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Department of Environment, Land, Water and Planning  
GPO Box 2392  
MELBOURNE VIC 3001

**Ask for:** Kathleen McClusky  
**Phone:** 9932 1004  
**Our Ref:** A2176501

Dear Sir/Madam,

**Better Apartments - A Discussion Paper**

Hobsons Bay City Council welcomes the opportunity to contribute to the Better Apartments discussion paper.

Council's responses to the discussion paper are provided in the attached submission.

Should you wish to discuss this submission further, please contact Kathleen McClusky, Manager Strategy and Advocacy on 9932 1004 or email [kmccclusky@hobsonsbay.vic.gov.au](mailto:kmccclusky@hobsonsbay.vic.gov.au).

Yours sincerely,

Natalie Walker  
**Director Strategic Development**

# Better Apartments Discussion Paper

Hobsons Bay City Council Submission – July 2015



## Acknowledgements

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This discussion paper was compiled by the Hobsons Bay Strategy and Advocacy Department. For further information contact the Hobsons Bay City Council on 9932 1000 [www.hobsonsbay.vic.gov.au](http://www.hobsonsbay.vic.gov.au)

The Council acknowledges all language groups of the Kulin Nation as the traditional owners of these municipal lands. We recognise the first people's relationship to this land and offer our respect to their elders past and present.

The Council acknowledges the legal responsibility to comply with the Charter of Human Rights and Responsibilities Act 2006 and the Equal Opportunity Act 2010. The Charter of Human Rights and Responsibilities is designed to protect the fundamental rights and freedoms of citizens. The Charter gives legal protection to 20 fundamental human rights under four key values that include freedom, respect, equality and dignity.

# Introduction

Hobsons Bay City Council welcomes the opportunity to make a submission on the Better Apartments discussion paper.

Council supports the proposal for guidelines and any improvements to the current planning system which can positively influence apartment design to ensure that the key issues of internal design, amenity and functionality of apartments and apartment buildings are addressed appropriately.

Hobsons Bay, as a middle ring suburb is experiencing pressure to accommodate medium and higher density residential developments. With the need to accommodate a growing and changing population, an increase in higher density infill development is expected, it is important that new residential developments match the needs of existing and future residents.

Whilst the design of apartments is a key focus of the discussion paper, there is also a need to address the issue of housing diversity, in particular, the ability for Councils to specify the mix of one, two, three bedroom dwellings, and type of dwellings based on local demand. Guidelines supported by policy which could enable Councils to stipulate the mix of dwelling types (based on municipal housing strategies) would be valuable to ensure housing stock is matching the needs of the population.

There is a severe shortage of family sized (three bedroom) dwelling apartments in Melbourne, removing this housing option for many family households and pushing families who would prefer to live in the inner areas (with access to existing transport infrastructure, services, education facilities and employment), being pushed out to the fringes. This also impacts on housing affordability as a three bedroom apartment is almost always cheaper to buy than a three bedroom house in a desirable location.

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# Implementation Tools

## Introductory Text

Hobsons Bay City Council applauds the efforts of the Victorian Government to raise the quality of design to improve amenity of new apartment buildings. If there is no change to the design standards for new apartments then there will be little improvement to the poorly designed apartments being added to the housing stock. Exactly how this can be achieved and identifying the best mechanism or tool to implement this is however difficult to fully assess based on the content of the discussion paper. Information in regards to the financial impacts related to mandatory requirements (for minimum standards) for example is currently lacking. Consideration of the cost impacts on the end user in an already unaffordable housing market is fundamental.

In regards to the possible methods of implementing the final product resulting from the discussion paper, the paper notes four possible methods: regulatory based, performance based, policy based and market based. Local governments are best placed to understand the current and future population therefore these tools also need to be able to support local government in implementing best practice planning and decisions regarding dwellings and apartments.

