



**Property Council of Australia
Victoria Division**

Submission to the Better Apartments Draft Design Standards

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EXECUTIVE SUMMARY

The Property Council of Australia is the largest and most influential advocacy organisation in the property sector. We have 2,200 member companies that represent property assets worth over \$600 billion. Approximately 500 of these members are part of the Victorian Division.

Members of the Property Council represent the entire property investment cycle: finance, design, development, property maintenance and the services that underpin the sector.

The Property Council supports Government's intention to raise the minimum standard of apartments in Melbourne; however we believe that the limited and prescriptive nature of the proposed standards fails to contemplate the consequent cost impost and loss of yield. Our members have overlaid the standards on current projects and the proposed standards show up to a 30 per cent reduction of floor space on larger sites and up to 50 per cent on smaller sites. This suggests that the standards are going to impose a devastating cost impact on apartment affordability.

Our submission contains suggestions on how Government can achieve their objectives while mitigating the cost impact. We have prioritised these suggestions and while we have remained silent on some issues, this is not because they are of concern but that they affect the yield less than those standards we have examined. We also support Rothelowman's suggestion that these standards only apply to smaller apartments (two bedroom apartments of less than 85 square metres and one bedroom apartments of less than 55 square metres).¹ We are also concerned that some of the definitions, in particular that of habitable rooms, fails to demonstrate a technical understanding of apartment developments.

We appreciate the opportunity to comment on these standards and look forward to working with Government in shaping the future of Victoria's apartment market.

RECOMMENDATION SUMMARY

The State Government:

1. Reduce the required percentage of cross ventilated dwellings, to 50 per cent with 25 per cent being achieved on corner apartments and 25 per cent being achieved using other techniques;
2. Exempt apartment dwellings over 95 square metres from the natural ventilation provisions;
3. Exempt developments who can demonstrate the achievement of a certain daylight level and that their design has considered the privacy of relevant stakeholders;
4. Insert a provision that states that “these standards may be varied taking into account the orientation and relationship between adjacent buildings provided the objectives are achieved”;
5. Mandate that all door widths be a minimum of 850 millimetres;
6. Limit the accessibility provisions to only one bedroom and one bathroom in apartments that have more than one bedroom or bathroom;
7. Limit the accessibility provisions to only 35 per cent of dwellings in a development;
8. Include the following provisions to allow for snorkel bedrooms:
 - a. A snorkel ratio of 2:1;
 - b. A requirement of floor to ceiling glass with a minimum width of 1.5 metres; and
 - c. A limit of 1.3 metres for any horizontal structure in front of the window;
9. Amend the definition of habitable room to only include bedrooms and living areas;
10. Reduce the window visibility standard to 90-95 per cent of the room;
11. Reduce the required balcony size to a minimum of five square metres, with any air conditioning unit being included in this minimum;
12. Require three cubic metres of either internal or external storage space to be provided for apartments of less than 100 square metres;
13. Include provisions which consider the context of a development site in the communal open space standards;
14. Exempt the CBD from the proposed landscaping standards;
15. Include consideration of site context in the landscaping provisions;
16. Amend the standard’s objective to clarify their intention;
17. Remove the requirement to provide windows in the building entrances, lift lobbies and stairwells;
18. Amend the noise impact standard to be measured when the rooms are furnished and carpeted;
19. Encourage the enforcement of the NCC acoustic standards;
20. Clarify the definition and application of the light well standard;
21. Increase the depth allowance of a habitable room to ten metres;
22. Insert a provision which allows the room depth standard to be satisfied by achieving a Lux level;
23. Remove the south facing provisions from the room depth provisions; and
24. Exempt all apartments over 95 square metres from room depth standards.

Top Four Issues

1. Natural Ventilation

The Property Council has serious concerns about the standards proposed with respect to natural ventilation. We are sympathetic to the objective however, as in previous submissions, we again highlight the difficulty in achieving cross ventilation outside of corner apartments and the significant cost it creates. We would also question why Government has chosen the more restrictive 15 metre breeze path rather than aligning with Sydney's 18 metre breeze path. If not managed well, it can also cause other issues with smells and noise from corridor cross ventilation travelling into other apartments. Any changes to ventilation requirements must also give consideration to Melbourne's climate, looking to models delivered in similar climates, (not Sydney), whose climate is far less variable than Melbourne. As it is proposed, designs will require more windows, which undermine overall energy efficiency objectives.

