

**Submission  
No 32**

## **INQUIRY INTO APARTMENT DESIGN STANDARDS**

**Organisation:** Maroondah City Council

**Date Received:** 29 October 2021

The Committee Manager  
Legislative Assembly Environment and Planning Committee  
Parliament House, Spring Street  
EAST MELBOURNE VIC 3002

29<sup>th</sup> October 2021

Dear Sir/Madam,

**RE: Parliament Inquiry into Apartment Design Standards**

Maroondah City Council would like to lodge the attached submission for your consideration as part of the Parliament Inquiry to Apartment Design Standards.

Should you have any further questions please don't hesitate to contact myself on the following

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Yours Sincerely,

████████████████████

**Andrew Fuaux**  
**Director Development and Amenity**

# Review of Apartment Design Standards



29 October 2021

## Submission to the Parliament Inquiry into Apartment Design Standards

### Maroondah City Council

The City of Maroondah covers a land area of 61.4 square kilometres in Melbourne's Outer East, 22 kilometres from the Central Business District (CBD). The area is a substantially developed residential municipality, with an estimated population of 119,401 residents and 47,021 households with an average of 2.54 people per household.

Maroondah has four activity centres at Croydon, Ringwood, Heathmont and Ringwood East. Ringwood is one of the largest in Melbourne. In addition, a range of key service and retail precincts are clustered along the Maroondah Highway corridor and 31 neighbourhood, community and local shopping centres are spread throughout the municipality. Maroondah is well positioned to take advantage of Victoria's future growth. Ringwood is identified as a Metropolitan Activity Centre within Plan Melbourne, the Victorian Government's metropolitan planning strategy. Croydon is also identified as a Major Activity Centre with concentrated retail opportunities and medium density housing development continuing to strengthen its town centre.

Outside the activity centres and the State significant Bayswater Business Precinct, Maroondah is predominantly a residential municipality therefore the provision of a structured, high quality residential environment is paramount to our community. This include the provision of high-quality apartment development within our activity centres and Maroondah's Planning Scheme seeks to deliver residential development that is designed and constructed to a high standard of visual appearance and residential amenity and makes a positive contribution to the preferred neighbourhood and landscape character of the municipality.

### Existing Planning Scheme Provisions - Better Apartment Design Standards

Council has practical experience assessing planning applications for apartment developments in a wide variety of contexts under the current planning scheme provisions at Clause 55.07 and Clause 58 of the Maroondah Planning Scheme. This has given our planners practical knowledge of how the current standards operate and the outcomes they achieve, as well as a practical understanding of their current limitations and failings. The following is a review of the current Apartment Design Guidelines for Victoria 2017 which currently underpins the current planning scheme provisions.

#### Contact us

Phone 1300 88 22 33 or 9298 4598 Fax 9298 4345

maroondah@maroondah.vic.gov.au | www.maroondah.vic.gov.au | PO Box 156, Ringwood 3134 | DX 38068, Ringwood

# Siting and Building Arrangement

## Building Setback (Standard D14)

Council finds this standard overly complex to assess, particularly given the number of different aspects covered by the standard. Furthermore, it is difficult to ascertain if this standard has improved design outcome for the public realm.

Given there are no minimum prescribed setback requirements, Council's planners find difficulty in achieving appropriate setbacks for a particular landscape or built form outcome that may be appropriate for the context. The use of "should" in this standard also makes it difficult to achieve adequate setbacks to achieve a particular character, landscape or amenity outcome, especially when no other overlay provision or local planning policy applies to the site.

Furthermore, the lack of measurable standards for the largest built forms in our activity centres often results in the need to engage urban designers and or architects to dispute the proposals lodged with Council. The time and resources spent on assessing the design response and providing recommendations for changes, including building setbacks and equitable development is excessive because of this lack of direction. Better outcomes would be achieved if the standard required large scale developments to be assessed by a suitably qualified independent and suitably qualified urban designer or architect prior to submitting the application to Council, in addition to prescribing improved measures or decision guidelines to assess equitable development.

Such an improvement would also allow Council's to vary these standards to the benefit of the proponent with prescribed outcomes. This would be of significant assistance for sites that do not have sufficient built form overlays such as a Design and Development Overlay or similar.

