

TRANSCRIPT

LEGISLATIVE ASSEMBLY ENVIRONMENT AND PLANNING COMMITTEE

Inquiry into Apartment Design Standards

Melbourne—Wednesday, 16 February 2022

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

WITNESS

Mr David Islip, Principal Adviser, Urban Design and Architecture, Office of the Victorian Government Architect.

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

David, thanks for coming in and joining us today at this public hearing for the Inquiry into Apartment Design Standards.

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

This is one of several public hearings that the Environment and Planning Committee is conducting to inform itself about the issues relevant to the inquiry. Before we begin I need to point out a couple of things to you. All evidence taken today will be recorded by Hansard, and it is protected by parliamentary privilege. What that means is that you can speak freely here 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 that you make outside of these hearings, even if you are simply just restating what you said here today. You will receive a draft transcript of your evidence in the next week or so to go ahead and check and approve, and corrected transcripts are published on the committee's website and may be quoted from in our final report.

Welcome again, David. I will get the committee to introduce themselves and then we will hand over to you. My name is Sarah Connolly, and I am the Chair of the Environment and Planning Committee and the Member for Tarneit.

Mr MORRIS: I am David Morris, the Member for Mornington and the Deputy Chair of the committee.

Ms McLEISH: Cindy McLeish, the Member for Eildon.

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

The CHAIR: David, if you can state your full name and your position for Hansard, and then if you have a 5-minute presentation, whether you have got something for the screen or whether you just want to talk to us, and then we will just jump into a discussion and ask some questions.

Mr ISLIP: Thanks, Sarah. My name is David Islip. I am an architect and Principal Adviser in Urban Design and Architecture in the Office of the Victorian Government Architect in the Department of Premier and Cabinet. I was initially involved in the Better Apartments workshops back in 2013 and then more closely from 2014 within our office alongside Geoffrey London, the previous government architect, and also senior adviser Tom Alves, who was in the role until June 2016, with the *Better Apartments Design Standards* being released in December 2016. The OVGA submission was prepared by the current Victorian Government Architect, Jill Garner.

I think it might be helpful for the committee if I just explain who we are, the OVGA. We are a small team of professionals. We are architects, we are landscape architects and we are urban designers. In the past three years the OVGA has been involved in 452 engagements across whole of government, 187 unique projects, including 152 Victorian design review panels. We operate across metropolitan Melbourne and also regional Victoria, and the total value of projects to which we have provided input and advice would exceed \$25 billion based on a report by SGS. We provide leadership and strategic advice to government about architecture and urban design, we collaborate across government to build capability and we advocate that architecture plays a crucial role in sustaining and enhancing the wellbeing of individuals and communities in Victoria.

We advocate that good design is not just about the aesthetic improvement of our environment, it is as much about the improved quality of life, equality of opportunity and economic growth. The design quality of our housing is central to how we live from the single detached house to the central city apartment and how well our

neighbourhoods and communities actually work. Housing provides us with shelter and a place to rest and offers safety, security, privacy and personal space. A good home is essential in a society that is healthy, inclusive, equitable and economically productive. The OVGA welcomes this inquiry as a result.

To help the committee, I would really like to cover three areas firstly with you. I would like to initially set the scene historically, then I would like to review the issues arising and the unintended consequences from the standards and then finally I would like to talk about setting the bar higher.

Firstly, the history. It is worth noting that prior to BADS Victorian planning provisions did not address specifically the design, the amenity or the performance of apartments. The National Construction Code was the only regulation governing the design and amenity of apartments as class 2; for example, room height, acoustics, natural light, ventilation and energy efficiency. Quality was significantly impacted by a market-led outcome focused on yield and return, and many local governments at the coalface were struggling with the quality of apartments being approved—specifically Moreland, who came up with their own design standards, the City of Port Phillip, at which I was an adviser, and the City of Melbourne.

From 2013 the OVGA investigated the design quality and residential amenity of multi-unit housing. It was informed by reference and working groups which included representatives from DELWP, the City of Melbourne, MAV, the Planning Institute of Australia, the Property Council of Australia, the Australian Institute of Architects and other key stakeholders such as Victoria Police. There was a response at the time to the lack of density controls also around areas such as Southbank, where four times the density was being allowed in comparison to Hong Kong, New York and Tokyo, based on a report by Leanne Hodyl.

