
**REVIEW OF THE GOOD DESIGN
GUIDE AND VICCODE 1**

FINAL REPORT

MARCH 2000

FINAL REPORT
STANDING ADVISORY COMMITTEE

REVIEW OF THE GOOD DESIGN
GUIDE AND VICCODE 1

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LIST OF ABBREVIATIONS USED

AAT	Administrative Appeals Tribunal
DOI	Department of Infrastructure
HIA	Housing Industry Association
LPPF	Local Planning Policy Framework
MSS	Municipal Strategic Statement
RAIA	Royal Australian Institute of Architects
RAPI	Royal Australian Planning Institute
RICHMOND RAID	Richmond Residents Against Inappropriate Development Inc
SPPF	State Planning Policy Framework
ULC	Urban Land Corporation
VCAT	Victorian Civil and Administrative Appeals Tribunal
VPPs	<i>Victoria Planning Provisions</i>

1. INTRODUCTION

1.1 THE ISSUES AND OPTIONS PAPER

In 1998, the then Minister for Planning and Local Government, the Hon Robert Maclellan, appointed the Standing Advisory Committee to review current practical experience with the provisions of *VicCode 1* and *The Good Design Guide* relating to overlooking, overshadowing and building on or near boundaries. The Committee was required to make recommendations about how the provisions or procedures of *The Good Design Guide*, Ministerial Direction No. 8 or *VicCode 1* relating to these matters may be improved and made more effective.¹

An Issues and Options Paper was prepared by the Standing Advisory Committee in August 1999. However, the State election in September delayed its release. Upon taking office in October, one of the first actions by the new Minister for Planning, the Hon John Thwaites, was to release the Issues and Options Paper for public comment.

On 13 December 1999, the Minister for Planning released the Labour Government's State Planning Agenda, *A Sensible Balance*. At the same time he announced that the Terms of Reference for the Standing Advisory Committee would be expanded to encompass issues associated with density and carparking.² Public submissions on these issues were called for, closing on 8th February 2000.

This report is the Standing Advisory Committee's response to its dual Terms of Reference. It takes into account the responses received to the Issues and Options Paper and submissions on density and carparking. It is also guided by the directions set in *A Sensible Balance* and the Minister's announcement that a single residential code for all forms of residential development will be prepared.

1.2 STATE PLANNING AGENDA – KEY DIRECTIONS

The State Planning Agenda, as described in *A Sensible Balance*, is structured around four key directions:

- A strategic planning system
- Empowering local government and the community
- An emphasis on neighbourhood character and residential amenity

¹ See Appendix A, GDG Standing Advisory Committee – Terms of Reference

² See Appendix B, GDG Standing Advisory Committee – Expanded Terms of Reference

- A future for regional Victoria and the environment

A major initiative identified in the State Planning Agenda is the preparation of a new Residential Code for all forms of housing. Other aspects relevant to this Report, include:

- The Government's commitment to the new format planning schemes prepared by councils;
- The emphasis on neighbourhood character and residential amenity, which will underpin the new code for residential development; and
- The aim of achieving a sensible balance between economic development, social growth and cohesion and the sustainability of Victoria's environment.

With respect to this balance, as it applies to residential development, the State Planning Agenda says:

It is important to remember that managing residential development is only one part of a bigger picture. Building, urban design, heritage and the environment all have an important role in the pursuit of maintaining Victoria's livability, reflecting community values and supporting economic and social growth.³

Other fundamental elements of the new Residential Code identified in *A Sensible Balance* will be to:

- Reduce the complexity of factors to be taken into account in the assessment process of new housing development;
- Encourage creative design and a broader spectrum of housing types which meets current and future needs; and
- Use language and processes that residents can better understand and apply.⁴

1.3 IMPLICATIONS FOR THE STANDING ADVISORY COMMITTEE

The above matters have meant that the ambit of the Standing Advisory Committee's Final Report and the consultation processes associated with it have altered from those originally envisaged.

A Residential Taskforce has been appointed to prepare the new Residential Code. Extensive consultation processes, including the establishment of a Reference Group of key stakeholders, have been set up. To avoid overlap and confusion in these processes, the Standing Advisory Committee has not undertaken further consultation following the release of the Issues and Options Paper, such as meetings, as formerly planned.

³ State Planning Agenda: *A Sensible Balance*; page 12

⁴ *ibid* page 12

A number of issues canvassed in the Issues and Options Paper have been taken over for implementation by the Residential Taskforce. These include determining an appropriate trigger for requiring a planning permit for single dwellings, changes to the Building Act 1993 and requirements for a site context plan to be submitted with an application for a building permit. Detailed suggestions by the Standing Advisory Committee about drafting are now no longer relevant. For this reason the Committee has focussed on the effect, rather than the words, of suggested changes to *The Good Design Guide* and *VicCode 1*.

1.4 NEW RESIDENTIAL CODE

The concept of a single residential development code with common standards applying to single dwellings and medium density development was one of the options presented in the Issues and Options Paper. Its endorsement by the Minister has resolved two of the greatest problems associated with the construction of new single dwellings in established urban areas, namely the lack of standards for single dwellings regulating overlooking and overshadowing. Recommendations, which the Standing Advisory Committee makes, about front setbacks, front fences and setbacks for garages and carports, will apply equally to single dwellings. These measures will have a substantial impact on reducing the adverse impact that new single dwellings and medium density development has had on neighbourhood character.

At this stage, it appears that the new Residential Code will be in two parts: one will deal with the design and development of dwellings; the other will deal with subdivision and related matters. The format of the new Residential Code has yet to be determined. In Section 3, the Standing Advisory Committee makes some recommendations about principles which may inform the structure of the new code, particularly as it relates to the design and development of dwellings.

The new Residential Code will embody the fundamental objectives found in *The Good Design Guide* and *VicCode 1*. Likewise the fundamental standards embodied in the criteria, techniques and performance measures of these documents, with modifications to reflect this review and other consultation processes, will be drawn into the new Residential Code too. In doing so, it is important to bear in mind the strong support for the objectives and the majority of the provisions in *The Good Design Guide* and *VicCode 1*, which is generally found throughout local government, the design, development and planning industries, and the community.

The criticisms about *The Good Design Guide*, which have triggered this review, have largely been about its application in **particular** situations. The findings of the Committee, identified in the Issues and Options Paper, were that there is nothing inherently unreasonable in the majority of techniques and performance measures. Rather, it is a question of the way in which they are used. The amendments that are recommended by the Standing Advisory Committee will address the key areas where problems in the application of *The Good Design Guide* have become evident. These are to do with the lack of standards about overlooking and overshadowing for single dwellings, responsiveness to neighbourhood character and

excessive visual bulk. They are part of what should be seen as a continual process of review and improvement to planning standards.

1.5 QUALITY OF RESIDENTIAL DEVELOPMENT

The purpose of this review has been to test the soundness of the relationship between the objectives and criteria of *The Good Design Guide* and *VicCode 1* and the outcomes which their techniques and performance measures produce.

As reported in the Issues and Options Paper, the Standing Advisory Committee gained the overall impression that things are getting better. With respect to medium density development, councils are becoming more skilled at assessment; more confident at negotiating outcomes. On the other hand, it also found evidence that they are becoming more inflexible in demands for higher standards, which are not always justified.

The greatest problem and source of community concerns about overlooking, overshadowing and intrusive visual bulk, which is contrary to neighbourhood character, were found to be single dwellings. Single dwellings traditionally require no planning permission and have different standards applying to them in these important respects.

Of course, there are poor examples of medium density development to be found throughout the metropolitan area and within regional centres. There remains a sector of the development industry which focuses only on the bottom-line of the standards in *The Good Design Guide*. These are the developments that are most intrusive into neighbourhood character. They share many common characteristics and the Standing Advisory Committee has recommended measures to address these.

However, there remains the fact that in some instances, people simply don't like the style of new residential development. In the Issues and Options Paper, the Committee made the point that *The Good Design Guide* draws a distinction between taste and good design.

Taste is a variable thing. Neighbourhood character is described in *A Sensible Balance* as:

...the interplay of the natural, built, social and cultural environments that make one place different, or distinct, from another.⁵

This description indicates that neighbourhood character is not just about the physical elements that make an area distinctive, for example, streetscape, landscape, height of development, built form, etc. It is also about the people who live there, the social vitality and cultural diversity of the neighbourhood.

⁵ *A Sensible Balance* (December 1999) page 14

If too rigorous controls are introduced to ensure particular characteristics of a neighbourhood are reinforced, there is a risk of too much conformity or consistency, even sterility. This could stifle not only creativity in design but also access to a range of housing choices and cultural diversity. Neighbourhoods are not just about bricks and mortar and vegetation but also about attracting a diverse range of people in terms age, background and values with varying tastes in house design

For this reason, there needs to be a tolerance in the planning system to accommodate different tastes. This is an important aspect of diversity and choice.

It is sometimes too easy to focus on the bad examples of new residential development and forget how much good development occurs. The last few years have seen a surge in new housing, particularly throughout Melbourne. The inner suburbs have been transformed by innovative medium density development and, in places, high density housing. Their decline in population has been arrested and reversed. Numerous old buildings, whose original commercial or industrial use has finished and which might otherwise have been demolished, have been saved through their conversion for residential purposes. The fragmentation of their ownership has virtually guaranteed their continued existence. Interesting new houses have been fitted into the grain of more historic areas. The warp and weft of the city has been enriched through the diversity that this housing boom has wrought. In its wake, it has brought people back into the city. They now support the thriving strip shopping centres, once in decline. They have stimulated completely new services and facilities.

And this revitalisation has spread to the middle and outer suburbs too. In a way, people have rediscovered them as interesting and valued places. The scorn these suburbs have suffered from for so long has been replaced by an appreciation of the quality of life they offer. Suburban shopping centres too have been stimulated and now offer a much wider range and diversity of goods and services. Pedestrian environments have been cultivated through business and by local government. There are more people on the street and using the ever-growing network of bike paths and open space links.

All of this activity adds to the vitality of the city and its liveability. Most of the new development is very good. It is because of this that the bad examples stand out. The fact that Victorian people care so much about their urban environment means that the quality of development overall, and the planning system that manages it, is world-class. This should not be overlooked as a result of focussing only on the cases where it hasn't worked to best advantage. The benefit of the bad examples should be to spur improvements to the development industry and planning system, and to raise levels of expectation. Bad examples shouldn't be used as an excuse to stop all development or constrain diversity.

The Standing Advisory Committee has been mindful of this imperative in framing its recommendations. It has sought to establish the "*sensible balance*" that is embodied in the State Planning Agenda. The balance is between maintaining the best attributes of our urban fabric and residential amenity, whilst at the same time providing opportunities to satisfy the ongoing needs of the community in the form of additional and more diverse housing stock in areas where people live or want to live.

1.6 PRINCIPLES TO GUIDE THE NEW RESIDENTIAL CODE

Monitoring and review is a fundamental component of the recent reforms to the planning system. This review has played a part in the initiative by the Government to establish a new Residential Code for all residential development. In conjunction with the planning reforms, it will place Victoria in a leading position to manage the changes that, for good or ill, are influencing society, so far as they impact on our housing needs and built form.

Planning is a complex business. The sheer range of interests to be accommodated and factors to be considered mean that the judgements which are made will never be simple. However, this does not mean that government, stakeholders and decision-makers should not strive to make their objectives clear and keep the process as transparent and straightforward as possible. For stakeholders, there should be certainty about the process of decision-making and knowledge that if objectives are met and prescribed steps are fulfilled, decisions will not be arbitrary or inconsistent. Rewards should be provided to applicants in the planning process who demonstrate compliance with the spirit of objectives and procedures. Without such rewards, there will be nothing to prod the bottom-line developer, who is focussed on compliance with rules rather than objectives, into improvement.

It is unreasonable in such a complex process to imagine that a mechanistic application of any set of rules will always produce satisfactory outcomes. The bad examples of development, which the Standing Advisory Committee has seen, are frequently examples of this - a set of rules being applied with no thought as to what impact they may have or the objectives which should be guiding them. It is the lack of judgement that people have complained about in such instances, and their own lack of ability to participate in the decision-making process.

For these reasons, the Standing Advisory Committee does not consider that the concept of judgement can be satisfactorily removed from the planning process, particularly as it relates to residential development. On the other hand, the exercise of judgement can be a time consuming and costly process. It is therefore in everyone's best interests to direct time and resources where they are most needed and will produce the best outcomes. There are two areas where the Standing Advisory Committee considers the need for resources should be focussed:

- ***Strategic planning:*** Strategic planning should set the parameters for the exercise of judgement, establish objectives and generally direct where and how development should occur.
- ***Infill locations:*** Infill locations were where the Standing Advisory Committee found the greatest number of bad examples of new residential development. The majority of these were single houses, which have no requirement for a planning permit and have different standards applied to them. This contrasts to greenfield locations where there are few problems with new development, apart from carparking (and these stem from

subdivision standards, not the design of new dwellings). An established urban context is therefore the area where there is greatest need for judgement to be exercised in decision-making associated with new dwellings

A fundamental distinction has therefore been made in this report and recommendations between the standards that should apply in greenfield locations and those in infill locations. Many will be the same. But in greenfield locations there are some standards, which are dependent on context, that it will be unnecessary or inappropriate to apply. Standards relating to overlooking, overshadowing and maintaining consistency with prevailing front setbacks and fences fall within this category.

Greenfield locations are also the areas where the majority of new home building occurs. According to the HIA, approximately 75% of new dwellings constructed last year were single houses (34,000 out of 44,000 dwellings). Country Victoria accounted for 8,000 of these with the remaining 26,000 split roughly 65% - 35% between the fringe/outer suburbs and established areas or, 17,000 houses on the fringe and 9,000 in established areas.

Single dwellings do not require planning permits in greenfield locations at present. As this situation is not giving rise to problems, there is therefore no need to divert resources to requiring planning permits in these locations. The Standing Advisory Committee considers that in the preparation of a new Residential Code, the standards applying to dwellings in greenfield locations should be quantitative assessment standards, which are capable of application without reference to context or the exercise of qualitative judgment. No planning permit should be required.

No specific recommendations are made about how to distinguish greenfield from infill locations. This is an issue the Residential Taskforce will deal with. Two suggested means are:

- By specifying areas within the planning scheme.
- Any areas where (say) 10 – 20% of surrounding lots within a defined radius are vacant. This would mean that these areas would change over time from greenfield locations to infill locations as they are fully developed and their neighbourhood character is established without the need for planning scheme amendments.

In infill locations, the range of standards applying to single dwellings and medium density development will include contextual and qualitative assessment. With local government resources stretched at present, it is doubtful how the system would cope with an additional 9,000 applications per year if all new single houses required a planning permit. It is therefore probably best to focus on those applications representing the greatest potential impact. The size of lot or other characteristics, which will operate the trigger for a planning permit for single dwellings, is a matter being considered by the Residential Taskforce. The Standing Advisory Committee has not made any recommendations on this matter. Instead, it has focussed on the standards which should apply in infill locations.

The remaining category of location, which the Standing Advisory Committee has not made any specific recommendations about in terms of standards, is 'opportunity sites'. These are essentially large sites suitable for development, which may have had a previous use, possibly for commercial, industrial or institutional purposes. They may be in single ownership or require amalgamation. They are the places where the opportunity exists to create new residential and/or mixed-use developments of high density. It is here that governments, both State and local, have the opportunity to ensure they are realised in the best community and strategic interest. They offer an opportunity to realise principles of sustainable development and take the pressure for supplying new housing needs off other areas where maintaining neighbourhood character is seen to be paramount.

To achieve this, government should display initiative in facilitating opportunities and flexibility in responding to different options. For example, in urban villages, it may be an option to locate carparking in a single commercial car park rather than requiring it to be provided individually on site.

The Standing Advisory Committee believes that the new Residential Code should be drafted to acknowledge that there are other models for residential development than the conventional ones. The flexibility must be retained to respond appropriately to such models and new innovation. There is merit in possibly identifying in the code that, in relation to opportunity sites, public involvement in the assessment process should be focussed on their interface with the surrounding neighbourhood, and to recognise that different design imperatives and standards may apply to the core of the development than are found in the rest of the code.

1.7 FINDINGS AND RECOMMENDATIONS

The findings of the Standing Advisory Committee are embodied in this report and the Issues and Options Paper. Its principal finding is that single dwellings should be subject to the same standards as medium density development and there should be a single residential development code for all dwellings. This concept has been accepted by the Government and is reflected in the State Planning Agenda.

The Committee's other principal finding is that the objectives in *The Good Design Guide* are widely supported and should be accepted as a sound basis for guiding residential development. The standards, which support these objectives, are also basically sound. The areas where they can be improved relate primarily to means of strengthening neighbourhood character and reducing excessive visual bulk. The density element has not proved to be successful and its removal is recommended. A range of measures to improve carparking is also recommended.

Not every aspect of *The Good Design Guide* and *VicCode 1* was examined by the Standing Advisory Committee as part of this review. Its terms of reference did not extend this far, nor did the available time. Open space, acoustic privacy, site facilities (apart from storage), site layout and landscaping, infrastructure and energy efficiency were not specifically addressed.

The main reason is that these are not matters with associated major problems. Some of them, such as open space and landscaping, will be indirectly influenced by other recommendations about neighbourhood character issues. Where concerns have been raised about these issues, it is usually in the context of neighbourhood character in any event.

Another issue not addressed in this review, but which the Standing Advisory Committee considers is of major significance, is sustainability. Sustainable environments are addressed in the State Planning Agenda. It will be important for the new Residential Code to acknowledge and incorporate the principle of sustainability into its framework.

The recommendations in this report represent a package. They must be taken in combination to fully appreciate their outcomes. They deal with improving responsiveness to neighbourhood character; reducing excessive visual bulk; reducing overshadowing, overlooking and carparking problems; producing more site responsive designs; and improving amenity for occupants and neighbours.

The following is a summary of the package of recommendations.

- Provide Government support to coordinate and facilitate development in areas which are appropriate for substantial residential development.
- Provide clear guidance to councils about mechanisms to manage change within their municipalities and establish reasonable levels of expectation about the rate and nature of change that will be encouraged.
- Introduce an Urban Protection Overlay to prevent the ‘moonscaping’ of sites. This would essentially act as a holding mechanism by requiring a planning permit for demolition unless a planning permit has been issued for a replacement development on the site.
- Remove density as a design element in the new Residential Code.
- Ensure that new development is more responsive to neighbourhood character by introducing new standards that:
 - Avoid the projection of buildings into a consistent front setback by:
 - Requiring new development to be setback in accordance with any prevailing setback
 - Requiring garages and carports to conform to minimum frontage setbacks
 - Abolish the distinction based on the 7km radius of the Melbourne GPO for establishing front setbacks.
 - Avoid high solid front fences by:
 - Limiting the height of front fences
 - Requiring no front fences where this is a characteristic of the street

- Reduce excessive visual bulk by:
 - Requiring the articulation of ground floor perimeter walls
 - Requiring upper levels to be smaller than lower levels
- Require single dwellings to meet standards relating to overlooking and overshadowing in infill locations.
- Change the number of resident carparking spaces required to:
 - 1 space per one or two bedroom dwelling
 - 2 spaces per three or more bedroom dwelling
- Encourage the better use of carparking provided for residents by:
 - Increasing the internal dimensions of garages
 - Providing a minimum of 6 cubic metres of enclosed, lockable storage space, which is externally accessible, for every dwelling
- Require dedicated storage space for bicycles in every development of five dwellings or more.

1.8 ACKNOWLEDGEMENTS

The Standing Advisory Committee would like to thank the many people, organisations and councils who responded in so much detail to this review, and with so much passion in many instances.

A list of all the responses to the Issues and Options Paper is included in Appendix J and a list of the submissions on density and carparking is included in Appendix K. A brief summary of the various issues raised in the submissions and responses is included in Appendix L. A full summary referring to individual submissions is included in the Technical Appendices.

The level of public debate about planning (of which this review is part) and the degree of public participation in planning decision-making are two of Victoria's great strengths. Provided they can be matched with tolerance for diversity and choice, and appreciation of the need to accommodate change in the best way possible, Melbourne will retain its reputation as a world-class livable city and the urban fabric throughout Victoria will be maintained and enriched.

The new Residential Code will make an important contribution to these outcomes. The Standing Advisory Committee therefore has great pleasure in submitting this report and making its recommendations as part of this process.

2. MANAGING CHANGE

2.1 REASONS FOR CHANGE

There are various reasons why urban change is manifesting itself. The form of change, which this review is most closely concerned about, is the redevelopment of established urban areas. However, it is taking place against a background of increased awareness of the need to better manage our overall environment. Changes to housing and built form, and the threat that people perceive these things present to established neighbourhood character, are symptoms of much broader changes occurring within the community.

These broader changes, which were canvassed in the Issues and Options Paper,⁶ include:

- Decline in household size. In metropolitan Melbourne the average household size dropped from 3.5 to 2.8 people per household between 1966 and 1991. In the five years to 1996 the average household size in metropolitan Melbourne decreased to 2.7 people per household. This average is expected to decrease further to 2.5 people per household by 2021. In regional Victoria, the average household size in 1996 was 2.6 people per household. This is expected to decrease to 2.4 people per household by 2021.
- Changes to household structure. The decrease in average household size is reflected in the increase in the proportion of one and two people households. In 1996, 54 per cent of households in Victoria were comprised of one and two people. In metropolitan Melbourne the proportion of one and two people households was 53 per cent, a four per cent increase from 1991. In regional Victoria in 1996, 57 per cent of households were comprised of one and two people.
- An aging population. In 1991, 24 per cent of the population in metropolitan Melbourne was aged over 50 years. By 1996 this proportion had increased to 25 per cent and is expected to increase further to 35 per cent by 2021. The scenario is similar in regional Victoria where 26 per cent of the population was aged over 50 years in 1996. By 2021 this proportion is expected to rise to 39 per cent.
- Decline in fertility rates. Australia's fertility rate is now about 1.6, well below replacement level of 2.1. This is a result of the number of women deciding to have no children at all, rather than deciding to have fewer children, as was the case in the 1960s and 1970s.

⁶ See Issues and Options Paper, Sections 2.1 and 2.2

- Changes in lifestyle. World wide factors are leading to marked shifts in previous patterns of trade, communication (particularly electronic), work and lifestyles. The shift from the old industrial economies to information and service driven globalised economies has created a great deal of uncertainty. This uncertainty, combined with a requirement for employees to be increasingly mobile, results in fewer people committing to home ownership and raising families. Many older people are, and will continue to be, relatively wealthy, healthy and mobile and will not require serviced accommodation until much later in life.

These factors are producing a demand for:

- More dwellings. A significant implication of decreasing household size is that more dwellings are required to house the increase in population that will occur over time. For example, if the average household size in metropolitan Melbourne in 1966 (3.5 people per household) had remained constant for 30 years, the present population of Melbourne could have been accommodated in at least 200,000 fewer dwellings — or equivalent to the total number of dwellings built in Melbourne over the past 12 years.
- More diverse range of dwellings. The vast proportion of Melbourne’s current dwelling stock is 3 and 4 bedroom detached houses. There is a need for more diversity in the size and style of dwellings throughout all residential areas. This enables people to find accommodation within areas where they have existing connections or where they work, and ongoing use of existing services and infrastructure.
- Dwellings with lower maintenance commitments. This is a product of the increased work hours of many people, a lack of interest in maintenance responsibilities for gardens by many tenants, and the declining physical capacities of older people.
- More rental accommodation. Declining certainties in the job market plus the decline in marriage and children lead to a declining commitment to home ownership. Substantial price rises in existing and new housing stock, plus rises in interest rates and other costs, all have an effect on the affordability of housing. This means more people will be dependent on the rental market. A more mobile workforce also creates demand for more rental accommodation.

2.1 RESULTS OF CHANGE

2.2.1 Popularity of Medium Density Development

One result of these pressures for change has been the high market acceptance of new medium density development built in recent years.

A ready supply of cheap, easily serviced land has historically meant that Melbourne’s needs for new residential development have been able to be accommodated by succeeding waves of

subdivision extending outwards from the CBD. This has resulted in the low-rise suburban sprawl dominated by single detached houses, which has characterised Melbourne's physical form. Flats and other forms of medium density development have not been a major component of the mainstream housing market. A brief outline of the history of flat development in Melbourne, and controls over it, is included in Appendix H.⁷ From this can be seen the very low levels of medium density development that was being constructed in the early 1990s.

In the 1980s, planning policy began to emphasise the need for urban consolidation to maximise the use of infrastructure and to protect the environment by reducing urban sprawl and private car usage. The introduction of *VicCode 2* in 1993 was one means of attempting to encourage increased dwelling density and the construction of additional dwellings in established urban areas. Its introduction happened to coincide with the collapse of the office building boom of the late 1980s, which resulted in a release of funds for alternative investments. At the same time, several major developers began construction of substantial apartment buildings in inner city locations, and the City of Melbourne commenced its Postcode 3000 project. The success of these initiatives demonstrated a latent demand for this type of accommodation.

The increasing market acceptance of medium density development has led to a situation where approximately 5,000 new medium density dwellings were approved in 1998 and 9,000 in 1999.⁸ This compares to the construction of only 1,883 units in 1990-91. These dwellings are not only located in the inner city areas, although this is where the majority are being built, but are found throughout the metropolitan area and major regional cities.

2.2.2 Benefits and Disbenefits

The popularity of medium density development has produced many beneficial results. These include:

- Recycling, and consequent preservation, of many old buildings. These range from old industrial buildings to city office buildings.
- Increased appreciation of heritage buildings and precincts.
- Renaissance of local shopping centres. Suburban strip centres are enjoying a new lease of life following years of decline or conversion to alternative uses. Whilst they may be more focussed on food and lifestyle goods than formally, they are once more providing a neighbourhood focus. The proliferation of cafes is promoting a street life never before evident.
- Improved choice and diversity in housing.

⁷ This was part of the submission by the then Department of Planning and Housing presented to the Independent Panel, which considered the initial introduction of *VicCode 2*.

⁸ ABS statistics

- Improved access to housing in proximity to established public infrastructure and facilities.
- Rejuvenation of community assets. Improvements to public open space and the provision of pedestrian links and bicycle paths are a good example of this.

Of equal importance has been the way in which the decline in population in inner and middle ring suburbs has been slowed or reversed. Maintaining population levels has major implications for all levels of government in the provision of services.

The main disbenefits, which the growth in medium density development has produced, are:

- Detrimental impacts on the amenity of adjoining residents in some locations
- Changes to neighbourhood character

2.2.3 Impacts on Amenity

The increased densities and new forms of building, which medium density development has resulted in, have caused concerns in the community about their adverse impact on the amenity of surrounding residents. These amenity impacts relate primarily to:

- Overlooking
- Overshadowing
- Excessive visual bulk
- Problems with carparking and traffic

A key objective of this review has been to examine these impacts. As noted in the Issues and Options Paper, the Standing Advisory Committee has found a growing competence and confidence on the part of designers, developers and councils in handling medium density development. *The Good Design Guide* introduced improvements to *VicCode 2* and focussed attention on the need to meet objectives rather than simply meeting the requirements of the techniques or performance measures. The result has been that the Committee had very few 'bad' examples of **recent** medium density development referred to it for inspection.

It is clear that experience with this form of development and the opportunity for individual assessment via the planning permit process has resulted in better outcomes with medium density development than with single dwellings, which lack this opportunity for assessment.

Whilst not everyone is happy with the outcomes produced by *The Good Design Guide* in terms of overlooking and overshadowing, the Standing Advisory Committee has found that,

in general, the objectives and standards produce a reasonable balance between the interests of new development and its ultimate residents, and the occupants of existing residences. In terms of excessive visual bulk, traffic and carparking, the Standing Advisory Committee has identified several areas where these matters could be improved. Each of these matters is addressed in greater detail later in this report.

However, the Committee found that the main impacts on amenity are associated with single dwellings being constructed in established urban areas without the need for a planning permit. To address this problem, the Committee suggested that all dwellings, particularly in established urban areas, should be subject to the same standards. The Government has decided to implement this through the introduction of the new Residential Code.

2.2.4 Changes to Neighbourhood Character

The Good Design Guide introduced neighbourhood character as a separate Design Element. Notwithstanding the objective to ‘*achieve medium density development which is respectful of its neighbourhood*’, there are sectors of the community which remain concerned that new medium density development is not meeting this objective. There is also concern about the rate of change which is occurring.

The Standing Advisory Committee found in the Issues and Options Paper⁹ that where there was an evident loss of neighbourhood character, this resulted from a loss of vegetation and development tending to share common characteristics. These characteristics were:

- Projection of buildings into a consistent front setback
- High solid front fences
- Lack of visible vegetation
- Excessive visual bulk

These matters are all addressed in Sections 6 and 7. Recommendations are made about ways in which they can be addressed to ensure that new development responds better to neighbourhood character.

However, a different issue is the rate of change, which is occurring in established urban areas. When the Standing Advisory Committee refers to ‘rate of change’, it is not referring to the speed of change. Rather, it is referring to the degree to which the detail of the urban fabric is changing and evolving.

In the Issues and Options Paper,¹⁰ the Committee quoted from Kevin Lynch’s book, “Image of the City” (1960):

⁹ Issues and Options Paper, Section 3.3.2-3, pages 90-94

While it [the city] may be stable in general outlines for some time it is ever-changing in detail. Only partial control can be exercised over its growth and form. There is no final result, only a continuous succession of phases.

Whilst change is an essential and ongoing process in any urban area, there are parts of the city that are more suitable for change than others and parts that the community wishes to retain in its existing form. Increasingly, people wish to be involved in the way in which change is managed within their neighbourhood. And increasingly, people are dissatisfied with a planning approach that sees all residential areas as equally open to change.

In *A Sensible Balance*,¹¹ the Government has made it clear that under the new Residential Code the mandatory starting point for assessment of development applications will be neighbourhood character. Councils will be encouraged to establish the preferred future character of an area. The Government's policy is that councils can decide which parts of their municipality are more appropriate for medium density housing. However, the Government does not want to curtail the overall supply of new forms of housing – such as medium density, which helps meet emerging needs.

It is clear that an approach which seeks to prohibit or unduly restrict medium density development will not be successful. This is a housing form that is meeting a community need. Suppressing it will either see those needs unmet or result in certain housing becoming unaffordable, particularly in the rental market. The need is therefore to manage change in a way that meets community housing needs whilst respecting valued neighbourhood character and positively improving it elsewhere.

2.3 WAYS OF MANAGING CHANGE

2.3.1 Residential Development Strategies

The Government has indicated it intends to release a draft Planning Practice Note on residential development strategies, which will assist councils to achieve, over the long term, a sensible balance between housing supply and demand:

*A sensible and forward-looking council residential strategy will be informed by considerations including the future preferred character for each area, infrastructure capacity, population trends, changing household needs and the role a municipality plays in its surrounding region.*¹²

¹⁰ *ibid* page 46

¹¹ State Planning Agenda: *A Sensible Balance* (December 1999) Section 3

¹² *ibid*, page 15

2.3.2 Distinguishing Between Areas Where Different Rates of Change may be Expected

In the Issues and Options Paper, the Standing Advisory Committee suggested that one means for councils to provide some certainty for residents and potential developers about where change may be encouraged or otherwise is to identify those areas within their municipalities where –

- Substantial change may be expected
- Incremental change within the framework of existing character may be expected
- Minimal change may be expected

Option 1 suggested that councils should use this system:

...in conjunction with the tools available in the form of zones and overlays under the Victoria Planning Provisions, local variations to The Good Design Guide and local policies, as a means of managing change within their municipalities as it affects residential areas. This should be done within a framework of implementing relevant objectives and strategies in their Municipal Strategic Statements.

This was the approach advocated in the Panel Report on the Monash Planning Scheme Local Variations to *The Good Design Guide* and it was one the Standing Advisory Committee considered to be valid elsewhere.

The Standing Advisory Committee recognises that the approaches the Government has to residential strategies as outlined in the State Planning Agenda may not accommodate this type of system. Nevertheless, it is worth recording the responses that submitters to the Issues and Options Paper made to Option 1.

Council Response

The majority of Councils agreed with this approach to planning and managing change. They considered that the mechanisms available to Councils under the new format planning schemes are satisfactory for managing change and will provide a strong strategic foundation for influencing the future and direction of their municipalities.

Certain Councils have already adopted the approach and identified areas of minimal change, incremental change and substantial change, which will form the basis of amendments to their new format planning schemes, for example Glen Eira, Kingston, Monash and Moonee Valley.

However, the City of Boroondara noted that ‘rate of change’ is a relative concept. What is significant change in a municipality like Boroondara is likely to be different to significant change in Port Phillip or Frankston.

One problem identified is that the implementation of this option will be costly for those Councils without in-house staff resources to undertake the work, and it would take some time to incorporate the work into the MSS and the LPPF.

It was felt the option may be difficult to implement within municipalities. Politically, councils could find it hard to identify established residential areas as being 'where substantial change may be expected'. This may be poorly received in the community as the term does not accurately convey what is likely to happen in areas designated as suitable for medium density housing, although it may be possible on some large isolated development sites. Other concerns expressed by the City of Banyule were that this approach may prejudice the development and planning process as people buy land in areas expecting automatic approval of development or vice versa (that there will be no development of any kind in their neighbourhood).

Private Industry Response

It was generally agreed within the private sector that this approach would provide better certainty to the industry. However, it was argued that wide ranging blanket prohibitions for medium density housing are unacceptable. Any identification of areas must be based on a sound strategic policy based approach. There also needs to be a clear understanding of how much change will be allowed/encouraged. In other words, what will be the provisions for the basic factors that affect yield for an area designated for 'substantial' change – ie, frontage setback, site coverage, and private open space requirements?

Resident Response

The majority of residents and groups are concerned at the present rate of residential change across metropolitan Melbourne and welcome a revised approach to managing change. Many believe that most residential change is not for the better and is producing inappropriate development on overcrowded sites. The majority of groups support the option, provided there is consultation with the local community and the outcomes reflect their wishes and expectations.

SOS supported the option in principle, but it would not be supported if it were to mean that areas of substantial change were to become the planning equivalent of *'free-trade zones, where virtually anything could happen.'* Likewise, if the approach led to a reduction in the ability of affected residents to participate in the planning process, it would not be supported either.

Standing Advisory Committee Comment

At this stage, it is not appropriate for the Standing Advisory Committee to advocate that an approach, which distinguishes between areas where different rates of change may be

expected, should be adopted as a preferred mechanism for managing change. It is one model that councils may find useful. However, if councils wish to develop alternative models, this should also be encouraged. The most important thing is that there is a strong strategic basis for whatever approach is adopted. This means that councils should understand and identify issues such as the following when developing strategies for managing change:

- What the housing needs of its future population are likely to be. Relevant matters will include:
 - Does the municipality have a particularly high proportion of older people?
 - Does it have facilities such as universities or hospitals that may give rise to high levels of demand for rental accommodation or special housing needs?
 - How many additional dwellings will be required to maintain existing population levels as a result of anticipated decline in household size?
- The nature of its existing housing stock.
- Current trends in the supply of housing.
- Where demand for new dwellings is likely to arise. Relevant matters will include:
 - The location of public transport nodes, community and retail facilities.
 - Proximity to educational and employment centres.
 - Areas where building stock is nearing the end of its economic life.
- The capacity of areas (including key individual sites) to accommodate new housing.
- Financial and logistical implications in terms of maintaining or expanding services if existing population levels are not maintained or increased.
- Implications for environmental sustainability.

2.4 FACILITATING OUTCOMES

Another important mechanism for managing change will be the ability to make change happen in areas that are identified as suitable for change and which have capacity. Opportunities for realization of urban and social objectives are often lost as a result of the inability of the State and local government to coordinate their objectives and asset holdings and to facilitate or implement appropriate development outcomes. It will be important also to communicate the benefits and positive improvements that will result.

The Standing Advisory Committee considers that unless the issues of communication and facilitation for areas of opportunity are addressed, in another few years yet another review will be likely because important community needs or expectations are not being met.

Real opportunities must be created for appropriate areas where government wants development to occur. They must be facilitated if development is to be successfully managed in other locations. The fact that this will result in improved urban environments must also be communicated in order to allay people's fears about loss of amenity or property value. In order to avoid the irresponsible labelling of such developments as 'ghettos' or the like, it must be demonstrated that these areas of opportunity or areas of substantial change (however they are described) will not lead to segregation or lesser quality environments. The responsibility for this should not be left solely with local government, but is something where the State government needs to take the lead.

The Standing Advisory Committee therefore recommends that the State government should provide the appropriate skills and resources to facilitate development in areas, which are appropriate for substantial residential development. This should include a mix of policy support, coordination, and negotiation, design, project management, community liaison, social planning and infrastructure design skills.

2.5 LOCAL VARIATIONS

The Standing Advisory Committee strongly supports the continued opportunity for councils to make local variations to standards in the new Residential Code in order to meet the needs of different areas within their municipalities. It is clear from the State Planning Agenda that this opportunity will be provided for in the new Residential Code.

Option 2 in the Issues and Options Paper canvassed the issue of whether local variations to *The Good Design Guide* should be the preferred mechanism, rather than local planning policies, to regularly apply a different technique to that specified in *The Good Design Guide*.

To a large extent, this option is now irrelevant given the decision to prepare a new Residential Code. The means for accommodating local variations will depend on the format which the Code ultimately takes. However, it is useful to note that, whilst there was general support for the option, most councils did not consider it was an either/or situation. For example, it was the City of Kingston's view that:

Local Policies will provide an integrated local planning policy framework, of which density and other design aspects will be a part. Where Council is seeking to regularly apply a different Technique to that specified in the Guide, then the basis for this will be found in policy, and the 'Technique' will be represented as a local variation where necessary.

Councils generally exhibited strong support for the use of local planning policies either alone or in conjunction with local variations. Local variations were considered to be more onerous to implement than local planning policies, even where councils had undertaken housing strategies or urban character studies. Councils were eager for clear guidance as to the appropriate method to use and a streamlined process of approval.

The majority of private industry groups concluded that local variations were preferred options to local planning policies. Reasons included:

- The process of assessing local variations is much more transparent than the implementation of local planning policies.
- Local planning policies would lead to further uncertainty as they could be subject to continual change after the election of each council.

Residents' comments were generally in agreement with this option, however, more critical comments were made in relation to *The Good Design Guide* generally and the whole process of managing change. One comment was made that the planning material, which aids this option, must be well defined, easily found and written so that its intent cannot be misconstrued or abused.

The Standing Advisory Committee considers that any system for providing for local variations in the new Residential Code should include the following features:

- Local variations should be integrated with the main provisions of the Code. This means that the main provisions of the Code in terms of standards and any local variations should be found in the one place. This satisfies the need for the new Residential Code to be simple, easy to use and transparent.
- Additional policy guidance, if necessary, should be provided by way of local planning policy, supported by the MSS. Any local planning policy that is relevant should be identified in the main part of the Code where the local variation is identified.
- Local variations should have a sound strategic basis.

The Standing Advisory Committee also considers that the strong support for the role of policy should be acknowledged in deciding on the appropriate format for the new Residential Code.

2.6 RECOMMENDATIONS

- The State government should provide appropriate skills and resources to facilitate development in areas, which are appropriate for substantial residential development. This should include a mix of policy support, coordination, and negotiation, design, project management, community liaison, social planning and infrastructure design skills.

- Clear guidance should be provided to councils about suitable mechanisms to manage change within their municipalities and to provide reasonable levels of expectation about the rate and nature of change that will be encouraged. One model to consider is to identify areas where :
 - Substantial change may be expected
 - Incremental change within the framework of existing character may be expected
 - Minimal change may be expected

Whatever model is identified for managing change, it should be required to have a strong strategic base linked to broader area housing and residential development requirements.

- The new Residential Code should allow for local variations and include the following features:
 - Local variations should be integrated with the main provisions of the Code. This means that the main provisions of the Code in terms of standards, and any local variations should be found in the one place.
 - Additional policy guidance, if necessary, should be provided by way of local planning policy, supported by the MSS. Any local planning policy that is relevant should be identified in the main part of the Code where the local variation is identified.
 - Local variations should have a sound strategic basis.

3. STRUCTURE OF NEW RESIDENTIAL CODE

3.1 INTRODUCTION

3.1.1 Support for a Single Code

The announcement by the Minister for Planning that a single code for all residential development will be prepared has been widely welcomed by local government, the planning and development industry and the general community. The option, which was canvassed in the Issues and Options Paper, to develop one comprehensive code for subdivision of land and siting and design of all dwellings received universal support, although a range of practical concerns were raised. These related primarily to how a single code could be administered and the nature of the controls to implement it. In particular, the way in which single dwellings would be controlled and the balance required between better recognition of neighbourhood character and making the code too complex and confusing were common concerns.

The need to more explicitly address neighbourhood character is an issue that the State Planning Agenda has clearly endorsed. At the same time, it has also identified a need to reduce the complexity of factors to be taken into account in the assessment process of new housing development.

3.1.2 Development of a Single Code

The Standing Advisory Committee recognises that the final form of the new Residential Code and supporting material will be the responsibility of the Residential Taskforce. Doubtless it will evolve as work and consultation progresses.

It is not the role of the Standing Advisory Committee to draft the new code or supporting material. Nevertheless, a number of issues have emerged from its investigations and from submissions that may affect the form of the code and which the Committee believes should be considered in the drafting process. These issues include single dwellings, the distinction between greenfield and infill situations, the planning reforms and control over demolition. The Committee also considers it is important to understand the evolution of controls over development under *The Good Design Guide* and *VicCode 1* and to possibly rethink the role of techniques and performance measures in the new Residential Code.

3.1.3 Terminology

Throughout this report the Standing Advisory Committee has used the term ‘standard’ to refer to the type of measure found in techniques in *The Good Design Guide* and performance measures in *VicCode 1*.

Whilst the new Residential Code is frequently referred to in this report, the Standing Advisory Committee uses the term to refer to a concept, rather than to describe the form which this concept may take. As will be seen from the discussion below, this form is far from fixed as yet. The Committee has made a number of recommendations, which it hopes will be considered when final decisions are made about the form and structure of the code and means of implementing it.

3.2 THE ROLE OF STANDARDS IN THE NEW RESIDENTIAL CODE

3.2.1 Evolution of Techniques and Performance Measures

In *The Good Design Guide*, techniques are defined as follows:

Techniques minimum standards that are assumed to satisfy the relevant objectives and criteria of the Guide’s design elements.

VicCode 1 defines performance measures as follows:

Performance measures are provisions which are accepted without any further evidence being required as one option for meeting the performance criteria. (Where any *performance measure* contains alternatives, the choice rests with the proponent.)

VicCode 2 originally contained the same definition of performance measures. The definitions reflect the role originally envisaged for performance measures as ‘deemed-to-comply’ provisions. They still retain this role under *VicCode 1*.¹³ When *VicCode 2* was introduced the initial intention was to make it mandatory. However, when finally adopted, consideration of it was made discretionary. This raised confusion in many people’s minds about the status to be accorded to performance measures, particularly when compliance with them failed to produce outcomes that met the objectives or performance criteria.

The role of performance measures was examined in the *VicCode 2* Review. The specific issue was whether the whole notion of performance measures was antithetical to the concepts of a performance-based code. Whilst the *VicCode 2* Review Panel felt that theoretically this may be so, in the interests of providing certainty to developers and residents alike, the concept of performance measures should be retained for the following reasons:

¹³ See Issues and Options Paper, Section 1.3.2, pages 11-13

- *It is useful for clear parameters to be set for practical measures such as size of car parking spaces, width of access ways, sunlight to open space, daylight to windows etc., all which have a universal application.*
- *Performance measures whose appropriateness may vary from place to place, such as set backs, site coverage, open space, number of car parks etc, will now be capable of being varied by the adoption of a local variation.*
- *If performance measures were removed, it is likely that councils would develop their own de facto set of rules by which to assess applications and the advantages of any degree of consistency would be lost.*
- *The performance measures set out in VicCode 2 have been adopted by the Building Regulations as the standards governing the issue of a building permit... If performance measures were removed, new standards would need to be incorporated into the Regulations.*
- *It is recognised that good design cannot be achieved by reading a book and applying a set of rules. Nevertheless, it needs to be accepted that there is a section of the industry which will always seek the bottom line, and for them at least a bottom line needs to be drawn. In doing so however, it needs to be emphasised that compliance with a performance measure will not remove the need to comply with all element objectives and performance criteria.¹⁴*

However, it was emphasised by the *VicCode 2 Review Panel* that performance measures should be ‘*a solid starting point but not the end of the story*’. They should not be used to either stifle creative design or as an excuse for poor design.

Thus the role of techniques in *The Good Design Guide* was seen to be somewhat different to deemed-to-comply measures. Nevertheless, they still provided the base line against which applications are measured and a necessary measure of certainty and consistency for developers and residents alike.

