

TRANSCRIPT

LEGISLATIVE ASSEMBLY ENVIRONMENT AND PLANNING COMMITTEE

Inquiry into Apartment Design Standards

Melbourne—Wednesday, 24 November 2021

MEMBERS

Ms Sarah Connolly—Chair

Mr David Morris—Deputy Chair

Mr Will Fowles

Ms Danielle Green

Mr Paul Hamer

Mr Tim McCurdy

Ms Cindy McLeish

WITNESSES

Ms Maria Poletti, President, and

Mr Chris Erlandsen, Vice-President, Darebin Appropriate Development Association; and

Ms Tanya Tescher, President, Whitehorse Ratepayers and Residents Association.

The CHAIR: I advise that the sessions today are being broadcast live on the Parliament's website and rebroadcast of the hearing is only permitted in accordance with Legislative Assembly standing order 234.

Thank you, Chris, Maria and Tanya, for joining us here today at this public hearing for the Inquiry into Apartment Design Standards.

On behalf of our committee I acknowledge the traditional Aboriginal owners of this land, and we pay our respects to them, their culture, their elders past, present and future and elders from other communities who may be joining us here today. I also again extend a very warm welcome to any members of the public and the media who may be watching this broadcast today.

This is one of several public hearings that the Environment and Planning Committee will be conducting to inform itself about the issues relevant to the inquiry. Now, before we begin I need to point out just a couple of things to you. All evidence taken today will be recorded by Hansard, and it is protected by parliamentary privilege. What this means is that you can speak freely here today without fear of legal action in relation to the evidence that you give. However, it is really important to remember that parliamentary privilege does not apply to any comments you make outside of this hearing, even if you are just restating what you say here today.

You will receive a draft transcript of your evidence in the next week or so, and that is for you to go ahead, to check and to approve. Corrected transcripts are published on the committee's website, and they may be quoted from in our final report.

Again, Chris, Maria and Tanya, thank you so much for joining us. My name is Sarah Connolly. I am the Chair of this committee. I am also a very proud westie and the Member for Tarneit.

Mr FOWLES: And I am Will Fowles. I am the Member for Burwood, which intersects with part of Whitehorse but is obviously nowhere near Darebin.

Mr HAMER: And I am Paul Hamer. I am the Member for Box Hill.

The CHAIR: Okay. Who would like to start? If you can just start with your full name—

Ms TESCHER: I would like to start, please, because I have to go back to work.

The CHAIR: So Tanya—sorry—just for our broadcasting and Hansard, if the three of you could just say your names into the microphone and who you are representing today, and then I will jump straight to you.

Ms TESCHER: Okay. My name is Tanya Tescher. I am President of the Whitehorse Ratepayers and Residents Association and a previous councillor of the City of Whitehorse. I actually doorknocked about 3000 homes in my campaign, and one of the major issues that people were upset about was the apartment towers in Box Hill, which are now about 35—they are going up to 50, and possibly the government wants them to go up to 70—

The CHAIR: I will just stop you there, Tanya. Maria.

Ms POLETTI: I am Maria Poletti. I am Darebin Appropriate Development Association President.

The CHAIR: Thank you.

Mr ERLANDSEN: Chris Erlandsen, also the vice-president of DADA, Darebin Appropriate Development Association. We have been working together for some nearly 10 years, I would say, trying to improve things in terms of development in Darebin.

The CHAIR: Okay. Thank you. I am going to hand over to you, Tanya, if you can just keep your statement to 5 minutes.

Ms TESCHER: Okay. All right. Basically we asked all our members what issues they considered were important in the design of apartment buildings, and the points that I am going to talk to now are what people have mentioned. I will bring into account something else that has come through since, and that is the pandemic. And I think that it is important to consider in apartment buildings shared areas, because that is a nice breeding ground for delta variant and for a pandemic, and that includes communal laundries—communal areas. They are really important parts, I think, that need to be considered now in terms of transmission of viruses.