Consequently, we believe that the proposed 60 per cent should be reduced to 50 per cent, with 25 per cent corner or dual aspect and an addition 25 per cent demonstrating performance using other techniques.

Larger apartments will also struggle to conform to the proposed provisions. Therefore, we would support apartments over 95 square metres being exempt from these provisions.

We would also suggest that the provisions should encourage other, practical and proven options for cross ventilation in addition to other ventilation options. These should include:

- Single aspect apartments with window openings stepped (in or out) by at least two metres, to generate a positive pressure at one opening and a neutral or negative pressure at the other opening;
- The ability to use slots between apartments to achieve dual aspect units; and
- The use of mechanical or other methods which achieve appropriate pressure differentials or ventilation shafts and any other method that can be substantiated.

Recommendation 1: That the State Government reduce the required percentage of cross ventilated dwellings, to 50 per cent with 25 per cent being achieved on corner apartments and 25 per cent being achieved using other techniques.

Recommendation 2: That the State Government exempt apartment dwellings over 95 square metres from the natural ventilation provisions.

2. Setbacks

The proposed standard goes too far and considerably reduces the development footprint of any site without consideration of:

- Strategic planning objectives;
- Local and site context;
- The way a building is designed;
- The number of developable sites and future housing supply in the area; and
- Commonly accepted setbacks (including that in Rescode and the NCC).

Any controls should have regard to the above in assessing performance standards for setbacks. Further the standards must explicitly require consideration of site context and orientation and the relationship between buildings. We would therefore support the insertion of a provision which states that “these standards may be varied taking into account the orientation and relationship between adjacent buildings provided the objectives are achieved.”

We assume Government’s objective in relation to this item is to facilitate optimal access to daylight. In our view, it depends on the orientation of the dwelling and the dimensions of the rooms. In our experience, kitchens and living spaces are usually at a nine to 12 metre depth range, but this should not be taken to be a standard and varies depending on the design of the dwelling and what can be accommodated on a site. There are strategies that can also be implemented to maximise the light an apartment receives. Examples of this are wider apartments, higher ceilings and light coloured or reflective type paint finishes, which facilitate good light penetration and fresh air. These techniques should be considered having regard to the characteristics of the individual site. We would also support the allowance of screened and other measures to address privacy concerns, particularly within two buildings in one development.

Recommendation 3: That the State Government exempt developments who can demonstrate the achievement of a certain daylight level and that their design has considered the privacy of relevant stakeholders.

Recommendation 4: That the State Government insert a provision that states that “these standards may be varied taking into account the orientation and relationship between adjacent buildings provided the objectives are achieved.”

3. Accessibility

While the Property Council agrees that all door sizes should be 850 millimetres wide, we have concerns about other requirements in this provision. We note that the standards proposed are currently not compliant with the relevant provisions for designing for residents with disabilities as they do not provide for a wheel chair beside the toilet. As such, they do not meet the Australian Standards.

We believe that the NCC adequately legislates with regard to universal design and that no additional provision is required. Currently, it is possible for any apartment to be converted to a universal design apartment as long as the front of the apartment is accessible, which is already mandated in the NCC. It must also be recognised when a disabled person purchases an apartment off the plan, developers must fit it to their requirements. The draft standards fail to recognise this long accepted industry practice.

The Property Council believes that apartments should not be held to a higher standard than other homes. As the NCC already mandates universal access from the street to all apartment front doors, any additional requirements would add to the cost of delivery and the purchase price. We believe that apartments are already being built with amenity and that the best way to increase the stock is to future proof. An example could be requiring apartments to be built so that eventually rails can be installed when the need arises and ensuring that all door frames are wide enough to accommodate a wheelchair. Further, we question the practicality of these provisions applying to two storey apartments.

Practically, the standards limit the bathroom design options by prohibiting longer bathrooms for at least one bathroom and dictating the parameters of the room. This creates a significant cost penalty by limiting the yield. It also in effect mandates apartment size by dictating room sizes for at least one bedroom.

To impose these stringent measures and limit the design outcomes on 75 per cent of two bedrooms and all one and three bedroom apartments is far too high. We also question whether there is the quantum in demand for these kinds of apartments, as anecdotal evidence suggests that it is minimal. We would support the Government using ABS data to statistically support the significant proposed percentage as this should be predicated on facts.

