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Morris Edwards
Victorian Planning Authority
Level 25, 35 Collins Street
MELBOURNE VIC 3000

By email: communications@vpa.vic.gov.au

Dear Sir / Madam

RE: DRAFT AMENDMENT GC206 – SMALL LOT HOUSING CODE UPDATE

Thank you for the opportunity to consider the proposed updated *Small Lot Housing Code, June 2022* and draft Planning Scheme Amendment GC206. It is acknowledged that the VPA have proposed a number of improvements to Small Lot Housing Code which will improve design outcomes.

Wyndham City Council generally supports the provision of increased housing density in appropriate locations, as well as the provision of a diversity of housing typologies that support housing affordability. The Small Lot Housing Code is currently well utilised in existing subdivision approvals across our many greenfield developments allowing Council an understanding of the outcomes being delivered.

However, Council has serious concerns regarding the introduction of a new housing typology and some of the proposed changes, which once implemented, will have negative impacts on the streetscape and public realm.

The following matters should be addressed before implementing the updated Code:

- **Reduced car parking provision** – there is concern that the updated SLHC reduces car parking requirements for new dwellings which are lower than the State-wide provisions of Clause 52.06. This will increase reliance for on-street car parking, which is concerning as there are already high levels of car ownership. Both State and Local Policy would encourage reduced car parking provisions in locations of high accessibility to public transport, however the SLHC makes no distinction.
- **Borrowed landscape** – the new Type C product has a range of provisions which enable to borrow from landscape outcomes of adjoining open space. There are specific references to

landscape buffers, which would not typically be provided in Wyndham's context as our policy would encourage a footpath / paper road to separate any private land adjoining a Council reserve. There are also questions raised about whether this buffer forms part of the passive open space contribution.

- **Street trees** – the ability to provide street trees and larger canopy is minimised where lots are frontloaded, particularly of lots less than 8.5m in width and a crossover/driveway is provided. The deep soil standard is also unclear as to its purpose, location and there is limited guidance to prevent that space being clear of easements/infrastructure. Often these elements are all determined at subdivision stage, which is separate to the consideration of the ultimate building permit.
- **Daylight / Overshadowing** – The provisions provided will be difficult to meet, as fencing will create shadows which will likely result in the provision being unable to be met. There are also some inconsistencies with Type A & B (such as the requirement for a light court), and some of the provisions for Type C (which is a smaller product) are greater than Type A & B. Orientation controls may be needed to ensure compliance. Access to daylight/sunlight and overshadowing are best achieved through orientation.

To address many of the above, it is considered that Type C lots should be required to be rear-loaded to ensure the highest ability to provide trees and streetscape amenity.

Changes to the updated Small Lot Housing Code to address these items are recommended before it is incorporated into the Planning Scheme, instead of relying on the proposed Design Guidelines to provide further level of detail.

The Guidelines should include clear direction on the appropriate location for each housing typology within a subdivision, including proximity to activity centres and public transport. There should also be guidelines on appropriate orientation requirements which maximise solar access and reduces overshadowing impacts on both private and public open spaces. Increased detail is also required around a number of the standards including Bin Locations, Storage and Deep Soil Zones.

A detailed table of comments is also attached for your consideration. We look forward to seeing the outcomes of the consultation and working with you further on the Design Guidelines.

If you wish to discuss the contents of this submission in any further detail, please contact Seo Kun Ho, Team Leader Growth Area Planning, on telephone (03) 9742 8153 or by email seo.kunho@wyndham.vic.gov.au.

Yours sincerely



Dee Gomes
Coordinator Growth Areas

Encl.



