



Enquiries: Keith Black
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Att: Morris Edwards
Victorian Planning Authority
Level 25, 35 Collins Street
Melbourne Victoria 3000

Dear Morris,

Submission to the Small Lot Housing Code – Stage 2 – Standards Review

Baw Baw Shire Council (BBSC) officers would like to thank the Victorian Planning Authority (VPA) for the opportunity to make a submission to the above Small Lot Housing Code – Stage 2 – Standards Review. It is noted that this submission has been prepared by Council officers and has not been approved or adopted by Council through a meeting or other formal process.

The supporting documentation for this project is shown on the VPA website and includes the Small Lot Housing Code - Consultation Version - June 2022; Small Lot Housing Code - Practice Note - Consultation Version; Small Lot Housing Code - Stage 2 - Standards Review - Design Guidance Note; and proposed Group Amendment GC206 documentation.

Unfortunately, Council officers cannot support the inclusion of Baw Baw Shire Council in this proposed group amendment to implement the consultation version of the Small Lot Housing Code.

Ultimately, Council officers have two main concerns regarding the proposed changes to the Small Lot Housing Code; the changes relating to the car parking standard; and the proposed introduction of the Type C standards.

Standard 6 – Car parking

The Review includes changes to Table 5 of Standard 6 – Car Parking which involves requiring only one car space for both Type A and Type B developments. Baw Baw Shire is a peri-urban municipality and, with minimal available public transport opportunities in its growth areas, the most achievable form of personal transport is by car. Thus, it is considered inappropriate to reduce the car parking requirements for Type A dwellings with 3 or more bedrooms.

Type C Standards

The VPA website notes that the creation of a Type C development builds on the increase in demand to deliver diverse housing on smaller lots. The Type C development standards are aimed at facilitating dwellings on lots as low as 60 square metres.

Council officers consider the intensity of such development to be excessive and potentially not respectful of the character or the topography of land within the Council's growth areas. Council officers cannot support the implementation of these Type C standards into the Baw Baw Planning Scheme without any community consultation.

Pursuant to the Schedule to Clause 72.04 of the Baw Baw Planning Scheme, the 2013 version of the Small Lot Housing Code is an incorporated document and as such the applicable version of the Code. However, it is noted that the 2013 version is not as practical or as straightforward as more recent versions of the Code. Therefore, Council officers would welcome the opportunity to work with the VPA to update the version of the Code currently applied in the Scheme so that the planning process is more relative to the planning issues faced in Baw Baw.

Council officers have reviewed the consultation documents and have identified some issues. Please find attached to this letter a copy of the Small Lot Housing Code – Consultation Version that is highlighted with comments identifying minor issues.

Despite Council officers not wanting to be involved in the Group Amendment, it is noted that the Instruction Sheet refers to replacement of Schedule 1 to Clause 37.07 of the Baw Baw Planning Scheme but not to Schedule 2. It is also noted that the permit conditions listed under Clause 4.0 of proposed Schedule 1 to Clause 37.07 of the Gumnut Planning Scheme do not read as permit conditions. Some of these matters are contained in the consultation version of the Small Lot Housing Code and it is therefore considered these requirements should be addressed through the Small Lot Housing Code assessment and not be required as permit conditions.

As noted above, Council officers do not support the involvement of Baw Baw Shire Council in proposed Group Amendment GC206 however we would welcome the opportunity to update the version of the Small Lot Housing Code currently applied in the Baw Baw Planning Scheme. It is submitted that such a project could be undertaken at a regional level where similar issues around car dependency and urban character are also relevant.

If you have any queries or require clarification on anything within this submission, please contact us on 03 5624 2411 or alternatively at strategic.planning@bawbawshire.vic.gov.au.

Yours faithfully



John Ciavarella
Manager Planning

SMALL LOT HOUSING CODE

JUNE 2022

CONSULTATION





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CHAPTER 1: INTRODUCTION

Where The Small Lot Housing Code Applies

The Small Lot Housing Code (“the Code”) is available for use in most residential and mixed-use Precinct Structure Plans in the Urban Growth Zone (UGZ) in Melbourne’s greenfield and regional growth areas and may be applied in other special purpose zones, where the Code is incorporated into the planning scheme and where the lot is identified to be assessed against the Code via a restriction on title.

Exemption From Planning Permit Approval

Where an exemption is provided for in the relevant planning scheme, a permit is not required to construct or extend one dwelling on a lot with an area less than 300 square metres where a site is identified as a lot to be assessed against the Code and it complies with the Code.

The Code is not mandatory, as a developer or house builder can opt to use the existing planning permit process. The Standards are prescriptive - a Standard is either met or not met. The Standards establish a building envelope that addresses all the siting matters covered in Part 5 of the Building Regulations 2018. There are no options, discretions or variations involved in the Code.

Type A, B And C

The Small Lot Housing Code provides Standards for lots nominated as Type A, B or C. Lot Types are nominated on the plan of subdivision by the applicant, prior to its certification. The Standards for Type A and B are set out at Chapter 3 of this document and the Standards for Type C are set out at Chapter 4. Only the Standards that apply to the Type nominated on the plan of subdivision can be used to assess whether a dwelling is compliant with the Code.

Orientation And Simultaneous Approval

Type C is intended for lots that are part of rows that will be simultaneously designed and approved. It is anticipated that these rows will front onto the same street and have the same orientation.