The first thing that people mentioned was that apartment buildings should be in keeping with residential surroundings, with a cap on the number of storeys and height, and I believe that I have just mentioned that people are not very happy exactly with what is going on in Box Hill and the towers that are going up. People do not like to have 30- and 50-storey towers being built next to them.

All apartment blocks should have adequate off-street parking, at least one park per apartment, and also a visitor parking area. And I know that this has been taken away by the planning minister in areas where there is transport, but a lot of people do not have transport. They have visitors who need to have appropriate parking. Nurses will not come on public transport, on a train, to visit an elderly person and neither will a carer. They will have their own car, and they need to have somewhere to park their car; otherwise you are going to have lots of parking issues in the area.

At the development applicable stage when plans are available for inspection, placement of services such as fire hydrants, gas and water meters, letterboxes et cetera should be shown on the plans. Currently they are not. The front setback can be filled with monstrous concrete boxes, so obviously people feel that it is important to have that listed on the development application stage so that people know where fire hydrants, gas and water meters et cetera are.

We believe that there should be adequate setbacks from the streets and between apartment buildings to allow garden space and grass, to avoid the concrete jungle look and allow planting of native trees and shrubs. At the moment on Whitehorse Road I note that there are a number of towers right next to each other, so if one apartment tower is right next to the other, the only thing that the person can look at is the next-door neighbour, if they can look into them, and they have got nothing else to look at, and that is not exactly very pleasant.

For adequate setbacks from the street between apartment buildings to allow garden space and grass to avoid the concrete jungle look and allow planting of native trees and shrubs, I think that talks to livability, to landscape and to climate change. We believe that trees in particular are very important. And unfortunately in our area so many trees are being decimated, and I will mention the Mont Albert-Surrey Hills level crossing project and hundreds and hundreds of mature trees being knocked off in the Box Hill Suburban Rail Loop venture.

Grassed areas to allow rainwater access to the earth's crust—we believe that is important; better access to apartments and letterboxes; wider doors for wheelchairs and moving furniture in and out; different colours on brickwork so you have a more design areas to make the place look a little bit better.

Approved building materials must be specified, and we do not want any flammable cladding. I think it is really important to check what the building materials are in the building, otherwise no-one knows what is going on. Access to sunlight is important for the apartments and should be considered for neighbouring properties. That is very important also for people who are living in apartment buildings—that they get adequate access to sunlight. There should be solid shared walls between apartments so you do not have noise travelling between apartments. You do not want to have someone having a big argument or a marital dispute and the next-door neighbour having to listen to it. Room sizes are important for uncluttered living, so you do not want to have little boxes, as has been the case in the city, where you have got barely space for a couch or a bed. Balcony size is important. It needs to be large enough to accommodate space for at least two chairs, a small table and pot plants; otherwise what is the point of having a balcony?

Consideration of safety in case of fire is absolutely essential. That is really essential in cases where you have got 30- or 40-storey towers and there is a fire. How is anyone going to get out, especially if they are disabled and elderly? Ensure that building contractors and subcontractors are fully qualified. Obviously we do not want to have any shonky buildings being built, and unfortunately we have had that happen. Ongoing supervision at

all stages to ensure specified materials are being used and no shortcuts allowed to try to save costs—and I can personally tell you that I know plumbers who have said that they are spending all their time fixing balconies and doing rectification works on shonky buildings. And that is my presentation.

The CHAIR: Thanks, Tanya; much appreciated. Maria and Chris.

Ms POLETTI: Thank you for the chance to speak today and answer any questions you have about our submission. DADA represents residents of Darebin concerned with inappropriate development. DADA was established in 2005 and incorporated in 2016. The impact of inappropriate apartment development has a negative effect on the livability, wellbeing and diversity for which Darebin is known and loved. Successive waves of overdevelopment continue to erode remaining amenity. Areas and streets have become less welcoming, less safe and less activated as a result of this development. Our written submission draws on collective experience: an overview of the negative impact on the livability of our city due to failures of state and local planning legislation. Our experience of negative outcomes of poor apartment design is based on an overview of both medium- and high-density developments in Darebin. We took advantage of the opportunity to share our concerns with the inquiry to cover far-ranging topics and hope that even if some of these fall outside your reference criteria you will consider their inclusion in your final recommendations.

