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8<sup>th</sup> of October 2025

Colleen Peterson  
Head of State Planning  
State Planning, Planning and Land Services  
Department of Transport and Planning  
Level 16,1 Spring Street  
Melbourne Vic 3001

Dear Colleen,

**Re: Response to Mid-Rise Standards Consultation Draft**

The Victorian Chapter of the Australian Institute of Architects (the Institute) is in favour of initiatives by Federal, State and Local governments to support and increase the delivery of well-designed, sustainable and more affordable housing opportunities in 'well-located areas' with good public transport, and access to jobs, local amenities and open space.

We appreciate the opportunity to provide feedback on the consultation draft of the proposed Mid-Rise Standards (Clause 57). We represent approximately 4000 registered architects in Victoria and in preparing this response, we have consulted with our members who specialise in multi-residential housing and have participated in the DTP's technical reference group process.

We agree that accelerated development pathways and streamlined approval processes (which the draft Standards introduce) are necessary and can be devised to support the above housing aim.

We thank the department for providing a consultation draft document to the Institute. We acknowledge this is a draft of the standard; however, we have concluded that were the standard as presently drafted be implemented without significant revision, it will not meet the expectations of our members, nor do we believe, of the Victorian public.

Moving to statewide application of deemed-to-comply provisions is a significant change, particularly when applied to complex projects of 4-6 level scale, and it is critical that the provisions support good amenity outcomes while meeting density objectives. Decision-makers also need to be appropriately resourced, skilled and empowered to make informed decisions so that site responsive, non-standard solutions are recognised and supported.

Our concerns with the draft standard are centred around the interlinked issues of sustainability, quality, and amenity.

**Sustainability**

The draft standard appears to operate counter to the State Government's stated climate policy objectives of achieving net-zero emissions by 2045 and 75-80% emissions reduction by 2035, while also building resilient communities to adapt to the impacts of a changing climate. These objectives are legislated through the Climate Action Act 2017, and we believe that in the removal of local Environmentally Sustainable Development (ESD) policies from consideration by the responsible authority when assessing applications under the new standard, the State's ability to meet their climate policy objectives will be undermined.

Mid-rise apartments can have a significant impact on their surroundings and typically have greater environmental and social impacts than smaller scale development. The scale of this typology can amplify effects on local microclimates, energy consumption, urban heat, and stormwater runoff. However, mid-rise apartment buildings also have a significant opportunity for effecting positive change, including energy and water savings and healthier living environments. Victoria needs dwellings that have inbuilt resilience to rising energy demand, and the power system disturbances and heat events that we will experience in a warming climate. The standards

presently drafted do not require new developments assessed under the pathway to achieve anything other than mandatory minimums for energy and water efficiency and carry no embodied carbon reduction goals. We believe that in exchange for proponents being able to fast-track a project's planning approval under the new code and avoid all third-party appeals, that the minimum performance of their buildings should be improved beyond current business as usual approaches.

Importantly, the need for affordable housing cannot be considered in isolation from the climate crisis. These two challenges are deeply interconnected. Delivering housing that is both economically accessible and environmentally responsible must be the goal, and Victoria's planning system should be evolving towards a deeper integration of both environmental and social objectives. The operation of both Clause 55 and 57 provides an opportunity to align statewide standards with the many local councils that have applied local planning policies, encouraging performance beyond baseline standards and policies.

### **Quality + Amenity**

The move toward a deemed-to-comply approach outlined in the consultant draft removes broader contextual issues from decision making and reduces design assessment to a checklist where individual elements are considered in isolation rather than as part of a cohesive system. This marks a departure from a systems thinking approach to urban design – one that considers the interplay between built form, community outcomes, and environmental resilience. This shift toward short-term compliance over a long-term stewardship approach risks reducing the design quality of our urban neighbourhood to a one-size-fits-all model, undermining the integrity of quality place-making.

Our concerns regarding the quality outcomes likely to result from the implementation of the consultation draft extend from the urban scale to that of the individual building being assessed under the new pathway. A core concern is that the consultation draft does not adequately explain how design quality of an application will be assessed under the revised Clause 57.