Council supports a mix of regulatory and performance based controls. However, whilst a regulatory based approach with mandatory minimum standards within the planning scheme may seem the solution in theory, there is concern regarding the impacts on the cost of new apartments. The state government needs to ensure that a thorough impact assessment of any proposed planning policy is undertaken, particularly in relation to impacts on design, construction costs and housing affordability. Council is a strong advocate for affordable housing, apartments offer the first step on the property ladder for many first time buyers, and even these types of dwellings are priced out of reach for many first home buyers. If mandatory minimum standards are to be applied then it should not push the price of apartments further exacerbating the housing affordability problem. An affordability analysis could also relate to affordability in the planning scheme more generally, such as inclusionary zoning or a similar tool to provide a percentage of affordable apartments within a development over a certain size threshold.

There is also a concern that a regulatory based approach may also be too restrictive in reality and stifle innovative design outcomes. If a particular design objective can be achieved through an acceptable alternative measure then there should be scope to consider this in the planning process, a level of reasonableness is required.

It is considered that performance based measures can improve design outcomes. Performance measures provide more guidance to decision makers, this can provide more certainty for developers/applicants as it reduces potential subjectivity in the decision making process and could therefore reduce timeframes for planning applications to get through the planning system. Introducing a 'Rescode' style approach to apartments will provide more certainty but also retain flexibility for different design outcomes on a case by case basis.

An incentive based system (e.g. a code assess framework) to streamline planning applications for apartments at this stage is not supported. Apartments, by the nature of their

scale and character are always going to require a proper planning assessment and Council's should be able to perform this assessment against all design objectives and scheme provisions without being pressured to approve a 'cookie cut' designed apartment development.

In regards to a policy based approach, if guidelines are not embedded in planning policy they cannot guarantee the desired outcome. A reference document does not provide a strong policy basis and can be given little or no weight by Victorian Civil and Administrative Tribunal (VCAT). The guidelines would need to be an incorporated document.

A market based approach is not supported. Currently this approach is largely driven by developers, resulting in poor quality and limited flexibility in housing. In order for this to be effective the community would need to be driving this approach, stipulating what they require in apartment living, both internally and externally.

Below is a response to the questions posed within the discussion paper:

### Issue 1: Daylight

- what spaces within apartments are the most important in terms of access to daylight?
- do you think daylight should be required in secondary spaces such as corridors and bathrooms?

Access to natural daylight is a very important component in regards to internal amenity. South facing apartment buildings are difficult to plan for which makes access to daylight even more important. The spaces within apartments which are the most important in terms of access to daylight include all habitable rooms (living rooms, bedrooms, study, and kitchen). Too many apartments are being built where the second bedroom has no window and relies on borrowed light. Ideally, daylight should where possible, also be extended to secondary areas such as bathrooms as it is also beneficial for natural ventilation. Borrowed light is acceptable in corridors.

### Issue 2: Sunlight

- should there be rules to ensure a majority of apartments receive sunlight?
- are there other options that can provide for thermal comfort?

Access to sunlight promotes health and psychological wellbeing and there needs to be rules/regulation to ensure the majority of apartments in a development receive sunlight. Thermal comfort can be achieved through the design of the building but thermal comfort solutions should not be allowed to replace sunlight requirements. Clear direction is required within the State Planning Policy Framework (SPPF) and implementation tools required in the scheme.

Current apartment design in Melbourne consists of curtain wall glazing (where the glazing runs up the façade of the building past the floor slabs), this means that sunlight access is high. There needs to be mandatory controls to treat windows with high exposure to sunlight (North and West facing). These are usually the first things that are taken off the building if costs are required to be cut.

### Issue 3: Space

- do we need to set minimum apartment sizes in Victoria?
- do we need to increase minimum ceiling heights for apartments in Victoria?
- should larger developments be required to include different types of apartments catering to different types of households?