The criticisms associated with the techniques in *The Good Design Guide* stem from the problems associated with their ‘one size fits all’ format. On the one hand, techniques are assumed to satisfy the relevant design element objectives and criteria. On the other hand, it is clear that some of them will produce outcomes that fail to adequately respect neighbourhood character, particularly with respect to setbacks, front fences and visual bulk. Whilst it was intended that Design Elements such as those on Neighbourhood Character and Site Layout and Landscaping would produce different outcomes in different locations, there is still a perception among some of the ‘bottom line’ developers that adherence to the techniques is all that is required, even to satisfy these elements. There is corresponding frustration on the part of residents then that the techniques do not specifically reflect their own particular neighbourhood character.

¹⁴ *VicCode 2 Review Final Recommendations (December 1994) page 17*

Part of this problem is due to the fact that techniques are often judged against different objectives and criteria, not always the *relevant* objectives and criteria of the design element which they are part of. There is also a lack of description within *The Good Design Guide* about things like what is ‘*acceptable in the neighbourhood setting*’. There is concern that this is open to different interpretations and that what a neighbour may perceive as neighbourhood character is not necessarily seen the same way by the council, developers or VCAT.

3.2.2 Changing the Role of Standards

The Standing Advisory Committee considers the time has come to abandon the last vestiges of the role of standards as deemed-to-comply provisions. It believes that any assumption that compliance with standards will meet relevant objectives and criteria should be removed from the new Residential Code.

The Committee considers that policy should be the primary implementation measure for the new Residential Code as policy is a fundamental cornerstone of the recent planning reforms. Standards should become policy. They should be a form of guidance about what a responsible authority’s expectations are or on how it will exercise a discretion. Their role should be akin to those of the criteria or performance measures discussed in the VPP Practice Note on Writing a Local Planning Policy.

At all times, the objectives should be of primary importance. All decisions should be measured against them. This is the fundamental tenet of the role of policy in the planning reforms. The role of criteria and performance measures in this planning reform context is addressed in the VPP Practice Note on Writing a Local Planning Policy in the following terms:

Criteria or performance measures are not controls. Although it is desirable that criteria or performance measures are precisely drafted, this precision will mean that some proposals will not neatly address them. This should not in itself be fatal to a permit application. If the proponents suggest that a proposal should be measured using different criteria to those set out in the relevant LPP, they must satisfy the responsible authority that different criteria are relevant and that the final development outcome will still meet the objectives of the LPP. Before accepting such a submission, the responsible authority should refer back to the relevant objectives. The final question should always be: ‘Will the proposal meet the objectives of the LPP?’ If the answer is ‘yes’, then a permit will normally be granted. If the answer is ‘no’, the permit should be refused.¹⁵

This approach to the use of standards is a further refinement to the way in which techniques are intended to be used in *The Good Design Guide*. They are guidelines to decision-making

¹⁵ VPP Practice Note on Writing a Local Planning Policy, page 4

but they never override the primacy of the objectives. This is consistent with the basis of the planning reforms and the new format planning schemes.

In this report, the Standing Advisory Committee has used the term ‘standard’ as a neutral term that expresses the concept of a guideline or benchmark that a development proposal should meet. It refers to the type of matters that are currently included as techniques in *The Good Design Guide* and performance measures in *VicCode 1*. But it goes further than this to include the type of things that are also included in many of the criteria in *The Good Design Guide*.

The Good Design Guide (and *VicCode 1*) fundamentally consists of objectives, criteria and techniques. An objective, which is a statement of desired outcome, is a widely used term with a common understanding. It is used throughout all new format planning schemes. However, the role of criteria are less clearly understood. They are defined in *The Good Design Guide* as follows:

Criteria requirements of the design elements in the Guide that provide a basis for judging whether the objectives have been met.

There has been criticism of *The Good Design Guide* because it blurs the distinction between so-called objectives, criteria and techniques. This criticism is valid and is one that should be addressed in any new Residential Code.

However, rather than simply reclassifying objectives, criteria and techniques, a more useful approach may be to reassess the relationship between criteria and techniques and to see them as part of the same continuum, not separate things.

If, as the Standing Advisory Committee recommends below, policy is used to implement the new Residential Code, then both criteria and techniques would fall into the category of ‘policy’. If the VPP Practice Note on Writing a Local Planning Policy is used as a guide, the component elements of the new Residential Code would comprise the following:

- **Policy basis:** This section would explain briefly how the policy is justified and the reasoning underpinning it.
- **Objectives:** Objectives would be similar to those currently found in *The Good Design Guide*, subject to any revision flowing out of the drafting process.
- **Planning policy:** This section would list the actual policy. It would contain statements of intent or expectation. As the VPP Practice Note on Writing a Local Planning Policy notes with respect to this section of a local planning policy:

They are not controls. However, they may contain decision guidelines for the responsible authority, and/or criteria or performance measures against which an individual application will be tested.

There are three ways in which an LPP can give guidance on how a responsible authority will exercise a discretion or what its expectations are:

- *by controlling how the responsible authority will exercise its discretion*
- *by providing criteria, performance measures and sometimes techniques for assessing applications*
- *by providing decision guidelines or providing a link to more detailed guidelines or design frameworks.*

The Standing Advisory Committee considers that the majority of criteria and techniques in *The Good Design Guide* fall readily into this description of policy. If they are all considered as standards (ie, as guidelines or benchmarks), they can be categorised as follows:

- ***Quantitative assessment standards:*** These are stand-alone standards. They contain quantitative measurements or the like and do not depend on outside data or information for their calculation or assessment. Examples would be site coverage, height, number and dimension of carparking spaces, provision of access, private open space etc.
- ***Contextual assessment standards:*** These are standards that depend for their calculation or assessment on surrounding development or context. They will produce different outcomes according to the nature of that development or context. Examples would be street setbacks, overlooking and overshadowing.
- ***Qualitative assessment standards:*** These are not something capable of being objectively measured or calculated. Rather they depend on a qualitative evaluation against a range of tests. Examples would be many of the present criteria in *The Good Design Guide*, such as those on neighbourhood character in Design Element 3.

Seeing standards in this way recognises that the tools necessary for making a judgement about residential development are spread across a range of issues, not all of which are susceptible to mathematical definition.

3.2.3 Terminology

There are two important matters that will need to be decided before any new Residential Code is prepared. These are:

- Consistency in terminology and understanding of the terms used.
- How standards will be applied or used.

An important component of the terminology issue is the term that should be used in the new Residential Code to refer to standards.

The VPP Practice Note on Writing a Local Planning Policy uses the terms ‘criteria’, ‘performance measures’ and sometimes ‘techniques’ to refer to the sort of standards that a new Residential Code will need to include. If these terms were used, there would be benefit by developing a consistency of terminology within the planning policy framework of planning schemes. The concern, which the Standing Advisory Committee has with their use, is whether they carry connotations from their earlier use in *The Good Design Guide* and *VicCode 1*.

An alternative term is ‘guideline’. Guidelines are a concept that most people understand. People recognise that they are not binding but must be applied according to the objectives they are trying to achieve and individual circumstances. The only problem with this term is possible confusion with the term ‘decision guidelines’, which is used throughout the VPPs to refer to issues that must be considered before deciding upon an application.

Another possible term is that of ‘standard’ itself.

The issue of terminology is a matter that will need to be decided by the Residential Taskforce as it proceeds with the development of the new Residential Code. Whatever terms are finally decided upon, the Standing Advisory Committee recommends that it is made clear in supporting material (possibly by means of a Planning Practice Note) how they are intended to be used.

3.3 USE OF POLICY TO IMPLEMENT THE NEW RESIDENTIAL CODE

3.3.1 Planning Reforms

It is important to remember the significant change that has occurred to the planning framework since *The Good Design Guide* and *VicCode 1* were introduced. The planning reform program was intended to ensure that the new planning system had a strong strategic focus at both the State and local levels. Better planning schemes and better processes would be achieved by having:

- A policy basis for planning schemes and decision making;
- Consistent statewide controls and provisions, with the ability for local discretion within an explicit policy context; and
- Monitoring of system effectiveness.¹⁶

¹⁶ See Final Report – New Format Planning Schemes (April 1999), Section 2 and Manual for the *Victoria Planning Provisions* (DOI)

It was intended that the system would concentrate on the outcomes that government, both State and local, is seeking to achieve, expressed through policy statements, rather than simply administering layers of control with unclear purposes. Planning controls in the form of zones, overlays and particular provisions are intended to be the means of implementing policy rather than being an end in themselves.

The strategic foundation of each new format planning scheme is made up of two components – the State Planning Policy Framework (SPPF) and the Local Planning Policy Framework (LPPF).

The SPPF is included in every planning scheme. It comprises general principles for land use and development in Victoria and specific policies dealing with settlement, the environment, housing, economic development, infrastructure and particular uses and development. To ensure integrated decision-making, planning authorities and responsible authorities must take account of, and give effect to, the general principles and the specific policies contained in the SPPF.

The LPPF sets a local and regional strategic policy context for a municipality. It comprises the Municipal Strategic Statement (MSS) and specific local policies. The council prepares these with input from public consultation.

Zones and overlays are the means by which strategic policy is implemented and planning control is exercised over land. Zones and overlays are set out in the *Victoria Planning Provisions* (VPPs) and are common throughout Victoria. They are State provisions in the planning scheme and cannot be altered by councils. Zones and overlays may include schedules. Schedules are the means by which the state standard zones and overlays are customised to suit the needs and circumstances of individual municipalities. Schedules are local provisions of the planning scheme and their content, although not their form, may be amended by councils.

3.3.2 A State Residential Development Policy

All councils have produced a new format planning scheme, which includes their MSS. Councils generally have embraced the new planning system and welcomed the opportunities it provides to give their policies statutory effect. Support for the new system is evidenced by the number of councils who are choosing to implement housing strategies or neighbourhood character studies through local planning policies or Design and Development Overlays, rather than local variations to *The Good Design Guide*. This was also evident in the support for local planning policies to implement local variations, which emerged from submissions about Option 2 in the Issues and Options Paper.

It would be possible to prepare the new Residential Code in a format similar to *The Good Design Guide* and to include it in planning schemes as an incorporated document akin to *The Good Design Guide*. However, *The Good Design Guide* predates the planning reforms.

Rather than continuing with the type of code format represented by *VicCode 1* and *The Good Design Guide*, the Standing Advisory Committee considers the opportunity is present to stamp the Residential Code with a new personality. It can be given new status by embedding it into all planning schemes as part of the SPPF.

The Committee considers it would be desirable for the new Residential Code to reflect the policy basis of the new planning system. Preferably, it should be included in the SPPF in its entirety. If it is too large, it could be an incorporated document referred to in the SPPF. However, this would present problems if a schedule were used to include the standards that are applicable to various aspects of residential development. This concept is an integral part of the Committee's recommendations and is discussed below.

Figure 1 represents how a State Residential Development Policy and accompanying schedule(s) would fit within the VPP framework of a municipal planning scheme.

3.3.3 Format

If a State Residential Development Policy is used as the vehicle for a new Residential Code, the Standing Advisory Committee considers it should follow the guidance on format provided by the recent VPP Practice Note on Writing a Local Planning Policy.

The Committee recognises that this format would be significantly different to other clauses in the SPPF. However, when initially drafted, the SPPF was largely a translation of existing provisions taken from the State Section of former planning schemes. One of the recommendations in the Report of the Advisory Committee on the *Victoria Planning Provisions* was to 'review and redraft the State Planning Policy Framework'.¹⁷ This task has not yet been undertaken due to other pressures associated with the introduction of the new format planning schemes. The introduction of a State Residential Development Policy would provide a perfect opportunity to commence this process.

3.3.4 Inclusion of Explanatory Material

Considerable experience has been gained in preparing local planning policies since the VPPs were first prepared. This experience is reflected in the VPP Practice Note on Writing a Local Planning Policy. One of the features of the format advocated in the practice note is the elaboration of policy basis and objectives. This contrasts to the current format of *The Good Design Guide*.

¹⁷ Report of the Advisory Committee on the *Victoria Planning Provisions* (VPPs) (August 1997) Section 2.9, pages 20-21

The Good Design Guide is a very spare document. This, in turn, contrasts with *VicCode 2*, which contained much in the way of explanatory material, notes and diagrams. The *VicCode 2* Review Panel noted that:

*A common criticism of VicCode 2 is that it is verbose, confusing and contradictory. It is unclear what weight should be given to the notes and diagrams, compared to the objectives, criteria and performance measures. In general terms, it is not considered to be user-friendly.*¹⁸

The Panel recommended that *VicCode 2* should be redrafted, which was how *The Good Design Guide* came into being. However, in removing much of the explanatory material, it was intended that notes on design and local guidelines would supplement the redrafted code. Unfortunately, these did not eventuate at the time. A series of Practice Notes was published in February 1999. The Standing Advisory Committee is unaware how widely known or used they are.

Option 15 in the Issues and Options Paper proposed to include additional diagrams in the design suggestions for E7.C1 illustrating architectural solutions to protect adjacent properties from direct overlooking. The strong support for this option and the additional comments about the use of photographs of good and bad examples demonstrates a desire by councils, the community and the development industry for more information.

There are clearly limits to how much can be included in a policy compared to a practice note. However, the two are complimentary and a practice note can be a reference document in a policy.

The Standing Advisory Committee believes that a State Residential Development Policy should include more information about its policy basis and objectives than *The Good Design Guide* currently does. It should include whatever diagrams are necessary to assist in understanding and interpreting it. Additional explanatory material and illustrations should be included in a series of practice notes that **are issued at the same time**. Together, the policy and practice notes could be separately published as a code for general public dissemination and use.

3.4 INCORPORATION OF STANDARDS

3.4.1 Current Mechanisms for the Incorporation of Standards and Local Variations

At present, standards are included in *The Good Design Guide* in the form of techniques. Local variations to techniques are possible, although only one has been approved to date.

¹⁸ *VicCode 2* Review Final Recommendations (December 1994) page 41

This is Amendment C22 to the Port Phillip Planning Scheme. This amendment introduces a new local planning policy into Clause 22. Clause 22.10 now provides:

It is policy that:

Element 1 Density Techniques and Element 6 Building Envelope Techniques of The Good Design Guide for Medium-Density Housing Revision 2 are varied by The Good Design Guide for Medium-Density Housing, Local Variation to Techniques No 1

“The Good Design Guide for Medium-Density Housing, Local Variation to Techniques No 1” is included as an incorporated document and listed in Clause 81. This incorporated document then lists the various changes which the local variation makes to *The Good Design Guide*. For example, one of the changes reads as follows:

Element	Technique	Local Variation
1 - Density	E1T1	Delete “within the inner area of Melbourne defined by a 7km radius from the GPO; or” Delete map entitled “Inner Melbourne: 7 km Radius from the GPO”.

The Standing Advisory Committee considers this is an awkward mechanism because it separates the local variation from the main context of *The Good Design Guide*. To find out the provisions which apply to a site in Port Phillip, it is necessary to go to three separate documents:

- *The Good Design Guide* to determine the general technique.
- Clause 22 of the Port Phillip Planning Scheme to see if there are any local planning policies that introduce any local variations.
- The incorporated document(s) listed in Clause 81 to find the techniques that have been varied.
- *The Good Design Guide* once more to interpolate the variations.

Nowhere is there a complete text of the technique incorporating the local variation.

Other mechanisms used or proposed by councils to introduce what effectively amount to local variations, although they do not have this status, are local planning policies, which contain different standards to those set out in *The Good Design Guide*. Others have used a Design and Development Overlay.

3.4.2 Use of Schedules to Incorporate Standards in the New Residential Code

The Standing Advisory Committee considers that an essential element of the new Residential Code will be the opportunity for councils to make local variations to standards where these can be strategically justified. However, in the interests of consistency and simplicity in using the new Residential Code, the Standing Advisory Committee considers there should only be one mechanism for doing this.

The Standing Advisory Committee also considers that in the interests of certainty, there is a need for local variations to be located in the same place as all other standards within any new Residential Code. This reduces the need for users of the code to look in more than one place to discover what standards may apply in a particular municipality. It avoids confusion and satisfies the need identified by the State Planning Agenda to reduce the complexity of factors to be taken into account in the assessment process of new housing development.

The new planning system provides much better opportunities for satisfying these needs than a stand-alone code such as *The Good Design Guide* does. It can do so through the use of schedules.

The format of all schedules referred to in the VPPs is set out in the Ministerial Direction of the Form and Content of Planning Schemes. A schedule containing the standards applying to residential development could have a default set of standards, which would apply unless they were amended. (A precedent for this is the Schedule to the Rural Zone.) Because a schedule is a local provision of the planning scheme, it can be amended by a council. Therefore, if a council wished to introduce a local variation to the residential development standards, all it would need to do is to amend the schedule. The amendment process would provide the opportunity for public comment and ensure that sufficient strategic justification was presented. The strategic policy basis could be included in the planning scheme at the same time by the introduction of a local planning policy in Clause 22 of the LPPF (if appropriate) and any necessary changes to the MSS.

To avoid the possibility of every council introducing slightly different standards and thereby losing the consistency that has been one of the main benefits of *VicCode 1* and *The Good Design Guide*, DOI could develop a limited range of standard alternatives, which councils could choose from to meet particular needs. This would also simplify the amendment process for councils.

The question then becomes what would the schedule attach to? The Standing Advisory Committee has recommended in Section 3.3.2 that a desirable model for the new Residential Code would be a State Residential Development Policy to be included in the SPPF. The schedule containing the standards, including local variations, applying to residential development within each municipality could be attached to this State Residential Development Policy.

In the VPPs at present, schedules are included in zones, overlays and particular clauses such as Clause 52.06 (Carparking) or Clause 81 (Incorporated Documents). There are no schedules at

present attaching to any policy clauses but there is no reason in principle why there should not be.

Thus in a State Residential Development Policy, the clause would set out:

▪ ***Where the policy applies***

As a theme-based policy, it would apply to all residential development described in the clause.

▪ ***Policy basis***

This should set out the principles upon which the policy is based and possible reference other relevant provisions of the SPPF. Because it is part of the SPPF, and thus the source of other policy direction within the planning scheme, it would differ to the nature of the policy basis described in the VPP Practice Note on Writing a Local Planning Policy.

▪ ***Objectives***

The opportunity exists to expand on the objectives presently found in *The Good Design Guide* and *VicCode 1*. The objectives will need to reflect both common and specific outcomes that are intended. For example, different objectives may apply in greenfield compared to infill locations with respect to matters such as overshadowing or street setbacks, whereas there may be common objectives with respect to carparking.

▪ ***Policy***

As noted in the VPP Practice Note on Writing a Local Planning Policy, the actual policy section should set out statements of intent or expectation. The guidance it gives should be:

- *by controlling how the responsible authority will exercise its discretion*
- *by providing criteria, performance measures and sometimes techniques for assessing applications*
- *by providing decision guidelines or providing a link to more detailed guidelines or design frameworks.*

Qualitative assessment standards could be included in the main body of the policy, whereas quantitative and contextual assessment standards could be included in a schedule.

The policy should also set out decision guidelines. They would include, for instance, any Planning Practice Notes. Any local planning policies, incorporated or reference documents could specified in the schedule. If councils have introduced any local variations to the schedule(s), this provides the opportunity identify any local planning policies or decision guidelines, which support them.

Clearly, if this model is adopted, the final format of both the State Residential Development Policy and accompanying schedule would need to be developed in detail as part of the overall process of drafting the new Residential Code. Table 1 is a simple example of the principles described by the Standing Advisory Committee using some of the existing provisions of Design Element 8 of *The Good Design Guide* relating to carparking and some hypothetical local variations.

3.5 GUIDELINES OR PRESCRIPTION

One of the strongest messages to emerge from this review of *The Good Design Guide* and *VicCode 1* is the need for judgment when considering new residential development, particularly in infill locations. The worst outcomes in terms of site responsiveness and impact on amenity and neighbourhood character result from a mechanistic application of rules or standards.

The Standing Advisory Committee has generally found that the level of sophistication on the part of councils and the design and development industry in handling new residential development in infill locations is continually improving. There is still a way to go in some areas and with some sectors of the industry, but in other places world-class outcomes in the management of our urban fabric and new built form are resulting. In the Committee's view, the successes outnumber the poor examples and this should not be overlooked in the overall assessment of residential development.

Invariably, the successes result from the application of judgement, not the application of prescription. However, this does not mean that constraints are not addressed. Rather, they are well handled or else overcome.

Notwithstanding this experience, there is an expectation by some people that the quality of developments can be improved by the mechanistic application of controls. The Standing Advisory Committee considers that no matter how well-intentioned such controls are, situations will always arise where they will produce anomalous results. The issue is somewhat akin to mandatory sentencing. In the Committee's opinion, the community at large does not wish the capacity for the exercise of judgement to be removed from the assessment of new residential development in established urban areas. Indeed, it wishes that capacity for judgement to be extended so that compliance with techniques, for instance, is not given more weight than whether objectives have been met and whether the development is appropriate in all the circumstances.

The certainty that the community is looking for can be provided by more guidance being given about what is expected in different circumstances. However, it is '*guidance*' that is being sought, which retains the capacity for judgement and flexibility, not rigidity. For these reasons, the Standing Advisory Committee considers that the model for the structure of the new Residential Code, which it has suggested, will provide a framework for greater levels of guidance and greater certainty about what is expected in different locations. At the same

time, in moving away from the concept of deemed-to-comply provisions, and regarding standards as guidelines within a policy, it offers the opportunity to give much greater weight to matters such as neighbourhood character.

The preparation of the new Residential Code will be a major piece of work, which will play a significant role in planning in Victoria. It is a wonderful opportunity to ensure this document complements the new planning system and reflects its policy basis. The Standing Advisory Committee therefore recommends that an appropriate model for the new Residential Code would be to include it as part of the SPPF in the form of a State Residential Development Policy.

3.6 RECOMMENDATIONS

- ❑ An appropriate model for the new Residential Code would be to include it as part of the SPPF in the form of a State Residential Development Policy.
- ❑ A State Residential Development Policy should follow the guidance on format provided by the VPP Practice Note on Writing a Local Planning Policy.
- ❑ A State Residential Development Policy should include more information about its policy basis and objectives than *The Good Design Guide* currently does. It should include whatever diagrams are necessary to assist in understanding and interpreting it. Additional explanatory material and illustrations should be included in a series of practice notes that are issued at the same time. Together, the policy and practice notes should be capable of separate publication as a stand-alone document for general public dissemination and use.
- ❑ A State Residential Development Policy should include a schedule(s) that sets out the standards, which it is policy to apply in certain areas or situations, and any local decision guidelines, which it is policy to apply before considering any particular proposal. The Ministerial Direction of the Form and Content of Planning Schemes should contain a set of default standards, which will apply unless amended by a council.
- ❑ A council should be able to amend a standard in the schedule to the State Residential Development Policy provided it has strategic justification for doing so.
- ❑ DOI should investigate a set of common local variations to certain standards in the schedule to the State Residential Development Policy that can be used by councils to meet certain needs or circumstances.

Figure 1: State Residential Development Policy and Planning Scheme Framework

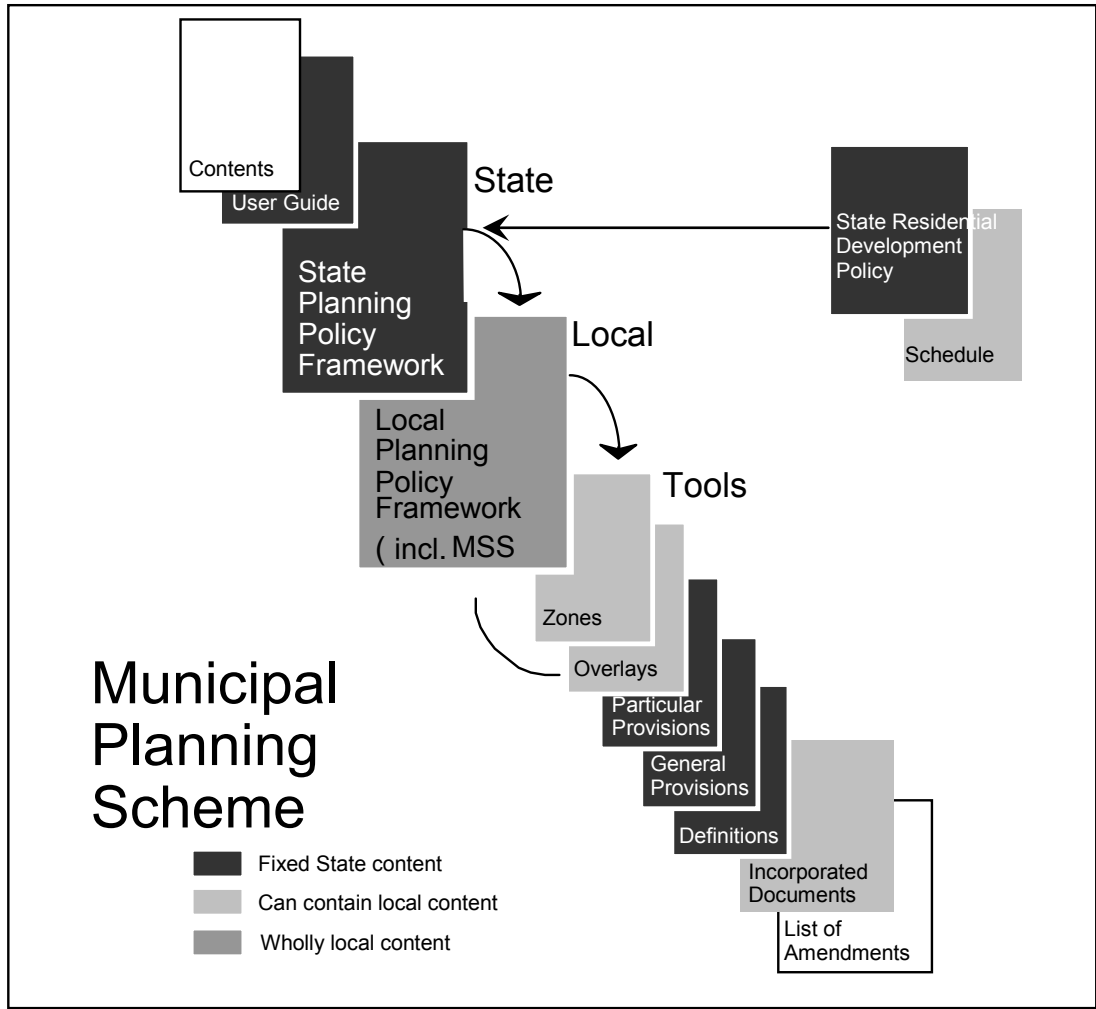


Table 1 - Example of Policy and Schedule Within SPPF

CARPARKING

Objectives

1. To provide adequate and convenient parking for resident, visitor and service vehicles.
2. To avoid parking and traffic difficulties in the development and neighbourhood.

Policy

It is policy to:

1. Require resident and visitor carparking to be provided according to likely user needs, taking into account:
 - the number, size and type of dwellings;
 - the availability of public transport;
 - the availability of on-street or nearby parking;
 - local traffic and parking management plans and safety considerations;
 - the reduction of on-street spaces associated with the provision of off-street spaces;
 - where existing buildings are being converted to residential use, the amount of land available for parking.
2. Encourage carparking facilities to:
 - be designed for efficient use and management;
 - define shared visitor parking where provided;
 - be reasonably close and convenient to dwellings;
 - be secure or observable from dwellings.
 - be well-ventilated if enclosed;
 - be separated from habitable room windows to reduce noise and fumes entering dwellings;
 - be lit.
3. Assess proposals against the standards set out in Schedule XX.

Decision Guidelines

It is policy to consider as appropriate:

- Any parking precinct plan;
- Any decision guidelines set out in Schedule XX.

SCHEDULE XX - CARPARKING

Greenfield

- Car parking for residents is provided as follows (with numbers rounded up to the next whole number):
 - 1.5 spaces per dwelling; or
 - where the dwellings only have one bedroom or not more than 60m² gross floor area, 1 space per dwelling; or
 - where residents are likely to have a low level of car ownership, 1 space per three dwellings (with a minimum of 2 spaces for the first three dwellings) located to be available to all dwellings on a shared basis.
- Parking may be provided in tandem where 2 spaces are provided for one dwelling.
- Visitor and service vehicle parking is provided as follows:
 - 1 space per five dwellings (to the nearest whole number); or
 - on-street where there are no parking restrictions and there is no body corporate space in the development.

Infill

- Car parking for residents is provided as follows (with numbers rounded up to the next whole number):
 - 1.5 spaces per dwelling; or
 - where the dwellings only have one bedroom or not more than 60m² gross floor area, 1 space per dwelling; or
 - where residents are likely to have a low level of car ownership, 1 space per three dwellings (with a minimum of 2 spaces for the first three dwellings) located to be available to all dwellings on a shared basis.
- Parking may be provided in tandem where 2 spaces are provided for one dwelling.
- Visitor and service vehicle parking is provided as follows:
 - 1 space per five dwellings (to the nearest whole number); or
 - on-street where there are no parking restrictions and there is no body corporate space in the development.

LOCAL VARIATIONS

1. These standards apply in the area generally bounded by Flower Street, Nut Road, Leaf Avenue and Bark Street, Gumnut.

None

- Car parking for residents is provided as follows:
 - 1 space per dwelling.
- All parking is separately accessible
- Visitor and service vehicle parking is provided on-street.

DECISION GUIDELINES

- The *Banksia Village Parking Precinct Plan*.
- The demand for on-street parking in the vicinity of the Gumnut Shopping Centre.

4. DEMOLITION

4.1 NEED FOR URBAN PROTECTION

A major source of community anger about recent residential development within established urban areas is the practice of some developers to ‘moonscape’ sites, removing all buildings and vegetation before lodging any planning permit application. This removes any possible objections based on the need to retain existing buildings or trees. It also alters the context of the site analysis and erodes neighbourhood character.

The Standing Advisory Committee does not consider it is possible to give neighbourhood character the sort of weight envisaged by the State Planning Agenda without introducing much wider controls over demolition. *A Sensible Balance* identifies a policy for tougher penalties for illegal demolition and breaches of planning law. But at the moment, there is no planning control over demolition in many locations.

Currently, the only means of controlling demolition is through the application of a Heritage Overlay. This is not suitable to apply in many areas because the building stock fails to exhibit the sort of criteria that would justify the application of a Heritage Overlay. It may have ‘urban character’, but the nature of the difference between urban character and heritage character has been an unresolved source of debate for many years.

The failure by the heritage fraternity to agree on a distinction between urban character and heritage character has not stopped the community from being willing to identify the two, even though they may not be able to point to a clear dividing line. To the community, they are a continuum of the same thing. Both types of area usually exhibit a period quality with the heritage end of the spectrum being more clearly ‘special’ in architectural and historical terms, whilst urban character is more widespread and commonplace, albeit still having value in the community’s eyes.

In fact, the sorts of areas, which the community would regard as having urban character, are expanding. Urban character is now merging with the concept of neighbourhood character, which can apply to virtually any place. The demand for demolition control is far wider than even those areas that the heritage fraternity would acknowledge as having urban character.

The Standing Advisory Committee considers it is a semantic exercise to attempt to distinguish between the levels of heritage character, urban character and neighbourhood character, and ultimately, for the purpose of demolition control, an unnecessary one. The considerable overlap between the levels means it is far better to regard them as a continuum of the same thing; namely, the built form fabric of our society. The greatest threat to this fabric is its destruction by insignificant increment.

Instead of focussing on what we as a society want to keep, it may be easier to focus on what we don't want to lose without serious thought.

The Standing Advisory Committee considers that the planning system is a better means of dealing with this issue than the building system. Building permits for demolition should deal with issues of safety and **how** the demolition should occur, not whether it should occur. Evaluative decisions about whether a building should be demolished should be dealt with by the planning system just as it deals with evaluative decisions about whether new development should occur. Building permits for all matters should essentially be confined to technical issues.

4.2 CONTROL OVER DEMOLITION

4.2.1 *Heritage Overlay*

One of the problems with the Heritage Overlay is that once it is applied to a building, whether individually or as part of a precinct, there is a growing assumption by councils and the community that it means the building should not be demolished and must be kept. This is different to the assumption, which appeared to operate, under the former Urban Conservation Area controls. These were **area** controls. Under them, it was not until the time a permit application was made for demolition that it was necessary to assess the individual contribution that a building made to the significance of the area as a whole. There was no assumption that demolition would not be permitted if the contribution were found not to be significant. It was the significance of the area **as a whole** that was assessed at the time the control was applied. The significance of individual buildings was assessed at the time of application.

Although there is theoretically no reason why the same assumptions should not apply under the Heritage Overlay, this is not the way it seems to be working in practice. The assumptions being made about the Heritage Overlay and the levels of effort, which individual property owners are investing in contesting its application to individual buildings in some instances, makes it an unsuitable tool to protect the range of urban built form fabric that the community wants to see protected.

The issue is complicated by the nervousness of the heritage fraternity about the widespread application of the Heritage Overlay to areas that it considers lack true heritage qualities, even though they may have 'urban character'. These concerns have existed since the initial introduction of the Urban Conservation Area controls. For example, it was felt by some sectors of the heritage fraternity that applying the same controls over the likes of Parkville or St Vincent Place as virtually the whole of South Melbourne, devalued the controls and undermined recognition of the very special qualities of places like Parkville or St Vincent Place.

This is not the place to debate whether those concerns are justified. Nevertheless they exist and have influenced the debate about heritage character and urban character for some time.

The Standing Advisory Committee considers that it is time to take a different approach. It proposes that an Urban Protection Overlay should be introduced to control demolition. There are several forms it could take depending on whether it was decided to retain the Heritage Overlay or allow it to be subsumed by the Urban Protection Overlay.

4.2.2 Urban Protection Overlay

Version 1

This version of the Urban Protection Overlay would replace the Heritage Overlay and extend over a range of other urban areas. Ideally, it would have three categories or levels with clearly defined presumptions about the nature of the relevant control over demolition.

- **Heritage**

The heritage level would include those heritage places meeting (internationally) accepted heritage criteria and having individually defined statements of significance. It would cover some, but not all, of the heritage places presently included in the Heritage Overlay; namely, those which satisfy these criteria. The range of controls would be the same as currently applying under the Heritage Overlay. The presumption would be against demolition unless there was a very sound basis for destroying the heritage place.

- **Urban character**

The urban character level would include areas or precincts having some conservation status but where the significance of the whole is greater than the sum of the individual parts. Many of the areas covered by the former Urban Conservation Area controls, which may have been rolled over into a Heritage Overlay under the new format planning schemes, would be included, together with many of the more recent swathes of suburbs identified by councils as needing protection. The range of controls would cover demolition and additions to buildings, but probably not the full gamut of painting, outbuildings, fences etc. There would be no presumption for or against demolition in such locations. Each building would be looked at individually at the time an application was made to assess the contribution it makes to the overall urban character of the area.

- **Neighbourhood character**

The neighbourhood character level would include those areas where the council only wants to prevent 'moonscaping' prior to considering an application for development. The control would simply require a permit for demolition unless a planning permit existed for a development on the site. Once a permit for development has been issued, no permit for

demolition would be required. This provides the opportunity for the context to be fully considered in any permit application. There would be no presumption that the building should be preserved but rather that new development should respect the existing or desired neighbourhood character.

In each case, controls could also extend to removal of valued vegetation if this is considered appropriate.

The problems with this version of an Urban Protection Overlay is the extensive areas it may cover and the degree of justification required for the urban character and neighbourhood character levels of control. There are some places where the overlay may cover the entire municipality. There is also the argument that, by including heritage places in the same overlay as all other areas, it devalues the true heritage places. Another problem is the control over development associated with the urban character level and the way this may clash with control over residential development as proposed under the new Residential Code.

Version 2

This version of the Urban Protection Overlay would not replace the Heritage Overlay. The Heritage Overlay would be retained, although it is suggested that it could be refined. There would be benefit in introducing two levels of control into the Heritage Overlay: one for places with undisputed heritage significance and one for areas displaying urban character. The urban character areas may have a lesser level of control than those with heritage character.

The Urban Protection Overlay would simply require a permit for demolition unless a planning permit had been issued for a replacement development on the site. There would be no presumption that the existing building should be retained. This would simply be a holding mechanism. The need for a planning permit in these circumstances would mean that even if no planning permit is required for construction of a single dwelling, but only a building permit, a planning permit would be required for demolition. It should only be issued after the building permit was issued. This would avoid any loopholes in the level of protection.

Control over the removal of vegetation could also be included if necessary. This level of control could be optional.

The reason why an overlay is suggested, rather than simply a particular provision in the VPPs to the same effect, is that an overlay can be applied selectively, whereas a general control over demolition cannot.

There will be resourcing implications for councils associated with any planning control over demolition. There may also be many areas of the State where local government does not consider there is any need to control demolition outside areas with a Heritage Overlay. An Urban Protection Overlay allows councils to choose this as a tool if they consider there is a

need for it, rather than having it forced upon them. There are many rural councils, for instance, that may consider a general control over demolition is unnecessary.

4.2.3 *Standing Advisory Committee Conclusion*

The Standing Advisory Committee favours Version 2 of the Urban Protection Overlay because it is simpler, it allows choice to councils and it does not interfere with the Heritage Overlay. However, the Committee considers the Heritage Overlay should be separately reviewed with a view to:

- Distinguishing between levels of control for heritage places and areas of urban character
- Defining the presumptions applying to demolition
- Clarifying the matters to be considered when the overlay is applied.

4.3 RECOMMENDATIONS

- An Urban Protection Overlay should be introduced into the VPPs. The objective of the overlay would be to act as a holding mechanism against demolition until the future development of the site is resolved. The Urban Protection Overlay would require a permit for demolition unless a planning permit had been issued for a replacement development on the site. There would be no presumption that the existing building should be retained. In the event of no planning permit being required, for example for a single dwelling, a planning permit for demolition would be required but should only be issued after the issue of a building permit for the new development.
- The Heritage Overlay should be reviewed with a view to:
 - Distinguishing between levels of control for heritage places and areas of urban character
 - Defining the presumptions applying to demolition
 - Clarifying the matters to be considered when the overlay is applied.

5. NEIGHBOURHOOD CHARACTER

5.1 EVOLUTION OF NEIGHBOURHOOD CHARACTER

‘Streetscape Character’ was the name applied to Element 2 of *VicCode 2*. Although its objective referred to the need to ‘*design multi-dwelling developments to complement existing streetscape and neighbourhood character*’, the *VicCode 2* Review Panel found:

*...a common acceptance that “streetscape”, as the term is used in VicCode 2, is too narrow to adequately encompass the type of character which is valued by the community and which it wants to protect or enhance.*¹⁹

The *VicCode 2* Review Panel discussed two components of neighbourhood character. One was the streetscape aspect where an identifiable pattern of component elements can be described. The other aspect was the more intangible ‘feel’ of an area, which is the interrelationship of various aspects of built form, topography, vegetation, density, subdivision pattern and activity, both in the public and private domain.

An outcome of the *VicCode 2* Review was the inclusion of ‘Neighbourhood Character’ as Design Element 3 in *The Good Design Guide*. The role of trees and gardens was an important aspect of this element.

The emphasis that is placed on neighbourhood character has undergone a considerable evolution since *VicCode 2* was first introduced.²⁰ Today there is much greater familiarity with the concept and a more sophisticated understanding of it. Neighbourhood character is now described in *A Sensible Balance* as:

*...the interplay of the natural, built, social and cultural environments that make one place different, or distinct, from another.*²¹

This is a far cry from the simple notion of ‘streetscape’, although streetscape remains one aspect of the broader neighbourhood character concept.

Neighbourhood character is essentially the confluence of the public and the private realms. Every property, public place or piece of infrastructure makes a contribution, whether positive or negative, great or small. It is the cumulative impact of all these countless contributions that establishes neighbourhood character, although it is open to the enjoyment or experience of a much wider range of people and organisations than just those who contribute to it.

¹⁹ *VicCode 2* Review Final Recommendations (December 1994) page 27

²⁰ See Issues and Options Paper, Section 3.3.2-1, pages 85-89

²¹ *A Sensible Balance* (December 1999) page 14

The Standing Advisory Committee considers it is not unreasonable to expect that every person and organisation whose actions impact on the urban fabric have a responsibility to contribute positively to the maintenance and improvement of the urban environment as part of what they do. It is not good enough to borrow from established amenity without contributing something back. The Committee suggests it may be worth embodying this principle in the SPPF because it sets the scene for many of the underlying expectations about neighbourhood character, which are present when new residential development is considered.

It is clear that the evolution of the role of neighbourhood character in ensuring that new residential development reflects and maintains the diversity, which the community regards as a valued quality of Melbourne, will continue. This is evidenced by the commitment given in the State Planning Agenda to making neighbourhood character integral to the new Residential Code and the range of neighbourhood character studies, which councils have undertaken.²²

5.2 IMPLEMENTATION OF NEIGHBOURHOOD CHARACTER

5.2.1 State Planning Agenda

There is a commitment in the State Planning Agenda that:

- a new residential code will provide for single dwellings, medium density development and other forms of housing to be evaluated against the preferred neighbourhood character for the area. the new system must recognise that all types of housing have an impact on neighbourhood character;
- the process of varying the standard provisions for dwellings to suit local conditions will be simplified and made less onerous;
- two Practice Notes will be released soon in draft form for consultation. One Practice Note will define a common position on what neighbourhood character is and clarify the role and methodology of neighbourhood character studies and strategies;
- the other Practice Note will show how residential development strategies can be developed with neighbourhood character as a key component; and
- the Government will assist councils to consolidate their knowledge of regional housing needs so councils are in the best position to decide where new residential development should be located.²³

²² The Standing Advisory Committee is aware that urban character studies have been undertaken by the following councils at least: Ballarat; Banyule; Bayside; Booroondara; Brimbank; Darebin; Glen Eira; Hobsons Bay; Kingston; Knox; Melbourne; Monash; Moonee Valley; Port Phillip; Whitehorse; Whittlesea and Yarra

²³ *A Sensible Balance* (December 1999) page 14

5.2.2 Mechanisms

These moves reflect the importance of neighbourhood character and mean that it will continue to evolve as a concept. Means must be found to interpret component elements of neighbourhood character through guidelines and standards, which can be applied in a variety of situations, because whilst many councils have undertaken urban character studies, they are not universal. The community though will still expect neighbourhood character to be a relevant consideration in decision-making even in the absence of a formal urban character study.

Many of the recommendations in this report will have a cumulative effect on the implementation of neighbourhood character. Streetscape issues, such as setbacks and front fences, measures to address excessive visual bulk, the role of height and building footprint are all relevant to a consideration of neighbourhood character. Greater guidance about the sort of matters to consider when assessing development applications against neighbourhood character, such as respecting the rhythm of spaces between buildings and the shape of built form components, will also be important. In this respect, developing guidelines for common urban character typologies could be useful. Continued emphasis on gardens and planting and retaining trees with spreading crowns will be vital.

There has been criticism about the way in which neighbourhood character is treated in *The Good Design Guide* because of the vagueness of objectives such as “*To achieve medium density development which is respectful of its neighbourhood.*” This has resulted in suggestions that more certainty should be created through the use of more prescriptive standards.

The Standing Advisory Committee does not consider that this can be achieved for something as intangible as neighbourhood character. There is no one set of standards that can guarantee neighbourhood character will be respected. At all times it will require judgement. However, there are ways in which the most glaring intrusions into a streetscape can be dealt with. The Standing Advisory Committee recommends a number of simple mechanisms that will address these matters, which will result in development that is much more responsive to neighbourhood character. These mechanisms:

- Avoid the projection of buildings into a consistent front setback by:
 - Requiring new development to be setback in accordance with any prevailing setback
 - Requiring garages and carports to conform to minimum frontage setbacks

- Abolish the distinction based on the 7km radius of the Melbourne GPO for establishing front setbacks.

- Avoid high solid front fences by:
 - Limiting the height of front fences
 - Requiring no front fences where this is a characteristic of the street

- Reduce excessive visual bulk by:
 - Requiring the articulation of ground floor perimeter walls
 - Requiring upper levels to be smaller than lower levels

The Standing Advisory Committee also recommends that:

- Greater guidance should be given in the policy basis of any new Residential Code and through a series of Planning Practice Notes on the way in which neighbourhood character should be interpreted and how new residential development can respond to it. The Planning Practice Notes should be released at the same time as the new Residential Code.
- New strategies for using technology to improve site analysis and to communicate design responsiveness should be developed.
- An ongoing education and training program should accompany the introduction of the new Residential Code.

5.2.3 Neighbourhood Character Studies

One of the most useful of these Planning Practice Notes will be the one foreshadowed in the State Planning Agenda about the role and methodology of neighbourhood character studies and strategies. Since the advent of *The Good Design Guide*, and in particular Element 3 dealing with Neighbourhood Character, a significant number of councils have commissioned urban or neighbourhood character studies.

Because Element 3 has no techniques “*assumed to satisfy the relevant element objectives and criteria*”, the preparation of urban character studies has been motivated, in part, as a means of providing a framework for decision making in the context of this element.

