



The Hon Richard Wynne MP
Minister for Planning
Department of Land, Environment, Water and Planning
8 Nicholson Street
EAST MELBOURNE VIC 3002

Dear Minister Wynne

**BETTER APARTMENTS - [REDACTED] SUBMISSION ON DRAFT
DESIGN STANDARDS**

Thank you for the opportunity to comment on the draft design standards on apartment developments.

Council Officers welcome the apartment design guidelines. As you are aware, [REDACTED] [REDACTED] has prepared its own set of standards in the Moreland Apartment Design Code (MADC). This Code was developed internally by Council Officers, won a Planning Institute of Australia excellence award and was supported by a Panel. Council has been applying the MADC standards since 2012 and we are very confident that it has resulted in an approved standard of apartments, particularly in relation to daylight, privacy, dwelling size and layout, natural ventilation, private open space, storage of household items and bicycle parking. We note a number of the draft standards are similar to the standards in MADC.

The inclusion of the standards into the Victoria Planning Provisions (VPPs) is also supported. By their inclusion into the VPPs they will be afforded sufficient statutory weight by responsible authorities and importantly VCAT.

Attached is Council's submission on the individual draft standards. We also identify areas where standards should be considered.

With respect to implementation issues, we make the following comments:

Better education and training

Council fully supports the proposal to provide education and training on apartment design to Council planners, building design professionals and industry associations such as the Property Council.

Council's experience is that a key to get the apartment design right is for designers to select the appropriate building typology for a site and locality. Too often the wrong building type is chosen resulting in poor outcomes for both the public realm and internal amenity. MADC provides a matrix that matches site size and dimensions with preferred building type. Council urges the State Government to work with Local Government to develop building typologies that may be appropriate for different site sizes, dimensions and urban contexts.

New apartment design guidelines

Council fully supports the preparation of apartment design guidelines to accompany the proposed planning provisions on design standards. It is critical that design guidelines are prepared given that the standards are to be discretionary. MADC contains design guidelines on a number of standards, and Council's experience is that these design guidelines provide a helpful way to explain how good design outcomes can be achieved. It would also be helpful if the guidelines provided both good and bad examples of design so it is clear of what to do and not what to do.

New planning provisions

As noted above, the inclusion on the apartment design standards into the VPPs is supported.

Each section on the standards contains a brief description that appears to explain the purpose of the standard. What is the status of the preambles? Are they objectives? Clear objectives will help stakeholders understand the purpose of the standards and assist in the exercise of discretion.

Further, there are no decision guidelines to assist in the exercise of discretion. Council notes that compliance with every standard will be very difficult to achieve and decision guidelines may also assist in the exercise of discretion.

Should a set of objectives be developed, it is considered that the State Government should confirm that meeting a standard does not mean that the relevant objective is automatically met. It would appear that VCAT has adopted a contrary approach in ResCode applications which has the potential to undermine the achievement of good planning outcomes.

The attachment to this letter responds to each draft design standard. Commentary is also made on the need to consider design standards for other matters, particularly dwelling size and layout, thermal comfort, dwelling diversity and bicycle parking.

With respect to dwelling size and layout, a minimum standard is critically important to ensuring an adequate standard of accommodation is achieved. Our experience is that, having undertaken post-construction inspections of many apartment developments in Moreland, single bedroom dwellings under 50 square metres begins to compromise basic functionality of an apartment. It makes it more difficult to place basic furniture in habitable rooms and to ensure there is sufficient space for daily household items. Limited space also makes it difficult for people to socialise, entertain guests or spend quiet time in private. Should minimum size of dwellings not be introduced, an alternative may be to introduce minimum dimensions and sizes for habitable rooms.

Building setbacks should also be applied for ResCode applications. The [REDACTED] is receiving a large number of applications that propose 'reverse living' arrangements (i.e. balconies above ground) which avoids the need for developers to provide private ground level open space and results in small side and rear setbacks. In response to these concerns, [REDACTED] has prepared Amendment C159 that requires residential developments in Neighbourhood Centres and the Residential Growth Zone to provide side

setbacks of 4.5 m (outlook from living area or balcony) and 2 m (outlook from bedroom) to ensure adequate daylight and ventilation for apartment developments as well as provide opportunities for landscaping. It is our understanding that other municipalities are experiencing similar developments and it may be appropriate that this issue is addressed across the Melbourne metropolitan area.

Overall, Council considers that the vast majority of the draft design standards will improve the overall standard of design of apartment development and result in a higher standard of accommodation for occupiers.

Keeping designs on track at building approval (design verification)

Council welcomes the initiative to introduce a checkpoint at the building permit stage where a registered architect or a registered building designer can verify that all relevant design matters have been met. This initiative will place the onus on applicants to ensure endorsed plans are in accordance with the permit and overcomes a major problem in Local Governments' ability to allocate resources to pro-actively enforce compliance of approved developments. State Government assistance in preparing a data base across all municipalities may provide an opportunity to measure the extent of compliance being achieved.

One matter that should be clarified is if it is verified that an apartment development does not meet planning requirement is it the responsibility of the Responsible Authority to pursue enforcement action, or does the private surveyor withhold the permit and/or occupancy certificate?

Other matters

Amendment C71 was approved by you in November 2015 which introduces the Environmental Sustainable Development policy into the [REDACTED]. The policy includes a sunset clause and is due to expire in December 2017. In meetings with officers from your Department, it has been indicated that with the inclusion of the ESD standards in Better Apartments that Council's ESD policy may not be extended and thus become redundant. Council Officers have expressed concern about this potential outcome because the ESD policy applies to a wider range of applications, not just apartment developments. It also contains a broader set of ESD-related measures to ensure a higher level of sustainable development. Council would welcome an opportunity to have a meeting to discuss this issue with you.

Should you have any questions in relation to Council's submission please contact [REDACTED]

[REDACTED]

Yours sincerely

[REDACTED]

19 / 9 / 2016

Att: