



Better Apartments – A Discussion Paper

Moreland City Council submission

1. Moreland context

Council is experiencing significant growth of apartment development of five or more storeys. Most of this development is occurring in the Brunswick Activity Centre (which includes three spines of Sydney Road/Upfield Corridor, Lygon Street and Nicholson Street) and the Coburg Activity Centre.

Since 2007, Moreland's housing stock has been rapidly diversifying with the addition of significant numbers of apartments and townhouses. At present apartments is the main form of dwelling being approved, see table below:

	Detached house	Semi-detached	Apartment 3+ storeys
1995-2001	1741	1528	204
2001-2007	2278	1772	793
2007-2013	2053	2683	2997

The above trends are expected to continue. Forecast residential development from 2011 to 2036 for Brunswick is 12,775 dwellings and 4,545 dwellings for Coburg¹.

With a significant number of apartment developments forecast, Council believes there is an urgent need for guidelines for apartments and is a main reason why it has pursued an amendment to introduce guidelines on apartment development into the Moreland Planning Scheme. However, Council welcomes the Discussion Paper as there is a need for State-wide guidance on this issue.

2. Implementation

Council considers that out of the four options a performance based approach similar to ResCode is the most preferred.

ResCode's approach of discretionary standards and mandatory objectives provides a good balance of certainty by specifying minimum standards and flexibility by allowing alternatives to minimum standards.

A regulatory based system does not provide the flexibility that is required for more complex built form proposals that apartment development often entail.

A policy based system does not provide sufficient statutory weight and has been a weakness of the Guidelines for Higher Density Residential Development.

A market based approach has resulted in poor outcomes and Council does not have confidence that such an approach will lead to acceptable outcomes.

Council has prepared a comprehensive set of guidelines for apartment development, known as the Moreland Apartment Design Code (MADC). The guidelines have been prepared because of a lack of State guidance for apartment development. The MADC adopts a performance based approach with

¹ Id Forecasting, October 2014

discretionary standards and mandatory objectives. Council has prepared Amendment C142 to introduce the MADC's objectives, standards and decision guidelines into the Moreland Planning Scheme. An independent Panel has recommended the Amendment be supported subject to changes.²

Council will consider the Panel's recommendations on 12 August 2015. A final version of the MADC can be provided to the Discussion Paper working group after Council has considered the Panel's recommendations.

3. Issues affecting apartment amenity

The MADC contains guidelines on all of the issues identified in the Discussion Paper. Council provides a brief overview of each issue below. For more detailed explanation of the rationale underpinning each issue please refer to Council's submission to the Amendment C142 Panel (attached).

3.1 Daylight

A fundamental objective of MADC is to ensure adequate daylight into apartments which is to be principally achieved by the building separation requirements.

The building separation standards specify the distance to be provided between buildings to adjacent sites, to laneways (a common feature in Brunswick and Coburg) and within sites. The building separation standards have been derived from technical analysis to achieve a daylight factor of 1.0 to living areas and 0.5 to bedrooms and thus provide reasonable levels of daylight into apartments for everyday living. Building separation also helps achieve better outlook, more privacy and ground-level open space and landscaping.

As a consequence of the different daylight factors the Code sets building separation distances according to outlook and height. Separation distances increase relative to height, maintaining amenity for lower levels. The building separation requirements also differ between outlooks from a living room, bedroom or where there is no outlook.

The purpose of specifying building separation to adjacent properties is to achieve an equal sharing of daylight between sites. The building separation requirements will be very useful to apply to adjoining sites where there is a reasonable expectation that such sites will be developed with apartment development in accordance with Council's planning objectives.

In situations where there are adjoining sites containing existing dwellings that have not reasonably incorporated access to daylight within their own site, there is a note under the building separation table that states "Where existing dwellings have not reasonably incorporated access to daylight to habitable rooms on their own site in accordance with the building separation standards, the building separation standards will only apply to the extent necessary to achieve a comparable contribution (from a minimum of one metre and a maximum of three metres) of daylight into the habitable rooms of the proposed dwellings". The purpose of this note is to ensure there is explicit consideration of daylight but to allow discretion for lesser building separation to achieve an equitable outcome between sites.

A common design response to providing daylight into apartments is lightwells. The MADC includes a standard that lightwells should be minimised but where they are used they should provide daylight access to bedrooms only and meet minimum dimensions to ensure adequate daylight can be secured.

Council's analysis to the Panel was that building separation requirements were readily achievable for small narrow sites where direct outlook from living areas is available to the front and rear of the sites and on large sites where there is greater scope to separate buildings (two examples provided to the Panel was the former Tip Top site in Brunswick and the former Coburg High School site).

² *Amendment C142 (PSA) [2015] PPV 63*

It was acknowledged that building separation may be more difficult to achieve on mid-range' sized sites where there a direct outlook from main living areas within the site is proposed. However, the MADC provides some building typologies that assist designers select the most appropriate design response to address this scenario.

