

12 November 2021

Ms Sarah Connolly MP
Chair, Environment & Planning Committee
Legislative Assembly
Parliament of Victoria
Parliament House, Spring Street
EAST MELBOURNE VIC 3002

[sent via email: apartmentdesign@parliament.vic.gov.au]

Dear Ms Connolly,

**INQUIRY INTO APARTMENT DESIGN STANDARDS – MORNINGTON PENINSULA
SHIRE SUBMISSION**

Thank you for inviting Mornington Peninsula Shire Council ('Council') to make a submission to the Legislative Assembly Environment & Planning Committee's Inquiry into Apartment Design Standards.

It is understood that the Committee's terms of reference are to 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.

Attached is a submission which responds to items (a) and (b) above. Please note that this submission reflects the views of Shire officers and is subject to Council adoption in December 2021.

Thank you in advance for considering this submission. Council looks forward to the release of the Inquiry's findings and recommendations in 2022. In the meantime, should you have any queries regarding this matter, please contact Mr Christian Lynch, Senior Strategic Planner on 5950 1949 or via email at Christian.Lynch@mornpen.vic.gov.au

Yours sincerely,



Claire Dougall
Acting Team Leader, Strategic Planning

Inquiry into Apartment Design Standards – Mornington Peninsula Shire Council Submission

The Mornington Peninsula is a special place, with a unique relationship to the rest of Melbourne. Council's recently adopted *Council and Wellbeing Plan 2021-2025* ('Council Plan') espouses the following shared community vision:

"Welcome (Wominjeka) to the Mornington Peninsula, bound by green spaces and sea.

We honour and pay respects to the Traditional Owners of this beautiful land – the Bunurong people. We also pay our deepest respects to their Ancestors and Elders. We are inspired to protect and enhance our distinct region that values its diverse community, environments and townships. Our community spirit thrives, with safe, accessible and inclusive spaces for all. Together we continue to create a sustainable, vibrant and prosperous future that values innovation and shared compassion."

The Peninsula's sense of place is reinforced by the distinctive built-form character and liveability of its townships. Council is committed to maintaining and enhancing these aspects of the Peninsula, whilst responding to pressures of climate change, improving the environmental performance of buildings, promoting health and wellbeing in the design and operation of buildings, increasing housing diversity and affordability, and enhancing universal access to spaces and buildings for all members of our community. These principles are expressed in a range of Council's adopted plans, policies and strategies. Relevant to the Inquiry into Apartment Design Standards, a key principle within the Council Plan is to "plan and regulate responsible and innovative housing development".

Development context

Importantly, the Peninsula is not a designated 'growth area' under *Plan Melbourne 2017-2050*. Indeed, under the *Mornington Peninsula Localised Planning Statement (Victorian Government, 2014)* ('the LPS'), the Peninsula is to be 'planned as an area of special character and importance with a role clearly distinct from and complementary to metropolitan Melbourne and designated growth areas' (p.1). In this regard, the Peninsula 'will not accommodate major population growth and the existing Urban Growth Boundary and Green Wedge rural area will be maintained' (p.3).

The LPS directs that the Peninsula's townships are expected to accommodate at most moderate and generally low levels of housing growth, with many smaller towns and villages intended to accommodate very limited further development. Further, development within each settlement will be appropriate to the role, function and location of that settlement, and of a type and scale that maintains existing valued character or supports a change to a preferred future character.

These directives are reflected in the range of existing planning controls of the Mornington Peninsula Planning Scheme and have resulted in the Peninsula being

historically dominated by detached lower density housing, with very limited apartment-style development. According to Council's *Housing and Settlement Strategy: Refresh 2020-2036*, apartment developments represent 4.7% of total dwellings within the Mornington Peninsula which is well below the Greater Melbourne average of 14.7%. Apartment-style development is focused predominantly within the Major Activity Centres of Mornington, Rosebud and Hastings and is generally limited to 3-4 storeys as per prevailing mandatory height controls.

The Shire recognises the important role that apartments provide in terms of delivering housing diversity and affordability, creating vibrant communities within townships that have convenient access to jobs and services whilst reducing pressure on other environmentally sensitive or productive agricultural areas of the Shire.

In recent years, the Shire has experienced greater pressure for larger apartment-style developments, particularly within the Shire's Major Activity Centres and larger townships. It is therefore increasingly important to ensure that new apartments are designed to be liveable and that this liveability is sustained throughout the lifetime of the building.

Desired Outcomes for the Inquiry into Apartment Design Standards

Based on the above, Shire officers would generally support recommendations that seek to enhance the following aspects of apartment design:

- Environmentally Sustainable Development (ESD),
- Universal Design,
- health and wellbeing,
- housing diversity and affordability, and
- neighbourhood and township character.

Each of the above aspects is addressed in further detail in the following responses to part (a) and (b) of the Inquiry's terms of reference.