Transitional Provisions To Type A And B Standards

Several Type A and B Standards were updated with the introduction of this version of the Code. A nominated Standard that has become more restrictive, must be complied with for all titles registered after 1 January 2026. These Standards are:

- *Standard 2.a requiring an entry window at a door*
- *Standard 2.b requiring minimum material variation to facades to front street, side and rear street alignments*
- *Former Standard 1.1 Maximum setback deletion*
- *Former Standard 2.1 to broaden the definition of “recreation reserve”*



- Former Standard 2.5 v) iv. which required balconies to occupy more than 80% of the frontage.
- Standard 6.1 which has been modified to require a minimum of 1 car park per dwelling on Type A lots irrespective of number of bedrooms
- Standard 12.1 Overlooking has been modified to only require windows overlooking living rooms to be screened.

Previous versions of the Code

The Code was introduced into growth area planning scheme in 2011 and has been periodically amended. For earlier versions of the Code visit <https://vpa.vic.gov.au/strategy-guidelines/small-lot-housing-code/>

Exception concerning approved building envelopes

Standards establish a building envelope for a single Class 1a building and associated Class 10 buildings on an allotment. If an adjoining allotment is not subject to this Code ~~or is not shown on the same certified plan of subdivision,~~ regulations 79, 80, 81, 82, 83, 84, 90, 91, 94, 95, 96 of the Building Regulations 2018 apply to the extent that they relate to the adjoining allotment.

Commented [VPA1]: This change is to allow SLHC lots to benefit from the varied regulation provided they still adjoin another nominated SLHC type irrespective of whether it is on a different plan of subdivision.

CHAPTER 2: DEFINITIONS

allotment means land that can be disposed of separately under section 8A of the Sale of Land Act 1962 without being subdivided;

applied zone means a planning scheme zone that has been ascribed to a type of use/development as shown on Plan 1 of a schedule to the Urban Growth Zone (UGZ):

bedroom includes any room with a floor area greater than 6m², that is enclosed on all sides and contains a window;

carport is an open style car parking structure which –

- a) has 2 or more of its side open, and
- b) is open for at least 1/3 of its perimeter; a side of a carport may be taken as open if the roof covering is not less than 500mm from another building on the allotment or the adjoining allotment boundary;

Class 1a is classified as one or more buildings, which –

- a) Are not located above or below another dwelling or another Class of buildings; and
- b) Together form a single dwelling including the following:
 - i. a detached house;
 - ii. one of a group of two or more attached dwellings, each being a building, separated by a fire ~~resisting~~ resistant wall, including a row house, terrace house, town house or villa unit;
 - iii. a single dwelling located on one allotment and used for short-term holiday accommodation.

Class 10a is a non-habitable building being a private garage, carport, shed, or the like.

Class 10b is a structure being a fence, mast, antenna, retaining or free-standing wall, swimming pool, or the like;

clear to the sky means an unroofed area or an area roofed with a material that transmits at least 90% of light;

declared road means a freeway or an arterial road within the meaning of the *Road Management Act 2004*;

existing building & existing wall in relation to an adjoining allotment means any part of a building or wall –

- a) for which there is an 'occupancy permit', that has been given to the relevant council; or
- b) for which there is a 'certificate of final inspection', that has been given to the relevant council;

facade means the part of the building facing a street or public open space. For calculations it is measured from a two-dimensional elevation and excluding any roof area.

fence includes a screen or structure similar to a fence;

fin or sunhood means a projected feature of the building that project perpendicularly from the façade. They may be structural or non-structural feature of the building.

front street alignment means the street which the front door of the dwelling faces.

front wall means the wall most forward of the building towards the front street or public open space, it does not include an allowable encroachment for articulation. ~~alignment.~~

habitable room means a room used for normal domestic activities, and -

- a) includes a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, playroom, family room, sunroom and the like; but
- b) excludes a bathroom, laundry, water closet, pantry, walk-in robe, corridor, hallway, lobby, photographic darkroom, clothes-drying room, garage, carport and other spaces of a specialised nature occupied neither frequently nor for extended periods;

height in relation to -

- a) a building (other than a wall or fence) at any point, means the vertical distance between natural ground level and the top of the roof covering; and
- b) a wall at any point, means the vertical distance between the natural ground level at the base of the wall and the point at which the outer wall intersects the plane of the top of the roof covering, or the top of a parapet, whichever is higher; and
- c) a fence, means the vertical distance between natural ground level at the base of the fence and the top of the fence at any point along the fence;

Chimneys, flues, service pipes, solar hot water systems and solar panels are not included when measuring heights;

Living room means a habitable room which is used for primarily sitting or dining.

natural ground level means the level of the ground at the time the ~~lot~~ allotment is created. Natural ground level is taken as being a line across the allotment that connects any two points, whether within the allotment or on adjoining allotments;

open space reserve means a reserve shown on the title of land as a reserve for passive, active, drainage or conservation purposes.

paper road means a road that is legally established (i.e. a designated road reservation is recorded in survey plans) but the physical road has not formally been constructed.

permeable surfaces means any ground level surface that allows water to pass through and enter into the soil including mulch, gravel, permeable pavements, decking.

pergola means an open structure that is unroofed but may have a covering of open weave permeable material;

primary frontage is either a street frontage or frontage onto open space that is accessible to pedestrians and postal deliveries. Where a lot faces both a street and open space, then the frontage to the open space is to be regarded as the primary frontage.

private open space means –

- a) an unroofed area of land; or
- b) a deck, terrace, patio, balcony, pergola, verandah, gazebo, swimming pool or spa;

~~private open space means an external area on an allotment, that –~~

- a) ~~an outdoor area not more than 150mm above finished ground level and~~
~~it includes a front or rear garden, deck, terrace, patio, balcony, verandah, and~~
- b) ~~does not include a driveway, carport, services area, bin store;~~
- c) ~~is connected by a doorway to a habitable room;~~

raised private open space means

- a) an area of more than 2 square metres that is elevated at least 1 storey from finished ground level and is open on at least one side as a balcony, deck or similar; and
- b) if a balcony, is connected by a doorway to a habitable room; or

if a rooftop, with convenient access from a habitable room.