The Standing Advisory Committee has been provided with urban character studies from a broad cross section of municipalities – inner, middle and fringe metropolitan as well as from regional centres.²⁴ The Committee’s analysis of these studies reveals that over time there has been a gradual evolution in their preparation and presentation. However, whilst various of the consultancies engaged to prepare them have clearly identifiable and individual approaches, there are many common themes.

Most studies commence with a broad-brush municipal wide survey aimed at determining those parts or sub-sections of the municipality that have common characteristics. Community workshops, seeking input about local neighbourhood values and shared perceptions, are also common both at this initial stage and later.

²⁴ These include Darebin, Banyule, Moonee Valley, Monash, Kingston, Bayside, Port Phillip, Yarra, Whittlesea, Ballarat, Booroondara, Whitehorse.

A more detailed precinct by precinct audit follows with each precinct, or 'neighbourhood', assessed against a range of identified character elements such as; road and subdivision pattern, topography, visibility of vegetation in both the private and public realm, built form scale and pattern, prevailing setback, fence style etc. For each precinct or neighbourhood an overall character description is usually formulated.

Most studies also tend to place individual precincts into common typology groups, based invariably but not exclusively on the precinct's period of development. For example, some studies, such as for Banyule and Kingston, avoid 'period' in favour of other common typologies such as vegetation character. Even where the development period forms the basis of a common typology, cross-influences such as topography (and therefore road pattern), visibility and type of vegetation and homogeneity of the development period are applied to create typological variations.

The above can be described as the most basic level of neighbourhood character study, ie an existing conditions description. The Committee takes the view that in the absence of a residential development strategy, a neighbourhood character study such as described above can do little more than promote minimal change or preservation of the status quo. This is hardly a useful outcome, if a purpose of these studies is to provide a framework for decision-making in the context of new medium density housing proposals.

Many of the more recently prepared studies go further than simply an audit of existing conditions and include precinct guidelines for new development, identifying potential threats to the existing character of a precinct and including '*preferred future character statements*'. Again however, in the absence of a residential development strategy, the Committee found that these guidelines and preferred future character statements focus invariably upon minimal change.

The Standing Advisory Committee has also observed that the guidelines rarely provide advice about how medium density development might be introduced into a precinct. In many cases the illustrations within the guidelines give the impression of being applicable only to single dwellings or to extensions to existing dwellings. The '*backyard zone*', within which medium density development can be expected, is often ignored. The Moonee Valley Study is an exception in so far as some illustrations give recognition to more than one dwelling being constructed on a lot. The Darebin guidelines, for example, provide no advice for more than one dwelling

Some studies, for example Kingston, specifically acknowledge the difficulty in researching and quantifying the character of the 'backyard zone' as these places are not visible or normally accessible from the street. They suggest also that due to the greater diversity of such places, the back yard is better dealt with through the site analysis. The Committee agrees with this observation, nevertheless, by failing to refer to this aspect of neighbourhood character, there is potential for proponents to ignore it. The guidelines would be more useful as a framework for decision-making if they acknowledged more than the streetscape outcome.

Notwithstanding the large number of urban character studies so far prepared, the Committee has found that the consistency in their findings is often quite remarkable. Clearly the

common periods of development or typologies result in a reasonably standard suite of road pattern, vegetation and built form outcomes. It would be fair to say therefore that the character studies have identified the existence of common neighbourhood character types or typologies across metropolitan and regional centres.

What has been of particular interest to the Committee has been the degree to which the common typologies rely on variations of the component elements identified by the Committee as warranting greater recognition. These include; fence height, prevailing setbacks, roof form, articulation and visibility of vegetation.

5.2.4 Future Neighbourhood Character

In Section 2.3 in *Managing Change*, the Standing Advisory Committees recommends that guidance should be provided to councils about suitable mechanisms to manage change within their municipalities and to establish reasonable levels of expectation about the rate and nature of change that will be encouraged. The State Planning Agenda indicates that establishing the preferred future character of an area may be one such means. A model suggested in the Issues and Options Paper is to identify areas where substantial, incremental or minimal change may be expected.

As the Committee has noted above, the majority of urban character studies so far completed focus mainly on giving guidance in respect of areas of minimal change. The Standing Advisory Committee considers that DOI should also focus on giving guidance about what other models of preferred future character might be developed.

At present, any suggestion that change should be encouraged in an area is greeted with suspicion because it is generally assumed this will result in a loss of value and lower standards. This is quite contrary to what should be expected. However, as the Committee notes in Section 2.4, communication is required to overcome these fears and to ensure support for strategies for where development will be encouraged.

Strategies for major areas of change offer councils exciting opportunities to dramatically improve their urban environments. These are usually challenges that involve substantial efforts on the part of councils and developers, professional input and considerable community consultation. However, it is the cumulative impact of change in other areas, which will not be so dramatic, that it is equally important to provide guidance for. There is considerable experience in providing guidance for heritage areas and other areas of minimal change. But not all areas that fall outside the category of areas of substantial change can or should be areas of minimal change. For the small-scale developer and residents, guidance on how the preferred future character for such areas can accommodate change whilst still respecting neighbourhood character is an important task. It is also essential to the success of the new Residential Code, for it is in these areas that the general or default standards of the new Residential Code will have greatest application.

The Standing Advisory Committee considers that success in this task will be achieved by developing a better understanding of the component elements of a place and the relationships or interplay between them, which establishes the neighbourhood character of that place. The practical application of this understanding will be assisted by a better use of the tools, which technology offers, and ongoing education and training for people within councils, the community and the design and development industries.

5.3 SOME COMPONENT ELEMENTS OF NEIGHBOURHOOD CHARACTER

5.3.1 Streetscape

The Issues and Options Paper described a number of common characteristics shared by developments, which make them stand out as intrusive elements in their neighbourhood setting:²⁵

- **Projection of buildings into a consistent front setback**

A consistent front setback in a street can be a unifying element even though the architectural styles of individual developments may be different. When taken in conjunction with a predominance of low (or no) front fences and visible vegetation within the front setback, it creates one of the most prevailing, characteristic patterns of neighbourhood character across metropolitan Melbourne.

The building projection may be the dwelling itself or a garage or carport.

- **High solid front fences**

Where there is a pattern of relatively low (or no) front fences within a street, even though of disparate styles and materials, the presence of a high solid front fence can be a particularly disruptive element. Frequently such fences will be painted a light colour and echo the colour of the dwelling, which in turn frequently intrudes into an otherwise consistent front setback from the street. This serves to make the overall development even more conspicuous and, particularly if the dwelling lacks detailed articulation, can create an overwhelming impression of visual bulk.

High picket fences can also be just as intrusive.

- **Lack of visible vegetation**

A feature of many suburbs is their garden character. In many instances, it is not that gardens have a high, individual, horticultural significance. Rather, it is the consistency of vegetation that is visible along the length of a street, which creates the pattern and which is characteristic of the neighbourhood.

²⁵ Issues and Options Paper, Section 3.3.2-3, pages 90-91

High front fences obscure vegetation within a front setback and create a break in this pattern. This is presupposing that there is vegetation within the front setback, which is not always the case with new developments. Frequently a reduced front setback will not allow adequate space for the planting of vegetation that is ever likely to be visible from the street. Alternatively, the landscaping is simply not carried out or maintained.

*The issue of visible vegetation is slightly different to the issue of planting trees with spreading crowns. Such trees are valuable irrespective of where they occur within the site. However, visible vegetation is more a reflection of the criterion in *The Good Design Guide, E3.C2*, which provides that “New developments should respect and maintain the garden or landscape character of an area where this is a dominant feature of the neighbourhood.”*

- **Excessive visual bulk**

This is usually caused by a combination of features, such as the lack of articulation of a building; its comparative height; a failure to respond to the slope of a site in the design of the building; intrusion into a consistent front setback; or a roof form and pitch inconsistent with the prevailing pattern within the street.

The Issues and Options Paper emphasised that these characteristics are generalised and like all generalisations, there are exceptions. For example, there are parts of Melbourne, such as Wheelers Hill, where visual bulk in the form of an imposing street presence is a prevailing characteristic of houses in many streets. Modest little buildings would not be in keeping with the neighbourhood character of such areas.

The Issues and Options Paper also acknowledged that there is nothing inherently wrong with any of the features identified above. Rather, it is only when they are inconsistent with an otherwise recognisable pattern can it be said that development exhibiting these characteristics is not respectful of its neighbourhood character.

The issues of front setbacks, front fences and garages and carports, together with recommendations for improving the way in which these features of new residential development can better respond to neighbourhood character, are dealt with in further detail in Section 6 on Streetscape. The issue of excessive visual bulk is dealt with in Section 7 on Building Envelope.

5.3.2 Landscape

The removal of vegetation, particularly large trees, remains the single most upsetting result of new residential development to many people. It is seen to be particularly destructive of neighbourhood character.

Despite the strengthening of landscape as part of the design element on Neighbourhood Character in *The Good Design Guide*, landscaping remains one of the least well handled elements in the Guide. Not only is there a lack of critical evaluation of landscape plans, but

frequently also a lack of effective enforcement of planning permit conditions relating to landscaping. In too many instances, council planning staff fail to follow-up to see that landscaping is actually carried out or, just as importantly, maintained.

The poor performance by councils in respect of both the evaluation of landscape plans and enforcement may be linked to limited resources. However, landscaping can have some of the most significant long-term effects on neighbourhood character. Mature vegetation in the front setback can conceal many building sins. Thus, even where dwellings are today considered to be too visually bulky for their neighbourhood, they may be softened over time and rendered less conspicuous with appropriate landscaping. Unfortunately, this is unlikely to occur with much modern development because either there isn't adequate room for trees to thrive that will serve this purpose or the landscaping is inappropriate. Such development will continue to 'borrow' its amenity from the vegetation on surrounding sites, but contribute nothing positive to the neighbourhood character itself, even in the long term.

The situation is worse in many instances where single dwellings are concerned. Not only is all vegetation frequently removed from a site prior to development, but there is no mechanism by which new landscaping can be required.

The Standing Advisory Committee has recommended a number of mechanisms to address these problems.

In Section 4 on Demolition, it recommends the introduction of a new overlay to control demolition and possibly the removal of vegetation to prevent the 'moonscaping' of sites prior to any application for new development being considered.

Requiring new development to reflect any prevailing front setbacks will increase opportunities for landscaping in front gardens. Likewise, the requirement to limit the height of front fences will enable vegetation to be seen from the street.

In Section 7.4.6 in Building Envelope and below, the Committee addresses the issue of building footprint. In general terms, it supports reducing the size of the building footprint in order to provide more space between buildings and to provide greater opportunities for tall trees.

In the new Residential Code, the Standing Advisory Committee considers that the role of landscaping should be given strong support. The cumulative effect of the various mechanisms described should contribute to an environment where trees can be provided as part of new residential development. However, the most important success factor will be the weight which councils themselves place on landscaping, particularly trees with spreading crowns. Small ornamental trees will make little overall contribution to neighbourhood character. Attention to the detail of landscape plans is vital, with strong flow-up action to ensure they are implemented and maintained. Local planning policies have an important role to play in giving guidance about landscape styles, which councils may wish to encourage as part of the neighbourhood character of certain areas, or suitable tree species.

Of equal importance is the effort that councils themselves make within the public realm to provide trees and to establish or reinforce the landscape element of the neighbourhood character.

5.3.3 Height

The issue of height is discussed in Section 7.4 in Building Envelope. The point is made that when height is relevant to neighbourhood character, it is the relationship it bears to some other feature that is important, not height in absolute terms. The Standing Advisory Committee believes that too often the issue of height is taken out of context. It is considered in isolation, as though height alone is what makes the development inappropriate. Instead, the Committee considers the focus should be on whether there is a relationship between height and another feature, which is relevant to neighbourhood character. It is then much easier to analyse whether the height of a new building is appropriate or not, and why.

5.3.4 Built Form

The built form component of neighbourhood character is the aspect which most people tend to focus on and which urban character studies describe in greatest detail, probably because it is the easiest. However, it is a fallacy to presume that by replicating existing built form neighbourhood character will be protected. Mock historicism is nowhere supported for this purpose. Good contemporary architecture, which pays attention to neighbourhood characteristics of mass and proportion; roof form and pitch; facade articulation and detailing; window and door proportions; verandahs, eaves and parapets; building materials, patterns, textures and colours, will be far more successful.

Likewise, the spaces, and the shape of those spaces, between buildings will contribute to neighbourhood character, just as much as the buildings themselves. Thus the pattern or rhythm of setbacks between buildings – side and rear, as well as front – will be important. The same goes for the size of the building footprint; its placement in relation to surrounding buildings; characteristic patterns of roof form and pitch; and the shape of the spaces between roofs.

There was strong support from councils, residents and resident groups for Option 10 in the Issues and Options Paper, which proposed to introduce a new criterion as follows:

When there is a characteristic roof form and pitch in a neighbourhood, the roofline of new development should respond to it.

Private industry did not support it and, interestingly, nor did SOS on the basis that:

SOS has never sought to prescribe style, and does not support replication or mimicry in design. the proposal relating to common roof pitches is symptomatic of the difficulties associated with ensuring that new development is respectful of existing character, and will not achieve the desired outcome. In some instances the roof line will be barely visible on new development, except from a distance, and in other cases it will be irrelevant. In almost every case, are [sic] issues such as height, scale, bulk, density and vegetation are more important and should be subject to more rigorous control.

The main concern expressed, even among supporters, was that, if not interpreted flexibly, Option 10 could stifle individuality in design. Other submitters felt the criterion should go further and refer to eaves and materials too.

It will be seen from Section 7 on Building Envelope that the Standing Advisory Committee considers new residential development in infill locations should be encouraged to use characteristic roof forms and pitch. This is a guideline commonly emerging from urban character studies. It is already included as a Design Suggestion to E3.C1 of *The Good Design Guide*, although judging from the numbers of flat-roofed buildings, even in heritage areas, it doesn't appear to be given great weight.

The diversity in views between SOS on the one hand, and councils and other resident groups on the other, illustrates the difficulty of introducing anything like "*rigorous control*" for something as intangible as neighbourhood character. SOS does not define what it means by "*more rigorous control*".

The Standing Advisory Committee agrees with SOS that at times the roofline of a new development will be irrelevant to neighbourhood character. However, this is a judgement, which must be made on the individual circumstances. As a general rule, the Standing Advisory Committee found, as a result of its inspections and photographs forwarded to it, that flat roofs on new development in an area characterised by pitched roofs tended to result in development unsympathetic to the neighbourhood character (at least as exhibited by the streetscape). The Committee therefore considers that it is a useful qualitative assessment standard to include in relation to neighbourhood character. However, the Committee also considers that it should not be made mandatory and the element of judgement should not be removed.

This illustrates how important it is to equip the people who are going to make judgements about new development with the skills to properly interpret guidance about design issues and the confidence to implement their judgements.

As the Committee has noted above, urban character studies are identifying the existence of common neighbourhood character types or typologies across metropolitan and regional centres. Rather than local planning policies or guidelines being prepared by each individual council for their own municipalities, the Committee recommends that DOI should prepare a series of generic guidelines for use with the most common typologies. However, as the Standing Advisory Committee has emphasised above, the guidelines should focus not just on

extensions to single dwellings, but on how medium density development can respond to the type of neighbourhood character that is represented by the typologies.

In Section 7.4.2, the Standing Advisory Committee recommends that the new Residential Code should encourage new built form, particularly in infill locations, which incorporates the following features:

- smaller building footprints, which more closely align with surrounding built form, in conjunction with greater height, which nevertheless respects any relationship between features that are important in defining neighbourhood character
- building footprints that respect the positioning of surrounding dwellings and their secluded private open space
- compliance with prevailing front setbacks
- more open space to allow for landscaping and trees
- building forms that reflect the characteristic shape of other dwellings in the street and the rhythm of the spaces between them
- use of characteristic roof forms and pitch
- greater articulation in perimeter walls and between upper and lower levels

These are all matters that will have an impact on neighbourhood character. Specific recommendations about wording are not proposed, as drafting will be part of the task of preparing the new Residential Code. However, the code should elaborate more on all these matters than *The Good Design Guide* does at present. Planning Practice Notes on the subject should also support the new code.

5.4 RECOMMENDATIONS

The specific recommendations affecting neighbourhood character will be found in other sections of this report, particularly Section 6 on Streetscape and Section 7 on Building Envelope. Taken together, these recommendations will result in new residential development that will be more responsive to neighbourhood character, in line with the commitments made in the State Planning Agenda.

6. STREETScape

6.1 FRONT SETBACKS

6.1.1 Current Treatment of Street Setbacks

VicCode 1

E2.PM7 deals with street setbacks. Different standards exist according to whether the subdivision was created under *VicCode 1* or prior. Table E2-1 sets out the minimum setbacks for streets created under *VicCode 1*. The setbacks depend on the street type, eg access place, access street, collector street or trunk collector.

For streets created prior to *VicCode 1*, the minimum frontage setback is 4.5m, unless adjacent development is set back more than 7m when the minimum setback is 6m.

The Good Design Guide

The relevant objectives, criteria and techniques in *The Good Design Guide* relating to street setbacks are as follows:

E6.O1 To ensure that the setbacks of a building from its boundaries, the height and length of its walls, its site coverage and its visual bulk, are acceptable in the neighbourhood setting.

E6.C1 Street frontage setbacks should suit the efficient use of the site, the amenity of residents, and the character of the neighbourhood.

E6.T1 Front walls of buildings are set back from street frontages as follows:

Adjacent development context	General provision	Within 7km of Melbourne GPO
No development or non-residential development set back more than 3m	3m	0m
Development set back 3m or less	Same as the adjacent development	0m

Adjacent development context	General provision	Within 7km of Melbourne GPO
Dwellings set back less than 4.5m	3m	0m
Dwellings set back 4.5m or more	4m	4m
Dwellings set back 7m or more	5m	5m
Dwellings set back 9m or more	6m	6m
Urban Conservation Areas	Same or greater than the adjacent development	Same or greater than the adjacent development

Where adjacent development has different setbacks, development is setback the average of the minimum frontage setbacks set out in the table....

New dwellings fronting the long side of a corner site of less than 1200m² may have a 3m minimum frontage setback or less as specified in the table....

6.1.2 Issues and Options Paper

In many circumstances, *The Good Design Guide* allows new development to have a lesser front setback than adjacent development, even though it may intrude into an otherwise consistent front setback within the street.

The Standing Advisory Committee has found that intrusion into a prevailing front setback is one of the most common features that makes new development intrusive in a neighbourhood character sense. To address this, Option 7 in the Issues and Options Paper proposed an additional technique to govern situations where there is a predominant or prevailing front setback. New development would be required to be setback consistently with the prevailing setback. (The full text of Option 7 is set out in Appendix C.)

6.1.3 Role of Front Setbacks

The issue of front setbacks has been a contentious one ever since *VicCode 2* was introduced. The Panel, which considered its introduction, noted:

Virtually every Council appearing before the Panel had a concern on the issue of setbacks and those Councils in the middle and outer areas were trenchant in their desire to accord recognition to their existing front setbacks or a very slight reduction. The common theme was that their everyday dealings with residents in their

*municipalities revealed that the sense of amenity and streetscape achieved by setbacks was highly regarded.*²⁶

However, when *VicCode 2* was introduced, there was a strong view within Government that there was a need to allow more flexibility and more efficient use of this area of land within the traditional front setback (often totalling 100-15- sq. metres of infill sites of 600-800 sq. metres).²⁷ This view was consistent with the intent that *VicCode 2* was an important mechanism in promoting urban consolidation.

Since then, it has become clear that urban consolidation is not a goal that should be pursued at the expense of neighbourhood character. The community has been very vocal in supporting the retention of valued neighbourhood character. An important component of this is streetscape, and frequently the existence of a prevailing front setback will be a dominant element of the streetscape. The combination of a consistent dwelling setback with no or low front fences and visible vegetation within the front setback is one of the most prevailing and characteristic patterns of neighbourhood character throughout Melbourne, and indeed Victoria. It is equally prevalent within a seven kilometre radius of the Melbourne GPO as beyond.

Open front setbacks also create an important interface between the public and private realm. Whilst public access is not allowed, the public may share the amenity that the setbacks create in the form of gardens and views of the dwellings. Front setbacks provide opportunities for interaction between neighbours, between residents and passers-by, and for surveillance of both street and house. These opportunities, which active street frontages provide, contribute to a sense of community and neighbourliness.

The Standing Advisory Committee considers that these characteristics are important to maintain. This can be done by requiring new development to respect prevailing front setbacks; requiring front fences to reflect the predominant height of other fences in the street; and by discouraging the provision of secluded private open space within front setbacks.

The argument that front setbacks are basically a waste of space is one that the Committee considers cannot be supported. The argument ignores their intangible values and the important contribution they can make to neighbourhood character.

There was one submission to the Issues and Options Paper which argued that:

To put metres of unusable extra south facing front garden simply to align with a neighbouring building creating unusable garden that is difficult and expensive to establish thereby restricting the size of useable private north facing open space is against all logic. Conversely, to have a person's only option for private open space at the rear of their north facing house is similarly illogical.

²⁶ Victorian Code for Residential Development – Multi-dwellings: Report of the Independent Panel Amendment S23 & Amendment R113; page102

²⁷ *ibid* page 100

This argument essentially affords greater weight to issues of solar access and practicality than to neighbourhood character. Good design should be able to deal satisfactorily with these issues without ignoring neighbourhood character. Prevailing setbacks should not be seen as a constraint on good architecture and design. But if it comes to an issue of trade-offs, a judgement will need to be made about what is most important in all the circumstances. The Committee believes that one of the strengths of the structure of Victoria's planning system is that it allows individual decisions to be made in these circumstances. However, it has been demonstrated that neighbourhood character is too important to the community for it to be ignored in sole favour of the sort of issues raised above.

6.1.4 Prevailing Front Setback

Response to Option 7

The majority of submissions support this option. However, it is considered that the proposed technique should be simplified. A number of discrepancies were identified and the use of four different techniques within the one (varied setback, prevailing setback, corner site setbacks and heritage overlay setbacks) may complicate rather than clarify the existing technique. The greater sense of discretion in this Option was appreciated; however, a more simplified version would be preferred. The following specific concerns were raised in relation to this option.

Definition and calculation of 'setback'

There is a discrepancy in the method used to calculate prevailing and corner setbacks. The option proposed calculates the corner setback of new developments from the wall-face of the dwelling, therefore allowing porches and verandahs to project forward of this line. However, prevailing setbacks are calculated using the closest part of the dwelling, including porches and verandahs. There appears to be no rationale for this discrepancy.

The 'discrepancy' identified above was deliberate when the Standing Advisory Committee drafted the option. The intent was to give a bit more flexibility to new development. However, the Committee accepts that the discrepancy is more likely to create confusion than benefit. There is no strong justification for retaining it. Consequently, the Committee recommends that the mechanism for measuring setbacks should be consistent and should reflect the method currently included in *The Good Design Guide*.

Calculation of varied setbacks.

Submissions noted that there appears to be a significant difference between the varied setback calculations for new dwellings within seven kilometres of the Melbourne GPO. The required setbacks jump from 0 to 4 metres depending on whether the 'Adjacent Development Context'

is less than or more than 4.5 metres and it is difficult to comprehend why a 0.1 metre difference in the adjacent development context should result in a 4.9 metre difference in the required setbacks for new development. It was submitted that varied setbacks for new developments should have a more gradual transition in the table to reflect the staged and gradual 'Adjacent Development Context' setbacks.

The difference in standards relating to front setbacks between sites within or beyond a seven kilometre radius of the Melbourne GPO has been a major source of dissatisfaction with *The Good Design Guide*. In light of the proposal to require new development to respect prevailing front setbacks wherever they exist, there seems little point in retaining the distinction with respect to varied setbacks.

The main implication of abolishing the seven kilometre distinction will be to require a potential 3m setback where adjoining dwellings are setback less than 4.5m, rather than a zero setback. This does not mean that a zero setback will never be appropriate. Where adjacent development is setback less than 3m, new development can be setback the same distance. In other instances, if the context makes it appropriate, the council can consent to a lesser (or zero) setback. Different standards can be introduced if a council considers they are justified, especially in areas of substantial change.

Calculation of prevailing setbacks

Various difficulties with respect to the way in which a 'prevailing setback' is calculated in Option 7 were raised. Some modifications to the distances were suggested. There was a concern that prevailing setback calculations fail to mention areas with Urban Conservation/Heritage Overlay controls. Several submissions suggested that properties on both side of the street needed to be included in any setback calculation, as the 'character' of a street is usually derived from the full gamut of properties in a street.

However, the main concern lay with the wording about "*ten residential properties on one or two sides of a development in the same street*". It was felt there was a lack of clarity with the wording. Some submitters felt that the calculation should be made using a lesser number of dwellings.

The City of Melbourne made the point that many of the inner municipalities are characterised by streets with uniform setbacks, but the streets are physically too short to contain ten residential properties in order to calculate a prevailing setback. It is considered that provision should be made for these circumstances. Prevailing setbacks could be calculated with fewer than ten residential properties in the same street. Furthermore, the requirement that prevailing setbacks be calculated on 'residential' properties poses some problems, especially in Mixed Use Zones, where buildings may be all uniform in setback but not all residential in use.

The Standing Advisory Committee agrees that the wording of Option 7 should be made clearer. The important principles that should guide the application of a prevailing setback requirement are:

- There should be a *genuine* prevailing setback, which is a clearly defined characteristic of the streetscape. It is intended to apply only where a substantial number of residential properties exhibit the same prevailing setback. The prevailing setback requirement is a mechanism intended to promote responsive streetscape design, not increase the overall setback provisions of *The Good Design Guide*. If there is no clear prevailing setback, then the normal varied setback provisions will apply, which are those currently applicable under *The Good Design Guide*. The varied setback is based on the adjacent development context, so it is not unresponsive to site context.
- Ten properties represent a substantial number of properties. If there are less than ten properties within a street but 80 per cent of them exhibit a prevailing front setback, then the Committee considers that the prevailing front setback requirement should apply.
- Residential properties were specified in Option 7 because frequently non-residential buildings within a residential street exhibit a different setback. The main reason for introducing a prevailing front setback requirement is to deal with new development on infill sites in established residential areas where a common front setback is a feature of the neighbourhood character. However, the Standing Advisory Committee accepts that the requirement for the properties to be residential may be a complicating factor. Their use may have nothing to do with the contribution they make to the streetscape. The Committee therefore recommends that this stipulation should be removed from the basis for assessing if a prevailing setback exists.
- Properties on one side of the street only have been chosen as the basis for assessment for two reasons. The first is simplicity. Including properties on the other side of the street becomes complicated, particularly near corners or cross streets, or where there are differences in development pattern on either side. For instance, it is not unusual for the two sides of a street to exhibit different setbacks, even though both may be uniform. In this case, if both sides had to be considered, which one would be chosen? The Committee considers that requiring properties on both sides of the street to be considered would reduce the number of instances where the prevailing setback provision would apply.

The second reason relates to the way in which a street is read. The uniformity of a setback is most telling when the dwellings exhibiting the setback are viewed looking along the length of the street on one side. It is then that the consistency in setback, fence height and the continuity of visible vegetation is most appreciated. This is where intrusions into the front setback are most noticeable. The objective of the technique is to tackle these intrusions. Therefore it is more straightforward to focus on one side of a street only. The exception to this, of course, is in a court where there is no clearly defined point at which one side of the court stops and the other begins. However, this is not a problem when the continuity of the properties is considered rather than ‘sides’ of a street.

- The variation allowance of 0.5m was felt to be too minimal by some submitters. The Standing Advisory Committee does not have a strong view on this and is happy to recommend 1m.

- The Standing Advisory Committee sees no reason to make specific reference to Heritage Overlays in the prevailing setback requirement. The very nature of the requirement makes it sensitive to what may be a feature of the Overlay area. If not, the Committee considers that the requirement for a permit under the Heritage Overlay itself could deal with the need for a more unusual setback, which the heritage qualities of the place may justify.

Greenfield Sites

The application of this option to greenfield sites was not specifically raised in the Issues and Options Paper. It is clearly appropriate to apply it to single dwellings in infill locations, but would have no application in greenfield locations where the adjacent development context is as yet unknown. In these circumstances, the Standing Advisory Committee considers that the existing setback requirement of *VicCode 1* should apply, namely E2.PM7.

In the majority of cases, Table E2-1 of E2.PM7 will apply. However, there may be some subdivisions still undeveloped, which were created prior to *VicCode 1* and which are within a greenfield location. The basic setbacks of 4.5m or 6m specified in E2.PM7 would then apply.

6.1.5 Corner Sites

The Standing Advisory Committee dealt with the issue of corner sites in some detail in the Issues and Options Paper.²⁸ It did not advocate altering the provisions in *The Good Design Guide* relating to corner sites because of:

- Concerns about the validity of any argument based on consistency of streetscape character.
- The implications such a provision may have for the attraction of corner allotments for medium-density development and the impacts on the amenity of neighbours and the provision of adequate private open space that any requirement for a greater setback may have, which is based on streetscape.

The Issues and Options Paper noted that:

*If there are particular areas of a municipality where staggered setbacks on corner sites can be justified, the council has the option to introduce a local variation to require this. In individual circumstances where this may be an appropriate response to the neighbourhood character, again the council may require it as a specific planning permit condition. However, as a general rule, the Standing Advisory Committee would not support it.*²⁹

²⁸ Issues and Options Paper; Section 3.3.3-2, pages 100-101

²⁹ *ibid* page 101

The Committee maintains these views. If councils wish to accentuate corner sites, which may be a legitimate design objective, especially in inner-city areas, it would be appropriate to prepare special guidelines for incorporation in a local planning policy, a local variation or Design and Development Overlay.

6.2 FRONT FENCES

6.2.1 Current Treatment of Front Fences

VicCode 1

Element 8, PM4 of *VicCode 1* is called up by the Building Regulations. This provides as follows:

E8.PM4 Front fences and walls less than 1.2m in height. Fences to a maximum of 1.5m high only if greater than 50 per cent transparent.

The Good Design Guide

There are no techniques regarding fences in *The Good Design Guide*, but there are a number of criteria and design suggestions.

Design Suggestions

- | | |
|---|--|
| <p>E3.C6 Developments should visually address public streets.</p> | <ul style="list-style-type: none">• <i>Keep front fences to a maximum of 1.2m in height if solid or 1.5m in height if more than 50 per cent transparent.</i>• <i>Where high solid front fences are essential, limit them to parts of the frontage in order to maintain views between the dwelling and the street.</i> |
| <p>E9.C2 Outdoor areas at ground level between dwelling fronts and streets should be designed to create a good physical and visual connection.</p> | <ul style="list-style-type: none">• <i>Avoid high front fences.</i>• <i>Avoid unsightly service or utility areas.</i> |

6.2.2 Issues and Options Paper

A characteristic feature common throughout Melbourne is the prevalence of relatively low front fences or, in some locations, no front fences. Where high front fences exist, they are usually a disruptive element in the overall streetscape. Not only are they intimidating and unfriendly, but they obscure the planting in front gardens, thus detracting from the characteristic visibility of vegetation, which is a feature of many streetscapes, particularly in the middle and outer suburbs of Melbourne.

The Standing Advisory Committee found an inherent contradiction in *The Good Design Guide* between its emphasis on neighbourhood character and the need for developments to visually address and engage with the street, and the ability to provide secluded private open space in the front setback, which necessitates a high solid front fence for privacy.

The Committee also considered that the ‘garden city’ image of Melbourne depends on the visibility of vegetation within the interface between the public and the private realm. In order to maintain this image it is important that fences are generally low enough so that gardens and dwellings are visible from the street. This is possible with a fence height of 1.2m, but not higher.

As a result, Option 8 proposed to insert a new criterion in *The Good Design Guide* that front fences should generally reflect the predominant height of other fences in the street. A new technique was also proposed that front fences are no higher than 1.2m. If a prevailing feature of the area is the lack of front fences, then new development should likewise have no front fence.

Option 9 proposed that this technique should be included in the Building Regulations so that it would also apply to single dwellings.

The full text of Options 8 and 9 is set out in Appendix C.

6.2.3 Limiting Height of Front Fences

There was general support for Option 8 and its intent, namely to provide for front gardens, discourage the provision of secluded private open space within front setbacks, ensure surveillance of public streets, and provide a transitional area between the public and private realm.

One council wanted to extend control over the material of fences also. However, the Committee considers this is taking things too far as part of a general standard. As the RAIA noted, there is a need to avoid this provision from becoming an entrenched and narrow control. If the circumstances of an area are so special that they require control over materials or other design aspects, this should be done by means of a local planning policy.

Some concerns were raised about the limitation this technique may have where high front fences are required for noise protection along busy roads.

It must be remembered that techniques are not binding in *The Good Design Guide*. In the new Residential Code, the Standing Advisory Committee recommends that standards will become policy guidelines, which can be varied if the circumstances are appropriate. The Standing Advisory Committee considers that special circumstances are best dealt with by means of a local planning policy. Councils can either identify roads where high front fences will be permitted for noise protection or other reasons, or set out guidelines about when fences higher than those specified in the technique would be permitted.

The issue of security was raised by the St Albans North Environmental Action Group. It felt that safety is of great importance and if high fences are safer in certain circumstances, then safety must override neighbourhood character.

The Committee does not necessarily disagree with this but considers it is an issue that is best judged by the council on the individual merits of an application. On the other hand, the Committee notes that crime statistics tend to indicate that dwellings with high fences are not necessarily more secure from break-ins as the fences enable entry by burglars without being seen from the street.

6.2.4 Single Dwellings

There was overwhelming agreement about the need to achieve consistency between the front fence provisions for single detached dwellings and multi-dwelling.

The only caution came from councils about the need to be practical. The City of Geelong expressed the view that:

Experience has shown that the ultimate administrative/enforcement burden that results generally far exceeds the (often) limited benefits of improved design outcomes. These sorts of controls would be better included within the limited heritage/character overlay controls rather than universally throughout the GDG. Nor is it seen as appropriate to further burden Building Certifiers with matters in which they have no training or skills (for example design issues).

The latter comment may relate to the different appeal systems for single dwellings and medium density development, and the need to ensure consistent decision-making, which was an issue referred to by the City of Hobsons Bay.

6.2.5 Need for a Permit under the VPPs

As the new Residential Code will apply to all dwellings, including single dwellings, there is a need to ensure that the standards applying to front fences will be effective irrespective of whether a planning permit is required. This applies particularly in infill areas.

At present, Clause 62.02 of the VPPs provides:

Any requirement in this scheme relating to the construction of a building or the construction or carrying out of works does not apply to:

A fence....

This does not apply if a permit is specifically required for any of these matters.

The Residential Taskforce responsible for drafting the new Residential Code should ensure that any necessary changes are made to the VPPs to ensure that the current wording of Clause 62.02 does not unintentionally result in front fences being permitted that are not in accordance with the provisions of the new Residential Code.

6.3 GARAGES AND CARPORTS IN FRONT SETBACKS

6.3.1 Issues and Options Paper

The Issues and Options Paper noted that double garages, which either protrude forward of the dwelling into the front setback or represent a disproportionate percentage of the front façade of the dwelling, are a significant feature contributing to the visual bulk of new development and their dominance within the streetscape.

The issue of number of carparking spaces, width of crossovers and the like are dealt with in Section 11 on Carparking. However, the intrusion of garages and carports into front setbacks is a streetscape issue closely related to the issue of street setbacks and recognition of prevailing front setbacks.

Option 19 proposed two things. First, it proposed a new technique requiring the provision of at least one carparking space under cover or set back the minimum front setback distance calculated by reference to E6.T1. This is reinforced by adding to the note in E6.T1 the following words in italics:

Note: The setback is measured to the wall-face of the dwelling. Eaves, porches and verandahs, *but not garages or carports*, may project forward of this line.

It was also proposed that this new technique and other techniques in Design Element 8 of *The Good Design Guide* apply to single dwellings.

6.3.2 Design Issues

There was widespread support for this option although some reservations were expressed about the effect it may have on design solutions in certain circumstances.

The City of Boroondara was concerned that with side by side developments it may be too prescriptive and result in sheer two-storey designs. The City of Casey felt it still allows for verandahs to project forward of the frontage setback. This could potentially allow the construction of large verandahs actually functioning as carports, thereby compromising the objective of maintaining the existing streetscape.

By contrast, the Building Designers Association of Victoria, whilst supporting the option, considered that the positioning of garages and carports forward of a dwelling can have design benefits in some situations, and is often the only option. Some guidelines for situations where this is a good outcome could be considered, for example in relation to roof form, garage door design and pavement treatment and landscaping.

The Standing Advisory Committee considers that the treatment of garages and carparking generally could benefit enormously from guidance in the form of a Planning Practice Note. These structures are integral components of modern dwellings but in the main, are treated very poorly in design terms. The visual bulk of standard roller doors makes them stand out in any streetscape. Yet there are means by which this intrusiveness can be reduced, for example:

- Narrowing the width of a driveway to a double garage to a single width at the street frontage.
- Providing two garage doors instead of one double door.
- Achieving the same effect by visually patterning the door to resemble two doors.
- Articulation of the front façade.
- Use of recessive colour and materials to diminish the visual impact of garage doors.
- Incorporating the garage into the overall design of the dwelling.
- If freestanding, matching roof form and pitch of carports to those of the dwelling.

These are not matters for which standards can be designed, but design guidance can be given to help designers, homeowners and council officers to better achieve streetscape and neighbourhood character objectives. However, the simple expedient of requiring garages and carports to conform to minimum frontage setbacks will overcome a considerable aspect of their intrusiveness. If there are circumstances where it is appropriate to allow a structure to intrude into the front setback, a permit can be granted. If there are special areas where it is a feature of the streetscape that garages project into the front setback, a local planning policy could be introduced setting out guidelines about when a permit would be issued.

6.3.3 Greenfield Sites

The benefits of Option 19 in infill sites were undisputed, whereas reactions to application in greenfield sites were more mixed. Some councils, such as the City of Greater Geelong, felt that views about the perceived visual detriment of garages in front setbacks were subjective in the extreme ‘*and will do no more than create an additional impediment to free choice of consumers.*’ Others, such as the city of Whitehorse, felt that the technique would improve the streetscape of new estates whereby one is confronted with a row of protruding double garages.

One potential impact not raised in submissions, but which the Standing Advisory Committee can foresee, is how such a requirement may affect the standard house designs of volume builders. Many of these designs, which are aimed at the greenfield market, have the garage protruding forward of the main part of the dwelling.

The Committee discusses the issue of standard dwelling plans in Section 10 on Density and Section 12 on Facilitating Outcomes. With respect to the issue of garages and carports, it has reached the conclusion that the provision should apply as a default provision in greenfield locations. If councils wish to exclude its operation, they can do so by means of a local variation. The Committee does not consider that this is a provision that should require substantial justification to remove.

6.3.4 Single Dwellings

The main reservation expressed about the application of this standard to single dwellings related to a Building Surveyor’s ability to issue dispensation for front setbacks. The ability to vary this requirement may result in this provision being circumvented and the location of garages will not alter. It was suggested that the discretion of a Building Surveyor to further reduce prescribed minimum setbacks should be limited.

This is a common issue affecting single dwellings and its resolution is integral to the operation of the new Residential Code. It is a matter that should be looked at in detail as part of the process of preparing the new Residential Code.

6.4 RECOMMENDATIONS

Street Setbacks

- ❑ The different standards applying to varied setbacks within 7km of the Melbourne GPO should be deleted.
- ❑ A new standard introducing the concept of prevailing setbacks should replace the current technique in *The Good Design Guide* of E6.T1. The wording of this standard should be to the following effect:

STREET SETBACKS

Front walls of buildings are set back from street frontages as follows:

PREVAILING SETBACK

Where development is within a group of at least 10 properties on the same side of a street and 80 per cent of those properties have the same front setback (plus or minus 1m), new development is setback from street frontages as follows:

Prevailing Front Setback	General Provision
Less than 5m	Same as prevailing street setback
Between 5m and 6.25m	5m
Greater than or equal to 6.25m	80% of prevailing street setback, not less than 6 metres

(Diagram illustrating calculation of Prevailing Front Setback to be shown here)

For the purpose of calculating the prevailing front setback:

- The front setback is the distance between the front property boundary and the closest wall-face of the dwelling to the street excluding verandahs and porches.
- Where there are minor variations in the prevailing front setback (plus or minus 0.5m) the prevailing front setback is the average of the front setbacks.

VARIED SETBACK

If a street has no prevailing setback it has a 'varied' setback. The front setback for a development in a street with a varied setback is calculated by reference to the adjacent development context. New development is setback from street frontages as follows:

Adjacent development context	General provision
No development or non-residential development set back more than 3m	3m
Development set back 3m or less	Same as the adjacent development

Adjacent development context	General provision
Dwellings set back less than 4.5m	3m
Dwellings set back 4.5m or more	4m
Dwellings set back 7m or more	5m
Dwellings set back 9m or more	6m
Urban Conservation Areas or Heritage Overlays	Same or greater than the adjacent development

Where adjacent development has different setbacks, new development is setback the average of the minimum frontage setbacks specified in the table above.

Diagram illustrating calculation of Different Adjacent Setbacks

CORNER SETBACKS ON SITES OF LESS THAN 1200m²

On corner sites of less than 1200m², new development fronting the long side of the site may have a 3 metre minimum frontage setback or less as specified in the varied setback table. The setback to the short side of the site for new development is calculated by reference to either the prevailing setback table or the varied setback table as appropriate.

Diagram illustrating Corner Setbacks on Sites Less Than 1200m²

Note: The setback for new development is measured to the wall-face of the dwelling. Eaves, porches and verandahs, but not garages or carports, may project forward of this line.

- This new standard about street setbacks should apply to single dwellings in infill locations but not in greenfield locations. In greenfield locations, the provisions of E2.PM7 in *VicCode 1* should apply.

Front Fences

- New provisions relating to front fences should be introduced as part of the neighbourhood character section of the new Residential Code.
- The following Design Suggestion should be deleted from E3.C6:

Keep front fences to a maximum of 1.2m in height if solid or 1.5m in height if more than 50 per cent transparent.

- New standards should be included to the following effect:

Front fences should reflect the predominant height of other fences in the street unless the area is one where substantial change is occurring or is expected.

Front fences are no higher than 1.2m.

No front fences are provided where the development is within a group of at least 10 properties on the same side of a street and 80 per cent of those properties have no front fence.

- These provisions about front fences should apply to all single dwellings.
- Any necessary amendment should be made to the VPPs to ensure that the current wording of Clause 62.02 does not result in front fences being permitted that are not in accordance with the provisions of the new Residential Code.

Garages and Carports

- New provisions relating to garages and carports in front setbacks should be introduced as part of the neighbourhood character section of the new Residential Code.
- An additional standard should be added to those in Design Element 8 under the heading “Location of Accessways and Car Parking Spaces” as follows:

At least one car parking space per dwelling is under cover or set back the minimum front setback distance calculated by reference to E6.T1.

- The words in bold should be added to the Note to E6.T1 when it is incorporated into the new standard relating to Street Setbacks:

*Note: The setback is measured to the wall-face of the dwelling. Eaves, porches and verandahs, **but not garages or carports**, may project forward of this line.*

- The standard about garages and carports in front setbacks should apply to all single dwellings.
- A Planning Practice Note should be prepared about ways to reduce the visual intrusiveness of garages addressing matters such as:
 - Narrowing the width of a driveway to a double garage to a single width at the street frontage
 - Providing two garage doors instead of one double door

- Achieving the same effect by visually patterning the door to resemble two doors
- Articulation of the front facade
- Use of recessive colour and materials to diminish the visual impact of garage doors
- Incorporating the garage into the overall design of the dwelling
- If freestanding, matching roof form and pitch of carports to those of the dwelling

7. BUILDING ENVELOPE

7.1 CURRENT TREATMENT OF BUILDING ENVELOPE

7.1.1 *The Good Design Guide*

Element 6 of *The Good Design Guide* deals with building envelope. This includes:

- Street setbacks
- Length of walls on boundaries
- Heights and side and rear setbacks
- Allowable encroachments and setbacks
- Site coverage
- Daylight and visual bulk
- Sunlight to secluded private open spaces

A number of these matters are addressed elsewhere in this report. Street setbacks are dealt with in Section 6 on Streetscape: sunlight to secluded private open spaces in Section 9.6 on Overshadowing. Daylight *per se* is not dealt with as part of this report, although visual bulk is.

The relevant objectives, criteria and techniques relating to building envelope, which are not dealt with elsewhere, are as follows:

OBJECTIVES

- E6.O1** To ensure that the setbacks of a building from its boundaries, the height and length of its walls, its site coverage, and its visual bulk, are acceptable in the neighbourhood setting.

CRITERIA

- E6.C2** Building height, length and location should not cause a significant loss of amenity to neighbouring residents.