In conclusion, we would like to add that from our experience we know that developers, planners and architects will argue that strengthening of planning legislation will present a brake on unique solutions to apartment design. We call ‘Rubbish’ on this. It is well understood that good architects and designers relish the challenge of working with restrictive criteria, whereas poor architects, designers and developers seek to test the boundaries of legislation to see what they can get away with to maximise yields and profits for the sake of livability, wellbeing and sustainability in the short and long term. If you take anything from our submission, we ask that you do not shy from setting regulations that provide a baseline for minimum standards for better livability in apartment design which cannot be breached or traded off, not even for the sake of getting dwellings built. We wish you good luck in your deliberations and look forward to reading your final recommendations. Thank you.

The CHAIR: Thank you. Look, committee members I know always have a lot of questions. I will just kick off, and I am happy for whoever feels like they want to answer or if everyone wants to have a say. What are you seeing there on the ground in the demographic of people who are currently living in apartments, and who do you think will be the future apartment owners in your LGA?

Ms TESCHER: I would say, well, it varies. It can be young people, it can be older people, it can be people who cannot afford to buy houses.

The CHAIR: As apartment owners or renters?

Ms TESCHER: Well, renters would be young people. Owners would be older people who are moving out of houses to have less hassle, and I would say in the case of Box Hill there are a lot of people who are owning apartments and holding them and they are empty.

Mr ERLANDSEN: I would have to say that in Darebin there is a plethora of one- and two-bedders but a very low number of three-bedroom apartments and that retirees would more than likely need to move out of the municipality in order to find anything more than a two-bed. There are some being built, but it is often just a token, what is it, 5, 10 per cent of an apartment block, and we would say that should be increased.

Ms TESCHER: I would have to agree with what the gentleman is saying—that if you want to get older people to move into apartments, they have got to have more space. If they are coming from a house, if you are going to give them a little box of one or two bedrooms, they are not going to be interested. They need to have more space.

Ms POLETTI: Because since I guess 2010 really there has been a glut of one and two bedrooms being built in Darebin, it means predominantly young people renting or buying or young couples, but I have had experience with young couples then looking to buy larger once they are thinking about starting a family. So I guess that is a major demographic. But low-income earners in Darebin—Darebin is not a place where people who have high incomes want to come and live really, so, yes.

Ms TESCHER: You are not going to have high-income people generally, unless you are going to have retirees who are looking for better, to downsize, moving into apartments. It is generally either younger people renting or people who cannot afford to buy houses.

Ms POLETTI: Yes, I would agree. Retirees also look for quality really. If they are sort of downsizing out of a house into a smaller yard, they are really looking for high-quality development and—

Ms TESCHER: And I think the other thing that has come out of the pandemic is that people do not really want to live in flats anymore. If they can get out of an apartment, they would rather go into the country and get a house rather than stay in an apartment, because just imagine being stuck in two bedrooms with not much else, being locked down for nearly two years, which we have just been through and we may go through again.

Ms POLETTI: And with small children that is also the case.

Ms TESCHER: And working from home and teaching from home as well.

The CHAIR: Tell me, Maria, what do you think is high quality? When you say ‘high quality’, what do you mean by that?

Ms POLETTI: High materials specs. Quality—how do you explain it without saying ‘quality’? So very high quality design and adequate attached open space, which is what you have been talking about, and ground level, maybe with multiple storeys at ground level, or I suppose some of them might go into penthouse apartments way up on top.

