

No.	Panel Recommendation	Panel's Rationale for Recommendation	Council Officer Recommendation and Rationale
1	Use language throughout the Policy/Code that makes it clear that the standards are discretionary.	The Panel held a significant concern that the exhibited version of the Code contained mandatory provisions. Its concern was in relation to the word 'must'. It recognised Council's changes to the provisions addressed this concern.	Agree. It was always intended that the provisions be discretionary. The provisions have been reviewed to ensure the word 'should' is used instead of 'must'.
2	Revise the Policy generally as illustrated in Appendix B of this report, including the changes in recommendations 13 to 18.	The Panel has made recommendations on various elements of the policy and Code provisions.	Each recommendation is to be considered separately throughout this table.
3	Indicate under the scope of the Policy that place-based policies or planning scheme provisions prevail where there is conflict with the Policy/Code provision	The Panel considered this matter needs to be highlighted, hence it recommended it be removed from the policy section to the scope section (at the very top of the policy document).	Agree.
4	Highlight under the policy basis the relevance of other planning scheme provisions that address, for example: <ul style="list-style-type: none"> • The scale of development and built form • Interface treatments with the public realm and residential areas • Environmentally sustainable design • Universal access. 	The Panel considered that the relationship of the Code's provisions with other built form requirements in the DDOs, as well as with other requirements such as ESD, needs a clearer explanation.	Agree.
5	Include a new subclause 'Urban context report, site analysis and design response' to identify the central role of the urban context report, site analysis and design response in the assessment of apartment proposals and the exercise of discretion to depart from prescriptive standards.	The Panel considered there was increased scope to require the urban context report, site analysis and design response to be submitted by applicants to address areas where there is non-compliance with the prescriptive standards, especially in relation to building separation and impacts on reasonable development opportunities on adjoining sites.	Agree.
Passive design elements			
6	Building Separation Distances Adopt a performance based approach to building separation through: a) Emphasis in the application requirements	As noted above, the Panel considered that more emphasis should be placed on building separation requirements in the site analysis and	Agree. It is proposed to amend the application requirements section of the Code to put more emphasis on building

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	<p>on the site analysis and design response informing the design and assessment processes.</p> <p>b) Including in the urban context report and design response an equitable development analysis to assess the implications for development opportunities and amenity impact within the application site and for adjoining sites.</p> <p>c) Use of the tables in Clause 22.07 as benchmarks and the Code as a reference document to provide further guidance.</p> <p>d) The exercise of discretion to approve separation distances of less than the benchmarks in the standard where analysis demonstrates that daylight performance requirements are met.</p>	<p>design response to ensure greater consideration to this issue is addressed at an early stage in the application process.</p> <p>The Panel was concerned that the building separation may be applied too prescriptively and that if they are described as 'benchmarks' and included in the Code as a reference document (instead as an incorporated document) there would be greater understanding that they are guide.</p> <p>The Panel was concerned that the building separation requirements may have an unreasonable impact on yield, and that if an applicant could demonstrate compliance with the daylight performance of a dwelling (which is the main purpose of building separation), that discretion should exist for reduced building separation.</p>	<p>separation in the site analysis and design response.</p> <p>Council Officers also agree that the building separation requirements should be retained in Clause 22.07 of the Moreland Planning Scheme as performance-based provisions and the Code document itself be a reference document rather than an incorporated document.</p> <p>A decision guideline has been included that separation distances may be varied if daylight objectives are achieved.</p>
7	<p>Revise the Building Separation Distance subclause 4.2 to:</p> <p>a) Insert a new objective 'To provide opportunities for communal open space and open space areas'.</p> <p>b) Make it clear that the main purpose of building separation is to achieve daylight into habitable rooms.</p>	<p>These recommendations made by the Panel were made following responses to questions raised by the Panel during the Hearing. These recommendations accord with the final version of the policy tabled by Council on the last day of the Hearing.</p>	<p>Partially agree. Council Officers do not agree with the Panel's suggestion on the option of two ceiling heights in the manner proposed. More comments on this matter are made in Item 8 below.</p>