~~e)~~

rear loaded means a dwelling which has vehicle access via a rear lane,

~~and no vehicle access at the front street or front public open space alignment~~

right of way means a carriageway easement i.e. a right, annexed to land to travel over other land of different ownership.

row means a continuous block of developable ~~lots~~ allotments, the row begins and ends where the end ~~lots~~ allotment ~~does~~ not share a boundary with another developable ~~lot~~ allotment on one side.

secluded private open space means any part of private open space on an allotment –

- a) which is –
 - i. at the side or rear of an existing dwelling on the allotment; or
 - ii. is a balcony area; or
 - iii. is a rooftop area; and
- b) which is primarily intended for outdoor recreation activities.

setback from a boundary or building means a horizontal distance from that boundary or building;

side street alignment means for an allotment with more than one street frontage, any other street that is not the front street or a rear laneway;

side public open space alignment means for an allotment with more than one public open space frontage, any other public open space that is not adjacent to the allotment frontage ~~than the front public open space facing wall.~~

simultaneously approved means buildings that have obtained their building permits on the same day or an application of building permits have been applied for at the same time;

site coverage in relation to an allotment that means that part of the allotment which is covered by buildings, expressed as percentage of the area of the allotment - excluding

- a) eaves, fascia and gutters not exceeding 750mm in total width, unroofed swimming pools, unroofed terraces, unroofed patios, unroofed decks and pergolas.

storey means that part of the building between floor levels. If there is no floor above, it is the part between the floor level and ceiling. It may include an attic, basement, built over car

Commented [VPA2]: Modified as access may be via a 'side lane'

parking area, and mezzanine;

street includes a road, highway, carriageway, lane, footway, square, court, alley and right of way (unless specified otherwise);

street alignment means the title boundary of an allotment that adjoins a street;

unroofed means an area that is not covered by a roof structure, but may be covered by eaves, gutters, fascias, sunhoods or sunshades.

wall on boundary means building on any boundary of an allotment.

- ~~a) buildings on or within 200mm of a side or rear boundary of an allotment; and~~
- ~~b) carports constructed on or within 1.0 metre of a side or rear boundary of an allotment and which is open on the side facing the boundary or boundaries.~~

CHAPTER 3: TYPE A AND B STANDARDS

1. ~~Maximum street setback~~

- 1.1 ~~The front wall of a new Class 1a Building must be set back no more than 1.5 metres than the street setback specified in Table 1.~~

Commented [VPA3]: Maximum setback was having unintended consequences and is considered unnecessary.

2. Minimum Street setbacks and articulation

In this Standard, street does not include lane, footway, alley or right of way.

- 2.1 Walls of a building must be setback from front and side street alignments the distances specified in Table 1.

Table 1: Street setbacks

Designation of the allotment in the subdivision permit	Minimum setback from front street alignment	Minimum setback from side street alignment, where the lot <u>allotment</u> is on a corner
Type A	4.0 metres for a building facing a declared road	1.5 metres
	1.5 metres for a building facing a street where there is a recreation <u>an open space</u> reserve on the other side of the street and opposite the allotment	
	3.0 metres in any other case	
Type B	4.0 metres for a building facing a declared road	1.0 metre
	1.5 metres in any other case	

A front street setback may be to an open space reserve if the dwelling is rear-loaded.

2.2 Walls of a building must be articulated in accordance with Table 2.

Table 2: Articulation at front and side street

Minimum articulation at front Street Alignment	Minimum articulation at side Street Alignment
No less than 25 per cent of the area of the front façade of a building must be setback at least an additional 300mm	If a wall is more than 10.0 metres in length, 10 per cent of the area of the wall must be setback at least an additional 300mm
No less than 25 per cent of the area of the front façade of a building must be setback at least an additional 300mm	If a wall is more than 10.0 metres in length, 10 per cent of the area of the wall must be setback at least an additional 300mm

For the purposes of this Standard, the area of the front façade means the area of the walls of the building facing the front street and measured from a two-dimensional elevation and excludes any roof area and the area of garage and carports doors / opening.

2.3 The entrance (to a door or opening) of any garage or carport, that is accessed from the front street alignment (not a lane), must be setback:

- a) no less than 5.0 metres from the front street alignment; or
- b) no less than 2.0 metres from the side street alignment.

2.a Any entry to the dwelling at a street or public open space must include at least one window, in the form of a sidelight window or viewing panel. The window may be provided via glazing in the door.

2.b Facades to front street, side and rear street alignments, must include a minimum of two materials, with no material being used for more than 75 per cent of the façade on that frontage.

2.4 The following may encroach into the setback distance required by Standard 2.1 by no more than 1.5 metres –

- a) eaves, fascia and gutters; and
- b) decks, steps or landings less than 800mm in height;

provided these encroachments do not project over a street alignment.

2.5 At least one of the following elements must be provided to the front of the building and may encroach into the setbacks required by Standard 2.1 –

- a) a porch, verandah or pergola that –
 - i. is open on at least 2 sides;

Commented [VPA4]: New standards proposed to improve streetscape but to be transitioned into the scheme.

