

**Submission
No 22**

INQUIRY INTO APARTMENT DESIGN STANDARDS

Organisation: Maribyrnong City Council

Date Received: 29 October 2021

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27 October 2021

Ms Sarah Connolly
Chair, Environment and Planning Committee
Legislative Assembly, Parliament of Victoria
Spring Street, MELBOURNE VIC 3002

via online portal and email: apartmentdesign@parliament.vic.gov.au

Dear Ms Connolly,

Inquiry into Apartment Design Standards

Maribyrnong City Council (Council) thanks the Victorian Parliament for the opportunity to provide comment on the Apartment Design Standards.

At its City Development Delegated Committee meeting on 26 October 2021, Council endorsed its submission to Parliament. Please find attached a copy of our final submission.

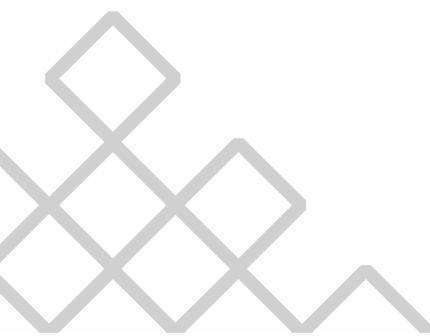
We look forward to working with Parliament and the Victorian Government to improve apartment design standards across Victoria.

If you have questions or would like further information please contact Mr Ashley Minniti, Manager City Places on [REDACTED] or [REDACTED]

Yours faithfully,

[REDACTED]

Celia Haddock
Chief Executive Officer



Maribyrnong City Council Submission

26 October 2021

Inquiry into Apartment Design Standards

**Legislative Assembly
Environment and Planning Committee
Parliament of Victoria**

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Summary of Council's Submission

The Apartment Design Standards contained in Clause 55.07 and Clause 58 of the Planning Scheme are an effective tool for assessing apartment building applications with a strong focus on internal amenity. The introduction of these provisions has resulted in more liveable and desirable apartments as the housing market shifts to a greater reliance on vertical living.

It is appropriate that the standards be reviewed periodically due to the changing nature of our cities and lifestyles. The COVID-19 pandemic has changed the way we live and placed greater emphasis on self-contained living at the expense of public and communal spaces.

The City of Maribyrnong is experiencing significant growth in apartments, particularly within the Footscray Metropolitan Activity Centre, Highpoint Principal Activity Centre and in lower order activity centres. Council has the benefit of seeing what has worked and what needs improving in urban design, building function, internal amenity and external impacts.

Maribyrnong City Council ("**Council**") is pleased to make a submission to the Inquiry.

Council's submission focuses on improvements with regard to the following matters:

- Building setbacks in consideration of internal amenity, offsite impacts and equitable development rights.
- Site services and engaging a site services engineer for buildings above 3 storeys or where a basement is proposed.
- Reliance on car parking and future needs for electric vehicle charging points.
- Energy efficiency in respect to heating loads and material selection for roofs to reduce heat absorption.
- Consideration of air quality and location of apartments.
- Private open space provisions commensurate with the size of dwellings.
- Dwelling proportions with respect to dining areas and kitchen preparation space.
- Daylight access in consideration of lightcourts.
- Improved storage conditions and security.
- Simplifying and strengthening the requirements for natural ventilation.
- Additional application requirements including use of schedules to detail dimensions and provisions.
- Use of a registered Architect for significant buildings.
- Use of plot ratios to encourage site consolidation.
- Updated residential bicycle parking provisions for apartment buildings in tandem with the review.
- Improved guidance for townhouse internal amenity, similar to apartments.

Introduction

Better Apartment Design Standards for Victoria

The Better Apartments Design Standards were introduced into the Victoria Planning Provisions and all planning schemes in March 2017, and applies to all apartment developments in Victoria. The Standards are intended to facilitate an improvement of apartment design in Victoria and provide all parties with a framework for designing and assessing apartment developments.