Whilst minimum sizes for apartments are good in principle, there is concern around the impacts that the introduction of minimum standards may have on construction costs and in turn, housing affordability. There is strong opposition from the property industry in relation to the cost implications of mandatory minimum standards. If the concerns of the property and construction industry are founded then there is a real issue that the price of apartments



could escalate along with rents. It is considered that more information on the associated financial impacts is required in order to make an informed decision on minimum apartment sizes, there needs to be a balance of amenity with affordability.

The provision of larger apartments does not necessarily equate to better designed apartments which is the objective of this discussion paper. An apartment which falls short of the mandatory minimum size for a one bedroom but has a better designed internal layout and a useable balcony area for example, may actually provide better amenity than an apartment which is larger and meets the mandatory standard.

The current minimum ceiling heights required by the building regulations appear to be sufficient. It is worth considering that an increase to ceiling heights would lead to an increase in heating and cooling requirements.

Apartments should also allow for appropriate storage spaces, this could be achieved through smart design. Whilst storage cages above car spaces offer some storage, they are not practical solutions as they have maximum loads which limit their purpose.

Council would support the ability to stipulate a proportion of different housing types within an apartment development to better match dwellings to local housing needs. As noted earlier, there is an undersupply of apartments catering for family household types. It is important that housing diversity is being planned for to ensure that dwelling types are matching the needs of the population. A Social Impact Assessment should form a regulatory requirement, triggered for all apartment developments over 20 dwellings to establish what the current and future population will be and how the development aligns with supporting this population.

#### **Issue 4: Outlook**

- what are the essential qualities of a good outlook?
- should living spaces be treated differently to other spaces within an apartment in regard to outlook?

A good outlook provides some connection to the environment and includes for example, being able to see the sky, some greenery and into the distance (not necessarily a view). This is why high architectural merit and the exterior finish of buildings are critical.

A 'living space' is not defined in the planning scheme so the term 'Habitable room' (which is defined) should be used instead. Habitable rooms and balconies should be treated differently to other spaces within an apartment with regard to outlook. Living rooms and bedrooms should be orientated to maximise outlook although this would also have to be balanced with privacy.

#### **Issue 5: Natural Ventilation**

- How can access to fresh air in an apartment be improved?

Natural ventilation is important to the ongoing heating and cooling expenses which impacts on affordable living. Mandatory requirements in relation to natural ventilation should be

introduced. There is building control relating to ventilation, but generally at that stage in the process it is too late to incorporate. For example, if a window is required to be fixed in certain rooms due to overlooking then there will be an issue at the building permit stage. Clear direction is required in the SPPF and implementation tools including in the planning scheme and the building regulations. The mandatory control would also need to take into account external noises sources as they cannot be considered separately.

Access to fresh air in an apartment can be improved by clever design and technology such as thermal chimneys or active chimneys. It is important to realise the regulations regarding the spread of fire and acoustics mean that stack ventilation is currently very difficult to implement in apartment buildings, especially those apartments that only have one aspect.

### **Issue 6: Noise**

- are you aware of any major issues relating to noise transfer between apartments?
- what are the main sources of noise that can impact apartment occupants?

A review of the National Construction Code (NCC) is required as noise transfer between apartments is problematic; the types of noise transmitted include for example, music, doors slamming, babies crying and the sound of toilets flushing. The noise impacts on apartments adjacent to railway corridors are also an issue. Whilst there are guidelines around new passenger rail infrastructure impacting on residential uses nearby, there is no policy in relation to the impacts from freight rail.

Noise should be addressed in the design and construction of new apartments. Building inspections occur at defined stages of construction, there is no inspection point which can provide assurance that acoustic attenuation has been undertaken during construction. To ensure this retrospectively, holes have to be drilled in the wall which is not practical. Therefore, a planning permit condition requiring noise attenuation is virtually impossible to check compliance. The SPPF should provide clear direction that noise attenuation is required and the building regulations reviewed so that the provision of attenuation treatments can be ensured. Noise attenuation measures should not include strategies such as large sound walls or the use of unopenable windows which impact on resident amenity and natural ventilation.