In 2014 the OVGA commenced a draft for new design apartments, and in May 2015 the OVGA worked with DELWP as a project partner and released the *Better Apartments* discussion paper. What this paper outlined was effectively the key issues that we were seeing related to the design and amenity of apartments, which included single-aspect south-facing apartments; saddleback bedrooms with narrow light corridors, often referred to as snorkel bedrooms; inboard bedrooms similar to what you might find in a different class of buildings, such as hotels, which were reliant on borrowed light from the living area; close proximity to adjoining development; incredibly long internal corridors with no natural light, no views out or in or ventilation that was natural; too many apartments per level; air conditioning on balconies; deep floor plans to kitchens; a lack of adequate natural ventilation and also, specifically, a lack of cross-ventilation.

Following the discussion paper over 1700 people—this was a public survey—responded, and in 2015 those results were compiled together with 145 written submissions. Our intent was to listen to what the public had to tell us. The OVGA supported other initiatives such as the Robin Boyd Foundation Exemplary Apartments Open Day in 2015, which provided the public with an opportunity to see firsthand how important design is in creating good amenity. Interestingly, at this stage we noticed that the market had started to adjust to the impending standards, with some developers raising floor-to-ceiling heights from 2.4 to 2.7 metres in the expectation that the 2.7-metre standard would be introduced. The standards, known as clause 58 of the BADS, were released in December 2016 and the OVGA recommended that DELWP review the standards on a regular basis to assess their impact and efficacy. The OVGA continued to provide advice on the apartment design guidelines and they were released in 2017, so that was the supplementary piece that showed how to go about the design issues.

The OVGA continues to provide advice to DELWP on the standards and the Future Homes project to demonstrate better outcomes, which DELWP are able to speak to, I hope, this afternoon as well. We continue to undertake independent design review on multi-residential projects where DELWP, or even occasionally a local government, is the regulatory authority. That is through our design review panel. So we do not just look at state projects, we also look at local government. We also provide feedback on proposals for Homes Victoria with the \$5.3 billion big build across numerous sites. Anecdotally the OVGA can report that there has been a significant improvement in general amenity since the introduction of BADS in 2017.

I would now like to talk to my second point, which is about the issues and the unintended consequences. I am going to specifically speak to two of those. The first of these is building separation. It is critical that the standard and metric for building separation is understood to be important, given the interdependencies of sunlight, daylight, privacy, outlook, acoustics and cross-ventilation. An apartment's frontage is its principal and frequently only source of daylight and natural ventilation, especially if you are a single-aspect apartment. The

amount of space that there is beyond the apartment frontage and the extent open to the sky will affect daylight and sunlight levels within the dwelling but also the quality of outlook from inside. Any metric would need to be tested to ensure adequate daylight, but we did do that exercise as part of the development of the standards. There is no disincentive in the BADS regarding south-facing apartments, as detailed in SEPP 65 which limits south-facing apartments to only 10 per cent. This has led to a reliance on privacy screens and at times obscure glazing. This impacts daylight provision and outlook. And there is a more restrictive approach, with New South Wales, WA and Singapore including specific quantitative setback metrics, while Auckland and London will provide guidance only.

The second aspect I would like to talk to is size, which has been hotly contested. Do we need to have minimum sizes for apartments? This was in fact the second most important issue raised through the consultation from the DELWP survey. It is critical to understand that size delivers a baseline for amenity and the apartments to ensure that they actually are fit for purpose. Minimum sizes protect the public from the worst of the worst. While the standards address bedroom sizes and living areas, this has led to limited space for kitchens, bench space, dining areas and also laundries. It is important to note that minimum apartment sizes are specified in New South Wales, WA, Auckland, Dublin, Edinburgh and many cities in the States, including Portland, New York and Chicago. Based on the 2015 DELWP survey, 76 per cent of respondents agreed or strongly agreed there should be minimum apartment sizes to ensure apartments have reasonable-sized rooms and storage.

