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## Submission to the Draft Better Apartment Design Standards

Thank you for the opportunity to provide feedback on the draft Better Apartments Design Standards (draft Apartment Standards) released for public comment in August 2016.

The draft Apartment Standards are a welcome step forward in improving the quality of apartments in Victoria. Apartment Standards can provide much-needed clarity on the living standards that we aspire to create for current and future generations of apartment dwellers. Apartment standards are a critical planning tool that can ensure that apartment residents can lead healthy and sustainable lives. This is particularly needed as the number of people living in apartments increases, and as apartment living is considered a long-term viable housing option for a wide range of people with diverse housing needs.

This review generally considers the following questions:

1. Will the draft Standards address the identified inadequacies in apartment design in Victoria?
2. Are the Objectives and Standards clear and targeted towards delivering good design outcomes?
3. Are there any unintended consequences that may result from the draft Standards?
4. Are there obvious omissions in the draft Standards?

## Overarching support for the draft Apartment Standards

The introduction of apartment design standards for Victoria is strongly supported. The draft Apartment Standards include important, positive steps to improve apartment design that are needed to address the range of inadequacies that are present in many recent development proposals. In particular, the positive attributes include measures such as:

- Improving access to daylight and air by requiring windows to all habitable spaces (viewed from all points of the room), establishing maximum depth to ceiling ratios and establishing separation distances between buildings (which also provides visual privacy)
- Making apartments more comfortable by requiring noise attenuation and more energy efficient design
- Making apartments more functional by recommending minimum storage requirements
- Making apartment developments more liveable through the inclusion of green landscaping including opportunities for deep soil planting to contribute to expanding the urban forest

**Recommendation**
That these positive attributes of the draft Standards are retained in the final version of the Standards.

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## Overarching concerns with the draft Apartment Standards

1. Difficulty in commenting on a partial set of documents

It is difficult to assess the full impact of the draft Standards and the degree to which they will deliver better apartment design as the draft Standards do not include all the material that will be used in assessing new developments. It is understood that the draft Standards would operate as follows:

1. *Objectives* are included which *must* be met
2. *Standards* are included which *should* be met and which demonstrate typical outcomes where the objective is deemed to be met
3. *Decision Guidelines* which will provide clear guidance to planners assessing applications on matters which is to be considered if the applicant proposes an alternate method of meeting the Objective to the proposed Standard.
4. *Design Guidelines*, which will demonstrate examples of the good quality apartment design however which will not include specific requirements that have to be addressed by developers

The *Decision Guidelines* and the *Design Guidelines* have not yet been publically released. It is therefore difficult to comment on whether the draft Standards will achieve the objective of delivering better quality apartments. This is particularly critical for the *Decision Guidelines* which are likely to be pivotal in decision-making when developers proposed alternate methods of achieving the Objective to the proposed Standards. It is the *Decision Guidelines* which will be pivotal to support the overarching approach which is to enable flexible, performance based design responses. This is needed to allow a diversity of design responses *that will still ensure that the Objective is met and that good design outcomes are achieved.*

It is unclear what statutory weight the *Design Guidelines* will have. If these are to be a reference document in the planning scheme, then it is possible that they will have insufficient influence on apartment design.

**Recommendation**
That the *Decision Guidelines* and the *Design Guidelines* are prepared and released and that a subsequent, secondary round of consultation is undertaken that will enable the community and industry to comment on a complete suite of proposed documents that will influence apartment quality.

2. Difficulty in commenting on design standards and controls that are distributed across the draft Standards, existing Victorian Planning Provisions and, potentially, across existing overlays within different municipal planning schemes

The draft Standards target design outcomes in key areas where deficiencies have been identified in apartment design – effectively 'plugging the gaps' in the current controls. It is understood that the approach seeks to ensure that there is no duplication of design guidance where it is already provided in other parts of the Victorian Planning Provisions and is deemed sufficient. The proposal is therefore to splice together the design guidance in Clause 52.35 and Clause 55 of the Victorian Planning Provisions with the draft Standards. The degree to which Clause 52.35 and Clause 55 applies differs for developments that are over or under 5 storeys. Local overlays in

municipal planning schemes will also apply and could include provisions that complement or contradict the draft Standards.

