

Maribyrnong City Council Submission – 19 September 2016

Better Apartments Draft Design Standards

Overall approach

The performance based approach adopted in the draft design standards is supported. This should deliver consistent state wide outcomes for new apartment development while retaining an ability to respond to site specific circumstances.

Developing the standards structure similar to the ResCode particular provisions will help ensure they are better understood and more easily implemented. The increased use of diagrams is helpful and should be built upon where possible. Diagrams provide a clearer understanding of what is required and better communicates the technical aspects of the standard to planners, designers, developers and the community.

The standards should generally achieve closer to best practice. Applying broad objectives with discretionary controls allows a wide scope for interpretation and variation. While this is appropriate, the 'starting point' should be a high standard that reflects what the community wants apartments to be, not what they are encouraged to settle for. If site specific circumstances warrant a departure from best practice this can be reviewed and permitted by local discretion, however it is fundamental that the bar is set high and alternate design proposals are assessed against this expectation.

New design standards are only one aspect of delivering the housing required for Melbourne's rapidly growing population. We commend the project team for developing the design standards, however believe they will only be effective if they work with strong State policy on dwelling diversity, adaptability and affordable housing.

If apartments are to continue playing a greater role in housing, State planning provisions must ensure they serve a broad demographic and cater for all stages of life, to allow apartments to act as permanent homes rather than a transitional option. State leadership is needed to introduce adequate affordable housing provision and associated delivery mechanisms, to ensure there is a clear understanding of what is required and how it will be funded. These are fundamental requirements, as it is this combination of diversity, availability and design that will truly create better apartments.

Draft Design Standards

Building setback

Building setbacks are often required to ensure the development potential of adjoining properties is not compromised. This is an important equity principle that should be included in the standards objective.

We support the proposed setbacks, however note they will be difficult to achieve on some sites, particularly inner metropolitan areas with irregular shaped or narrow lots. Interface conditions, rear laneways, zoning objectives and policy may also restrict a sites ability to comply with the standard. Further guidance is required on how to apply the standard in these scenarios, particularly if the site characteristics makes compliance not technically feasible.

Councils should be given the ability to vary the standard through local schedules. Activity Centres have a different development context than incremental change areas, and a varied

building separation or boundary setback may help achieve local design and consolidation objectives better than the default 6-12m requirement.

ResCode Standard B17 (Side and rear setbacks) should be reviewed as part of the Better Apartments reforms. B17 is appropriate for lower density detached dwellings and townhouse developments, however was not designed and is not effective at achieving good design outcomes for apartments up to four storeys. Apartment proposals are often able to achieve compliance with B17 despite poor separation, design, amenity and outlook. Apartment developments up to four storeys will continue to be a dominant form of infill development, and it is important B17 is reformed to achieve better outcomes on these sites.

Light wells

The standard should emphasise that light wells should only be provided where site constraints or other design measures prevent clear, open access to daylight. Light wells should not be a substitute for good apartment design, or allow an otherwise overdevelopment of a site to be permitted.

The "Minimum Area" and "Minimum Dimension" outlined in Table 1 should be achieved for the entire depth of the light well. The standard should however acknowledge that in some cases the depth of the light well may not be equal to the "Building Height", and provide guidance if a reduced area or dimension is acceptable.

The standard should clarify whether staggered dwelling windows on opposite facades can have some degree of overlap or must be completely offset from each other.

Room depth

We broadly support the standard, however note the challenge of applying it when a lot's primary frontage is south facing, such as along the main street of an Activity Centre. In this scenario an active street frontage and passive surveillance would be a preferred outcome. The 5.4m habitable room depth would be unlikely to accommodate a typical open plan living, dining and kitchen, and the standard does not allow a south facing open plan area to be increased to an 8m depth. It appears compliance with the standard would require dwellings fronting the street to be dual aspect, which would be difficult to deliver in such a site context. Guidance is required on how these circumstances should be addressed.

In our experience the size of the habitable room window is as significant a factor in delivering light penetration as building orientation and ceiling to height ratios. Introducing a minimum window size within the proposed "Windows" standard is required to help achieve the objectives of the "Room depth" standard.