The amenity, design and size of apartments and open space has become more pronounced during the global pandemic. During lockdowns the size of an apartment was even more critical, whether for having to work from home or finding an opportunity to exercise or get fresh air. Avoiding spread of the virus with access to natural cross-ventilation and sunlight was critical. It is important to note that pandemics are a spatial problem—how one space relates to another, how rooms flow into each other, how they are connected by corridors and how their volumes interrelate. To ensure adequate air quality standards, they are incredibly critical. For example, encouraging cross-ventilation, higher ceilings and also external corridors can minimise the transmission of airborne diseases. Design has to work together with the science.

So how do we raise the bar and what is the way forward? There are a number of key benchmarks for government in terms of regulation, which include New York, Vancouver, Tokyo, Hong Kong and Seoul, who all regulate apartment quality, typically with a minimum apartment size and also windows to habitable rooms. There is the *London Housing Design Guide* in the UK. There is also the work that is being done in WA, where 60 per cent of apartments are required to be naturally cross-ventilated; in Victoria it is only 40 per cent. Then we have the examples of Nightingale projects, Nightingale 1 and 2, and the Commons. It is of interest that the Nightingale 2 project reached a NatHERS rating of 8.7. The NCC is proposing a rating of 7. There is also the Robin Boyd Foundation's Exemplary Apartments Open Day, which helps people to experience what good design is.

Introducing standards for the design of apartments did not result in the sky falling in. It was our advice that introducing the standards at an even higher level of intervention would have delivered a net community benefit and be economically justified. Remember that the standards are and only ever have been a minimum. The OVGAs asserts that if you provide greater certainty, the market will adjust rather than contesting discretionary guidelines, which can lead to an ambit claim for yield and profit at the expense of livability. Apartments need to be understood not as a product but as homes for over 500 000 Victorians, if not more. They are not spreadsheets in the sky. A well-designed apartment can, however, offer investors better rental returns, retain tenants and result in less churn.

In conclusion, average or minimum is not good enough when it comes to livability of apartments in our regions and in our cities, as once these developments are transferred into multiple ownership, opportunities to improve them are significantly diminished. When we talk about livability we need to understand that livability is not the result of economic prosperity, rather it is the condition for it. Apartments are long-term building stock. Regardless of whether we are an investor, an owner or a tenant, as a state the OVGAs asserts that we should aspire to best practice standards for livability.

The CHAIR: Thanks, David. That is a very powerful opening statement. I have got lots of questions, so I am just going to start with one that hopefully will be nice and easy. Where do buyers, and investors even, go? If you have just got a buyer off the street, they are getting into the home owner market, they are looking to buy an apartment. How does that person know what good quality apartment design is? How do they know what having

a privacy screen will do to an apartment facing, say, south, and what that will actually mean for their standard of living inside that apartment? How do they educate themselves? Where would they go to find out this information?

Mr ISLIP: Yes, look, I think that is a significant issue. How is the consumer protected? Where do they go to get that information? When we were doing our consultation work for the *Better Apartments Design Standards* every developer we spoke to said, 'Do not buy off the plan'. In fact it was a question we posed to them, 'Would you recommend to your mother that she buy an apartment off the plan?'. Not your mother-in-law but your mother. The issue here is that often the public can be seduced by European fixtures. They can be seduced by benchtops. They can be seduced by the different types of finishes that they have got for their cupboards or the Euro appliances, their ovens, and at times that is all they see. You have to understand that not everyone can read a plan.

We have seen this happen even within government. We have been presented with plans that show a bedroom where the developer has shrunk down the size of the bed, a double bed with bedside tables, to give the impression that that space is actually bigger than it is. It is a key challenge. I think consumer protection in that space really needs to be lifted, because I really do have concerns for people who buy off the plan and then they get themselves into a position where what has been seen in terms of the actual approval for that development gets translated through the construction process. It might be a novated contract whereby the particular finishes might be changed or there is substitution of materials, which as we know has been a problem in the past, whereby there have been modifications through that project, whether it is value management or cost cutting, that the actual apartment they get may not be what they expected. The questions they need to be asking are around, 'Where's north?'. Classic line: where is north on the plan? 'Where does my sunlight come from? What is my amenity? What is going to happen to the site next door?'. Say, for example, on St Kilda Road—a lot of the apartment buildings are very close together in terms of building separation not being considered properly. So 'I am going to buy this apartment. I am going to move in and within 12 months am I going to be looking out onto a blank wall?'

