

2021

DADA submission to the Inquiry into Apartment Design Standards.



Darebin Appropriate Development Association Inc.

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Thank you for the invitation to submit to the inquiry into apartment design standards.

DADA has been assessing apartment standards in development applications and completed apartments in Darebin for over 10 years. We are very disappointed in the varied quality of completed apartment developments and do not believe that the livability of housing available should vary depending on the postcode of the development.

In Darebin the quality of apartment design varies significantly from the more affluent southern wards of the council to the less affluent northern wards. We wonder why there are stark differences in design and development outcomes if the Darebin Planning Scheme and the Better Department Design Standards apply equally across whole council area.

'Gentrification of affluent suburbs inevitably leads to poor livability outcomes in poorer postcodes' as shown in research conducted by *Dr Melissa Checker*, in New York ¹

1. Meeting the Planning Scheme Objectives and Standards

It is common practice that at every level of the planning application process planning scheme objectives and design standards are traded off against other factors. This trading off of the standards has led to a practice where developers make ambit claims in planning applications so that they can trade back to a position for approval.

So that councils can complete a decision in the given timeframes, to prevent expensive legal cases at VCAT and to get dwellings built, councils and VCAT are willing to approve planning applications that are below standard.

DADA believes that the planning scheme and better apartment standards should be used strictly as the basic requirements on which to build better outcomes, rather than a tool to negotiate around and trade off against. Equity of improved outcomes cannot be achieved unless the trading off of standards and objectives is stopped.

2. Variations to the Approved Planning Proposal

Council officers tell us that they have no idea what will be the final outcome of a development regardless of the approved planning proposal. This is because developers commonly build and then subsequently apply for and receive a variation to the approved plans. Some developers change plans and do not apply for a variation. Added to this problem is that variation approvals are assessed in-house by council and community objectors or representatives don't get any overview or input.

Council to some extent relies on neighbours to notify and request an enforcement officer to inspect completed developments to ensure the completed development complies with the approved proposal.

¹ *Dr Melissa Checker, Future Tense, Sun 26 Sep 2021, 12:30pm,*
<https://www.abc.net.au/radionational/programs/futuretense/should-we-really-aim-for-sustainable-development/13540946>

Relying on private building inspectors to enforce approved building and development requirements has been a massive failure in ensuring appropriate oversight of the building and development industry and adequately protecting consumers and residents from poor livability outcomes.

3. Fast Tracked Projects

So that major developments can be completed in a shortened timeline the Victorian Planning Authority has produced a fast track program which is aimed at streamlining the approval process and removing community input through third party objection rights.

It has been a practice for planning officers to take only a 'desk view' of a site rather than carrying out a site visit before recommending approval of planning proposals. This has led to negative outcomes where particular aspects of sites are missed and not addressed through the process.

To improve livability outcomes in apartment developments, planning applications and approvals should be excluded from the fast track process.

4. Open Space

Both quantity and quality of open space, whether private or shared, have not been adequately provided in apartment development in Darebin. Council's own research has shown that in the future 18% of new developments need to be open space to make up for the lack across the local government area.²

Unfortunately Darebin Council, like a number of other LGA's, has struggled to gain approval for an 18% open space levy in the proposed planning scheme amendment. Planning Panels of the Department of Environment, Land, Water and Planning have so far rejected any LGA that asks for more than 5% open space requirement in planning proposals. This will result in an inability to make up already lost open space capacity and loss of livability.

The open space requirement is another aspect of high and medium density dwelling development that can currently be traded for a cash payment. This clearly reduces livability and decreases health and safety outcomes for residents. Open space provision should not be traded for cash grant. Planning scheme provision must ensure that open space is provided adjacent to residential dwellings for ease of use and improved livability.

The Covid 19 pandemic has provided sharp magnification of the faults of high density living and of the lack of adjacent private open space in apartment dwellings. It has shown that shared open space either adjacent or nearby does not replace the provision of attached private open space, especially for families with young children.

² *Breathing Space: The Darebin Open Space Strategy*, City of Darebin, 2018, <https://www.yoursaydarebin.com.au/openspacestrategy>

Communal open space is only useful if it is big enough to provide for required social distancing in a pandemic and big enough to provide a variety of outdoor activities.

5. Number of Bedroom in Apartments

Census data from 2016 has shown that the rate of build of three bedroom dwellings has dropped dramatically and has not and will not meet current or future housing needs. Conversely there has been a glut of two bedroom apartments built, many remaining empty for long periods of time or in use only because they are the only type of dwelling available.