As noted above, the draft Standards themselves will be supported by a separate Design Guidelines document (the statutory weight of this supporting document is unclear).

From a user's perspective (developers, architects, planners, decision-makers and the community), this is a complicated approach compared to, for example, the NSW Apartment Design Guidelines which are effectively contained within one holistic and integrated document. It requires a very high degree of fluency with the Victorian and local planning schemes. It could make assessments of permit applications overly complicated, protracted and could frustrate or alienate the community through permit approval processes as they will be less familiar with interpreting technical planning documents.

**Recommendation**
That an integrated set of Standards is produced which is user-friendly, clear and transparent, rather than an approach which distributes requirements for apartment design across a range of planning provisions.

3. Lack of certainty that good design outcomes will be retained from planning permit assessment through to project completion

Design verification is critical to ensuring that the building that is delivered is the same as the building that was designed and approved. It is understood that this will occur in two stages – at planning permit and building permit stages. While some design elements can be verified at this stage, for example, sunlight to open space requirements that are determined by the overall massing of the development, there are some elements, for example, noise levels, which can only be assessed at the project's completion. A third verification stage at project completion would provide certainty that all of the design outcomes considered critical to achieving better apartments have been delivered.

**Recommendation**
That a third verification stage is introduced as practical completion of projects to ensure that design quality has been delivered.

4. Design expertise is easily omitted in the permit approval and verification process

The assessment of permit applications against the draft Standards will require reasonable levels of design expertise, particularly for developments that propose alternate design solutions to the standards nominated. It is not realistic to assume that the planner assessing the development will have the requisite knowledge or experience to provide this design expertise in all instances. It is also likely that this level of design expertise will be distributed unevenly across different municipalities in Victoria due to a wide range of constraints.

Architects undergo significant formal training in design and are required to pass a rigorous registration process with requirements for ongoing professional development. They are the profession most suitably qualified to provide this design expertise. There is no requirement, however, for the developer to use an architect and no

requirement for an architect to be involved in either the planning assessment or design verification process. Together this means that it is reasonable to assume that some developments will be drafted, assessed and verified without the involvement of qualified design expertise.

To address this, the use of an architect and/or the assessment of the permit application by a Design Review Panel should be required. The degree to which an architect/Design Review Panel is required could be determined by the scale of the development or the degree to which the developer is seeking to introduce alternate design responses to the nominated standards. This would ensure that qualified design expertise is always incorporated into the design and assessment process which is far more likely to result in better design outcomes.

**Recommendation**
That a requirement to use an architect and/or a design review panel is introduced in the design and assessment process. This could vary depending on project scale and complexity, however the requirements would need to be clearly established and be understood by the development industry from the outset of the design and planning process.

## 5. Lack of acknowledgement of different urban contexts

In general, the draft Standards emphasise internal amenity of apartments over the overall urban design outcomes for a development. This means that the draft Standards do not sufficiently acknowledge that apartments are designed and built in a wide range of urban contexts which are likely to require different design responses. This will be particularly relevant for the provisions that consider building setbacks, communal open space and sunlight to communal open space.

For example, different building setbacks apply as a blanket standard for all contexts. While incorporating setbacks is a positive step, there will be a variety of setbacks that are appropriate in different locations. For example, shop-top housing or apartments that interface with an existing blank wall on the boundary of an adjacent property. No distinction is made between building separation between blank walls and habitable rooms/windows. This could provide greater flexibility in design responses while not compromising amenity.

**Recommendation**
Introduce guidance into the draft Standards or the Decision Guidelines on the interpretation of the Objectives and Standards for different urban contexts and different apartment typologies. For example, the building setback provisions that apply need to be clearly understood.

## 6. Significant omissions in the draft Standards

There are four significant omissions identified in the current version of the draft Standards as outlined below that must be addressed in the final apartment guidelines.

a. Poor apartment layouts are still possible with the current draft Apartment Standards

Poor apartment layouts are still possible as there is no Objective addressing this fundamental issue that has been identified in many recent apartment developments.