Part (a) Current Apartment Living Standards in Victoria

Apartment Design Standards within the Victoria Planning Provisions (VPPs) are confined to Clause 55.07 (Apartment Developments) and Clause 58 (Apartment Developments). From an operational perspective, Clause 58 (Apartment Developments) has limited application within the Shire as it only applies to apartment developments that are 5 or more storeys in height or located within the Commercial 1 Zone. The Shire has limited C1Z zoned land, and (as previously noted) most development is restricted to a maximum building height of 3-4 storeys under existing mandatory (and discretionary) planning controls.

Most planning applications received by Council for apartments are therefore assessed against Clause 55.07 (Apartment Developments) which applies to apartment

developments that are less than 5 storeys. The objectives and standards within Clause 55.07 address a range of design aspects that concern liveability, including:

- energy efficiency,
- communal open space,
- solar access to communal outdoor open space,
- deep soil areas and canopy trees,
- integrated water and stormwater management,
- noise impacts,
- accessibility,
- building entry and circulation,
- private open space above ground floor,
- storage,
- waste and recycling,
- functional layout,
- room depth,
- windows, and
- natural ventilation.

Shire officers consider that these provisions are generally robust to effectively guide decision-making to deliver high-quality built form outcomes.

Officers understand that the State Government plans to improve the provisions of Clause 55.07 (and Clause 58) under its 'Better Apartments in Neighbourhoods' policy initiative with a focus on external amenity in the following areas:

- provision of communal green space and improved landscaping;
- use of high-quality building facades;
- protection of streets from wind impacts; and
- creation of attractive and engaging street frontages.

Due to be implemented in 2021, officers understand that the following standards within Clause 55.07 will be updated: communal open space, landscaping, private open space and integration with the street. It is also understood that there will be new standards for site services, access and external walls and materials.

Officers support further enhancements to these provisions which will help ensure that apartment developments achieve a high standard of liveability.

Part (b) Improvements that can be made to the liveability in apartments and apartment building developments

In addition to the work being completed by the State Government to improve apartment design standards, officers support any further enhancements to apartment

standards that improve outcomes regarding Environmentally Sustainable Development (ESD), Universal Design, health and wellbeing, neighbourhood and township character, and housing diversity and affordability – each of which impact the liveability of apartments either directly or indirectly. Each of these matters is addressed in turn below.

Environmentally Sustainable Development (ESD)

Environmentally Sustainable Design is aimed at improving the environmental performance of buildings. Apart from obvious environmental benefits, ESD delivers benefits in terms of improved liveability, including with respect to:

- increasing affordability over the life of a building for residents through reduced energy and waste servicing costs,
- improving resilience to a warming climate, by providing greater thermal comfort, and
- improving indoor environmental (including air) quality for the health of building occupants.

The Shire has a long-standing commitment to achieving environmentally sustainable development on the Peninsula, as is evidenced by the breadth and depth of environmentally-based policies adopted and implemented by the Shire over many years. These policies cover a wide range of broad environmental considerations including biodiversity, natural environments and water management.

On 13 August 2019, Council declared a climate change emergency and adopted *Our Climate Emergency Response From 2020 to 2030: Ensuring Our Future (2020)*. This Plan includes strategies that, amongst other things, commit Council to improving ESD built form outcomes as a priority action.

In this regard, Council is progressing an amendment to the Mornington Peninsula Planning Scheme – known as ‘Amendment C232morn’ – to implement a new local ESD policy. The policy aims to integrate environmental sustainability principles into land-use planning, new development and the redevelopment of existing infrastructure across the Peninsula. The policy will require future developments on the Peninsula – including apartments – to implement ESD measures to address a range of matters including energy performance, integrated water management, indoor environment quality, transport, waste management and urban ecology. These measures will inherently improve the design of residential buildings to ensure they provide sustained liveability.

The Shire has also joined with 26 other councils across Victoria under the auspices of the Council Alliance for a Sustainable Built Environment (CASBE) to investigate and develop elevated ESD policy targets by 2022 that seek to achieve ‘net zero carbon development’.

Council is aware that the State Government is progressing planned changes to the Victoria Planning Provisions (VPPs) via the *Environmentally Sustainable Development of Buildings and Subdivisions: A Roadmap for Victoria’s Planning System*. This project aims to improve the environmental performance and design of buildings in response to

the urban growth and climate change challenges facing Victoria. It will seek to further embed ESD principles within the planning system to support environmentally sustainable development outcomes for new buildings, with the end goal of creating more sustainable and resilient cities and towns.

The Shire provided a submission in March 2021 in support of the Roadmap which represents a significant advancement towards facilitating genuine sustainable development outcomes. Council's submission specifically endorsed exhibited VPP policy changes that addressed energy, water, waste and recycling, transport, landscaping and biodiversity, urban heat and air and noise pollution. Council is awaiting exhibition of the planned changes to VPP provisions to provide specific built form design standards to achieve ESD policy outcomes. It is hoped that updates to provisions will address apartment design standards.

Given the above initiatives at both a State and local level, officers would welcome any further related recommendations from the Inquiry that might enhance ESD in apartment design.