Instead, we propose that these provisions should apply to one bedroom and one bathroom in 35 per cent of the apartments delivered in a development.

Recommendation 5: That the State Government mandate that all door widths be a minimum of 850 millimetres.

Recommendation 6: That the State Government limit the accessibility provisions to only one bedroom and one bathroom in apartments that have more than one bedroom or bathroom.

Recommendation 7: That the State Government limit the accessibility provisions to only 35 per cent of dwellings in a development.

4. Windows (snorkels)

The Property Council strongly opposes the prohibition of borrowed light or ‘snorkel’ bedrooms under the standards as we do not believe that they are not responsible for poor design outcomes. In contrast, these apartments can provide a high quality outcome with some standard imposed. We believe that Government’s objectives can be addressed without prohibiting ‘snorkel’ bedrooms. Our suggested provisions are as follows:

- A snorkel ratio of no more than 2:1, being the depth of the snorkel measured from the glazing line back into the room, to width of the window;
- All such rooms have floor to ceiling glass with a minimum width of window 1.5 metres; and
- No more than 1.3 metres of horizontal structure in front of the window (which may constitute either a balcony or overhang).

We are also concerned that the proposed definition of a habitable room includes rooms like studies and kitchen areas, which we consider to be inappropriate. While we agree that a bedroom or living room may constitute a habitable room, we do not agree that other rooms would fit the criteria and therefore should be held in the same regard.

Further, we do not believe that requiring a window to be directly visible for ‘any’ point in the room is practically achievable. We suggest that this provision be altered to 90-95 per cent of the room.

Recommendation 8: That the State Government include the following provisions to allow for snorkel bedrooms:

- a) A snorkel ratio of 2:1;
- b) A requirement of floor to ceiling glass with a minimum width of 1.5 metres; and
- c) A limit of 1.3 metres for any horizontal structure in front of the window.

Recommendation 9: That the State Government amend the definition of habitable room to only include bedrooms and living areas.

Recommendation 10: That the State Government reduce the window visibility standard to 90-95 per cent of the room.

Other Concerns

1. Private Open Space

The Property Council is concerned that the balcony sizes proposed are too large and reach far beyond standard practice. This could provide enough space to become additional storage for apartments. While we recognise that some may prefer bigger balconies, they come at a cost and in an increasingly unaffordable market we question the implications of increasing their size so dramatically. Not every apartment should have a balcony; where it can be demonstrated a balcony is not adding any amenity to an apartment then it should not be mandatory to provide them. It is noted that there are many great examples of apartments that provide excellent amenity and do not have balconies.

Instead, we would support a provision where developers are encouraged to provide a balcony of at least five square metres (based on 4.2 metre frontage x 1.2 metre depth), regardless of apartment size. This proposed size includes an air-conditioning condenser (where applicable). We would also support this provision's cut off point being changed to provide for the number of storeys rather than the height in metres. We also believe that balconies should not be mandated as they are not criteria for good design and should be a response to context rather than a standard.

Recommendation 11: That the State Government reduce the required balcony size to a minimum of five square metres, with any air conditioning unit being included in this minimum.

2. Storage

The Property Council believes that the proposed storage requirements are unnecessarily large and go beyond best practice requirements. Instead, we propose that developers be required to provide three cubic metres of either internal or external dedicated storage for apartments under 100 square metres.

Anecdotal evidence has shown that storage in apartment buildings is rarely utilised and instead becomes a fire and flood hazard. Instead we propose that additional provision be made for bicycle storage in addition to dedicated storage as it is in high demand from apartment dwellers.

Recommendation 12: That the State Government require three cubic metres of either internal or external storage space to be provided for apartments of less than 100 square metres.

3. Communal Open Space

Currently, we are concerned that the standards fail to consider the context of the site. An example of this is in the CBD. Where a site only faces north, this standard may mean that the whole frontage is lost to communal open space. It also fails to make provision for sites which may be proximate or immediately across the road from parklands. We would encourage Government to be more nuanced in their approach to communal open space and site context. Further, we would support this provision by only applying it to developments over 100 dwellings.

Recommendation 13: That the State Government include provisions which consider the context of a development site in the communal open space standards.