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	<p>c) Re-order the three building separation distance tables.</p> <p>d) Define building separation distances as 'from glazing line to glazing line of habitable rooms or the external edge of any balcony, whichever is the lesser'.</p> <p>e) Replace 'Primary outlook' with 'Living/Main outlook' and 'Secondary outlook' with 'Bedroom outlook'.</p> <p>f) Change the building separation distances to indicate that the separation distance applies from the first level of residential use.</p> <p>g) Consider specifying building separation distances based on 2.4 metre and 2.7 metre ceilings heights, with applicants able to choose which to adopt.</p> <p>h) Delete the 'exemption' under Table 22.07-5.1 that allows narrow lot buildings to have a blank wall up to six storeys.</p> <p>i) Maintain the note allowing for a continuous street wall but delete the prescription of the 'exemption' for the first 18 metre depth of building envelope (i.e. from the frontage).</p> <p>j) Add notes to the building separation table for buildings to adjacent properties table:</p> <ul style="list-style-type: none"> • Building separation is not required to the side or rear boundary where no outlook is proposed provided it does not affect the reasonable development opportunity of the adjoining site. • Zero building separation applies on sites where a continuous street wall is 		

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	<p>encouraged under the relevant place-based control.</p> <ul style="list-style-type: none"> Where existing dwellings have not reasonably incorporated access to daylight on their own site, the building separation standards will apply on the basis that: <ul style="list-style-type: none"> New dwellings are provided with adequate daylight; and The new development makes a comparable contribution to the provision daylight into the habitable rooms of those existing dwellings. 		
8	<p>Daylight Access</p> <p>Revise the Daylight Access subclause 4.3 to:</p> <ol style="list-style-type: none"> Simplify the light court standard to only refer to a minimum dimension and area for buildings of different heights. Clarify that the length to battle-axe rooms from the edge of the external wall must not be affected by any obstructions and define what constitutes an obstruction Add 'Bedroom windows facing lightwells should be staggered to avoid direct overlooking'. Include in the fourth standard after 'obstructions' 'and is clear to the sky' and delete the last sentence. Amending the standard relating to borrowed light as follows: <ul style="list-style-type: none"> Reliance on borrowed light to bedrooms should be minimised and is only allowed into the bedroom of a one bedroom dwelling provided: 	<p>The Panel considered the exhibition version of the lightwell provisions could be simplified. A revised version was tabled by Council on the last hearing day.</p> <p>The Panel's recommendations in relation to the measurement requirements and staggering bedroom windows in lightwells are in accordance with the revised version of the policy tabled on the last day of the Hearing. The Panel's recommendation to define 'obstruction' was not discussed at the Hearing.</p> <p>The Panel's recommendations on reliance on borrowed light were made following responses to questions raised by the Panel during the Hearing. These recommendations accord with the final version of the policy tabled by Council on the last day of the Hearing.</p>	<p>Agree. However, it is proposed to provide examples of obstructions (such as built in robes) in the design guidelines. It is noted that the Planning and Environment Act, Victoria Planning Provisions or building regulations do not have a definition of 'obstruction'.</p>

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	<p>i. An operable internal door is included to the light source that is 25% of the floor area of the bedroom.</p> <p>ii. The light source contains full height external windows along the full width of the living room to allow adequate daylight.</p> <p>f) Delete the standard that prescribes the maximum depth of living rooms.</p> <p>g) Consider revising the battle-axe room standard in terms of a length to width ratio.</p> <p>h) Delete the standard that requires a minimum 2.7 metre ceiling height for habitable rooms.</p>	<p>The Panel considered that provided that there is a reasonable area of the living room with good daylight, it did not think larger living rooms should be precluded because part of the room has low levels of natural light.</p> <p>The Panel generally endorsed the battle-axe room standard. However, although not canvassed at the Hearing, it suggested that the standard could be reframed to allow longer 'axe handles' if they are wider. This could result in more useable spaces. The standard could be couched in terms of a width to length ratio of 1:2.</p> <p>The Panel agreed that 2.7 metre ceiling heights are desirable and most apartment developments may be exceeding the minimum ceiling height specified in current regulations. However, it did not consider it is appropriate to impose a higher standard on apartments of five storeys in part of one municipality than applies to all other forms of housing in Victoria.</p>	<p>Partially agree. The purpose of the limiting living rooms to 8 metres depth is to address a trending design typology that proposes single aspect elongated living rooms. As a discretionary provision, Council will be able to assess the appropriateness of rooms exceeding that 8 metres. However, it is considered that the 5 metres maximum room depth would be too restrictive for south facing dwellings.</p> <p>It is proposed to provide some clarity on the definition of living rooms by making it clear they can include living areas, dining rooms and kitchens.</p> <p>Disagree. The technical analysis provided by Council to the Panel clearly demonstrated the need for a minimum 2.7 metre floor to ceiling height. Higher ceilings also provide a sense of spaciousness in small living areas and also allow for ceiling fans. As was submitted to the Panel and acknowledged by it, most apartments are being constructed with a 2.7 metre floor to ceiling height. It should also be noted that it is a discretionary provision and applicants are able to justify a lower height if daylight objectives are achieved.</p>
9 & 10	<p>Natural Ventilation</p> <p>Retain elements of the natural ventilation standards that identify the measures sought</p>	<p>The Panel stated that there were difficulties in administering prescriptive requirements,</p>	<p>Agree. Including the prescriptive standards in the Code as a reference</p>