Universal Design

Universal Design – otherwise known as 'inclusive design' – is the concept of designing and composing built form environments to be accessed, understood and used to the greatest extent possible by all people regardless of their age, size, ability or disability. Universal Design therefore naturally aligns with enhancing liveability.

The Shire's *Council and Wellbeing Plan 2021-2025* and *Disability Inclusion Plan 2018-2022* seek to ensure that development on the Peninsula caters for a wider range of potential users and allows for the greater flexibility and adaptability of built form to meet a variety of individual needs. The Disability Inclusion Plan specifically promotes consideration and application of universal design within public and private developments across the community with the following key objectives:

- Adopt a Universal Design approach to ensure all new infrastructure builds, retrofits and maintenance of Council owned community facilities are accessible to everyone, and
- Support wider application of universal design principles in the community.

Strategy 1.4.8 of the Council Plan compels Council to advocate for stronger universal design guidance in the State Planning Scheme and encourage best practise for privately owned buildings. Officers therefore welcome any recommendations from the Inquiry Committee that might further imbed universal design principles into the design standards of apartment buildings.

Health and wellbeing

Health and wellbeing are arguably the cornerstones, if not the definition of liveability. As previously noted, officers support the State Government's planned improvement of apartment design standards as part of the 'Better Apartments in Neighbourhoods' policy initiative. Enhancements to standards regarding communal open space,

landscaping, access and private open space standards for apartments will likely lead to improved health and wellbeing, and therefore liveability outcomes for occupants.

It is noted that the Shire's recently adopted *Council and Wellbeing Plan 2021-2025* aligns a range of community's health and wellbeing objectives with land use and built form outcomes. Key aspects include:

- tackling the climate emergency and its impact on health,
- increasing active living, and
- improving mental wellbeing.

Officers would therefore welcome any recommendations from the Inquiry that fulfil Council's health and wellbeing priorities through new or updated apartment design standards.

Housing Diversity and Affordability

Whilst perhaps more of an indirect relationship, designing for housing diversity and affordability is critical to fostering liveability. Apart from the need to increase housing supply, Council's range of adopted policies and strategies recognise the need to facilitate housing outcomes that promote affordability and greater choice and diversity. These sentiments are expressed in Council's adopted *Housing and Settlement Strategy – Refresh 2020-2036*, *Triple A Housing Plan 2020-2030* and *Social and Affordable Housing Policy 2020*. Officers would therefore welcome any recommendations from the Inquiry that seek to promote greater affordability and diversity in apartment design.

Township & Neighbourhood Character

Fostering a strong sense of place has significant benefits for liveability. As previously noted, the Mornington Peninsula's sense of place is reinforced by the distinctive built-form character of its residential areas and townships. Large-scale built form (often associated with apartment-style development) has the potential to negatively impact local character if not designed carefully in a site and contextually responsive manner.

Officers recognise that there are a range of provisions within the VPPs (including Clause 55.07: Apartment Development) that provide guidance in these matters. Nevertheless, officers welcome recommendations from the Inquiry that would seek to further imbed the need for apartment design standards to have proper regard for contextually appropriate design.

It is noted that the *Mornington Peninsula Localised Planning Statement (Victorian Government, 2014)* and *Municipal Planning Strategy* within the Mornington Peninsula Planning Scheme (Clause 02.02) aim to 'value, protect and improve the Peninsula's unique characteristics and its special role that is distinct from and complementary to metropolitan Melbourne'. In this regard, Council has prepared and adopted various Structure and Township Plans (and progressed associated planning scheme

amendments) which seek to ensure built form outcomes respect the prevailing existing or preferred new character of an area, in line with a township's recognised role and function. The built form design objectives of these plans have been implemented through carefully crafted planning and design provisions, including State-approved mandatory built form height and setback controls.

Council is also currently progressing major reforms to the Mornington Peninsula Planning Scheme (known as 'Amendment C219morn') to embed additional policies and controls that better regulate built form outcomes within the Shire's residential areas to ensure new development is responsive to local neighbourhood and township character. The policies and controls are based on Council's adopted *Neighbourhood Character Study and Guidelines 2019* which seek to ensure that the valued characteristics of the Mornington Peninsula's residential areas remain protected while accommodating future population growth and providing housing diversity.

Enhanced apartment design standards that align with this strategic work would greatly assist Council in achieving its goals of ensuring that residential built form on the Peninsula enhances liveability through maintaining a strong sense of place in a localised context.

Conclusion

In summary, recognising strategic work already being progressed by Council and the State Government, Shire officers would welcome findings and recommendations from the Inquiry into Apartment Design Standards that seek to enhance the following aspects of apartment design:

- Environmentally Sustainable Development (ESD),
- Universal Design,
- health and well-being,
- township and neighbourhood character, and
- housing diversity and affordability.

Each of these aspects have both direct and indirect implications for liveability – improvements to which would assist the Shire in realising Council's shared vision to make the Mornington Peninsula a more liveable, sustainable, and inclusive place for all.