- ii. has a width that does not exceed 80 per cent of the frontage of the allotment or 4m, whichever is the greater; and
 - iii. projects at least 800mm and no more than 1.5 metres forward of the front wall (inclusive of the eave);
- or
- b) a balcony on the second storey or above, that –
 - ~~iv. for any part of the balcony that is forward of the front wall, has a width that does not exceed 80 per cent of the frontage of the allotment or 4.0 metres, whichever is the greater; and~~
 - ~~v. projects at least 300mm and no more than 1.0 metre forward of the front wall, if the balcony is roofed; or~~
 - ~~vi. projects at least 800mm and no more than 1.5 metres forward of the front wall, if the balcony is not roofed;~~
- or
- c) fin/s or sunhood/s having a minimum combined dimension of 3.1 metres which must project at least 300mm and not more than 1.0 metre forward of the front wall to which it is attached.

Commented [VPA5]: Intent is to allow Balconies to occupy 100% of the frontage. To be in effect from gazettal.

3. Building height

The reference to zone in this Standard includes an applied zone.

3.1 The height and/or number of storeys of a building must not exceed those specified in the planning scheme zone, inclusive of any schedule or plan incorporated into the planning scheme. ~~If no a height is not~~ specified:

- a) the building height must not exceed 11 metres; and
- b) the building must contain no more than three (3) storeys at any point.

4. Site coverage

4.1 The site area covered by buildings must not exceed the area specified in Table 3.

Table 3: Site coverage

Designation of the allotment in the subdivision permit	Site coverage
Type A	90 per cent
The percentage may be calculated as the average of allotments that have simultaneously approved/lodged attached dwellings	Nil.

When calculating site coverage under Standard 4.1, eaves, fascia and gutters not exceeding 600mm in total width, unroofed swimming pools, unroofed terraces, unroofed patios, unroofed decks and pergolas may be disregarded.

5. Permeability

5.1 The site area covered by permeable surfaces must be at least the area specified in Table 4.

Table 4 : Permeability

Designation of the allotment in the subdivision permit	Permeable surfaces
Type A	10 per cent The percentage may be calculated as the average of allotments that have simultaneously approved/lodged attached dwellings
Type B	No minimum permeable surface specified

6. Car parking

6.1 Provision must be made for the number of car parking space(s) specified in Table 5.

Table 5: Car parking

Designation of the allotment in the subdivision permit	Minimum number of car parking spaces
Type A <u>and B</u>	<u>1</u> car parking space if the building has two or less bedrooms 2 car parking spaces if the building has 3 or more bedrooms
Type B	1 car parking space

Commented [VPA6]: Proposed change in minimum car parking requirements. Two + car parking spaces still permitted but not mandatory.
To be in effect from gazettal.

6.2 The car parking space(s) required under Standard 6.1 must be accessible from a public street or lane or right of way, however, if the allotment has a frontage width of less than 6.0m access to the car parking space(s) must only be from the rear of the allotment.

6.3 If 1 car parking space is required under Standard 6.1 it must be at least 6.0 metres long and 3.5 metres wide.

6.4 If 2 car parking spaces are ~~required~~ proposed under Standard 6.1 –

- one space must be at least 6.0 metres long and 3.5 metres wide; and
- the second space must be at least 4.9 metres long and 2.6 metres wide.

6.5 The minimum ceiling height to a garage, carport or car parking space is 2.1 metres.

6.6 Despite Standard 6.4, if the 2 **required** car parking spaces adjoin each other in a garage or carport or in a space constrained by walls, the double space may be 5.5 metres in width.

6.7 If the car parking space(s) required under Standard 6.1 is in a garage or carport and the door(s) or opening(s) to the garage or carport faces the front street –

- a) the width of the door(s) or opening(s) must not exceed 50 per cent of the width of the of the frontage of the allotment; or
- b) the area of the door(s) or opening(s) must not exceed 30 per cent of the area of the front façade of the building.

For the purposes of this Standard, the area of the front façade of the building means the area of the walls of the building facing the front street, measured from a two-dimensional elevation and excluding any roof area.

7. Side and rear setbacks

Standard 7 does not apply to a wall of a building or a carport that complies with Standard 8.

7.1 A building must be set back from a side or rear boundary not less than the distance specified in Table 6.

Table 6: Side and rear setbacks

Building height at any point	Minimum setback from side or rear boundary	Minimum setback from a lane
3.6 metres or less	1.0 metre	0 metres
More than 3.6 metres but not more than 6.9 metres	1.0 metre plus 0.3 metres for every metre of height over 3.6 metres	0 metres
More than 6.9 metres	2.0 metres plus 1.0 metre for every metre of height over 6.9 metres	2.0 metres plus 1.0 metre for every metre of height over 6.9 metres

[If an adjoining allotment is not subject to the Small Lot Housing Code regulation 79 of the Building Regulations 2018 apply to the extent that they relate to the adjoining allotment.](#)

7.2 The following may encroach into the setback distance required by **Table 7** by not more than 500mm (this Standard does not apply to setback from lane) –

- a) porches and verandahs;
- b) masonry chimneys;
- c) sunblinds and sunhoods;
- d) flues and pipes;
- e) domestic fuel tanks and water tanks; and

Commented [VPA7]: This requirement which already applies and is set out at the front of the SLHC has also been inserted at the relevant standard for ease of use.

- f) heating and cooling equipment and other services.

7.3 Eaves, fascias and gutters may encroach into the setback distance required by Table 6 by not more than 600mm (this Standard does not apply to setback from lane).

7.4 The following may encroach into the setback distance required by Table 6 (this Standard does not apply to setback from lane) –

- a) landings with an area of not more than 2 square metres and less than 1.0 metre high;
- b) unroofed stairways and ramps;
- c) pergolas;
- d) shade sails; and
- e) decks less than 800mm above natural ground level.