TECHNIQUES

LENGTH OF WALLS ON BOUNDARIES

- E6.T3** Buildings are located on side and rear boundaries as follows:
- the maximum length of new boundary walls is 50 per cent of the length of any adjacent residential boundary; or
 - where a wall of an existing dwelling or outbuilding on an adjacent lot abuts

the boundary, the maximum length of new boundary walls is that abutting the existing walls plus 50 per cent of the length of the remaining boundary; or

- where slope and retaining walls or fences would result in the effective height of a wall built to the boundary being less than 2m on the adjacent property boundary; or
- within a 7km radius of the Melbourne GPO, buildings may fully abut boundaries of side or rear access lanes.

A building on a boundary includes a building set back up to 150mm from a boundary.

HEIGHTS AND SIDE AND REAR SETBACKS

E6.T4

Buildings comply with the following heights and side and rear setbacks:

- a maximum building height of 12m outside a 7km radius of the Melbourne GPO, except where a lower height is specified in a local section of the planning scheme.
- the maximum height of a wall built on the boundary does not exceed an average of 3m with no part higher than 3.6m unless:
 - *abutting a higher existing or simultaneously constructed wall; or*
 - in accord with an approved building envelope on a plan of subdivision;
or
 - abutting a side or rear lane within a 7km radius of the Melbourne GPO;
or
 - abutting a side or rear boundary of a residential property within a 7km radius of the Melbourne GPO and the maximum height of the wall is less than 60 per cent of the width of adjacent principal private open space.
- if not on the boundary, the setback of any wall is 1m minimum plus 0.3m for every 1m of height over 3.6m up to a height of 6.9m; and, for that part of the wall over 6.9m in height, a maximum setback of 1m for every 1m of height. For example:
 - *where a wall height is 6.3m, the formula is $1m+[0.3m(6.3m-3.6m)]$ = required setback (1.81m).*
 - *where wall height is greater than 6.9m, the formula is $1m+[0.3(6.9m-3.6m)]+[1m(\text{wall height}-6.9m)]$ = required setback*

This technique does not apply in Urban Conservation Areas.

ALLOWABLE ENCROACHMENTS AND SETBACKS

E6.T5

Eaves, fascias, gutters, downpipes, masonry chimneys, flues, pipes, domestic fuel tanks, cooling or heating appliances or other services (see note) may extend beyond the building envelope as defined in E6.T4, provided that the distance to the boundary is not less than 0.5m. Such items may be located less than 0.5m from the boundary if relevant fire protection requirements of the Building Code of Australia are satisfied.

Note: Light fittings, electricity or gas meters, aerials or antennae, pergolas, screens or sunblinds are not restricted. Terraces, landings, steps or ramps not more than 1m in height are not restricted.

SITE COVERAGE

E6.T6 Buildings may occupy up to 60 per cent of site area, unless the site is located within a 7km radius of the Melbourne GPO, when up to 80 per cent of site area may be built on.

DAYLIGHT AND VISUAL BULK

E6.T8 The height of walls higher than 3m opposite existing walls containing habitable room windows is limited to twice the horizontal distance between the two walls for a distance defined by a 55° arc from the centre of the existing window. The arc may be swung to within 35° of the plane of the wall containing the window.

When the existing window is above ground floor level, the height restriction is calculated from the floor level of the room containing the window.

The full text of Element 6 plus the accompanying diagrams is included in Appendix D.

7.1.2 VicCode 1

Element 2 of *VicCode 1* deals with Building Siting and Design. The full text plus accompanying diagrams is included in Appendix E. They are very similar to the techniques in *The Good Design Guide*, although there are several variations. The following table analyses the differences.

Issue	<i>Good Design Guide</i>	<i>VicCode 1</i>	<i>Relationship</i>
Length of walls on boundaries	E6.T3	E2.PM9, PM10	Essential difference is that walls built on boundary under <i>The Good Design Guide</i> must not exceed 50 per cent of the length of any adjacent residential boundary or, where the wall of an adjacent residential development abuts the boundary, the maximum length of a new boundary wall is that abutting the existing walls plus 50 per cent of the length of the remaining boundary. Under <i>VicCode 1</i> , the maximum length of a wall on a boundary is a total of 20m.
Heights and side and rear setbacks	E6.T4	E2.PM8	Basically the same except: <ul style="list-style-type: none"> Under <i>The Good Design Guide</i> the maximum height of 12m only applies

Issue	<i>Good Design Guide</i>	<i>VicCode 1</i>	<i>Relationship</i>
			outside a 7km radius of the GPO. <ul style="list-style-type: none"> ▪ Under <i>VicCode 1</i> the maximum height of a wall built on a boundary is 3.6m. Under <i>The Good Design Guide</i> the maximum height is an average of 3m with no part higher than 3.6m.
Site coverage	E6.T6	E2.PM5	Under <i>The Good Design Guide</i> maximum site coverage is: <ul style="list-style-type: none"> ▪ 60 per cent outside 7km radius of GPO. ▪ 80 per cent within 7km radius of GPO. Under <i>VicCode 1</i> maximum site coverage is 55 per cent.

7.2 VISUAL BULK

7.2.1 What is Meant by Visual Bulk?

The bulk of a building represents the overall volume of the building envelope. The issue of visual bulk relates to a combination of things including building height, the size of the building footprint, roof form, roof details such as eaves, building materials and colours and the slope of the site. It essentially relates to the way in which the building is read within its context. For instance, there is nothing wrong with height *per se* or massive buildings ***in the right location***. Likewise, features such as flat roofs, handled by a skilled architect, can work extremely well, whereas in other situations they simply emphasise the building as a box. What can appear well proportioned in one setting can constitute unacceptable visual bulk in another.

This is what makes defining visual bulk so difficult. Because it is a contextual thing, a set of rules or principles for handling visual bulk will not always produce the same outcome in all locations. In the Issues and Options Paper, the Standing Advisory Committee had this to say on the subject:

The concept of visual bulk is a shorthand method to describe the characteristics of a development which, in a planning sense, are undesirable and which go beyond the mere decorative appearance of a building. They are the characteristics that it is generally considered legitimate to influence in order to achieve good design outcomes in the overall interests of the community. They need to be distinguished from characteristics that relate simply to taste or personal preference.

There is no easy set of rules for making this distinction. Visual bulk is a combination of height, articulation, roof form, setbacks and scale judged in relation to context and execution. In so

many instances, it is not **what** is done, but the **way** in which it is done that determines whether the visual bulk of a development is acceptable or not.³⁰

7.2.2 Issues and Options Paper

As the Standing Advisory Committee reported in the Issues and Options Paper,³¹ it found nothing as a result of its inspections to suggest that any of the standards in *VicCode 1* or *The Good Design Guide* relating to building envelope were inherently unreasonable or invariably led to inappropriate outcomes. Rather, it found that problems are produced when:

- A development pushes each of the techniques or performance measures to the limits.
- There is a lack of articulation in the building.
- The building footprint(s) differ substantially to those of surrounding development.
- The slope of the land is not addressed in the design of the development.
- There is a failure to mediate the height of the building at the interfaces of the dwelling with the street and adjacent development.

Section 3.6.3 of the Issues and Options Paper examines options relating to each of the above points. In general, the Standing Advisory Committee did not support suggestions to either:

- Generally reduce heights or the length of walls on boundaries, or increase setbacks.
- Set a maximum number of techniques or performance measures that can be taken to the limit.

The Committee felt that these suggestions will no more guarantee good outcomes than the present techniques or performance measures, but will depend equally on context and execution. They are likely to hinder the good developers without necessarily improving the development quality of others. However, there were a number of measures it felt could be used to address some of the problems which cause visual bulk.

7.3 ARTICULATION

7.3.1 What is Articulation?

Articulation is the manner in which the wall or façade of a building presents a varied wall setback to the street or its neighbour. Varying the setback, location and distance of walls,

³⁰ Issues and Options Paper, page 133

³¹ Issues and Options Paper, page 135

garages, balconies and the like can assist in minimizing the overall impact of new development either on the streetscape or abutting development.

As the Standing Advisory Committee noted in the Issues and Options Paper:

... [C]urrent dwelling trends, which display a very 'boxy' building style and lack of articulation, contribute substantially to problems of visual bulk. The outcomes of Task 3 demonstrated that greater attention to detailing and articulation reduced visual bulk where this was a problem. The challenge is therefore to encourage a greater degree of articulation in perimeter walls.

The problem is greatest along side boundaries where the plane of perimeter walls is closest to abutting development and therefore most visible. Flat facades facing the street are more likely to have a degree of relief applied to them in the form of balconies, verandahs or bay windows. In time, there is the opportunity for them to be partially obscured by vegetation. Far less attention tends to be paid to relieving the visual impact of side walls for neighbours.³²

7.3.2 Articulation of Side Walls - Option 17

As a means of increasing the degree of articulation of side walls, the Standing Advisory Committee suggested an option stipulating that no more than 80 per cent of the total length of the side walls of a building or buildings on a site may be set back the minimum distance calculated by reference to E6.T3 and E6.T4. At least 20 per cent must be set back further by at least one metre.

Option 17 proposed that an additional technique should be included in *The Good Design Guide* after E6.T3 and E6.T4 as follows:

Where buildings are set back from side and rear boundaries of any adjacent residential boundary by 1m or less than the minimum distance under E6.T3 or E6.T4, 20 per cent of the total building length in this category must be set back further by at least 1m.

7.3.3 Responses to Option 17

There were mixed responses to Option 17. All the councils, which made submissions, supported the concept except for the City of Melbourne. However, a number felt that the wording was unclear. Whilst the intent is clearly outlined in the Issues and Options Paper, this did not carry over into the wording of the proposed technique. The City of Whitehorse, in common with a number of residents and resident groups, felt that the 20% figure was inadequate.

³² Issues and Options Paper, page 136

However, the main criticism, which was raised by the City of Melbourne as well as several other councils, the HIA, RAlA and Building Control Commission, was that the technique will lead to the inefficient use of land with setbacks being provided for the sake of compliance with the requirements rather than achieving the objectives of the articulation sought.

For example, the City of Kingston submitted:

The setback of a further '1 metre' is not considered an adequate distance to provide any useable space, rather, if 2 – 3 metres were the distance, the area could be used as a courtyard, by future residents. The Guide should discourage designs which result in small areas of useless space, rather than encourage it. The amenity of future occupants of the development needs to be considered, not only the amenity of existing residents adjoining the development site.

The HIA considered that:

This technique is unworkable and will result in poor design and unreasonable space on boundaries. In the case of an 8 metre long garage wall on a boundary, at least 6 metres is for car accommodation and 2 metres is storage space. Under the proposed technique the wall must be either lengthened to accommodate the section lost to the 20% setback requirement or substantial building is lost.

Another scenario is a minimum size garage of 6 metres in length. Setting back a portion of this wall is not feasible and it therefore must be lengthened to 7.5 metres to achieve 6 metres for car accommodation, thereby adding 1.5 metres of unnecessary wall close to a boundary, complicating construction and adding unnecessary costs.

The City of Melbourne considered that this technique would be inappropriate for most residential development proposals involving side and rear boundaries within its municipality. It felt that that the provisions are too prescriptive and would affect internal dwelling layouts and functionality for the sake of achieving articulation. They would also discourage the use of other innovative design solutions that could equally reduce visual bulk.

Other submissions suggested that setback provisions need to be more flexible so they are integrated with adjoining dwelling layouts as well as proposed private open space locations on site. The opinion was also expressed that building at or near boundaries should not be discouraged.

The majority of residents and resident groups supported the option, but felt that it did not go far enough. Their comments raised the following concerns:

- The provisions are too permissive of visual bulk. They promote an attitude that visual bulk is acceptable if you can comply with the relevant provisions. There is no real attempt at addressing issues of residential character and amenity.
- Articulation does not equal reduced visual bulk. Visual bulk can only be addressed by reducing the height and length of walls and by increasing setbacks.

- Provisions may not be appropriate in inner city suburbs (within a 7km radius of the Melbourne GPO) where back yards would be ‘boxed in’.

7.3.4 Qualitative Assessment Standards for Articulation of Buildings

The disparity in the views expressed illustrates that there is no easy solution to this issue. Whilst there is general agreement that greater articulation in wall planes, both horizontal and vertical, will reduce visual bulk, it is difficult to express this as a general standard that will be appropriate in all circumstances.

If the intent of the option can be clearly understood in the Issues and Options Paper, but this intent becomes obscure when translated into the format of a technique, perhaps this indicates that a different approach is needed. This has led the Committee to the view that the need for articulation in the walls of buildings would be better expressed as a qualitative assessment standard rather than a quantitative assessment standard, which was the way Option 17 was expressed. It also believes that the outcomes, which the techniques in E6.T3 and E6.T4 are intended to achieve, should be described more fully than in the existing objectives and criteria of *The Good Design Guide*.

In recommending a 20 per cent articulation for both the horizontal and vertical planes of buildings, the Standing Advisory Committee has deliberately refrained from saying by how much the walls or upper storeys should be set back. The policy basis and objectives of the new Residential Code should identify the reasons for this standard, and then a qualitative assessment of what is appropriate in the circumstances should be relied upon to achieve the objective(s). Specifying an arbitrary figure of one metre, as suggested in Option 17, will not guarantee this.

A figure of 20 per cent has been retained, even though some submitters felt it was not enough. The Committee feels there is a need to balance the principle, which calls for articulation, with the inroads this will make on potential floor space and functional layout. Clearly this degree of articulation will work best when it is applied to achieve its objectives, rather than simply for the sake of compliance. It will be up to designers, developers and council officers to exercise skill and discretion about the placement of the articulation. Careful placement can provide interesting open space and help overcome overshadowing and overlooking, as well as reducing visual bulk. On the other hand, the Committee wishes to avoid the risk of creating unusable open space or adversely affecting internal dwelling layout and functionality. There is no general rule that will avoid these problems. It is only careful and thoughtful design that can do this.

The Committee supports the principle that setbacks should integrate with adjoining dwelling layouts and areas of private open space. The objectives and standards applying to overlooking and the criterion in E3.C4 already do this. Again, it is not possible to be

prescriptive about such matters. A Planning Practice Note is the best way of illustrating the principles and the benefits of responding to the layout of surrounding development.

7.3.5 Side Walls

For these reasons Standing Advisory Committee recommends that a standard should be included in the new Residential Code for all dwellings in infill locations to the following effect:

The setbacks of at least 20 per cent of all ground floor perimeter walls should be greater than any minimum setbacks for side and rear boundaries.

The policy basis to which this standard relates should express the principle that varying the setback, location and distance of walls, garages, balconies and the like can assist in minimizing the overall impact of new development either on the streetscape or abutting development. The objective should be to reduce visual bulk that is inappropriate in the context. Reference should also be made to the opportunities, which a greater articulation of perimeter walls offers, to provide architectural solutions to problems of overlooking.

The standard does not apply to front setbacks because these are dealt with by the standards relating to street setbacks. Street setbacks allow porches and verandahs to project forward of the minimum setback. These are common features on the front of dwellings as well as being encouraged by Design Element 11 of *The Good Design Guide*. This encourages entries to dwellings to provide shelter, a sense of personal address and a transitional space around the entry. These features usually provide a degree of articulation to the front facade so it is not necessary to provide for this specifically.

7.3.6 Upper Storeys

Varying the horizontal setbacks of walls on or near boundaries is one means of dealing with visual bulk, but there is also a need to deal with the vertical bulk of buildings. In other words, not only should the side walls of buildings be articulated, but so should the upper storeys in relation to the ground floor.

During the course of its inspections, the Standing Advisory Committee noted that it was the 'boxy' buildings, where the first floor occupied the same footprint as the ground floor, which were frequently most visually intrusive. This was so even where there were other two storey dwellings within a street. Until relatively recently, two storey building styles have favoured setting back the upper level from some or all of the ground floor perimeter walls so that upper storeys have a lesser floor area than the ground floor. The desire to maximise available floor space has seen the decline of this design feature. The only location where it does not present

obvious problems is in inner areas where terrace houses exist. Setting back the upper storey has not been a feature of this style of housing.

The Standing Advisory Committee expressed the following views about the articulation of upper storeys in the Issues and Options Paper:

In terms of visual bulk, vertical articulation (i.e. the degree to which upper stories are set back from lower stories) is equally important as horizontal articulation. A simple mechanism to encourage vertical articulation would be to require upper floors to be no more than a percentage of lower floors. However, the difficulty with this is to identify a suitable percentage and then to ensure that it applies in the right place, so that visual bulk is in fact reduced where it will be most perceived. The issue arises whether this would unreasonably curtail design options. In reality, it may simply lead to an enlarged building footprint where the ground floor is extended to compensate for the reduced size of the first floor.

The conclusion of the Standing Advisory Committee on this point is that an additional technique about vertical articulation is not justified at this stage. It is simply an issue that designers and decision makers should remain alert to.³³

Several comments were made about this matter in responses to the Issues and Options Paper. Some middle and outer ring councils already encourage the setback of upper storeys in local guidelines. Since the release of the Issues and Options Paper the Standing Advisory Committee has further reflected on the issue and the way in which visual bulk can be effectively reduced.

The State Planning Agenda has made it clear that neighbourhood character is to be given emphasis in decisions about new residential development in infill locations. Many of the recommendations by the Standing Advisory Committee will reinforce this (for example, prevailing front setbacks, front fences, restricting garages and carports in front setbacks etc). In addition, councils that choose to take advantage of the opportunity to manage change in their municipalities will, in many instances, be reinforcing principles of neighbourhood character.

However, the underlying objective of these tools is not to eliminate medium density development, but rather to guide the way in which it is carried out. In some instances, medium density development may be curtailed as a result of the constraints that either infrastructure or neighbourhood character impose. But otherwise, it is important to bear in mind that increased housing diversity is an objective of the SPPF and is necessary in order to meet the needs of changing household patterns. It is therefore necessary to ensure that changes to residential development standards do not result in the elimination of medium density development as a housing choice either generally or from certain locations. This means that measures to better respond to neighbourhood character must be counterbalanced

³³ Issues and Options Paper, page 137

by other measures to ensure that the provision of medium density development remains economically viable.

In Section 9.5 on Overshadowing, the Standing Advisory Committee notes that two-storey buildings with greater setbacks provide less impact on energy efficiency of adjoining dwellings than single storey buildings with minimum setbacks. In Section 7.4, the Committee discusses the role that higher buildings can play in reducing building footprints and protecting neighbourhood character. If the outcome is to encourage higher buildings, it should not be at the expense of unacceptable visual bulk.

The Committee has therefore reached the conclusion that, contrary to the view it took in the Issues and Options Paper, a mechanism is required to produce greater vertical articulation in buildings than current 'boxy' building styles produce. It therefore proposes that the requirement for a 20 per cent articulation should also apply to upper storeys. It recommends that a standard should be included in the new Residential Code to the following effect:

Upper storeys of buildings should have a footprint that is 20 per cent less than the footprint of the main lower level storey unless the neighbourhood character is one where upper storeys of buildings are generally the same as lower storeys.

The standard is expressed in this way to address the issue of buildings on sloping sites where there may be a number of levels with perhaps a garage at the lowest level, although this is not the main lower level. In fact, sloping sites require specific reference in the policy basis to avoid ridiculous applications of this standard.

In areas where this standard would be at variance with common building styles, such as where there are terrace houses, the standard should not apply. It is inappropriate to relate this to a 7km radius of the Melbourne GPO because whilst terrace housing may be prevalent in this location, it is not universal. Instead, neighbourhood character should guide the application of the standard.

Requiring a vertical articulation for buildings will also provide greater opportunities for addressing overlooking and overshadowing.

This illustrates how vital it will be to properly describe the policy basis and objectives in any new Residential Code. They will not work if developers and councils concentrate on exactly measuring the percentage of articulation rather than focussing on the objectives and assessing the quality of the outcome. Standards for the vertical articulation of buildings and for dealing with the length of walls on boundaries should be dealt with in the new Residential Code in the context of visual bulk and interpreted in the same context. Nor should it be forgotten that if visual bulk can be satisfactorily dealt with by other means, there may be no need for the articulation of perimeter walls and upper storeys.

These standards about articulation will benefit greatly from the guidance of a Planning Practice Note with appropriate illustrations. Specific situations dealing with slope and neighbourhood character should be included, as well as the opportunities offered to address

other issues such as overlooking and overshadowing. However, other mechanisms for dealing with visual bulk should also be identified, such as variances of brickwork, surface articulation, use of materials, colour and insertion of windows. The aim should be to encourage a flexible and site responsive approach, rather than a formulaic approach.

7.3.7 Seven Kilometre Radius

The Standing Advisory Committee recommends that the following technique in E6.T3 should be retained as a standard:

- within a 7km radius of the Melbourne GPO, buildings may fully abut boundaries of side or rear access lanes.

The reason for this is that side and rear access lanes are a feature of the inner areas of Melbourne. Building to the boundaries of these lanes is quite common and is not a practice that causes common problems. Therefore, the proposed standard requiring a further 20 per cent setback from minimum setbacks for side and rear boundaries should not apply to walls abutting the boundaries of side and rear access lanes.

7.3.8 Opportunities for Local Variations

The Standing Advisory Committee recognises the concerns expressed by the likes of the City of Melbourne, namely that the degrees of articulation proposed for buildings may be inappropriate in its municipality or in areas identified for substantial change.

In these circumstances, the Committee considers that local variations should be made to the default provisions of any schedule to a State Residential Development Policy. It considers it is easier and more appropriate for councils to identify where there should be exceptions to the default standard and the circumstances when they should apply, than to incorporate exceptions into the general guideline or standard itself.

7.3.9 Greenfield Locations and Single Dwellings

The Standing Advisory Committee recommends that the basic standards in *The Good Design Guide* relating to walls on boundaries should be included in the new Residential Code for greenfield locations. *The Good Design Guide* standards are more contextually responsive than those in *VicCode 1* are. For example, the *VicCode 1* provision allows a maximum length of a wall on a boundary of 20 metres. This has been criticised on the basis that it applies irrespective of the percentage of the length of the boundary that 20 metres represents. The

Committee considers that the maximum figure of 50 per cent of the length of any adjacent residential boundary is more appropriate.

However, because the situation in greenfield locations means that the nature of surrounding development is not necessarily known at the time of issuing permits for new dwellings, the technique in E6.T3, which refers to existing dwellings or outbuildings, is not appropriate.

The Standing Advisory Committee has not recommended that the proposed new standards relating to the articulation of buildings should apply in greenfield locations either. They are recommended for infill locations because they are a mechanism designed to reduce visual bulk that is inappropriate in the context. In greenfield locations there is no established context. The Committee does not consider standards should be applied simply to achieve stylistic outcomes, which are more to do with taste and personal preference than good design. In greenfield locations, home buyers should be free to choose whatever building styles they wish. If developers see a market advantage in guiding stylistic outcomes on estates, they can do this through the use of covenants or Section 173 Agreements. The Committee does not consider this is a role for the new Residential Code.

7.4 HEIGHT

7.4.1 The Role of Height Controls

The height controls in *VicCode 1* and Design Element 6 of *The Good Design Guide* have two components. The first is an absolute height control of 12 metres outside a 7km radius of the Melbourne GPO, except where a lower height is specified in a local section of the planning scheme. The second is a formula, which provides that as a building increases in height, its setback from side and rear boundaries increases. The objective of these provisions is to control visual bulk.

This is a different objective to the objectives found in Design Element 3 of *The Good Design Guide*, which relate to neighbourhood character. There are no techniques in Element 3, but the criterion in E3.C5 provides:

E3.C5 Significant changes of building height between existing dwellings and new development should be graduated.

This is the only reference to height in Element 3. It is not mentioned in any of the Design Suggestions relating to E3.C1, which requires new development to respect the character of the neighbourhood. The Design Suggestions relating to E3.C1 are as follows:

E3.C1

Medium density development among established housing should be designed to respect the character of the neighbourhood.

Design Suggestions

- *Identify predominant characteristics of the neighbourhood including:*
 - *built form;*
 - *vegetation;*
 - *topography;*
 - *influences such as road layout, allotment size and pattern; and translate these into innovative design solutions*

In terms of built form, look for characteristics of:

- *mass and proportion;*
- *roof form and pitch;*
- *facade articulation and detailing;*
- *window and door proportions;*
- *verandahs, eaves and parapets;*
- *building materials, patterns, textures and colours;*
- *decorative elements;*
- *kerb crossovers, fence style and alignment; and*
- *building setbacks*

As the Standing Advisory Committee said in the Issues and Options Paper:

Height is one of the most contentious issues in planning. The question, ‘How high should a building be?’ has no absolute answer but depends on its context.³⁴

Whether the issue is visual bulk or neighbourhood character, it is not height alone that will be inappropriate, but rather height in conjunction with other factors that makes **the development inappropriate in its context**. Unfortunately, there is a tendency on the part of some councils and residents to identify height itself as the problem. This leads to pressure to reduce height controls as though this will, of itself, make all development ‘appropriate’. It also makes people wary of suggestions to increase height, again as though this will automatically lead to ‘inappropriate’ development.

7.4.2 Height and Neighbourhood Character

The State Planning Agenda identifies neighbourhood character as “*the interplay of the natural, built, social and cultural environments that make one place different, or distinct, from another.*” It emphasises that “*character is about the interaction of various elements of a place, and so cannot be described or evaluated through merely listing those elements.*”

³⁴ Issues and Options Paper, page 141

These statements support the view, which has been taken by VCAT, that the single storey nature of dwellings in certain locations is not descriptive of its neighbourhood character.³⁵ The point is that height alone is not determinative of neighbourhood character, although height in relation to other factors may be relevant. Examples may include the relationship of height to:

- the tree canopy or skyline
- the massing of buildings
- the rhythm of spaces between buildings
- the proportions of the street
- marking an important corner or focal point
- allowing sunlight into public places

However, in each case, height is a relative thing. It is not good or bad in itself.

Height can be destructive of neighbourhood character when, in combination with other developmental features or proportions, it results in excessive visual bulk; when changes in height are not suitably graduated between buildings or development protrudes above the tree canopy. On the other hand it can also be beneficial. For example, increased height in conjunction with increased setbacks can result in less adverse impact on the energy efficiency of adjacent dwellings than single storey development at minimal setbacks.³⁶ Multi-levels can reduce a building's footprint allowing more space for landscaping and open space. They can promote the increased dwelling density that urban consolidation aims to achieve. Higher buildings can also be used to improve the urban design of selected neighbourhoods by emphasising focal points, addressing corners, signifying important boulevards, shielding areas from noise, adding dramatic interest and relieving other precincts from development pressure.

In each case where height is concerned however, what will make a development appropriate or otherwise is its context and the relationship that the height bears to a range of other factors.

The Standing Advisory Committee is concerned, as a result of responses it has received and media comment, that there is a mindset emerging which condemns all height greater than single storey as 'bad'. The Committee is concerned that if this mindset governs the approach by councils to managing new residential development, and the reaction of residents, opportunities will be constrained. There is a danger that the resulting built form of new development will end up –

- covering more site area
- providing less opportunity for landscaping and trees
- being closer to other buildings
- failing to respond to the building footprint placement of surrounding development.

The encouragement being given to councils to manage change in their municipalities, for example by identifying areas of substantial change, incremental change and minimal change,

³⁵ See *Australand Holdings Pty Ltd v City of Booroondara* (97/47741) 21 AATR Editorial p3

³⁶ See Section 9.5

is going to involve a balancing process. The overall need for additional dwellings in established urban areas will mean that constraints on the number of new dwellings in areas of minimal change must be offset by increased numbers in other areas. Not all of these will be in areas of substantial change, although many will be. In order for there to be an overall net increase, numbers of dwellings must also increase in areas of incremental change. The important thing here is that the change must take place within the framework of established neighbourhood character. However, as a recent VCAT decision has said, *'Incremental change does not mean no change.'*³⁷

For these areas to accommodate increased dwelling numbers within the framework of established or preferred neighbourhood character, some differences in building form must result.

It is generally acknowledged that future built form in areas of substantial change is likely to be quite different to conventional housing. These are areas where reduced setbacks, higher development and greater densities will be appropriate. In areas identified for minimal change, there will be much greater argument in favour of a built form that is not substantially different to what presently exists.

However, it is in the areas where incremental change can be expected that the design and development industries face their greatest challenge. This challenge is to devise built forms, which result in a greater number of dwellings, without damage to the combination or interaction of characteristics that give an area its preferred neighbourhood character.

The Standing Advisory Committee considers that to achieve the objective of protecting neighbourhood character, encouragement should be given to a built form, which encourages:

- smaller building footprints
- building footprints that respect the positioning of surrounding dwellings and their secluded private open space
- compliance with prevailing front setbacks
- more open space to allow for landscaping and trees
- building forms that reflect the characteristic shape of other dwellings in the street and the rhythm of the spaces between them
- use of characteristic roof forms and pitch
- greater articulation in perimeter walls and between upper and lower levels

However, the Committee doubts that built form of this nature will achieve the other objective of greater dwelling numbers (or dwellings that are affordable) unless the built form is also higher than is presently common. Higher buildings are the trade-off that will be necessary to protect preferred neighbourhood character.

For this reason, the Standing Advisory Committee has not recommended any change to the maximum building heights currently found in *The Good Design Guide*.

³⁷ *Young Charmer Pty Ltd v City of Glen Eira* (1999/072060)

Outside the 7km radius of the Melbourne GPO, the new Residential Code should encourage greater heights in areas of substantial change or on large sites where a site analysis indicates that a greater height may be appropriate.

Within the 7km radius, if there are areas where councils consider that a 12 metre maximum height is appropriate, they should have the opportunity to specify this. This does not mean that height is unrestrained in the meantime, any more than it is now. Like density, the Standing Advisory Committee considers that sites where development in excess of 12 metres (or even less) will be inappropriate will be largely self-selecting because of their context and the neighbourhood character.

The important difference between the situation under the new Residential Code and *The Good Design Guide* lies in the status of the standards, which govern height. Under a State Residential Development Policy, for example, it is the objectives against which all proposals must be assessed. Any height limits will be a guideline, not a control. The presumptions that underlie techniques in *The Good Design Guide*, namely that they are assumed to satisfy the relevant objectives and criteria, will be gone. A proponent will always need to be able to demonstrate compliance with the objectives of the policy. Hopefully, this will make developers much more aware of the need for careful site analysis and a design response that responds to it. They will not be able to rely upon the unquestioned assumptions underlying compliance with the techniques.

7.4.3 Height and Visual Bulk

The formula in E6.T4, which requires side and rear setbacks to be increased as height increases, is essentially a mechanism to impose a degree of proportion on new buildings. It also assists in allowing daylight into habitable room windows. Unfortunately, it is not explained in these terms.

The current objectives of Element 6 of *The Good Design Guide* do not refer to the notion of proportion. Designing well-proportioned buildings and respecting the relationship between the proportions of a new dwelling and its neighbours would overcome many complaints by residents about ‘big’, ‘ugly’ or ‘tall’ dwellings next to them. The Standing Advisory Committee considers that education about the role which proportion plays in avoiding excessive visual bulk will be an important component in the ongoing education campaign that is proposed to accompany the introduction of the new Residential Code. In the meantime, a Planning Practice Note should address the principle and illustrate how the formula can be used to achieve good outcomes.

The Committee also believes that understanding of this provision should be simplified in the new Residential Code by amplifying the policy basis and objectives to make it clearer that the formula is intended to reduce excessive visual bulk. If this is done, the Committee considers it will be easier to identify instances when simply applying the formula will not achieve this

outcome. The diagram illustrating the application of the formula should also be made more representational. (At present, a casual observer could be forgiven for believing it encourages mansard rooflines.)

In terms of the actual content of the formula, there have been no suggestions that it should be modified. This does not mean there is no dissatisfaction with the outcomes of its application. However, from the examples inspected by the Committee, reasonable complaints about excessive visual bulk produced by the application of the formula were usually associated with sloping sites. Some were further exaggerated by the poor placement of entrances and windows in relation to adjoining dwellings. All were single dwellings that did not need a planning permit.

This leads the Committee to the conclusion, that where there is an opportunity to examine the application of the standards about height and side and rear setbacks in association with a planning permit application, there is a good chance that excessive visual bulk can be avoided. This raises difficulties with the application of the formula to single dwellings, which do not require a planning permit.

The Committee acknowledges that there may be instances where the outcome is not ideal. However, it does not consider that this justifies the requirement for a planning permit for single dwellings in all instances. As discussed below, it considers that in infill locations on sloping sites, the requirement for a site context plan to accompany a building permit application will assist in addressing some of the worst problems.

7.4.4 Dealing with Sloping Land

The difficulties associated with the application of the standards about height and side and rear setbacks on sloping land were discussed in the Issues and Options Paper in Section 3.6.3-4. Submitters have continued to emphasise these problems in their responses to the Issues and Options Paper.

As the Standing Advisory Committee concluded in the Issues and Options Paper, there is no simple option by which these problems can be addressed. Changing the maximum height limit will not help. Basically, each case must be dealt with on its own merits. This means that adequate information must be provided on either the site analysis or site context plan to enable the impact of the new development to be assessed taking into account the effect of any slope. Understanding that the objective is to avoid excessive visual bulk should aid this assessment.

The concern is that the same qualitative assessment may not occur if no planning permit is required for a single dwelling. The Standing Advisory Committee concedes that this is a problem. Whilst the requirement for a site context plan for new single dwellings in infill locations may provide more information, the important thing will be to ensure that building surveyors take it properly into consideration.

This is not a matter that the Standing Advisory Committee has any recommendation about. It is a matter that should be further examined by the Residential Taskforce in conjunction with drafting the provisions in the new Residential Code about planning permits for single dwellings. The effect of slope on objectives relating to visual bulk may be one of those areas that require qualitative assessment and certification before a building permit can be issued.

7.4.5 Definition of Height

It has not been part of the Standing Advisory Committee's terms of reference to consider the definitions associated with *The Good Design Guide* or *VicCode 1*. However, it will be important for the Residential Taskforce, which has the task of drafting the new Residential Code, to ensure that definitions are sensible and consistent with the VPPs.

This applies particularly to definitions associated with height. If site context plans are to be a requirement for single dwellings, it will be important that the type of information about levels that is required is clear.

7.4.6 Building Footprint

Option 18

In Section 3.6.3-3 of the Issues and Options Paper, the Standing Advisory Committee discussed the problems associated with the building footprint of new residential development:

The failure of new development to match the building footprint of surrounding development lies at the heart of many concerns about new single dwellings or medium density development built on infill sites in established areas. This results in the intrusion of building bulk into open spaces, which were once back yards, and in a greater percentage of the site being occupied by buildings. This in turn results in less room for planting trees with spreading crowns or to retain existing vegetation.³⁸

As one means of addressing visual bulk, the Standing Advisory Committee suggested encouraging a reduced building footprint in appropriate locations. This would have the effect of increasing the spaces between buildings, both within a development and on adjoining sites. However, as the Committee pointed out with respect to this suggestion:

If encouragement is to be given to restricting the size of the footprint of new development so that it more closely reflects adjoining development, some incentive needs to be given or some mechanism devised to ensure that a developer is not disadvantaged by doing so. The essential issue at stake from the developer's point of view will be the floor area. To get the

³⁸ Issues and Options Paper, page 138

*same amount of floor space into a reduced building footprint means that the building must be higher.*³⁹

Elsewhere in the Issues and Options Paper the Standing Advisory Committee suggested that as a means of reinforcing neighbourhood character, new development should be encouraged to respond to any characteristic roof form and pitch of the neighbourhood. As with issue of building footprint, it was felt that using a pitched roof form should not disadvantage a developer in terms of loss of potential floor area.

To encourage both the use of characteristic roof forms and a building footprint that reflects the footprint of surrounding residential development, the Standing Advisory Committee suggested Option 18, which proposed as follows:

In Design Element 3, include the following design suggestion:

Consider exceeding any maximum height where:

- *The building footprint is reduced to better reflect the footprint of adjoining residential development.*
- *A roof-line is incorporated that responds to any characteristic roof form and pitch of the neighbourhood.*

Responses to Option 18

Councils were fairly evenly divided in terms of support or otherwise for this option. The main concern is that the option may promote height concessions based purely on building footprint and roof form. The Design Suggestion may give the impression to applicants that height limits are disposable if residential proposals simply replicate the layout and roof form of neighbouring buildings, which may in turn encourage mock building designs. There was a strong feeling that new developments should avoid replica or mock designs. Other concerns were that in a suburban context, development in excess of two storeys is the exception and should not be overtly encouraged.

The option was generally supported by private industry as an example of granting concessions for good design. On the other hand, it was felt that it has the possibility to limit design innovation, which may otherwise be a positive contribution to neighbourhood character. There were concerns that it may be difficult to codify, but it is worthy of more work.

A number of individuals agreed with the option, but it was not supported by any of the resident groups. There was a general concern that such a provision would be abused and would be contrary to neighbourhood character. It was felt that roofline, in terms of form and pitch, should be an essential element of the design, not one that gives the developer a bonus.

³⁹ Issues and Options Paper, page 138

Similar sentiments were expressed by the City of Melbourne, which submitted that:

From a City of Melbourne perspective it is considered that the existing provisions in The Good Design Guide already address issues relating to roof line. There is no reason to give a concession on height in order for the roof line to respond to neighbourhood character. Appropriate roof forms and building footprints should occur anyway. Furthermore, it is considered inappropriate to address issues of building bulk by allowing increased building heights.

Development can exceed height limits where the site analysis and design response demonstrates that higher development is justified. The current process allows the development proposal to be considered in its entirety for height concessions. The building envelope and roof form alone should not determine an acceptable height of a development. The existing provisions in The Good Design Guide and the planning Scheme have provided acceptable outcomes in the City of Melbourne.

It is acknowledged that the size and footprint of new dwellings have caused some problems in some areas in relation to neighbourhood character. However, allowing an increase in height in some areas may not be the most appropriate response to this issue, particularly in areas where height is a critical issue.

Standing Advisory Committee Conclusions

As a matter of principle, the Standing Advisory Committee must agree with the comments about roof form and pitch. After considering the responses, it does not support any concessions being made simply for responding to what may be an important element of neighbourhood character.

The issue of trading height for reduced building footprint is not so simple. The Standing Advisory Committee considers it may be difficult to identify cases where a ‘concession’ should be made. It could lead to abuse on the part of developers by presenting plans, which are an overdevelopment of the site, in order to gain this ‘concession’. It also promotes a view that sees height as an isolated issue. As the Committee has tried to emphasise, it considers that height is always a relative issue. It needs to be seen in context, in terms of its relationship with other elements and the proportions of the development.

Therefore, although the Committee supports the use of increased height and reduced building footprints as a means of implementing a range of objectives, including the protection of neighbourhood character, it does not consider that trading one off for the other is the best mechanism. It considers the concept is too simplistic and fails to take into consideration all the other things that would be relevant for such a decision to be justified.

The Standing Advisory Committee believes it would be preferable to promote a better understanding of the way in which both increased heights and reduced building footprints can

be used to achieve the objectives of the new Residential Code. This is an important role for a Planning Practice Note.

7.5 SITE COVERAGE

Site coverage allowed by the techniques in *The Good Design Guide* is 60 per cent of the site area except within 7km of the Melbourne GPO where 80 per cent is allowed. *VicCode 1* specifies 55 per cent, which applies in all locations. These percentages apply only to the amount of the site covered by buildings, not the total amount of the site area covered by hard surfaces.

Concerns by residents and councils about the levels of site coverage arise for a number of reasons. These include:

- Loss of vegetation
- Limited opportunities to replace vegetation, particularly trees with spreading crowns
- The way in which buildings can be spread over the whole of the site in contrast to the defined building footprint of surrounding development
- The loss of backyards
- Increased pressure on drainage infrastructure, which runoff from additional hard surface areas causes

The 80 per cent potential site coverage within the 7km radius is a particular problem in those locations not characterised by the high densities and existing high site coverage of other areas within this radius.

Many submitters have advocated reducing site coverage as a means of addressing the above problems. However, the difficulties associated with implementing this include:

- The fact that the majority of developments are below the permitted site coverage, even those considered by people to be overdevelopments.
- Reducing site coverage will not necessarily result in more permeable surfaces or more landscaping.
- Identifying an appropriate alternative figure.

The main problem though, is the varying objectives, which may underlie a lower site coverage being advocated.

The Standing Advisory Committee considers that the issue of site coverage really needs to be addressed at a strategic level. Councils need to identify their objectives and then develop strategies to meet those objectives. Reducing site coverage may be one means of implementing those strategies, but there may also be alternative means.

For example, if the objective of a council is to protect existing vegetation, then it should focus on doing this directly, perhaps by the application of a Vegetation Protection Overlay.⁴⁰ The type of vegetation to be protected and its significance would be specified in the schedule. The schedule may also specify decision guidelines in addition to those in Clause 42.02 of the VPPs. This means that any potential applicant should have a clear idea before lodging any planning permit application what vegetation the council may require it to keep. The issue of site coverage shouldn't be relevant.

Alternatively, if the council's objective is to promote the planting of new trees and new landscaping, again it should focus on doing this directly. A local planning policy may be the most appropriate mechanism, which could specify the number of trees to be planted and possibly the species to select from. Identifying the dimensions of permeable open space necessary to ensure that large trees can establish and thrive may be another means of implementing such an objective. Both would be more positive requirements than relying on a maximum site coverage to indirectly produce the results sought.

If infrastructure capacity is the issue, then this will require different objectives to be identified and a different set of strategies.

The recommendations the Standing Advisory Committee has made about increased street setbacks where there is a prevailing front setback, and promoting a built form that has a smaller building footprint and more space between buildings, are all likely to have an influence on the amount of open space there is on site and hence on site coverage.

In a policy based planning system, the Committee believes that modifications to standards such as site coverage should have a strategic basis. This lends support to the changes and provides a basis by which to test proposals that fail to comply. In developing any such strategies the Committee considers councils should consider not just site coverage, but also the percentage of site to be kept with a permeable surface.

Therefore the Committee does not recommend any changes to the level of site coverage. They should be left as currently provided for in E6.T6 of *The Good Design Guide* with any changes being left up to individual councils.

7.6 SIDE SETBACKS

The issue of side setbacks in relation to height has been dealt with in Section 7.4.3 so far as they relate to visual bulk. However, side setbacks are also a matter that many people consider impact on neighbourhood character. It is clear that an increasingly sophisticated understanding of neighbourhood character recognises that the rhythm of spaces between buildings, which includes side setbacks, can be a component element of neighbourhood character. But, as the Standing Advisory Committee has emphasised, cementing such a

⁴⁰ See VPP Practice Note: Vegetation Protection in Urban Areas (DOI) August 1999

principle into a quantitative or contextual assessment standard will not automatically guarantee a sympathetic response to neighbourhood character.

The Standing Advisory Committee considers that a policy approach to the structure of a new Residential Code will enable this principle to be expressed as a qualitative assessment standard. This should prove to be more effective than specifying a quantitative assessment standard. The way in which this is specifically handled is best left to the Residential Taskforce, but the principle is included in the Committee's general recommendation below about new built form, which should be encouraged.

7.7 RECOMMENDATIONS

General

- The new Residential Code should encourage new built form, particularly in infill locations, which incorporates the following features:
 - smaller building footprints, which more closely align with surrounding built form, in conjunction with height, which nevertheless respects any relationship between features that are important in defining neighbourhood character
 - building footprints that respect the positioning of surrounding dwellings and their secluded private open space
 - compliance with prevailing front setbacks
 - more open space to allow for landscaping and trees
 - building forms that reflect the characteristic shape of other dwellings in the street and the rhythm of the spaces between them
 - use of characteristic roof forms and pitch
 - greater articulation in perimeter walls and between upper and lower levels

- The residential Taskforce should ensure that all definitions used in the new Residential Code are sensible and consistent with the VPPs, particularly with respect to definitions affecting height.

Visual Bulk

- The standards applying to the length of walls on boundaries in E6.T3 of *The Good Design Guide* should be retained. They should apply to all dwellings in infill locations. In greenfield locations, the standards in the first and third dot points of E6.T3 should apply to all dwellings.

- A new standard should be included for all dwellings in infill locations to the following effect:

The setbacks of at least 20 per cent of all ground floor perimeter walls should be greater than any minimum setbacks for side and rear boundaries.

- This standard should not apply to setbacks to side or rear access lanes within a 7km radius of the Melbourne GPO.
- The policy basis to which this standard relates should express the principle that varying the setback, location and distance of walls, garages, balconies and the like can assist in minimizing the overall impact of new development either on the streetscape or abutting development. Reference should also be made to the opportunities that the greater articulation of sidewalls offer to provide architectural solutions to problems of overlooking. The objective should be to reduce visual bulk that is inappropriate in the context.
- A new standard should be included for all dwellings in infill locations to the following effect:

Upper storeys of buildings should have a footprint that is 20 per cent less than the footprint of the main lower level storey unless the neighbourhood character is one where upper storeys of buildings are generally the same as lower storeys.