The primary flaw in many apartments is that the layout is often too tightly constrained, difficult to furnish and with insufficient storage and poorly arranged. This means that occupants don't have enough space and room to move to carry out normal everyday activities. Apartment layout is not mentioned in the draft Standards at all and poorly laid out apartments are still likely to occur. Although the draft Standards do make significant steps forward in addressing specific issues, e.g. access to daylight and air, there is no requirement in the draft Apartment Standards to even consider overall apartment functionality and whether the arrangement of spaces in the apartment are well-designed to meet resident's needs.

Within the draft Standards, the provisions which are intended to address this include:

- Minimum sizes are set for three components of apartments:
    - Access requirements to the bathroom (minimum of 1.2 x 1.2m in front of toilet and shower) and main bedroom (min. size of 3 x 3.4m)
    - Minimum storage requirements designated in cubic metres which varies in relation to the number of bedrooms (although critically this storage does not have to be located within the apartment)
    - Minimum balcony sizes which varies in relation to the number of bedrooms
- All habitable rooms must have a window that is seen from all points in a room
- Apartments are to have an apartment depth to ceiling height ratio of 2.5:1 (2:1 for south facing apartments). The maximum dimension for an open planned living room is 8 metres.

While this goes some way to addressing poor apartment layouts, some of the attributes of poorly designed apartments will still be possible, including:

- Small living spaces that are insufficient in size, with no minimum dimension to ensure that they can be adequately furnished
- Small bedrooms with insufficient space around beds to move in the room
- Dog-leg corridors or long corridors
- Kitchens can still be located in circulation spaces, e.g. entrance corridors
- Insufficient storage as while minimum requirements are nominated, this storage does not have to be within the apartment

While access requirements require minimum door widths to the front door, main bedroom and bathroom, if the intervening spaces, e.g. the living room, are too small then it is unlikely that the level of access through the apartment will achieve the desired outcomes as the path of travel will be blocked by furniture.

Inadvertent consequences of regulating the size of some components (bathrooms, main bedrooms) may put downward pressure on the size of other components, e.g. living spaces and second bedrooms.

The lack of guidance on minimum apartment sizes in the Victorian Standards is likely to result in the continued provision of undersized, poorly laid out apartment. This was identified as a major flaw in many apartments and 'Space' was one of the primary concerns of submitters in response to the Better Apartments Discussion Paper. This is a significant flaw in the current draft Apartment Standards that must be addressed.

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**Recommendation**
Introduce an Objective that addresses apartment layout and articulates the need for well-laid out, functional apartments that meet resident's needs.

Introduce Standards for apartment sizes that demonstrate the range of sizes generally deemed suitable to ensure that an apartment contains reasonable-sized living spaces, bedrooms, kitchens, bathrooms, storage and circulation spaces. These should not be mandatory, as there are examples of smaller apartments that do suit some residents (although usually for a certain period in their life, not over the longer term).

b. Concerns around insufficient daylight is not adequately addressed

Daylight was a primary concern of submitters to the Better Apartments Discussion Paper. A key driver of sufficient daylight is ceiling height. This is particularly important for lower floors of apartment buildings. Higher minimum ceiling heights, e.g. 2.7 metres, also deliver the following positive impacts:

- The creation of well-proportioned rooms that will feel larger
- Ensuring bulkheads do not intrude into ceiling space reducing the feeling of space and potentially reducing daylight access
- Flexibility for future use
- Enhancing opportunity for effective cross-ventilation

Requiring the lower levels of apartment buildings, e.g. ground and first floors to have higher ceiling heights can also ensure the longer term adaptability of these spaces for other uses, e.g. retail or commercial.

c. Outlook from apartments is not mentioned in the draft Apartment Standards

Outlook from apartments is not acknowledged in either in the Objectives of Standards for Building Separation. This is an important consideration and can compensate for the experience of living in smaller spaces.

**Recommendation**
Introduce into the objective for building separation that sufficient outlook is provided from within apartments. Provide suitable Standards that demonstrate this objective.

d. Insufficient communal open space is highly likely on larger developments

Communal open spaces provisions are too low for larger developments. The minimum requirement of $100m^2$ is likely to be insufficient for developments that contain significant numbers of dwellings in the order of hundreds of apartments. As the number of apartments increases, the amount of communal open space is fixed meaning there will be a decreasing amount of open space per apartment. This must be revisited.

