

**Submission
No 42**

INQUIRY INTO APARTMENT DESIGN STANDARDS

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Submission by Dr Stan Capp, President EastEnders Inc. to the Victorian Legislative Assembly Environment and Planning Committee.

Preamble:

The Victorian Legislative Assembly Environment and Planning Committee received the following Terms of Reference from the Legislative Assembly on 4 August 2021:

“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.”*

EastEnders is a resident group established in 1999. It has a membership derived from residents who live in the eastern quadrant of Melbourne’s CBD, bordered by Victoria Street, Spring Street, Flinders Street and Swanston Street. Its purpose is to maintain and extend communications, networking activities, engagement with city residents and provide a forum for residents to meet and discuss the broad issues around city living. It does this through monthly meetings where guest speakers are invited to cover topics of relevance to city living and resident amenity.

This paper has not been reviewed by the broad group of EastEnders membership and may not represent their diversity of views. The author has been a resident of Melbourne’s CBD since 2000 and the submission essentially reflects his views.

Context:

The Parliamentary Inquiry will consider the adequacy of Victoria’s apartment standards; these are found in Clause 58 of the Victoria Planning Provisions (‘Apartment Standards’).

The environment within the CBD, which is affected by these standards is informed by the following demographic, social development and construction data found in the CBD. This is sourced from the 2016 Census and City of Melbourne sources.

The 2016 Census data disclose the following about the CBD¹:

- 37,112 residents;
- 74% born overseas;
- 67% speak a language other than English at home;
- Main overseas country of birth: China at 25%;
- Median age is 26.3 years;
- 47% aged 12-25 years;

¹ As presented at the City of Melbourne website <https://participate.melbourne.vic.gov.au/participate-3000/rediscover-our-neighbourhood>

- 4% aged over 60 years;
- 39% attending a tertiary education institution;
- 16,205 occupied private dwellings;
- Average household size is 2;
- 37% low income households with income less than \$650 per week;
- 13% high income households with income more than \$2,500 per week;
- 35% family households;
- 37% lone person households;
- 98% live in a flat or apartment
- 70% households renting.

The City of Melbourne² advise the following data on CBD developments at November 2020:

Developments in CBD	Under construction	Approved
Total developments	24	107
Residential dwellings	7,090	11,380
Student accomm.	2,544	4,569
Hotels/serviced apartments	2,729	6,999
Office space – square metres	107,423	383,674
Retail space – square metres	20,254	70,228

Discussion

Residents who have lived in the CBD over the past 20+ years have witnessed an unprecedented surge in construction of apartments and commercial premises. Many of these do not bring credit to the architects who design them and the developers who seek to profit from them. Civic leaders such as the Deputy Lord Mayor Nicholas Reece describes many of them as “crap”³ and “we need to do better”.

The response by City of Melbourne has been to establish The Design Excellence Program, which “focuses on design leadership and innovative processes to support high quality design and to consistently improve built environment outcomes within the City of Melbourne. The program comprises short, medium and long-term initiatives to foster a culture of excellence in the built environment. It is intended to be implemented through internal process improvements along with new development planning processes.

The program proposes new approaches alongside a reaffirmed commitment to existing initiatives to support the procurement and delivery of the highest quality outcomes in private and public projects”⁴.

² Data was sourced from the November 2020 City of Melbourne’s Development Activity Monitor (DAM) as presented at <https://participate.melbourne.vic.gov.au/central-city-profile>

³ <https://www.theage.com.au/national/victoria/design-panels-to-tackle-melbourne-s-crap-buildings-20211011-p58yvw.html>

⁴ <https://www.melbourne.vic.gov.au/building-and-development/design-excellence/Pages/design-excellence-program.aspx>

There are excellent data that have informed the City of Melbourne in this pursuit and should also inform this Committee⁵. Within these data it is noted that *“From a survey of recent AIA Victorian and National Chapter Awards, it is clear that private development within the City of Melbourne is underrepresented in commendations or winners. Despite the boom in construction (70 towers completing or commencing works between 2013-2017 in the Hoddle Grid and Southbank) there has been a comparably limited number of awarded projects. Recent winners have been limited to public realm projects or large-scale institutional projects with strong representation from Melbourne University and RMIT”*⁶.