4. Landscaping

While landscaping may incrementally contribute to the amenity of a development, it can significantly increase the cost of living in a complex due to the maintenance required. We believe that any guidelines must take into account the long term cost to residents over and above what may already be required to maintain the building. Further context must be a primary consideration because it is inappropriate for any landscaping measure to apply to the central city area. A majority of these sites simply cannot accommodate it.

Additionally, deep soil planting reduces the efficiency of car parking below and reduces affordability due to the cost impost. Employing deep soil planting should be at the discretion of the developer as the same outcome can be achieved by using above ground planters and other landscaping techniques.

Any deep planting landscaping measure must be aspirational and should provide incentives to offset the yield. We therefore believe that the proposed standards should exempt CBD, mixed use and smaller sites and those proximate to high streets.

The site's context must also be considered including the existing streetscape (road width) and landscape. It is inappropriate to require developers to provide excessive landscaping if it is a duplication of what is already provided locally. Consequently, we believe the standards should be edited to take into account any significant tree planting/landscaping in the same street. When combined with the communal open space and setback provisions, this standard creates a significant cost imposition.

Recommendation 14: That the State Government exempt the CBD from the proposed landscaping standards.

Recommendation 15: That the State Government include consideration of site context in the landscaping provisions.

Suggested technical changes (other provisions)

1. Dwelling Entry and Internal Circulation

The Property Council finds Government's intention with respect to dwelling entry and internal circulation unclear. Consequently, we would suggest that the objective be tightened to reflect and demonstrate Government's desired outcomes.

We also believe that this standard fails to recognise that windows to building entrances, lift lobbies and stairwells do not increase amenity. Consequently, we recommend the provision make reference to other habitable areas should being given preference when allocating windows or this part of the provision being omitted entirely.

Recommendation 16: That the State Government amend the standard's objective to clarify their intention.

Recommendation 17: That the State Government remove the requirement to provide windows in the building entrances, lift lobbies and stairwells.

2. Noise Impacts

The Property Council does not support the standard as it is currently written and encourages Government to consider rewording the standard to be measured when the rooms are furnished and carpeted. This would make the standard representative of a real life situation.

We would also support a bolstering of enforcement of the NCC acoustic standards if this is a concern. We believe that any standard with respect to acoustics should only be measured when the apartment is sealed (i.e. with windows and/or doors closed) as proximity to services in some of the most desirable areas will create noise. Further, due to the stringent nature of the standards, many of the State's most desirable sites will be rendered undevelopable; these include VicTrack sites or those proximate to rail or transport. It will also be difficult to make many developments adjacent to stations and transport or on arterial roads stack up.

Recommendation 18: That the State Government's noise impact standard be measured when the rooms are furnished and carpeted.

Recommendation 19: That the State Government encourage the enforcement of the NCC acoustic standards.

3. Light wells

The Property Council supports the proposed standard if the light well is proposed to be built on a boundary. If it is not on the boundary then we do not believe it should be applicable. This should be stated in the provision.

Further, it is unclear whether the definition is intended to apply in cases when a development is not built up against the boundary (e.g. half a meter off the boundary). Consequently, the definition requires tightening to reflect Government's desired outcome.

Recommendation 20: That the State Government clarify the definition and application of the light well standard.

4. Room Depth

The Property Council does not support the inclusion of a room depth provision as it is currently written for the following reasons:

- It reduces the developable footprint;
- There is no credit for through apartments;
- It is not relevant for large apartments; and
- Unduly penalises south facing apartments with no regard to the overall design outcome.

Further, we believe that the proposed eight metres is arbitrary and falls short of what is required by a well-designed apartment. It also fails to provide adequate space for living and dining areas to be properly furnished. If a room depth provision is going to be included, we would suggest that the proposed standard be increased to ten metres with the insertion of a clause which allows this standard to be satisfied by achieving a Lux level in lieu of the room depth. We also encourage Government to delete the south facing provisions and instead have one room depth provision for all apartments regardless of orientation.

We also do not consider room depth to be relevant to larger apartments. As such, we encourage Government to exempt all apartments over 95 square metres.

Recommendation 21: That the State Government increase the depth allowance of a habitable room to ten metres.

Recommendation 22: That the State Government insert a provision which allows the room depth standard to be satisfied by achieving a Lux level.

Recommendation 23: That the State Government remove the south facing provisions from the room depth provisions.

Recommendation 24: That the State Government exempt all apartments over 95 square metres from room depth standards.