

# Better Apartments Public Consultation Report



JANUARY 2017



# Building setback

## Why this is important

Building setbacks ensure apartment developments are adequately set back from their boundaries and from other buildings on a site to provide reasonable daylight, sunlight, privacy and outlook opportunities for new dwellings. Setbacks also provide areas for private open space, communal open space and landscaping. These things improve the amenity of apartments.



DAYLIGHT



SUNLIGHT



PRIVACY &  
OUTLOOK

## What you told us

- Building setbacks are important for outlook, daylight and privacy.
- The building setback in the draft standard could result in a loss of development yield due to the reduced building footprint, and make a large number of development sites unviable.
- Flexible setback distances are needed that respond to the site context, including the massing of buildings.
- The building setback distances in the draft standard are contrary or greater than existing local planning controls, which could result in confusion and uncertainty.
- The one-size-fits-all approach could result in poorly designed developments (for example, developments having a 'wedding cake' look).
- Setbacks from the front of the street are important, too.

## Your satisfaction

Less than half (41%) of all online survey submitters were satisfied or very satisfied with the draft Building setback standard. However, views diverged by type of submitter: majorities of council (68%) and community member (57%) submitters were satisfied or very satisfied with the draft standard, compared with minorities of development industry (15%) and planning and design practitioner (25%) submitters.

## Changes wanted

Of all the draft standards, Building setback had the greatest percentage of online survey submitters (65%) wanting the draft standard to be changed. Types of submitters most wanting changes were councils (82%), the development industry (79%) and planning and design practitioners (76%), compared with community members (47%).

Some submitters wanted the minimum setback specification deleted. Others wanted the application of it made more flexible by allowing consideration of the site context.

Some councils and other submitters wanted greater discretion in decision-making. Councils were concerned that they already have planning controls that take into account setbacks, and more importantly that the proposed setback in the standard would not take account of local variation.

*'Councils should be given the ability to vary the standard through local schedules. Activity centres have a different development context than incremental change areas, and a varied building separation or boundary setback may help achieve local design and consolidation objectives better than the default 6 – 12 metre requirement. We support the proposed setbacks, however we note they will be difficult to achieve on some sites, particularly inner metropolitan areas with irregular shaped or narrow lots.'* (Maribyrnong City Council)

Development industry and planning and design practitioner submitters were more strongly opposed to the draft standard. Some asked that it be removed because the setbacks were more onerous than the setbacks proposed by council planning controls, and because it could affect the development yield of many building sites across Melbourne.

*'As an architect and a developer, I believe the proposed setback will result in a lot of good development sites becoming unfeasible to develop.'* (Desyne Developments)

*'The proposed setbacks could have a limiting effect on a number of sites given site dimensions and in some cases the width across a site between two existing roads. While I understand the theory behind the need for this standard, the application could limit the future potential development growth of Victoria.'* (Windtech Consultants)

Some community members asked that the standard be expanded to include front, side and rear setback, not just side and rear.

*'Setbacks should also apply from the front boundary, not just the side and rear, and provide suitable privacy from street level.'* (Anonymous)

*'It needs to be more than the 12 metres from the side or rear for over 25 metre high properties, but (the standard) doesn't even mention the setback from the front of the street.'* (Individual)

*'The BVRG supports the inclusion of side and rear setbacks for apartment buildings but considers that front setbacks, where appropriate, should have been incorporated in the draft standards. In activity centres where apartment buildings are designed with setbacks that enable canopy plantings, the street amenity as well as that of the apartments are improved. Additional benefits include passive cooling and a softening of the canyoning effect resulting from building to boundary.'* (Blackburn Village Residents Group Inc.)

## Our response

In response to the feedback, we market-tested the draft Building setback standard and refined it with technical experts.

Engineering experts advised that while there are varying methods for determining a daylight factor, there is no authoritative national or international standard.

As with any modelling methods, daylight factor modelling uses a range of assumptions and controlling these assumptions can be complicated to achieve consistent results.

Daylight factor modelling is an evolving field, meaning that methodologies will continue to change and while it can help the design process, it is not suitable to include as part of the standard at this stage.

The Department proposes to work with key stakeholders including the Green Building Council of Australia, Council Alliance for a Sustainable Built Environment (CASBE), Municipal Association of Victoria (MAV), councils and other industry bodies to consider the recognition and/or adaptation of acceptable existing tools, methods and benchmarks for meeting the Better Apartments Design Standards and/or the establishment of new tools, methods and benchmarks if necessary.

Market testing demonstrated that the draft design standard would significantly reduce yield for existing apartment developments considered to be examples of good design.

Market testing also emphasised the importance of considering the urban context in assessing building setbacks.

Council officers indicated that outlook is also an important consideration.

## What we changed

We changed the draft design standard by:

- removing reference to specific minimum setback distances
- requiring building setback to achieve adequate outlook, as well as adequate daylight and privacy
- requiring buildings to be set back a reasonable distance from other buildings within a site
- adopting a qualitative assessment of building setbacks to ensure apartment developments are responsive to the site and urban context, with the application of zones and overlays prevailing over the building setback standard.