Chapter	Standard	Comments
Chapter 1 – Introduction	Where The Small Lot Housing Code Applies	Is there any flexibility to apply the Small Lot Housing Code to subdivisions which are affected by other controls (such as Development Plan Overlays), and without the need to amend the Planning Scheme? Currently, the SLHC only applies when specifically referenced in the schedule to the Urban Growth Zone for a particular precinct.
	Exemption from Planning Permit Approval	There are no options, discretions or variations available when the Code is not met, however, the current planning permit process can be used for house that do not meet the Standards. Council is required to assess the application under Clause 54, which has higher standards than the SLHC. This creates significant issues, as the lot size is already determined at this stage and cannot be changed. There should be some guidance on how to manage variations to the Code/assessments using Clause 54.
Chapter 2 - Definitions	Class 1a	Please note that “Class 1a” definition is taken from the Building Code of Australia (BCA) that uses the term “fire-resisting”, the reason for the wording change is not understood.
	Fin or sunhoods	Query whether the definition of fins or sunhoods must be perpendicular, can they project at an angle to the façade, and would this cause an issue with the definition.
	Private Open Space	The revised definition is consistent with the definition in the Building Regulations 2018.
	Site Coverage	This is consistent with the Building Regulations 2018, however it should be noted that the definition here and the specific provisions in Chapter 3 (Note under Table 3) are inconsistent in relation to allowable eave width – 600mm or 750mm.
	Wall on boundary	“Wall on boundary” does not allow for the wall to be setback with fascia & gutter beyond the plane of the wall (the reason for the previous allowance of up to 200mm). The provision in Section 8 of Chapter 3 still allows for a wall “on or within 0.2 metres” of a boundary so there is an inconsistency with the definition. Support removing the carport provision.
	Paper Road	Paper Road definition is not clear.

Chapter	Standard	Comments
Chapter 3- Type A and B Standards	Standard 2 – Minimum Street Setbacks and articulation	<p>The draft Standard 2.5(b) proposes to remove the maximum requirement of 80% that balcony can extend along a building frontage and the draft will allow balconies to occupy 100% of the building frontage. This will affect the future streetscape and also front garden.</p> <p>The requirements regarding articulation and activation are supported, however it might provide a greater benefit if there is clarification as to the need for the two materials to be varied.</p>
	Standard 6 – Car parking	<p>The draft proposes to remove the mandatory requirement for a second car space associated with the building of three or more bedrooms. Type A product is likely to be located along the local street, and the removal of the car parking requirements less than the requirements of Clause 52.06 is questioned. There will likely be impacts to the street with on-street parking being relied on. Combined with the spacing of crossovers, there will be less opportunity to provide on-street parking. These sorts of provisions would be expected in areas of good public transport access, yet there are no locational guidelines for where these lots should be provided.</p>
	Standard 12 - Overlooking	<p>Deletion of wording ‘secluded private open space or habitable room windows’ and replaced it with ‘living room windows’ may allow an overlooking from the new habitable window to the existing secluded private open space or habitable room windows. This will cause a negative impact on the amenity of the surrounding area. It is understood that there is a desire to reduce reliance on screening, but the rationale behind this change or how it supports small lot housing/affordability has not been made clear.</p>
	Standard 13 – Daylight to habitable room windows	<p>The change from “Each required habitable room window” to “A habitable room window” may create an issue from the building surveyor’s perspective.</p> <p><i>For example, a habitable room has one window that complies with the requirements of 13.1 and is at least 10% of the room’s floor area in size, so it meets the minimum daylight requirement in the BCA. If the room also has a second window, then this change means that it must also comply with 13.1. Without the change it would not. This change means that a habitable room facing a small roofed courtyard or alcove would not comply.</i></p>

Chapter	Standard	Comments
Chapter 4 – Type C Standards	Standard 1 – Articulation of third storey massing	<p>A maximum of 60m for a 'row' triggers public lighting considerations in the laneway.</p> <p>Appears to be suggesting that a 'row' is 10 dwellings with the 6th dwelling being a 2 storey dwelling with a minimum 5m frontage.</p> <p>In the Practice Note the break shown in Figure 3 looks unusual, and this seems to be arbitrary approach to reducing visual massing.</p>
	Standard 2 – Repetition of façade design	The code should consider the diversity in the façade design instead of allowing the 6th 'break' dwelling to be visually different and then restarting the pattern.
	Standard 3 - Building Height	<p>To improve the utilization of land on the small lots, it is recommended that the building on Type C lots must contain a minimum storey (i.e. no less than two (2) storeys).</p> <p>Would also like to ensure that overshadowing of public opens pace is considered, where developments of up to 3 stories can impact on open space shadowing.</p>
	Standard 5 – Setback – Minimum street setback	<p>“0.5 meters setback where a 1.5 meters wide landscape buffer is provided in the public realm”. This is using Council / public realm to create a buffer to a private resident/s and should not be supported. How is it intended that this be considered in the subdivision phase, and this raised questions of ‘credited’ versus ‘uncredited’ open space, design considerations and more which are often considered distinctly from the approval of dwellings.</p> <p>Front setbacks for garages and driveways will be required between 2.5m and 4.0m deep. This reduced driveway area will see cars overhang footpaths causing potential obstructions.</p>
	Standard 6 – Setback – Wall on boundary	There is no maximum wall on boundary length provided “other Standards” are satisfied. Is this all of the other standards, or specific standards. This is not clear.