The standard should encourage better access to adequate daylight. We support allowing kitchen ceiling heights to be reduced to accommodate services, however note this would likely further reduce daylight penetration.

We support specifying minimum habitable room sizes or room dimensions to ensure they can meet a wider demographic of residents needs.

Windows

It appears the standard could be satisfied using smaller, opaque or screened windows, which would result in a poor outcome. The standard should include a minimum window size and typology or equivalent performance measure, with south facing dwellings ideally required to

provide full floor to ceiling windows. A minimum window size supports the 'Room Depth' standard to ensure adequate daylight penetration into habitable areas.

ResCode Standard B19 (Daylight to existing windows) requires daylight penetration into habitable rooms. A similar approach should be incorporated into the standards for apartments proposing five storeys or above.

Storage

The standard should require a minimum 50% of storage space to be provided within an apartment dwelling. Internal storage is more convenient and secure, and better serves the needs of residents.

Storage cages above parking spaces in apartment basements provide poor amenity and security, and are difficult to use. If cages are proposed within development they should not be considered as meeting the standard, and only be provided in addition to mandatory usable storage areas.

Guidance on the location and type of appropriate storage spaces should be provided to drive better storage design and ensure it is clear how the objective can be met.

Noise impacts

We support including maximum dB(A) levels for habitable rooms and encouraging noise mitigation through better apartment design.

The standard should be broadened to include vibration impacts. Planning policy encourages increased development near transport infrastructure, and it is important apartments near such infrastructure minimise vibration health and amenity issues.

Any requirements for internal or external noise mitigation required by a planning permit must be implemented. The building permit process is the appropriate time to ensure such technical requirements have been met. The Building Code of Australia currently requires construction methods to mitigate internal noise, however does not apply to external sources. The building permit process should be reviewed to ensure compliance with all noise mitigation requirements.

Energy efficiency

The proposed standard takes too narrow a view of what contributes to a buildings energy efficiency. We support the principles that have been included in the standard, however encourage a broader implementation of Environmentally Sustainable Design principles in new development.

The design standards may not be the appropriate mechanism to introduce broader ESD controls. We support introducing a separate particular provision that considers development sustainability against a set of broad criteria, and encourage this to be considered as part of a complimentary State wide reform.

Solar access to communal open space

The standard is supported, however may create a preference to locate communal open spaces on roofs, as this may be an easier path to compliance. Roof top communal open spaces can be great places that serve residents needs, however should not be preferenced

ahead of ground or podium level spaces that offer greater accessibility and usability for residents.

It is unclear how the standard should be applied when more than one communal open space is provided, particularly:

- Whether the standard should be applied to the combined total space
- The decision making guidelines when one space is compliant with the standard and the other is not.

Additional location and design guidance should be provided to improve the design of communal open space.

Natural ventilation

We support minimum requirements for cross ventilation, as this is fundamental to good apartment amenity.

Clarification is required whether a light well with openable windows can contribute towards achieving the standard.

The standard should include additional diagrams that show how the natural ventilation may be achieved.

Private open space

The availability of private open space, communal shared spaces and access to public open space need to be considered together. Ideally apartments should be designed and located so residents have access to these three forms of open space.

The standard provides a greater focus on quantifying the area of private open space rather than considering the purpose these spaces serve. The objective to "*meet the reasonable recreation and service needs of residents*" should be reflected in performance measures similar to the approach taken in the Communal Open Space standard, rather than only relying on prescriptive minimum size and orientation.

Balconies will continue to be the common form of private open space in higher density apartments. The standard should require balconies to reflect the needs of future dwelling demographics, be protected from wind and rain and be generally able to meet basic needs of somewhere to sit, air clothes, keep plants, etc.

Communal open space

Compliance with the standard requires communal open space as follows:

- 1-19 dwellings – no communal open space
- 20-40 dwellings – between 50m² and 100m²
- 41+ dwellings – 100m²

The recreation needs of residents in an apartment building providing over 100 dwellings will not be met by a 100m² space. The standard should be revised so the requirement for communal open space continues to increase in line with additional dwellings provided. This is fundamental to delivering spaces which correlate to the scale of development and provide meaningful community spaces for residents.

