

# New planning provisions for apartment developments | Amendment VC136

Planning Advisory Note 66

APRIL 2017

This advisory note provides information about the changes made to the *Victoria Planning Provisions* and all planning schemes by Amendment VC136 to introduce new standards for apartment developments in Victoria.

## How does Amendment VC136 change the *Victoria Planning Provisions* (VPP) and all planning schemes?

Amendment VC136 amends the VPP and all planning schemes by:

- Amending **Clause 55 (Two or more dwellings on a lot and residential buildings)** to introduce the new apartment standards.
- Introducing a new **Clause 58 (Apartment developments)** into the Particular Provisions.
- Deleting **Clause 52.35 (Urban context report and design response)** for residential development of five or more storeys.
- Amending the following **zones** to reference the new apartment standards (Clause 32.04 (Mixed Use Zone), Clause 32.05 (Township Zone), Clause 32.07 (Residential Growth Zone), Clause 32.08 (General Residential Zone), Clause 32.09 (Neighbourhood Residential Zone), Clause 34.01 (Commercial 1 Zone), Clause 37.01 (Special Use Zone), Clause 37.02 (Comprehensive Development Zone), Clause 37.04 (Capital City Zone), Clause 37.05 (Docklands Zone), Clause 37.06 (Priority Development Zone) and Clause 37.08 (Activity Centre Zone)).
- Amending **Clause 43.05 (Neighbourhood Character Overlay)** to prevent variation of the new apartment standards.
- Amending **Clause 72 (General Terms)** to introduce a definition for the term 'Apartment'.

## What is an apartment?

The VPP and all planning schemes have been updated to include a definition of **Apartment** under Clause 72 (General terms):

*A dwelling located above the ceiling level or below the floor level of another dwelling and is part of a building containing two or more dwellings.*



## What are the new apartment standards?

There are 16 new apartment standards:

- Building setback
- Functional layout
- Room depth
- Windows
- Storage
- Noise impacts
- Energy efficiency
- Natural ventilation
- Private open space
- Communal open space
- Solar access to communal outdoor open space
- Landscaping
- Accessibility
- Building entry and circulation
- Waste and recycling
- Integrated water and stormwater management

## What type of development do the new apartment standards apply to?

The new apartment standards apply to all apartment developments in Victoria, except for the Building setback standard.

The Building setback standard does not apply to apartment developments of four storeys or less in a residential zone. The requirements of Clause 55.04-1 (Side and rear setback) continue to apply to these apartment developments.

## Do the new apartment standards apply to a residential building?

No, the new apartment standards do not apply to a residential building as defined in the VPP.

A residential building of four storeys or less in a residential zone will continue to be assessed under the provisions of Clause 55 (Two or more dwellings on a lot and residential buildings).

A residential building of five or more storeys will continue to be assessed against relevant policies, zones and overlays.

## How do the new apartment provisions operate?

The new apartment provisions operate in the same way that Clauses 54 and 55 operate to assess residential development in the VPP.

The new apartment provisions contain **Objectives, Standards** and **Decision guidelines**.

**Objectives** describe the desired outcome to be achieved in the completed development.

A **Standard** contains the requirements to meet the objective. A standard should normally be met. However, if the responsible authority is satisfied that an alternative design solution meets the objective, the alternative design solution may be considered.

**Decision guidelines** set out the matters that the responsible authority must consider before deciding if an application meets the objectives. When an alternative design solution is proposed, the effect of the design solution on the achievement of other objectives should be considered.

## Can the new apartment standards be varied by zones and overlays?

The new apartment standards contained in Clause 55.07 cannot be varied in a schedule to the zone. A select number of the existing standards under Clause 55 continue to have the ability to be varied by schedules to the zones.

The Neighbourhood Character Overlay will continue to allow variations to most of the standards of Clause 55 except for the new apartment standards in Clause 55.07 and existing key amenity standards such as overshadowing and daylight to new and existing windows.

Apartment standards in Clause 58 cannot be varied in a schedule to the zone or an overlay, except for the Building setback standard (Clause 58.04-1).



### **How does Amendment VC136 affect existing planning permit applications?**

Clause 58 and the amended Clause 55 do not apply to applications lodged before the introduction of Amendment VC136 on 13 April 2017.

The transitional arrangements also apply to an application lodged for an amendment of a permit where the original permit application was lodged before the introduction of Amendment VC136 on 13 April 2017.

### **How are the new apartment standards given effect in Clause 55 and Clause 58?**

Clause 55 has been amended to include the new apartment standards at Clause 55.07.

Apartment developments of four storeys or less (excluding a basement) in a General Residential Zone, Residential Growth Zone, Mixed Use Zone, Township Zone and Neighbourhood Residential Zone will continue to be assessed against the amended Clause 55.

