



16 September 2016

Department of Environment, Land, Water and Planning
PO Box 500
MELBOURNE VIC 8002

Ask for: Kathleen McClusky
Phone: 9932 1004
Our Ref: A2475532

Dear Sir/Madam,

Better Apartments - A Discussion Paper

Hobsons Bay City Council welcomes the opportunity to contribute to the Better Apartments Draft Design Standards.

The proposal for 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, are supported. This aligns with one of Council's key priority areas in our Advocacy Strategy 2014-2018 which looks at initiatives to manage urban consolidation.

Council's responses to the Standards 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.

Yours sincerely,

Chris Eddy
Chief Executive Officer

Better Apartments Draft Design Standards

Hobsons Bay City Council Submission – September 2016



Acknowledgements

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This submission 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

Council acknowledges the people of Yalukit Wilum of the Boon Wurrung Country that makes up the Greater Kulin Nation as the traditional owners of these municipal lands.

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 Act 2006* 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 Draft Design Standards.

The proposal for 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 are supported. The proposed design standards go some way in addressing some of the key issues relating to urban consolidation in Hobsons Bay, as identified in Council's Advocacy Strategy (2014-18).

It is acknowledged that there are complexities in developing higher density design guidelines and there is overall support of the draft Better Apartment Design Standards. However, it appears that the design standards have effectively been drafted for highly urbanised areas and are reflective of development occurring in the Central Business District, Docklands or the anticipated development in Fisherman's Bend.

The translation of some of the design standards in the local context of Hobsons Bay (and many areas of suburban Melbourne) becomes more difficult to support, particularly the 'external' provisions for building setbacks and landscaping where context is important.

Draft Design Standards

Application of new planning provision

The draft design standards are proposed to be applied through a new planning provision for apartments of five or more storeys (Clause 52.35) and for apartments below five storeys (Clause 55).

In regards to developments which include apartment blocks of various heights for example, a three storey apartment building and a six storey apartment building which may be connected by a walkway, clarification is sought on which provision applies? Do the separate provisions apply to each building and how do you manage the common spaces between the buildings? Further clarification should be provided.

Building setback

The standards relating to rear and side setbacks are supported although in many instances the setbacks will be difficult to achieve without lot consolidation.

Light wells

The changes to the light well provisions are supported in principle although there is concern with the use of the word 'should' and it is requested the standard be mandatory. Buildings greater than five storeys are required to provide a minimum and rear setback of six metres and therefore any proposed light wells will be internal to the development. Any proposal that cannot meet these standards should be considered an over development of the site and not be supported.

In addition to this the guidelines should express that both the minimum dimension and minimum area prescribed in the standard should be met. Hobsons Bay is concerned that the guidelines may be interpreted as compliance with either the minimum dimension or the minimum standard is acceptable. For example, Hobsons Bay does not want to consider applications, say for a 26 metres high building with a six metre by six metre light well being considered to meet the light well standard

for a building of this height. A six by six metre light court creates a light court with an area of 36 square metres which is less than the minimum area of 51 square metres indicated in the standard for a 26 metre high building. Compliance with the minimum dimension only cannot guarantee adequate daylight access to an apartment.

Room depth

It would be useful to have a table that identifies various ceiling heights and habitable room maximum depth specified. It would also be useful to clarify what size a window should be to provide the necessary light source.

Windows

Rooms that rely on borrowed light are a major amenity issue in apartments. The introduction of the new design standard that requires all habitable rooms to have a window in an external wall of the building is an important change. There is however no requirement regarding the size of windows to achieve the desired amount of daylight to access the rooms. Will this mean that just small square/rectangular windows will be provided? Consideration should be given to ensuring windows are of a reasonable size to achieve adequate access to daylight.

The design standard makes reference to a “snorkel bedroom” which is an unfamiliar term. If this term has the same meaning as a “saddlebag bedroom” then it should be clarified or continued to be referred to its more widely used term.

Storage

The lack of storage space in apartments is a well-known issue. The introduction of minimum storage space depending upon dwelling type is a welcomed change.

The preference for the location of storage areas should be internally. There are many issues with externally located storage facilities including:

- security (prone to theft)
- ease of access (e.g. issues with placing heavier items in overhead storage cages above car parking spaces)
- many cages are not weatherproof and are prone to the elements

Hobsons Bay strongly disagrees with allowing overhead storage lockers – the height is restrictive (step ladder required) as they are generally 2.1 metres above floor level to enable enough clearance for cars to park underneath (in the case of a 4WD you would not be able to reverse the vehicle into that space).

If storage areas need to be provided externally then the design standards should provide more guidance in the way in which these can be provided to minimise the issues identified above.