All apartment developments are assessed against the existing apartment standards in Clause 55 of the scheme in conjunction with the Better Apartments Design Standards in Clause 58.

The standards within Clause 58 contain objectives and decision guidelines that describe the desired outcomes, requirements and considerations that the responsible authority must consider as part of an application for an apartment development.

Inquiry into Apartment Design Standards

The Victorian Parliament's Legislative Assembly Environment and Planning Committee has launched an Inquiry into the apartment design standards and has invited Council to make a submission. We understand that the Committee is considering the potential for better apartment design standards, including but not limited to, an examination of:

- Current apartment living standards in Victoria;
- Improvements that can be made to the liveability in apartments and apartment building developments, including communal areas; and
- Initiatives undertaken by other states or nations that have improved apartment design standards.

This report outlines Council's examination of the relevant apartment design standards that have improvement potential in the assessment of future apartment developments. The inquiry is of particular significance to the City of Maribyrnong which is experiencing strong housing growth and has forecast the need for an additional 20,500 dwellings by 2031. New apartment buildings will play a critical role in accommodating this growth and improved conditions for occupants will assist in creating a more liveable City.

Council's Planners and Urban Designers have had the opportunity to provide feedback on more recent revisions to standards including building setbacks, landscape provisions, street-level integration, waste and construction management prior to the drafting of the provisions.

Council welcomes the opportunity to provide further feedback on the operation of the existing standards and provide suggestions for further improvements for the quality of apartment living, including building design and function. Moreover, there are opportunities to consider examples used interstate and internationally.

Urban Context Standards – Improvement Opportunities

The apartment living standards at Clauses 55.07 and 58 are an important tool in the consideration of apartment buildings. The previous focus on urban design outcomes in past assessment frameworks within Clause 55 were typically not applicable to apartment developments.

The use of the new provisions at Clauses 55.07 and 58 has greatly improved the living conditions for occupants. Councils Planners and Urban Designers have previously provided feedback on revisions to the standards and it is appropriate that the standards be reviewed periodically to achieve best outcomes.

In its experience, Council has identified a number of opportunities to improve upon the existing standards and to introduce new standards to further improve the quality of apartment living in the City of Maribyrnong, and indeed Victoria.

Building Setback

Consideration of a building's setback from adjoining properties is critical in the assessment of apartment buildings. The numerical standards contained in Clause 55 had provided for appropriate consideration of equitable development rights for lower scale developments up to four storeys.

Standard D14 (Building Setbacks) of Clause 58 does not provide sufficiently clear definitions within the standard to consider building siting in respect to adjoining development potential, privacy, shadowing impacts, primary outlook and secondary outlook from particular rooms. The City of Moreland has implemented more specific considerations around such matters for building siting which may be of use in this regard.

Site Services

The availability of the current Standard D22 (Site services) provides some context to early dialogue with applicants in regard to street level design. However, it is often the case that site services (electrical metres, fire hydrant boosters, etc...) are not sufficiently considered or planned for until further into the detailed design / construction drawing phase. This results in compromises in the building's street level presentation. This can occur for both 'shop top' dwellings and more significant buildings.

There is a gap in knowledge and information available at the planning stage which could be resolved by early engagement with relevant service authorities and preparation of a services report for applications concerning four or more storeys or where a basement is proposed.

Consideration should be given to a maximum percentage of the façade that can/should be occupied by site services so that impacts on the public realm are considered. Guidance could be taken from Melbourne Planning Scheme Amendment C308 to ensure consistency across Victoria. Similarly, the Australia Post requirements for letter box locations should be integrated into the standard for greater clarity and ease of reference.

Landscaping and Vegetation

The existing landscape and vegetation standards are often discounted in favour of urban consolidation. Sites are often developed with little, if any, space for canopy trees and vegetation to soften the appearance of new buildings in the landscape. Specifically, there are not landscape requirements for sites under 700 square metres.