8. Walls on boundaries

8.1 The maximum height of a wall on or within 0.2 metres of a side or rear boundary, or a carport on or within 1.0m of a side or rear boundary (not a lane), must not exceed 3.6 metres unless:

- a) it abuts an existing building on the adjoining allotments or will abut a simultaneously approved building on the boundary; and
- b) the height difference between the existing adjoining building or the simultaneously approved building or carport does not exceed 3.6 metres.
- c) notwithstanding Standard 8.1(a) the length difference between the existing or simultaneously approved building must not exceed a total of 2.0 metres, and the additional length must not cast additional shadow on a light court in accordance with Standard 11.

8.2 There is no maximum wall on boundary length, provided the other Standards are satisfied.

[If an adjoining allotment is not subject to the Small Lot Housing Code regulation 80 of the Building Regulations 2018 apply to the extent that they relate to the adjoining allotment.](#)

9. Daylight to existing habitable room windows

9.1 The application is exempt from the requirements of the Building Regulations 2018.

[If an adjoining allotment is not subject to the Small Lot Housing Code regulation 81 of the Building Regulations 2018 apply to the extent that they relate to the adjoining allotment.](#)

10. Solar access to existing north-facing windows

10.1 The application is exempt from the requirements of the Building Regulations 2018.

[If an adjoining allotment is not subject to the Small Lot Housing Code regulation 82 of the Building Regulations 2018 apply to the extent that they relate to the adjoining allotment.](#)

11. Overshadowing of secluded private open space

11.1 A building must not reduce the sunlight to any secluded private open space of an existing building on an adjoining allotment to less than 6 square metres, with a minimum dimension of 2.0 metres.

For the purposes of calculating the area of direct sunlight at this Standard, the length of shadow cast is calculated by multiplying the height of building and/or fence by 0.9 when the sun is true north.

[If an adjoining allotment is not subject to the Small Lot Housing Code regulation 83 of the Building Regulations 2018 apply to the extent that they relate to the adjoining allotment.](#)

12. Overlooking

12.1 A ~~window in a~~ habitable room ~~window~~, where the floor level of the room is more than 2.5m above natural ground level and the window faces (at an angle less than 45°) ~~secluded private open space or habitable living room~~ windows of an existing dwelling within a horizontal distance of 4.5 metres, the window must either –

- a) have a sill height at least 1.7 metres above floor level; or
- b) have fixed obscure glazing in any part of the window below 1.7 metres above floor level.

In this Standard, a window facing a habitable room window means a window within 1.5 m from the edge of the ~~other~~ habitable room window [on the existing building](#).

[If an adjoining allotment is not subject to the Small Lot Housing Code regulation 84 of the Building Regulations 2018 apply to the extent that they relate to the adjoining allotment.](#)

12.2 A raised private open space that faces secluded private open space or habitable room windows of an existing dwelling within a horizontal distance of 4.5 metres, must be screened to a height of at least 1.7m above the floor level and be no more than 25 per cent transparent.

Commented [VPA8]: Intent is reduce the reliance on screening.
To be in effect from gazettal.

13. Daylight to habitable room windows

13.1 ~~Each required~~ habitable room window ~~of a building on an allotment~~ must face –

- a) an outdoor space or light court with a minimum area of 3 square metres and a minimum dimension of 1.0 metre clear to the sky, not including land on an adjoining allotment; or
- b) a verandah provided it is open for at least one third of its perimeter; or
- c) a carport provided it has two or more open sides and is open for at least one third of its perimeter

For the purposes of this Standard, a side of a carport or verandah will be open if the roof covering of the carport or verandah is not less than 500mm from another building on the allotment or the adjoining allotment boundary.

14. Private open space

14.1 If a dwelling on an allotment has three or more bedrooms it must have –

- a) at least 24 square metres of private open space at the side or rear of the building with a minimum dimension of 3.0 metres; or
- b) at least 24 square metres provided in 2 or more parcels, provided that –
 - i. each parcel is at least 12 square metres; and
 - ii. at least 1 parcel has a minimum dimension of 3.0 metres; or
- c) a balcony or roof-top area of at least 12 square metres of private open space with a minimum dimension of 3.0 metres.

14.2 If a dwelling on an allotment has two or less bedrooms it must –

- a) have at least 12 square metres of private open space at the side or rear of the building with a minimum dimension of 3.0 metres; or
- b) a balcony or rooftop area that is at least:
 - i. 10 per cent of the total floor area of the building excluding garages and carports; or
 - ii. 6 square metres with a minimum dimension of 2 metres, whichever is the greater.

14.3 If the private open space is provided at the side or rear of the dwelling or as a roof top area, an area of at least 6 square metres, with a minimum dimension of 2.0 metres, must have access to direct sunlight.

For the purposes of calculating the area of direct sunlight at this Standard, the length of shadow cast is calculated by multiplying the height of building and/or fence by 0.9 when the sun is true north.

Class 10b Buildings

15. Front fence height

- 15.1 A front fence on or within 3m of the street alignment must not exceed the maximum height specified in specified in Table 7.

Table 7: Front fence height

Street type	Maximum fence height
A declared road	2.0 metres
Any other street	1.2 metres

- 15.2 A front fence, other than a front fence to a declared road, must be at least 15 per cent transparent above 700mm height.

16. Fences setback more than 150mm from side and rear boundaries

- 16.1 A fence that is setback more than 150mm from a side or rear boundary must not exceed 2.5 metres in height. ~~and the~~ The part of the fence ~~between above~~ 2.0 metres ~~and 2.5 metres~~ in height must be at least 25 per cent transparent.