**Recommendation**
Revise the current Standards to enable sufficient open space per resident on larger developments. Different developments in different contexts may provide different scales and types of communal open space. This should be reflected in the final apartment standards.

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7. Need to improve drafting to ensure that no 'loopholes' or unintended consequences are created

The wording of the Objectives is critical as this is the only part of the draft Standards that must be met by new developers. At times the wording of the Objective is too high level and non-specific and is likely to lead to significant debates about the original intent, which could result in protracted decision-making.

There are also opportunities to make some of the draft Standards more specific or to tighten the current wording to ensure that the desired outcome is delivered. These have been highlighted below:

a. While minimum requirements for storage are strongly supported, the ability to locate this space outside the apartment itself means that this may not sufficiently improve the liveability of apartments. Having a minimum amount of storage within the apartment is critical to make it functional place to live. This includes storage for normal, everyday, household items that have to be located within the apartment to be practical, including for example, a vacuum cleaner, ironing board, mop/ bucket, clothes drying rack, linen, blankets, equipment for hobbies and recreation (e.g. sporting equipment, musical instruments etc.). Items that can be located outside the apartment include less frequently used items such as luggage, camping gear etc.

**Recommendation**
Introduce a minimum requirement of overall storage space to be incorporated within the apartment (in addition to the typical storage required for kitchens and bedrooms etc.)

b. There is no guidance on when communal open space can be provided indoors. This is likely to result in this open space being provided indoors as this will enable development to be located above this built area and maximise yields on a development site. Further, the requirement to provide a minimum amount of sunlight to communal open space is also likely to have the unintended consequence that 'open space' will be located indoors to avoid meeting this requirement. There may be legitimate exceptions, e.g. the adaptive re-use of an existing heritage building, where locating this communal space indoors is the most practical option.

**Recommendation**
Provide clarity on the limited circumstances where the 'open space' can legitimately be incorporated inside a building, e.g. heritage buildings.

c. The requirement for all habitable rooms to have windows is likely to lead to an increased use of light wells in developments. The light well provisions allow bedrooms to front light wells as the primary source of daylight and air, and yet the minimum light well depths are less that the required building setback distances that are considered necessary for daylight, air and visual privacy between buildings.

**Recommendation**
Introduce minimum dimensions in light wells that address visual privacy that are required when bedrooms directly face each other (comparable dimensions to building separation).

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d. Sunlight to communal open space requirements designate that at least 50 percent of communal outdoor open space should receive direct sunlight for a minimum of 2 hours between 9am and 3pm on 21 June. There needs to be greater clarity that this sunlight reaches the principle useable part of the communal open space, otherwise this standard could be met with the sunlight falling on, for example, driveways or narrow access ways, rather than in areas which residents are likely and wish to use for relaxation or recreation.

**Recommendation**
Amend Standard to specify that sunlight should reach the 'useable' part of the communal open space.

8. There is a lack of clarity on how certain standards were determined

a. There is a need to confirm technical reasons why the standards for natural ventilation and cross-ventilation do not apply above 80m and 35m respectively as this seems to limit the opportunity to enhance the sustainability and liveability of apartments at greater heights. This seems quite low and it is unclear why these thresholds have been introduced.

**Recommendation**
Clarify the thresholds where natural ventilation is achievable without adverse wind impacts. This should be informed by evidence that demonstrates why 80 metres and 35 metres are the appropriate transition points where natural and cross-ventilation requirements no longer appropriate.

b. It is unclear why balconies are not required above 35 metres. This seems too low, particularly considering openable windows are recommended to an 80 metre height limit. There would be numerous examples of well-used balconies above 35 metres (approximately 10 storeys) across Melbourne

**Recommendation**
Amend the requirements for private open space to require balconies above 35 metres. Balconies at higher levels could include reduced requirements for overall size / minimum dimensions that acknowledges that the balconies are used differently on higher floors where wind impacts can influence resident's use of the space.

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