We understand that an Urban Context Report and Design Response will be an application requirement for lodgement under the new standard, and this will need to address street interfaces, neighbourhood context, site responsive building design and external materiality among other important quality and environmental considerations. The consultation draft notes on page 4 that the UCR must be a 'Satisfactory urban context report', but provides no definition on what satisfactory equates to, and no description of how the design response is to be assessed.

The consideration of design quality and its associated impact on individual and community amenity is critical as we rightly seek to densify our suburbs, and we are therefore highly concerned that an Urban Context Report and Design Response may not be considered where the DTC standards are met.

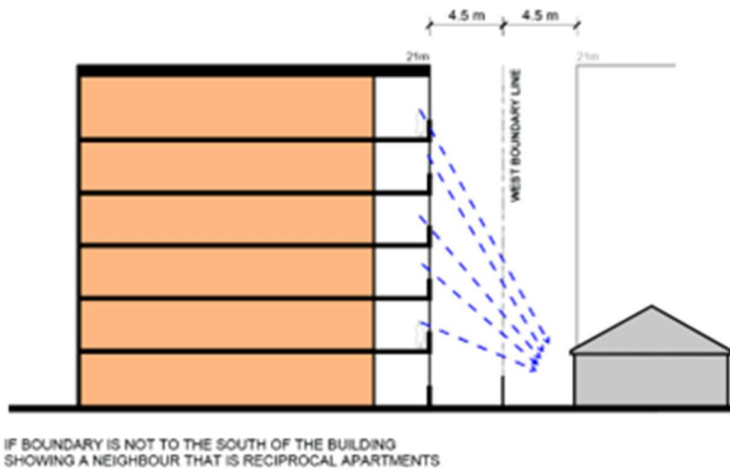
Under the current performance-based approach for buildings of 4-6 levels, the operation of design guidelines and the requirement to meet the objective provides the responsible authority both discretion and an opportunity to negotiate the quality of proposals with a proponent, and importantly to reject very poor outcomes. We believe it is imperative that the mechanism for assessing the quality of an Urban Context Report and Design Response be determined prior to the finalisation of the new clause, and approval of a proposal via the new clause must be contingent on acceptable minimum design and environmental qualities being achieved.

In addition to our concerns regarding the assessment and delivery of quality buildings via the UCR and Design Report requirements of the new clause, we believe that many of the objectives detailed in the consultant draft that will become DTC require further refinement.

We have highlighted some of the more challenging objectives and their associated standards below and note that this is a non-exhaustive list.

### **Side and rear setbacks objective**

We note that the diagrams included in the consultation draft typically show a 'reciprocal' apartment development' to the adjacent property. It is important to consider how the code will operate over time, however we believe it is important to also show the likely scenario at the beginning of the code's use, where adjacent properties will typically be one or two storey dwellings, given the proposed broad application of the standards across residential and mixed-use zones. The diagram below is an adaptation of that included to illustrate the side and rear setback objective amended to show a detached dwelling on the adjacent property.



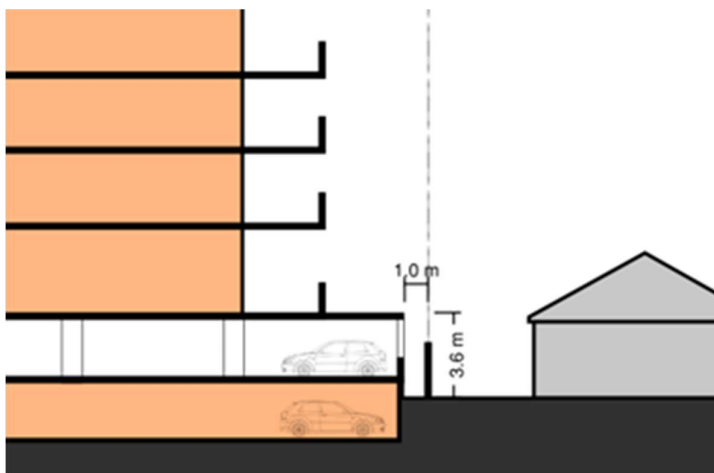
### Walls on boundary objective

We understand the intention to make it easier to construct walls on boundaries and generally support this intent if it facilitates better site utilisation and improved landscape outcomes.