Chapter	Standard	Comments
	Standard 7 – Setback – Side and rear profile	<p>It is suggested the 'minimum setback from a lane' for building height of 3.6m or less is 0.5m*. It is to:</p> <ul style="list-style-type: none"> - Add more space to already narrow laneway - Add a small landscaping area between two garage doors. (eg, 0.5m depth X 1m width) - Provide a buffer between the garage door and laneway to allow the use of tilt garage door <p>Preference to clarify the requirement of the setback to ensure how it is used.</p>
	Standard 8 – Setback – Allowable encroachments	The Practice Note and/or definition needs to clarify the difference between an entry canopy and a porch. There also needs to be some clarity that allowable encroachments where setbacks are as little as 0m or 0.5m setbacks, and any encroachment will usually overhang an open space, or even a laneway. Allowing an overhang into public land is not supported, and encroachments must remain in private property.
	Standard 9 – Setback – Garage from the street	It is concerned the proposed 4m maximum setback requirement will lead people to squeeze a small car on the driveway and often the car will encroach into the pedestrian path fronting the lot.
	Standard 10 – Articulation – Entrance to the dwelling	<p>Dwelling entries a minimum of 0.5m from the garage – <i>'gives the entrance a street presence while also minimising visual impact of the garage door'</i>. This is redundant if reduced setbacks are provided to garages causing cars to overhang the nature strip/footpath. This could be further improved by increased setbacks of garages – this could out way the visual dominance of the garage door, as it will become increasingly dominant by the intrusion of cars impacting streetscape and public amenity.</p> <p>If rear entry door accessibly from the laneway is implemented, it should be universal across the Types.</p>
	Standard 11 – Articulation - Massing	Should also include the clarifying statement that it does not include windows, doors, and garage doors for consistency.
	Standard 12 – Articulation – Facades through materials	<p>Also this could impact on developer design guidelines and how they're implemented for SLHC lots.</p> <p>Is not clear if laneway façade includes garage and rear of dwelling for rear loaded lots.</p>

Chapter	Standard	Comments
	Standard 14 – Activation and passive surveillance	<p>Practice Note implies that the 1.5m landscape buffer could be a widened verge rather than an extension to public open space. Is that okay?</p> <p>The requirement to have roads/paths/open spaces overlooked by a habitable room windows is questionable to be achieved for rear loaded where a garage and entry door are the minimum requirements. This may encourage habitable rooms over garages, which is a positive outcome for surveillance. If the bedroom windows are obscured or have sill heights up to 1.7m high, does this still count?</p>
	Standard 15 – Car parking	<p>The code states one car parking space is required 'unless the dwelling is rear loaded'. This is understood that rear loaded lots do not require car parking.</p> <p>There are no design requirements should a second car space be provided. Also the measurements for the car space are greater than 52.06 requirements for a single car space and smaller than a double – this may not be the measurement for the garage – clarity would be good.</p>
	Standard 17 – Private open space	The term 'each parcel' is not clear, and rooftop level POS doesn't have any guidance outside of general overlooking standards.
	Standard 18 – Daylight to private open space	<p>The heading refers to daylight but the provision is for direct sunlight – these are not the same as direct sunlight is determined by orientation. Around the equinox, a 2m high fence will cast a 2m long shadow so a 2m wide space may not have direct sunlight at ground level. Unless there are orientation controls, I am not sure of the value of this provision.</p> <p>This benchmark needs to be tested as this is where we currently get the most issues with other SLHC products.</p>
	Standard 20 – Deep soil zone	A diagram in the practice note should be provided to demonstrate the deep soil zone requirement is intended to work.