The existing standards should be strengthened to require landscape treatment on all new buildings, regardless of size, with consideration given to green walls and green roofs. These small improvements can have a significant impact on the urban heat island effect in highly built up areas.

Car Parking

It is widely acknowledged that as activity centres such as the Footscray Metropolitan Activity Centre and Highpoint Principal Activity Centre are built up and intensified, there will be less reliance on private motor vehicle ownership and use. This is consistent with Clause 18.02-1S (Sustainable personal transport) and Clause 21.09 (Transport) of the Maribyrnong Planning Scheme in relation to supporting sustainable transport.

Parking provision within apartment developments plays a role in the level of housing affordability and in some instances, it may be more appropriate for parking to remain in common property and managed by the owners corporation to ensure it can be reallocated based on need. This would be particularly relevant for those in car stacker arrangements so that maintenance responsibilities are centralised.

Similarly, there is likely to be a greater 'uptake' of electric vehicles (EVs), which require accessible charging infrastructure. It would be prudent to require all at-grade car parking spaces to have ready access to 3-Phase power conduits.

Recommendations and suggestions:

1. Revise Standard D14 to consider appropriate setbacks from adjoining sites in respect to equitable development rights, consideration of overlooking, shadowing, primary and secondary outlook, with guidance taken from Clause 15.01-2L (Apartment developments) of the Moreland Planning Scheme.
2. The Committee engage with relevant service providers to provide a framework for service considerations within Standard D22.
3. Revise Standard D5 to provide consideration for a maximum percentage of the site frontage at street level to be occupied by non-active features including services and other infrastructure, with guidance taken from Melbourne Planning Scheme Amendment C308.
4. Integrate Australia Post requirements for letter box locations within Standard D22 for greater clarity and ease of reference.
5. Update the 'Application Requirements' section of Clause 58.01-1 and include a similar section within Clause 55 (for Clause 55.07 applications) to include a requirement for a Site Services Report with the submission of applications of four or more storeys or where a basement is proposed.
6. Strengthen Clause 58.03-5 (Standard D10) to require consideration of vegetation in all developments (regardless of size) and require all new buildings to consider green roofs, green facades and walls.
7. Require all car parking in car stackers to be maintained in common ownership to allow allocation of car parking based on need and to provide certainty regarding maintenance responsibilities.
8. Update D12 to require 3-Phase power conduits adjacent all at-grade car parking spaces to allow for future charging station installation.

Site Layout Standards – Improvement Opportunities

Energy Efficiency

Standard D6 (Energy Efficiency) aims to ensure dwellings achieve adequate thermal efficiency and make appropriate use of daylight and solar energy. The standard should require roofs to be productive spaces, including solar and water harvesting and greening.

The urban heat island effect is an issue that looms over the increase in apartment developments and the intensification of higher density developments, particularly within the western suburbs of Melbourne where the overall tree coverage has been historically low. Green roofs, solar panels and water harvesting are all passive measures that can greatly improve the performance of a building. At the very least, all roofs should be finished using light colour reflective material to reduce heat absorption.

Moreover, the standard refers to NatHERS annual cooling load whereas, it is apparent that heating requires greater energy consumption in comparison. This is particularly relevant in cooler climates such as that experience in Melbourne and southern Victoria. This is a factor that has not currently been considered within the standard.

Recommendations and suggestions:

9. Update Standard D6 to include more guidance on roof materiality for apartment developments, with particular focus on cooling through green roofs and solar panels.
10. Updated Standard D6 to include further consideration of energy consumption in respect to heating load.

Dwelling Amenity Standards – Improvement Opportunities

Noise and Air Quality

Council has undertaken a power of work in advocating for better air quality in the west due to the reliance on diesel trucks in the freight network. Diesel particulates are shown to cause significant health issues and intensifying residential occupation within exposure areas is of concern.

