

BETTER APARTMENT DESIGN STANDARDS

2021 UPDATE SUMMARY

The Minister for Planning Richard Wynne recently announced changes to the Better Apartment Design Standards, which will see amendments to existing standards and the introduction of two new standards. The updated standards focus on internal and external amenity conditions and aim to create apartment developments that contribute to the amenity and safety of neighbourhoods.

WIND

The amendment will introduce a new standard requiring a wind assessment for developments of five storeys to ensure development achieves amenable wind conditions in the surrounding public realm and adjoining areas of private open space and communal open space. This is in recognition that Melbourne is the seventh windiest city in the world, and anticipation that wind conditions will decline without appropriate assessment of proposed wind conditions.

The proposed standard will predominantly impact medium-scale developments that previously would not have triggered a wind impact assessment. It appears that a desktop wind impact assessment may satisfy the requirement unless the assessment indicates the need for a wind tunnel model.

PRIVATE OPEN SPACE

The revised standard alters the balcony minimum area and depth requirement depending on the orientation of the dwelling.

The intention behind this change is to improve daylight access to these dwellings and reduce overhang of balconies above. However, this change may reduce the overall amenity afforded to larger dwellings as apartments with three or more bedrooms will have the same minimum area requirements as one bedroom apartments.

The revised standard also removes the requirement to provide balconies to dwellings located 40 metres or more above ground level, provided additional floor area is provided in the living or bedroom areas (8 square metres for one and two bedroom dwellings, and 12 square metres for three bedroom dwellings).

The revised standard applies the same open space requirement to both Clause 55 and Clause 58 proposals, meaning that apartments on the ground level of developments of four storeys or less now only need to provide 25 square metres of secluded open space rather than the 40 square metres required by Standard B28.

ORIENTATION OF DWELLING	DWELLING TYPE	MINIMUM BALCONY AREA	MINIMUM BALCONY DIMENSION
North (between north 20 degrees west to north 30 degrees east)	All	8 square metres	1.7 metres
South (between south 30 degrees west to south 20 degrees east)	All	8 square metres	1.2 metres
Any other orientation	Studio or 1 bedroom dwelling	8 square metres	1.8 metres
	2 bedroom dwelling	8 square metres	2 metres
	3 or more bedroom dwelling	12 square metres	2.4 metres





LANDSCAPING AND DEEP SOIL AREAS

The revised standard:

- Places greater emphasis on the role of landscaping in supporting the preferred urban context and reducing the visual impact of buildings.
- Seeks to retain existing trees and canopy cover, and requires an assessment of the health of any trees proposed to be removed.
- Specifies that canopy trees can be provided in a deep soil area or within planter boxes.
- Encourages greater landscaping in the street frontage and outdoor areas.

The requirement to retain existing trees may make it more challenging to remove healthy established trees. Positively, the standard notes that canopy trees can be delivered in planter boxes where deep soil area cannot be provided, which may be beneficial for developments in inner-urban contexts where high levels of basement coverage are typical.

COMMUNAL OPEN SPACE

The revised standard lowers the number of dwellings triggering the provision of communal open space from 40 to 10, and restructures the minimum area requirement:

- A development of 10 or more dwellings should provide at least 30 square metres of communal outdoor open space.
- A development of 13 or more dwellings should provide an additional 2.5 square metres per dwelling for every dwelling over 12, or 220 square metres, whichever is lesser. The additional area may be indoors or outdoors, and may comprise multiple separate areas of open space.

The revised standard will primarily impact medium apartment developments (10-39 dwellings) which do not need to provide communal open space under the current standard, and it is unclear how these changes will impact the viability of smaller sites. The Apartment Design Guidelines 2021 notes that the outdoor communal open space can incorporate outdoor circulation spaces and pathways, and includes an example of the outdoor communal open space being provided as part of the pedestrian entrance to an apartment building.

In effect:

- The implications for smaller developments of 12 dwellings and below will be potentially limited to providing a 30 square metres landscaped entrance.
- The implications for a development with 39 dwellings would be the provision of a 30 metre outdoor space (such as the above mentioned landscaped entrance) with 67.5 additional square metres of communal space provided as indoor or outdoor and across multiple spaces.



The revised standard will not impact the quantum of communal open space required for larger apartments developments already required to provide communal open space as the overall area of communal open space (250 square metres) is the same. The revision also allows for greater flexibility in the provision of open space as it can be provided indoors, outdoors and across multiple spaces.

MATERIALITY

The amendment will introduce a new standard seeking to ensure the external materiality is durable and responds to the existing urban context or preferred development character. The standard can be addressed through the urban context report and design response, and must demonstrate the proposed façade is of a high quality that makes a positive contribution to the existing streetscape and the material selection is of a durable quality.

STREET FRONTAGES

Several standards have been updated to encourage improved street integration, minimisation of services, and other design detail issues. These changes largely reflect well-established urban design principles and the existing policies at Clause 15 (Built Environment and Heritage) and the Urban Design Guidelines for Victoria.



WHAT ARE THE IMPLICATIONS?

- We anticipate the new requirements for wind assessments will increase timelines to both the pre- and post-lodgement phases due to the limited number of qualified professionals to both prepare and assess these reports.
- The revised private open space standard appears to sidestep the underlying issue of assessing daylight access to apartments. Daylight access is largely addressed through the room depth and windows standards under the current standards, however compliance with these standards does not guarantee appropriate daylight access is achieved. In the absence of a minimum daylight access standard, decision makers have largely relied on BESS “best practice” daylight modelling to determine if appropriate amenity is provided to dwellings. Accordingly, the revised standards represents a missed opportunity to address daylight access meaningfully.
- Will the requirements for communal open space make the desired contribution to amenity for future residents or will this unnecessarily increase the cost of development? The flexibility of the revised standard to allow for greater flexibility in how communal space is delivered (indoors, outdoors, and across multiple spaces) is considered a positive.



NEXT STEPS

The Apartment Design Guidelines will be updated to reflect the revised standards, and a new practice note has been prepared in relation to the wind assessment standard. The State Government has indicated that the revised BADS will be gazetted at some point during 2021, and a minimum of two months from the announcement date on 28 February 2021. Transitional provisions will apply to all applications lodged before the amendment date.

Contact Urbis' team of experts for advice on how the revised Better Apartment Design Standards will affect your proposal.