- The role of these new standards, in terms of the way that the articulation of the horizontal and vertical planes of buildings can reduce visual bulk, should be explained in the policy basis and objectives of the new Residential Code and should be supported by an appropriate Planning Practice Note.

Height

- The provisions in E6.T4 of *The Good Design Guide* about heights and side and rear setbacks should apply to all dwellings in all locations for the purpose of addressing visual bulk. The role of the formula in E6.T4 should be better explained in the policy basis and objectives of the new Residential Code and supported by an appropriate Planning Practice Note.

Site Coverage

- The site coverage specified in E6.T6 should apply to all buildings in all locations.

8. OVERLOOKING

8.1 CURRENT TREATMENT OF OVERLOOKING

8.1.1 *VicCode 1*

The issue of visual privacy is not dealt with well in *VicCode 1*. The only references to overlooking are as follows:

- E2.O1** To site buildings to meet projected user requirements for privacy and daylighting.
- E2.PC4** The privacy of existing dwellings and private outdoor spaces to be protected taking into account local community expectations, and new dwellings and private outdoor areas to be designed and sited to minimise overlooking from adjacent development.
- E2.PM3** Windows located in walls on side or rear boundaries are of translucent materials, except where the boundary is onto a street or lane.

It can be seen from this that *VicCode 1* is primarily concerned with protecting the privacy of residents of new dwellings. There are no performance measures to protect existing dwellings from overlooking.

8.1.2 *The Good Design Guide*

Visual and acoustic privacy is dealt with in Element 7 of *The Good Design Guide*. The specific provisions dealing with visual privacy are as follows:

- E7.O1** To limit views into neighbouring secluded private open spaces and habitable rooms.
- E7.C1** Secluded private open spaces and habitable rooms of adjacent existing dwellings should be reasonably protected from direct overlooking.
- E7.T1** Habitable room windows with a direct outlook to habitable room windows in an adjacent dwelling within 9m:
- are offset a minimum of 1m from the edge of one window to the edge of the other; or
 - have sill heights of 1.6m above floor level; or
 - have fixed obscure glazing in any part of the window below 1.6m above floor level.
- E7.T2** Outlook from windows, balconies, stairs, landings, terraces and decks or other private, communal

or public areas within a development is obscured or screened where a direct view is available into the secluded private open space of an existing dwelling.

If screening is used, the view of the area overlooked must be restricted within 9m and beyond a 45° angle from the plane of the wall containing the opening, measured from a height of 1.6m above floor level.

No screening is required where:

- windows are of bathrooms, toilets, laundries, storage rooms or other non-habitable rooms and they have translucent glazing or sill heights of at least 1.6m;
- windows are of habitable rooms and they have sill heights of 1.6m or more above floor level or translucent glazing or sill heights of at least 1.6m;
- windows are of habitable rooms which face a property boundary where there is a visual barrier at least 1.6m high and the floor level of the room is less than 0.6m above ground level at the boundary.

E7.T3 Windows and balconies of an upper-level dwelling are designed to prevent overlooking of more than 50 per cent of the secluded private open space of a lower-level dwelling directly below and within the same development.

E7.T4 Direct views described in E7.T2 and E7.T3 may be obscured by solid translucent screens or perforated panels or trellis which have a maximum of 25 per cent openings, and which are:

- permanent and fixed;
- of durable materials;
- designed and painted or coloured or blend in with the development.

8.2 ISSUES AND OPTIONS PAPER

The Issues and Options Paper found that overlooking was one of the biggest complaints associated with new single dwellings being built on infill sites in established urban areas. This is because there are no performance measures in *VicCode 1* dealing with overlooking that are equivalent to E7.T1, E7.T2 or E7.T4 of *The Good Design Guide*. The simplest means of addressing this problem would be to include the techniques in Design Element 7 of *The Good Design Guide* in the Building Regulations so they apply to all dwellings. This was the essence of Option 16.

The Issues and Options Paper considered a range of other issues and suggested alterations to the techniques relating to overlooking in *The Good Design Guide*.

The first of these issues is whether visual privacy is adequately protected by *The Good Design Guide* techniques. This involved a consideration of when overlooking is unreasonable and whether the 9 metre arc of protection provided for by E7.T1 and E7.T2 is sufficient. The Standing Advisory Committee found that there was no basis for increasing the distance within which direct views must be restricted.

The other main issue considered in the Issues and Options Paper concerned the livability of dwellings and the impact that raised sill heights, translucent glazing and window screens may have on the internal amenity of dwellings for their residents.

Options 13 and 14 proposed to remove the specific references to sill heights of 1.6m, translucent glazing in windows below this height and screening devices from the techniques in *The Good Design Guide*. This would not preclude their use, but would strongly indicate that they are not a preferred measure and there are better alternatives available.

To reinforce the view that highlight windows, translucent glazing and screens are a ‘bottom line’ solution and not to be encouraged, Option 15 proposed that a range of diagrams should be included in *The Good Design Guide*. These would illustrate various architectural solutions, which preclude overlooking, and the way these would function in practice.

8.3 SINGLE DWELLINGS

8.3.1 Responses to Option 16

Option 16 in the Issues and Options Paper provides:

The techniques from Design Element 7 relating to visual privacy should be included in the Building Regulations.

The techniques in question are E7.T1 and E7.T2. The calculation of both techniques depends on knowing the nature of surrounding development.

Like Option 11, which deals with overshadowing, there was widespread support for Option 16 from councils, resident groups and private industry. Likewise, there was opposition from the HIA and the Building Control Commission. The point was made that in newly subdivided areas it would be impossible to gather the necessary information to assess whether or not there would be a direct view into the habitable room windows or secluded private open space of neighbouring properties.

The City of Casey, which is a municipality that has considerable greenfield development, did not support Option 16 either. It considered that the existing setback controls for siting of single dwellings provide sufficient protection for dwellings from overlooking. Therefore it is not necessary to include these techniques in the Building Regulations.

8.3.2 Greenfield Sites

The Standing Advisory Committee recommends that standards relating to overlooking should apply to single dwellings, but not in greenfield locations.

Like those techniques applying to overshadowing, the application of measures to protect dwellings from overlooking is inappropriate in a greenfield location. Techniques such as E7.T1 or E7.T2 are contextual assessment standards. They rely on the configuration of existing development for their calculation. Where the nature of surrounding development is unknown, it is impractical to apply them.

8.4 ADEQUACY OF PROTECTION

8.4.1 Distance

The objectives and criteria in Design Element 7 of *The Good Design Guide*, on which the techniques are based, refer to *limiting views* and *reasonable protection* from *direct* overlooking.

In the Issues and Options Paper, the Standing Advisory Committee explored the notion of whether a 9m arc of protection from direct overlooking was reasonable compared to a 12m or 15m distance.⁴¹ It reached the conclusion that 9m is sufficient to create a sense of physical space and privacy. There is no greater degree of important detail likely to be seen at 12m or even 15m than at 9m. Therefore nothing is served by increasing this distance. It represents a reasonable balance between the interests of new residents in having an outlook, so that their homes do not represent a visual prison, and the interests of existing residents in having a degree of seclusion, but not necessarily absolute privacy, in their outdoor living areas. Extending this degree of privacy to residents adjoining single dwellings represents a further quantum advance in recognising people's concerns about privacy.

8.4.2 Reasonableness

The majority of submissions did not question the issue of whether the degree of protection from overlooking was adequate, although several resident submitters raised it. In one case, the premise was that there should be an absolute prohibition on any overlooking. In other words, the notion of *reasonable* protection should be removed from the objectives and criteria, and protection should be absolute. In other cases, submitters were not happy with the 9m distance but gave no reasons why an increase would improve the situation.

The Standing Advisory Committee rejects the idea that what is reasonable can be removed from the assessment of planning issues generally and overlooking in particular. The notion of what is reasonable in all the circumstances lies at the heart of not just planning, but of numerous legal principles. The Committee considers it is a notion that most members of the community understand and are comfortable with.

⁴¹ See Issues and Options Paper, Section 3.5.3-3, pages 129-131

The type of overlooking a community considers reasonable is very much a cultural and locational issue. In many European cities, for instance, life is lived very much in view of one's neighbours. In areas of sloping topography, overlooking cannot be avoided. Where views are a valued asset, overlooking becomes even more difficult to prevent if access to those views is to be shared.

In the Issues and Options Paper the Standing Advisory Committee had this to say:

*The essential nature of an urban context is that there are people living in close proximity to one another. Complete isolation is not realistic. Rather, there are degrees of privacy. In a living room or bedroom it is reasonable to expect complete privacy. However, in probably the majority of houses in Melbourne, this can only be achieved by the inhabitant pulling a curtain or blind, at least at night if the room is lighted. In public places or in places such as front gardens, which represent an interface between the public and the private realm, no privacy can be expected. One is open to the view of passers-by. In places such as private outdoor living areas, it is reasonable to expect a certain amount of privacy and protection from immediate overlooking, but it is impossible to guarantee complete privacy. This has never been something that former building controls recognized or provided for. Whether or not it was achieved in actual dwellings depended on a wide range of matters, including topography and the building style of neighbouring dwellings, neither of which a landowner had any control over.*⁴²

8.4.3 Shared Responsibilities

In Section 9.5.4 in connection with overshadowing, the Committee raises the issue of responsibilities on both sides of the fence. It makes the point that it is not reasonable to cast all responsibility for protection onto the developer of a new dwelling. Likewise with respect to overlooking in an urban context, there are steps which it is reasonable to expect residents to take to protect their own privacy. The most obvious is to install curtains or blinds, which most people do as a matter of course. Probably the majority of houses would rely on curtains and blinds, particularly at night, to protect the privacy of habitable rooms. In terms of secluded private open space, planting trees or other vegetation is one of the most obvious steps which residents can take to protect their own privacy.

The degree of privacy that people currently experience is largely made up of a variety of contributing elements 'on both sides of the fence'. The Standing Advisory Committee considers that the 9m distance within which direct views must be precluded not only creates a *sense* of physical space, but also creates a *real* physical space. This provides an opportunity for an affected resident to establish their own screening, vegetative or otherwise, if they feel something more is required.

⁴² Issues and Options Paper, page 130

8.4.4 Standing Advisory Committee Conclusions

The conclusions reached by the Standing Advisory Committee are that the techniques in *The Good Design Guide* relating to visual privacy, which prescribe the range of protection from overlooking to be afforded to other dwellings, operate well to achieve the relevant objectives. They are widely supported as being reasonable. Their application to single dwellings in infill situations is appropriate and will overcome most of the current problems with overlooking caused by new single dwellings in these locations.

8.5 MEANS OF ACHIEVING PROTECTION

8.5.1 Screens, Translucent Glazing and High Sills

There are a variety of measures specified in Element 7 of *The Good Design Guide* for meeting the standards of visual privacy expected with respect to views from habitable room windows into other habitable room windows and views into the secluded private open space of existing dwellings. One means is to eliminate direct views, which is usually achieved by architectural design or the use of windows with a sill height of 1.6m. The other is to screen the view using either translucent glazing to a height of 1.6m or by fixing screens, panels or trellis to obscure the view.

The Standing Advisory Committee expressed the concern in the Issues and Options Paper that measures such as screens, translucent glazing and raised sill heights potentially affected the livability of dwellings by reducing the internal amenity for residents. Too often, windows treated this way induce a sense of imprisonment or claustrophobia. In addition, screens and translucent glazing are essentially temporary measures, able to be removed at a later stage and thus cancelling the protection they offer from overlooking.

In the Committee's view, the use of highlight windows, translucent glazing and screens are a mark of poor, unimaginative design. The Committee believes that much greater reliance should be placed on the architectural design of buildings to avoid overlooking in the first place. Obscuring views created by the poor placement of windows and balconies should be discouraged. This is the message conveyed by the design suggestion for E7.C1, which states:

Effective location of windows and balconies to avoid overlooking is preferred to the use of screening devices, high sills or obscured glass. Where these are used, they should be integrated with the building design and have minimal negative effect on residents' or neighbours' amenity.

Its effect is undermined by E7.T2 and E7.T4, which appear to endorse, and even promote, the use of screening, high sills and translucent glazing.

To redress this situation, Options 13 and 14 of the Issues and Options Paper proposed the removal of those parts of E7.T2 and E7.T4, which refer to these measures as acceptable techniques.

There was strong support for these options, particularly from councils and private industry. Councils were concerned about the impact of the measures on internal amenity and also drew attention to the enforcement problems they presented. They generally understood that the proposal to remove these techniques is motivated by their unsophisticated use where they are seen as 'quick fix' methods that allow designers to ignore overlooking concerns. There is a general consensus that overlooking problems should be avoided through proper design solutions.

However, the point was also made that the nature of residential development in inner city areas is usually constrained by small lot sizes and existing conditions on adjacent properties stemming from the high density of residential areas. While some councils agreed that the overuse of raised sill heights and obstructed glazing can adversely affect the internal amenity of new dwellings, they have a role in some situations where it is impossible to otherwise design around overlooking problems. Highlight windows also play a useful role as a design option for increasing natural light opposite existing habitable windows. The concern was that E7.T1 may end up giving the impression that highlight windows will not be supported or considered due to the remaining technique requiring window to be off set a minimum of 1 metre from the edge of one window to the edge of the other.

Individuals and resident groups generally believe that the techniques described are not good practice, but some believed that removing reference to them would result in a higher incidence of overlooking.

This is a misconception. There would be no higher incidence of overlooking. The standard of protection would remain - ie the basic 9m distance. How this standard is achieved would be up to the designer. It does not mean that highlight windows, translucent glazing or screening devices could not be used in suitable circumstances, but it would mean that these measures are not formally encouraged.

8.5.2 Architectural Solutions

To reinforce the view that highlight windows, translucent glazing and screens are a 'bottom line' solution and not to be encouraged, Option 15 in the Issues and Options Paper proposed that a range of diagrams, which illustrate various architectural solutions that preclude overlooking and the way these would function in practice, should be included in *The Good Design Guide*.

There was universal support for this Option. In addition, some councils have found that photographs of good and bad examples of development are useful in demonstrating how these solutions can be successfully applied. The City of Whitehorse suggested that attic style

windows, where natural light can be accessed but overlooking is avoided, is a design solution that has been successfully applied in a number of developments within its municipality.

The best means of incorporating illustrations and diagrams of this type of architectural solutions will be in a Planning Practice Note.

8.5.3 Real versus Perceived Overlooking

Some industry submissions raised the problems of councils modifying designs to satisfy unreasonable overlooking objections. Screening is sometimes required as a standard condition where the issue of overlooking is raised without any critical assessment of whether there is a real likelihood of overlooking.

The City of Melbourne suggested in relation to ‘perceived’ overlooking problems that specific reference should be made in the technique for the need for overlooking to be real before screening or other measures were required.

In the Issues and Options Paper, the Standing Advisory Committee stated that it did not consider that any weight should be given to the notion of perceived overlooking.⁴³ However, this does not stop people, who are objecting to a new development from throwing up the issue of overlooking, almost as a generic objection. In a number of examples inspected by the Committee, overlooking was identified as a problem, but the Committee found no basis in reality for the concern.

The Committee considers that when the new Residential Code and supporting documentation is prepared, emphasis should be placed on the fact that it is *real* overlooking that needs to be protected, not just a perception of overlooking. This could be done in the context of a Planning Practice Note, which also includes the diagrams of architectural solutions to overlooking.

8.6 RECOMMENDATIONS

- ❑ The standards in Design Element 7 of *The Good Design Guide* relating to visual privacy, as amended by the following recommendations, should apply to single dwellings on infill sites, but not greenfield sites.

- ❑ The use of screening devices, translucent glazing and sill heights greater than 1.6m as mechanisms to protect visual privacy should be removed as standards, except in bathrooms, toilets, laundries, storage rooms or other non-habitable rooms. This means that:

⁴³ Issues and Options Paper, page 123

- The following paragraphs should be deleted from E7.T1:
 - *have sill heights of 1.6m above floor level; or*
 - *have fixed obscure glazing to any part of the window below 1.6m above floor level.*
- The following paragraph should be deleted from E7.T2:
 - *windows are of habitable rooms and they have sill heights of 1.6m or more above floor level or translucent glazing to any part of a window less than 1.6m above floor level;*
- E7.T4 should be deleted.
- Greater emphasis should be given to the use of architectural solutions to avoid overlooking. A Planning Practice Note dealing with visual privacy should be prepared with additional diagrams as design suggestions.
- Emphasis should be placed on the fact that it is *real* overlooking that needs to be protected, not just a perception of overlooking, in the preparation of the new Residential Code.

9. OVERSHADOWING

9.1 CURRENT TREATMENT OF OVERSHADOWING AND ENERGY EFFICIENCY

9.1.1 *VicCode 1*

VicCode 1 addresses the issue of solar access at the subdivision stage in Element 1, in particular PC3. An underlying assumption appears to be that lots should be capable of protecting solar access on-site, taking into account likely dwelling size and the relationship of each lot to the street. In terms of building siting and design, PC2 of Element 2 addresses the siting of dwellings for solar access on solar lots as specified in E1.PC3. (For full text of Element 2 see Appendix E.)

However, there are no performance measures to support these performance criteria. The degree of attention paid to the principles embodied in Element 1 at the subdivision design and approval stage by developers or councils is unclear. Certainly, some of the larger land developers seriously address the issue of solar access using a combination of subdivision layout, building envelopes and covenants.

There are no objectives, criteria or performance measures in *VicCode 1* that address overshadowing of existing properties.

9.1.2 *The Good Design Guide*

The Good Design Guide deals with solar access to both new and existing development. The relevant objectives, criteria and techniques are as follows:

- E6.O3** To allow sunlight into the secluded private open spaces and onto the windows of main living rooms of new and neighbouring dwellings.
- E6.C5** Buildings should not significantly overshadow neighbouring secluded private open spaces or main living room windows.
- E6.C6** At least during the warmer half of the year, sunlight should be available to the majority of private open spaces within a development.
- E6.T9** The southern boundary of the secluded private open spaces of a dwelling in any new development is set back from any wall to the north of the space a minimum distance of

$(2+0.9h)m$, where 'h' is the height of the wall.

E6.T10 Where access to sunlight on adjacent properties is reduced, at least 50 per cent (or $40m^2$ with minimum dimension 3m, whichever is the lesser area) of the secluded private open space of an existing dwelling is able to receive a minimum of four hours of sunlight between 9am and 3pm on 22 September.

Element 5 deals with energy efficiency. There are no techniques for Element 5.

9.2 ISSUES AND OPTIONS PAPER

The Issues and Options Paper acknowledged the importance of sunlight, both to people's sense of well-being and as an important component of energy efficiency. It noted that:

Recent decades have seen people embrace the amenity and practical values of sunshine into the design of their living spaces. Houses have opened up. Even in established suburbs where older styles of housing ignored solar orientation, successive waves of renovation have seen the sun-room and the family-room specifically designed to capture the sun. Backyards have been paved and become genuine outdoor living areas. Conscious efforts have been made to embody passive solar energy principles into development and subdivision, which have been encouraged by things such as the work of Energy Efficiency Victoria and objectives relating to energy efficiency and solar access in The Good Design Guide and VicCode 1.⁴⁴

The Standing Advisory Committee found that many of the criticisms about the overshadowing caused by large new single dwellings could be overcome by applying the techniques from Element 6 of *The Good Design Guide* to them. This was the essence of Option 11.

The Issues and Options Paper examined the outcomes of Task 2, which investigated the impact of using the winter solstice rather than the equinox to calculate the acceptable degree of overshadowing of private open space under E6.T10 of *The Good Design Guide*. The study results of Task 2 led the Standing Advisory Committee to reject this as an alternative.

The Standing Advisory Committee also rejected the notion that if existing dwellings already experience poor solar access, this deficiency should be protected to a greater extent than other dwellings.

The Issues and Options Paper examined possible means of protecting solar access to main living room windows. This is an objective of Element 6 of *The Good Design Guide* but has no supporting technique. A possible technique was suggested in Option 12. This was put forward for public comment whilst the Committee undertook further investigation of its practical application.

⁴⁴ Issues and Options Paper, page 109

9.3 KEY ISSUES

9.3.1 Distinction between Amenity and Energy Efficiency

In considering overshadowing, a distinction needs to be drawn in terms of the impact of solar access on amenity and on energy efficiency.

Ensuring that sunlight is available to private open space is a means of protecting the amenity of residents and the liveability of dwellings. Likewise, protecting main living room windows from overshadowing is a means of protecting amenity, although it may also have implications for the energy efficiency of dwellings. However, a range of other factors in addition to overshadowing will also impact on energy efficiency.

Energy efficiency is addressed in Clause 15.12 of the SPPF in the following terms:

15.12 Energy efficiency

15.12-1 Objective

To encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions

15.12-2 General implementation

Planning and responsible authorities should:

- Promote energy efficient building and subdivision design.
- Promote consolidation of urban development and integration of land use and transport.
- Encourage retention of existing vegetation or revegetation as part of subdivision and development proposals.

In the Issues and Options Paper, the Standing Advisory Committee drew attention to the balance, which is reflected in Clause 15.12, that must be addressed when dealing with issues of energy efficiency and solar access. Whilst urban consolidation can bring its own benefits in terms of energy efficiency, these may be different to the benefits achieved by direct solar access.

9.3.2 Balancing Different Objectives

The issue of balance between different, sometimes competing objectives, is one that must be constantly considered when assessing new residential development. With overshadowing it is

even more important to keep objectives clear. There is a great potential to apply objectives and standards relating to overshadowing for ulterior purposes, namely to restrict or preclude medium density development as an end in itself. This is particularly so in highly built-up areas such as the inner suburbs where the existing building stock and subdivision layout were developed without any consideration for solar access.

In these locations the Standing Advisory Committee does not consider that the objective of protecting solar access should be used as a means to preclude new development. The character of existing dwellings, which may include their limited solar access, may be one reason for wishing to limit change. But if a council wishes to protect existing buildings or manage the rate of change, it should explicitly use a mechanism designed for this purpose.⁴⁵

Otherwise, the Standing Advisory Committee does not consider that a greater percentage of secluded private open space, such as identified in E6.T10 of *The Good Design Guide*, should be protected. The Committee considers that certain trade-offs must be assumed in many inner suburbs between the advantages of location and access to transport and facilities, and the amenity impacts of more traffic, higher dwelling densities and poor solar access. Whilst it is not possible to quantify these trade-offs, and in many instances they may be unconscious, they reflect the general maxim that the nature of residential amenity is not constant and will vary according to location. What is reasonable must be considered in all the circumstances.

Protecting solar access must also be balanced with the suitability of such locations to support higher densities of new development due to their location and accessibility. This is where the wider benefits of urban consolidation need to be considered separately to individual impacts. Greater sustainability and energy efficiency may be achieved by medium density development in locations with good access to public transport and shops, which offset energy efficiency losses due to reduced solar access. This was a point made in the submission by Energy Efficiency Victoria, which noted:

In the Issues and Options Paper the Standing Advisory Committee cautioned that the issue of solar access may be used as a means of defeating urban consolidation objectives. There is indeed a danger that a single minded focus on protecting solar access may be at the expense of gains in energy efficiency arising from higher densities – such as walking to nearby shops; easy access to public transport; and sharing floors, walls and ceilings.

In developing mechanisms to protect solar access, it is also important to bear in mind that things other than new dwellings can thwart solar access. Fences and trees, particularly evergreens, can cause significant overshadowing. Likewise, existing dwellings themselves are liable to redevelopment. It may be quite unfair to impose stringent restrictions on new dwellings in order to protect solar access to an existing dwelling when the age or condition of that dwelling makes it a likely candidate for change in the near future.

⁴⁵ See Section 2 on Managing Change

For all these reasons, measures to address overshadowing must be governed by issues of balance and what is reasonable in all the circumstances.

9.4 SINGLE DWELLINGS

9.4.1 Responses to Option 11

Option 11 in the Issues and Options Paper provides:

The techniques from Design Element 6 relating to overshadowing should be included in the Building Regulations.

The techniques in question are E6.T9 and E6.T10. The calculation of both techniques depends on knowing the nature of surrounding development.

There was widespread support for Option 11 from councils, resident groups and private industry. However, significant opposition came from the HIA and the Building Control Commission. They, and others, made the point that in newly subdivided areas it would be impossible to gather the necessary information to assess the impacts on neighbouring properties.

Concern was expressed about the appropriateness or ability of building surveyors to undertake the kind of assessment involved with E6.T10, which relates to the percentage reduction of sunlight to secluded private open space of an existing dwelling. Although it involves a technical calculation, it is not necessarily a simple task. As one submitter said:

While the assessment of shadow impact may be one understood by (some of) the planning profession, it is outside the scope of the typical 'sign off' of a plan currently undertaken by building surveyors.

To carry out this task building surveyors would need to be able to measure (or check) the shadow effect of a proposed building. Simple tools are needed to do this task.

9.4.2 Greenfield Sites

The Standing Advisory Committee recommends that standards relating to overshadowing should apply to single dwellings in infill locations, but not greenfield locations.

Like a number of other standards proposed in this Report, the application of measures to protect dwellings from overshadowing is inappropriate in a greenfield location. Techniques such as E6.T9 or E6.T10 are contextual assessment standards. They rely on the configuration

of existing development for their calculation. Where the nature of surrounding development is unknown it is impractical to apply them.

In any event, greenfield locations are not where problems are occurring. The situations where single dwellings are causing most concerns due to overshadowing and overlooking are where new houses are located on infill sites in established areas. On greenfield sites overshadowing and overlooking are generally accepted so long as the new dwellings are all similar in style and status.

New dwellings tend to reflect the needs, aspirations and fashions of the day. This is usually why houses constructed on a new estate will display a homogeneity even though, individually, they may be quite different. Because of their common period of construction, they will reflect similar standards in fashion and accommodation. They are also likely to be constructed for people from similar socio-economic backgrounds and therefore reflect the owners' common aspirations.

On large estates, issues of overshadowing may be dealt with by the application of building envelopes, particularly on small lots, at the subdivision stage. However, in greenfield situations, there is no evident concern by new homebuyers about potential overshadowing or overlooking from other houses being built. In general, people appear to accept a degree of overlooking that would be unacceptable in an infill situation where there was no previous overlooking. It seems that in these greenfield situations people know the type of environment they are buying into, including the predominant housing styles, and consciously choose to be a part of this type of neighbourhood.

For these reasons, the Standing Advisory Committee is not concerned that in greenfield locations it is impractical to apply standards relating to overshadowing to single dwellings. Energy efficiency is strongly supported by the Standing Advisory Committee, but it will be more effectively achieved in greenfield locations by incorporating energy efficiency principles in the design of subdivisions, through the application of building envelopes and by requiring new dwellings to meet energy efficiency ratings.

9.4.3 Assessment by Building Surveyors

The Standing Advisory Committee agrees that building surveyors who are currently unused to the type of assessment required by E6.T10 may find initial difficulty in applying the standard. However, this is not a reason for failing to apply standards to single dwellings in established urban areas, which will substantially improve off-site amenity impacts. There are tools to assist, which are currently widely and successfully used by the planning profession for assessing the impact of overshadowing, for example, ShadowDraw. With appropriate training, there is no reason why building surveyors will not be able to perform the tasks required to apply this standard. (The need for training is addressed in Section 12.2 in Facilitating Outcomes.) Improving the overall skill level of building surveyors is vital to the

smooth functioning of the housing industry and will also serve to improve public confidence in them and the building approvals system.

The series of Planning Practice Notes recommended by the Standing Advisory Committee should cover the issue of overshadowing and identify appropriate tools.

9.5 MAIN LIVING ROOM WINDOWS

9.5.1 Option 12

Option 12 in the Issues and Options Paper proposed to include a new technique, which relates to limiting overshadowing of existing main living room windows. It also proposed that where a previous dwelling, which overshadows an existing dwelling, is replaced by a new development, the new development may overshadow the existing dwelling to an equivalent extent. The full text of Option 12 is included in Appendix C.

In responses to the Issues and Options Paper there was widespread support for the concept of Option 12, although a significant range of practical difficulties was identified. The HIA and RAIA did not support it. The difficulties relate to the following:

- The technique is too complex and confusing
- Problems associated with identifying main living room windows
- Pressure from resident groups to extend the protection to other windows and include solar heating

As one submitter put it:

As drafted, the Technique is complex and difficult to follow.... The identification of a 'main living room' can be an illusive concept in many modern or indeed older houses that have extensions. In practice it is often not as simple as it can be stated. Moreover, the extent to which differing living rooms are designed and oriented has a vast impact upon the amount of sun light they receive, or how important this is to the living space, the intended design outcome, landscape or the lifestyle of the occupants. With so many variables floating about, the Technique may not be able to adequately meet the outcome begin sought – the reasonable protection of the living room(s) of an adjacent dwelling.

9.5.2 Technical Analysis of Option 12

In order to test the suitability and practicality of Option 12 as a potential standard to protect main living room windows from overshadowing, the Standing Advisory Committee commissioned consultants, Williams & Boag Pty Ltd Architects, to undertake an assessment

of Option 12. A copy of the Williams and Boag report is available in the Technical Appendices.

In the assessment of Option 12, Williams & Boag Pty Ltd undertook a series of studies comparing the development constraints under the Good Design Guide and Option 12 as a method of assessing its implications and appropriateness. The studies that were conducted are of a series of theoretical conditions rather than built examples as a way of examining the broad implications of Option 12.

The broad outcomes of their work demonstrated that the implications of Option 12 are prohibitive and will significantly reduce development opportunities, particularly to inner city sites, to the extent that it is inequitable. In addition, the study identified that Option 12 does not respond to variations in orientation.

9.5.3 Energy Efficiency Victoria

Submission and Study

An important submission to the Issues and Options Paper was made by Energy Efficiency Victoria. The submission highlights a need to recognise that in some neighbourhoods energy efficiency is achieved through other means (such as sharing walls, floor and/or ceilings). As a high level of solar access protection may compromise these benefits, Energy Efficiency Victoria recommended that the suitability of applying differential techniques be investigated.

The submission also presented the results of a study, which quantifies the impact of overshadowing on energy efficiency. The study was undertaken by Energy Efficient Strategies and is included as a Technical Appendix to this report. Commissioned by Energy Efficiency Victoria towards the end of 1999, this extensive technical analysis assessed the effect of *The Good Design Guide* and *VicCode 1* technique for overshadowing on the energy efficiency of typical housing types.

The major findings arising from this study are:

- *The current techniques in The Good Design Guide and VicCode 1 relating to height and setbacks provide a variable degree of energy efficiency protection from the effect of overshadowing. The factors leading to this high degree of variability are:*
 - *The building height to boundary setback ratio used;*
 - *The effect of slope is not taken into account;*
 - *There is an emphasis on the setback between a proposed development and the boundary and not on distance between buildings;*
 - *The orientation of the overshadowing development relative to the overshadowed dwelling. North orientations are critical. Protection from overshadowing of East*

and West orientations will be more critical if these are the only orientations in which windows are located.

- *Any techniques which deal with overshadowing on the grounds of energy efficiency should reflect the importance of orientation relative to the overshadowed dwelling; the building height to separation distance ratio; and offset.*

The study findings are described more fully below. A summary of the general recommendations arising from the study is included in Appendix I.

The conclusions and recommendations by Energy Efficiency Victoria based on this study are:

- The separation distance between buildings (and not to boundaries) is critical in developing a technique(s) for solar access on energy efficiency grounds.
- The protection of non-living room windows facing North from overshadowing is important in dwellings that have no main living room windows facing north.
- There needs to be recognition that solar access in some areas may compromise other urban development goals. A reduction in solar access may be acceptable in locations which accrue other energy efficiency benefits. Further research is required on the applicability of adjusting ‘building profiles’ which reflect neighbourhoods designated as low and high density.
- Suitable stringency levels for different neighbourhood types/densities should be established.

Study Findings - Impact of *The Good Design Guide* and *VicCode 1* Techniques

In the study by Energy Efficient Strategies, an assessment of impact of *The Good Design Guide* and *VicCode 1* ‘building profile’ (see height and setback diagram used in *The Good Design Guide* E6.T4 and *VicCode 1* E2.PM8) on the energy consumption of three housing types⁴⁶ revealed that for the passive solar design house (five star energy efficient house) with the new development to the North, the energy consumption (energy used to heat the house in winter) may increase by as much as 85%. This is where the neighbouring house is located to the minimum setback under *The Good Design Guide* and *VicCode 1*. At different points of the profile the predicted increase in energy used to heat the house changes. This is illustrated by Figure 2.

⁴⁶ The three different housing types used in the impact assessment were:

- **An average single storey house** – a detached single storey brick veneer with a concrete floor, typical of those built by volume builders;
- **An average typical two storey house** – a detached two storey brick veneer with a concrete ground floor and a timber floor for the upper storey, typical of those built by volume builders;
- **A typical passive solar design house** – a single storey five star energy efficient house (with large areas of glass on one orientation facing living areas and few windows on the other elevations).

For a conventional house of average energy efficiency, the impact is substantially less, but energy consumption may still rise by up to 38% as a result of overshadowing to the north. This is illustrated by Figure 3.

However, what these figures also illustrate is that higher developments with greater setbacks from the overshadowed development have less impact than single storey developments with minimal setbacks. The rate of increase in energy consumption falls from 85% to 55% in the case of a passive solar design house and from 38% to 25% in the case of a house of average energy efficiency.

For the same houses reoriented to the South and overshadowed by a development to the South the impact on energy consumption is significantly less. Figure 4 illustrates this in respect of a passive solar design house.

In addition, the study noted that the present provisions of *The Good Design Guide* and *VicCode 1* prescribe development heights in relation to the ground level below the development with no regard to the relative vertical position of the affected dwelling. In other words, there is no consideration of the effect of slope. The degree of impact on energy efficiency is therefore likely to be variable depending on the topography of the land between the overshadowed development and the overshadowing development.

Setbacks

The study found that because the present provisions of *The Good Design Guide* and *VicCode 1* prescribe setback distances from boundaries, and not between dwellings, in practice the degree of energy efficiency protection offered by these provisions is likely to be highly variable depending on the relative separation between buildings.

The Impact of Orientation

The energy use of dwellings is highly sensitive to changes in the orientation of the overshadowing development relative to the existing house.

Figure 5 demonstrates the relative energy increase for an average house overshadowed at 8 different orientations. It displays the setbacks required to result in no more than a 20% increase in heating energy use. The setbacks are shown at several different heights. Clearly, overshadowing developments located in the northern sector require greater separation distances from neighbouring buildings compared to the south to limit energy consumption to no more than 20%.

The diagram shows that for an average house overshadowed by a 6 metre high obstruction to the north to experience no more than a 20% increase in energy use, the house and the overshadowing development need to be 5 metres apart. Where the overshadowing development is to the east, the required distance between the two developments is 3.75m.

The separation distance required between dwellings to result in an energy increase of 20% is negligible when the overshadowing development is to the south.

9.5.4 Other Issues Affecting the Development of a Standard to Protect Solar Access

Choice of Windows

On energy efficiency grounds alone, the relative importance of solar access to main living room windows compared to solar access to non-living room windows has diminished. This is a result of the dramatic increase in the installation of central heating systems.

In calculating the energy efficiency of a dwelling using the FirstRate house energy rating software developed by Energy Efficiency Victoria, information about windows is only part of the information needed to conduct the assessment. Type of construction, whether walls or ceilings are shared, and internal layout are all relevant factors.

These factors have implications in developing a standard to protect solar access depending on whether it is the amenity resulting from solar access that is being protected or the energy efficiency benefits. The energy efficiency of an existing dwelling can be substantially improved by various means (eg high performance glazing, high levels of insulation, etc) even though substantial overshadowing may occur.

Responsibilities on Both Sides of the Fence

Much of the debate about overshadowing has focussed on the responsibilities of the developer of the overshadowing development. According to the Energy Efficient Strategies study, it could be argued that the responsibility for providing an adequate separation distance between overshadowing and overshadowed housing developments (designed to maintain accepted levels of energy efficiency) should lie with parties on both sides of the fence:

Clearly the overshadowed house owner (or at least whoever designed and sited the house or any subsequent additions) had a responsibility to consider the potential impacts arising from any future developments that would have been legally permissible by its neighbours. For example, it should be considered irresponsible for a designer to site a passive solar designed house only a metre or two from a northern boundary, knowing that future, legally permitted development on that adjoining property would have an extremely adverse impact on the energy efficiency of the subject house.

In reality most designers and property owners fail to consider the potential effects of overshadowing on the energy efficiency of their houses. At best they may consider design and siting aspects intended to maintain a view.⁴⁷

The Standing Advisory Committee considers that this argument extends also to the issues associated with protecting solar access to an existing dwelling that is either poorly sited (eg very close to a northern/common boundary) or that is on a very small site poorly oriented (eg as occurs in many inner suburbs). The proposition that developers should have to compensate inappropriately designed dwellings or poorly located open spaces on adjoining properties is not universally supported. Yet this is what arguments that demand a greater proportion of protection from overshadowing for very small areas of secluded private open space in inner city areas essentially amount to.

Overshadowing Impacts and the Issue of Minimum Energy Performance Standards for Housing

The Energy Efficient Strategies study also raises the issue of the Victorian Government's election policy to introduce minimum energy efficiency standards for new housing.⁴⁸

It is not relevant in the context of this Report to discuss this matter in detail, but it highlights the issue raised by the Standing Advisory Committee in the Issues and Options Paper where it said:

In the opinion of the Standing Advisory Committee, if we are serious about the issue of energy efficiency, we need to pay the concept more than lip service. If we are going to encourage people to incorporate energy efficiency concepts into their dwellings we must be prepared to protect what is achieved.⁴⁹

9.5.6 Standing Advisory Committee Conclusions

Clearly, the introduction of a standard to protect solar access to the windows of existing dwellings is a highly complex task.

The Standing Advisory Committee does not believe that Option 12 is a suitable technique for inclusion in the new Residential Code as it presently stands.

Some potential techniques are identified in the submission by Energy Efficiency Victoria based on the Energy Efficient Strategies study. These include:

- The use of 'building profiles'

⁴⁷ Energy Efficient Strategies January 2000, *Impact of Overshadowing by new Housing Developments on the Energy Efficiency of Existing Houses*: page 16

⁴⁸ *ibid* Section 3.4, pages 16-17

⁴⁹ Issues and Options Paper, page 112

- Look-up tables
- A modified Option 12

However, all these options require further study and refinement before they could be seriously considered further. In addition, a range of other factors would need to be resolved. These include:

- An acceptable stringency level (ie the percentage increase in heating energy consumption)
- The relative importance to be placed on maintaining solar access for energy efficiency purposes compared to other energy efficiency measures
- The relationship of energy efficiency with other planning objectives relevant to residential development.

The range of matters detailed in the Energy Efficient Strategies study (see Appendix I) that would need to be factored to make any techniques effective may mean that they become too complicated to be workable. However, it is impossible to draw this conclusion without undertaking the work. In any event, the research will produce valuable knowledge about the way that building height, setbacks and offsets impact on energy efficiency, which may have other application.

Energy Efficiency Victoria is willing to undertake and resource the additional research necessary to develop a potential standard for maintaining the energy efficiency of existing dwellings if DOI considers this would be useful. The Standing Advisory Committee considers it is important for this research to be carried out and with the support of DOI. Energy Efficiency Victoria and DOI should jointly resolve the scope of the work to be undertaken.

At this stage the Standing Advisory Committee cannot recommend the adoption of any standard to protect main living room windows from overshadowing. However, it recommends that further work be undertaken by DOI in conjunction with Energy Efficiency Victoria to establish whether it is possible to develop a workable set of standards to protect the energy efficiency of dwellings.

In terms of the amenity effect of sunlight on main living room windows (as opposed to its energy efficiency effect), the Standing Advisory Committee supports the principle of maintaining reasonable access to sunlight during the winter months. However, this is a matter that can only be considered on a site by site basis and it will need to be balanced by the range of other matters to be taken into consideration in the decision making process. In some situations, even the principle of sustainability may indicate that other matters should be given more weight. Notwithstanding this, the principles embodied in E6.O3 and E6.C5 of *The Good Design Guide* should be retained and incorporated into the new Residential Code.

9.6 SECLUDED PRIVATE OPEN SPACE

The Issues and Options Paper comprehensively examined the option of using the winter solstice as the basis for calculating solar access to secluded private open space and rejected it.⁵⁰

There were nonetheless a number of submissions disagreeing with the Standing Advisory Committee's findings on this issue. However, none of them put forward any additional grounds, which would cause the Committee to alter its opinion.

The strategy or criteria that the technique in E6.T10 is designed to implement is E6.C6, namely:

E6.C6 At least during **the warmer half of the year**, sunlight should be available to the majority of private open spaces within a development.

The Standing Advisory Committee maintains its view that outdoor open space is likely to be used more during the warmer half of the year. It appreciates that winter sun may be valued. However, in established urban areas a reasonable balance must be maintained between the opportunity for people to extend their houses or redevelop and protecting the amenity of adjoining dwellings by maintaining access to sunlight to their secluded private open space. The Committee considers it is during the period of potentially greatest use that this access to sunlight should be protected. Ensuring that at least 50% of the secluded private open space of an existing dwelling is able to receive at least four hours of sunlight between 9am and 3pm on 22 September does not mean that it will be totally devoid of sunlight prior to this: subsequent to this date it will receive more sunlight. The Committee considers this is a reasonable standard to maintain.

The Standing Advisory Committee also notes that the standard in E6.T10 will apply to single dwellings on infill sites in future, which will overcome some of the problems with overshadowing previously experienced with this type of development.

There were submissions made that the location of the private open space, which receives the sunlight, is just as important as the percentage and time.

The Good Design Guide defines secluded private open space as follows:

Secluded private open space that part of private open space primarily intended for outdoor living activities which should enjoy a reasonable degree of privacy.

It is clear from this definition that the quality and nature of the private open space should be considered when assessing compliance with E6.T10. Any concerns that the standard is of

⁵⁰ Issues and Options Paper; Section 1.4.2, pages 18-20 and Section 3.4.3-2, pages 114-115

little value because the area of private open space to which sunlight is protected may be where garbage bins are stored (as suggested by one submitter) should have no foundation in practice.

The City of Stonnington noted that in inner city areas where lots can be very narrow, a development can sometimes cast a shadow extending across more than one lot. It is therefore not just adjacent properties that should be considered in the assessment of impact under E6.T10.

The difficulty which the Committee sees in embodying this notion in a standard, is its practicality. An applicant would have difficulty in obtaining the information required to make the necessary assessment. A developer has no automatic access to other properties. Information about the layout of adjoining properties can usually be obtained by looking over the fence if necessary. Information about properties further away is not so available.

The issue of cumulative reductions in access to sunlight by successive surrounding development was also raised.

In general, the Standing Advisory Committee considers that both these matters are issues that need to be evaluated on a site by site basis. If a council considers that in the type of circumstance mentioned, the objectives and standards embodied in E6.03, E6.C5 and E6.C6 are not being properly addressed, it should not issue a permit.

9.7 RECOMMENDATIONS

Overshadowing

- ❑ The standards in E6.C6, E6.T9 and E6.T10 of *The Good Design Guide* relating to solar access should apply to all dwellings in infill locations, but not in greenfield locations.
- ❑ The technique described in Option 12 of the Issues and Options Paper should not be adopted.
- ❑ DOI should undertake further work to investigate whether it is feasible to develop potential standards to protect the energy efficiency of existing dwellings from the impacts of new residential development and where such standards might apply. To facilitate this further work, DOI should support additional research by Energy Efficiency Victoria. DOI and Energy Efficiency Victoria should jointly scope the extent of this further research.

Energy Efficiency

- ❑ The principles about energy efficiency set out in the objectives and criteria of Design Element 5 of *The Good Design Guide* should apply to all dwellings.

- Energy efficiency objectives in greenfield locations should be addressed in the subdivision section of the new Residential Code by:
 - Setting standards, which promote energy efficiency, that subdivisions must meet
 - Facilitating the use of building envelopes
 - Requiring new dwellings to achieve certain energy efficiency ratings

General

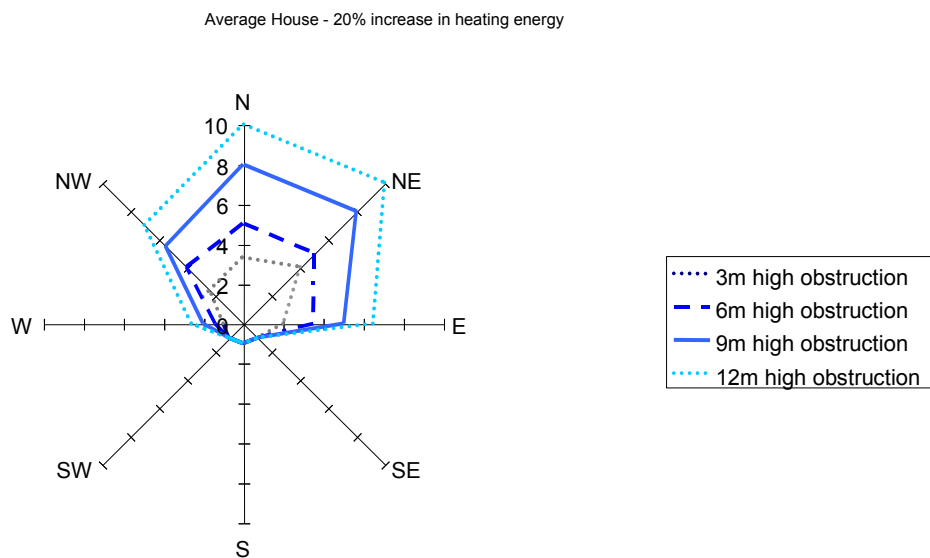
- Appropriate tools, which can be used to measure the shadow effect of a proposed building, should be identified in a Planning Practice Note and supported by appropriate training programs.