Standards B40 and D16 (Noise Impacts) provide for acoustic consideration in new developments. There is an opportunity to consider air quality in relation to apartment design adjacent to truck routes, freight train lines or other such sources. Due to the height of exhaust ports on trucks, consideration should be given to limiting residential uses at the first three levels of a building, in favour of non-residential uses which typically do not have balconies. Other such design responses may include the use of 'winter balconies' and air monitoring / purifying systems within buildings.

Balcony Size

It is appropriate for minimum balcony dimensions to be commensurate with the size of the dwelling. The current standards provide an overall area requirement for balconies of two bedroom dwellings being the same as those for a single bedroom. Encouraging occupants to access the open air is important in consideration of appropriate living standards and is even more important in consideration of more recent COVID-19 restrictions. Moreover, further consideration should be given to orientation of the balconies and solar access to ensure an appropriate level of amenity beyond the decision guidelines.

Storage

Inclusion of Standards B44 and D20 (Storage) has resulted in improved storage provisions for occupants with a combination of internal and external areas. There is a tendency for storage to be located within a basement or car parking level which are subject to stormwater run-off from the buildings and vehicles and often subject to dirt and dust. Some developments have incorporated storage cages within permeable chain mesh, which effectively exposes personal items held within storage spaces to deterioration.

Security has also been raised as a concern by occupants where such cages place items on display and have been subject to theft. Some occupants have taken it upon themselves to conceal these cages with unsightly makeshift screening. Further consideration should be given to improved storage conditions allow for appropriate water protection where located on parking levels and appropriate security and concealing of personal items. Ideally, storage should either be located within the apartment itself or in dedicated storage rooms on each level.

Council has seen good examples of storage spaces within apartment developments separated from parking areas. A typical response is for over-bonnet storage cages to be provided in constrained car parking areas. This limits access due to having to move the car and also allows only for forward facing vehicles to enter the space. Further guidance on expectations for “convenient access” to storage spaces is required to ensure their use.

Internal Layout

Internal amenity and dwelling proportions have been improved through the numerical requirements of Standards B41 and D17 (Accessibility), B46 and D24 (Functional Layout), B47 and D25 (Room Depth) as well as B48 and D26 (Windows).

Consideration should be given to appropriate dining/meals dimensions due to the often compromised spacing left for tables in single bedroom or two bedroom dwellings. Kitchen spaces are often in ‘galley’ form and sited in entry hallways. For two+ bedroom apartments, Standards should require a separate kitchen with an island bench (or similar) with a dedicated dining space. Space should also be provided for appropriate meal preparation space (counter tops) within kitchens.

Daylight

Standards B48 and D26 provide for consideration of daylight and window dimensions but which do not provide for any further guidance on the use of lightcourts. These are common features in small lot developments, with buildings being sited flush to side boundaries. The lightcourt dimensions are typically the same for the upper most dwellings as they are for those on the lower levels, resulting in vastly different levels of daylight. There is limited assistance in the decision guidelines and further guidance should be provided within the Standard itself.

Ventilation

Standard D27 (Natural ventilation) requires the consideration of ‘breeze paths’ and appears overly complex for the intended purpose. The requirement could be simplified to encourage the provision of more dwellings with multiple aspects.

Application Requirements

Many of the standards require detailed review of particular dimensions for rooms, storage and other provisions. This is a particularly resource intensive activity for Council planners.

Some architectural packages provide for detailed schedules to allow for quick reference when reviewing the plans. It is recommended that an additional section be included within the 'Application Requirements' of Clauses 55.01 and 58.01-1 to include this schedule.