It is submitted that the work already being undertaken by the City of Melbourne should be a sound basis for moving forward. There is already a significant amount of power in the planning of our CBD that resides with the State Government with all developments exceeding 25,000 square metres being beyond the decision-making power of the City of Melbourne. In the experience of many, this has meant that some poor planning decisions have been made and there seems no justification for one level of government to assume control over planning matters that reside with another level of government everywhere else in Victoria.

It is apparent to those of us who live in the CBD that *“we need to do better”*. The focus on the work of this Committee is on apartment liveability and seeking to reach best practice in design criteria. Sadly, there have historically been so many poor outcomes that we will have to live with these for the foreseeable future.

Further, it can be seen from the above data, there are literally thousands of dwellings already approved that are likely to replicate the poor design features of the past. Unless we can review projects already approved then it will be some time into the future before any meaningful progress can be made. That said, previously promulgated *“Apartment Standards”* should be informing more recent designs, at least internally.

Major matters of significance are about the amenity and liveability of the area where apartments are developed and so apartment design is but one of the dynamics in play.

There are now many apartments that have been built out by subsequent developments that have impacted their liveability. No matter how good the apartment design, planning decisions that compromise amenity and diminish the quality of liveability and human well-being cannot be ignored.

It is submitted that part of the work of this Committee should recognise this as an important dynamic in its work.

One example is in the development of Wesley Place in Lonsdale Street where a towering commercial structure now dwarfs the apartment building less than 10 metres to its east.

⁵ Reference documents include: <https://www.melbourne.vic.gov.au/SiteCollectionDocuments/design-excellence-program.pdf> and <https://www.melbourne.vic.gov.au/SiteCollectionDocuments/design-advocacy-discussion-paper.pdf>

⁶ Page 8 <https://www.melbourne.vic.gov.au/SiteCollectionDocuments/design-advocacy-discussion-paper.pdf>
Submission by Dr Stan Capp, President EastEnders Inc. to the Victorian Legislative Assembly Environment and Planning Committee. 3

This has effectively destroyed the liveability of 73 apartments that face west. These are highly regarded, well designed apartments that now have their bedrooms and living rooms directly looked upon by the occupants of the adjoining building. Privacy has been compromised and the quality of apartment living significantly compromised.

Rooms are now frequently having to use lights during the day with over shadowing that never dissipates. The internal lights from Wesley Place that endure into the night shine into the apartments and disturb residents. Air flows are now dominated by the wind tunnel effect of the large structure so the fundamental rights for clear air and light are extinguished.

The rights of residents have been prejudiced in ways that were predicted but planners never acknowledged or dismissed as issues. Owners have been leaving to seek an alternative environment with capital losses but more importantly feel let down by a system that encouraged them to live in the CBD but could not sustain a liveable environment.

The “Apartment Standards” appear to be overall quite reasonable although there are some comments that seem indicated:

1. The apartment standards are generic and yet there is a need to recognise the characteristics of high-rise apartment towers.

It is RECOMMENDED that the needs of high-rise apartment towers are specifically recognised in the “Apartment Standards”.

2. The challenge of building these towers on relatively small blocks should include apartment design that reflects best international design and environmental practice with an emphasis on high standards of sustainable energy efficiency.

2.1. For example, Clauses 58.03 and 58.06 need to specifically address high rise apartment towers with examples of best practice such as the use of roof top gardens and electric vehicle charging, recycling and waste management.

3. The COVID pandemic has brought attention to air conditioning and ventilation systems that need to ensure that residents are not placed at risk.

It is RECOMMENDED that standards reflecting these higher thresholds for air purification and ventilation systems should be articulated.

4. One omission from Clause 58 is student accommodation. The contextual and demographic data listed earlier disclose the significance of the student population in the CBD.

