

**Submission
No 37**

INQUIRY INTO APARTMENT DESIGN STANDARDS

Organisation: Moonee Valley City Council

Date Received: 29 October 2021

Moonee Valley City Council
Officer Submission:

**The Parliament of Victoria Inquiry into
Apartment Design Standards**

October 2021

The Parliament of Victoria Inquiry into Apartment Design Standards

Moonee Valley City Council welcomes the opportunity to provide comment to the Parliament of Victoria Inquiry into Apartment Design Standards. These comments are provided at officer level, they are not an endorsed position of Council. If required, officers, with an extension of time, can arrange for an endorsed submission.

<https://www.parliament.vic.gov.au/epc-la/inquiries/inquiry/1021>

Terms of Reference

On 4 August 2021 the Legislative Assembly agreed to the following motion:

That this House refers an inquiry into apartment design standards to the Environment and Planning Standing Committee for consideration and report no later than 30 March 2022 and the Committee should consider better apartment design standards, in a global context including, but not limited to, an examination of the:*

(a) current apartment living standards in Victoria;

(b) improvements that can be made to the liveability in apartments and apartment building developments, including communal areas; and

(c) initiatives undertaken by other states or nations that have improved apartment design standards.

**The reporting date was extended to 30 June 2022 by resolution of the Legislative Assembly on 7 September 2021.*

Council officers have considered the Terms of Reference of the Inquiry, and are pleased to make this submission to the Inquiry. Please find below a number of comments and suggestions for consideration.

Submission to Better Apartments in Neighbourhoods Discussion Paper

Council made submission to the Better Apartments in Neighbourhoods Discussion Paper (Discussion Paper) as part of the public consultation in September 2019. A copy of Council's submission is provided at Attachment A.

The purpose of the Discussion Paper and associated consultation was to inform proposed changes to the planning rules for apartment developments, with a focus on the relationship between new apartment developments and the amenity of existing neighbourhoods.

These were to build on the Better Apartments Design Standards (Design Standards) in the Victoria Planning Provisions, which were introduced by the State Government in 2017 to improve the internal design of new apartments to improve liveability and sustainability.

The Discussion Paper explored five policy aims, to each of which Council's submission responded, with key matters raised being:

- **Green space**

The need for greater consideration as to how this policy aim can be meaningfully implemented and its appropriateness to a more typical range of development settings, including small lot developments and activity centres.

- **Appearance of the building**
The need for mechanisms to safeguard the quality of façade treatments being upheld through the permit amendment process.
- **Wind impacts**
There is opportunity to provide additional clarity to achieve better built form outcomes in terms of wind considerations.
- **Street interface**
The need for mechanisms to address signage, opaque window treatment, and/ or goods placement to avoid inhibiting views through shopfront windows.
- **Construction impacts**
The need for a mechanism to trigger a requirement for Construction Management Plans in recognition of the varying scales of development, with appropriate pre and post construction management governance.

Additionally, Council's submission referred to two other matters, excerpts for which are provided below:

- **External Amenity Standards — Setbacks**
It is acknowledged further changes to the Better Apartments Design Standards and the Apartment Design Guidelines for Victoria in relation to building setbacks will be consulted on later in the year. As part of this process, Council would encourage consideration of the relationship to the Green Space policy area. More broadly, the use of vertical and horizontal setbacks to the street could accommodate preferred public realm and streetscape outcomes such as wider footpaths and street trees, with preference for guidance for the temporary use of these areas during transition when applied to numerous properties.
- **Building Entry and Circulation**
While not included in the current Discussion Paper, Council would encourage consideration of the review of the Building Entry and Circulation policy area of the Better Apartments Design Standards, to more meaningfully address equitable access.

Council suggests consideration be given to the following:

- *Establish guidance to accommodate equitable and DDA compliant pedestrian paths and entrances to buildings, including materiality and minimum clearances, preferably without the use of access lifts; which are often subject to functional limitations and maintenance issues.*

Council is aware that draft Apartment Design Guidelines for Victoria have been prepared, and are currently awaiting Ministerial approval. The draft Apartment Design Guidelines for Victoria address a number of the matters raised in Council's submission to the Discussion Paper, although some matters still require resolve.

