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Better Apartments – Draft Design Standards

Thank you for the opportunity to provide comments on the *Better Apartments – Draft Design Standards*.

The Municipal Association of Victoria (MAV) and the local government sector is pleased with the Government's commitment to the introduction of apartment standards as there is a significant regulatory gap for apartment buildings over five storeys.

The sector believes that Victoria has been lagging behind other States and jurisdictions in the regulation of apartments and, if not redressed, this will affect the future liveability of Melbourne. The MAV encourages the Government to introduce apartment standards that reflect leading practice, where possible.

The MAV is pleased that the Department of Environment Land Water and Planning (DELWP) has established a Local Government Working Group as this will provide detailed feedback about the current operation of the provisions and the proposed form of the new standards. As councils are best placed to provide detailed advice about the proposed standards, the MAV's submission is primarily focussed on the scope of the standards, how they will fit within the planning system and their implementation.

We note that councils have felt somewhat constrained in the formal consultation process as the objectives and the decision guidelines were not included as part of the consultation material. We look forward to providing some additional feedback and testing as part of the Local Government Working Group.

Scope

The MAV appreciates the difficulty in setting boundaries around the scope of the apartment standards project as many of the Victoria Planning Provisions are intricately linked. However, we do hold concerns that the project does not:

- Examine State Planning Policy. As we have a policy driven planning system it is critical that the apartment standards have a strong policy basis. For example, the Housing theme in the State Planning Policy Framework (SPPF) could be enhanced to include diversity and accessibility targets as well as linking to the Apartment Standards and the associated Design Guidelines. Issues such as waste, water and energy could be more comprehensively addressed in an ESD Policy, potentially removing the need for these issues to be included in the Apartment Standards.

- Review some of the Clause 55 standards that will continue to apply to apartment buildings of less than five storeys. The standards were designed to address a lower density built form and as applied to apartment buildings are resulting in less than desirable outcomes.
- Include standards relevant to the external design of apartment buildings and relationship to the public realm. Objectives about urban context, integration with the street and infrastructure should be included.

New provision

It is understood, from the public consultation documentation, that a new provision will be developed containing the standards to apply to all apartments. The MAV is supportive of a performance based system and the format of a provision which would include an objective, standard (one way in which the objective can be met) and decision guidelines for each element.

During the drafting of the provision the Department may need to be open to challenging some of the existing drafting conventions of the Victoria Planning Provisions to achieve the best outcome. Considerations should include:

- Clarity about the standards that apply to an apartment building less than five storeys. Review of the existing Clause 55 standards should be undertaken as they apply to apartments. Perhaps one clause is required for attached dwelling and a further one for apartment buildings. A ready reckoner (like that included on Page 11 of the consultation documentation) would be a useful inclusion for users of the system.
- Whether the standards apply to 'Residential Buildings'. Long term accommodation such as residential aged care and boarding houses is clearly deserving of the same level of amenity as apartments. However, standards that relate to 'per apartment' may not be relevant. Short term accommodation is more complex and the same level of amenity in terms of storage and open space may not be required but other basic standards such as daylight, accessibility and noise are as relevant for this form of accommodation as they are for any other.
- How Local Policies can comfortably sit alongside the State standards. Councils have invested significantly in the development of local policies and a number of these might have some crossover with apartment standards. While it is accepted that some modification might be required, the policies remain necessary and every effort should be made to retain them.
- Examination of definitions. For example, should apartment be defined differently to a dwelling?

Design Guidelines

The proposed Design Guidelines are an important part of the package attached to the Apartment Standards. The Guidelines will need to address building typologies to give both applicants and councils more guidance about what design choices may be appropriate to achieve the standards. The *Moreland Apartment Design Code* is an example of how additional guidelines can assist.

The Guidelines will need to be made available at the same time as the new provision. A gap between the standards being introduced and the development of the Guidelines will undermine the credibility of the standards and result decision making delays as applicants and councils determine how the standards can be complied with.

Environmentally sensitive development

The Council Alliance for Sustainable Built Environment (CASBE) is a group of councils applying Ecologically Sustainable Development (ESD) principles to the built environment through the statutory planning system. CASBE has invested heavily in the development of the [Built Environment Sustainability Scorecard \(BESS\)](#) which is an assessment tool that helps applicants to design applications of a higher standard and the councils to assess applications. BESS is given weight by an ESD Local Policy in planning schemes. At this stage six councils have the policies implemented.

It is not clear in the consultation documentation what the Department's intentions might be regarding the ESD Local Policies. The MAV believes it would be a poor outcome if the policies were removed or modified to exclude apartments. It is suggested that CASBE and DELWP work together to determine how BESS and the Apartment Standards might align.

The application process

Councils also regularly raise concerns about the quality of applications submitted to them. This relates to design and documentation quality. They would like to see, as part of the review process, a means for design checking. This might involve measures such as pre-application meetings that occur early enough in the design process so that designs can be substantially modified if required.

The Department has highlighted the issue of building plans varying substantially from the planning approval. While there is a legislative requirement that a building permit not be issued unless they are consistent, there is anecdotal evidence that this does not always occur. A design verification step is proposed where a registered architect or registered building designer (trained) verifies that all relevant apartment design matters have been met. This step is supported.

Next steps

The MAV looks forward to engaging further with the Department to address a number of the unanswered questions that have arisen during consultation on the Apartment Standards. We are particularly keen to work through:

- How variability of the standards might be built in to reflect local requirements
- What process will be undertaken to align local policies with Apartment Standards
- What transition provisions might be appropriate
- How the Design Guidelines are progressing and their intended timing
- How the application process can be modified to improve design quality and ensure compliance

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