4.1. Student accommodation is relegated to planning scheme policy makers and these would seem to be inadequate in the City of Melbourne.

4.2. It is understood that the City of Melbourne has urged the State Government to create a student accommodation code but there would seem no reason why this

current review of “Apartment Standards” cannot articulate the specific standards that should be expected from those developing and designing student accommodation. The objective must be to lift the quality, size and amenity of student apartment units, including and especially in high density areas.

- 4.3. With student numbers low due to COVID, there is a lot of pressure to use student accommodation as general accommodation. However, the lack of facilities, especially kitchens, and the tiny size of the units, renders these buildings unsuitable for general accommodation (other than on a strictly temporary basis).
- 4.4. The problems with student accommodation policy as it exists include the lack of mandated minimum requirements for indoor and outdoor shared areas for students, the tiny size of some units in some of the poorer quality buildings, and the highly inflexible state of the buildings should alternative uses to student accommodation ever be required. New developments can also get away with unacceptably poor environmentally sustainable design features.
- 4.5. The external amenity impacts of poorly designed student accommodation are also a burden on existing residents, including owner-occupiers of apartments, in the central city.

It is RECOMMENDED that the “Apartment Standards” include specific protocols for Student Accommodation.

5. Standard D14 at Clause 58.04.01 details four outcomes from ensuring that buildings are set back from side and rear boundaries and that the existing or preferred urban context is respected. These criteria are worth repeating as they are fundamental to resident amenity and enjoyment of any apartment lifestyle⁷.
 - To allow adequate daylight into new dwellings.
 - To limit views into habitable room windows and private open space of new and existing dwellings.
 - To provide a reasonable outlook from dwellings.
 - To ensure the building setbacks provide appropriate internal amenity to meet the needs of residents.

While these fundamental rights that are quite appropriately embedded in the “Apartment Standards”, there is an inability to protect them from other developments that seek to be constructed in close proximity.

The example above of the Wesley Place development in Lonsdale Street is prescient. Indeed, if planning authorities were required to consider Standard D14 then Wesley Place would not be approved as it fails to satisfy ANY of the criteria that would protect the rights of residents living in existing apartments at its eastern boundary.

Wesley Place is NOT an apartment tower but by its proximity to apartments, means that the “Apartment Standards” cannot be maintained. If it did seek to be developed as an apartment tower it could not satisfy the standards of Standard D14 as noted above.

⁷ Victorian Planning Provisions Clause 58.04-01

In short, it seems to be pointless having standards if they can be destroyed by an adjacent development.

It is STRONGLY RECOMMENDED that this Committee ensure that all “Apartment Standards” are supported by consequential amendments to Planning Schemes to enable any new developments to respect and maintain “Apartment Standards” as issued under the Victoria Planning Provisions.

6. Standard D16 at Clause 58.04-3 discusses noise impact objectives and specifies standards from designated external sources. One of the more significant issues in high rise apartment towers is that some buildings do not have sufficient sound attenuation between levels and adjoining apartment walls. Frequently lot owners will undertake renovations and instal floating wood flooring and while Owners Corporations will desirably have standards of acceptable noise levels, incorporating a suitable metric in the “Apartment Standards” would be appropriate. A useful reference point for this is the *AAAC Guideline for Apartment and Townhouse Acoustic Rating V1.0*⁸

It is RECOMMENDED that acceptable noise levels within apartments be incorporated in “Apartment Standards” thereby ensuring that these standards are embedded in construction specifications.

In conclusion, it is pleasing to have this opportunity to contribute to the Victorian Legislative Assembly Environment and Planning Committee and further discussion would be welcomed.

Dr Stan Capp
President EastEnders



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⁸ Association of Australasian Acoustical Consultants Guideline for Apartment and Townhouse Acoustic Rating Version 1.0 found at <https://aac.org.au/resources/Documents/Public/AAAC%20Guideline%20for%20Apartment%20and%20Townhouse%20Acoustic%20Rating%20V1.0.pdf>