The Darebin Housing Policy 2015³ indicates that future need of three bedroom housing is approximately 27% of new building fabric. The graphic below illustrates the loss of three bedrooms in Darebin from 2011 to 2016. The data is similarly reflected and a number of local government areas in Melbourne. This needs to be addressed.

Change in number of bedrooms per dwelling, 2011 to 2016

City of Darebin

export



Three bedroom apartments allow a greater flexibility of living than one and two bedroom apartments. Residents of three bedroom apartments can range anywhere from one person to at least six. We do not want to see families forced to live in smaller dwellings because that is the only type available and/or affordable.

Bob Birrell and Ernest Healy point out the failure of apartment development in Melbourne (and Sydney) to meet housing needs, *'In our view, the main reason for this outcome is that high-rise apartments do*

³ Darebin Housing Policy 2013 revised 2015, City of Darebin

*not meet the needs of the main source of growth in demand for dwellings, which is coming from families with children. High-rise apartments are simply unsuited to their requirements*⁴

Apartment planning applications should reflect the percentage of dwelling types, by bedrooms that is required in each local government area in order to meet the housing needs in the future. Local government should be able to reject planning applications that do not include the appropriate mix of dwellings. Ensuring the correct mix of housing types in a development also helps create more diversity in the development and helps create more mixed communities in large developments. Providing for families in apartment developments helps stabilize apartment communities and help reduce the transient nature of residents. This helps build community which in turn improves health and wellbeing.

6. Windows

The common practice of lack of provision of windows especially in bathrooms is a poor outcome for the livability of apartment dwellings. Every room in a dwelling should include windows to allow for views of the sky, passive ventilation and cross ventilation.

Lack of passive ventilation in bathroom means running fans to prevent growth of disease causing moulds. Likewise lack of passive ventilation for cooling creates a greater reliance on air-conditioning. This is a poor outcome for resident's health, budgets and sustainability.

Research has shown that views of the sky from rooms helps create better health outcomes through improved sleep hygiene and improved mental health.

The Covid 19 pandemic has magnified the faults of high density living with poor ventilation. An ability to ventilate a living space is critical to keeping residents safe in a pandemic spread via micro-droplets.

7. Green Washing

Apartments sold off the plan have created particular negative outcomes for buyers and subsequent residents when green facilities are promised, though not included in contracts because of their shared nature across multiple dwellings, and then not delivered.

Developers improve their bottom line by increasing the cost of individual apartments in a development with good green credentials, and then not providing what was promised.

There is an appetite in the buyer's market for greater green standards than currently required in the planning provisions. Buyers who seek better standards are not protected by government policy if sustainable infrastructure is not provided.

Higher sustainable requirements is better for the livability of everybody on the planet not just those who live in the high and medium density developments and in the adjacent neighbourhood.

⁴ Page 13, The Australian Population Research Institute, Research Report, July 2018, Immigration and the Housing Affordability Crisis in Sydney and Melbourne, Bob Birrell Ernest Healy

8. Defects

*'More than half of Victorians who live in apartments have reported their homes have unrectified defects, according to a national survey. The Apartment Living Report surveyed 3600 apartment owners nationally and revealed that **54 per cent** of the more than 1000 Victorians surveyed are living in apartments with defects.'*⁵ The study by Nicole Johnson and Sacha Reid⁶, based on 212 building audit reports, found apartment buildings with at least one type of defect was alarmingly high at: 97% in NSW, **74% in Victoria** and 71% in QLD.

Page 59 at 5.2⁷ includes a list of the major negative impacts on resident's health and wellbeing ranging from significant, serious and alarming.

Internationally, the disaster of the Grenfell Tower fire in London in 2017 is an example of poor regulations producing the absolute worse outcome for residents of defects in apartment buildings.

The regulatory environment for the prevention of building defects needs to be improved to prevent the negative impacts on resident's health and wellbeing. The removal of private building inspectors and reintroduction of government employed building inspectors should go some way to reduce conflict of interest and better standards in apartment developments.

A prohibitive fine system for those developers who do not meet the planning and building regulations should have a positive impact on health and wellbeing outcomes for residents.

9. Visual Mass and Street Frontages

A key factor negatively affecting the livability of apartment dwellings in the suburbs has been the increase of visual mass and the creep of frontage to the footpath.

The planning scheme currently allows a new development to come forward to an average position between the fronts of the adjacent dwellings on either side. Over time this means apartment developments creeping forward toward the footpath. With the added increase in height allowances the creep creates overwhelming visual mass to a streetscape. We see substantial front gardens reduced to ground zero to allow for the creep forward and a loss of heritage street frontage.