## Integration with the street objective (Standard D5)

Again, Council's planners find difficulty achieving appropriate setbacks for a particular landscape or built form / character outcome. Whilst landscaping provisions are addressed elsewhere, the front setback is key to providing a high standard streetscape and public realm outcome in apartment developments. Whilst structure plans can prescribe the front setback, there is currently no decision guideline around the need to protect and enhance street tree planting. Better outcomes would be achieved if the standard required consideration of street trees when designing the built form outcome. This could be included under Standard D5 - Integration with the Street Objective.

## Communal Open Space (Standard D7)

Council has found the inclusion of this standard to be a positive outcome as it provides for an improvement in residential amenity and the provision of open space within developments.

However, Council questions why this requirement is only required at 40 apartments and considers that it should be included for smaller apartment developments as well. Better outcomes would be achieved if this was re-phrased to state that apartments with 40 or more developments "must" have communal open space and developments of 10 or more apartments "should" be provided with communal open space.

Furthermore, the requirement for 2.5sqm per dwelling does not necessarily achieve adequate outcomes for communal open space that is practical and useable. It is considered that there is opportunity to require all buildings to have part of their communal spaces as roof top gardens, provided that they are well designed and have good weather protection. The location of communal open space should be secure and internal to

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the development rather than on the outside edge so as not to be accessible to people from the open street and provide a degree of privacy to residents. A roof top space is therefore ideal in achieving these outcomes. It would also improve apartment developments to have a requirement for indoor communal space as well, which could be located near the building entry to improve the interface with the public realm.

A suggested improvement would be to allow Council's to vary these standards with prescribed outcomes for particular areas, in a similar way to how current rescode standards and zone schedules operate.

### Solar Access to Communal Open Space (Standard D8)

Council has found the inclusion of this standard to be a positive outcome to ensure that minimum solar access is achieved. However, a suggested improvement would be to require the applicant to demonstrate that sufficient solar access is provided rather than rely on a minimum prescribed standard.

### Landscaping (Standard D10)

For Maroondah, achieving good landscape outcomes within activity centres is key to ensuring a high environmental outcome, however we find that this provision does not assist Council in achieving the landscape and neighbourhood character outcome sought by the Maroondah Planning Scheme.

### Deep Soil Areas and Canopy Tree Planting

Deep soil areas are an important aspect of achieving meaningful landscape outcomes, providing canopy tree planting opportunities and assisting in softening built form. In addition, it is a key aspect in greening our cities and reducing the high temperatures within urban areas (heat island effect).

However, this standard is not working in practice and does not result in the desired canopy planting outcomes. Specifying a minimum percentage of deep soil area on a site to be provided does not achieve the preferred outcome.

Developments typically try to use the minimum area required in one of the rear corners of the site and therefore the opportunities for canopy planting are very limited.

Furthermore, the current standards make it very easy for a developer to say they can't meet the deep soil/canopy planting requirements and then rely only on planter boxes which provide minimal contribution to the wider landscape or character of an area and do little to reduce urban temperatures.

It is considered that there are opportunities to improve these performance standards for setbacks to all boundaries.

- Basement should be indented over the whole site to get a more even spread of landscaping opportunities.
- Councils should be able to vary these requirements based on achieving a particular character or landscape outcome, such as Maroondah's leafy activity centre characteristics.

An example of being more prescriptive outcomes would be requiring 2 canopy trees within the front setback, 2 canopy trees within the rear setback and screening along sides using climbers or smaller vegetation. However different contexts need to be considered for residential areas and commercial areas and the different outcomes sought in these areas.

Given the above, a suggested improvement would be to allow Council's to vary these standards with prescribed outcomes for particular areas, in a similar way to how current rescode standards and zone schedules operate.

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## Balcony Planting

We find that balcony planter boxes incorporating small shrubs and climbers can improve landscape impact within the street and wider areas. Given that balcony planter boxes are common and provide added amenity for residents, it is considered that Clause 55.07 and Clause 58 should mandate that additional space for planter boxes must be provided above the minimum balcony sizes currently prescribed for private open space, in the same way that additional space is required for cooling and heating units located on a balcony.

## Roof Top Gardens

Roof top gardens require specifically engineered design and should be incorporated early in the design process rather than an afterthought. Therefore, there should be standards or decision guidelines around the assessment of roof top gardens.