Officers encourage consideration of the submission to the Discussion Paper and any outstanding matters that have not been resolved via the draft Apartment Design Guidelines for Victoria, including the two matters above outlined, and that these be addressed as part of the Inquiry.

Additional comments and suggestions for consideration:

Design considerations in response to the pandemic and longer-term shift to hybrid working

In light of the pandemic, and a longer-term shift to hybrid working (with greater emphasis on home-based work), consider establishing standards to better complement this, including:

- Provision of a work station per bedroom, with mandatory minimum dimensions, which can be concealed from both common areas or bedroom/s when not in use. Work stations should ideally be treated as a habitable space, with requirements regarding outlook and access to natural light.
- Adequate room for home-based exercise in a common area within the dwelling, with minimum clearance dimensions to allow for ease of activity without impacting the function of the space or requiring the movement of primary furniture i.e. a sofa or dining table.
- Greater storage capacity within the dwelling, per bedroom.

Sound and vibrational attenuation

Consider increasing/ requiring acoustic and vibrational attenuation requirements for all new buildings, both externally, and internally between tenancies/ dwellings, as well as within the different rooms of individual dwellings.

Current thresholds are considered too low, and or are not a requirement, which impacts both liveability, but also the role and function of mixed-use developments, and or preferred outcomes in areas such as activity centres, or mixed-use precincts.

Minimum apartment size requirements

Consider introducing mandatory minimum apartment size requirements, which also correlate with functional dimensions for use of spaces.

There are numerous instances where an apartment will have a relatively high floor area, however the configuration and / or dimensions of some spaces may render those spaces inadequate to accommodate a function. An example of this are ‘snorkel’ bedrooms, where the ‘snorkel’ is too narrow to readily utilise for other purposes. Other examples include poorly located support structures, or provision of an island bench for a kitchen within an open plan room living room, with the living room having inadequate space to also accommodate both a dining table and sofa.

Family sized apartments

Consider introducing minimum and maximum requirements for provision of apartments with one, two, three or more bedrooms in new developments.

Noting the significant impact of housing affordability and the growing disparity of the price point of standalone dwellings and apartments, establishing minimum and maximum requirements for provisions of apartments with one, two, three or more bedrooms would better cater to the broader housing needs of the community. Standard requirements for the maximum provision of one and two bedroom apartments and minimum provision of three or more bedroom apartments for developments of 10 or more dwellings are encouraged.

Flexible floor plates within dwellings

Consider establishing capacity for flexible floor plates within dwellings, to allow for reconfiguration of the internal layout; to better cater to changing needs without significant limitations such as load bearing walls or other support structures.

Single aspect apartments

Consider improving standards to a preferred maximum depth of 8m for habitable rooms, and means of discouraging single aspect south facing apartments, where possible.

Thermal comfort

- Mindful of the impacts of climate change, consider enhancing design requirements for passive cooling and maintaining thermal comfort, without being reliant on the use of air-condition or other mechanical interventions.
- Consider introducing means of addressing heat impacts on north and west facing apartments, including requirements for provision of external shading, enhanced requirements for use of double/ triple glazing, and door and wall seals.
- Consider introducing requirements for ventilation of corridors and common areas.

Sustainability

Consider phasing out gas as an energy source to buildings, to promote renewable energy generation, and help achieve 'net zero emissions' by 2050 or earlier.

Council is currently participating in the Environmentally Sustainable Design (ESD) Elevating Targets Project (Project) with the Council Alliance for a Sustainable Built Environment, with 31 participating councils across Victoria. The Project is exploring new ESD standards for all types of developments within Victoria, including apartments. There will be implications for energy and water efficiency, thermal comfort, stormwater management, urban greening and waste generation/ management with these new standards. It is encouraged consideration be given to the findings of the Project for possible inclusion into future apartment design standards; either as part of this Inquiry, or any point in future.