Figure 2: Energy Efficiency Victoria: Impact of building profile on the energy consumption of a passive solar design house overshadowed to the north

Figure 3: Energy Efficiency Victoria: Impact of building profile on the energy consumption of a house of average energy efficiency overshadowed to the north

Figure 4: Energy Efficiency Victoria: Impact of building profile on the energy consumption of a passive solar design house overshadowed to the south

Figure 5: Energy Efficiency Victoria: Impact of orientation on energy efficiency – Minimum separation distance required to maintain a maximum 20% increase in heating energy consumption



10. DENSITY

10.1 CURRENT TREATMENT OF DENSITY

Element 1 of *The Good Design Guide* deals with density as follows:

OBJECTIVES

- E1.01** To support urban consolidation and the use of available infrastructure with well-designed medium-density development.
- E1.02** To increase the diversity of housing to meet future community needs.
- E1.03** To recognise diversity in the character of areas.
- E1.04** To increase the yield of medium-density development through the promotion of high design standards which minimise off-site impacts.
- E1.05** To support higher densities for development on larger sites and to encourage the consolidation of sites.
- E1.06** To limit development where site constraints exist which cannot be overcome.

CRITERIA

- E1.C1** The density of dwellings should reflect the quality of the design (including its response to the location, street frontage, slope, area, shape and features of the site), the size of dwellings, and the extent of impact on neighbours.
- E1.C2** Higher densities should be located on larger sites.
- E1.C3** Medium-density housing should be encouraged close to public transport, shopping and community facilities.
- E1.C4** Larger developments should provide a range of dwelling sizes and types.
- E1.C5** Lack of infrastructure or unmanageable site constraints may limit density.

BENCHMARK DENSITIES

- E1.T1** Developments have a density range complying with lot size and street frontages as follows:

Lot size	Smallest street frontage less than 17 m	Smallest street frontage 17m or greater
Less than 750m ²	1:300m ²	1:250m ²
750m ² or greater	1:250m ²	1:200m ²

The street frontage criteria may be reduced for irregularly shaped sites provided the bulk of the site is of sufficient size to allow design flexibility and minimise impact on neighbours.

Developments with densities greater than 1:200m² may be located on sites:

- within the inner area of Melbourne defined by a 7km radius from the GPO;
- or
- on sites larger than 2,000m².

Densities may be increased where it can be demonstrated that the objectives and criteria of the Guide as a whole will be met.

Densities may be reduced when it can be demonstrated that the objectives and criteria of the Guide as a whole will not be met or there will be unreasonable off-site impacts.

The techniques for density in *The Good Design Guide* were introduced as a means of lowering developer expectations in respect of standard suburban lots. Unfortunately, they have given rise to a new set of expectations that one dwelling per 300 m² is an acceptable minimum in all circumstances. As the average size of individual dwellings has grown, so the benchmark of one per 300 m² has become less effective in minimising off-site impacts and allowing adequate open space on a site.

The higher density provision within 7km of the Melbourne GPO has also been criticised as being arbitrary and unresponsive to local character.

10.2 BACKGROUND HISTORY

10.2.1 VicCode 2

Density was not originally included as a performance measure in *VicCode 2*. Rather, a density of 1 unit per 200-250 square metres of site area was referred to in the Explanatory Memorandum and performance criteria as a guide to what was usually achievable without detrimentally affecting the neighbourhood or streetscape character.

When *VicCode 2* was first introduced, the issue of density was fiercely debated. Some councils felt that the original exhibited density of 1 dwelling per 200 square metres was too high, others felt it was too low. The development industry wanted the certainty of density being specified as a performance measure, whilst the then Department of Planning and Housing took the following view:

It is not considered appropriate to include density figures as performance measures in a performance-based and design-based code. The site characteristics, dwelling size and mix and quality of the design response should determine the yield. Equally it is important to clarify that local councils would not be able to impose arbitrary density

*maximums as a local control, just because no performance measures are included in this element.*⁵¹

The Panel, which considered the introduction of *VicCode 2*, concluded that density should not be included as a performance measure. It said:

*Following a very detailed examination of the possible impact of removing any reference to density control and placing complete reliance upon design related controls, the Panel formed the view that the identification of a density which could generally be achieved, together with the identification of areas appropriate for higher densities, should remain in the Code in a slightly modified form.*⁵²

It is interesting to note that in referring to areas of higher density the Panel said:

*...[T]he Panel is prepared at this juncture to accept a form of definition which is related to a radius of 7km. from the GPO but it considers that ultimately the Department should initiate investigations into the preparation of a map which relates such intent per medium of property boundaries or streets/roads. Such definition would overcome possible future disputes as whether a property lies in or out of such radius.*⁵³

This recommendation was never acted upon. However, the need to fine tune the sort of broad parameters, which the 7km radius represents, has become increasingly evident.

10.2.2 VicCode 2 Review

The *VicCode 2* Review Panel in December 1994 found that:

There are excellent examples of medium density housing constructed at densities greater than 1:200.

Experience and observation however, are demonstrating that the medium density development sites presenting most problems and causing most negative community reaction are the standard infill sites in middle and outer suburban locations. These problems are being caused by:

- *constraints on diversity of possible design solutions;*
- *proportionally greater interface with neighbours, particularly their backyards;*

⁵¹ Preliminary Submission to the Independent Panel by the Department of Planning and Housing; Victorian Code for Residential Development Multi-dwellings; 28 September 1992, page 29

⁵² Victorian Code for Residential Development Multi-dwellings: Report of the Independent Panel Amendment S23 and Amendment R113 (April 1993), page 93

⁵³ *ibid* page 93

- *lack of space for landscaping;*
- *greater impact on the streetscape.*⁵⁴

The *VicCode 2* Review Panel recognised that it was the ‘bottom-line’ developments which often had the most severe impact on small standard infill sites. These were the developments that, despite meeting the performance measures of *VicCode 2*, were nevertheless awkward and poorly resolved in the context of the site and the locality. The Review Panel also found that there was no incentive to consolidate sites, even though larger sites offered better opportunities for:

- *creative design;*
- *appropriate tree planting and landscaping;*
- *ameliorating adverse effects;*
- *more sensitive edge treatment abutting neighbours;*
- *higher densities and more units;*
- *better living environment for residents of the proposed development itself and residents of adjoining properties.*⁵⁵

The solution proposed by the *VicCode 2* Review Panel was to introduce benchmark densities as techniques in the new *Good Design Guide* based on the size and frontage of the site. They were intended to draw a ‘bottom line’ for stakeholders requiring certainty in the development process whilst recognising that good creative design could be rewarded by increased yields. The introduction of the possibility of local variations also meant that any benchmark densities set as performance measures could be substituted by local variations setting either a greater or lesser density.

10.2.3 Experience with *The Good Design Guide*

Unfortunately the reduction in densities introduced by *The Good Design Guide* has not necessarily resulted in the sort of improvements to bottom line developments that the *VicCode 2* Review Panel envisaged.

One reason for this has been the substantial increase in size of the average dwelling unit now being constructed and the growth in popularity of two-storey dwellings. Substantial three bedroom homes with double garages constitute many of the medium density developments being built compared to the one or two bedroom units with a single garage common in 1994

⁵⁴ *VicCode 2* Review Final Recommendations: *VicCode 2* Review Panel (December 1994), pages 19-20

⁵⁵ *ibid* page 20

when the element on density was introduced into *The Good Design Guide*. This means there has been no overall reduction in site coverage, increased setbacks or more landscaping as a result of the lower densities.

A further reason has been the disappointing failure by that section of the development industry responsible for 'bottom line' developments 'to lift its game'.

Notwithstanding the emphasis on site analysis and design response in *The Good Design Guide*, and the requirement that these documents must accompany any application for a medium density development, there is compelling evidence that sections of the development industry have not fully embraced these concepts. Too frequently, the site analysis and design response are completed quite independently of the design process, often subsequently and by different consultants. The design is still not being informed by a true analysis of the site's potential in terms of its attributes or context. Rather, the driving force is the number of units that can be obtained by applying the density technique in Element 1 of *The Good Design Guide*.

Without exception, councils responding to the Standing Advisory Committee's expanded Terms of Reference, cited the tendency for developers to make economic decisions based on the benchmark densities of *The Good Design Guide* as the greatest single source of conflict in the consideration of medium density development proposals. Developers use the benchmarks to determine the dwelling yield of a site and then work to minimum standards to squeeze that number of units on the site. The following extract from the submission by City of Stonnington summarises the experience of many councils:

Density is an expression of the intensity of development that can be accommodated on site. Under The Good Design Guide, it is in terms of the number of dwellings. Densities are not an indication of the volume or massing of building that would occur. The concept of intensity of development is similar to plot ratio. Plot ratio indicates the intensity of development. It has no bearing on how high the building is or how it looks. For example, a plot ratio of 1:1 may mean a single storey building covering the entire site, or two storey building covering 50%, or 5 storeys covering 20%. The location of the building or tower may be anywhere. Similarly, density in The Good Design Guide only indicate the number of dwellings and not how big the building is needed to accommodate these dwellings. This is particularly critical as the average size of modern new dwellings are larger compared to those of 1960's, 70's and 80's. Many are three bedrooms plus studies, family rooms, double garage and more bathrooms. For example, if the size of a block is 750 m² and the frontage is 17.5 m wide, the density provision of The Good Design Guide would mean 3 dwellings. Given the size of contemporary dwellings, say 250 m² each, it is not difficult to visualise the end product. There are likely to be three double storey dwellings arranged down the block; two driveways one to serve the front unit and a second to serve the rear two; most of the open areas taken up as driveways or vehicle turning areas; three double garages; and minimal landscaping because of a lack of room. To overcome overlooking onto adjoining properties, there will either be privacy screens for first floor windows or high light windows. There is no room to keep any existing significant

vegetation. What is the impact of such a 'reasonable' development on the character of the area or the amenity of adjoining residences? What started off as reasonable (because it complies with the density provisions of the guide) becomes very unreasonable in a suburban setting, or for an area dominated by generous front and back gardens.

In the light of this dissatisfaction with the density element, the question is what should be done with it.

10.3 SUBMISSIONS TO REMOVE DENSITY AS A TECHNIQUE

The overwhelming recommendation made in submissions about density was that it should be removed as a technique. It is felt that an 'appropriate' density should be determined as a result of having undertaken a site analysis and consideration of factors such as streetscape, local character and site constraints and opportunities. For example, urban density should correlate with appropriate local infrastructure. Residential developments in a dense activity centre should be encouraged whether in Knox, Epping or any rural town just as much as in South Yarra or Fitzroy. The key criteria should be convenient access to substantial infrastructure.

Without exception, submitters considered that appropriate density is best determined in the context of the site, not on the basis of allotment size and dimension as presented by E1.T1 of *The Good Design Guide*. Density should be an outcome of the application of other objectives and techniques.

10.4 LIKELY IMPLICATIONS

10.4.1 Loss of Certainty

Development Industry

The biggest objection to any proposal to remove density as a technique is likely to come from the development industry. Their quick means of determining development yield will be removed. But it must be asked whether this is a bad thing.

For example, it is HIA's experience that compliance with density benchmarks does not provide any indication of the likely impacts of the proposed development. In practice, and despite this, local government, the community and designers have come to rely on the density benchmarks as an indicator of how the site can be developed. Yet there is substantial disquiet within the community about the impacts of the outcome.

The key question is whether sectors of the development industry will ever adopt a truly site responsive approach to the design of infill medium density development so long as they can rely on an arithmetical formula. Based on the experience of the last few years, the Standing Advisory Committee doubts they will. The development industry has had every opportunity to demonstrate its ability to respond creatively and constructively to the intent underlying the requirements for a site analysis and design response. There are some sectors that have done this. But there are sufficient others that have not done so and which are largely the cause of current community criticism.

The Standing Advisory Committee doubts that these latter sectors of the development industry will change their approach no matter how many more guidelines are provided or emphasis on site analysis is given. So long as they can do their calculations based on number of units per site to guide their economic decision-making about what to pay for a site, and which then creates a 'need' to obtain that number of units, things will not change.

The quality of Melbourne's suburbs and Victoria's provincial cities is too important to be needlessly sacrificed to the economic laziness of one particular sector of the development industry. This does not mean that change should not occur within the suburbs or that they should become museums. But change can occur in a way that contributes positively to their future. Just as the community must accept change, so too must the development industry. It must recognise that it has a responsibility to the future by the contributions in the way of built form that it leaves. All buildings contribute to the sense of place that either a city or a neighbourhood has. Improving this contribution may mean that the remaining sectors of the development industry must leave their zone of comfort with the 'certainty' that a density technique provides and come to terms with what operating in a performance based system really means.

The Committee refers to *'the remaining sectors of the development industry'*. It would be wrong to tar all sectors of the industry with the same brush. There are many responsible developers and designers who have applied the principles of *The Good Design Guide* to their proposals and who have negotiated meaningfully with councils and neighbours to achieve acceptable outcomes. Unfortunately, their efforts are not rewarded by the current system. Too often it sees them caught up in the same lengthy and indiscriminate processes of objection and appeal as those where a non-compromising, 'bottom-line' approach has been adopted. In Section 12.5, the Committee discusses ideas about how good design might be better rewarded.

However, for the remaining sectors of the development industry, the Committee is not convinced that their interest in certainty should outweigh the need to improve outcomes.

If cost is an issue, there are ways in which a performance-based approach to design can be adapted to a formula in order to minimise costs on individual projects and to provide more of the certainty that developers seek. These are further discussed in Sections 10.4.2 and 12.5.1. It is a question of looking at the total building envelope package for a site appropriate for development, then subdividing that into a number of dwellings. The number of potential dwellings will depend on their size and style. One outcome may produce four small two-

storey units whereas another may produce only two larger dwellings, even though the essential building envelope is much the same. This contrasts to the present technique on density, which identifies the number of dwellings for a site, irrespective of their size, as the starting point. Massaging the building envelope to satisfy objections tends to result only in an external manipulation of features. The objective on the part of the developer is to retain a certain number of three or four bedroom houses rather than reduce the number of dwellings or to fundamentally reconfigure them. Too often the outcome is a reduced amenity for future occupants as screening devices or highlight windows are used to deal with overlooking problems and the neighbours remain unhappy about minimal setbacks and open space.

Community

When benchmark densities were introduced as techniques in *The Good Design Guide*, one set of stakeholders that it was considered would benefit from the certainty they established was the community. The type of certainty contemplated was that of minimal off-site impact on amenity and neighbourhood character. However, for the reasons outlined above, due to the increasing size of dwellings, this certainty has not materialised.

There are some sectors of the community who contend that the answer is to further reduce potential dwelling density.

The Standing Advisory Committee does not agree that this is the best solution. Proposals to reduce densities are unlikely to produce acceptable outcomes unless they are reduced to such a point that they reflect little more than the status quo. Of course, there are some members of the community who would welcome this. But the Standing Advisory Committee considers this would be a regressive step. It would enshrine the single detached house as the main residential option, whereas both demographics and the market indicate that people need more options, which better accord with their household size and changing lifestyles.

The Committee considers that the interests of the community in establishing levels of certainty are better met by realistically identifying likely rates of change within different areas of municipalities. Change should then be managed according to the objectives, policies and standards of the new Residential Code. These mechanisms are far more likely to produce outcomes acceptable to the community than reliance on a density technique, which is insensitive to the detail of site or context, and may produce variable outcomes depending on the size and style of the dwellings in question.

10.4.2 Increased Costs

If density is removed as a technique, the development industry is likely to argue this will lead to increased costs if a detailed site analysis must be undertaken as a preliminary step to ascertaining the yield prior the purchase of any site contemplated for medium density development. It may also affect the value of land.

The Standing Advisory Committee is not persuaded that increased costs are a necessary outcome. For the bottom line developers, at whom this measure is largely aimed, their medium density designs are not presently prepared for specific sites. (If they were, the current problems would not be arising.) Rather, they tend to have sets of standard plans, which are marginally tailored to fit various site configurations.

There is no reason why a similar approach, but starting with a range of standard sites rather than dwellings, could not be developed. This contemplates development of a range of plans for different types of sites, which would be distinguished by size, proportion, orientation, slope etc. The size of the dwellings, their number and basic envelope would be tailored according to the nature of the site. The objective would be to ensure, so far as possible, that the plans are internally compliant with the objectives and standards likely to apply in the context they are designed for.

Pattern book designing is not a new concept. For example, the famous terrace houses of London and Bath are largely a product of pattern book designs.⁵⁶ Companies specialising in the development and construction of large greenfield estates will frequently market houses designed for specific sized lots. Volume builders all have their standard designs, which can be embellished by options. The problem is that these designs by volume builders are not necessarily marketed for particular sized or oriented lots. Homebuyers tend to be seduced by the display home and then attempt to shoehorn it onto the land which they own or are about to purchase. In infill situations, the result is frequently out of context and creates the familiar problems of overlooking, overshadowing and visual bulk. The situation is not dissimilar for builders of medium density development. They have their favourite designs, which they believe the market will buy, and that is what they reproduce.

The Standing Advisory Committee considers it is time a greater degree of sophistication was brought to the design of pattern book housing. This is a large and legitimate sector of the market. It is unrealistic to expect that all medium density development or infill housing will be designed by architects for reasons of cost and personal preference, let alone the restraint on competition that this would impose. Therefore, the design and development industry need to change their approach to cater for the increased standards, which the community expects and a performance-based residential code requires.

10.4.3 Substitution of Alternative Densities

One problem with removing density as a technique is the tendency some councils may have to substitute their own de facto densities when assessing medium density development applications, whether as a policy or an undeclared rule-of-thumb.

⁵⁶ See Marcus Binney, *Town Houses: Evolution and Innovation in 800 Years of Urban Domestic Architecture* (1998) Reed Consumer Books Ltd.

Some may do this through laziness or resulting from a shortage of resources. Sometimes local government may find it is just as convenient to use the technique in *The Good Design Guide* as a starting point as some developers. Similarly, councils may find themselves under political pressure to adopt an easily identifiable measure as to what is acceptable, either to answer developers' queries or in response to residents.

The Standing Advisory Committee acknowledges this is a potential problem. However, the experience of using density as both a guide (under *VicCode 2*) and a technique (under *The Good Design Guide*) has not proved to be highly successful. The Committee considers it is time to adopt a different approach. If density is removed as a technique from the new Residential Code, the Committee recommends that all references to it should be removed. Assessment of what is appropriate development should be left to a consideration of the other objectives and standards within the code, and the planning scheme generally. It should be made clear in the code and any Ministerial Direction that references to density in any overlays, local planning policies or guidelines will not be allowed.

10.4.4 Distinguishing Between Areas Where Different Densities are Appropriate

At present, E1.T1 of *The Good Design Guide* indicates that:

Developments with densities greater than 1:200m² may be located on sites:

- within the inner area of Melbourne defined by a 7km radius from the GPO; or
- on sites larger than 2,000m².

Densities may also be increased or decreased when it can be demonstrated that the objectives and criteria of the Guide as a whole will or will not be met.

The justification for allowing higher densities within 7 km of the Melbourne GPO has been that this is an area where medium and higher density development should be encouraged. It is a characteristic of cities generally that high densities are located closest to the city centre. In the Issues and Options Paper, Standing Advisory Committee suggested that whilst this should not be at the expense of heritage or valued neighbourhood character, it does need to be acknowledged that there are stronger competing interests in these locations than possibly elsewhere.

If density is removed as a technique, the immediate concerns about the 7km radius will be removed also. However, the issue then becomes one of how areas that are suited for higher density development can be distinguished.

One strategy may be the identification by councils of areas of substantial, incremental and minimal change discussed in Section 2.3 on Managing Change. However, the most effective means will be through the articulation of objectives within the policy sections of planning schemes, either the SPPF, a council's MSS or local planning policy.

When *VicCode 2* was first introduced, there was a clear intention to stimulate medium density development in an environment where very little of this housing was being built. Identifying specific densities was one means of setting levels of expectation. Since then, medium density development has gained widespread acceptance within the market with developers keen to supply this product. In general, councils have come to accept it as a legitimate form of housing and become used to assessing it. In addition, the flow of demographic information about household formation and numbers through publications by DOI, such as *From Doughnut City to Café Society* and *Victoria in Time*, has generated a much wider understanding of the forces at work and the need for a more diverse range of housing options in all locations.

The Standing Advisory Committee therefore considers there is now a much greater understanding of the need for and the benefits of medium density development compared to 1993 when *VicCode 2* was introduced. Councils have been required to consider demographic influences on their municipalities through the preparation of a MSS in conjunction with the introduction of their new format planning scheme. The requirement to regularly review their planning schemes will mean that updates of this demographic information will continue to be considered by councils as part of their strategic planning. Councils are also being encouraged to prepare Housing Strategies.

For all these reasons, the Committee considers there is now a level of sophistication in understanding about density that enables it to be dealt with in a discursive form within the planning policy framework without necessarily setting out figures. Councils should be encouraged to gain an appreciation of the densities that exist within their municipalities as part of their surveys of existing building stock. Information about what can be achieved in an 'acceptable' form, which is responsive to various forms of preferred neighbourhood character, should also be disseminated by DOI through Planning Practice Notes.

Inner metropolitan councils affected by the 7km technique ought to have an understanding of the areas within their municipalities where higher densities already exist or can be encouraged, and those areas where neighbourhood character makes similar densities unsuitable. The Standing Advisory Committee considers that the same level of sophistication should be expected from the development industry if it chooses these areas to operate in. There is a range of detailed mapping available within DOI containing information about lot sizes and the like, which can assist both local government and the private sector in this respect. High land values within these areas usually means a higher proportion of developers use architects and other professionals in preparing planning applications, so expectations of high standards are not unreasonable.

The overall conclusion of the Standing Advisory Committee on the issue of differentiating between areas where different densities are appropriate, is that it is best left to expression within the planning policy framework of the planning scheme. This approach can be reviewed if experience demonstrates that this strategy is not adequate to deal with the issue.

10.5 ALTERNATIVE TECHNIQUES

10.5.1 Changing Densities

There was no strong support among submitters that the densities specified in *The Good Design Guide* technique should be changed. Councils and resident groups recognise that the technique is fundamentally flawed because it takes no account of the size of the dwelling and will thus produce variable outcomes. The HIA acknowledges that compliance with density benchmarks does not provide any indication of the likely impacts of the proposed development. There was only one suggestion by a resident group that the standard density should be reduced to 1:500m², which was more a means of eliminating medium density development than making it site responsive.

The City of Kingston is one of several municipalities currently contemplating a local variation to *The Good Design Guide* as a means of implementing its Residential Strategy and Neighbourhood Character Study. Its main strategy is to vary the density technique according to whether the area is within an area of substantial, minimal or incremental change. However, even in areas of substantial change, the densities are not greatly different to the those specified in *The Good Design Guide*.

The danger with specifying any density figure based on numbers of dwellings is that changed circumstances may alter the outcome of its application. Thus the densities specified in the *VicCode 2 Review Final Recommendations* and included in *The Good Design Guide* have been outdated by changes in average dwelling size. Likewise notions of what is acceptable in community terms may also change over time. For this reason, the Standing Advisory Committee does not recommend that density, in terms of numbers of dwellings per square metres, should be used as a standard in the new Residential Code.

10.5.2 Other Techniques

Few submissions suggested alternative techniques. Several people advocated that the concept of density should revert to the number of habitable rooms per hectare. It was also suggested this might encourage more small units.

The Standing Advisory Committee considers this is a difficult concept for most people to grasp or to envisage. It may have relevance in a greenfield situation, but not in the sort of infill situation where such a standard is most likely to be applied.

Plot ratio was another technique suggested for defining density. The Committee agrees that it is probably a more accurate means of describing the intensity of development than the current technique. But for the reasons outlined by the City of Stonnington in Section 10.2.3, it is not useful in assuring built form outcomes that are necessarily acceptable in all circumstances.

Some submissions considered that the allocation of density as the first element in *The Good Design Guide* gives the impression that it should be the starting point for designing medium density housing. An alternative approach could be to prioritise the elements and move density toward the back of the Guide for consideration after other elements.

The Standing Advisory Committee does not support this suggestion because it doubts that it would be effective or change developers' attitudes in any way.

10.6 STANDING ADVISORY COMMITTEE CONCLUSIONS

10.6.1 Benefits of Removing Density as a Standard

Ultimately, it is the context of the site and the responsiveness of the design to the preferred neighbourhood character that will determine how appropriate a particular development proposal is. Experience demonstrates that so long as density is included as a standard, a significant sector of the development industry will focus on it to determine the maximum yield of a site, rather than looking at the context, site characteristics, dwelling size and design response to determine the yield.

The Standing Advisory Committee has concluded that the only way to satisfactorily address this impasse is to remove all reference to density in the new Residential Code so far as it relates to residential development.⁵⁷

The benefits of removing density standards would be twofold:

- Developers cannot use it without proper consideration of the site capacity.
- Councils cannot use it as a mechanism to limit medium density development.

In both cases the primary consideration will be the site and its context.

In some respects it will make it harder for developers, but this is the price to be paid for protecting neighbourhood character and for promoting site responsive design. It is a situation largely brought about by developers themselves as a result of some of the very poor outcomes they have produced. There are other developers who are more responsible and who may consider it unfair that they are being punished for the sins of others. But if in fact they are concerned about the intrinsic qualities of the site, it should make no difference to their analysis of what is appropriate. It may even benefit them by removing an arbitrary constraint, if the site can support a higher density than *The Good Design Guide* techniques would presently allow.

⁵⁷ The concept of density may be relevant in a greenfield situation when considering subdivision. Any reference to density should therefore be within the subdivision section of the new Code, not the development section.

The removal may shock some residents, who might fear that totally unconstrained densities will result. This is not so. The other objectives and standards of the Residential Code should result in outcomes that are both context and site responsive, without the identification of a specified density operating as a maximum or minimum constraint on dwelling yield.

In general, the Committee believes it is only by raising expectations about standards that standards across the board will rise in practice. There will continue to be examples when those standards are not met, but they will tend to stand out and can be used as examples of what not to do. It is the **overall** standards that it is important to raise.

10.6.2 Testing the Proposal

The Standing Advisory Committee recognises that because the proposal to remove density as a technique was not referred to in the Issues and Options Paper, there has not been an opportunity for comment on it, even though there was substantial support for it in submissions received by the Committee. This opportunity should be provided through the consultative process involved with the introduction of the new Residential Code.

The Committee recommends that the new Residential Code should not include any standards referring to density. It should be made clear in the Code and any supporting Planning Practice Notes, Ministerial Direction or other documentation that reference to densities as a means of assessing residential development is not acceptable either formally in any local provisions of a planning scheme or informally in any reference documents, which the responsible authority may rely upon.

10.6.3 Overcoming Disadvantages

The Standing Advisory Committee recognises that if the density standard is removed, municipalities such as the City of Kingston, which have proposed local variations to the density technique of *The Good Design Guide*, will be faced with the need to find an alternative means of implementing their Residential Strategy. The Committee does not consider that the City of Kingston or other municipalities in a similar situation should be disadvantaged by the genuine efforts they have made to respond to previous directions given to local government on the subject of local variations to *The Good Design Guide*.

To avoid disadvantaging them through time and additional expense, the Standing Advisory Committee recommends that DOI should offer special assistance to such municipalities to translate their strategic intentions into a format that fits within the finally accepted framework of the new Residential Code.

10.7 RECOMMENDATIONS

Density

- Density should be removed as a means of assessing whether residential development is appropriate.
- The new Residential Code should not include any standards referring to density. It should be made clear in the Code and any supporting Planning Practice Notes, Ministerial Direction or other documentation that reference to densities as a means of assessing residential development is not acceptable either formally in any local provisions of a planning scheme or informally in any reference documents, which the responsible authority may rely upon.

General

- DOI should offer special assistance to municipalities, which have already carried out work to implement Housing Strategies, to translate their strategic intentions into a format that fits within the finally accepted framework of the new Residential Code.

11. CARPARKING

11.1 INTRODUCTION

11.1.1 Terms of Reference

Carparking was one of the Standing Advisory Committee's extended terms of reference as follows:

1. *Carparking*

The objectives of Element 8 in the Good Design Guide: Car Parking and Vehicle Access are to provide adequate and convenient parking for resident, visitor and service vehicles, to ensure streets and driveways provide safe, manageable and convenient vehicle access to dwellings, and to avoid parking and traffic difficulties in the development and neighbourhood.

The techniques in this element refer to numbers of spaces (E8.T1 and T2), street dimensions (E8.T3), access arrangements to parking and streets (E8.T4 to T7) and parking bay, garage and access dimensions (E8.T8).

Task 2

The Committee is asked to review the existing provisions and advise on:

- *whether compliance with the techniques meets the objectives of Element 8*
- *whether any other standards for carparking and access would better meet these objectives, and*
- *any other matters related to the application of the techniques in Element 8.*

Element 4 of VicCode1 also includes performance measures relating to carparking. These performance measures differ in some respects from those in the Good Design Guide.

Task 3

In view of the Government's intention to issue a comprehensive residential code, the Committee is asked to review and advise the Minister for Planning on a set of performance measures for parking that can be used in the approval process for single dwellings, subdivisions and medium-density developments.

The report is to cover techniques governing the provision of resident and visitor parking.

The Standing Advisory Committee received 45 submissions specifically on carparking. Those from the Cities of Whitehorse, Moonee Valley, Hobsons Bay and Knox were particularly detailed. The submissions in general addressed a wide range of issues, which

impact on carparking but which also have wider implications. The width of roads, for instance, is seen as a particularly unsatisfactory aspect of *VicCode 1*.

11.1.2 Problems

There was a consistency in the problems associated with carparking, which were raised by councils, individuals and organisations. The main issues were:

- Generally, occupant and/or visitor carparking provision is considered inadequate where dwellings are of 2 or more bedrooms.
- In inner areas however, the emphasis on providing on-site carparking compromises the provision of open-space.
- Garages often dominate the streetscape diminishing the overall quality of the built environment.
- Crossovers and driveways adversely impact on neighbourhood character.
- Where lots are narrow, the provision of driveways results in the loss of on-street carparking spaces.
- The concept of tandem parking is a failure in practice.
- The use of garages as storage space force residents to use on-street car parking spaces, which leads to parking problems and congestion.
- The internal dimensions of garages are too small.
- Road widths are not sufficient to accommodate on-street carparking.
- The use of indented parking bays does not work in practice as they tend to be appropriated by nearby residents.

The recent study on behalf of HIA on Medium Density Housing under *The Good Design Guide* identified traffic and parking as one of the major concerns of medium density residents and neighbouring traditional housing occupants. Thirty per cent of neighbours raised concerns associated with traffic and parking. These concerns were identified in the study as relating to:

- *A very narrow street*
- *Parking already restricted or inadequate*
- *Too many cars*
- *Danger for children*

- *Not enough parking provided, so residents will use street*

Twenty-nine per cent of medium density residents raised concerns or identified possible improvements to parking and traffic flow associated with their developments. Half of this group (14.5%) called for the provision of more parking spaces for both residents and visitors.

Although HIA acknowledged that traffic and parking was an important issue, it made the point that in effect 70% of the medium density developments surveyed raise no traffic or parking concerns nor raise parking concerns for neighbours. It also noted that concerns about traffic and parking were generally concentrated around inner areas where traffic and parking concerns exist regardless of new medium density development. It was the view of HIA that:

...[I]n the inner area many people have unrealistic expectations in terms of traffic and parking. A consequence of inner city living means that parking convenience and traffic congestion are traded off for quick access to good locations, services and facilities.

11.2 CURRENT TREATMENT OF CARPARKING AND ACCESS

11.2.1 The Good Design Guide

The full text of Element 8 of *The Good Design Guide*, which deals with carparking and vehicle access, is set out in Appendix F. The objectives and criteria are as follows:

OBJECTIVES

- E8.01** To provide adequate and convenient parking for resident, visitor and service vehicles.
- E8.02** To ensure streets and driveways provide safe, manageable and convenient vehicle access to dwellings.
- E8.03** To avoid parking and traffic difficulties in the development and neighbourhood.

CRITERIA

- E8.C1** Resident and visitor parking should be provided according to likely user needs, taking into account:
- the number, size and type of dwellings;
 - the availability of public transport;
 - the availability of on-street or nearby parking;
 - local traffic and parking management plans and safety considerations;
 - the reduction of on-street spaces associated with the provision of off-street spaces;
 - where existing buildings are being converted to residential use, the amount of land

available for parking.

- E8.C2** Car-parking facilities should:
- be designed for efficient use and management;
 - define shared visitor parking where provided;
 - be reasonably close and convenient to dwellings;
 - be secure or observable from dwellings.
 - be well-ventilated if enclosed;
 - be separated from habitable room windows to reduce noise and fumes entering dwellings;
 - be lit.
- E8.C3** Car parks, accessways and streets should allow convenient, safe and efficient vehicle movements and connections within the development and to the street network
- E8.C4** On main roads the number of access points should be minimised.
- E8.C5** Carparking facilities should not dominate the development or street frontage.
- E8.C6** Parking areas and accessways should be designed, surfaced and graded to reduce run-off and allow stormwater to drain into the site.
- E8.C7** Where any dwelling is remote from a public street, access for service, emergency or delivery vehicles should be provided.

The most relevant techniques for the purpose of discussion in this report are as follows:

TECHNIQUES

- E8.T1** Car parking for residents is provided as follows (with numbers rounded up to the next whole number):
- 1.5 spaces per dwelling; or
 - where the dwellings only have one bedroom or not more than 60m² gross floor area, 1 space per dwelling; or
 - where residents are likely to have a low level of car ownership, 1 space per three dwellings (with a minimum of 2 spaces for the first three dwellings) located to be available to all dwellings on a shared basis.

Parking may be provided in tandem where 2 spaces are provided for one dwelling.

- E8.T2** Visitor and service vehicle parking is provided as follows:
- 1 space per five dwellings (to the nearest whole number); or
 - on-street where there are no parking restrictions and there is no body corporate space in the development.

E8.T5 A turning space is provided so cars can enter and exit a road forwards where an accessway:

- serves 5 or more car spaces; or
- serves three or more dwellings; or
- connects to a main road.

Such accessways should be at least 3m wide at the throat, flared 60° to the property line, and have 3m radius turn-outs at the kerb.

E8.T8 Car spaces have minimum dimensions of:

- 4.9m length by 2.6m width;
- where access is from the side, 6.7m length by 2.3m width;
- within garages or where contained by walls, 6m length by 3m width for a single space or 6m length by 5.5m width for a double space.

A building may project into the space if it is at least 2.1m above the space.

E8.T12 The amount of street frontage of a site taken up by accessways or car spaces is limited to a maximum of:

- 40 per cent where the total frontage is 20m or less;
- 33 per cent where the total frontage is more than 20m

E8.T13 Garage doors are set back a minimum of 5m from a street if practicable to allow cars to pull off the road before opening the doors.

11.2.2 VicCode 1

The full text of Element 4 of *VicCode 1*, which deals with vehicle parking, is set out in Appendix G.

There are many similarities in the objectives and criteria, although the wording varies in detail. Some of the performance measures are the same as techniques in *The Good Design Guide* (eg dimensions of carparking spaces, setback of garages from frontage) whereas others vary in their approach (eg width of crossovers is expressed as a quantitative assessment standard in metres in *VicCode 1* compared to the contextual assessment standard expressed in percentage terms in *The Good Design Guide*).

One important difference is the number of carparking spaces. *VicCode 1* provides as follows:

PM1 Provision of two carparking spaces per dwelling, which may be in tandem, one capable of being covered.

Until 1997, PM1 and PM2 of *VicCode 1* were a requirement of the Building Regulations in the approval of Class 1 and Class 10 (detached houses and domestic outbuildings) buildings. However, the requirement for detached houses to provide carparking in accordance with these performance measures was removed in 1997. This means that *VicCode 1* now has no bearing on residential development so far as these requirements for carparking are concerned. It also means that detached houses are not required to provide carparking. The problems which this has given rise to, were discussed in the Issues and Options Paper in Section 3.3.3-6.

11.3 PHILOSOPHY

11.3.1 Objectives

The fundamental objective of both *The Good Design Guide* and *VicCode 1* is to provide “adequate [sufficient] and convenient parking for resident, visitor and service vehicles.”

Environment Australia was the only submitter to directly question this objective. It interpreted the objective as being to make carparking easier for people. It was submitted that instead, the objective should be to encourage the minimum number of cars per household. Other submitters also made comments about the need to discourage car usage, although they did not directly question this objective.

It is not part of the terms of reference of the Standing Advisory Committee to review this objective. Its task is to advise on whether the techniques in Element 8 of *The Good Design Guide* in fact meet the objectives of Element 8. In any event, the Committee does not necessarily agree with Environment Australia in its interpretation of this objective. It considers that the range of matters identified in E3.C1 offer councils the opportunity to interpret what is ‘adequate’ parking in their municipalities and to possibly limit car usage if they wish through the use of local traffic and parking management plans. When the new Residential Code is drafted, this terminology should be revised to refer to parking precinct plans. Parking precinct plans are now provided for in Clause 52.06 of the VPPs.

What is adequate and convenient parking will vary from place to place. However, as a general objective to govern the provision of carparking in association with residential development, the objective has wide support and the Standing Advisory Committee considers it is appropriate.

The City of Whitehorse suggested that the objective should be amended to refer to ‘on and off street’ as a means of acknowledging that both play an integral role in meeting the parking demand generated by new development.

Whilst the Standing Advisory Committee agrees that both forms of parking are important, they are really strategies rather than objectives. In other words, they are both a means of achieving adequate and convenient parking, which is the objective. For this reason, the

Committee does not consider that on and off street parking need to be referred to in the objective. Their importance could be acknowledged in the policy basis or the policy itself.

The City of Whitehorse also submitted that a new objective should be included as follows:

To ensure that the provision of parking reflects the nature of the development, size of dwellings and the range of household types that may reside in the proposed dwellings in the future.

Again, the Standing Advisory Committee considers this is a strategy to implement the objective to provide *adequate* parking. It does not need to be stated as an objective in itself.

11.3.2 Sustainable Development – Balance Between Cars and Community

The City of Whitehorse drew attention to the apparent conflict in *VicCode 1* between the objective in O2 of Element 4 - to ensure that parked vehicles do not obstruct the passage of vehicles on the carriageway or create traffic hazards - and the criterion in PC1 relating to “*the effects of on-street parking to slow vehicle speeds and enhance the pedestrian environment.*”

VicCode 1 is imbued with much of the philosophy underlying the notion of ‘traffic calming’. This is evident, for example, in the classification of residential streets in Table E6-1 to PM2 of Element 6. It is also inherent in the performance criterion PC1 referred to above. The philosophy is that cars should be subservient to pedestrians in residential streets. Through design features, such as the width of roads and the way in which carparking is provided, the speed of traffic can be slowed, a more pedestrian-friendly environment created and cars are generally discouraged.

However, certain sectors of local government question whether this theory is working in practice. Residents complain about excessive on-street parking. The narrow widths of *VicCode 1* access streets are a major cause of dissatisfaction to councils because of the parking problems they generate.

With respect to the philosophy underlying the performance criteria and performance measures in *VicCode 1*, such as PC1, the City of Whitehorse had this to say:

It is our experience that...the use of on street parking to slow vehicle speeds and enhance the pedestrian environment, results in more detriment than benefit. It seems to be ill founded that on street parking is to be used as a speed deterrent when logic would indicate that appropriate speed limits or other speed reducing measures are far more effective...

This Criteria does not address the central issue of ensuring that an appropriate road environment and network is created to ensure that speeds are suitable for the role of the road. If vehicles alone are to be used to reduce speed we are concerned about the

consequences when no vehicles are parked on the road. It is essential, therefore that road design provisions alone deal with the issue of speed without the reliance on other obstacles that may not exist all the time.

A number of the estates that have been designed on this ill founded theory have led to numerous complaints from residents regarding the traffic hazards and congestion caused by extensive on street parking. We challenge the theory that on street parking increases safety due to the fact that it result in only one car being able to move through higher order streets, leading to frustration and confusion. This, in fact, increases the danger to pedestrians and other drivers.

As will be seen from Section 11.6.1, there is strong support by councils to increase road widths under *VicCode 1* as a means of providing better on-street parking. However, any moves to change the standards relating to roads may challenge the philosophy underlying these provisions of *VicCode 1*. It is not part of the terms of reference of the Standing Advisory Committee to undertake this task, nor has the matter been canvassed with the development industry or the wider community as part of this review.

The dominance of cars in our society and our reliance upon them is a major challenge to developing a sustainable environment and a livable community. In meeting this challenge, tensions will inevitably arise from any form of demand management approach.

At one end of the spectrum, cars can be totally provided for, with enough carparking to satisfy all demands and roads wide enough to accommodate all traffic without delays or congestion. This is the mindset that promotes the proliferation of freeways. It promotes urban sprawl in the form of large freestanding shopping and commercial centres in the interests of providing greater ease of access – in other words, without the traffic congestion, which higher densities of urban activity produce. It also promotes reliance on the car as a means of access, which in turn disadvantages people without vehicles. In this environment, public transport is downplayed and undervalued.

At the other end of the philosophical spectrum, private vehicles can be totally discouraged by a range of pricing mechanisms and demand management techniques. These include not providing parking, increasing concentrations of urban activity and promoting activity centres so people can access work, leisure, retail and other facilities by walking, cycling or public transport. Road capacity is limited by not building additional roads or limiting access to commercial and essential traffic only. In residential environments, the car is made subservient to pedestrians. The implications of this approach are that traffic is congested, delays result, parking is always difficult and hazards may be produced where cars and pedestrians are forced to mix.

Some American cities represent the first model: some European cities represent the second. Victoria has chosen a middle course. This is represented by the objectives of urban consolidation, many of the provisions of *The Good Design Guide* and, in particular, by the road provisions in *VicCode 1*. Of course, these matters have other rationales as well.

Reduction in overall costs to the community and efforts to maintain the affordability of housing are two.

There is no doubt that the measures in *The Good Design Guide* and *VicCode 1* at times contribute to the inconvenience of urban living. On-street parking in some locations is becoming difficult; traffic movement is constrained and vehicle speeds are slowed. But there have been benefits as well. Housing in Victoria is generally far more affordable by comparison with cities such as Sydney and overseas. Population losses in inner areas have been reversed and growth on the fringe slowed. Activity centres have been a focus of growth. Public transport has been retained.

The Standing Advisory Committee considers that to change any parts of the philosophic equation, in terms of overturning the principle of urban consolidation, as some submitters have suggested, or altering the standards applying to roads, as some councils have suggested, requires very careful thought about the implications and whether a net community benefit will result.

For this reason, the Standing Advisory Committee has been cautious in the changes it has recommended about carparking and additional access standards. It has recommended no changes to road widths. There are some detailed matters raised in submissions, such as the dimensions of court heads, that should be reviewed on a technical basis in the course of preparing the new Residential Code.

In broader terms, the Standing Advisory Committee recommends that if the Government considers that the road and associated provisions presently found within *VicCode 1* and *The Good Design Guide* warrant further investigation, this should be undertaken as part of a broad review, which involves widespread consultation. Such review should address the philosophy and objectives of these provisions as well as their cost implications.

11.4 NUMBER OF SPACES

11.4.1 Resident Parking

The basic number of carparking spaces required under *The Good Design Guide* is 1.5 spaces per dwelling (see E8.T1). No submissions supported this figure as being appropriate. It was considered to result in either too much carparking being required, especially for small one or two bedroom dwellings in inner areas, and not enough for larger dwellings or in the outer areas. Although, not raised as an issue by submitters, it is also an impractical figure to be applied to single dwellings.

There was a general consensus among submitters that the number of carparking spaces should be linked to the number of bedrooms in a dwelling.

David Mayes & Associates submits that in their experience as designers and developers of small medium density developments (2-10 units) one carparking space per 2 bedrooms is needed: 1.5 spaces per dwelling is too high. This is also supported by Hansen Partnership and the municipalities of Nillumbik and Moonee Valley. On the other hand, municipalities such as Hobsons Bay and Casey support 2 carparking spaces for all dwellings.