## Landscape Maintenance

A final area of improvement also relates to the appropriate maintenance of landscaping both in deep soils and containerised for apartment buildings. Council will often receive proposals where a landscape plan is theoretically a good outcome, but on a practical level near impossible to realistically maintain. In particular, we see time after time that apartment building landscape maintenance is not maintained holistically with a share cost for all apartment owners who benefit from the development approval. Often this burden falls to numerous apartment owners and occupiers with varying skills, desire, knowledge or financial ability to look after “their small piece” of the larger landscaping regime for the development. And so much of the landscaping on walls, balconies, and in court yards quickly dies, falls into a state of neglect or is simply removed.

Moreover, the requirement to maintain deep soil planting such as canopy trees is often an unrealistic burden on ground floor apartment owners and occupiers who often have these large plants in their court yards and rarely keep them for long.

Given the heavy reliance of landscaping to “green and cool” our cities and apartments into this future, there needs to be far greater emphasis on practical landscape maintenance regimes where the planning and cost of all landscape maintenance is managed by Owners Corporations.

## Building Entry and Circulation (Standard D18)

Council finds that this standard does not provide the outcomes sought by the objectives and requires officers to continually push for better outcomes. The building entry and lobby space could be improved by mandating indoor communal open space at the building entry, which would improve the interface with the public realm. Furthermore, communal space at the entrance to a building should be useable, well landscaped and create a meeting place that interfaces with the public realm. These outcomes are negotiable but specific guidelines within the standards would assist in getting more meaningful outcomes. This could include requirements for entry door widths, corridor widths and minimum lifts sizes etc.

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# Building Performance

## Noise Impacts (Standard D16)

Council has found this to be a positive, measurable standard. However, there is not a requirement to assess acoustic treatments between floors or between apartments. This is considered an important factor in improved internal amenity which needs to be assessed early in the planning process or confirmed that it works adequately under the existing Building Regulations.

## Energy Efficiency (Standard D6)

The lack of a state-wide ESD Policy within the Victorian Planning Provisions means that there is not consistent approach for the type of information required and how it is assessed. Any improvements made to the apartment design standards should incorporate and align with a state-wide ESD Policy for consistent and appropriate outcomes.

The need to assess the energy efficiency of new developments currently requires the submission of other documents such as a BESS report and Sustainable Management Plan, as well as daylight modelling where applicable to adequately assess the design response. Whilst we request developers to provide this information, there are currently no guidelines on what should be provided or any decision guidelines within the Maroondah Planning Scheme on how to assess this information. This uncertainty for both the development community and Council becomes even more complex and time consuming where disputes arise, and applications go before the Victorian Civil and Administrative Tribunal to resolve unnecessary disputes relating to sustainable design and equitable development. Therefore, there should be standards or decision guidelines around the assessment of this information.

The need to consider a development's impact on the energy efficiency of adjoining properties also requires prescriptive measures or decision guidelines to determine what "unreasonable" impact is.

## Waste and Recycling (Standard D23)

Council has found this to be a positive, measurable standard that is currently useable to ensure that waste disposal arrangements are considered early in the design process.

## Integrated Water and Stormwater Management (Standard D13)

Council has found this to be a positive, measurable standard through the use of STORM/MUSIC modelling. The standard could be enhanced by encouraging balconies to be connected to the rainwater tank or a percentage to ensure that captured stormwater is re-used within the development.

Council finds that the use of raingardens on smaller developments are difficult to maintain long term due to their high maintenance requirements. We have found that they really only work in the larger scale developments where body corporate is a large enough scale to ensure a professional is engaged with long term maintenance and upkeep.

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# Dwelling Amenity

## Functional Layout (Standard D24)

Council has found that this is a useable measurable standard that has improved outcomes in apartment design for bedroom sizes. However, the functional layout standard has only made living areas bigger but has not increased the overall size of open plan kitchen, living and dining areas. This is due to not prescribing the dining area size, which is becoming smaller as a result of setting the minimum living area dimensions. We frequently see that the dining space has been attached to the kitchen bench. It is difficult to force developers to agree to provide a separate dining area given there is no requirement for a minimum area or for a percentage of apartments within a development to have a minimum dining area. Better outcomes would be achieved by stipulating the dining area size, or if the kitchen bench is to be shared providing a requirement for larger benches and circulation spaces.