Capacity for electric vehicle charging points

Consider requiring capacity for electric vehicle charging points (car and bicycle inclusive) for all parking spaces.

Communal spaces

Consider establishing greater direction for the functional design of communal spaces, to ensure they are practical, purposeful, and genuinely facilitate communal use.

Stairwells

Consider requiring stairwells to be unenclosed to common areas wherever possible, and where this is not possible, that stairwell walls and doors to common areas be glazed, with access to natural light and ventilation where permissible.

To encourage active design, stairwells should present as inviting, direct alternatives to elevators.

Design implications on body corporate rates

Consider establishing requirements to mitigate exorbitant body corporate rates through the design of the building, services, communal spaces and facilities, and overall maintenance.

Landscaping response

Consider stronger emphasis on maintenance and commitments to retain planting over time.

External walls and materials

Consider further resolving the matter of combustible cladding and failing materials.

Exposed concrete / metal roof areas

- Consider use of landscaping or other means on exposed concrete / metal roof areas, including lower roof levels, to reduce new buildings contributing to the urban heat island effect. This may include considering means of supporting wildlife in the design of landscaped areas.
- Consider establishing requirements for the outlook and amenity of dwellings with an outlook to lower roof level areas.

Waste and recycling

- Consider provision for a ‘four-bin’ waste and recycling system, the implementation of which has been mandated by the State Government to occur over the next few years.
- Consider stronger waste management measures, including provision for e-waste areas (e-waste is increasing per household and is often difficult for residents in apartments to transfer to suitable recycling facilities).

Moonee Valley City Council
Public Consultation Submission:

**Better Apartments in Neighbourhoods
Discussion Paper**

September 2019



Better Apartments in Neighbourhoods Discussion Paper

Moonee Valley City Council welcomes the opportunity to provide comment on the Better Apartments in Neighbourhoods Discussion Paper. Officers have reviewed the Discussion Paper and consider the proposed changes will result in improved apartment development outcomes across all five policy aims.

Council is pleased to make this submission to the Discussion Paper. Please find below a number of comments and suggestions for your consideration.

Green Space

Council strongly supports the consideration of landscaping for all Better Apartments Design Standards (BADS) applications, and the breadth of the intent of proposed Objectives and Standards.

Council suggests consideration be given to the following:

Objective/ Standard	Comment
2.2	Council questions the rationale of establishing landscaped communal open space and communal areas that have limited likelihood of being utilised, and/or creation of higher maintenance landscaping treatments that will ultimately result in higher building management fees.
2.2	Consider whether Landscape Plans should be submitted at the lodgement of application.

Proposed changes to landscaping standard (all apartment developments)

Objective/ Standard	Comment
2.4	Much of the premise of the proposed Objectives and Standards relate to the benefits of canopy trees, but the ability to accommodate canopy trees and deep soil plantings is typically limited to larger development sites, and/or apartment developments in more residential settings with large landscaped setbacks. It is recommended greater consideration be given to how this policy aim can be meaningfully applied and its appropriateness to a more typical range of development settings, including small lot developments and activity centres; where greater emphasis is placed on achieving improvements to, and interface with, the public realm.
2.4	Further to the Standard ' <i>Landscaping should be provided within building frontages to reduce the visual impact of buildings</i> ', in the absence of detailed preferred public realm outcomes and prescribed setbacks, the depth of the frontage setback should be at the discretion of Council. This is important to ensure development does not prejudice future improvement of the public realm. This may require establishing an additional Objective and Standard section related to public realm interface setbacks to better facilitate preferred public realm and landscape outcomes.
2.4	External green walls are not generally encouraged due to their high maintenance and water reliance, and high rate of failure.