The Shire of Nillumbik submitted:

Council's view is that there is a greater relationship between carparking spaces and numbers of bedrooms than carparking spaces and number of dwellings. For E8.T1, Council supports the second dot point requiring one space per one-bedroom dwelling. It is suggested that this be expanded to require one space for a two-bedroom dwelling, two spaces for a three-bedroom dwelling and three spaces for dwellings with four or more bedrooms.

To circumvent 'studios' or 'studios' being used on plans to disguise additional bedrooms, studios and studios should be included as bedrooms in carparking assessments as above.

David Mayes & Associates suggests an alternative approach to the assessment of 'adequate' provision of carparking:

Instead of 'car ownership', 'car dependency' should be used as a factor to measure adequate provision. 'Car dependency' is context sensitive and less socio-economically biased. Good pedestrian access to public transport and services reduces dependency and justifies lower provision of on-site parking. In the contrary context, high car dependency should justify higher parking provision.

The RAIA is also concerned about the impact that encouraging a higher provision of carparking may have on affordability and overall car usage:

The RAIA supports the development of new housing at the affordable end of the scale, where there is generally lower car ownership or dependency, particularly in areas where there is a reduction of available affordable housing stock yet there exists supporting infrastructure and social networks. The provision of increased carparking requirements in these areas would reduce the capacity to provide affordable housing in these areas.

Additionally, it is generally accepted that increased carparking encourages greater car use. The RAIA believes there needs to be an assessment of whether urban consolidation will continue to thrive and be of benefit to the community through less use of cars and a better use of existing and improved use of public transport. In any event, the impact of likely increased car use and its impact on the environment warrants consideration in the formulation of new residential guidelines.

On the other hand, Richmond RAID made an important point about the assumption that living in inner city locations necessarily brings with it lesser car ownership. The ABS statistics for the City of Yarra demonstrates higher car ownership in the past 5 years. One of the main problems has been the assumption that residents don't or won't want cars. Residents may still own a car even where they may travel to work, school or other daily tasks by public transport but retain a car for recreation, shopping or social travel, particularly across town. Thus there will need to be adequate vehicle accommodation on site for the car during the day.

The Standing Advisory Committee considers that in today's society a car is a normal possession in most households and there is a demonstrable connection at present between the number of cars and the number of occupants per household. For this reason, it is reasonable to link the provision of carparking spaces to the potential size of the household. The simplest mechanism for doing this is to use the number of bedrooms per dwelling as the basis for calculating the number of carparking spaces required.

As the default standard in the new Residential Code, the Standing Advisory Committee recommends:

- 1 space per one or two bedroom dwelling
- 2 spaces per three or more bedroom dwelling

Studies or studios, where these are separate rooms, should be considered as bedrooms in calculating the number of carparking spaces required.

In areas of high car dependency, such as Casey or Knox, the number of spaces required may be increased by means of a local variation. This should be justified on the basis of local circumstances. Likewise if a council feels it is necessary to differentiate between parts of its municipality in the provision of carparking, it should do so by means of a local variation. The sorts of matters that should be considered are identified in E8.C1 of *The Good Design Guide* and Clause 52.06 of the VPPs.

However, the implications of requiring additional car parking spaces on issues such as affordability and sustainability need to be considered when proposing any local variations. In areas with relatively low land values, requiring more car parking spaces may serve to make new development uneconomic. It will also result in more hard paved surface areas and less space for landscaping.

However, notwithstanding the point made by Richmond RAID about access to public transport not necessarily influencing car ownership rates, a balance based on net community benefit is required between providing for carparking that is 'needed' and encouraging car ownership. This is a matter that the City of Port Phillip, for example, is currently grappling with. In other words, demand management is a legitimate tool to be used in influencing the rate of car ownership and use. It can be used in relation to the provision of carparking spaces just as much as to the provision of roads or to other commodities, such as water. In this context, it may be quite legitimate to provide no carparking spaces. But the Standing Advisory Committee considers that the way to do this is in the context of a parking precinct

plan. Parking precinct plans offer an opportunity to fully incorporate the principles and implementation measures that will apply. They are also a mechanism already recognised by the VPPs.

The Standing Advisory Committee therefore considers that a local variation to the default standards of the new Residential Code is appropriate for a simple substitution of the number of carparking spaces to be provided where the objective remains one to provide 'adequate and convenient' parking. However, if the objectives are more complex and go beyond this into issues such as demand management, they should be implemented by alternative means, such as the parking precinct plan provisions of Clause 52.06.

Similar comments apply to the sort of special circumstances described by Surfcoast Shire Council, which considers that the number of spaces required per dwelling is insufficient for dwellings in coastal townships for the following reasons:

- *Large proportion of dwellings are used by non-permanent residents during holiday periods. This often involves extended family and short-stay visitors who drive private cars. As such the residents are likely to have a high level of car ownership with high probability of at least two cars per household.*
- *Public transport within the shire is extremely limited and often non-existent.*
- *The population in the various townships can swell by many thousand during the summer period significantly reducing the availability of on-street parking.*

The Standing Advisory Committee considers that a far more thoughtful and sustainable response needs to be given to this problem than simply increasing the number of car parking spaces to be provided in connection with each new dwelling, the majority of which may be unused for most of the year.

Different ways of handling these issues should be sought. The same applies to the circumstances described by Richmond RAID. There is no reason to assume that accommodation for residents' cars, which are not used during the day, necessarily needs to be provided on-site. Why can't such accommodation be provided in commercial car parks within the precinct?

The Standing Advisory Committee considers it is likely that an increasingly wide range of housing models will develop over time to meet the needs of different groups and demographics, eg students and aging communities. The Committee supports the view that there are fundamental livability standards, which all dwellings should meet. But there should be sufficient flexibility to meet different needs with respect to things like carparking. For instance, it is not sound to say that the supply of carparking for student housing in proximity to Melbourne University in Carlton should necessarily be the same as for Monash University in Clayton. Likewise, locationally different models are likely to evolve, such as in urban villages.

Care should be taken in drafting the new Residential Code to ensure there is sufficient flexibility to cater for these different models. As the experience with *The Good Design Guide*

has demonstrated, it is wrong to assume that one size fits all. With respect to carparking, parking precinct plans offer one mechanism for providing for different models.

11.4.2 Visitor Carparking

The City of Whitehorse was one of the few submitters to specifically take issue with the number of visitor carparking spaces required by *The Good Design Guide*. This is surprising given the concerns frequently raised about the pressures for on-street carparking generated by infill medium density development in established residential streets. The City of Whitehorse considered that 2 visitor spaces should be provided for every five dwellings to reflect the levels of car ownership within the community, with an opportunity to dispense with this if necessary. The Nillumbik Shire Council suggested a sliding scale of visitor carparking rates depending on the number of dwellings – 1 space for lots containing two or three dwellings, 2 spaces for four to six dwellings, 3 spaces for seven to nine dwellings and so on.

The concerns raised by other submitters all related to the location of visitor carparking spaces.

Providing tandem visitor carparking was considered totally impractical, as can be seen from the comments below relating to tandem parking. Likewise, providing visitor parking where there is no ready access is also impractical. As the City of Manningham said:

Some designers appear to be of the opinion that visitor spaces can reasonably be allocated to within lock-up garages. This of course is a nonsense in a real life situation.

This comment was echoed by Macroplan, which said:

Whilst spaces may be identified as 'visitor parking' on the plans, they often become assigned to a specific dwelling within the development. In some instances there have been problems with residents regularly parking their vehicles in areas intended for visitor parking. On other occasions, the visitor spaces can only be accessed by persons with an access key or number, making the space(s) an impractical option for visitors...we believe that if the Guide is going to continue to recommend that visitor spaces are provided within the site they should be readily accessible and clearly marked for this purpose.

The City of Melbourne suggested that one means of handling visitor carparking in such circumstances would not be to refer to it separately, but to factor it into one overall carparking rate for medium density development. However, no practical suggestion was made as to how this might be done or how access could be assured.

The City of Manningham also pointed to the problems associated with larger development sites located on busy roads where on-street parking is constrained or dangerous. In these instances the minimum visitor carparking requirement of 1 space per five dwellings can be inadequate.

The Standing Advisory Committee does not consider there is a sound basis for altering the number of visitor carparking spaces required for new residential development. There is a general acceptance within the community that visitor parking should be in the public domain, particularly as visitors may be strangers. This means that the preference should be for on-street parking to be available for visitors whereas resident parking should be provided on-site. The new Residential Code should aim to ensure that resident parking does in fact occur on-site rather than on-street. The following recommendations are aimed at achieving this:

- Changes to the number of carparking spaces required
- Requiring minimum storage space to be provided so that garages are used for parking not storage
- Increasing the internal dimensions of garages so it is easier to use them
- Requiring at least one carparking space to be undercover and setback the minimum front setback distance. This, together with the requirement to set back garages a minimum of 5m if practicable, will mean that with one and two bedroom dwellings, there is usually space in front of each garage for an additional car to be parked in tandem. This will effectively increase the amount of on-site parking for visitors or service vehicles in many instances.

These measures should reduce the pressures on parking in the street and make it more available for traditional use by visitors. Where there are a significant number of new dwellings, additional visitor parking should be provided on-site. However, it must be practical, easily identifiable and accessible. Visitor carparking spaces should not be provided in tandem or in locked areas. They should be clearly marked as visitor parking. If they are not obviously visible from the road or main accessway, there should be clear directions to their location. If the surrounding road network restricts on-street parking or makes it unsafe, councils should be able to require more on-site visitor parking.

11.4.3 Tandem Carparking

Both *VicCode 1* and *The Good Design Guide* allow parking to be provided in tandem where 2 spaces are provided for one dwelling. But as the City of Greater Geelong says:

The concept of tandem parking may seem satisfactory in theory but is a failure in practice. Invariably, the “tandem” visitor spaces are used by the permanent occupants with the consequent pressure for on-street parking. This is particularly a problem in cul-de-sac locations or where multi-units exceed two per site.

The City of Casey made similar comments:

Visitor spaces within larger developments should be required in areas of common property and not in tandem with garages. Visitors cannot be expected to park in tandem spaces in front of strangers' garages or carports.

This represented the overall consensus emerging from submissions. It was generally felt that tandem spaces should not be encouraged unless it can be demonstrated there will be no conflict with other residents and the space is located conveniently to access the dwelling.

The Standing Advisory Committee considers that additional visitor carparking for developments of five or more dwellings should definitely not be provided in tandem. With respect to resident carparking, ideally spaces should be capable of being separately accessed. However, particularly where lot widths are narrow, tandem parking provides a means of avoiding double garages, crossovers and driveways, which may dominate the streetscape. A single crossover and driveway beside the house is also a characteristic feature of many inter-War suburbs.

The Committee has elsewhere recommended that the number of carparking spaces required for one and two bedroom dwellings should be reduced to one. However, the combination of its other recommendation to require at least one carparking space to be undercover and setback the minimum front setback distance,⁵⁸ together with the requirement in E8.T13 to set garages back 5m where practical be from the street frontage, will mean there is usually space in front of each garage for an additional car to be parked in tandem. The indirect but practical outcome of this will be to effectively provide one visitor car parking space on-site or an additional resident car parking space. Because the provision of this space may be over and above the number of resident car parking spaces required by E8.T1, and is not a visitor car parking space required by E8.T2 (see Section 11.4.2), there is no reason why this additional space should not be in tandem.

The Committee considers the best means of dealing with the concerns of councils about tandem parking is to remove the specific reference to tandem parking in the standard that replaces E8.T1, but not to prohibit it. It should be left to councils to determine if there are issues of neighbourhood character which justify the use of tandem parking or otherwise.

Elsewhere, the Committee has recommended preparation of a Planning Practice Note that deals with the treatment of garages. It considers a Planning Practice Note should also provide guidance about when tandem parking may or may not be appropriate, as well as design advice about driveways and crossovers.

⁵⁸ In the Issues and Options Paper, Section 3.6.3-6 addressed the issue of garages and carports in the front setback. As a result, Option 19(a) proposed an additional standard that:

At least one car parking space per dwelling is under cover or set back the minimum front setback distance calculated by reference to E6.T1.

11.5 ON-SITE VERSUS OFF-SITE PARKING

11.5.1 Impact of Carparking on Neighbourhood Character

Many councils drew attention to the adverse impact on streetscape that the proliferation of double garages, unduly wide crossovers and driveways, and the intrusion of garages and carports into front setbacks can have. The Standing Advisory Committee considers that many of these impacts can be ameliorated by its recommendations to:

- Require garages and carports to be setback in line with any minimum front setback
- Publish a Planning Practice Note with design guidance about how to reduce the visual impact of garages, driveways and crossovers.

However, there remains the issue in many inner suburbs, which largely predate the motor car and are typified by narrow lot frontages, that the provision of **any** garages fronting the street or the provision of **any** driveways and crossovers will be intrusive elements in the streetscape.

The North and West Melbourne Association raise this issue and appear to suggest that on-site carparking should only be provided at the rear of the site. However, in another part of its submission, the Association notes:

The use of rear and side laneways for access to multi-unit residential developments can significantly increase traffic movement levels on the lanes. This can negatively impact on the amenity of adjoining residential properties.

This appears to give rise to a no-win situation.

The role of streets and lanes in establishing the neighbourhood character of an area was raised by several other submitters. Richmond RAID said:

We would encourage stronger recognition of the role the lanes and secondary streets in this part of Melbourne have played ie that of a servicing role. Where the rear access has been historically provided that role should be maintained, not the opportunity to create a street frontage for a dwelling and compromise the useful function and hierarchy of access points the narrow streets and lanes provide.

David Mayes & Associates commented on the role of small streets and the contribution they make to the permeability and fine grain of neighbourhoods:

In a dense urban setting streets need to function on several levels at once – a means of getting to and from the neighbourhood, a means of passing through the neighbourhood, as a place for recreation, play, meeting, etc and finally as a location for some large trees.

The Standing Advisory Committee considers that the traditional role of rear and side laneways for access should continue and be encouraged. Whilst this may result in increased traffic, it is the appropriate place for this to occur. The concerns about impact on amenity, which the North and West Melbourne Association raise, should not override the access role, which these laneways play. The Committee considers it is more important to provide rear access where possible in order to protect neighbourhood character from the disruptive intrusions of crossovers, driveways and garages, than to worry about the increase in traffic this may occasion.

In terms of using lanes and small streets to create frontages for new dwellings, the Standing Advisory Committee considers that such proposals need to be treated on their own merits. The Committee can see no reason in principle why this should not occur, subject to appropriate conditions. This may include the provision of additional on-site visitor car parking spaces because, due to their narrowness, the use of these lanes and streets for parking may not be appropriate. The establishment of dwellings fronting these little streets and lanes adds to their life and interest. Dwellings encourage more pedestrian activity and are an example of the city's evolution. Concerns that they create conflict between pedestrians and traffic ignore the philosophy referred to in Section 11.3.2 that in a residential environment, there should be a sharing of space between pedestrians and motor vehicles. The Committee sees an expansion in the role of little streets and lanes, in terms of providing a street frontage for new dwellings, as reinforcing their significance rather than compromising it.

The City of Whitehorse drew attention to the situation in its municipality where many developments have two driveways. This is a common feature of 'dual occupancies'. It is a means by which applicants seek to avoid common property and hence the need for a body corporate. The front dwelling will have a short driveway whilst the rear property is located on a battleaxe shaped lot with a long driveway running down the side of the front dwelling.

Whilst this may be convenient for the applicant and future owners, the provision of two crossovers within a very short distance can be detrimental to the streetscape. The City of Whitehorse suggests that the standard in E8.T12 should specify that the use of double crossovers should be avoided and used only where there is no alternative design solution.

As a general principle the Standing Advisory Committee agrees that double crossovers should be avoided. However, individual councils really need to determine their own policy about whether they should insist on single crossovers in the interests of protecting the streetscape, even though it may not be so convenient for the applicant and future owners because a body corporate will be required. It is appropriate for a Planning Practice Note to give guidance about the benefits of avoiding double crossovers but the Standing Advisory Committee does not recommend any changes should be made to the standards in E8.T12 in this respect.

11.5.2 Privatisation of Public Space

Another concern, which arises when off-street carparking is provided in inner suburbs characterised by narrow lot frontages, is the loss of on-street carparking spaces caused by the provision of crossovers. In many instances, there are no more spaces provided on-site than are lost off-site. This effectively results in the privatisation of these public on-street carparking spaces. In other words, carparking spaces are lost from the public domain, where they can be potentially used by anyone, and made available for the exclusive use of the residents of the dwelling.

This problem is particularly chronic where there is no rear access to sites via laneways. It is exacerbated when the streets themselves are narrow.

The Standing Advisory Committee can see no easy solution to this dilemma. In many respects, increased congestion in these inner areas cannot be avoided so long as motor cars are in common ownership. It is one of the inconveniences that people must be expected to trade off in such locations against their ease of access to services and facilities, and the availability of public transport. Certainly, the Committee does not consider that increased congestion is a reason to discourage residential development. As submitted by David Mayes & Associates:

These small piecemeal developments [on infill sites] are essential to the revitalising of these existing centres with local residential populations whilst retaining the existing grain and heritage.

They are areas often best suited to development at higher densities because of their location, and they are also extremely popular places to live.

In terms of neighbourhood character, individual councils will need to consider the implications of a reduced requirement for resident carparking spaces for one and two bedroom dwellings should this be adopted as a standard in the new Residential Code. With only one space required, there may be no net gain by requiring this space to be provided on-site if there is no rear access. It may be preferable in such cases to adopt a policy not to require on-site carparking if the number of on-street carparking spaces lost through the provision of crossovers equals the number of on-site spaces provided.

Where there is a combination of narrow lot frontages, narrow streets, no side or rear access and a neighbourhood character which will not accommodate substantial numbers of new crossovers, a further option for councils to consider is the possibility of identifying these areas as ones where only limited additional dwellings will be encouraged. These features are all constraints on development and it may be quite legitimate to acknowledge this in the interests of managing change and dealing with neighbourhood character. Alternatively, other options may be to develop a parking precinct plan, which provides for carparking in some other location or establishes a parking limitation policy. Whatever path a council chooses though, the Standing Advisory Committee considers it must be straightforward in describing all the

practical implications. The solutions also need to be developed in a balanced and strategic fashion.

In summary, the Committee considers that encouragement should be given to councils to develop solutions to manage change in their municipalities and to take account of neighbourhood character in ways that suit their own circumstances. The problems associated with on-street versus off-street parking discussed here are not open to a generic solution. As a consequence, the Standing Advisory Committee does not consider that the standard in E8.T12 about the amount of street frontage that can be taken up by accessways or car spaces should be altered.

11.6 ACCESSWAYS AND ROADS

11.6.1 Width of Roads and Accessways

One of the main impacts of *VicCode 1* was to reduce the width of many suburban streets to 5m or 5.5m. On access streets, parking is provided within the carriageway. On collector streets, parking is provided by means of indented bays.⁵⁹

By far the most common criticism about *VicCode 1* by councils are the parking problems associated with pavement widths less than 7.5m. In these streets, vehicles commonly park in such a manner to prevent access along the street. This results in vehicles driving on the nature strip to get past these blockages, difficult access by service and emergency vehicles, and residents being unable to back out of their properties because of vehicles parked opposite. As the City of Hobsons Bay says:

The presumption that people will park in an orderly manner to prevent such problems is false.

In streets where parking is provided by means of indented bays, a common experience has been that adjoining residents take ‘ownership’ of the bays and utilise them for ‘private’ purposes such as trailer or boat parking, often resulting in neighbourhood disputes.

The submission by the City of Whitehorse documents these problems particularly well and provides some graphic illustrations. There was a general consensus from local government that road widths should be sufficient to accommodate on-street parking. Indented parking bays should not be provided as an alternative.

The situation has been potentially complicated by recent changes to the road laws, which prohibit parking on rollover kerbs. Most *VicCode 1* subdivisions have rollover kerbs.

In Section 11.3.2, the Standing Advisory Committee discusses the philosophy, which underlies the objectives and performance measures in *VicCode 1*. The conflicts that the

⁵⁹ See Table E9.1 of *VicCode 1*

implementation of this philosophy has produced in practice are summarised by the City of Whitehorse in the following terms:

In our view, VicCode 1 has tried to change the traditional role of roads as a provider of access and on street parking by reducing road widths. It is obvious that in the mindset of the general public, roads still play a primary role in parking provision. All that has happened is that the road widths have reduced without any change in the habits of residents and visitors alike which leads to congestion, complaints and substantial problems for service vehicles to gain access to these estates.

One of the critical streetscape elements that is characteristic of middle ring suburbs is the sense of space and environment provided by the road reserve. The street trees and wide accessways are an integral aspect in the high level of amenity most of these areas enjoy. It is evident that some of the estates produced by VicCode 1 do not enjoy this same level of amenity as the main accessway is clogged by parked vehicles and there is no sense of space or areas to plant quality vegetation.

We believe that the role of main accessway in creating the amenity of the estate is even more underlined by the higher density of dwellings in these newer estates. More than ever, the nature strip and the main thoroughfare plays a significant role in setting the context for an estate given that setbacks have been reduced and lot sizes are relatively small. It is our experience that the more successful estates where residents enjoy a high level of amenity are those with street designs that exceed VicCode 1 requirements.

The difficulty, which the Standing Advisory Committee faces in making a response to this submission, is that the same sorts of issues were raised in the Review of *VicCode 1* in 1996. The Final Report of the Advisory Committee undertaking this review did not make any significant recommendations about the issue. Instead, the Advisory Committee noted in respect of submissions, which it had received, that:

None of the suggestions made to the Committee examined cost implications and the Committee is aware that any changes to the performance measures set out under this element [Element 9], particularly those affecting road widths, drainage and sewerage and intersections, could have dramatic cost implications. These are the areas in which VicCode 1 has had most impact on the cost effective delivery of residential development and it would require careful scrutiny of the cost involved and implications for consumers before these fundamental performance measures could be changed.⁶⁰

The sort of criticism being raised by the City of Whitehorse about the standards of *VicCode 1* and its underlying philosophy underlying them have been around for some time. However, the Standing Advisory Committee does not consider that in the circumstances of this review, or on the material before it, it would be justified in making any recommendations to change

⁶⁰ Final Report; Advisory Committee for the Review of the Victorian Code for Residential Development – Subdivision and Single Dwellings (December 1996), page 44

the provisions of *VicCode 1* (or *The Good Design Guide*) with respect to road widths or the provision of on street parking. The cost implications alone of changing the standards are an important consideration apart from the wider philosophical issues discussed in Section 11.3.2. the place for a consideration of these issues is in conjunction with any review of overall road standards the Government may choose to undertake.

However, this does not apply to matters such as the implication for design standards for roads as a result of recent changes to the road laws relating to parking on rollover kerbs. This matter should be considered as part of the preparation of the new Residential Code with the input of any necessary technical advice.

11.6.2 Private Driveways versus Public Streets

The City of Hobsons Bay raises issues associated with internal accessways, which are effectively streets but which are not constructed to Council standards for streets, when there is a request by the Body Corporate for the Council to take over their management and upkeep.

The Standing Advisory Committee considers that the standards of construction for accessways may cause long term problems, especially where the developments are large and the accessways serve a substantial number of dwellings. The cost of maintaining what are effectively streets may prove too much of a practical burden for Bodies Corporate or too much of a financial burden for future members of the Body Corporate. This is particularly likely if the accessways have not been initially constructed to the same standard as a public street, simply because it is considered by the council to have been a ‘private driveway’ and the developer has been keen to save costs.

Under *The Good Design Guide*, the width of accessways is specified but not other standards of construction, such as set out in Elements 9 and 10 of *VicCode 1*.

This is not a matter that arises directly under the Committee’s terms of reference. Nevertheless, it should be considered in the process of amalgamating the provisions of *VicCode 1* and *The Good Design Guide* into a new Residential Code. As a matter of principle, it would appear that the same design and construction standards should apply to the construction of roads and accessways, irrespective of whether they are public or private. The governing factor should be the amount and type of traffic they will carry and the role they will serve, not their ownership.

The Standing Advisory Committee therefore recommends that in preparing the new Residential Code, it should be resolved whether the same standards should apply to all aspects of road construction, irrespective of whether they are intended to be in public or private ownership.

11.6.3 Exiting in a Forward Direction

E8.T5 of *The Good Design Guide* sets out the standards for when a turning space must be provided so that cars can exit a site in a forward direction. The City of Moonee Valley submitted that where an accessway serves two dwellings and/or the dwelling is located toward the rear of the site, it is considered unacceptable to allow vehicles to reverse almost the entire length of the block, especially in instances where they are required to reverse past another dwelling. In these circumstances, cars should be able to turn around and leave the site in a forward direction. It is felt that this technique would be improved if turning areas were required where an accessway:

- *serves 3 or more car spaces; or*
- *serves 2 or more dwellings; or*
- *connects to a busy roads; or*
- *is required to pass by another dwelling.*

The Standing Advisory Committee considers it is important when designing medium density development that movement by vehicles is not so tight that it creates safety, amenity or practical problems. It can be seen with respect to the dimensions of garages and the lack of storage how the failure to provide these basic facilities causes flow-on problems with parking and congestion on streets. The same may be true, although in a slightly different context, with respect to the provision of turning spaces. Constraints on the ease of movement within medium density development appears to be one of the concerns arising out of the HIA Study on Medium Density Housing under *The Good Design Guide*.

However, to require the provision of a turning space in all the circumstances suggested by the City of Moonee Valley would add extra costs to development, as well as increasing the amount of hard surface area and space devoted to motor vehicles. It needs to be queried what difference there is in a car reversing past another dwelling compared to driving past it in a forward direction. If it is a safety issue, an accessway connecting to a main road must already be provided with a turning space. In other circumstances, it should not be forgotten that cars must reverse out from many existing dwellings. The suggestions would discriminate against small dwellings. For example, cars from a five bedroom house with a two or three car garage could reverse out, but a two unit duplex one above the other would be required to provide a turning circle.

The Standing Advisory Committee is not satisfied there is sufficient justification on the basis of the submission by the City of Moonee Valley to alter the standards in E8.T5.

With respect to this issue, the Committee notes the provisions of the present Good Design Guide Practice Note 9 on Residential Carparking and Access Issues, which addresses the provision of a “*manoeuvring area*”. The Standing Advisory Committee supports the principle of encouraging manoeuvring areas where possible, but queries whether a manoeuvring area is different to a turning circle.

In preparing the new Residential Code, the Standing Advisory Committee considers that care should be exercised to avoid any ambiguity where dimensions are expressed between the Code and any Planning Practice Notes and their respective status.

As a matter of detail, the Committee does not support changing the reference in E8.T5 from “*main road*” to “*busy roads*”. It considers this term is too uncertain. However, the standard should be made compliant with the VPPs. The VPPs include two Road Zones – Category 1 and Category 2. Category 1 applies to Declared Roads under the Transport Act 1983. These are busy main roads. The new Residential Code should refer to roads in a Road Zone Category 1 and any other roads specified in the Schedule. This will give councils the opportunity to include any Category 2 roads or local roads where it considers all vehicles should exit in a forward direction due to local traffic conditions, topography or the like.

The Standing Advisory Committee therefore recommends that the standard in E8.T5 should be retained but amended to the following effect by adding the words in bold:

- E8.T5** A turning space is provided so cars can enter and exit a road forwards where an accessway:
- serves 5 or more car spaces; or
 - serves three or more dwellings; or
 - connects to a **Road Zone Category 1 or other road specified in the Schedule.**

11.7 DIMENSIONS

11.7.1 Garages

Many submissions referred to the fact that garages built to the standards in *The Good Design Guide* and *VicCode 1* were too small. The minimum width does not allow all doors to be fully opened to provide ease of access for driver and passengers, particularly with larger, popular family vehicles. There were many suggestions that the minimum width dimension of garages should be increased by 0.5m.

In principle, these suggestions are supported by the Standing Advisory Committee on the basis that where carparking is provided on-site, it should be useable.

On the other hand, the effect of increasing the width, particularly of single garages, will be most noticeable in locations with narrow lot frontages. Any increase in the width of a garage will increase the proportion that it bears to the width of the site. The result could potentially increase the dominance of the garage in the streetscape.

In dealing with this issue, the Standing Advisory Committee believes it is necessary to deal with the reason why garages are considered to be too narrow. The main reason is that garages are frequently used for storage purposes, which leaves inadequate space to access vehicles.

The Committee believes this problem should be addressed by providing separate storage space for each dwelling (see Section 11.8.1).

In terms of the width of single garages, 3m is the same width as large ‘pram lots’, which are now being provided in shopping centres, and car parking spaces for people who are disabled. If 3m is adequate for these purposes, the Standing Advisory Committee sees no justification for increasing it in connection with single garages.

However, there is logic in requiring a double garage to be just this, ie double the size of a single garage. The Standing Advisory Committee therefore recommends that the width of a double garage should be increased by 0.5m from 5.5m to 6m. As double garages are more likely to be provided on wider lots than dwellings with single garages, an increase in width of 0.5m is likely to have less of an impact on the proportion the garage bears to the width of the lot than would be the case with a single garage.

The Committee therefore recommends that the standard in E8.T8 should be amended to the following effect:

E8.T8

Car spaces have minimum dimensions of:

- 4.9m length by 2.6m width;
- where access is from the side, 6.7m length by 2.3m width;
- within garages or where contained by walls, 6m length by 3m width for a single space or 6m length by **6m** width for a double space (**measured internally**).

A building may project into the space if it is at least 2.1m above the space.

This should apply to all dwellings in greenfield and infill locations.

11.7.2 Setback of Garages

E8.T13 in *The Good Design Guide* and PM7 of Element 4 of *VicCode 1* both provide that garages are set back a minimum of 5m from the street frontage. *The Good Design Guide* adds the words “*if practicable to allow cars to pull off the road before opening the doors.*”

Several councils, including the Cities of Hobsons Bay and Whitehorse, submitted that this dimension should be increased to 6m to accommodate the length of larger vehicles so they do not overhang the footpath and cause an obstruction to pedestrians.

It appears that these councils regard this space in front of the garage as an additional tandem carparking space, whereas the words of E8.T13 make it clear that this space is intended as a safety measure. Of course, in a practical sense, the space is likely to be treated as an additional tandem carparking space even if it is not a space required under E8.T1. Whatever its official status, cars are likely to use it. They may not park hard up against a garage door,

especially if it is a tilt-door, and they may overhang the footpath. But the Standing Advisory Committee is not convinced this is such a major problem that it justifies the standard in E8.T13 being changed. In any event, if the space were to be regarded as a carparking space, it would seem logical that it should have the same minimum dimension as other carparking spaces. E8.T3 only requires a length of 4.9m for an uncovered space. This is less than the 5m specified in E8.T13.

Elsewhere the Committee has recommended that garages and carports should now be setback the minimum frontage distance applicable to the dwelling. In a practical sense, this may increase the distance specified in E8.T13 in many instances. The Committee is reluctant to recommend increasing this distance to a figure greater than that required for the dimension of a carparking space when the purpose of this standard is to allow cars to pull off the road before opening the doors of the garage. There is no evidence that 5m is inadequate for this purpose.

11.7.3 Other Dimensions

In *The Good Design Guide*, E8.T3 – E8.T7 contain quantitative assessment standards relating to the dimensions of carparking spaces, accessways, number of access points and turning circles. The City of Stonnington submitted that:

Whilst the provisions relating to access width, car space dimensions and etc. in these techniques are reasonable, Stonnington recommends the integration or replacement of these standards with relevant parts of the Australian Standard AS2890.1-1993 Parking Facilities Part 1: Off-street Car parking as minimum standards.

AS2890.1 is comprehensive, widely used and has kept abreast with industry thinking. It is used by Council's Transport Unit in its assessment of development proposals. It also provides standards for a wider range of matters not available in The Good Design Guide techniques such as ramp grades, height clearance and sight lines for off-street car parking. These are critical for Stonnington, probably for Melbourne, Bayside, Port Phillip and Yarra as well, where basements parking and parking areas separated from their dwellings are common. These Guidelines would benefit both designers and approval authorities. Use of AS2890.1 provides a better link between industry and planning approvals, and between planning and other approvals.

This is a matter that the Standing Advisory Committee considers has merit. But prior to incorporation in the new Residential Code, a traffic consultant should review it for technical advice about its appropriateness and whether it is compatible with other recommendations in this report.

11.8 STORAGE

11.8.1 Garages

One of the most common problems associated with carparking is the lack of storage in most medium density developments and many single dwellings. This results in garages being used for storage. The minimal dimensions of most garages then mean there is inadequate room for cars, so they are parked on the street. Garbage bins are often stored in garages also, which adds to the problem.

The simple means of dealing with this problem is to require a minimum of 6 cubic metres of enclosed, lockable storage space in a single location, which is externally accessible, for every dwelling. It should have a minimum width of 1.5m and a minimum height of 2m to ensure that a practical storage space is provided.

The remaining qualitative assessment standards in the present criteria to Design Element 10 of *The Good Design Guide* on site facilities should also be strengthened. This applies particularly to ensuring that a designated storage space for garbage bins is provided, which has easy access to the point of collection.

11.8.2 Bicycles

Bicycles as a means of transport and a recreational pursuit are becoming increasingly popular. The provision of cycle paths is provided for in Element 7 of *VicCode 1*. Provision ought to be made for bicycle storage as a means of further encouraging their use, to avoid cluttering garages at the expense of cars or having bicycles stored on balconies in multi-storey medium density development.

The Standing Advisory Committee therefore recommends that a new quantitative assessment standard should be included that requires dedicated space to be provided for bicycles in every development of five dwellings or more.

11.9 RECOMMENDATIONS

General

- If the Government considers that the road and associated provisions presently found within *VicCode 1* and *The Good Design Guide* warrant further investigation, this should be undertaken as part of a broad review, which involves widespread consultation. Such review should address the philosophy and objectives of these provisions as well as their cost implications.

- Any implications for the design standards for roads arising as a result of recent changes to the road laws relating to parking on rollover kerbs, should be considered as part of the preparation of the new Residential Code.

Carparking

- E8.T1 in *The Good Design Guide* and PM1 and PM4 of *VicCode 1* should be deleted in the new Residential Code.
- The number of resident carparking spaces to be provided should be:
 - 1 space per one or two bedroom dwelling
 - 2 spaces per three or more bedroom dwelling
- Studies or studios, where these are separate rooms, should be considered as bedrooms in calculating the number of carparking spaces required.
- There should be no specific reference to tandem parking in the standard dealing with resident parking. Councils should have the option to allow it if site constraints and neighbourhood character considerations make it appropriate. Guidance about when it may be appropriate should be given in a Planning Practice Note. Otherwise separate access to all carparking spaces should be encouraged.
- Where residents are likely to have a low level of car ownership, there should be opportunity to provide a lower number or no carparking spaces based on the matters currently set out in E8.C1 of *The Good Design Guide*. These matters should include any relevant parking precinct plan.
- The new Residential Code should be drafted so as to retain sufficient flexibility to provide innovatively for the needs of different housing models. Councils that consider a higher rate of carparking is generally required in order to provide adequate parking for residents, visitor and service vehicles should do so by means of a local variation. Councils that consider an alternative rate of carparking is generally required for other purposes, such as demand management, should be encouraged to implement a parking precinct plan. This should not inhibit the ability to require a greater or lesser number of carparking spaces for any particular proposal based on individual circumstances.
- The default standard for the number of visitor carparking spaces should remain at the rate set out in E8.T2. If the surrounding road network restricts on-street parking or makes it unsafe, councils should be able to require more on-site parking.
- The standard applying to visitor carparking spaces should stipulate that in developments of 5 or more dwellings:

- They are not to be provided in tandem with each other or resident car parking spaces, or in locked areas
 - They should be clearly marked as visitor parking
 - If they are not clearly visible from the road or main accessway, there should be clear directions to their location.
- The standard in E8.T8 should be amended to the following effect:

E8.T8

Car spaces have minimum dimensions of:

- 4.9m length by 2.6m width;
- where access is from the side, 6.7m length by 2.3m width;
- within garages or where contained by walls, 6m length by 3m width for a single space or 6m length by **6m** width for a double space (**measured internally**).

A building may project into the space if it is at least 2.1m above the space.

This should apply to all dwellings in greenfield and infill locations.

- As part of the preparation of the new Residential Code, the possibility should be considered of integrating or replacing the technical details of E8.T3-E8.T8 by relevant parts of Australian Standard AS 2890.1. The adoption should also be considered of relevant parts of AS 2890.1 to provide for additional quantitative assessment standards to cover the matters of ramp grades, clearance heights and sightlines for off-street car parking.

A traffic consultant should review the standards for technical advice about their appropriateness and whether they are compatible with other recommendations in this report.

Vehicle Access

- In preparing the new Residential Code, it should be resolved whether the same standards of design and construction, based on the volume and type of traffic they will carry, should apply to all roads, irrespective of whether they are intended to be in public or private ownership.
- The standard in E8.T5 should be retained but amended to the following effect by adding the words in bold:

E8.T5

A turning space is provided so cars can enter and exit a road forwards where an accessway:

- serves 5 or more car spaces; or
- serves three or more dwellings; or
- connects to a **Road Zone Category 1** or other road specified in the **Schedule**.

Site Facilities

- ❑ A new quantitative assessment standard should be included to require a minimum of 6 cubic metres of enclosed, lockable storage space in a single location, which is externally accessible, for every dwelling.
- ❑ The remaining qualitative assessment standards in the present criteria to Design Element 10 of *The Good Design Guide* on site facilities should also be strengthened. This applies particularly to ensuring that a designated storage space for garbage bins is provided, which has easy access to the point of collection.
- ❑ A new quantitative assessment standard should be included that requires dedicated space to be provided for bicycles in every development of five dwellings or more.

12. FACILITATING OUTCOMES

12.1 PLANNING PRACTICE NOTES

Throughout this report the Standing Advisory Committee has referred to the need to support the new Residential Code with a series of Planning Practice Notes. It has made a number of recommendations about subjects to be included in this series.

One of the recommendations of the *VicCode 2* Review Panel was the compilation of essential “Notes” to accompany *The Good Design Guide*. These were intended to replace and supplement the explanatory material and diagrams removed when *VicCode 2* was translated into *The Good Design Guide*. This recommendation was not implemented until early 1999 when a series of twelve Good Design Guide Practice Notes were issued. Few have diagrams: they are mostly words. The Standing Advisory Committee is not aware how widely used they are or how practical they have proved to be.

The strong support for Option 15 in the Issues and Options Paper to include additional diagrams illustrating architectural solutions to overlooking indicates the desire for guidance about using the code. Guidance includes ‘good’ and ‘bad’ examples and innovative suggestions – pictures not just words.

The Standing Advisory Committee believes that the success of the new Residential Code will be enhanced by the series of Planning Practice Notes it has recommended. However, it is essential that they be published at the same time the Code is introduced.

12.2 EDUCATION AND TRAINING

The need for additional and ongoing education and training for all participants in the planning process is paramount. Urban design is no longer a discipline that can be entrusted to an elite few. An understanding of principles of urban design and how they translate in practice is essential for anyone today involved in the planning, design or development industries.

This need is widely acknowledged. It is being specifically addressed by DOI as part of the implementation of the State Planning Agenda. Because the subject is already being comprehensively addressed, the Standing Advisory Committee has not made any specific recommendations about it.

In addition though to the education and training of participants in the planning process, is the need to develop more useful tools. Their purpose is to aid in producing more site responsive

designs and in the assessment of development applications. In particular, improvements are needed in portraying proposals so they can be more easily visualised in their context.

Site analysis was one means intended to promote more responsive design. Unfortunately, they have had only limited success in this respect, although they have proved more useful for council officers in their assessment. The Standing Advisory Committee considers that more visual and representational means must be employed. The opportunities offered by information technology need to be explored and exploited.

12.3 SITE ANALYSIS

12.3.1 Task 4

As part of this review, the Standing Advisory Committee commissioned consultants, Collie Planning and Development Pty Ltd, to undertake Task 4. The brief for Task 4 was to:

- Investigate the ways in which Councils apply Site Analysis requirements in assessing permit applications.
- Test the implications of introducing a requirement to provide a computer aided photographic 'streetscape' montage of proposed developments to assist Councils in assessing impacts on neighbourhood character.

The full report by Collie on Task 4 is included in the Technical Appendices. The following is a summary of the outcomes of their interviews with councils about site analysis requirements.

The Councils approach to assessing the site analysis material lodged by applicants is dependent on the extent and type of development proposed. Larger developments and medium density housing proposals are often assessed against 'set' criteria as per the Good Design Guide for Medium Density Housing and the associated practice notes whereas many of those requirements are waived for smaller developments such as alterations and additions, single detached dwellings on lots less than 300 square metres or dwellings proposed for 'greenfield' sites.

The Councils found that the need for a site analysis whilst desirable is often very onerous on the average applicant. It was found that often it was near impossible to get people, particularly first time applicants, owner builders and small builders who do their own plans to meet the site analysis requirements.

It was found that the Councils don't apply a consistent standard in assessing site analysis material regardless of the applicant whether it be a private consultant, architect or smaller designer. Again the requirements were dependent on the type of development proposed and the expected level of information required from individual applicants. Hobsons Bay's response is a good example of this " *you tend to find that the owner builders are just doing little*

extensions at the back of their house, it's such a struggle to get the information out of them that when they give you the bare bones of what you're after you sort of think that's enough... because it might take seven phone calls and you just end up certifying it...whereas there is never any problem with planning consultants or architects. They conform to the guide and do that as day to day practice".

The Councils all agreed that site analysis material is essential in assessing proposed developments and has been most beneficial for the Council officers and local residents. The City of Kingston believes, *"...it's an integral part of the application process these days. When we didn't have site context plans we used to go out on site and spend more time out there. I think its important that the site context plan is there because you can maybe sometimes remember things you may have not remembered being out on site, for example the setback of surrounding houses. Now that's on the basis that site context plan is accurate, to scale, and things are in their right location. It's also a good exercise for the developer to go through".*

However the concept of site analysis is often not used to its full potential by designers and applicants in analysing and identifying the crucial issues on and off the site that will help drive a good design response. It has been the Councils' experience that the site analysis plans are generally prepared independently or as an afterthought to the design, often by different consultants. This is done to ensure that the applicant has met all of the requirements of a Council's Planning Scheme but is not resulting in a better design. The City of Yarra articulated this problem. *"In some cases you'll get a very similar design response by the same applicant for three very different sites that don't relate at all. You become very untrusting of their design response because you've seen that standard 3 – 4 times. So the site analysis is just exactly that. They are just doing it for Council's benefit".*

All of the Councils agreed that proposed single dwelling developments should require a site analysis. It is seen as being a critical issue because the detached single dwelling and often the double storey extension are seen as causing the greatest problem within the municipality.

However, each Council believes continuing the education process of site analysis is essential. Despite the problems identified in the interviews, there is a culture towards more responsive designs, which is starting to evolve from developers, designers and architects.

The Standing Advisory Committee considers that this evidence supports the continued use of site analysis as a tool in the assessment of planning permit applications for residential developments.

12.3.2 Application of Site Analysis to Single Dwellings

Option 4 in the Issues and Options Paper proposed that a site context plan should be required to be submitted with an application for a building permit where a single dwelling did not require a planning permit.

Responses to this option expressed great scepticism about the ability of building surveyors to interpret such plans or their interest in doing so. The current practice of the site analysis being prepared independently of the design response is seen to be even more likely where developers of single dwellings are concerned.

This issue is one of the matters being addressed in detail by the Residential Taskforce. For this reason the Standing Advisory Committee has not examined it in any further detail.

12.3.3 Aerial Photographs

In pursuit of its overall recommendation to employ technology more in the assessment process, the Standing Advisory Committee considers the possible use of aerial photographs in connection with all dwellings in infill locations as part of the site analysis should be investigated. The Committee does not consider they would be necessary in greenfield locations.

The Committee envisages that councils would have a set of digitally recorded aerial photographs for their municipalities, which would be updated on an annual basis. It would be part of the site analysis requirements under the planning scheme to submit a copy of the aerial photograph of the subject site and its surrounds with every planning permit application. For a fee, the applicant would be able to download the relevant copy from the council. In this way the council would recoup (at least some of) the cost of the photographic series and know that the information being provided as part of the site analysis was accurate. Access to the photographs would be available to anyone (for a fee) and also to the council itself.

An aerial photograph would also be a good means of checking if any buildings or vegetation have been removed should an Urban Protection Overlay be introduced to protect against demolition. It would provide information about any prevailing front setbacks, the building footprint of surrounding dwellings and the location of private open space in adjoining properties. This latter information will be required in the application of standards relating to overshadowing.

12.4 COMPUTER AIDED PHOTO MONTAGES

12.4.1 Task 4

Task 4 also involved testing the implications of introducing a requirement to provide a computer aided photographic 'streetscape' montage of proposed developments to assist Councils in assessing impacts on neighbourhood character. Collie Planning and Development interviewed a number of council officers, consultants, members of the development industry and people in the computer imaging industry as part of this task. The following is a summary of the outcomes.

