are not covered [in detail] in the Apartment Guidelines.

Including the suggested permit conditions will document in detail the commitment to the cladding approach at the planning stage and enable a more effective comparison between an approved cladding and any proposed revisions, post permit issue.

We recommend that a Suggested Permit Condition be drafted to ensure all materials and systems can be assessed per longevity, flash point and maintenance. Acquiring material data is important when comparing alternative materials proposed in secondary consent to ensure quality and safety are not compromised and to attain information as new technologies enter the market.

'Avoid highly reflective or tinted finishes' is important but needs a quantitative measurement to assist planners in assessing applications.

## **Wind impacts**

Please provide feedback on the two proposed changes.

When providing your feedback, please reflect on:

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

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

We support the proposed inclusion of a new standard requiring wind assessment when considering buildings at 5 stories or more.

While we understand this standard relates primarily to the impacts of wind at street level, we also note that people are unlikely to use private outdoor or communal outdoor space if it is too windy. We also note that a wind assessment may identify site base micro wind opportunities.

The continuously linear density blocks consisting of taller buildings and narrower streets that create a man-made canyon-like effect are increasing the phenomenon known as the canyon effect, exacerbating wind directions and speed and increasing microclimate temperatures, reducing pedestrian and apartment dwellers comfort [and safety]. Streets flanked by buildings taller than five stories may experience reduced light penetration and increased noise levels. Air quality may be adversely impacted due to a reduced capacity to dissipate pollutants from vehicles. <https://medium.com/the-machinery-of-government/canyon-effect-in-australian-cities-ce496190c760>

Although trees and landscaping are not the primary mitigation measure for wind impacts, we note that established and maintained landscaping elements can help alleviate negative wind effects.

Building separation is also a key factor in adverse wind outcomes. Podium setbacks provide an alternative to continual linear vertical facades, that may help to offset the wind velocity effects throughout the development.

We support the submission of CASBE member council Whitehorse City Council on this item.

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

We support the proposed changes to the Apartment Design Guidelines as outlined in the Discussion Paper.

We note that there is opportunity to support the Living Melbourne Strategy (Action 3 – 3.3) by providing more technical information on how trees can be used to address wind impacts, including;

- Tree characteristic – evergreen, dense canopy, robust etc.
- Planting characteristics – located in response to prevailing breezes; tree species canopy type; planted in close proximity; planting to create pleasant micro climates including other benefits like shade etc.
- Used in combination with other methods to lessen wind impacts.

We support the submission of CASBE member council Whitehorse City Council on this item including their conclusion that “It is strongly encouraged that the Department develops a coherent Practice Note which includes detailed examples, demonstrates certain practices, and manages expectations as to what each type of wind impact assessment should entail and how it should be read, as well as, graphics/illustrations of wind mitigation measures and how they are identified on Development Plans.”

## **Street interface**

Please provide feedback on the four proposed changes.

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

We support the proposed changes to the integration with the street standard as outlined in the Discussion Paper, in particular, the requirement to avoid blank walls along street frontages, and to include pedestrian links to enhance accessibility.

We also support the location of carparking and waste facilities behind the active street frontages.

We make the following recommendations:

- Revised wording to: 'High front fencing should be avoided.' i.e. remove 'if practicable'.
- Development next to existing public open space should be laid out to complement the open space. Add 'to provide outlook to and passive surveillance of open space'.

We suggest including guidelines for on-site flood mitigation requirements to limit the need to raise floor levels at the street interface. Guidelines could be further explored (in consultation with the relevant authority) to explore new techniques and technologies such as flood-proof doors, wet-flood proof materials, raised electrical points and consideration of avoiding residential uses within affected areas.

We recommend incorporating a standard requiring openable windows and balcony doors within the podium level along street frontages be considered. Openable windows at street level and within the podium can enhance the sense of connection, surveillance and safety at ground level, and improve ESD performance by allowing for natural ventilation. However, it is important to note that residential windows at grade to the street level should avoid direct pedestrian sightlines.