There also needs to be a better system for post-construction assessment on whether acoustic measures have been included, including noise testing being undertaken by an impartial third party.

Within Hobsons Bay, there are external transport-related noise amenity issues from rail (freight and passenger) and freeway noise that also need to be considered and mitigated against when considering new residential development.

### **Issue 7: Outdoor Space**

- what types of shared outdoor spaces do you think apartment developments should provide? (e.g. play spaces, roof terraces, productive gardens, swimming pools)
- should all apartments have balconies?
- is the size of a balcony important to you?

- is it acceptable for air conditioning units to be located on apartment balconies?

Outdoor space is a key element for liveability. All apartments should have balconies of a minimum eight square metres with air conditioning units located on the roof, not considered part of the eight square metres. Given the recent fire at the apartment complex in Docklands resulting from flammable materials near an air conditioning unit, this should be reviewed from a safety aspect.

In the case of very tall buildings where balconies may not be able to be provided due to excessive wind speeds it is important that well designed communal open spaces are provided instead. Communal open space (e.g. bbq area, garden areas, play space) should also be provided for large apartments (perhaps triggered by a certain threshold of the total number of people) to promote social interaction and a sense of community. The ongoing management of communal areas within apartment buildings can be costly; changes to the way Body Corporate's are managed may need to be reviewed.

Outdoor spaces should be development specific by taking into account the local facilities together with plans for outdoor spaces contained within Council's Open Space strategies or equivalent and the outcomes of a Social Impact Assessment. This approach then ensures outdoor spaces are meeting local needs and demand.

### **Issue 8: Adaptability**

- should buildings be designed to be adaptable in future?
- should certain floors be designed for a variety of uses?
- what are the important features of adaptable buildings?

Designing apartments that can be adapted over time increases the sustainability of buildings and enables the reconfiguration of floor plans and or combining of apartments. Adaptability should also be considered in relation to ageing in place and liveability throughout all life stages. This could incorporate innovative designs such as moveable walls, enabling living spaces and bedrooms to change as a resident's needs change. Adaptability should therefore also be considered in conjunction with universal design.

Adaptability should not however compromise the quality and liveability of the built form.

### **Issue 9: Landscape**

- should all apartments require some form of landscaped area?
- should this vary for low, medium or high rise buildings?

Landscaping can be a vital element to apartment buildings. However, it is usually left to the end of the process as an afterthought. As well as reducing scale, trees can also assist with the pedestrian environment for larger developments. Landscaping should be required as part of all applications and be considered as part of any basement design to allow for sufficient root growth. Tanking of garden beds should be incorporated to reduce long term maintenance issues.

## **Issue 10: Universal Design**

- should all apartments, or a percentage of apartments, be designed for everyone, regardless of age or ability?

Universal design aims to create places and spaces that are accessible for all ages and abilities without the need for adaptation or specialised design. Council supports universal design principles mandated in the Building Regulations. Hobsons Bay (like many other areas of Melbourne) has an increasing ageing population and resident's preference to age in place in the community rather than moving to an aged care or retirement facility. Homes should be provided to accommodate all stages of a resident's life cycle. Additionally, around 17 per cent of Hobsons Bay's residents are affected by a disability. Universally designed buildings not only suit older residents but other household types such as families with young children (prams).

A percentage of apartments should be designed for everyone and ensure that access from the street and or parking facilities is accessibly designed (e.g. no stairs and wide corridors).

Universal design should also be applied to the spaces around the building, such as car parking facilities, waste disposal areas, shared hallways and access to and from the building. Reviewing at what height an apartment building should incorporate a lift should also be considered.

## **Issue 11: Energy and Resources**

- what environmental issues are important to residents?
- should every apartment have individual metering of their utilities (e.g. gas, electricity, water?)
- should all apartments be required to meet a minimum industry standard in addition to the building regulations?

Ongoing energy costs are important to residents. Minimising the cost of utilities is a fundamental consideration in maintaining housing affordability and minimum industry standards should be applied.