That is an incredibly important issue that you raise. I am reflecting back. There was an actual exhibition that was on at the NGV back in 2020, which was called *White Walls*. It was by a Swiss architectural firm called BTVV. You went into this space and all the kind of proportions of the room were twisted and changed because it was making the point that people do not understand scale and human scale. So 'What does it mean for me whether I am in a 2.4-metre ceiling height or a 2.7-metre ceiling height? What does it mean when there is an air conditioner on my balcony when I walk out there and it is going and there is noise from other air-conditioning units? What is the overall impact, the cumulative impact, of the amenity of the apartment that I am buying, which I am just seeing off the plan? Then when I walk into it on day one am I getting what I have actually paid for', and I think that is a key challenge.

There is an interesting website called Cat Swing, which is about asking the question, 'Can I swing a cat in this space?'. It is in the UK. They worked out that the length of an arm is 2½ feet and the length of a cat is 2½ feet, so that space is about 78½ feet² in area. They worked out, 'Okay, this is my postcode'—so it might be Kensington, for example—and for that space what it is going to cost to live in that space is within the order of, I think it was, £158 000. So understanding space, what it is to live in, will my furniture fit in this space and is it fit for purpose? They are the key questions that I think consumers are really challenged with in understanding what they are purchasing. I think greater consumer protection is highly recommended. It is understanding what you are getting.

The CHAIR: Just in follow-up to that before I hand over to my colleagues, is it reasonable to, from the points you have just made, expect innovation and improvement to be market driven by the buyers, whether you want to live in it yourself or whether you are an investor? And the expectation of many players in the industry saying that the market will drive the innovation and improvement—do you think that is a true or false perception of how we can improve and innovate in the market in apartment design?

Mr ISLIP: Look, I think you have to set the bar somewhere. You have got to deal with the minimum standards, and really what we were seeing back in the early 2010s was not good enough—issues around mould, a lack of light, poor ventilation and just even the quality of build. It has to be a balance. It is like a two-edged sword, where on one side you have got the prescriptive nature of it, and then on the other side you have got more the kind of loose performance aspects to it. I think ultimately it boils down to what the values are that that

developer brings to that particular project. Far too often we are seeing phoenixing, whereby a company will do a development, they will sell it all off, move on, and then they will start up somewhere else. I think that is not a good sign of the way in which apartments are delivered. It is critical that the values that that particular developer brings to that development understand that you can bring innovation.

There has been a lot of work done by the Nightingale group, with architects banding together and deciding to set the profits at a certain level to deliver apartments that speak to quality of life, to community, and limiting them to typically around 40, because that was defined as being a good sweet spot for a sense of community—and to understand that you can do that in the middle-ring suburbs. It is not just the middle-ring suburbs where we see a need for better outcomes. If you go back to the original discussion paper that our office put out together with DELWP, the examples that we had in there, which were kept confidential to protect the guilty, were based on a regional example. They were based on one of our major regional cities. It just shows you that if you do not have that benchmark in there—BADS had not come in at that stage—that baseline, the market will deliver, but there is also an imperative on markets to create profit and yield. We were seeing a lot of apartments happening in Melbourne through that whole period where there was more than detached housing. I think you also see it in New South Wales, where there are a lot of apartment buildings certainly happening in that space, but because of SEPP 65—it sets a bench line which is probably higher than Victoria, we would assert—that then helps to protect the amenity to a greater level. So I hope that answers your question.

The CHAIR: It does.

Mr ISLIP: But I think it gets back to what the values are that the developer brings to that project, because often while the architect can hit the table and say, ‘Look, that’s just not going to fit’ or ‘That’s not where you put the laundry; don’t put it right in the middle of the living room’—which is what we have been seeing on some of the social housing projects that we have had to review, in middle-ring suburbs, mind you—we have to kind of draw the line somewhere and say, ‘What are the values you want to bring to this apartment development?’. And you want to be proud of what you have delivered so your reputation is protected into the future and so you have a brand associated with the quality of your apartments.