Recommendations and suggestions:

11. Update Standard D1 to consider placement of windows and balconies in context of main roads, diesel trains routes and other sources of air pollution. The design response may include the use of 'winter balconies' and air monitoring / purifying systems within buildings or introducing commercial uses above ground floor. Alternatively, introduce a new standard to consider air quality apartment design.
12. Update Standard D19 to increase minimum dimensions for balconies to two bedroom dwellings to a minimum of 10 square metres and include parameters.
13. Update Standard B44 and D20 to include better storage conditions for occupants to allow for better security, concealment and limit exposure to deterioration of personal items.
14. Update Standard B47 and D24 to include minimum dining / meals dimensions and kitchen preparation space, and prohibit galley kitchens in two+ bedroom apartments.
15. Update Standard B48 and D26 to include further consideration on the use lightcourts and set appropriate parameters in respect to access to daylight and distance from the top of buildings.
16. Simplify Standard D27 to encourage the provision of more multi-aspect dwellings.
17. Update the 'Application Requirements' section of Clauses 55 and 58 to include a requirement for a schedule outlining relevant dimensions as required in relation to bedroom and living room dimensions, accessibility dimensions, storage dimensions and balcony dimensions.

Other Improvement Opportunities

Minimum Design Qualifications

With the increased complexity of apartment developments comes the need for an increased skill set to effectively design and address the myriad of standards that exist. What has become apparent is the general lack of awareness of the existing standards and what is required of each one. Looking beyond Victoria, it is common practice in other cities internationally, that developments over a certain height a designer must have a minimum qualification. Given the extensive requirements and standards, there comes a point where an enhanced skillset is required to effectively design and address the apartment design standards.

Accordingly, for development over four storeys a registered Architect should oversee the project. To reduce costs, a Building Designer may take carriage of an application but with the designer 'certified' by an Architect. Precedence is already set in this space, with Building Surveyors having limitations on the types of projects they may assess depending on the training and experience level.

Plot Ratio

Plot Ratios is a concept adopted interstate as well as internationally, in cities such as Singapore, Hong Kong, New York and Toronto. As a concept, it simply refers to the ratio between the gross floor area of a building and the area of the site. It is a consideration in high density areas, and is an effective tool in the management of land use intensity. This approach would be particularly beneficial for the redevelopment of smaller sites within the Footscray Metropolitan Activity Centre where some properties are as narrow as 5 metres.

Precedence is already set in this space, with plot ratios set in the Melbourne CBD and Southbank.

Bicycle Parking

The existing residential parking rates contained within Clause 52.34 (Bicycle parking) are outdated and only apply to buildings of four or more storeys. Most developers are realising the need for bicycle parking and provide increased spaces in larger development. Increased provision will promote the use of sustainable forms of transport. Consideration should be given not just to the number, but location and convenience of bicycle parking. It is recommended that Clause 52.34 be updated in tandem with revisions to Clauses 55 and 58.

Townhouse Design Standards

Clauses 54 and 55 provide adequate guidance for single dwelling development and smaller multi-scale development of three or less dwellings. However, there is currently a market preference for individual dwellings over apartment forms, resulting in a proliferation of 3 storey townhouses in tandem formation on longer blocks.

While such developments provide much needed housing diversity, there is little guidance in the Victoria Planning Provisions to deal with larger townhouse developments. Common developments types often include 2-3 bedrooms over car parking at ground floor level with constrained sense of address, inadequate entry and limited open space. Upper level balconies are often placed close to side boundaries and require high screening to provide privacy. While these issues are often hallmarks of apartment living, there are offsets built into the apartment design standards, such as requiring communal open space.

The current planning framework does not allow for consideration of the more comprehensive internal amenity considerations of apartment buildings through Clause 55.07 and Clause 58.

Further, the 'garden area' provisions may not be delivering on their intended purpose in residential settings. The terminology for garden area often includes small service courtyards occupied by water tanks, hot water systems, storage sheds and waste bins. These areas have very little vegetation (if any) and do not contribute to the landscaped character the garden area provisions were intended to deliver.

With the number of townhouse developments being built in Victoria, urgent reform is needed to fix the 'missing gap' in assessment of townhouse developments.