The standard should also:

- Include a minimum width to ensure communal open spaces are usable.
- Clarify that areas used primarily for circulation, storage or reception space are excluded from the minimum size and width.
- State that communal open space should cater for a variety of users.

Communal open space should be provided entirely outdoors. While we encourage and acknowledge the benefit of internal communal spaces, these areas should be provided in addition to any shared outdoor space rather than as a substitute. Alternatively if indoor space is acceptable, the standard should require it to be contiguous with any outdoor space provided.

We support Councils having the ability to vary the standard through local schedules.

Landscaping

The standard should:

- Require the landscape layout and design be prepared by a suitably qualified landscape architect or design professional
- Preference plant species that respond to the site setting and can be easily maintained.
- Strengthen the phrase "*consider alternate landscaping*". Green roofs, vertical gardens and landscaped awnings improve amenity and reduce the heat island effect and should be strongly preferred in new apartment development.

The standard states "*Development should provide for the retention or planting of trees, where these are part of the character of the neighbourhood*". The qualifier "*where these are part of the character of the neighbourhood*" should be deleted. The starting point should be that trees are to be retained and planted as part of a development.

The standard provides guidance that alternate landscaping may be acceptable where a development cannot meet the deep soil areas. Clarification is required as to what circumstances are acceptable for a development not to provide deep soil areas.

The "*Table 1: Tree Provision*" should be noted as 'Minimum Tree Provision'.

Accessibility

Housing should be designed to be adaptable to future needs and also to different resident needs. The standard should reflect current best practice, and ensure consistency with relevant guidelines.

The standard should provide guidance whether a lift must be installed in a multi storey apartment building, and what building height this requirement would be triggered at.

Dwelling entry and internal circulation

The standard should:

- Require that each apartment lobby give access to a limited number of apartments.
- Require common circulation corridors to be as short as possible and naturally lit. Where longer corridors are unavoidable, the walls should step in and out in plan along the length of the corridor, particularly around dwelling entries, to break up the space and mark the entries as private thresholds.

Lifts should not open directly onto dwelling entrances and corridors should not act as lift waiting areas. The second diagram should be edited to avoid showing this arrangement.

Waste

The standard should:

- Require that waste management facilities are not visually intrusive to residents or from the public realm, with downpipes, containers, service infrastructure, etc, being incorporated into a development.
- Should avoid locating waste disposal chutes near bedrooms or sensitive areas such as building entrances and communal open space.

Water management

The standard is supported.

Implementation

Better education and training

The proposed training initiatives are supported.

New apartment design guidelines

The introduction of new apartment design guidelines is supported. While it will not be possible to cover all scenarios, the guidelines should include relevant examples that cover a broad range of development scenarios typically relevant to apartment proposals.

We also encourage including best practice guidance on the process of designing apartment buildings. This would provide clear advice and education regarding key elements such as assessing the urban context, site analysis, protecting amenity, etc.

New planning provisions

It is unclear what extent the standards may be varied through a local schedule. We support allowing for local variation to be built into the new structure, particularly for building setback and open space standards.

Clarification should be provided as to how the decision guidelines will be developed, particularly as the experience of ResCode suggests that applicants will commonly seek variation of the standards. We would welcome further opportunity to review and comment on final objectives and decision guidelines.

Keeping design on track at building approval

Further details are required regarding how the proposed design review at the building permit stage would work in practice. We support ensuring planning permits are implemented, however want to ensure existing review regimes are not duplicated and projects are not delayed by a backlog of reviews.

We support better design input at a projects commencement. A requirement that larger apartment developments be designed (or at a minimum peer reviewed) by qualified architects or comparable design professionals may help resolve some of the design deficiencies the standards are seeking to address. This is consistent with existing planning requirements that

specialist transport, landscape, acoustics, contamination, etc, reports be prepared by suitably qualified experts.

Developing consumer awareness

Noted.

Application requirements

Noted.

Managing transition

Providing transitional arrangements for existing permits is a reasonable approach to implementing the new standards. Recent analysis however suggests that apartment approvals in Melbourne are now exceeding demand. A correction to this could result in apartment developments approved under the existing system not acting on their permits within their expiry date. Guidance should be provided how the resulting permit extension of time applications should be assessed, and how permits that have expired after the introduction of the design standards should be considered.