The CHAIR: Thank you. David.

Mr MORRIS: Thanks, Sarah. I am just interested whether swinging a cat was a permitted use in the zone, and did they have a permit for it? Because the sorts of establishments that generally swing cats you are probably not going to want in a residential building.

You were talking about the London guidelines. Unfortunately I do not have the papers from yesterday with me, but I did read somewhere in one of the submissions of the groups we were speaking to yesterday—I think it was an option in terms of aspect—one of the performance measures was actually having dual aspect. Is that something we have considered?

Mr ISLIP: So you are talking about dual aspect for an apartment?

Mr MORRIS: Yes.

Mr ISLIP: That is something that is certainly encouraged. An example of that would be you have your apartments and the dual aspect would be—if you have got the capacity—it is a single-loaded corridor. So by that I mean: if you have been to most hotels, you would have walked into the corridor and it is either side of you the whole way along. If I was to use an example that would be in Melbourne—and this is going back to 1960, mind you—there is a building designed by Robin Boyd, the Domain Park apartment building from 1962, and that is a single-loaded corridor. So that is on Anderson Street, up near the botanic gardens.

Mr MORRIS: Yes, I walked past it yesterday.

Mr ISLIP: Yes, so those apartments there effectively have got two aspects, because you can bring air in from one side of the building and out the other. If it is a double-loaded corridor, you do not have that opportunity. The other instance where you find a double-aspect apartment is when it is a corner aspect. The way you try and ensure you maximise that opportunity is not to have too many apartments per lift core. So typically on a floor plate you might walk out these days and you might find in the order of anywhere from, say, 20 up to even sometimes 30—depending on how long the corridor is—apartments off that single corridor. In

New South Wales they try and limit it to actually eight apartments off one lift core, and what that does is really help to ensure that you are not having lots of what sometimes have been referred to I think as dogboxes; you do not want to have lots of those single-aspect apartments facing south. So in New South Wales they do two things: they limit the amount of apartments off a long corridor, and they try to limit them to eight per lift core; the second thing they do is they limit the number of apartments that are facing to the south, where they receive no sunlight and they only get reflected daylight, to 10 per cent.

Mr MORRIS: And is that something worth exploring?

Mr ISLIP: Absolutely. I mean, we have had that on the table from day one from our office, asserting that that is good design.

Mr MORRIS: If I might, I might just go on to the second point in your conversation about minimum sizes and the fact that New South Wales, London and so on have minimum sizes. The stock that has been constructed over the last decade—do we have any idea of how that compares with the minimum sizes that are laid down in these codes in other jurisdictions?

Mr ISLIP: Look, it varies. If you were to go back to the earlier example I mentioned, the Robin Boyd apartments, they were great sizes. Over time things have shifted—

Mr MORRIS: I was sort of thinking of 2010 on, when we had that boom in construction, and how that stock compares with a reasonable standard.

Mr ISLIP: So it is a lot smaller. We are seeing in the order of, say, 35 to around 40sqm, if not less, for a single-bedder. That becomes an issue, certainly around getting quite small, because what it starts to do is limit your opportunity for that particular space: how you do the arrangement, how you actually innovate within the area you are allocated. If I were to give you an example currently today, if you had a two-bedroom apartment based on BABS, one of those bedrooms would have to be a 3 by 3.4 metres from memory—I am doing this off the top of my head; the other one could be 3 by 3 metres. Now, if you have got a professional couple who are working together in the city and they have decided to cohabit and share that two-bedroom apartment with their own bathroom, one of those bedrooms is not going to be sufficient to fit in a king-size bed and a bedside table, in my mind, once you do the maths around furniture layouts. And so I think this is where it becomes critical. Once again getting back to the consumer, if you cannot see the furniture in those spaces at the correct scale, not a deceitful scale, you are challenged.