2.4	Consider introducing new Objective: <ul style="list-style-type: none">• Unimpeded soil depth is preferred to ensure canopy objectives can be met and provide a low maintenance, sustainable solution.
2.4	Consider introducing new Standard: <ul style="list-style-type: none">• Provide passive irrigation where possible or irrigation from a sustainable water source.
2.4	Consider introducing new Standard: <ul style="list-style-type: none">• To provide landscaping that provides habitat and food source to local species where practicable.
2.4	Consider introducing new Standard: <ul style="list-style-type: none">• Ensure all planters are irrigated to ensure adequate water or install wicking beds to reduce water consumption.
2.4	Consider introducing new Standard for the application of vertical and horizontal setbacks to the street interface to facilitate preferred landscape, public realm and streetscape outcomes: <ul style="list-style-type: none">• Vertical and horizontal setbacks required to a depth nominated by Council, with no projections into this space. In the absence of prescribed depth, setbacks should be equal to or greater than setbacks on adjoining properties; to the satisfaction of Council.
2.4	In relation to planter soil volume indicated in Table D2, it is queried as to which trees can be sustained with only a 0.8m depth planter.
2.4	Decision Guidelines should include the protection of existing street trees and neighbouring trees.

Proposed changes to communal open space standard (all apartment developments)

Objective/ Standard	Comment
2.5	Consider amending the following Standard to include specific reference to DDA compliance: <ul style="list-style-type: none">• Be accessible, useable and capable of efficient management.
2.5	Consider introducing new Standard: <ul style="list-style-type: none">• Adds to the character of the streetscape and surrounding area.
2.5	Consider deletion of the Decision Guideline ' <i>The availability of and access to public open space</i> ', as public open space cannot necessarily compensate for private use and functions desired by residents. Some form of communal open space should ideally be accommodated to create community connection and enable food production/activities not always appropriate in public open spaces.

Proposed changes to the design response

Objective/ Standard	Comment
2.6	Consider introducing new requirement:

	<ul style="list-style-type: none"> Demonstrate how the landscape response contributes to the flora and fauna biodiversity of the area.
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Appearance of the Building

Council suggests consideration be given to the following:

Objective/ Standard	Comment
3.2	Council believes there is a need to establish mechanisms to ensure Council Officers will have access to up to date knowledge of industry materials and assessment of quality.
3.4	The Objective ' <i>To ensure that the external walls and materials of buildings are visually interesting and of a high-quality design standard</i> ' appears to contradict the findings outlined in the Activity Centre Pilot Key Findings Report in relation to use of subjective terminology leading to uncertainty in outcomes, as 'high-quality' design is subjective.
3.4	Consider introducing new Objective and associated Standard to indicate preference for greater symmetry and uniformity or more purposeful points of difference in the design and alignment of architectural details. This includes placement and typology of windows and doors, and less reliance on auxiliary architectural features and or feature cladding; in aid of establishing a more coherent design theme.
3.4	Consider introducing new Objective and associated Standard inhibiting projections into the public realm, other than the ground floor awning.
3.4	Consider introducing new Objective and associated Standard regarding use of materials that may help mitigate heat island effects, which may include the likes of a lighter tone material palette.
3.4	Consider introducing new Standard in regards to the detail and articulation of roofs, which often form a key component of the view from dwellings within and external to the development.
3.4	Consider introducing mechanisms to safeguard the quality of façade treatments being upheld through the permit amendment process.
3.4	There is opportunity to align requirements for sustainable building materials with those stipulated in the Sustainable Design Assessment in the Planning Process (SDAPP) fact sheets currently widely used across many Victorian Council's. Additionally, consideration needs to be given to flammability and risk to human health.

Wind Impacts

Council has undertaken significant work in this policy area in the development of relevant controls for the Moonee Ponds Activity Centre (MPAC) Pilot Program. MPAC has been prepared in collaboration with the Department of Environment, Land, Water and Planning and is yet to be tested through a Panel process. The outcomes of this MPAC work share a number of similarities with the standards and proposed changes outlined in the Discussion Paper.

Council's proposed Wind Guidelines for Planning Applications are based on best practice requirements and guidance for wind from planning authorities from around the world, and have been drafted by a wind expert. The proposed MPAC guidelines have been peer reviewed by an independent wind expert (ARUP) (additional credential details if they would be of use).