At a time when we are trying to encourage people to get out of their cars and walk the neighbourhood to improve their health and wellbeing we are also removing the welcoming and protective aspects like cooling canopy cover and inviting street frontages.

⁵ The Urban Developer, Nina Hendy, Tue 17 Aug 21

<https://www.theurbandeveloper.com/articles/owners-report-defects-in-50pc-of-apartments>.

⁶ The Examination of Building Defects in Residential Multi-owned Properties, by Nicole Johnson (Deakin) and Sacha Reid (Griffith), June 2019

<https://www.mopresearchhub.org/wp-content/uploads/2019/06/Examining-Building-Defects-Research-Report.pdf>

⁷ Ibid

Greater set back from the road and footpath allows for more substantial landscaping to reduce noise, improve air quality and allow for passive heating and cooling of new apartment dwellings, leading to better livability and wellbeing of residents.

The planning scheme should be improved to protect street frontages, reduce visual mass, increase vegetation and canopy and support community engagement.

10. Maximum Height limits and Podium Heights

As discussed elsewhere high density/high rise apartment developments are not meeting the needs for housing in our city. Compounding the problem of the poor standard of livability offered by this type of dwelling complex is the tendency for VCAT to override local council decisions to take control of maximum height limits.

VCAT has approved development applications rejected by Darebin Council. VCAT has inappropriately exceeded height limits set in the local planning scheme by introducing the idea of podiums as an addition to the set height limit. Maximum height limits should include the podium heights in the total or we will have the situation of ever increasing heights thanks to increasing podium heights. This makes a farce of the concept of maximum height limits and is a contradiction of the state government insistence that maximum height limits be included in the planning scheme.

To create more appropriate street frontage podium heights in new apartment designs should not exceed average heights of surrounding buildings and must be included in the maximum height limits required in the local planning scheme.

11. Quality of Materials, Fixtures and Fittings

One of the key elements in apartment design that impacts, livability and wellness is the varying quality of materials, fixtures and fittings used both internally and externally.

As discussed elsewhere the need for increased profits for developers has lead to multiple deaths of residents but exterior cladding is not the only area of failure of government regulation.

It is not uncommon for developers to include, in contracts for apartments bought off the plan, better quality materials, fittings and fixtures than they deliver. As this does not usually fall into the role of council enforcement officers the extra cost and the stress of enforcing the contract has a multitude of negative impacts on the wellness of owner/residents.

The impact of poor quality design and materials has a future toll globally because of the increased waste and cost incurred. Poor quality apartment developments will age faster and need constant renewal, upgrade and renovation. This is a very poor outcome for us all.

Regulators need to better protect owners/residents rights through tighter legislation and greater deterrents for developers to ensure they comply with both the planning scheme and contract law.

12. Landscaping

Darebin Council is not the only LGA in Victoria to record a significant loss of green canopy and green space due to the loss of vegetation through the clear felling of trees for housing development. Some

areas of Darebin, specifically those of lower socioeconomic postcodes, have endured the loss of at least 25% of the canopy. This has resulted in an increased heat island effect and poor health outcomes due to higher temperatures in summer. As a result council has had to develop and implement a heat strategy and a tree protection strategy.

VCAT has consistently approved development applications that include removal of significant trees and vegetation to be replaced with tube stock. At that rate canopy cover and the improved health and wellbeing it creates will not be returned for at least a generation, let alone improved.

It is a failure of the planning scheme to disregard the significance of vegetation on the health and wellbeing of residents. Canopy replacement should be at the very least to the same degree as any canopy removed.

13. Car Parking

Car parking requirements in the planning scheme is often traded down in apartment development in an attempt to maximize dwelling build and encourage more residents to use other forms of transport.

A common practice for reducing car parking is to advertise apartments as two bedroom with a study. A two bedroom apartment requires fewer parking spaces but studies are easily converted to bedrooms effectively creating three bedroom apartments without the required parking.

In medium density developments adjacent garages that enter directly into apartments are often converted into bedrooms, forcing parking onto the street creating a more hazardous environment for pedestrians and impacting on waste collection for the whole street.

The use of car stackers, more precisely the non use of car stackers by residents, in an apartment complex has been shown to increase parking in surrounding streets. Parking on the street at a distance from a residential development puts residents at greater risk of crime, health and wellbeing when moving from a locked car to the safety of a locked building.

14. Waste Collection

The common problems around the collection and removal of waste in apartment developments are numerous. If not addressed appropriately these problems create health and safety issues for residents and neighbourhoods.

It is not appropriate, though often seen in medium density developments, that individual dwelling waste bins are stored in garages. Garages are not appropriately ventilated for the purpose and create a risk where residents meet vehicles in the same space.