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	<p>in applications but delete all prescriptive requirements in those standards. Retain the numerical values in natural ventilation standards in the Code to provide additional guidance.</p>	<p>especially where the prescription is contrary to the NCC requirements.</p>	<p>document will enable Council to direct applicants to an effective way of achieving compliance with natural ventilation.</p>
11	<p>Thermal Comfort</p> <p>Revise the Thermal comfort subclause 4.6 to:</p> <ul style="list-style-type: none"> a) Ensure designers take into account the change in temperatures throughout the year. b) Specify that opportunities for external clothes drying should be provided. c) Delete references to sunlight in the daylight sub-clause. 	<p>The Panel supported the proposed requirements and its recommendations reflect the revised version of the policy tabled at the last Hearing day.</p>	<p>Agree.</p>
Internal amenity and facilities elements			
	<p>Dwelling diversity</p>	<p>The Panel considered that the housing diversity objectives are sound but, in the absence of further justification and a housing strategy, the Panel is not convinced that the standard requiring studio, one, two and three bedroom apartments in all developments of 50 or more apartments has been justified.</p>	<p>Disagree. Council Officers consider that promoting a diversity of dwelling types is very important to meeting the needs of different households. It is noted that ResCode contains a provision on dwelling types: Clause 55.02-3 has an objective <i>To encourage a range of dwelling sizes and types in developments of ten or more dwellings.</i></p> <p>The dwelling diversity provision in the Code is similar to this provision which is already in the planning scheme.</p>
12	<p>Dwelling size and layout</p> <p>Revise the Dwelling size and layout subclause 5.2 to:</p> <ul style="list-style-type: none"> a) Delete the table prescribing minimum floor areas from the proposed Policy and qualify the minimum floor areas nominated in the 	<p>The Panel considered that intelligent, logical and flexible internal layouts are far more important to achieving high quality apartment design than minimum floor areas.</p>	<p>Partially agree. Council Officers do not disagree in principle with the Panel's comments that the design of internal layouts are more important than the issue of dwelling size itself. However,</p>

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	<p>Code as indicative only.</p> <p>b) Revise the standard under dwelling size and layout to read: <i>Layout plans should illustrate the functionality and liveability of all proposed apartment types</i></p>	<p>It stated that all apartments should be designed so that all aspects are fit for purpose. An in-principle approach could be that, for every 'permanent pillow' in the apartment, there is:</p> <ul style="list-style-type: none"> • In bedrooms, sufficient wardrobe length and space for bedside tables • In kitchens, sufficient bench space to prepare and cook • In living spaces, sufficient space for living and dining seating. <p>Around these facilities, there should be sufficient space to ensure that:</p> <ul style="list-style-type: none"> • There is no conflict between items of furniture, such as wardrobe doors opening onto bedside tables • There is sufficient space around furniture items to circulate • Furniture does not have to be shuffled around on a daily basis to meet the occupants' everyday needs, such as pulling out the dining table every time one eats. 	<p>Council's submission to the Panel demonstrated the importance of a 50 square metre dwelling to provide adequate living space. Council officers consider the proposed dwelling sizes should be retained but is prepared to accept smaller dwellings if it is demonstrated that the layout is of a high standard and the overall design will achieve a good living environment.</p>
13	<p>Accessibility</p> <p>Revise the Accessibility subclause 5.6 to maintain the objective in the Code/Policy relating to visitability, refer to other planning scheme provisions which address this issue in the policy basis, and delete prescriptions in the associated standards.</p>	<p>The Panel noted that the universal access and adaptable housing provisions in the Amendment largely duplicate provisions in the MSS and ACZ/DDOs that are proposed to apply to the areas affected by the Amendment.</p> <p>It considered that any variation to national standards requires strong justification, and that cherry picking only some of the very detailed requirements from the Australian Standard and the NCC may mean that the accessibility</p>	<p>Partially agree. Providing visitable and adaptable apartments is important to achieve liveability objectives. However, the Panel's proposed objective and standards are very broad.</p> <p>Council's new MSS provides a stronger guidance on accessibility than that recommended by the Panel and it is considered appropriate to apply these requirements to the Code.</p>