Some architects are divided on this issue, but architects should be able to innovate regardless of the context they are provided. Design should be able to work with a minimum apartment size, and that is happening in Sydney. We have got a different set-up here in Victoria, but you can still innovate within those parameters. But we would argue that you have got more licence to innovate if you just set a benchmark for the entire apartment itself rather than just limiting it to a bedroom and the living room, which is what happens in Victoria. The perverse outcomes of that are that we end up with a situation where we have kitchens pushed right to the back of the apartment. Typically you have to have a light on all day, because it is 9 metres deep into the apartment. They can go to that depth. In New South Wales I think it is 8 metres. The other issue you find is that you are ending up with not sufficient bench space, and this is something we have been advocating for in social housing that we have seen. Effectively by the time you have put in your sink, you have got the fridge in, you have got the benches in and the cooktop, the rangehood and everything else, your ability to prepare food—you do not want to be doing it on your kitchen table.

Mr MORRIS: Yes, exactly.

Mr ISLIP: And that is how it is often pitched. Dining-kitchen areas are not allocated space under our current standards. We are finding that laundries are ending up in the middle between a living room and the kitchen itself, so there are some challenges around that. Getting back to your question around minimum sizes, I think that there is a lot more sense in that. In terms of going to an apartment in New South Wales, it is a different experience because of that.

Mr MORRIS: I am aware of time so I will just finish off here. The single bedroom one that you were talking about, what is the New South Wales standard minimum size?

Mr ISLIP: For a single bedroom in New South Wales, it is 50 square metres.

Mr MORRIS: Okay. It is a bit different to 30, isn't it?

Mr ISLIP: Yes, that is right. I am not saying that there has been a standard set here yet, but as I was saying before, BADS came in we were seeing some fairly mean, what some call, dogboxes in terms of apartments. That is why that benchmark needs to be set. The bar had to be lifted at that stage. So a one-bedroom is 50 square metres, a two-bedder is 70 square metres and three bedrooms is 90 square metres.

Mr MORRIS: Thanks, David. Thanks, Sarah.

The CHAIR: Cindy.

Ms McLEISH: Thank you. Firstly, I do want to acknowledge that you are very passionate in the way you speak. It is really great to actually hear what you are saying and how passionately you believe in what you are saying. It is terrific. I want to talk about light and sunlight. You are looking at sunlight not light in best practice?

Mr ISLIP: With sunlight, it has to be understood as being different from daylight. The key challenge that we have seen is that with daylight there is a proposed metric that we had put on the table when the standards were being developed to ensure that you had in the order of 3 hours of sunlight on a building in the middle of winter to 70 per cent of those apartments. That was critical. We have done a lot of work around the evidence base. We have got a publication on our website, which is called *The Case for Good Design*, and in it we look at housing. You find that with the evidence that has been done around depression there is a high incidence of depression in apartments that are not well lit, and there is also a higher incidence of falls as well in apartments that are not well lit. We believe that it is really important to introduce a really strong metric around sunlight, and daylight is a different factor in terms of it being reflected light. If you have a balcony—

Ms McLEISH: South facing is also daylight.

Mr ISLIP: Yes, that is right. Correct.

Ms McLEISH: I have a very, very large south-facing window at home, and it is great light.

Mr ISLIP: Yes, exactly. It depends on what is next to your building to the south. So if you are a south-facing apartment, if what is next to it gives you that—

Ms McLEISH: Farmland.

Mr ISLIP: If you get some reflected light, it is great. But with apartments there has been a significant issue certainly around—it is actually a combination of ventilation and sunlight to address issues of mould, which has become a big issue in some apartments.

Ms McLEISH: I believe so. East and west light is good, that sunlight?

Mr ISLIP: Yes, absolutely. The advantage of east and west is that you know for certain that at least your apartment is going to get direct sunlight at least at some stage of the day. Often you will find that a lot of apartments are either east or west facing. While north is ideal if you are double loaded—so that example I was referring to earlier, the Robin Boyd building from the 60s done by Lend Lease—it really is such a critical part of amenity to have sunlight and daylight. It is very scientific, and it is not architectural—we rely on consultants to do that work—but there are daylight factors that get introduced. So, for example, there are certain councils in Victoria, such as Moreland, who introduced daylight factors, and there is also CASBE, the organisation who deals with advocating for good amenity and sunlight and daylight to apartments as well.

Ms McLEISH: So a building next door that shadows should not be approved if it cuts out somebody's existing sunlight?