Chapter	Standard	Comments
		<p>The code proposes to include a deep soil zone for each allotment that is a min 2.5sqm and with a dimension of 1.5m. Given the required dimensions for large street trees in Council's adopted landscape policy this could be potentially inadequate.</p> <p>What does 'deep soil planting' actually mean? (Practice Note makes mention of 'deep soil zone' but is vague about its purpose.) I'm assuming it's for a tree, but landscaping cannot be required.</p> <p>Also makes no mention of offset requirements for tree planting.</p>
	Standard 21 – Overshadowing of secluded private open space	Subdivision layout and the alignment of the lots will be critical with ensuring compliance with this standard. The practice note should specify the preferred alignment for these lots i.e. North-south, east-west etc.
	Standard 22 – Daylight to existing habitable room windows	The requirement for the light court to have a minimum dimension of 2.5m perpendicular to the window is interesting as it is not required in Chap 3 (Type A & B) or in Part 5 of the Building Regulations 2018. Everything else for Type C is smaller and closer but this is a significantly greater provision for separation from windows.
	Standard 25 – Daylight to habitable rooms	For consistency, 'public open space' should be 'open space reserve'.
	Standard 26 – Garage Storage	The practice note should clarify whether the storage can be included in the requirement of the garage size or it should be an additional area required for the storage.
	Standard 27 – Bin Storage	<p>The practice note should clarify whether the bins can be included in the requirement of the garage size or it should be an additional area required for the bins,</p> <p>The terms “...must be screened from view” should be clarify whether it is from the view Internally or externally and what the minimum requirement will be.</p>

Chapter	Standard	Comments
	Standard 28 – Water tank	<p>Can there be a minimum area specified for this watertank space? Can it be located in the garage? (it is noted that the watertank doesn't actually have to be installed, just a space for one, so how big should the space be?</p> <p>This is written in a way that the rainwater tank does not necessarily need to be provided or shown on the plans. How big must this area be? This provides little guidance on what the developer is supposed to provide.</p>
	Standard 29 – Water metres, gas metres and other services	Is this a problem for Type C2 front setbacks? There's not going to be a lot of space to locate the meter.
	Standard 31 – Side and rear allotment boundary fences	The requirement to setback the garage at least 4m raises a potential for the space to be almost long enough to park a vehicle, however, in relation will result in an overhang of the footpath of about 1.5m. this will cause obstruction. The length should either be sufficient for a car park, or too close to discourage a car to park over the footpath.
	Standard 33 - Fences on street alignments	Max fence height of 1.5m allowed for front & side boundary fences facing "any other street". This maximum height for front fences only is 1.2m for Types A & B (section 15) so not sure why these heights are inconsistent.

General Comments	
Practice Note	Practice note should provide a purpose of each building type, and it should encourage a specific location to apply the SLHC.
	Increased density should this type of housing be located close to activity/ town centres/public transport?
	The standard numbers 35 to 37 in the practice note do not match with the draft Code.
Other general comments	<p>It is questionable:</p> <ul style="list-style-type: none"> • Will it be mandatory for all the dwellings in the row to be constructed simultaneously? • What if that doesn't happen? • What if one of the lots decides not to build in accordance with the small lot housing code? • It states that 'Adjacent Type C dwellings must be simultaneously approved' but how can they make sure they are simultaneously constructed?
	The Standards do not consider the streets or how trees and canopy can be achieved in the roads if they are front loaded lots, less than 8.5m and they each have a driveway
	<p>Strategic Planning has concerns with Front Loaded Type C dwellings as it is considered difficult to deliver appropriate community outcomes for the following reasons:</p> <ul style="list-style-type: none"> - There would be no space to plant street trees which would make it more difficult to achieve a good public realm and canopy tree targets. - It would make it difficult for Council waste collection services. Front loaded dwellings would leave little room for bin placement for collection especially if there is a clash with on- street parking. Servicing these lots would be extremely difficult. - Many of these standards are considering these dwellings in isolation and not adjoining other similar Type C dwellings. For instance, there will likely be significant overshadowing of ground level SPOS that may not meet these minimum requirements. - There is no 'maximum size' of a dwelling that is provided as an example that this code will allowed or what an acceptable outcome to be achieved.

General Comments	
	Laneway design will need to be focussed on if we're inviting pedestrian activity. Does the VPA have laneway cross-sections or designs that they've envisioned would be co-located with Type C lots?
	The code should provide a flexibility to add a restriction on top of the SLHC requirement (as a minimum requirement) to provide more detailed requirements for articulations. The design guideline should not conflict with the code.
	Pages 6 and 7: Fence heights depicted for lots with cut and fill aren't clear – seems as though allotments which are higher would have potential overlooking of allotments which have a lower natural ground level. Should a minimum height be adopted or requirement for lots to be filled where there is an inconsistency?
	Page 6, of the practice note shows that a fence height can be measured from the natural ground level of one lot which may have a higher natural level (through fill) than the adjoining lot. Therefore, the fence height may be reduced to a point where overlooking can occur. If the adjoining lot is not filled to the same level. This can occur even when dwellings are required to be simultaneously built.