Recommendations and suggestions:

18. Require that developments over 3 storeys must be designed (or certified) by a registered architect.
19. Adopt the use of plot ratios in Major and Metropolitan Activity Centres to provide a framework for development expectations.
20. Review Clause 52.34 (Bicycle Parking) provisions for to require a minimum of one space per apartment in a convenient location.
21. Undertake a review of Clause 55 to ensure townhouse development are assessed in a similar way, and subject to similar Standards, as apartment developments.
22. Undertake a review of the 'garden area' provisions to ensure these green spaces are delivering on their intended purpose.

Consolidated List of Recommendations

1. Revise **Standard D14** to consider appropriate setbacks from adjoining sites in respect to equitable development rights, consideration of overlooking, shadowing, primary and secondary outlook, with guidance taken from Clause 15.01-2L (Apartment developments) of the Moreland Planning Scheme.
2. The Committee engage with relevant service providers to provide a framework for service considerations within **Standard D22**.
3. Revise **Standard D5** to provide consideration for a maximum percentage of the site frontage at street level to be occupied by non-active features including services and other infrastructure, with guidance taken from Melbourne Planning Scheme Amendment C308.
4. Integrate Australia Post requirements for letter box locations within **Standard D22** for greater clarity and ease of reference.
5. Update the 'Application Requirements' section of Clause 58.01-1 and include a similar section within Clause 55 (for Clause 55.07 applications) to include a requirement for a Site Services Report with the submission of applications of four or more storeys or where a basement is proposed.
6. Strengthen Clause 58.03-5 (Standard D10) to require consideration of vegetation in all developments (regardless of size) and require all new buildings to consider green roofs, green facades and walls.
7. Require all car parking in car stackers to be maintained in common ownership to allow allocation of car parking based on need and to provide certainty regarding maintenance responsibilities.
8. Update **Standard D12** to require 3-Phase power conduits adjacent all at-grade car parking spaces to allow for future charging station installation.
9. Update **Standard D6** to include more guidance on roof materiality for apartment developments, with particular focus on cooling through green roofs and solar panels.
10. Updated **Standard D6** be updated to include further consideration of energy consumption in respect to heating load.
11. Update **Standard D1** to consider placement of windows and balconies in context of main roads, diesel trains routes and other sources of air pollution. The design response may include the use of 'winter balconies' and air monitoring / purifying systems within buildings or introducing commercial uses above ground floor. Alternatively, introduce a new standard to consider air quality apartment design.
12. Update **Standard D19** to increase minimum dimensions for balconies to two bedroom dwellings to a minimum of 10 square metres and include parameters.
13. Update **Standard B44** and D20 to include better storage conditions for occupants to allow for better security, concealment and limit exposure to deterioration of personal items.
14. Update **Standard B47** and D24 to include minimum dining / meals dimensions and kitchen preparation space, and prohibit galley kitchens in two+ bedroom apartments.
15. Update **Standard B48** and D26 to include further consideration on the use lightcourts and set appropriate parameters in respect to access to daylight and distance from the top of buildings.
16. Simplify **Standard D27** to encourage the provision of more multi-aspect dwellings.
17. Update the 'Application Requirements' section of Clauses 55 and 58 to include a requirement for a schedule outlining relevant dimensions as required in relation to bedroom and living room dimensions, accessibility dimensions, storage dimensions and balcony dimensions.
18. Require that developments over 3 storeys must be designed (or certified) by a registered architect.
19. Adopt the use of **plot ratios** in Major and Metropolitan Activity Centres to provide a framework for development expectations.
20. Review Clause 52.34 (**Bicycle Parking**) provisions for to require a minimum of one space per apartment in a convenient location.
21. Undertake a review of **Clause 55** to ensure townhouse development are assessed in a similar way, and subject to similar Standards, as apartment developments.
22. Undertake a review of the '**garden area**' provisions to ensure these green spaces are delivering on their intended purpose.