Mr ISLIP: Well, that gets back to my earlier point around building separation, and that is why those metrics are really critical. They do have them in New South Wales as a kind of a minimum benchmark, and what we are finding is that certain local governments have to bring in their own building separation metrics to deal with that issue. I was up in Newcastle recently, and there is a precinct up there called Newcastle East. And that was

really interesting to review because what you find is that that was a precinct where it had one architect as a kind of master planner for the site and then three other separate architects who then worked on each parcel of land to ensure that amenity was protected. So it was a more holistic level of design thinking that was brought to the table, and it has led to some really good results there, including working with heritage buildings and adapting with those to deliver the amenity you would expect—a really good example.

Ms McLEISH: This is just a really quick one before I finish. There is a bit of a push for tiny houses, and tiny houses, by the sound of things, compared to minimum design standards, would be about a third of that. Now, I guess you could open either end and get some good ventilation, and you can turn it and park it so you get the sunlight. What is your view on tiny houses?

Mr ISLIP: Look, that would probably be an interesting new project for our office to look at. I think there are lots of clever tiny houses we have seen. Even—

Ms McLEISH: They are tiny. I have been in tiny, tiny ones.

Mr ISLIP: Yes, and even if you go back to some of the older kind of men's housing that existed in the 1920s and 30s—very small footprints, but at the same time there was a different dynamic there, where meals were prepared separately. And this is the challenge for student housing, because student housing is a separate class—it is not class 2 under the NCC, it is class 3—and there are significant issues with that because with students coming potentially from overseas some of the sizes are not leading to great amenity is my point. They are so small that they raise challenges, and there are not clear metrics in that space. So, for example, in the City of Melbourne they have been working on some really good guidelines around that, and I think that is a really critical piece of work, given the number of international students that live in the City of Melbourne. I think it is in the order of at least 10 000.

Ms McLEISH: Thank you.

The CHAIR: Paul.

Mr HAMER: Thanks, Sarah. Look, it is a really interesting discussion. I have really been interested in what you have had to say. I just wanted to ask a question about BADS. Obviously there were a number of suggestions that you put forward that you think have not been incorporated and you would like to see them incorporated, and I guess there are two questions. One is: at what point in time do you think that they should be incorporated? Because we have heard some feedback about the need for some of the changes that have been made to sort to work their way through the system. And I suppose number two is whether you had any feedback through the processes as to why some of those may not have been implemented or not implemented at this time.

Mr ISLIP: To go to your first question—sorry, I am just trying to remember both of them now.

Mr HAMER: It was just from a timing point of view in terms of when you think they should be implemented.

Mr ISLIP: Look, I think it is important not to be too parochial living in Victoria. This has been going on in New South Wales for a long time. COAG called out SEPP 65 as best practice, and that was back in 2010 in a report that was at a national level. Given that, we have seen what the apartments that are being delivered in New South Wales are like, and they do deliver a good level of amenity. Victoria's standards sit beneath that. If we were to say SEPP 65 is gold, we would say Victoria is silver—from our perspective, given what we push for in terms of being part making of the standards. I do not think we need to wait, because I think it is better than what we had before. And we should continue to aspire to even better apartment standards in Victoria compared to New South Wales because it is about the amenity long term for people who are living in these—they are referred to as a product, but really they are people's homes. I think it is important to remember that in government our role is to be frank and fearless and to say what we think is in the best interests of the public. It also relates, as I said earlier, to what the investor is investing their money into. Do you want to buy a good quality product that is going to deliver good rental returns for you over the length of that ownership? I think we can sit back and say we have not seen enough of them yet, but that is not good enough in my mind. I think we know what good practice is. We know what best practice is. Surely we should start to revisit the *Better Apartments Design Standards*, which is what we recommended from day 1.