## Room Depth (Standard D25)

Council has found that this is a positive measurable standard that has improved outcomes in apartment design. However, there is disconnect between meeting these standards and meeting daylight standards in BESS. This is due to the room depth being measured from the window of the room rather than from the roof or balcony overhang. Better daylight outcomes would be achieved by mandating this requirement to be consistent with BESS/daylight modelling. Alternatively, there needs to be decision guidelines to assess this discrepancy or the standard should be consistent with a state-wide ESD policy.

## Windows (Standard D26)

Council has found that this is a positive measurable standard that has improved outcomes in apartment design. We have found that we see less saddle back style bedrooms and more useable spaces within bedrooms as a result of the minimum window widths and room dimensions.

However, there is disconnect between meeting these standards and meeting daylight standards in BESS. It would be useful to prescribe daylight modelling standards and performance standards for lightwells.

## Storage (Standard D20)

This standard is a positive inclusion and has increased storage per apartment throughout developments. However, it is difficult to easily check compliance as we rely on information stating cubic volume as opposed to checking internal elevations of storage areas.

## Natural Ventilation (Standard D27)

Council has found this to be a positive, measurable standard however developments initially fail to comply with these requirements and Council has to work with applicants to achieve these objectives. It would be more useful if the standard could be re-worded to state that corner apartments and dual aspect apartments must comply with this standard.

## Private Open Space (Standard D19)

This standard has resulted in improved outcomes as balcony areas have become larger, particularly for 2 and 3 bedroom apartments. This standard could be further improved by requiring consideration of resident's privacy and comfort on balconies by reducing the use of fully transparent glazed balustrades at the lower levels of developments where balconies are highly exposed to passing traffic and people.

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Additional space for planter boxes on balconies (similar and in addition to the minimum requirements for heating and cooling services on balconies) would also improve the amenity and use of these spaces.

### Accessibility (Standard D17)

Council feels that this is a positive and measurable standard that has achieved improved outcomes for accessibility. Notwithstanding this, better outcomes could be achieved if this standard applied to all apartments. It is not considered to be an onerous requirement and would vastly improve internal amenity for all.

## Improvements and other recommendations

Whilst there are some positive and measurable standards within Clause 58 (and Clause 55.07), it is considered that improvements can be made to deliver greater residential amenity and improved urban design outcomes for our cities.

In addition to the recommendations already suggested above, Council considered that the following could be included as standards or objectives:

### Urban design

- Require large scale developments to be assessed by a suitably qualified urban designer or architect prior to submitting the application to Council.
- Add decision guidelines to address the quality and ongoing maintenance requirements of external cladding and materials.
- Prescribe a detailed method or decision guidelines for the location of substations, metre boxes, integration of services etc. While this is required by Standard D22, the outcomes are often poor and not properly integrated into the architectural design. This would vastly improve urban design outcomes and the appearance of the public realm.

### Internal amenity

- Prescribe the minimum apartment size for 1 bedroom apartments or allow Council's to vary these standards in a schedule to the zone.
- Prescribe a threshold for housing diversity. For example, include a percentage of the development that should be 1 and 3 bedroom apartments.
- Prescribe areas for communal clothes drying courtyards to reduce reliance on clothes driers, thereby reducing energy costs and reducing the visual impact of clotheslines on balconies, particularly those which face the street.

### Equitable development

Prescribe a method or decision guidelines to assess equitable development. For example, a minimum side and rear setback of 4.5 metres could be stipulated for equitable development or allow Council's to vary these standards in a schedule to the zone. This would vastly improve built form outcomes and allow space for growth of canopy trees.

### ESD Policy

The lack of a state-wide ESD Policy within the Victorian Planning Provisions means that there is not consistent approach for the type of information required and how it is assessed. Any improvements made

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to the apartment design standards should incorporate and align with a state-wide ESD Policy for consistent and appropriate outcomes.

The following could be included in a state-wide ESD Policy or as a standard to improve ESD outcomes include:

- Require elevated energy performance standards i.e. to require a 6.5-star average rating across an apartment development and 5.5-star minimum for an individual apartment.
- Guidelines regarding Solar PV System input, i.e. panel capacity or the inverter size, orientation and inclination angle of the PV panels.
- Guidance for water fixtures, fittings and connections, including for balconies.
- Design guidelines regarding internal and external lighting.
- Design guidelines regarding lightwell and skylight, for daylight contribution to habitable rooms, i.e. minimum areas and dimensions.
- Design guidelines regarding Electric Vehicle Infrastructure, i.e. electric vehicle charging space, appropriate signage and charging infrastructure.

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