[If an adjoining allotment is not subject to the Small Lot Housing Code regulation 90 of the Building Regulations 2018 apply to the extent that they relate to the adjoining allotment.](#)

17. Fences on or within 150mm of side or rear boundaries

- 17.1 A fence that is on or within 150mm of a side or rear boundary must not exceed 2.5 metres in height. ~~and the~~ The part of the fence ~~between above~~ 2.0 metres ~~and 2.5 metres~~ in height must be at least 25 per cent transparent.

[If an adjoining allotment is not subject to the Small Lot Housing Code regulation 91 of the Building Regulations 2018 apply to the extent that they relate to the adjoining allotment.](#)

18. Fences forward of front walls

- 18.1 Any part of a fence that is constructed forward of the front wall of a dwelling must comply with the height and transparency requirements of Standards 15.1 and 15.2.

19. Fences on street alignments

In this Standard, street does not include lane, footway, alley or right of way.

- 19.1 Despite Standard 15.1 and 15.2, a fence within 3.0 metres of a point of intersection of street alignments must not exceed a height of 1.0 metre above footpath level.
- 19.2 A fence within 1.0 metre of a side street alignment –
 - a) must not exceed 2.0 metres in height; and
 - b) may be solid for no more than 65 per cent of its length, the remaining length of the fence must be at least 15 per cent transparent.
- 19.3 A fence on a rear street alignment must not exceed 2.0 metres in height ~~above~~ natural ground level.
- 19.4 A fence adjacent to and within 1.0 metre of a street alignment or public open space must not contain barbed wire or other sharp protrusions.

Commented [VPA9]: NGL is not mentioned in other fencing Standard of the SLHC.

20. Fences and daylight to windows in existing building

- 20.1 The application is exempt from the requirements of the Building Regulations 2018.

If an adjoining allotment is not subject to the Small Lot Housing Code regulation 94 of the Building Regulations 2018 apply to the extent that they relate to the adjoining allotment.

21. Fences and solar access to existing north-facing habitable room windows

- 21.1 The application is exempt from the requirements of the Building Regulations 2018.

If an adjoining allotment is not subject to the Small Lot Housing Code regulation 95 of the Building Regulations 2018 apply to the extent that they relate to the adjoining allotment.

22. Fences and overshadowing of secluded private open space

- 22.1 The application is exempt from the requirements of the Building Regulations 2018.



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[If an adjoining allotment is not subject to the Small Lot Housing Code regulation 96 of the Building Regulations 2018 apply to the extent that they relate to the adjoining allotment.](#)

CHAPTER 4: TYPE C STANDARDS

DWELLING ROWS

1. Articulation of third storey massing

- 1.1 A row of dwellings must not be longer than 10 allotments or 60 metres, whichever is lesser distance.
- 1.2 Where a three (3) storey row of dwellings is proposed, a row may not be longer than six allotments unless it has a break at the third storey of at least 5.0m wide.

2. Repetition of façade design

- 2.1 A façade design, including form and material or colour, must not be repeated in a row of dwellings more than six times consecutively.

BUILDING HEIGHT

3. Building height

- 3.1 The height and/or number of storeys of a building must not exceed the maximum specified in the planning scheme zone, including a height specified in a schedule or plan incorporated into the planning scheme. If a height is not specified, then:
 - a) the building height must not exceed 11 metres; and
 - b) the building must contain no more than three (3) storeys at any point.

The reference to zone in this Standard includes an applied zone.

SETBACKS

4. Setback - Maximum front setback

- 4.1 No maximum front setback applies.

5. Setback - Minimum street setback

In this Standard, a street includes a side public open space alignment.

- 5.1 Walls of a building must be set back from front and side street alignments the distances specified in Table 1.

Table 1: Street setbacks

Type	Minimum setback from front street alignment	Minimum setback from side street alignment
Type C	2.5 metres; or	The setbacks specified in table 2 at column 4 'Minimum setback from the side street alignment on a corner allotment' apply;
Type C2	0.5 metres from the allotment boundary, if the allotment adjoins an open space reserve that provides a landscape buffer of at least 1.5m.	0 metres if the allotment adjoins an open space reserve that provides a landscape buffer of at least 1.5m.

6. Setback - Wall on boundary

- 6.1 At a side boundary the proposed building must comply with Standard 7.2 setback profile unless it abuts an existing, approved or simultaneously approved Type C building,
in which case:

- The proposed building may encroach on the setback profile up to a height of 3.6 metres above the adjoining building; and
- The encroachment must not exceed the length of the adjoining boundary wall by more than 2.0 metres.

- 6.2 There is no maximum wall on boundary length provided other Standards are satisfied.

If an adjoining allotment is not subject to the Small Lot Housing Code regulation 80 of the Building Regulations 2018 apply to the extent that they relate to the adjoining allotment.

7. Setback - Side and rear profile

- 7.1 Standard 7 does not apply to a wall of a building that complies with Standard 6.
- 7.2 Where a Type C allotment is adjacent to a Type C allotment, street or public open space a building must be set back from a side or rear boundary not less than the distance specified in Table 2.

Table 2: Side and rear setback profiles

Building height at any point	Minimum side setback an adjoining allotment boundary	Minimum rear setback from an adjoining allotment boundary	Minimum setback from a lane	Minimum setback from the side street alignment on a corner allotment
3.6 metres or less	0 metres	4.0 metres	0 metres	1.5 metres
6.9 metres or less	0 metres	4.0 metres	0 metres	1.5 metres
More than 6.9 metres	0.5 metres for every metre of height over 6.9 metres	4.0 metres plus 0.5 metres for every metre of height over 6.9 metres	0.5 metres for every metre of height over 6.9 metres	1.5 metres plus 0.5 metres for every metre of height over 6.9 metres

If an adjoining allotment is not subject to the Small Lot Housing Code regulation 79 of the Building Regulations 2018 apply to the extent that they relate to the adjoining allotment.