In high density developments waste collection is often situated at the back of multiple car parks making residents cross entries, driveways and parking spaces to deposit rubbish in either communal or individual bins. These high risk spaces then need to be crossed again on bin night if collection is required from the curb side.

Individual dwelling waste collection means a number of bins, for recycling as well as general waste. There is not always space for all the bins either on site or come collection night on the curb. Long rows of garbage bins on the curb compounds the problem for neighbours who find no space left to place their bins.

Developers are reticent to include properly situated and ventilate garbage spaces in prime real estate space where another car space or, even better, an extra apartment could be placed.

Turnover of residents in high and medium density developments is more frequent than in separate or dual occupancy dwellings. In our hinterland suburbs it is common for furniture, appliance and general waste to be piled on the cube and footpath when an apartment is vacated, creating a hazard that can remain for significant periods before it is cleared by authorities. Taping off the pile of waste is a common practice but this is not sufficient in preventing injury from catching and or tripping.

15. Access

Approximately 18% of the Australian population have a disability, this percentage increases to around 50% for those aged 65 and over.⁸ This means that the longer we live, the more likely we are to experience some form of disability. This also means that with our aging population we will need more dwellings with appropriate disability access and provision.

Retrofitting an apartment complex for disability is costly and it is not clear who would pay for this where it hasn't been adequately provided in the first place. Adequate provision for disabled residents and visitors should reflect the percentage of need in the population including provision for the aging population, somewhere around 33%. Disability provision should not be the sole responsibility of social or public housing. A salt and pepper spread in all development complexes is appropriate.

We have seen an improvement in apartment design with the introduction of government guidelines for disability but still see some failures, particularly in shared spaces. Lifts that can fit a wheelchair also need to be large enough for the wheelchair to rotate and lift buttons need to be at wheelchair height. Waste storage and private storage spaces need to be wheelchair accessible and height.

Provision for disability parking needs to reflect the number of dwellings provided for people with disabilities in each apartment complex, approximately 33%.

First responder access to apartments, or lack of the adequate provision for it, has a very direct effect on the health and safety of residents and visitors to apartment dwellings.

In suburban apartment design we have seen poor access provision relying on narrow one way lanes for access. Where parking is forced onto surrounding streets there is very little, if any, safe parking on the street and double parking of first responder vehicles creates safety problems as well.

Like provision for residents and visitors with disabilities there should be provision for the safe access and parking of first responder vehicles built into the planning scheme.

⁸ *People with disability in Australia 2020*: Australian Institute of Health and Welfare, 2020
[*People with disability in Australia*](#).

Conclusion

The poor regulation of apartment developments for developer profits will end up costing both the residents and taxpayers more due to the increased need for health and wellbeing support.

Clay Fields by Riches Hawley Mikhail is the best example of an affordable, sustainable housing scheme built in an existing village in Suffolk, UK.⁹ Clay Fields consists of 26 affordable homes - nine three-bed houses, 13 two-bed and four one-bed flats for local people. It combines contemporary design, sustainable construction with low energy use and innovative local materials. The landscaping includes four communal green spaces that can be used by both the residents and the neighbouring community: a low maintenance wildflower meadow, a Suffolk-apple orchard, allotments with composting facilities and a kick-around area. This mix of landscape treatments and a series of 'swales' (dips and hollows like those made by medieval ploughing), provide natural drainage to the site which was previously prone to water-logging.

While Clay Fields is not an infill development it does focus on the value of medium rise against the issues created by high rise living. It also shows that quality affordable housing can be produced to include three bedrooms and be healthy places for families to live.

Problems with the development outcomes have been highlighted by DADA and many other community groups for many years. Anecdotal data from those living in the apartments and the neighbourhoods surrounding them should be more valued and respected.

It has been a mantra of the current state government that building and development creates jobs. It has been made even clearer due to the Covid pandemic that building and development creates short term jobs predominantly for men while jobs for women have increased into non-paying, social support roles. DADA may not be the first in calling this a sexist practice but we add our voices to those who see this as inequality of resources that leads to poor health and wellbeing outcomes especially for women.

If this submission has gone beyond the parameters of the inquiry it is because DADA believes that tinkering around the edges of the planning laws will have limited affect on improving livability and wellbeing in the long run.

A wholesale change in thinking and policy development needs to take place at government level. We particularly want to see the removal of housing as a commodity to be traded for profit and a return to the concept of housing as a basic human right.

We look forward to reading the outcomes of your inquiry and hope for better development outcomes in the future.

Maria Poletti

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⁹ <https://www.dezeen.com/2008/11/18/clay-fields-by-riches-hawley-mikhail/>