Ms TESCHER: They would have to have lift access, but then you have also got the problems that again if you have a pandemic, look what happened to the apartment buildings during the pandemic. They all got locked down. And then people cannot go into lifts. If you have got two or three people in the lifts, you might be passing something on. It is a bigger problem.

Ms POLETTI: Also ‘high quality’ means quite big apartments, not little boxes. So it is about the size of it as well.

Mr ERLANDSEN: Could I add just one other thing on quality? Something that is of concern to us that has been brought about by some residents in townhouses—they are not actually apartments, apartment blocks—if we are talking about quality, we are talking about quality fittings: we are talking about taps, lights, power points, all those sorts of things. Often what is happening is that the developer is getting subcontractors to do the work and they are not using what the specs are asking for. They are not installing the same sorts of standards of quality fittings, and then on settlement day you are left with this sort of fait accompli and there is no comeback, because who do you go to? Do you go to the builder, the investor, the subcontractor? No-one wants to take responsibility.

The CHAIR: Okay. Thank you.

Mr FOWLES: Maria and Chris, in your submission you refer to the change in the number of bedrooms per dwelling. It did not strike me as being particularly dramatic that the number of three beds on offer are being decreased by 3 per cent but there were increases in the other configurations. Did you have any data about what the actual splits were between the products that were coming to market?

Ms POLETTI: I did, but that was our own personal data, and so I thought that the ABS data would be—are you talking about that graph?

Mr FOWLES: Well, no. I am looking at that graph on your page 4, but I was interested to know: you say anecdotally there is a glut of two bedrooms, but do we know how many two bedrooms there are as part of the entirety of the new stock that is coming to market?

Ms POLETTI: Well, I have done that data before to make a point to a CEO in Darebin a while ago. It is on the DADA website if you want to go and have a look at it.

Mr FOWLES: All right. No, we will point our research team in the direction of it. I think that would be helpful. Thank you.

Ms POLETTI: I think it is. The ABS stuff takes a while to come through, so we are really looking to see the new ABS and whether that kind of has changed.

Mr FOWLES: And for you, Tanya, a range of these issues that you raised would presumably have some impact on yield or cost or whatever. What do you say to the criticism that it might adversely impact housing affordability for both renters and owner-occupiers in Whitehorse?

Ms TESCHER: I do not say anything. I think if you are going to build something, it is probably going to affect the profits more of the developers and no-one is looking at that. They are doing very well out of the whole thing, otherwise they would not be doing it.

Mr FOWLES: So you are saying they are doing very well out of it. Do you have a sense of what the returns on capital are or what the risk-adjusted returns are?

Ms TESCHER: Well, the ones who are building would not be building unless they thought it was profitable enough for them to build.

Mr FOWLES: But you do not have evidence for that assertion? It is just—

Ms TESCHER: Well, I am an accountant, and frankly I know that nobody is going to build something unless they think they are going to make a profit out of it.

Mr FOWLES: Well, for example, builders sometimes will pitch for a job at cost or below cost to keep everyone working. That is not unprecedented. I guess I was interested if you had a view specifically about whether they, in your knowledge, were generating outsized returns or particularly large returns or whether in fact there were sort of market norms.

Ms TESCHER: What you are trying to imply is that if we are suggesting that there should be better quality or better things being put into apartment blocks no-one is going to build the apartment blocks.

Mr FOWLES: No. I am asking if you think there is an impact on affordability. You could make any number of criteria about what you want to see in apartment buildings, but I am wondering if there is a connection between what you are seeking in your view and what the cost of the end product will be. Like, if you said, for example, all apartments must be a minimum of 300 square metres, that would have an obvious— to use an extreme example—impact on the cost of delivering that product.

Ms TESCHER: Well, let us put it this way: if you want to buy something, do you want to buy a lousy product or would you rather pay a bit more and maybe have a loan over a longer period of time—interest rates are very low at the moment and probably will continue to be low—and have a decent place to live in? That is the question. Otherwise you are looking at affordable housing, and affordable housing is supplied by the government.