The diagrams on pages 23 and 24 show storage in two scenarios, one as part of the kitchen and the other as part of the laundry. It is not clear whether the diagrams are showing that this is compliant with the standard. A statement is needed to go with the diagram.

Noise impacts

The standards should be broadened to include a requirement for construction using building material designed to reduce noise between apartments (i.e. walls and floors) rather than just relying on the configuration of rooms to act as a noise buffer. This could also help to assist in meeting some of the energy efficient standards; i.e. double glazed glass can assist in thermal efficiencies and reducing noise.

The noise impacts standard does not address the mitigation of noise on balconies and the noise attenuation options available to reduce the noise impacts. Balconies are often the principal private open space for a dwelling but are unlikely to be used if they are subject to high levels of noise (e.g. near a freeway, railway corridor, etc.).

Energy efficiency

Hobsons Bay would like to see the draft design standards make reference to the sustainability rating tools (e.g. BESS) being used by local government to assess new developments. Hobsons Bay uses the BESS tool as the basis for its sustainability benchmarks and would like to see the draft design standards reflect and reinforce the key categories of indoor environment quality, energy, water and stormwater.

In terms of energy efficiency (page 27), the standard only discusses cooling loads and no maximum heating loads are suggested. Hobsons Bay feels this is an oversight given that in Victoria, heating costs dominate power bills. Six star NatHERS (National Wide Home Energy Rating Scheme) rated residential properties within Victoria are typically modelled with at least 70 per cent of the annual energy demand attributed to heating. A NatHERS report is a required input for BESS for residential developments.

Renewable energy generation is not discussed in the design standards. Hobsons Bay would like the draft standards to make provisions for onsite energy generation and storage, or promote design options that allow for conventional renewable energy retrofits and/or emerging technology (e.g. building integrated photovoltaic) in future and electronic vehicle charge points.

Solar access to communal outdoor open space

These provisions are supported in principle however there does not appear to be any consideration about the impact a proposed development will have on existing open space. It would be disappointing if new development was able to overshadow existing communal open space and reduce its solar access to less than two hours per day.

Natural ventilation

Hobsons Bay supports new developments having adequate natural ventilation. While cross ventilation is a desirable outcome it may be difficult to achieve in 60 per cent of dwellings. In reality it will only be achievable to the corner dwellings of an apartment block (with dual aspect).

Private open space

Hobsons Bay welcomes the introduction of a two metre minimum dimension for balconies but it should be implicit that this is the internal width i.e. not including the width of balustrades. Furthermore, clarification is sought as to the accuracy of the images (page 32) and whether the

proposed two metre minimum dimension can cater for the table settings as indicated. The balcony widths appear to exceed the minimum two metre width and comfortable amenity may not be achieved.

Notwithstanding this, the introduction of minimum open space requirements for apartment buildings is supported, however there is concern that eight square metres is not adequate for studio and one bedroom apartments. It is recommended that this area be increased to ten square metres in line with a two bedroom dwelling. The image for the studio and one bedroom apartment indicates that eight square metres only allows for a table for two to be placed on the balcony. It is considered a reasonable expectation that occupants of a studio or one bedroom apartment may, on occasions, require a balcony area that caters for four people comfortably and as such ten square metres should be provided.

Communal open space

The inclusion of communal open space in new apartment development is supported, however outdoor communal open space should not be provided to the front of the building at a ground floor level. There is concern that outdoor open space located to the front of a building may be enclosed resulting in high front fencing and detracting from an active street frontage. Any front setback and associated landscaping should be in addition to communal open space.

Landscaping

Hobsons Bay has concerns with the landscaping provisions proposed given the multitude of settings in which development can occur. As noted previously, the standards appear to have been drafted for highly urbanised areas and achieving the standards in other suburban areas may be challenging/impractical.

While Hobsons Bay supports the landscaping provisions in these settings and possibly the Mixed Use Zone, it cannot support them in many instances, particularly on Residential Growth Zone (RGZ) land. Many areas zoned RGZ across Melbourne are categorised as 'Garden Suburban' and while it is acknowledged that these areas have generally been identified for substantial change, it would be remiss to lose the garden setting through inadequate landscaping, particularly canopy tree cover.

Further to this the proposed six metre side and rear setbacks provided under the guidelines should be more than adequate to cater for significant canopy tree cover.

It is unclear as to what is meant by small, medium and large trees and this needs to be clarified. Perhaps a minimum height could be specified.

Accessibility

The introduction of accessible design in apartment developments is supported. The design standards should include a definition of accessibility - the terms 'accessible', 'adaptable' and 'universal' design are often used interchangeably but they have different meanings and the design standards should acknowledge this.