As drafted, the increased 3.6m height allowance for a boundary wall outlined under Option A and B may encourage proponents to build shallow-semi-basements and then a second level of car parking above ground to avoid excavation costs associated with full basements.

The standard potentially allows for above ground car parking level within 1m of the side boundary, which is likely to result in a poor amenity outcome for adjacent properties. The 1m setback to side boundary does not provide sufficient soil depth and volume to allow for planting or screening to provide a buffer to a car park. Refer diagram below for illustration of potential outcomes.

We note there is a requirement to visually conceal cars from a street under the Street Integration objective, but the balance of the ground level and level 1 can be carparking, and there is no requirement to screen cars on elevated parking structures from side boundaries.



Potential semi and elevated parking structure resulting from walls on boundary objective options A and B.

We recommend refining this standard to allow for increased walls on boundaries, restricting above ground parking and parking structures and requiring adequate separation for landscape screening to side and rear boundaries and or to require cars to be visually screened from side or rear boundaries.



### **Tree canopy objective**

It is unclear from the tree-canopy objective how the appropriateness of canopy tree species selection is managed such that they are climate resilient, non-invasive and can increase biodiversity through the provision of habitat for native fauna and opportunities for native flora.

The objective specifically notes canopy trees are intended to be located in front and rear setbacks of subject sites, omitting the need for sufficient landscape space to the sides of buildings. Given that the dwellings delivered through this pathway are likely to have aspects to the side boundaries of their lots, it seems prudent to encourage, if not require, the inclusion of canopy trees to side boundaries that can provide amenity for existing and new residents, along with reduction of solar insolation to building fabric, thereby reducing heat load and summer energy consumption.

### **Dwelling diversity objective**

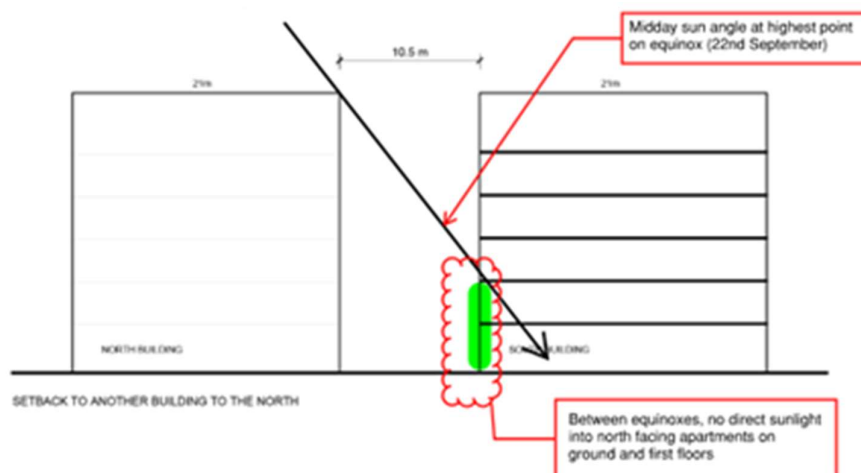
One of the factors contributing to the housing crisis is the mismatch between household size and dwelling size. Data released by Cotality in August this year reveals that 61% of households in Australia are just one or two people while 1 and 2 bedroom dwellings make up only 24% of new construction<sup>1</sup>. Noting the significant demand for 1 and 2 bedroom apartments, we suggest the objectives require the provision of at least one 1-bedroom apartment in the development to match requirements for the inclusion of 2 and 3 bedroom apartments.

We would also urge consideration of an upper limit on bedroom numbers per apartment. The current standard could give rise to large footprint buildings which take advantage of a larger developable envelope to increase bedroom numbers, effectively providing larger dwellings at the expense of any notable increase in overall dwelling yield.

Similarly, some of the requirements of the new code only apply if there are 10 or more dwellings, which may lead to proponents of new developments limiting the number of dwellings to 9 while maximising their size to avoid the Dwelling Diversity and Communal Open Space requirements.

### **Building separation within a site objective**

We recommend adopting Option B as a minimum starting position. Option A allows for a minimum 10.5m separation to north facing elevations which results in ground and first floor facing apartments receiving no direct sunlight for six months of the year between March 22 and September 22 each year. Option B, which allows for sunlight to reach ground floor apartments on the equinox, is preferred.