In response to the Discussion Paper's questions, Council considers that main living areas should be the primary space to achieve daylight and bedrooms should be the secondary space to achieve daylight. Daylight into bathrooms is not important.

Council also considers that some natural daylight should also be provided for internal communal areas, entries and landings and internal corridors.

3.2 Sunlight

There is no separate provision on sunlight under the MADC. However, this is not to say sunlight is not a critical issue for amenity.

Under the MADC the first guideline is on building orientation which contains an objective to balance optimum solar orientation with contextually responsive design. This has been intentionally included as the first guideline under the MADC because it should be the starting point for design.

While the main purpose of the building separation requirements is to achieve adequate daylight access into apartments, another advantage of adequate building separation is that assists in providing sunlight for north, east and west facing apartments.

The ability to control sunlight into an apartment is as important as access to direct sunlight. The MADC contains a number of standards to address the impacts of sunlight under the Thermal Comfort guideline.

In response to the Discussion Paper's questions, the MADC does not contain any prescriptive requirements on the proportion of apartments that should achieve sunlight because of the difficulty in specifying a reasonable proportion having regard to the different orientations and the need to balance this issue with addressing the public realm. However, as mentioned above, the objective that seeks to maximise solar access while balancing impacts on the public realm should encourage designers to give this issue very careful consideration.

3.3 Space

Council considers that many apartment developments have inadequate space to meet the reasonable needs of residents and that the trend is for even smaller dwellings. Some dwellings have larger areas dedicated to bedroom than for living areas. In Council's view, some of these outcomes are due to developers wanting to achieve a certain yield than wanting to provide a good internal living space.

In response, the MADC contains standards on minimum dwelling size (based on the number of bedrooms). While Council considers minimum dwelling size is important, it also considers that the layout of a dwelling is just as important for functionality and liveability.

In response to the Discussions Paper's questions, a higher minimum floor to ceiling height than the National Construction Code (NCC) 2.4 metre standard is important to providing a sense of spaciousness in a relatively small living environment. The MADC includes a standard for a minimum 2.7 metre floor to ceiling height for habitable rooms, however the main purpose of this requirement is to achieve the daylight factors referred to above.

Council's experience is that almost all apartments in Moreland are providing a 2.7 metre floor to ceiling height for habitable rooms.

In addition, the MADC contains a guideline on storage space which is considered to be very important to meet occupant needs.

The MADC also contains a guideline on dwelling diversity. This contains a prescriptive requirement that all developments should provide a range of dwelling types and that for developments of 50 or more dwellings, 3+ bedroom dwellings should also be provided. In one recent proposal considered by Council, there were to be over 600 dwellings but only two dwellings contained more than two bedrooms.

3.4 Outlook

One of the main purposes of the building separation requirements in the MADC is to achieve a quality outlook from apartments.

In response to the Discussion Paper's questions, it is considered that the features of a quality outlook includes direct outlook to streets, laneways and public reserves, internal landscaped areas and distant skyline views.

The MADC also distinguishes outlook from living areas and balconies (main outlook) and outlook from bedrooms (secondary outlooks).

There are also opportunities to provide outlook from communal areas such as roof top gardens.

3.5 Natural ventilation

Council is increasingly concerned that most apartments are single aspect and that this makes it more difficult to achieve natural ventilation, as is acknowledged in the Discussion Paper. Council directs the Discussion Paper working group to the MADC's natural ventilation requirements.

Achieving a high standard of natural ventilation is critical to providing a high quality indoor environmental quality (IEQ). Under the Built Environment Sustainability Scorecard (BESS), achieving a high IEQ contributes significantly to achieving an overall high standard of sustainable design.

Council's ESD Unit has commented on the need to encourage better building practices to reduce the amount of air leakage and the ability to open up building to allow circulation of fresh air to reduce mould.

3.6 Noise

The issue of noise in apartments is important given the potential of external noise sources in activity centres or along major transport routes and given the potential of noise sources within an apartment development itself.

Most apartments in Moreland will be constructed in activity centres where there are other commercial and entertainment uses that can generate significant noise levels, especially at night. Many apartments are also built near main roads, railway lines and tram routes.

The earlier versions of the MADC contained requirements that apartments should be protected from a certain noise threshold. However, during the Panel hearing it became evident that there were a number of different potential standards on this issue and that Council did not provide any expert evidence that justified one standard over the other.

In the revised version of the provisions tabled at the last day of the Panel hearing, Council proposed a number of design guidelines that would assist separating internal noisy areas from quieter areas within an apartment development. These requirements are largely lifted from the NSW Apartment Design Guide.

The MADC also requires the provision of an acoustic report for apartments that may be close to external noise sources, such as late night entertainment venues, railway lines, tram routes or main roads.

Council would welcome a consistent approach to this matter and suggests that an acoustic engineer be engaged to provide more clarity on this issue by specifying a noise standard that should be achieved for apartment development in activity centres or along major transport routes.

3.7 Outdoor space

The MADC distinguishes outdoor space from communal space because communal space can also be internal. Hence, there are separate sections on Open space and landscaping and on communal facilities.