8. Setback - Allowable encroachments

8.1 The following elements may encroach into the front or side setback distance required by Standard 5.1;

by no more than 1 metre for any:

- a) entry canopies less than 2.5 metres wide;

by no more than 0.75 metres for:

- b) eaves, fascia and gutters;
- c) sunhoods, sunshades or fins;
- d) roofed pergolas, porches and verandahs on the ground floor;
- e) balconies on the second storey or above;

up to the boundary for:

- f) unroofed pergolas;

Provided these encroachments do not project beyond the allotment boundary.

8.2 Where a Type C rear boundary is adjacent to a street, lane or public open space, or where a Type C2 boundary is adjacent to a street, lane or public open space,

sunhoods and sunshades may project no more than 600mm beyond the allotment boundary, provided:

- a) the sunhood is at least 5.0 metres above any part of a street that may be used by a motor vehicle or 2.4 metres above ground level of a street, laneway or park in any other case; and
- b) the total length of encroaching sunshades is no more than 25 per cent of the total frontage length.

9. Setback - Garage from the street

9.1 The entrance (to a door or opening) of any garage must be setback:

- a) no less than 2.5 metres from the front street alignment; and
- b) no more than 4.0 metres from the front street alignment.

ARTICULATION

10. Articulation - Entrance to the dwelling

10.1 A front, side or rear entry to the dwelling must be set forward of the garage at least 0.5 metres where the garage faces the front street.

10.2 Any entry to the dwelling at a street (not a lane) or public open space must include at least one window, in the form of a sidelight window or viewing panel. The window may be provided via glazing in the door.

10.3 If a dwelling is rear loaded, an entry door at the laneway must be provided. This must be separate from a garage door.

11. Articulation - Massing

11.1 Where a façade faces a street or public open space, the façade portion below a height of 6.9 metres must have between 25 percent and 75 percent of its area recessed by an additional 600mm.

12. Articulation - Façades through materials

12.1 Facades to front streets, side and rear street alignments, and laneways must include a minimum of two materials, with no material being used for more than 75 per cent of the façade on that frontage.

For the purposes of calculating the area, windows, doors, and garage doors are not included.

13. Articulation – Detailed design

- 13.1 Any front or side frontage adjacent to a street or public open space must include at least one of the elements in Standard 8.1 excluding eaves, fascia and gutters.
- 13.2 The element must project at least 300mm forward of the façade. Porches, balconies, and verandahs must have at least a 1 metre clear width and each element must be at least 25 percent of the frontage width.
- 13.3 For the purposes of this Standard, the length is totalled for discontinuous elements such as sunshades.

ACTIVATION

14. Activation and passive surveillance

- 14.1 The front setback must have an area of private open space with a 1.5 metre minimum dimension in each direction.
Unless the allotment is nominated as Type C2.
- 14.2 Any front, side or rear boundary must have at least one habitable room or balcony overlooking any adjacent street, lane, footpath, park, or other open space.

CAR PARKING

15. Car parking

- 15.1 One car park must be provided on site unless the dwelling is rear-loaded.
- 15.2 The car park can be provided in a garage or in an un-roofed area.
- 15.3 The car parking space must be accessible via an internal entrance from the dwelling, unless it is not provided in a garage or the dwelling is rear-loaded.
- 15.4 A single car parking space must be at least 6.0 metres long and 3.2 metres wide.
- 15.5 The minimum ceiling height to a garage or car parking space is 2.1 metres.
- 15.6 If the car parking is in a garage, the door(s) or opening(s) to the garage:
 - a) must not exceed 3.3 metres wide for allotments less than 7.0 metres wide;
 - b) must not exceed 30 per cent of the area of the front façade of the building.
 - c) garages containing side by side parking are only permitted on rear-loaded lots that are greater than 7 metres wide. The width of the door(s) or opening(s) must not exceed 5.5 metres wide.

PRIVATE OPEN SPACE

16. Site coverage

16.1 There is no maximum site coverage.

17. Private open space

17.1 If a dwelling has three or more bedrooms it must have a total at least 18.0 square metres of private open space. Unless the allotment is nominated as Type C2, in which case Standard 17.2 applies.

17.2 If a dwelling has two or less bedrooms it must have a total of at least 12.0 square metres of private open space.

17.3 The total private open space may be provided in 2 or more parcels, provided that:

- a) each parcel has a minimum dimension of 1.5 metres in all directions, and
- b) at least one parcel has the minimum area and dimension in Table 3 with a door connecting it to the main living area.

Table 3: Private Open Space Parcel Sizes

Dwelling Type	Minimum Area	Minimum dimension
2 Bedrooms or less	8 square metres	2 metres
3 Bedrooms or more	8 square metres	2.4 metres

18. Daylight to private open space

18.1 Each dwelling must have an area of private open space of at least 4.0 square metres with a minimum dimension of 2.0 metres, which has access to direct sunlight for at least 2 hours between 8am and 4pm on the equinox (22 September) that is:

- a) at ground level; or
- b) a balcony; or
- c) a roof top terrace.

19. Landscape permeability

19.1 At least 50% of unroofed ground level Private Open Space must comprise water permeable surfaces.

20. Deep soil zone

20.1 Each allotment must provide an area for deep soil planting that is a minimum of 2.5 square metres, with a minimum dimension of 1.5 metres.

This Standard does not apply to allotments with a front setback in accordance with Type C2.

AMENITY

21. Overshadowing of secluded private open space

21.1 A building must not reduce the sunlight to any secluded private open space of an existing building on an adjoining allotment to less than 6 square metres, with a minimum dimension of 2.0 metres in each direction.