Mr FOWLES: Well, no. Social housing is provided by the government. Affordable housing—

Ms TESCHER: All right. Social and affordable housing.

Mr FOWLES: Yes, so affordable housing is a function of supply and demand and people's incomes. So housing stress is defined variously. If you are spending 30 per cent or 40 per cent of your disposable income on housing, you are deemed potentially to be in housing stress, so that is one function that relates to income. It has nothing to do with the price of rent. But then, of course, rental is the other part of that equation. I guess what I am asking is: is there a point at which you start to lock out lower income earners from being able to access dwellings in these buildings by creating a set of rules that are expensive to deliver?

Ms TESCHER: Okay. Well, my answer to that is that lower income renters are actually going to be looking at older buildings to rent, and that is from my own experience. I lived in an older building, and most of the people who were living there were immigrants who were looking for low-cost housing. People who are looking for lower rentals will look in older buildings where the building probably has even bigger spaces than what is currently being offered but is not as expensive to rent. They are not going to be renting in new buildings.

Ms POLETTI: Can I answer that as well?

Mr FOWLES: Sure.

Ms POLETTI: Firstly, to your assertion that affordability is about supply and demand, I think that that assertion has been pretty well knocked out of the ballpark in the current climate that we have. There are a lot of places that are empty. There is not the demand. It is not dropping the housing prices. Something else has to happen. Increasing quality does not necessarily mean increasing price. It could mean reducing developer profits, though.

Ms TESCHER: That is exactly what I was saying.

Ms POLETTI: But a lot of architects would argue that you can have an increase in quality and not reduce profits, so I think that goes there. And affordability: often affordability is thrown around—it is more affordable if it is cheaper to buy, so therefore a one-bedroom apartment is more affordable than a two-bedroom apartment. But in terms of our council areas, affordability has a very specific meaning, which you mentioned—a percentage of your income. This is another problem we see when we are trying to argue for affordability. In VCAT, for example, there are the two definitions of the meaning being used, and I think we need to be really clear what we are talking about in terms of ‘affordable’. But we would argue in apartment complexes that there should be salt and pepper—you know, social, affordable, a mix of three, two and one bedrooms. All of those things should be legislated to be built in, like they do in the UK.

Mr ERLANDSEN: I think also there is one other element we have not talked about, and that is proximity, the location. If you are talking about the cost of things, most people, I would say, are looking at location, of where to buy before they are seeing what to buy.

The CHAIR: Okay. Paul, did you have any questions?

Mr HAMER: I do. You all talked quite a lot about the aesthetics in terms of the quality of the finishes. Tanya, you talked about building heights and the facades and how they look on the street. You mentioned that the basis of your submission came from member feedback to your organisation. I am just wondering how much of that member feedback is actually from lived experience of people who are actually living in an apartment rather than people who are, say, living on the street where an apartment block might be built.

Ms TESCHER: I can tell you I have lived in an apartment in Box Hill. I am talking from my own experience as well.

Mr HAMER: But as an apartment dweller, as an apartment resident, is the height of that apartment building your biggest concern or how an apartment looks on the outside? From a livability point of view, from the livability of a resident, what are the important bits?

Ms TESCHER: I think it is not just about people who live in the apartments. It is about people who live in the area. For instance, in the Box Hill area there are people who are affected by the heights of other buildings. It is not just about people who live in the buildings themselves. So I think that needs to be considered, and that is why it is important to look at the residential surroundings to see that you do not have things which do not fit into their surroundings.

Mr HAMER: But as this inquiry is looking at sort of apartment design standards, the premise of the question is: for people who are living in those apartments and their experience in the apartments, what is something that is going to improve that?