Under Open space and landscaping, the main purpose is to integrate open space with the overall site layout and to incorporate landscape features in open space areas. There are no prescriptive requirements in this guideline.

Under communal facilities, a revised provision has been inserted after the Panel hearing which requires communal open space to be provided at 2.5 square metres per dwelling for development of 20 or more dwellings. Hence, a 20 dwelling development would require 50 square metres.

In Council's view, communal areas can provide an important role in establishing social networks within an apartment development but understands the need to balance this objective with potential costs. The MADC contains a standard that encourages the effective use of roof space, podiums and light courts for communal space.

In response to the Discussions Paper's questions, all apartments should have private balconies (though accepts there should be an option for some studio developments to be exempt); that the size of balconies should be dependent on the number of bedrooms and also contain minimum widths (as per the MADC's guidelines which are also contained with the NSW Apartment Design Guidelines); and that air conditioning units should not be included in the balcony size calculations.

3.8 Adaptability

Council agrees that scope for adaptation should be included in apartment design guidelines. While there is no such provision in the MADC, this is due to lack of resources to properly investigate this matter.

Notwithstanding, the three Design and Development Overlays applying to the Brunswick Activity Centre and the Activity Centre Zone schedule applying to the Coburg Activity Centre contain a provision that development should have a ground floor to ceiling height that allows for a range of commercial uses. It is proposed to apply this provision regardless of whether the ground floor component is for residential uses (i.e. so adaptation can occur at a later stage).

It would be very useful if there was a State-wide approach to this issue that properly examines how adaptation can be reasonably provided for in apartment developments.

3.9 Landscape

As noted above, the MADC includes a guideline on Open space and landscaping.

One of the more contentious issues regarding landscaping was the provision in the MADC that required 7.5% of site area for deep soil planting for sites of 1000 or more square metres. The prescriptive nature of this provision was deleted by the Panel on the basis that there had been insufficient consideration of the role and utility of deep soil planting areas or their likely location in the activity centre context where lots are relatively narrow and policy supports consistent street walls, rather than treed setbacks along streets.

In Council's view, scope for deep soil planting should exist for large sites (defined as sites of 2000 square metres or more in the MADC) in most cases. It would be appropriate for Councils to develop their own design guidelines on this matter.

3.10 Universal design

The MADC contains objectives and standards under the guideline 'Accessibility'.

The version of the MADC that was considered by the Panel contained requirements that all apartment buildings should be visitable and that twenty per cent of all dwellings in developments of 10 or more dwellings should meet the adaptable housing requirements of AS4299 – 1995.

The Panel recommended that the above standards be deleted though it recommended retaining an objective that provides for accessibility.

Council's Municipal Strategic Statement contains policies on visitable and liveable dwellings and it is intended to rely on these policies pending further resolution of this issue. A guideline is currently being developed by Council which will recommend the proportion of dwellings that should be visitable and 'liveable'.

Council would welcome State leadership on this issue.

In response to the Discussion Paper's questions, it may be appropriate to stipulate that 20% of all dwellings are liveable (based on the Liveable Housing Association statistics that 1 in 5 Australians have some form of disability) and that detailed guidelines are provided on how to design for a liveable dwelling.

3.11 Energy and resources

Building in passive design elements that reduces household energy consumption is a key objective of the MADC. Access to daylight, maximising natural ventilation and allowing occupant control over thermal comfort are critical features to control energy use. Such measures are able to be calculated using the Built Environment Sustainability Scorecard (BESS).

In addition, Council has prepared a comprehensive policy on Environment Sustainable Development which it proposes to introduce through Amendment C71. An advisory committee and panel has recommended that the Amendment be approved.

In addition to the passive design objectives, it would be logical that individual metering of apartments would help encourage occupants to minimise energy consumption.

3.12 Waste

The MADC requires apartment developments to comply with the best practice standards outlined in 'Guide to Best Practice Waste Management in Multi-Unit Developments' (Sustainability Victoria 2010).

Council is satisfied that there has been a high level of compliance with the best practice standards.

3.13 Car parking

The MADC contains a number of requirements to ensure car parking areas are well-designed and convenient and do not have a detrimental impact on the public realm.

An important issue not identified in the Discussion Paper is in relation to bicycle parking. It is Council's experience that Clause 52.06 does not provide sufficient bicycle spaces. The MADC contains provisions that require one bicycle space for single bedroom dwellings and two spaces for two or more bedroom dwellings. In addition, there is a decision guideline that allows for a reduction of the standard car parking rates for developments that meets the bicycle parking requirements. These standards were supported by the Panel.

In response to the Discussion Paper's questions, the amount of car parking should be based on the location of the proposal having regard to the criteria in Clause 52.06 and the provision of on-site bicycle spaces.

3.14 Entry and circulation

The MADC contains a comprehensive set of requirements in relation to entry and circulation which were not subject to any specific submissions through the Amendment C142 process.