Building separation within a site objective – Option B highlighting lower apartments do not receive daylight between equinox dates.

<sup>1</sup> <https://www.cotality.com/au/insights/articles/the-great-mismatch-smaller-households-bigger-homes>



### Overshadowing secluded open space objective:

We have significant concerns with the operation of this objective. As drafted, there are no protections from overshadowing of an existing dwelling's secluded open space if the development meets the side and rear setback minimums. This could result in SPOS of existing dwellings being wholly overshadowed by a complying building form, without any mechanism for an adjacent dwelling to request modification and reduction of off-site impacts.

Moreover, the Option A standard only applies when the side and rear setbacks are not met, and the operation of the standard could allow for new buildings to be developed very close to a side or rear boundary if the adjacent property has a large rear garden. It effectively allows the first development under the code to build out their lot to the detriment of future adjacent built form.

We recommend that this objective is re-drafted to better protect the amenity of adjacent existing dwellings, and require all developments to adhere to overshadowing standards, including those that meet the side and rear setback requirements.

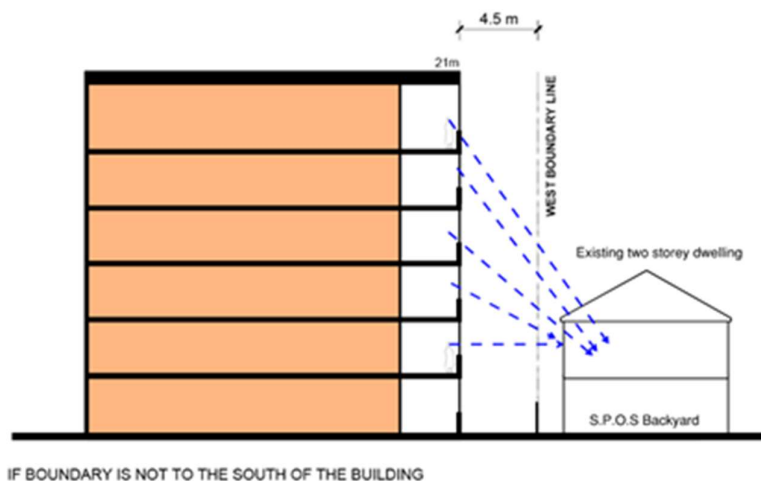
### Overlooking objective

Similar to the operation of the overshadowing objective, the overlooking standard outlined for Option A applies only when side and rear setbacks are not met.

Both options remove bedroom windows from having to meet overlooking requirements as they are redefined as not being habitable rooms under this standard. While the Institute is not in favour of poorly considered and designed overlooking prevention screens being attached to habitable room windows, we also do not believe that removing bedroom windows from consideration of overlooking is appropriate or logical. As written, we would expect to see scenarios where an upper-level living room window immediately adjacent to a bedroom window, both facing the same direction, would require an overlooking prevention screen to the living room and not the bedroom.

While Option B operates when side and rear setbacks are met, it undermines the operation of any overlooking requirement by lowering the height of any required overlooking prevention device from 1.7m to a height of 1.5m above finished floor level. This height is inadequate given the average height of Australian men and women<sup>2</sup> exceeds the overlooking screen height.

The image below shows the likely real-world operation of both options A and B where a new building is built within the side and rear setbacks and will either have no (Option A) or inadequate (Option B) overlooking prevention devices to an adjacent secluded private open space or habitable room windows. On balance, we do not believe this is a reasonable or fair outcome for existing residents when there are no appeal rights under the revised clause.



<sup>2</sup> <https://www.abs.gov.au/ausstats/abs@.nsf/lookup/4338.0main+features212011-13>



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**Conclusion**

We would appreciate the opportunity to meet with the Department of Transport and Planning to discuss this submission and detailed feedback and can be contacted via our Executive Director Daniel Moore on 0418 363 839 and [daniel.moore@architecture.com.au](mailto:daniel.moore@architecture.com.au).

Sincerely,

A handwritten signature in black ink, appearing to read 'Stephanie Bullock'.

Stephanie Bullock FRAIA  
Victoria State President  
**Australian Institute of Architects**