An important tool is post-occupancy evaluation, which does not often get talked about a lot. That is where you go back into a development and you look at how it has been delivered. The education department in Victoria is excellent in doing that—the Victorian School Building Authority. Last week I was doing a post-occupancy evaluation of a school out in Mildura, at Irymple. If you do not go back and revisit what you have built, you will never learn from those mistakes or learn from what actually worked well and what was a good precedent and why it was a good precedent. I think there is a loop in terms of the learning that is about dealing with what has been built, what we can do in terms of standards, what we can do around performance measures and also what we can do through supporting local government, who I think are challenged, to make those decisions which are what I call ‘navigating the grey’. That is where it is not tick the box and black and white, it is not binary; it is where there is an opportunity for local government, who do not have architects in house typically and who do not have the opportunity to use their discretion and to understand when they are being presented with plans where furniture has been shrunk down to give the impression that the room is larger than it actually is. I think there are a number of tools that we can implement to certainly lift the bar.

Mr HAMER: And, sorry, just on the second one, did you have any feedback in terms of some of the suggestions that you are making today? You said that you made suggestions into the BADS process—why were some of those not taken up?

Mr ISLIP: We do not write the policy, we do not write the standards and we do not gazette it.

Mr HAMER: No, no, I was thinking about whether there was any feedback that you might have received through that process.

Mr ISLIP: In terms of what type of feedback?

The CHAIR: Why it did not get up.

Mr ISLIP: Often it is around the perception of cost—that having certain metrics will lead to an issue in terms of cost. But apartments have still been continually built in New South Wales, and that is a more mature market. I mean, if you look at the spread of apartments being built across Australia, at least 50 per cent of them are in New South Wales. Victoria is lesser, pulling in the order of about 30 per cent of that mix. I think the metrics, if you introduce them and the intent is to actually improve amenity, then you are in a position where you are not delivering to the market stock that is going to be obsolete in the future because it is no longer able to deal with climate change, for example. I mean, to give you an example, the Nightingale projects—they try to avoid using air conditioning by ensuring that the passive environmental design features have been embedded directly in the design in the first place. They have thought about orientation, they have thought about the way in which light is going to be working its way through the building. They understand how to do a light well in a considered and intelligent way and the way in which they can work with community to deal with the challenges of car parking as well. We are leading ourselves into a space where—it is interesting; I was talking about this with someone the other day—it is getting to a point where, because there is no air conditioning in the Nightingale projects, they have been contemplating a climate refuge room. It just blew my mind that they would have to go down that path, not because it is bad design—I mean, they are choosing to try and avoid having split systems on their balconies—but we have to understand what is happening into the future. And, sure, the NCC can propose 7, but we have got architects out there who are delivering projects such as Nightingale 2 who are delivering 8.7 for a NatHERS rating, and that is to be commended. If you have your own son and daughter and you are recommending what they buy into, what type of apartment is a good one to buy into and why, I think they are critical questions to be posing and asking.

Mr HAMER: Thanks very much.

The CHAIR: Thanks, David. We are out of time, but just two things before you go. Can you provide those mental health reports to us about daylight, sunlight, south facing and the impact that has? And just quickly on class 2 buildings, we have had witnesses come through and talk about how developments and builders do not have to have an architect; they can have a design planner, I think it was. In your opinion should class 2 buildings have an architect? You know, we talked about dogboxes and less than desirable designs. Are they designs that architects have signed off on, in your opinion and in your experience, or are they designs and buildings where an architect was not involved?

Mr ISLIP: That is a good question to ask, because just having an architect is not the silver bullet. I think the challenges that have been experienced have been with places like the City of Moreland, where they have had building designers do apartments in those areas and they have not been to the standard that they should have been. But I would argue that the skill set that an architect brings to a project, whereby they are required to have not only a bachelor degree and a masters degree, they have got to have 3300 hours of experience, they have got to sit their exams—in New South Wales they take it to the next level: they do design verification of those particular apartments under SEPP 65. There was an instance where an architect signed off and said, ‘Yes, this meets SEPP 65’, and they were fined \$20 000 by the registration board in New South Wales because they had not met that. So that protects the consumer because they have gone that next step to say to architects, ‘Okay, well, if you’re going to be involved in designing apartments, you need to verify that they meet SEPP 65, then you need to verify that it’s ready for construction’. There are a number of stages at which they have to sign off on them, and that includes a certificate of occupancy as well, so there are a number of kind of crosschecks that happen in a regulatory environment to ensure that possibly the consumer will be better protected than they might be in Victoria, for example.

The CHAIR: Thank you.

Witness withdrew.