For the purposes of calculating the area of direct sunlight at this Standard, the length of shadow cast is calculated by multiplying the height of building by 0.9 when the sun is true north.

21.2 A building must not reduce the sunlight to private open space of an existing Type C building on an adjoining allotment such that that allotment would no longer meet Standard 18.1.

22. Daylight to existing habitable room windows

22.1 The application is exempt from the requirements of the Building Regulations 2018.

If an adjoining allotment is not subject to the Small Lot Housing Code regulation 81 of the Building Regulations 2018 apply to the extent that they relate to the adjoining allotment.

23. Solar access to existing north-facing windows

23.1 The application is exempt from the requirements of the Building Regulations 2018.

If an adjoining allotment is not subject to the Small Lot Housing Code regulation 82 of the Building Regulations 2018 apply to the extent that they relate to the adjoining allotment.

24. Overlooking

24.1A habitable room window must have a sill height or be screened to a height of 1.7 metres if it:

- a) Within 4.5 metres of a living room window and an adjoining allotment; and
- b) Is more than 2.5 metres above natural ground level; and
- c) Faces a living room window of an adjoining allotment at an angle less than 45 degrees.

In this Standard, a window facing a living room window means a window within 1.5 metres from the closest point of other habitable room window on an adjoining allotment.

If an adjoining allotment is not subject to the Small Lot Housing Code regulation 84 of the Building Regulations 2018 apply to the extent that they relate to the adjoining allotment.

24.2 A raised private open space that faces secluded private open space or living room windows of an existing or approved dwelling within a horizontal distance of 4.5 metres, must be screened to a height of at least 1.7 metres above the floor level and be no more than 25 per cent transparent.

25. Daylight to habitable rooms

25.1 Each habitable room window must face either of:

- a) an outdoor space or light court with a minimum area of 3 square metres and a minimum dimension of 1.0 metre clear to the sky, with a minimum dimension of 2.5 metres measured perpendicular to the window. This may borrow from a street or public open space;
- b) A verandah, patio, porch or balcony that is open for more than one third of its perimeter

STORAGE, SERVICES, UTILITIES AND FENCES

26. Garage storage

26.1 Each dwelling must have at least 2.5 cubic metres provided, it may be provided in the garage.

27. Bin storage

- 27.1 Where a garage is provided, bin storage must be located in the garage and cannot be located in the area for garage storage.
Where no garage is provided, bin storage must be screened from view.

28. Water tanks

- 28.1 An area that allows for a rainwater tank must be provided at ground level.
- 28.2 Rainwater tanks must not be located in the front setback zone.
- 28.3 The Rainwater tank area must not be counted as private open space at Standard 17.

29. Water meters, gas meters and other services

- 29.1 Water meters, gas meters and other services must not be located at the centre of private open space in the front setback.

30. Front and side boundary fence

- 30.1 A fence on or within 3.0 metres of a front street alignment, or on a or side street alignment, or adjacent to a public open space must not exceed the maximum height specified in Table 4.

Table 4: Front and side boundary fence heights

Types	Maximum fence height
A declared road	2.0 metres
Any other street	1.5 metres

- 30.2 A front or side boundary fence, other than a front or side boundary fence to a declared road, must be at least 50 percent transparent for that part of the fence above 850mm height.

31. Side and rear allotment boundary fences

- 31.1 A fence at a side or rear boundary must not exceed 2.5 metres in height and the part of the fence above 2.0 metres in height must be at least 25 per cent transparent.

This Standard applies to all side and rear boundary fences whether located on or setback from the allotment boundary.

If an adjoining allotment is not subject to the Small Lot Housing Code regulation 90 and 91 of the Building Regulations 2018 apply to the extent that they relate to the adjoining allotment.

32. [Fences forward of front walls](#)

32.1 Any part of a fence that is constructed forward of the front wall of a dwelling must comply with the height and transparency requirements of Standards 30.1 and 30.2.

33. [Fences on street alignments](#)

In this Standard, street does not include lane, footway, alley or right of way.

33.1 Despite Standards 30.1 and 30.2, a fence within 3.0 metres of a point of intersection of street alignments must not exceed a height of 1.0 metre above footpath level.

33.2 A fence within 1.0 metre of a side street alignment –

- a) must not exceed 2.0 metres in height; and
- b) may be solid for no more than 65 per cent of its length, the remaining length of the fence must be at least 15 per cent transparent.

33.3 A fence on a rear street alignment must not exceed 2.0 metres in height above natural ground level.

33.4 A fence adjacent to and within 1.0 metre of a street alignment or public open space must not contain barbed wire or other sharp protrusions.

34. [Fences and daylight to windows in existing building](#)

34.1 The application is exempt from the requirements of the Building Regulations 2018.

If an adjoining allotment is not subject to the Small Lot Housing Code regulation 94 of the Building Regulations 2018 apply to the extent that they relate to the adjoining allotment.

35. [Fences and solar access to existing north-facing habitable room windows](#)

35.1 The application is exempt from the requirements of the Building Regulations 2018.

If an adjoining allotment is not subject to the Small Lot Housing Code regulation 95 of the Building Regulations 2018 apply to the extent that they relate to the adjoining allotment.

36. [Fences and overshadowing of secluded private open space](#)

36.1 The application is exempt from the requirements of the Building Regulations 2018.

If an adjoining allotment is not subject to the Small Lot Housing Code regulation 96 of the Building Regulations 2018 apply to the extent that they relate to the adjoining allotment.

37. [Roof reflectivity](#)

37.1 Roofs must be finished with a colour or material with a Light Reflective Value greater than 50.

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