Council is strongly supportive of the proposed wind guidance, with some suggestions for consideration included below. Council suggests consideration be given to providing additional guidance for wind; this element of the guidelines could be grouped under the following 7 key areas (the approach proposed for MPAC):

1. Acknowledgement of Wind
2. Triggers for Assessments
3. Design Guidance for Wind
4. Assessment Criteria
5. Application of Criteria
6. Wind Assessment Requirements
7. Directives on Vegetation and Local Screening.

Key Element	Comments
Acknowledgement of Wind	The addition of some generic schematics showing wind flow effects due to a large, exposed building could be helpful to illustrate the point to a broader audience.
Triggers for Assessments	The trigger height of 5 storeys is warranted, though consideration of the appropriate threshold in regards to the existing typology of the area needs to be considered. 15-20 metres (5 or more storeys) is appropriate for a typically low-rise suburban area, however 15-20 metres in a higher built form or central city environment may not be.
Design Guidance for Wind	Potential for the addition of a section on good design for wind with numerous schematics, (for example Council's Wind Guidelines for Planning Applications schematics).
Assessment Criteria	<p>The suggested criteria are supported, however the wording of the criteria could benefit from further revision for technical correctness. Suggested wording is as follows:</p> <p>Unsafe wind conditions means an expected annual maximum gust wind speed exceeding 20 metres/second (m/s) with a probability of exceedance of 0.1% considering all wind directions combined where the gust wind speed is defined as the maximum wind speed averaged over 3 seconds occurring in any 1 hour period (3 second gust wind speed).</p> <p>Comfortable wind conditions means for all wind directions combined with a probability of exceedance less than 20% of the time, equal to or less than a wind speed of:</p> <ul style="list-style-type: none"> • 3 m/s for sitting areas • 4 m/s for standing areas • 5 m/s for walking areas <p>Where the wind speed means the maximum of the:</p> <ul style="list-style-type: none"> • Hourly mean wind speed, or • Gust equivalent mean speed (3 second gust wind speed divided by 1.85)
Application of Criteria	The suggested approach to define the assessment area is supported, though as outlined in Council's Wind Guidelines for Planning Applications, for an Assessment Distance D = the <u>lesser</u> of L/2 and H/2, not, as stated in the Discussion Paper, the greater . If the greater than option is taken, then tall,

	slender towers or large low-rise structures e.g. a storage shed (often neither of which pose significant wind issues) will require vast surrounding areas to be assessed.
Wind Assessment Requirements	The Discussion Paper briefly addresses desktop versus wind tunnel assessments. Further requirements for the contents of desktop assessments is recommended, through the establishment of a standard template for Wind Effects Statements, for which Council has drafted a template for consideration. Ideally, the Wind Effects Statement should be required to be submitted at the lodgement of application.
Directives on Vegetation and Local Screening	No additional comments to make.

For further information regarding Council's Wind Guidelines for Planning Applications prepared as part of the MPAC Pilot Program, please use the following link for relevant background documents <https://yoursay.mvcc.vic.gov.au/MPAC/documents>. These guidelines have been subject to informal consultation and are currently being updated. Once post consultation amendments have been endorsed, Council would be pleased to provide the finalised Wind Guidelines for further consideration.

Street Interface

Council suggests consideration be given to the following:

Proposed changes to integration with the street standard (all apartment developments)

Objective/ Standard	Comment
5.4	Give greater recognition in the Objectives and Standards to the different settings in which apartment buildings are located, from activity centres through to more residential settings, and the nature and preferred role of the street/s they front.
5.4	Give greater consideration for Standards to achieve active street fronts, and whether commercial or retail activities are appropriate to the immediate setting of the building, and their commercial viability.
5.4	Consider introducing mechanisms to address signage, opaque window treatment, and/ or goods placement to avoid inhibiting views through shopfront windows.
5.4	Consider introducing new Objective and associated Standards to avoid podium car parking, unless it is creatively screened or sleeved by other uses, with provision for adaptation and repurposing over time.

Proposed changes to access standard (all apartment developments)

Objective/ Standard	Comment
5.5	Introduce an Objective and range of Standards for bicycle parking access, with access ideally accommodated directly to the primary street frontage, at the discretion of Council.