For example, accessible homes are designed to meet the needs of people requiring higher level access from the start whereas adaptable homes are designed to meet the changing needs of most

home occupants throughout their life and can be easily adapted to become an accessible home if needed.

There are also Australian Standards for accessible homes – AS1428.1-2001 (Design for access and mobility) and for adaptable homes – AS 4299-1995 (Adaptable housing). The accessibility objective in the draft design standards refers to adaptable bedrooms and bathrooms – is it accessible or adaptable?

In regards to adaptable bathrooms, the design standard should also require reinforced walls to support the safe and economic installation of grab rails for toilets, showers and baths.

The design standard applies to entrances, corridors, doorways, bedroom and bathroom spaces but Hobsons Bay request kitchen areas also be included. Kitchen spaces can be problematic for residents with limited mobility and appropriate circulation space should also be provided between the fixed benches and appliances.

The standard should also include consideration of access to balconies e.g. a flush lip-free entrance from inside the dwelling onto the balcony.

Access audits should be required to ensure that new apartments are meeting the requirements of the Disability Discrimination Act and the access requirements within the design standards.

Dwelling entry and internal circulation

Hobsons Bay considers the standard should include a requirement for a continuous accessible pathway into entries. The provision of any pathways should be wide enough to fit mobility aids (e.g. 1.8 metres).

Multi-level developments should include a lift as per the dimensions with the Disability Access to Premises Standards (2010) and Australian Standard AS1735. Stairways should include a continuous handrail on one side, have a minimum width of one metre and be straight in design. Furthermore, car parking should allow safe, continuous step free accessible path of travel from the car park to the dwelling entrance. For example locating Accessible car parking spaces next to building entrances or lifts rather than at the other end of the car park.

The last dot point in the standard (page 39) refers to common areas and corridors – it would be preferable if this included minimum dimensions to allow for furniture removal and access.

Waste

The design standards have included the basic design requirements of waste management facilities for apartments referencing the preparation of a Waste Management Plan to resolve site specific issues. The standards also reinforce the importance of protecting public health and amenity of occupants and adjoining premises from the impacts of odour, noise and vehicle movements. This is acceptable to improving design and resource recovery systems for apartment developments and their residents.

Hobsons Bay notes an area for improvement in the standards in relation to the management of organic waste. The draft standards “encourage” onsite storage, management, treatment and use of organics, specifically food and garden waste, “where appropriate” through composting systems.

The standards potentially limit the management of organic waste to composting. Onsite facilities for composting organics can minimise waste sent to landfill 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. It would be beneficial if there was specific requirement in the design standards for their review to allow for change, improvement and innovation.

The diagram shown on page 41 may also lead development applicants to believe that onsite organic waste recovery must occur outside the building, which is not necessarily the case. Organics composting machines can be integrated into the building design and there are local examples of these.

Other

Front Setbacks

Hobsons Bay is concerned with the lack of clarity relating to front setbacks and while zero lot setbacks may be appropriate in some contexts, such as commercial centres, it may be detrimental on land zoned Residential Growth (RGZ) and located on the edge of a centre. A front setback provides additional opportunities for landscaping that can soften built form and enhance liveability.

Innovation

There are no provisions for innovative building design/elements within the draft design standards. The design standards should advocate for innovation as a means of improving building sustainability and environmental performance, so that development applications strive for 'excellence', not just best practice.

Materials

Another element which has not been addressed in the design standards is materials, both in terms of construction and the built form. Many Sustainable Design Assessments for development applications received by Council commit to recycling a large proportion (often 80 per cent and above) of 'left over' construction materials. Apartments should be designed with the construction phase in mind i.e. maximisation of recycling and investigating the potential for pre-fabrication.

With respect to the built form, material choice is important for the sustainability and longevity of apartment buildings. Initiatives like double glazing and insulation to internal walls will have the two-fold benefit of improving the thermal efficiency of buildings and reducing noise impacts, which is evidently a key concern for apartments. The use of paints with fewer toxins (e.g. low VOC) and a commitment not to use timber from old growth forests is also common in Sustainable Design Assessments received by Council. The Better Apartment Design Standards should reflect and reinforce sustainability initiatives which are already being adopted on by industry.

Shading

Whilst the need for natural light is specified in the design standards, there is also a need for shading standards. Hobsons Bay often provides Environmentally Sustainable Design feedback on some applications for adjustable shading for north and west-facing windows to reduce solar heat gain in summer. While shading in the form of overhang and walls will be encompassed in the NatHERS assessment, adjustable shading like curtains and roller blinds will not. Mandating the latter will allow for residents to capitalise on the solar passive elements of their apartment to the maximum extent possible, without additional capital investment after they move in.