Clause 58 includes relevant standards from Clause 55 as well as all of the new apartment standards.

Apartment developments of five or more storeys, excluding a basement in a General Residential Zone, Residential Growth Zone, Mixed Use Zone and Township Zone and all apartment developments in a Commercial 1 Zone, Special Use Zone, Comprehensive Development Zone, Capital City Zone, Docklands Zone, Priority Development Zone and Activity Centre Zone are assessed against Clause 58.

Table 1 shows the new and existing standards across both clauses.



**Table 1 – Apartment standards under Clause 55 and Clause 58**

<b>CLAUSE 55 TWO OR MORE DWELLINGS ON A LOT AND RESIDENTIAL BUILDINGS</b>		<b>CLAUSE 58 APARTMENT DEVELOPMENTS</b>	
<b>Apartment development of four storeys or less in a residential zone</b>		<b>Apartment development of five or more storeys in a residential zone + All apartment developments in other zones</b>	
<b>Neighbourhood and site description and design response</b>		<b>Urban context report and design response</b>	
<b>EXISTING STANDARDS</b>	<b>Standards</b>	<b>NEW STANDARDS</b>	<b>Standards</b>
	<b>B1 Neighbourhood character</b>		<b>D1 Urban context</b>
	<b>B2 Residential policy</b>		<b>D2 Residential policy</b>
	<b>B3 Dwelling diversity</b>		<b>D3 Dwelling diversity</b>
	<b>B4 Infrastructure</b>		<b>D4 Infrastructure</b>
	<b>B5 Integration with street</b>		<b>D5 Integration with street</b>
	<b>B6 Street setback</b>		<b>D6 Energy efficiency</b>
	<b>B7 Building height</b>		<b>D7 Communal open space</b>
	<b>B8 Site coverage</b>		<b>D8 Solar access to communal outdoor open space</b>
	<b>B9 Permeability</b>		<b>D9 Safety</b>
	<b>B10 Energy efficiency – N/A. Refer to B35</b>		<b>D10 Landscaping</b>
	<b>B11 Open space – N/A. Refer to B36</b>		<b>D11 Access</b>
	<b>B12 Safety</b>		<b>D12 Parking location</b>
	<b>B13 Landscaping</b>		<b>D13 Integrated water and stormwater management</b>
	<b>B14 Access</b>		<b>D14 Building setback</b>
	<b>B15 Parking location</b>		<b>D15 Internal views</b>
	<b>B17 Side and rear setback</b>		<b>D16 Noise impacts</b>
	<b>B18 Walls on boundaries</b>		<b>D17 Accessibility</b>
	<b>B19 Daylight to existing window</b>		<b>D18 Building entry and circulation</b>
	<b>B20 North facing windows</b>		<b>D19 Private open space</b>
	<b>B21 Overshadowing open space</b>		<b>D20 Storage</b>
	<b>B22 Overlooking</b>		<b>D21 Common property</b>
	<b>B23 Internal views</b>		<b>D22 Site services</b>
	<b>B24 Noise impacts – N/A. Refer to B40</b>		<b>D23 Waste and recycling</b>
	<b>B25 Accessibility – N/A. Refer to B41</b>		<b>D24 Functional layout</b>
	<b>B26 Dwelling entry – N/A. Refer to B42</b>		<b>D25 Room depth</b>
	<b>B27 Daylight to new windows</b>		<b>D26 Windows</b>
	<b>B28 Private open space</b>	<b>D27 Natural ventilation</b>	
	<b>B29 Solar access to open space</b>		
	<b>B30 Storage – N/A. Refer to B44</b>		
	<b>B31 Design detail</b>		
	<b>B32 Front fences</b>		
	<b>B33 Common property</b>		
	<b>B34 Site services</b>		
<b>NEW STANDARDS</b>	<b>Clause 55.07 – Apartment developments</b>		
	<b>B35 Energy efficiency</b>		
	<b>B36 Communal open space</b>		
	<b>B37 Solar access to communal outdoor open space</b>		
	<b>B38 Deep soil areas and canopy trees</b>		
	<b>B39 Integrated water and stormwater management</b>		
	<b>B40 Noise impacts</b>		
	<b>B41 Accessibility</b>		
	<b>B42 Building entry and circulation</b>		
	<b>B43 Private open space above ground floor</b>		
	<b>B44 Storage</b>		
	<b>B45 Waste and recycling</b>		
	<b>B46 Functional layout</b>		
	<b>B47 Room depth</b>		
	<b>B48 Windows</b>		
<b>B49 Natural ventilation</b>			



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