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		<p>objectives are not realised.</p> <p>The Panel also encouraged a post-occupancy evaluation after the completion of a number of developments that incorporate the visitability and adaptable housing provisions that were recently included in the Moreland MSS.</p>	<p>The key challenge for Council's urban planners is how to mandate accessibility features when the MSS states that accessibility features are only 'encouraged'.</p> <p>Another challenge is specifying the proportion of apartments in a development that should incorporate accessibility features.</p> <p>It is appropriate that Council adopt an advocacy approach to this issue and make a submission to the apartment design guidelines discussion paper that urges an effective and consistent approach in any State-wide guidelines on apartment development.</p> <p>Another option could be to prepare a special local policy on accessibility based on research of occupant needs and seek to implement the policy through a separate planning scheme amendment.</p>
14	<p>Acoustic performance</p> <p>Revise the Acoustic performance subclause 5.6 to adopt the revised acoustic performance design measures presented on the final day of the Hearing (set out in chapter 5.11.2 of this report).</p>	<p>The Panel noted that acoustics is a highly technical area and the Panel did not have the benefit of evidence from an acoustic expert.</p> <p>The Panel considered it is better to design in good acoustic amenity from the earliest stage. T</p>	<p>Agree. Council Officers consider the performance based approach as submitted to the Panel is an appropriate way forward.</p> <p>The State-wide guidelines may provide further guidance on this matter at a later date.</p>

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		<p>The Panel found the 'satisfactory' criteria adopted in the acoustic standard tables in the Policy/Code were conservative but within the range applied elsewhere.</p> <p>However, it did not have the benefit of the evaluation of the technical and cost implications.</p> <p>The Panel endorsed the approach adopted in the version of the Policy put forward on the last day of the Hearing. The measures address siting and layout of buildings and other design solutions to enhance the acoustic amenity for residents and minimise the risk of complaints that could inhibit non-residential uses in the activity centre.</p> <p>The Panel supported the application requirement for an acoustic report to be submitted, though stated this should be discretionary.</p>	<p>It is proposed to amend the application requirements in the Code to require an acoustic report where there are potential noise sources (such as railway lines and railway stations, tram lines, main roads, industry or late night live music venues)</p>
15, 16 & 17	<p>Private and communal open space</p> <p>Revise the Private open space subclause 5.7 to maintain the ResCode balcony area and dimensions in the private open space standard, pending specific evaluation of the adequacy of the standard.</p> <p>Revise the Open space and landscape design subclause 5.9 to encourage provision for deep soil planting areas but delete the prescription of an area to be provided.</p> <p>Revise the Communal facilities subclause 5.10 standard relating to communal open space to encourage effective use of roof</p>	<p>The Panel considered balconies should be included in the layout plans to be provided with an application to illustrate the functionality and liveability of spaces provided in apartments.</p> <p>The Panel did not support the requirements that balconies be larger than ResCode requirements and the requirement for a 2 metre minimum width.</p> <p>The Panel endorsed the policy to promote effective communal use of roof top areas and</p>	<p>Partially agree. Council officers note the Panel's comments that the balcony requirements exceed the ResCode requirements. However, it is considered the provisions should be retained in the Code on a discretionary basis and that proposals that do not meet the requirements need to be justified. One justification could be the amount of communal areas and facilities provided.</p> <p>Council Officers consider that a</p>

