

Keir Delaney,
The Secretary
Legislative Council Environment and Planning Committee
Parliament House
Spring Street
Melbourne VIC 3002

Dear Keir,

I wish to submit a single issue for consideration of the Legislative Council Environment and Planning Committee undertaking the Inquiry into Environmental Design and Public Health.

Borrowed Light or Borrowed Gloom? Internal Habitable (bed)rooms in higher density apartments – loopholes in the Building Code of Australia and associated Victorian legislation and regulations.

I have become increasingly concerned over the last five years of the number of new high density residential developments that are providing apartment bedrooms without windows to the outside world. Although there are a number of existing guidelines at state and municipal level that discourage the practise, there seems to be an increasing proportion of internal bedrooms provided in new high density developments across Melbourne.

This design outcome appears to becoming accepted by municipalities further from the CBD where the problem first emerged. Recent advertisements and associated floorplans for apartments in Brunswick, Moonee Ponds, Travancore, and even Surrey Hills suggest this problem is now spreading to new dense developments as part of accepted standard design and building practise.

This may seem to be a minor issue given the broad terms of reference given to the committee. However, I believe this issue is relevant to a number of considerations asked of the committee.

1. There is research that suggests bedrooms without natural light and ventilation are not elements of the built environment that promote health and well being.
2. There are design and planning regulatory improvements that promise achievable opportunities to improve existing and future health outcomes in Victoria.
3. This loophole in the Building Code of Australia and it's superseded Victorian regulatory predecessors has been increasing exploited and accepted over the last 20 years of private development in Victoria – it may well have crept into the public housing sector, but I am not aware that public housing design standards have fallen to these depths yet.
4. The committee is an effective and suitable mechanism to assess and determine the benefits, costs and appropriate process to influence planning and design legislation, regulations and guidelines for health and other considerations and:
5. The committee can make recommendations as it sees fit to address this issue and other planning and design issues through existing or amended legislative instruments.

The Building Code of Australia (BCA) objectives are supposed to “safeguard occupants from injury, illness and loss of amenity.” The relevant section of the BCA, F4.3 allows natural light to be borrowed from adjoining rooms under certain conditions, related to transmission of light etc... in certain types of buildings. The Victorian building and planning legislation has generally deferred to the BCA since 1997, although the Victorian Parliament have made particular legislative and regulatory changes such as more specific bushfire design controls in May 2010.

This problem primarily applies to Class 2 buildings. These are generally the large residential apartment towers, although it appears that some low-rise developments are now also exploiting the loophole to design and build internal bedrooms in Melbourne’s suburbs. This is a growing challenge. The underlying premise should be challenged where it leads to diminished amenity and health outcomes for Victorians who live therein.

I am not absolutely opposed to a well-designed studio or one bedroom apartment having a “bedroom” that can open up to the main living area and “borrow” the natural light and ventilation. There are a number of re-developments of existing and heritage building stock where this has been successfully achieved in the City of Melbourne. However, I have also seen it appallingly done, where natural light and ventilation amenity considerations were not addressed.

Only a city block away from the Victorian legal precinct is a large office block that lay vacant for many years before it was converted into apartments. A decade ago, I inspected these apartments to see if they were worth acquiring, but in the order of 2/3 of the bedrooms were internal bedrooms borrowing light from hallways and living areas. Yet in addition to the majority of the “bedrooms” being internal, this complex has current issues with overcrowding according to their last annual Owners Corporation Report. While the BCA loophole enabled conversion of existing buildings which should be supported, the execution in this development has ongoing amenity and health consequences.

Now it seems that now many new apartment buildings are designed and approved using the BCA loophole to build new apartments with internal habitable rooms, usually marketed as bedrooms. I am concerned this will have ongoing public health consequences for the thousands of existing and future Victorian occupants.

Last year, looking at a building under construction in the A’Beckett St precinct, a keen salesman suggested I could turn a one bedroom apartment into a three bedroom apartment with a bit of a creative approach. Given that the “bedroom” was already internal with glazing to the hall, following this dubious advice would have meant that two of three bedrooms were internal, and there would have been an internal living area with no natural light or ventilation.

These instances and others motivate me to bring this issue to the attention of the committee. Melbourne already has thousands of existing or under-construction apartments with internal bedrooms. Given the population and development projections for metropolitan Melbourne, use of this loophole for new buildings will impact on tens of thousands of Victorians if the issue is not addressed.

Having only recently stumbled across the inquiry and its initial deadline of June 30, this submission is rudimentary in form.

If this issue is to be further considered, I would be pleased to prepare a more detailed response and evidence in a public hearing. If this issue is not to be considered by the committee, I would like to be notified, so that I can find another more appropriate forum where this issue may be considered and addressed.

I look forward to your response,

Alex MacLeod