Every apartment should be individually metered to allow residents some control over their energy costs. All apartment buildings should have an area to dry clothes, this could be provided as a communal clothes drying area. If there is no communal space then a clothes drying area could be provided on the roof (where practical) but not on a balcony as they can harm visual amenity.

Apartment buildings should be designed to maximise energy efficiency to not only reduce costs but also reduce greenhouse gas emissions. There is currently no clear Environmentally Sustainable Design (ESD) regulations in the planning scheme, ESD principles should be included in the SPPF and building regulations for all types of buildings, including apartments. Whilst a six star energy rating is the minimum required for new houses in Australia, this rating scheme has been inappropriately applied to apartments as it only measures thermal energy by aggregate rather than per room. Furthermore, the rating scheme overlooks the energy use of appliances and communal areas which can include a pool and gymnasium in

some developments. There is also an issue with the independency and accreditation of energy assessors as accreditation is not mandatory in Victoria, therefore there is no accountability in the auditing process.

Apartments should be required to undertake an ESD report although an issue with this is enforcement. Compliance requirements at completion need to be considered to ensure all ESD requirements are adopted (such as water sensitive shower heads, specific appliances etc).

### Issue 12: Waste

- how should waste be collected from apartment buildings?
- should sorting facilities be provided for recycling and where?

Apartments across metropolitan Melbourne have created challenges for waste management and resource recovery. These challenges include limited opportunities for residents to do basic recycling and poor access to collection of waste and recycling. There are also negative amenity impacts including odour, litter and dumped rubbish within apartment buildings.

Technology also has a role to play. Onsite facilities for composting organics can minimise waste sent to landfills but also has the potential to create a localised energy source for apartments or common areas. The difficulty now is that organics processing systems, infrastructure, services and markets for recycled organics are in their infancy in Victoria. However, there is room for innovation in this area with respect to apartment design and operation that provides options now but also allows for adaptability in the future for organics resource recovery in apartments.

There is currently limited State and local policy relevant to planning for waste and resource recovery in multi-unit developments. The planning system does have a role to play in achieving better design and facilitating improved resource recovery systems for new apartment developments. There is a need for development and design controls to support better waste management and resource recovery in apartments.

It is difficult to define how waste should be collected from apartment buildings and how sorting facilities be provided for recycling and where because of the variability in apartment design, location and use and services and infrastructure available for apartments. In terms of planning controls, the Metropolitan Waste and Resource Recovery Group (MWRRG) are delivering the *Improving Resource Recovery in Multi-Unit Developments* (IRRM) project working with eleven of the 31 member councils, including Hobsons Bay CC. This will involve a review of existing planning guidelines, the preparation of a template guideline for consistency across local government and recommendation of other planning and non-planning tools to give statutory weight to waste management.

Council supports the IRRM project and the need for development and design controls to support better waste management and resource recovery in apartments.

### **Issue 13: Car Parking**

- how important is a car space in an apartment?
- can alternatives to car parking provision offer improved solutions? If so, what?

The importance of car parking will be dependent on the development's location to active transport options, walkability and public transport. There should be support for car parking near transport hubs being reduced or exempted, however this must be reliant upon an analysis or the reliability of the transport network and any reduction should be accompanied by a high level of alternative transport options (such as shared cars, bike parking and green travel plans). If car parking is to be reduced then a contribution to active transport with connections to footpaths and bike paths should be considered.

Car spaces in buildings should be designed to accommodate larger cars such as 4-wheel drives with a roof rack.

### **Issue 14: Entry and Circulation**

- should designated areas be provided for onsite loading?
- should apartment building lobbies be clearly visible from the street?
- should internal corridors have views out and provide daylight?

Designated areas for on-site loading should be provided, ideally not inhibiting footpaths or vehicle access. Apartment building lobbies should be visible from the street. In relation to internal circulation spaces, this should include the principles of universal design.

Ideally, internal corridors should have daylight but acknowledge this may be difficult to achieve