5.5	Incorporate consideration of Australian Standard 2980.3:2015 “Parking Facilities Part 3: Bicycle parking” and Austroads “Bicycle Parking Facilities: Guidelines for Design and Installation”.
5.5	Consider amending the following Standard: <ul style="list-style-type: none"> • Car parking entries should be consolidated, minimised in size, integrated with the façade and where practicable located to be located at the side or rear of the building; <u>at the discretion of Council.</u> [new]
5.5	Standard ‘ <i>No more than one single-width crossover should be provided for each dwelling fronting a street</i> ’ appears to be at odds with the first standard, and could allow car parking to become a dominant feature of the streetscape, and undermine public realm objectives. Greater guidance regarding the intent and application is required.
5.5	Consider amending the following Standard: <ul style="list-style-type: none"> • The location of crossovers should maximise the retention of on-street car parking spaces <u>and street trees.</u>

Proposed changes to site services standard (all apartment developments)

Objective/ Standard	Comment
5.6	Incorporate greater consideration regarding means of co-locating service access, including for the likes of waste collection.
5.6	Consider introducing new Standard to address the placement of air conditioning units, and that they be fully obscured from view from all vantage points, including when located on balconies.
5.6	Consider introducing new Standard to address downpipes, to ensure they are suitably incorporated into the design of the building, and obscured from view where possible.
5.6	Consider introducing new Standard inhibiting service doors projecting into the public realm.

Construction Impacts

Council strongly supports establishing the preparation and inclusion of a Construction Management Plan as a standard permit condition. Council has already established Construction and Site Management Plan Guidelines that address many of the matters identified under this policy area, with the provision of a Construction Management Plan typically applied as a permit condition for large or difficult to build developments.

Council suggest consideration be given to the following:

Objective/ Standard	Comment
6.2	Consider whether Construction Management Plan should be submitted at the lodgement of application.

6.2	Consider introducing a mechanism to trigger the need for Construction Management Plans in recognition of the varying scales of development, with appropriate pre and post construction management governance.
6.2	Introduce enforcement actions for builders that do not comply with Construction Management Plans.
6.2	Introduce a construction staging mechanism to manage multiple construction sites within proximity of one another, at the discretion and to the satisfaction of Council.
6.2	Provide guidance to mitigate impacts from heavy construction vehicles to the likes of blue stone laneways, and establish a bond agreement process for reinstatement should damage occur.
6.4	Incorporate site access, work zone and loading bay requirements, physical constraints including sites with limited access and or working next to tram lines, main roads and powerlines.
6.4	Provide guidance for adequate clearance for construction machinery (tower crane) for applications in proximity of Airport Overlays, including referral requirements to Airport Authorities.
6.4	Consider amending the following Objective: <ul style="list-style-type: none"> • Air quality (airborne dust, <u>odour</u>, and pollutants)
6.4	Consider introducing new Objective: <ul style="list-style-type: none"> • Transfer of mud and other materials by construction vehicles

For further information regarding Council's Construction and Site Management Plan Guidelines, please use the following link <https://www.mvcc.vic.gov.au/csmp>

Other Matters

External Amenity Standards — Setbacks

It is acknowledged further changes to the Better Apartments Design Standards and the Apartment Design Guidelines for Victoria in relation to building setbacks will be consulted on later in the year. As part of this process, Council would encourage consideration of the relationship to the Green Space policy area. More broadly, the use of vertical and horizontal setbacks to the street could accommodate preferred public realm and streetscape outcomes such as wider footpaths and street trees, with preference for guidance for the temporary use of these areas during transition when applied to numerous properties.

Building Entry and Circulation

While not included in the current Discussion Paper, Council would encourage consideration of the review of the Building Entry and Circulation policy area of the Better Apartments Design Standards, to more meaningfully address equitable access.

Council suggests consideration be given to the following:

- Establish guidance to accommodate equitable and DDA compliant pedestrian paths and entrances to buildings, including materiality and minimum clearances, preferably without the use of access lifts; which are often subject to functional limitations and maintenance issues.