Building separation components should be a separate sub-clause rather than amending 58.04-1. See Moreland clause 22.07 building separation and light well conditions for policy example. This strengthens the position that building separation is not only a consideration for internal amenity, but it is also a key consideration for external amenity and equitable development outcomes across adjoining sites. It should also facilitate deep soil opportunities for green spaces and canopy trees, improved appearance of apartment buildings and offset wind impacts at ground level.

Consideration should be given to inclusion of related aspects of the Draft Central Melbourne Design Guide.

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

We support the proposed changes to the access standard as outlined in the Discussion Paper, in particular the requirement to encourage vehicle access to be located to the side or rear of the building.

We also recommend that vehicle cross overs are separate to pedestrian access - not only for visual amenity but also for pedestrian safety.

Consideration should be given to inclusion of related aspects of the Draft Central Melbourne Design Guide.

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

# Building Better Apartments in Neighbourhoods

We support the proposed changes to the site services standard as outlined in the Discussion Paper.

Consideration should be given to inclusion of related aspects of the Draft Central Melbourne Design Guide.

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

We support the proposed changes to the Apartment Design Guidelines as outlined in the Discussion Paper.

We support well-integrated, located and designed service provision, and re-iterate the early collaboration with the Apartment Design Advisory Service (ADAS) if design guidance is needed in this regard.

Consideration should be given to inclusion of related aspects of the Draft Central Melbourne Design Guide.

## **Construction impacts**

Please provide feedback on the two proposed changes.

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

We support the proposed inclusion of a new standard related to construction impacts as outlined in the Discussion Paper.

Of particular concern are the impacts of stormwater and water run-off from construction sites.

Several CASBE member councils have local planning provisions related to Water sensitive urban design (WSUD) which include the requirement to provide “A site management plan which details how the site will be managed through construction.” which is to be “A statement is required outlining construction measures to prevent litter, sediments and pollution entering stormwater systems.” The EPA’s ‘Reducing Stormwater Pollution from Construction Sites’ (Environment Protection Authority (EPA) Victoria, [www.epa.vic.gov.au](http://www.epa.vic.gov.au)) provides a useful resource on this issue.

We make the following recommendation:

- Consider including some minimum requirements such as recycling of construction and demolition waste and protecting of stormwater drains from construction debris.

With urban densities creating closer ‘confines’ with neighbourhood and surrounds, the issues of construction noise, air quality and neighbourhood access and safety is becoming more prevalent. We therefore support the new standards proposed to help address these imposts on the neighbouring tenants.

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

We support the proposed changes to the Apartment Design Guidelines as outlined in the Discussion Paper that suggests a permit condition requiring a construction management plan that sets out on-site operational issues that may have off-site impacts, much of which are not monitored [including on-site].

Some CASBE member councils currently include permit conditions related to provision of Construction Management Plans.

# Building Better Apartments in Neighbourhoods

I am making this submission: **Required**

- on behalf of an organisation
- on behalf on a local council
- as an individual

Name

Natasha Palich

Organisation (if relevant)

Council Alliance for a Sustainable Built Environment (CASBE)

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If you would like to be identified, please add your details to the submission.

- I agree to the privacy statement **Required**

## ***Privacy Statement***

### **What we will do with your submission**

*DELWP is committed to protecting personal information provided by you in accordance with the principles of the Victorian privacy laws.*

The submission you provide to DELWP will be used to inform changes to the planning rules for apartment developments in the Victoria Planning Provisions.

The contact information you provide may be used to contact you should we need to clarify your submission.

The submission you provide will be published on the Engage Victoria website. To protect individual privacy, DELWP will remove your name and address from your submission when we receive it.

If you do not wish to be identified, please ensure there is no other information in your submission that could identify you or other individuals.

If you are making comment as an organisation, then your comments may be published, including the name of your organisation.

De-identified submissions may be used by DELWP, or its contracted service providers under confidentiality agreements, in preparing its recommendations to government.

Should you need to correct the information you provided, please contact us via email at [planning.implementation@delwp.vic.gov.au](mailto:planning.implementation@delwp.vic.gov.au)

You have the right to access and correct your personal information. Requests for access should be sent to the Manager Privacy, P.O. Box 500 East Melbourne 3002 or contact by phone on 03 9637 8697.