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	<p>space, podiums and light courts, rather than the prescribing 20% communal open space provision.</p>	<p>the space associated with separation distances (podiums and light courts) but was not convinced that the prescription of 20% communal open space had been justified.</p> <p>The Panel stated that the function and urban design implications of deep planting areas in an activity centre context should be considered further before imposing a standard.</p>	<p>prescriptive requirement for communal areas provides a useful approach to ensure sufficient space is being provided. However, it may be more appropriate to stipulate an amount per dwelling (which a number of the higher-end architectural firms are doing).</p> <p>Based on the average amount of communal space that is provided in apartment developments, it is considered that the amount of communal area should be 2.5 square metres per dwelling and that this apply to development that propose 20 or more dwellings. Hence, a development proposing 20 dwellings would need to provide a minimum of 50 square metres of communal space.</p> <p>Council officers considers that deep soil planting should be encouraged on large sites (as defined in the Code), however agree that more work is required to justify the prescribed area of 7.5 square metres.</p>
18	<p>Bicycle and car parking</p> <p>Revise the Bicycle and car parking subclause 5.11.1 to:</p> <ul style="list-style-type: none"> a) Update bicycle parking guidelines to refer to The Bicycle Parking Handbook b) Explicitly indicate that 'Reductions of the standard car parking rates in Clause 52.06 will be considered having regard to the 	<p>While noting the bicycle parking requirements are very significantly higher than those that apply across the State, the Panel considered that this generous provision supports clear policy at State and local levels to promote active transport. It also recognises the circumstances in Moreland and the activity centres where the Policy/Code will apply. This rate of bicycle</p>	<p>Agree.</p>

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	<p>level of provision of bicycle parking.'</p> <p>c) Delete the vehicle entry standard.</p>	<p>parking has already been adopted in the Coburg ACZ, which is one of the areas to which the Policy/Code will apply.</p> <p>The Panel noted the space devoted to bicycle parking (and therefore its cost) will be significantly reduced if updated bicycle parking guidelines apply, as is now proposed.</p>	
19	<p>Storage</p> <p>Revise the Private storage space subclause 5.11.2 to delete the reference to 'external' storage space.</p>	<p>The Panel noted that storage is clearly important, particularly in compact apartments. However, as discussed at the Hearing, many apartment residents may prefer storage space to be provided within their apartment. It therefore recommended the deletion that storage must be external to the apartment.</p>	<p>Agree.</p>
20 & 21	<p>The Code</p> <p>Include the Code (updated to reflect changes since the exhibition of the Amendment) as a reference document to the proposed Clause 22.07 Policy, rather than as an incorporated document in the Moreland Planning Scheme.</p> <p>Review the graphic illustrations in earlier versions of the Code with a view to reinstating those that remain relevant and will assist in the interpretation of the objectives and standards in the proposed Policy.</p> <p>Additional recommendations</p> <p>Apply a sunset clause to Policy/Code. The sunset clause should be triggered by either:</p>	<p>The Panel considered that it is not necessary for the Code to be Incorporated, and considered that the Code's status as a reference document facilitates its role in providing guidance, rather than regulation, on matters such as more detailed application documentation requirements, potential design responses, building typologies, building width, ventilation and the like. It would also facilitate the inclusion of additional supporting material without the need for a further planning scheme amendment.</p>	<p>Agree. The LPPF will include the MADC in the list of reference documents.</p> <p>Agreed. Work on the design guidelines has commenced.</p>
22 & 23		<p>The Panel's position was that if State-wide apartment design guidelines are introduced,</p>	<p>Agree in principle. Future discussions will be held with DELWP on the nature</p>

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	<p>a) A nominated time (say three years) to reinforce the need for evaluation of the operation of the Policy and to ensure responses to the findings of that evaluation; or</p> <p>b) The introduction of State-wide apartment provisions.</p> <p>Establish and implement a systematic framework to monitor and evaluate the apartment design objectives and standards, including post-occupancy evaluation.</p>	<p>there is no need to apply local provision.</p>	<p>of provisions in any future State-wide guidelines and on the weight to be given to the guidelines (i.e. are they to be given statutory weight in the Victoria Planning Provisions).</p> <p>Agree. It is appropriate to develop a monitoring and evaluation framework. A business case would need to be prepared for 2016/2017 to allocate funds to undertake a post-occupancy survey. In the meantime, Council Officers have prepared a spreadsheet of the Code's requirements for applicants to complete when submitting applications which will assist in providing information on the extent (or otherwise) of compliance of the Code.</p>