Ms POLETTI: We have had both, people living in the apartments or buying off the plan, and then the process that they have gone to as well as living in the apartment. So we do have members who have that experience—younger couples who are living in apartments—a whole range. But when we look at planning applications, in DADA we are not only thinking about how it affects us in the community, we very much look at the livability of the people who are going to live in those apartments as they are designed in the plans. That is what we look at first. When we are objecting, we are often objecting about how we think those plans fail for livability and wellbeing for the people who will live in them, not necessarily because they are living in them at the moment but because in the future they might not have anywhere else to live but a very poorly designed apartment.

Mr HAMER: So what would be some of those concerns, in terms of livability? Because in the submission and in your presentation you said ‘Have larger apartments and more rooms’ and those sorts of things, and I think there is an element, as we all mentioned, about the costs if you are starting to talk of there having to be a minimum amount of three-bedroom apartments, for example. So is that there—

Ms POLETTI: Yes, you seem to have picked up on that one point—

Mr HAMER: I know, but I am saying is there some smaller—

Ms POLETTI: which I am very grateful of, because I have been talking about it for years, but in the submission we talked about passive heating and cooling; windows, so that you can see space; attached open spaces. There are a lot of other things that relate to livability and wellbeing for the people who live in the apartments in our submission. So, yes, I think that—

The CHAIR: I can see that. It is quite detailed.

Mr HAMER: Yes.

Ms POLETTI: Yes. And we always are very mindful. The other one I wanted to say was how it affects people with disabilities as well, talking about lifts—

Ms TESCHER: That is very important.

Ms POLETTI: that, you know, they can wheel their wheelchair into but they cannot turn it around, or where the buttons are where they cannot reach. Apartments that, you know, they can wheel their—

Ms TESCHER: Or the entrance has to be wide enough for them to go—

Ms POLETTI: Yes, wheel their wheelchairs into it but cannot turn around.

Ms TESCHER: Not only wheelchairs. It is walkers as well. Because as people get elderly they have all sorts of issues as well.

Ms POLETTI: Yes. So that is under ‘Access’ at 15. So I think we covered 4, and we are always looking at—

Ms TESCHER: And our members do live in apartments. So we are not talking about people who are living in houses. This has come from people who have been living in apartments and things that they feel are important.

Mr HAMER: Good.

The CHAIR: Okay. Is there anything else that you want to tell us today, if we are going to make changes, that you are like, ‘These are the top three that you need to do, or do better’?

Ms POLETTI: Only three?

The CHAIR: Well, I mean—

Mr FOWLES: Well, maybe we will phrase it another way. If you were the government, what would be your top priority?

Mr ERLANDSEN: Now you are going down to one.

Mr FOWLES: Yes, not by accident.

The CHAIR: We got the three bedrooms.

Ms POLETTI: I would make the top priority really broad, and that is that idea of whatever you put in the planning scheme not being able to be traded away. So if you are developing, as I said earlier, really good criteria or objectives and standards in your planning scheme, they should work as a baseline. And, you know, if

you want good quality, then you work above that, but they should show a baseline for good livability and wellbeing for the people who are going to live in those, and none of those aspects should be able to be traded for something else.

The CHAIR: Traded for cost.

Mr ERLANDSEN: It is not even cost.

Ms TESCHER: Are you talking about social housing?

Ms POLETTI: No, no. We are just talking about—give us an example—a storey limit traded for car parks, for example, or car parks traded for private open space.

The CHAIR: Okay. What about you, Tanya? What was your—

Ms TESCHER: I think they are all important, so it is hard to work out which one is more important than the other. But I do believe—I agree with the other people here—that it is important to have enough space, and I think that has been highlighted very much. And I can tell you that I have spoken to apartment dwellers, and during the pandemic having very small spaces to live in really highlights lack of livability and wellbeing.

The CHAIR: Okay. Thank you. I do not have any other questions. Committee members? Chris, Maria and Tanya, thank you. Thanks for taking the time this afternoon and for coming in and talking to us. Your submission was great. I hear you.

Ms POLETTI: Thank you very much.

The CHAIR: Our final report will be tabled in June 2022.

Committee adjourned.