The introduction of computer aided photographic 'streetscape' montages of proposed developments was welcomed by both private industry and Councils. Although there were similar concerns amongst those interviewed, it was generally believed this proposal was a step in the right direction to benefit all parties and the wider community when assessing impacts on neighbourhood character.

Private industry felt that computer aided streetscape views would give more depth than a one point perspective, which would enable everyone to grasp a better understanding of the design in its urban context. It is believed that clients would be happy to go ahead with such technology, as it they understand that in the long run it will help their application.

The computer aided streetscape montages could be used to their advantage, as they would have more control over emphasising the positive aspects of their design. Council and objectors are then able to check the design from a number of different angles and perspectives. If using CAD, or a more sophisticated program, changes to the design can easily be made to the streetscape montage if needed.

Councils interviewed also endorsed the use of computer aided photographic montages, as they feel residents, who perhaps cannot read elevations or find it hard to see how the elevations fit into the streetscape, may grasp a better understanding of the proposed design.

A major concern shared by Councils and private industry was the accuracy and consistency of the montages. It was felt that many computer programs might not provide an accurate scale, especially in relation to height and various angles, which may become distorted. Additionally, a perception of depth is not gained through streetscape montages. Plans are seen to be much easier to cross check and according to one person, no computer program is 100 per cent accurate. The City of Yarra, however, believed that although the images may not be of a high level of accuracy, they were 'better than nothing', and they would at least make the plans easier to visualise when Council was assessing them.

In terms of technology, there were concerns over the consistency of the montages, such as what kind of programs would be used or whether high quality cameras would be needed for high quality photographs. The other concern was the consistency in Councils' method of assessment- would they have their own 3D systems? Would extra training be involved for all planners (local government and consultants) to produce/assess these streetscape montages? It is thought by most private industry representatives that planners should not have to rely on technicians for everything, as the process would become too expensive. It is generally thought that some companies may not have such technological equipment and may have to spend considerable money in order to produce the required images. However, most interviewees felt that once the process was in place, it would become more cost effective over time.

According to Councils, the computer-aided photographic montages would be a good selling tool to objectors, although generally they are more worried with amenity impacts such as overlooking and overshadowing than with neighbourhood character. Additionally, Councils

were concerned that the computer images may be manipulated to portray a low impact to the streetscape, when in reality the impact is very high.

In terms of cost, it is thought by most experts in computer imaging that computer aided photographic montages would cost anywhere between \$500 to several thousand dollars, depending on the level of quality and the technology used. However, using PhotoShop (a 2D program) could produce similar images and save a lot of time and money. It is believed that most developers/clients would be content to spend the extra money if it means their development would go ahead. However, one development industry representative felt that not every application warrants streetscape elevations (such as small extensions/changes to a dwelling). A streetscape montage for this kind of application would be a waste of time and money and therefore, there must be a point where some applications are exempt from such requirements.

The Standing Advisory Committee considers that concerns about computer images being manipulated could be addressed by identifying technical specifications, which avoid distortion, that the photo montage must comply with. A statutory declaration that the images comply with the specifications would need to accompany the images when submitted.

The portrayal of development proposals in elevation on plans makes it very difficult for many people to gain a realistic visualisation of what they will actually look like. Not everyone is experienced in reading plans, especially residents. The Committee suspects that many misconceptions and misunderstandings arise as a result of this. The use of photographic montages could overcome this.

Cost is unlikely to be an obstacle. Information technology is rapidly becoming both more sophisticated and cheaper. The widespread requirement to use this type of technology would aid this process. It would also encourage specialists to provide this service quickly and inexpensively. This would relieve individual companies from the need to purchase their own equipment. In relation to the overall cost of a development, the cost of a montage would be minimal, although there would need to be a cut-off point as to when it was required.

The Committee considers that the potential for using computer aided photographic 'streetscape' montages of proposed developments to assist in assessing impacts on neighbourhood character should be further investigated.

12.5 CERTIFIED COMPLIANT DESIGNS

12.5.1 Pattern Book Designs

In Section 10.4.2 in connection with density, the Standing Advisory Committee discusses the potential for the design and development industries to prepare a range of plans for standard sites as a means of containing cost should density be removed as a design element. Pattern book designing has a long history. It is a common practice overseas (eg Celebration at

Orlando, Florida) and is only another version of what volume builders do now with respect to display homes. The ULC have done a similar thing with their 'smart-lot' housing. For their smaller lots, a building envelope was incorporated. Indicative plans of dwelling layouts were provided, which could fit within the envelope. They stopped short of detailing the resolution of the building exterior.

The difference with what the Standing Advisory Committee is suggesting is that there would not only be standard dwelling designs, but the dwellings would be designed to fit commonly sized and shaped sites. They would also be designed to meet the standards of the new Residential Code. The designs would either be sufficiently conservative, in terms of setbacks and the like, or would employ architectural devices, to ensure they are internally compliant with the code. In other words, whatever the context of surrounding development, the design would remain compliant.

The dwellings could also be designed to fit within various neighbourhood character typologies.

By the use of such pattern book designs, developers could be certain that they should get a permit and residents can be certain that the neighbourhood character will be respected and their amenity will be protected.

Whilst the architectural profession might be horrified by this suggestion, it is no more than an adaptation of what happens now. Architects only design approximately ten per cent of dwellings, which means that ninety percent are **not** designed by architects. The Standing Advisory Committee doubts that encouraging pattern book designing will alter this. Those who desire or can afford an architect will still employ them. For the rest, the design outcomes should cause less detrimental impact than the current range of standard dwelling designs and practices appear to be doing.

It can also be argued that this approach is the antithesis of site responsive design. In theory this may be true, but the Committee does not consider the argument stands up in practice. Task 4 has confirmed that in relatively few cases, site analysis drives the design response. If the outcomes of the proposed approach result in outcomes that are more responsive to neighbourhood character and amenity, does it matter what the process was in arriving at that outcome? In other words, does it matter that the development has not been individually designed to fit the particular site so long as it does so in practice?

One of the benefits in advocating a pattern book design approach of code compliant dwellings is the opportunity it offers to 'reward' applicants who can demonstrate responsiveness to the code's objectives. If the designs themselves can be certified as being internally compliant with the new Residential Code, then it may be possible to fast-track their approval by exempting applications which use them from the advertising, notification and appeal process.

The Standing Advisory Committee considers this is a concept that should be further investigated.

12.5.2 Certification of Other Matters

The issue then arises whether other designs that can demonstrate they comply with the objectives and standards of the new Residential Code should be entitled to a similar reward.

SOS, as part of its policy, advocates that all application plans for residential development should be prepared by a registered architect.

The Standing Advisory Committee does not consider this can be supported on the grounds that it would inhibit choice and impose unwarrantable cost burdens on applicants. This is quite apart from its unlikely acceptance by government on the grounds of being anti-competitive.

Nevertheless, the policy embodies the principle that architects should be presumed to have a training and capacity to understand and assess design issues better than many others. It may be possible to employ this principle to develop a system that would allow properly accredited people to certify that development proposals meet certain design standards and objectives. This would then exempt those proposals from the need to engage in the full extent of the planning process. In other words, they could be fast tracked as a 'reward' for demonstrating good design. This would allow councils to focus their resources more on other proposals which cannot demonstrate this compliance or which may wish to exceed the standards set out in the new Residential Code.

Another area that requires improvement, apart from the quality of the actual designs, is the quality of planning permit applications.

The new Residential Code will clearly place increased emphasis on applicants to lift their game. The Standing Advisory Committee considers it is unreasonable in a sophisticated planning system to tolerate the submission of poor quality applications. There is an acknowledged shortfall at local government level of qualified (and quality) planners. It is becoming a necessity that these scarce resources are optimally utilised. This is not occurring when poorly supported applications are submitted involving planning officer time to bring up to a proper standard.

The issue of new residential development is of such magnitude that it requires input from all professionals irrespective of sector. The Standing Advisory Committee considers there is a strong case for greater involvement of the private sector in terms of planning consultants, architects and designers at the start of the application process. This should lift the standard of applications as submitted and consequently the final product at permit stage. This contrasts with the current system where quality happens at the appeal end.

The culmination of this review and the introduction of a new Residential Code will increase the degree of sophistication and judgement required in processing applications. It is reasonable, and in fact makes total sense, to correspondingly attempt to lift the standard of

applications as submitted. The Standing Advisory Committee considers that the private sector could have a major role in assisting the improved quality of applications as submitted to councils. This assistance should be in packaging applications that satisfy the two step approach to assessment as outlined in the Issues and Options Paper, namely a strategic assessment against the MSS and then a detailed assessment against the new Residential Code and any associated local planning policies.

A private sector, mandatory pre-application certification is one means of achieving this. This would improve quality at the start of the process, but avoids the private sector being involved in the actual decision making, which remains in the hands of the public sector (ie councils). This process would clarify councils' role in facilitating appropriate development. (Councils' current role can be confusing in terms of mixing the tasks of improving planning permit applications as submitted, considering the legitimate views of third parties and independently determining applications.)

The Standing Advisory Committee therefore recommends that DOI investigate the concepts of using the private sector to certify that applications meet the objectives and standards of the new Residential Code and the planning scheme.

12.6 RECOMMENDATIONS

- A series of Planning Practice Notes should be published to coincide with the introduction of the new Residential Code. They should provide guidance on a range of matters about the operation of different aspects of the Code and include illustrations of real-life good and bad examples, as well as suggestions.
- DOI should undertake a study into the more widespread use of technology to aid the assessment of residential development. In particular, it should examine the feasibility of:
 - Requiring aerial photographs of the subject site and surrounds to be lodged as part of the site analysis accompanying a permit application.
 - Using computer aided photographic 'streetscape' montages of proposed developments to assist in assessing impacts on neighbourhood character.
- DOI should investigate means of 'rewarding' good design by:
 - Identifying 'code compliant' designs for residential development and providing mechanisms to fast-track them through the planning system.
 - Providing a system to certify that applications meet the objectives and standards of the new Residential Code and the planning scheme.

13. SUMMARY OF RECOMMENDATIONS

13.1 GENERAL FINDINGS

The Standing Advisory Committee was asked to review provisions of *The Good Design Guide* and *VicCode 1* in the light of recent experience and to identify improvements. In the Issues and Options Paper, the Committee detailed its findings based on this experience and presented a range of options for public comment. The Minister's decision to prepare a new Residential Code applicable to all dwellings reflects the primary option in this paper.

The Standing Advisory Committee has found strong support for the overall objectives and criteria of *The Good Design Guide*. It finds that the majority of its techniques work well in most situations to meet the objectives and criteria. Together with the improvements recommended in this report, they should form the foundation of the new Residential Code.

In making the following recommendations, any additional investigations to be undertaken by DOI are not intended to delay the preparation or introduction of the new Residential Code. There are several matters of detail that should be examined as part of the Code's preparation for possible inclusion. These are evident from the recommendations. The remaining tasks are intended to be undertaken separately as circumstances dictate.

13.2 SPECIFIC RECOMMENDATIONS

Managing Change

- The State government should provide appropriate skills and resources to facilitate development in areas, which are appropriate for substantial residential development. This should include a mix of policy support, coordination, and negotiation, design, project management, community liaison, social planning and infrastructure design skills.
- Clear guidance should be provided to councils about suitable mechanisms to manage change within their municipalities and to provide reasonable levels of expectation about the rate and nature of change that will be encouraged. One model to consider is to identify areas where :
 - Substantial change may be expected
 - Incremental change within the framework of existing character may be expected
 - Minimal change may be expected

Whatever model is identified for managing change, it should be required to have a strong strategic base linked to broader area housing and residential development requirements.

The New Residential Code

- The new Residential Code should allow for local variations and include the following features:
 - Local variations should be integrated with the main provisions of the Code. This means that the main provisions of the Code in terms of standards, and any local variations should be found in the one place.
 - Additional policy guidance, if necessary, should be provided by way of local planning policy, supported by the MSS. Any local planning policy that is relevant should be identified in the main part of the Code where the local variation is identified.
 - Local variations should have a sound strategic basis.
- An appropriate model for the new Residential Code would be to include it as part of the SPPF in the form of a State Residential Development Policy.
- A State Residential Development Policy should follow the guidance on format provided by the VPP Practice Note on Writing a Local Planning Policy.
- A State Residential Development Policy should include more information about its policy basis and objectives than *The Good Design Guide* currently does. It should include whatever diagrams are necessary to assist in understanding and interpreting it. Additional explanatory material and illustrations should be included in a series of practice notes that are issued at the same time. Together, the policy and practice notes should be capable of separate publication as a stand-alone document for general public dissemination and use.
- A State Residential Development Policy should include a schedule(s) that sets out the standards, which it is policy to apply in certain areas or situations, and any local decision guidelines, which it is policy to apply before considering any particular proposal. The Ministerial Direction of the Form and Content of Planning Schemes should contain a set of default standards, which will apply unless amended by a council.
- A council should be able to amend a standard in the schedule to the State Residential Development Policy provided it has strategic justification for doing so.
- DOI should investigate a set of common local variations to certain standards in the schedule to the State Residential Development Policy that can be used by councils to meet certain needs or circumstances.

- A series of Planning Practice Notes should be published to coincide with the introduction of the new Residential Code. They should provide guidance on a range of matters about the operation of different aspects of the Code and include illustrations of real-life good and bad examples, as well as suggestions.

The series should include the specific suggestions recommended elsewhere.

- The residential Taskforce should ensure that all definitions used in the new Residential Code are sensible and consistent with the VPPs, particularly with respect to definitions affecting height.
- Any implications for the design standards for roads arising as a result of recent changes to the road laws relating to parking on rollover kerbs, should be considered as part of the preparation of the new Residential Code.
- DOI should offer special assistance to municipalities, which have already carried out work to implement Housing Strategies, to translate their strategic intentions into a format that fits within the finally accepted framework of the new Residential Code.

Demolition

- An Urban Protection Overlay should be introduced into the VPPs. The objective of the overlay would be to act as a holding mechanism against demolition until the future development of the site is resolved. The Urban Protection Overlay would require a permit for demolition unless a planning permit had been issued for a replacement development on the site. There would be no presumption that the existing building should be retained. In the event of no planning permit being required, for example for a single dwelling, a planning permit for demolition would be required but should only be issued after the issue of a building permit for the new development.
- The Heritage Overlay should be reviewed with a view to:
 - Distinguishing between levels of control for heritage places and areas of urban character
 - Defining the presumptions applying to demolition
 - Clarifying the matters to be considered when the overlay is applied.

Street Setbacks

- The different standards applying to varied setbacks within 7km of the Melbourne GPO should be deleted.
- A new standard introducing the concept of prevailing setbacks should replace the current technique in *The Good Design Guide* of E6.T1. The wording of this standard should be to the following effect:

STREET SETBACKS

Front walls of buildings are set back from street frontages as follows:

PREVAILING SETBACK

Where development is within a group of at least 10 properties on the same side of a street and 80 per cent of those properties have the same front setback (plus or minus 1m), new development is setback from street frontages as follows:

Prevailing Front Setback	General Provision
Less than 5m	Same as prevailing street setback
Between 5m and 6.25m	5m
Greater than or equal to 6.25m	80% of prevailing street setback, not less than 6 metres

(Diagram illustrating calculation of Prevailing Front Setback to be shown here)

For the purpose of calculating the prevailing front setback:

- **The front setback is the distance between the front property boundary and the closest wall-face of the dwelling to the street excluding verandahs and porches.**
- **Where there are minor variations in the prevailing front setback (plus or minus 0.5m) the prevailing front setback is the average of the front setbacks.**

VARIED SETBACK

If a street has no prevailing setback it has a ‘varied’ setback. The front setback for a development in a street with a varied setback is calculated by reference to the adjacent development context. New development is setback from street frontages as follows:

Adjacent development context	General provision
No development or non-residential development set back more than 3m	3m
Development set back 3m or less	Same as the adjacent development
Dwellings set back less than 4.5m	3m
Dwellings set back 4.5m or more	4m
Dwellings set back 7m or more	5m
Dwellings set back 9m or more	6m
Urban Conservation Areas or Heritage Overlays	Same or greater than the adjacent development

Where adjacent development has different setbacks, new development is setback the average of the minimum frontage setbacks specified in the table above.

Diagram illustrating calculation of Different Adjacent Setbacks

CORNER SETBACKS ON SITES OF LESS THAN 1200m²

On corner sites of less than 1200m², new development fronting the long side of the site may have a 3 metre minimum frontage setback or less as specified in the varied setback table. The setback to the short side of the site for new development is calculated by reference to either the prevailing setback table or the varied setback table as appropriate.

Diagram illustrating Corner Setbacks on Sites Less Than 1200m²

Note: The setback for new development is measured to the wall-face of the dwelling. Eaves, porches and verandahs, but not garages or carports, may project forward of this line.

- This new standard about street setbacks should apply to single dwellings in infill locations but not in greenfield locations. In greenfield locations, the provisions of E2.PM7 in *VicCode 1* should apply.

Front Fences

- New provisions relating to front fences should be introduced as part of the neighbourhood character section of the new Residential Code.

- The following Design Suggestion should be deleted from E3.C6:

Keep front fences to a maximum of 1.2m in height if solid or 1.5m in height if more than 50 per cent transparent.

- New standards should be included to the following effect:

Front fences should reflect the predominant height of other fences in the street unless the area is one where substantial change is occurring or is expected.

Front fences are no higher than 1.2m.

No front fences are provided where the development is within a group of at least 10 properties on the same side of a street and 80 per cent of those properties have no front fence.

- These provisions about front fences should apply to all single dwellings.
- Any necessary amendment should be made to the VPPs to ensure that the current wording of Clause 62.02 does not result in front fences being permitted that are not in accordance with the provisions of the new Residential Code.

Garages and Carports

- New provisions relating to garages and carports in front setbacks should be introduced as part of the neighbourhood character section of the new Residential Code.
- An additional standard should be added to those in Design Element 8 under the heading “Location of Accessways and Car Parking Spaces” as follows:

At least one car parking space per dwelling is under cover or set back the minimum front setback distance calculated by reference to E6.T1.

- The words in bold should be added to the Note to E6.T1 when it is incorporated into the new standard relating to Street Setbacks:

*Note: The setback is measured to the wall-face of the dwelling. Eaves, porches and verandahs, **but not garages or carports**, may project forward of this line.*

- The standard about garages and carports in front setbacks should apply to all single dwellings.

- A Planning Practice Note should be prepared about ways to reduce the visual intrusiveness of garages addressing matters such as:
 - Narrowing the width of a driveway to a double garage to a single width at the street frontage
 - Providing two garage doors instead of one double door
 - Achieving the same effect by visually patterning the door to resemble two doors
 - Articulation of the front facade
 - Use of recessive colour and materials to diminish the visual impact of garage doors
 - Incorporating the garage into the overall design of the dwelling
 - If freestanding, matching roof form and pitch of carports to those of the dwelling

Building Envelope

- The new Residential Code should encourage new built form, particularly in infill locations, which incorporates the following features:
 - smaller building footprints, which more closely align with surrounding built form, in conjunction with height, which nevertheless respects any relationship between features that are important in defining neighbourhood character
 - building footprints that respect the positioning of surrounding dwellings and their secluded private open space
 - compliance with prevailing front setbacks
 - more open space to allow for landscaping and trees
 - building forms that reflect the characteristic shape of other dwellings in the street and the rhythm of the spaces between them
 - use of characteristic roof forms and pitch
 - greater articulation in perimeter walls and between upper and lower levels

Visual Bulk

- The standards applying to the length of walls on boundaries in E6.T3 of *The Good Design Guide* should be retained. They should apply to all dwellings in infill locations. In greenfield locations, the standards in the first and third dot points of E6.T3 should apply to all dwellings.
- A new standard should be included for all dwellings in infill locations to the following effect:

The setbacks of at least 20 per cent of all ground floor perimeter walls should be greater than any minimum setbacks for side and rear boundaries.

- This standard should not apply to setbacks to side or rear access lanes within a 7km radius of the Melbourne GPO.
- The policy basis to which this standard relates should express the principle that varying the setback, location and distance of walls, garages, balconies and the like can assist in minimizing the overall impact of new development either on the streetscape or abutting development. Reference should also be made to the opportunities that the greater articulation of sidewalls offer to provide architectural solutions to problems of overlooking. The objective should be to reduce visual bulk that is inappropriate in the context.
- A new standard should be included for all dwellings in infill locations to the following effect:

Upper storeys of buildings should have a footprint that is 20 per cent less than the footprint of the main lower level storey unless the neighbourhood character is one where upper storeys of buildings are generally the same as lower storeys.

- The role of these new standards, in terms of the way that the articulation of the horizontal and vertical planes of buildings can reduce visual bulk, should be explained in the policy basis and objectives of the new Residential Code and should be supported by an appropriate Planning Practice Note.

Height

- The provisions in E6.T4 of *The Good Design Guide* about heights and side and rear setbacks should apply to all dwellings in all locations for the purpose of addressing visual bulk. The role of the formula in E6.T4 should be better explained in the policy basis and objectives of the new Residential Code and supported by an appropriate Planning Practice Note.

Site Coverage

- The site coverage specified in E6.T6 should apply to all buildings in all locations.

Overlooking

- The standards in Design Element 7 of *The Good Design Guide* relating to visual privacy, as amended by the following recommendations, should apply to single dwellings on infill sites, but not greenfield sites.

- The use of screening devices, translucent glazing and sill heights greater than 1.6m as mechanisms to protect visual privacy should be removed as standards, except in bathrooms, toilets, laundries, storage rooms or other non-habitable rooms. This means that:
 - The following paragraphs should be deleted from E7.T1:
 - *have sill heights of 1.6m above floor level; or*
 - *have fixed obscure glazing to any part of the window below 1.6m above floor level.*
 - The following paragraph should be deleted from E7.T2:
 - *windows are of habitable rooms and they have sill heights of 1.6m or more above floor level or translucent glazing to any part of a window less than 1.6m above floor level;*
 - E7.T4 should be deleted.
- Greater emphasis should be given to the use of architectural solutions to avoid overlooking. A Planning Practice Note dealing with visual privacy should be prepared with additional diagrams as design suggestions.
- Emphasis should be placed on the fact that it is *real* overlooking that needs to be protected, not just a perception of overlooking, in the preparation of the new Residential Code.

Overshadowing

- The standards in E6.C6, E6.T9 and E6.T10 of *The Good Design Guide* relating to solar access should apply to all dwellings in infill locations, but not in greenfield locations.
- The technique described in Option 12 of the Issues and Options Paper should not be adopted.
- Appropriate tools, which can be used to measure the shadow effect of a proposed building, should be identified in a Planning Practice Note and supported by appropriate training programs.

Energy Efficiency

- The principles about energy efficiency set out in the objectives and criteria of Design Element 5 of *The Good Design Guide* should apply to all dwellings.
- Energy efficiency objectives in greenfield locations should be addressed in the subdivision section of the new Residential Code by:
 - Setting standards, which promote energy efficiency, that subdivisions must meet
 - Facilitating the use of building envelopes
 - Requiring new dwellings to achieve certain energy efficiency ratings
- DOI should undertake further work to investigate whether it is feasible to develop potential standards to protect the energy efficiency of existing dwellings from the impacts of new residential development and where such standards might apply. To facilitate this further work, DOI should support additional research by Energy Efficiency Victoria. DOI and Energy Efficiency Victoria should jointly scope the extent of this further research.

Density

- Density should be removed as a means of assessing whether residential development is appropriate.
- The new Residential Code should not include any standards referring to density. It should be made clear in the Code and any supporting Planning Practice Notes, Ministerial Direction or other documentation that reference to densities as a means of assessing residential development is not acceptable either formally in any local provisions of a planning scheme or informally in any reference documents, which the responsible authority may rely upon.

Road Construction Standards

- If the Government considers that the road and associated provisions presently found within *VicCode 1* and *The Good Design Guide* warrant further investigation, this should be undertaken as part of a broad review, which involves widespread consultation. Such review should address the philosophy and objectives of these provisions as well as their cost implications.

Carparking

- E8.T1 in *The Good Design Guide* and PM1 and PM4 of *VicCode 1* should be deleted in the new Residential Code.
- The number of resident carparking spaces to be provided should be:
 - 1 space per one or two bedroom dwelling
 - 2 spaces per three or more bedroom dwelling
- Studies or studios, where these are separate rooms, should be considered as bedrooms in calculating the number of carparking spaces required.
- There should be no specific reference to tandem parking in the standard dealing with resident parking. Councils should have the option to allow it if site constraints and neighbourhood character considerations make it appropriate. Guidance about when it may be appropriate should be given in a Planning Practice Note. Otherwise separate access to all carparking spaces should be encouraged.
- Where residents are likely to have a low level of car ownership, there should be opportunity to provide a lower number or no carparking spaces based on the matters currently set out in E8.C1 of *The Good Design Guide*. These matters should include any relevant parking precinct plan.
- The new Residential Code should be drafted so as to retain sufficient flexibility to provide innovatively for the needs of different housing models. Councils that consider a higher rate of carparking is generally required in order to provide adequate parking for residents, visitor and service vehicles should do so by means of a local variation. Councils that consider an alternative rate of carparking is generally required for other purposes, such as demand management, should be encouraged to implement a parking precinct plan. This should not inhibit the ability to require a greater or lesser number of carparking spaces for any particular proposal based on individual circumstances.
- The default standard for the number of visitor carparking spaces should remain at the rate set out in E8.T2. If the surrounding road network restricts on-street parking or makes it unsafe, councils should be able to require more on-site parking.
- The standard applying to visitor carparking spaces should stipulate that in developments of 5 or more dwellings:
 - They are not to be provided in tandem with each other or resident car parking spaces, or in locked areas
 - They should be clearly marked as visitor parking
 - If they are not clearly visible from the road or main accessway, there should be clear directions to their location.

- The standard in E8.T8 should be amended to the following effect:

E8.T8

Car spaces have minimum dimensions of:

- 4.9m length by 2.6m width;
- where access is from the side, 6.7m length by 2.3m width;
- within garages or where contained by walls, 6m length by 3m width for a single space or 6m length by **6m** width for a double space (**measured internally**).

A building may project into the space if it is at least 2.1m above the space.

This should apply to all dwellings in greenfield and infill locations.

- As part of the preparation of the new Residential Code, the possibility should be considered of integrating or replacing the technical details of E8.T3-E8.T8 by relevant parts of Australian Standard AS 2890.1. The adoption should also be considered of relevant parts of AS 2890.1 to provide for additional quantitative assessment standards to cover the matters of ramp grades, clearance heights and sightlines for off-street car parking.

A traffic consultant should review the standards for technical advice about their appropriateness and whether they are compatible with other recommendations in this report.

Vehicle Access

- In preparing the new Residential Code, it should be resolved whether the same standards of design and construction, based on the volume and type of traffic they will carry, should apply to all roads, irrespective of whether they are intended to be in public or private ownership.
- The standard in E8.T5 should be retained but amended to the following effect by adding the words in bold:

E8.T5

A turning space is provided so cars can enter and exit a road forwards where an accessway:

- serves 5 or more car spaces; or
- serves three or more dwellings; or
- connects to a **Road Zone Category 1 or other road specified in the Schedule**.

Site Facilities

- A new standard should be included to require a minimum of 6 cubic metres of enclosed, lockable storage space in a single location, which is externally accessible, for every dwelling.
- The remaining standards in the present criteria to Design Element 10 of *The Good Design Guide* on site facilities should also be strengthened. This applies particularly to ensuring that a designated storage space for garbage bins is provided, which has easy access to the point of collection.
- A new standard should be included that requires dedicated space to be provided for bicycles in every development of five dwellings or more.

Facilitating Outcomes

- DOI should undertake a study into the more widespread use of technology to aid the assessment of residential development. In particular, it should examine the feasibility of:
 - Requiring aerial photographs of the subject site and surrounds to be lodged as part of the site analysis accompanying a permit application.
 - Using computer aided photographic 'streetscape' montages of proposed developments to assist in assessing impacts on neighbourhood character.
- DOI should investigate means of 'rewarding' good design by:
 - Identifying 'code compliant' designs for residential development and providing mechanisms to fast-track them through the planning system.
 - Providing a system to certify that applications meet the objectives and standards of the new Residential Code and the planning scheme.

APPENDIX a

GOOD DESIGN GUIDE STANDING ADVISORY COMMITTEE

TERMS OF REFERENCE

TERMS OF REFERENCE

ADVISORY COMMITTEE FOR LOCAL VARIATIONS TO THE GOOD DESIGN GUIDE

1.0 BACKGROUND

The Good Design Guide sets out statewide requirements for the consideration of medium density housing proposals. The *The Good Design Guide* allows a planning authority to propose a local variation to the standard techniques or to introduce additional techniques.

Some Councils will want to propose variations to the *The Good Design Guide* to achieve specified policy outcomes as part of their development of the Municipal Strategic Statement and local policies about housing issues.

Ministerial Direction No. 8 sets out the requirements which must be met in proposing a local variation. In summary, the proposal must demonstrate that:

- It is soundly based against the strategic context of the municipality.
- Specific parts of the municipality warrant special treatment because of locational, architectural, environmental, topographic, servicing, social or other reasons.
- The *The Good Design Guide* creates conflict or unduly constrains development.
- The proposed variation will achieve the objectives.
- The variations are consistent with the *The Good Design Guide* objectives.
- The changes have been canvassed with the community.

Some concern has also been expressed about the effectiveness of the performance measures in *The Good Design Guide* and in *Vic Code 1* relating to overlooking, overshadowing, amenity and privacy and it has been agreed that this issue be examined by a review of examples of the application and outcomes from the existing provisions.

Any review of the operation of aspects of *The Good Design Guide* should also provide an ability to recommend any operational enhancements to *The Good Design Guide* which may be identified.

2.0 THE TASKS

The tasks of the Advisory Committee are to:

Task 1 Review all proposals to introduce a local variation to *The Good Design Guide* in planning schemes, in particular against the requirements of *Ministerial Direction No.8*.

Task 2 Review current practical experience with the provisions of *Vic Code 1* and *The Good Design Guide* relating to overshadowing, overlooking and building close to boundaries.

Task 3 Make recommendations about how the provisions or procedures of *The Good Design Guide*, *Ministerial Direction No.8* or *Vic Code 1* relating to these matters may be improved and made more effective.

It is not intended that the Advisory Committee review the other provisions of *The Good Design Guide* or of *Vic Code 1* except that the Advisory Committee may identify changes to other parts of both documents where it considers this necessary to achieve the tasks.

The Advisory Committee must undertake Task 1 in conjunction with its role as a panel appointed to consider submissions about the planning scheme amendment under Section 153 of the *Planning and Environment Act 1987*, where a panel needs to be established.

3.0 WHAT THE ADVISORY COMMITTEE SHOULD CONSIDER

Task 1

The Advisory Committee should consider each proposal for a local variation to *The Good Design Guide* referred to it against the requirements set out in sections 3 and 4 of *Ministerial Direction No.8*. In addition, the Advisory Committee should consider, where relevant:

- The cumulative effect of variations in the region against State objectives such as promoting or maintaining housing choice opportunities and promoting better use of infrastructure.
- Whether or not alternative means to address the identified issues have been explored or tried.

Task 2

The Advisory Committee should consider the findings report of the Site Boundaries Issues Review project and make recommendations about appropriate consequential changes to *The Good Design Guide* and *Vic Code 1*, in particular whether the techniques and performance measures can be improved to better achieve the objectives in relation to overshadowing, overlooking, amenity and privacy.

Task 3

Where the Advisory Committee identifies circumstances where changes to either *The Good Design Guide*, *Ministerial Direction No.8* or *Vic Code 1* would facilitate achievement of desired outcomes these should be identified and explained and the recommended changes either set out in draft form or the intent of the change described for later drafting.

Terms of Reference

If the Advisory Committee considers that these terms of reference require modification to achieve either the tasks or other desirable outcomes, the Advisory Committee may issue an interim report and concurrently request the Minister to amend the terms of reference.

4.0 REPORT

The Advisory Committee must prepare reports which respond to the terms of reference.

Each report in relation to Task 1 and any panel report should be combined.

The reports in relation to Tasks 2 and 3 should be submitted separately to Task 1 and may be combined if the Advisory Committee thinks this useful.

Approved

Date: 6 April 1999

APPENDIX b

GOOD DESIGN GUIDE STANDING ADVISORY COMMITTEE EXPANDED TERMS OF REFERENCE

STANDING ADVISORY COMMITTEE ON
LOCAL VARIATIONS TO THE GOOD DESIGN
GUIDE

**ADDITIONAL TERMS OF REFERENCE – REVIEW OF TECHNIQUES IN GOOD
DESIGN GUIDE AND VICTORIAN CODE FOR RESIDENTIAL DEVELOPMENT –
SUBDIVISION AND SINGLE DWELLINGS (APRIL 1992)**

BACKGROUND

In April 1998, the then Minister for Planning and Local Government requested the Advisory Committee for Local Variations to the Good Design Guide to investigate and recommend on the effectiveness of the performance measures in *the Good Design Guide for Medium Density Housing* (July 1995 and following editions) and the *Victorian Code for Residential Development – Subdivision and Single Dwellings, April 1992 (VicCode1)* relating to overshadowing, overlooking and building on or near boundaries.

The Advisory Committee has completed an Issues and Options Paper in response to this request. The Minister for Planning, the Hon. John Thwaites MP, released this Issues and Options Paper for public comment on 27 October 1999, with responses requested from the public requested by 31 December 1999.

THE GOVERNMENT IS COMMITTED TO ISSUING A SINGLE, COMPREHENSIVE AND EASILY UNDERSTOOD CODE TO GUIDE THE PLANNING AND DESIGN OF RESIDENTIAL BUILDING IN VICTORIA.

IN PREPARATION FOR THIS TASK, THE GOVERNMENT WISHES TO RECEIVE ADVICE FROM THE ADVISORY COMMITTEE ON THE CURRENT OPERATION OF THE PERFORMANCE MEASURES IN BOTH THE GOOD DESIGN GUIDE AND VICCODE1 REGARDING CARPARKING AND DENSITY.

THE ADVISORY COMMITTEE IS SEEKING SUBMISSIONS UP TO 31 DECEMBER 1999 ON THE MATTERS RAISED IN THEIR ISSUES AND OPTIONS REPORT OF AUGUST 1999. SUBMISSIONS ON THE TECHNIQUES REGARDING CARPARKING AND DENSITY COULD THEREFORE BE SOUGHT AT THE SAME TIME.

DESCRIPTION OF THE TASK

2. Density

Element 1 in the Good Design Guide is entitled Density. Density refers to the ratio between dwellings and lot size. The objectives of the Density element include to:

- support urban consolidation and the use of available infrastructure with well-designed medium-density development
- increase the diversity of housing to meet future community needs
- recognise diversity in the character of areas; and
- support higher densities for development on larger sites and encourage site consolidation.

The technique E1.T1 is provided in the Good Design Guide as an indication of benchmark densities. The technique makes provision for higher density development on larger lots or lots with greater frontage.

Task 1

The Committee is requested to investigate and report on whether compliance with the numerical techniques set out in E1.T1 is achieving the various objectives set out in Element 1, and on any other matters related to the application of these techniques.

There is no equivalent technique in VicCode1.

3. Carparking

The objectives of Element 8 in the Good Design Guide: Car Parking and Vehicle Access are to provide adequate and convenient parking for resident, visitor and service vehicles, to ensure streets and driveways provide safe, manageable and convenient vehicle access to dwellings, and to avoid parking and traffic difficulties in the development and neighbourhood.

THE TECHNIQUES IN THIS ELEMENT REFER TO NUMBERS OF SPACES (E8.T1 AND T2), STREET DIMENSIONS (E8.T3), ACCESS ARRANGEMENTS TO PARKING AND STREETS (E8.T4 TO T7) AND PARKING BAY, GARAGE AND ACCESS DIMENSIONS (E8.T8).

Task 2

The Committee is asked to review the existing provisions and advise on:

- **whether compliance with the techniques meets the objectives of Element 8**
- **whether any other standards for carparking and access would better meet these objectives, and**
- **any other matters related to the application of the techniques in Element 8.**

ELEMENT 4 OF VICCODE1 ALSO INCLUDES PERFORMANCE MEASURES RELATING TO CARPARKING. THESE PERFORMANCE MEASURES DIFFER IN SOME RESPECTS FROM THOSE IN THE GOOD DESIGN GUIDE.

Task 3

In view of the Government's intention to issue a comprehensive residential code, the Committee is asked to review and advise the Minister for Planning on a set of performance measures for parking that can be used in the approval process for single dwellings, subdivisions and medium-density developments.

The report is to cover techniques governing the provision of resident and visitor parking.

CONSULTATION

The Government requests that the Advisory Committee undertake public consultation in the course of reviewing the techniques and preparing the advice. Such consultation could take the form of a call for submissions in addition to those already requested on the August 1999 Issues and Options Paper, or any other method of consultation.

Arrangements for extensive consultation and community involvement in the preparation of the new, single comprehensive code for residential development in Victoria will be in addition to consultation on this review.

TIMELINES

The Advisory Committee is requested to undertake its investigations and consultations and provide its final report to the Minister for Planning on the techniques relating to density and carparking in Victorian residential planning codes on or before **Friday 31 March 2000**.

The Committee's report on carparking and density techniques should preferably be incorporated into the final report of the Committee in response to its April 1998 Terms of Reference regarding overshadowing, overlooking and building on or near boundaries.

Signed:

Hon John Thwaites MP
Minister for Planning

Date: *23 November 1999*

APPENDIX c

summary of options,
issues and options paper

PART 4 SUMMARY OF OPTIONS

1. Option (Section 2.2.4-4 Conclusions About Managing Change)

Councils concerned about the lack of certainty, which redevelopment pressure within their municipalities may have for their communities, should consider adopting a system of identifying areas according to the following criteria:

- Areas where substantial change may be expected.
-
- Areas where incremental change within the framework of existing character may be expected.
-
- Areas where minimal change may be expected.
-

Councils should use this system, in conjunction with the tools available in the form of zones and overlays under the *Victoria Planning Provisions*, local variations to *The Good Design Guide* and local policies, as a means of managing change within their municipalities as it affects residential areas. This should be done within a framework of implementing relevant objectives and strategies in their Municipal Strategic Statements. The outcomes should result in a suitable balance between the housing needs of the municipality and other objectives.

2. Option (Section 2.2.4-4 Conclusions About Managing Change)

The preferred mechanism where councils wish to regularly apply a technique in an area that is different to a specified technique in *The Good Design Guide*, should be by means of a local variation to *The Good Design Guide* rather than simply by means of a local policy.

3. Option (Section 3.1.3-1 Single Code for All Dwelling)

There should be a single comprehensive code for the subdivision of land and the siting and design of all dwellings. There should be no distinction in the standards that apply to the siting and design of dwellings based only on the fact of whether there is one or more dwellings on a lot.

4. Option (Section 3.1.3-1 Single Code for All Dwellings)

A site context plan should be required to be submitted with an application for a building permit.

A site context plan should show the following information:

- The location of secluded private open space and main living room windows of neighbouring properties so that the solar and visual privacy impact of new development on them can be calculated.
- A section through the site which includes the immediate neighbouring properties on each side to indicate crucial slope differentials.
- A section from the rear of the site to the mid-point of the street to indicate crucial slope differentials.

5. Option (Section 3.1.3-3 Local Variations)

Section 11(1) of the Building Act 1993 should be amended by including the words '*or design*' to read as follows:

11. *Effect of planning schemes*

- (2) If a provision of a planning scheme under the **Planning and Environment Act 1987** regulates the siting *or design* of buildings in respect of a municipal district or part of a municipal district, any building regulation which also regulates that matter—
 - (c) if not inconsistent with that provision, must be complied with in addition to that provision;
 - (iii) if inconsistent with that provision—
 - (iv) so far as is practicable, must be read so as to resolve the inconsistency; and
 - (v) subject to sub-paragraph (i), to the extent of the inconsistency, ceases to have effect in that municipal district or that part of the municipal district on the coming into operation of the provision of the planning scheme for the period that the provision is in force.
- (2) A council must publish notice in a newspaper circulating generally in its municipal district of the fact that a regulation under this Part has ceased to have effect in the municipal district or part of it.

The heading to Regulation 4.4 of the Building Regulations should be amended by adding the words ‘*and design*’ to read as follows:

4.4 Siting *and design* requirements — VicCode 1

6. Option (Section 3.2.3-3 Design and Development Overlay)

The means of requiring a planning permit for one dwelling on a lot of 300 square metres or more should be handled by the application of a Design and Development Overlay.

7. Option (Section 3.3.3-1 Front Setbacks)

E6.T1 Front walls of buildings are set back from street frontages as follows:

PREVAILING SETBACK

Prevailing Front Setback	General Provision
Less than 5m	Same as prevailing street setback
Between 5m and 6.25m	5m
Greater than or equal to 6.25m	80% of prevailing street setback, not less than 6 metres

(Diagram illustrating calculation of Prevailing Front Setback to be shown here)

Where there are ten residential properties on one or two sides of a development in the same street, the prevailing front setback is the distance between the front property boundary and the dwelling of at least eight of those properties (plus or minus 0.5m).

For the purpose of calculating the prevailing front setback:

- The front setback is the distance between the front property boundary and the closest part of the dwelling to the street including verandahs and porches.
- Where there are minor variations in the prevailing front setback (plus or minus 0.5m) the prevailing front setback is the average of the front setbacks.

If a street has no prevailing setback it has a 'varied' setback. The front setback for a development in a street with a varied setback is calculated by reference to the adjacent development context.

Where adjacent development has different setbacks, new development is setback the average of the minimum frontage setbacks specified in the table below.

VARIED SETBACK

Adjacent development context	General provision	Within 7km of Melbourne GPO
No development or non-residential development set back more than 3m	3m	0m
Development set back 3m or less	Same as the adjacent development	0m

Adjacent development context	General provision	Within 7km of Melbourne GPO
Dwellings set back less than 4.5m	3m	0m
Dwellings set back 4.5m or more	4m	4m
Dwellings set back 7m or more	5m	5m
Dwellings set back 9m or more	6m	6m
Urban Conservation Areas or Heritage Overlays	Same or greater than the adjacent development	Same or greater than the adjacent development

Diagram illustrating calculation of Different Adjacent Setbacks

On corner sites of less than 1200m², new development fronting the long side of the site may have a 3 metre minimum frontage setback or less as specified in the varied setback table. The setback to the short side of the site for new development is calculated by reference to either the prevailing setback table or the varied setback table as appropriate.

Diagram illustrating Corner Setbacks on Sites Less Than 1200m²

Note: The setback for new development is measured to the wall-face of the dwelling. Eaves, porches and verandahs, but not garages or carports, may project forward of this line.

8. Option (Section 3.3.3-3 Front Fences)

In Design Element 3 of *The Good Design Guide*:

- In E3.C6, delete the following Design Suggestion:

Keep front fences to a maximum of 1.2m in height if solid or 1.5m in height if more than 50 per cent transparent.

- Insert a new criterion as follows:

Front fences should reflect the predominant height of other fences in the street unless the area is one where substantial change is occurring or is expected.

- **Insert a new technique as follows:**

E3.T1 Front fences are no higher than 1.2m.

No front fences are provided where there are ten residential properties on one or two sides of a development in the same street and at least eight of the properties have no front fence.

9. Option (Section 3.3.3-3 Front Fences)

Technique E3.T1 should be included in the Building Regulations as one of the matters which apply to building permits issued in respect of single dwellings.

10. Option (Section 3.3.3-4 Roof Form and Pitch)

In Design Element 3, include a new criterion as follows:

When there is a characteristic roof form and pitch in a neighbourhood, the roofline of new development should respond to it.

11. Option (Section 3.4.3-1 Overshadowing Caused by Single Dwellings)

The techniques from Design Element 6 relating to overshadowing should be included in the Building Regulations.

12. Option (Section 3.4.3-3 Main Living Room Windows)

A new technique should be included in Element 6 of *The Good Design Guide* as follows:

Where a previous dwelling, which overshadows an existing dwelling, is being replaced by a new development, the new development may overshadow the existing dwelling to an equivalent extent.

Where the new development would create additional overshadowing of an existing dwelling, apart from any equivalent overshadowing which may be allowed, no part of a new development should protrude above a plane drawn from an existing dwelling at 30 degrees above the horizontal from a point at the centreline of a main living room window, 1.2 metres above floor level. Solar access should be protected over an arc of

100 degrees on this plane with no less than 40 degrees of this arc to the east or west of true north, as shown in the diagram.

13. Option (Section 3.5.3-1 Sill Heights)

In Design Element 7, delete the following paragraphs from E7.T1:

- *have sill heights of 1.6m above floor level; or*
- *have fixed obscure glazing to any part of the window below 1.6m above floor level.*

In Design Element 7, delete the following paragraphs from E7.T2:

- *windows are of habitable rooms and they have sill heights of 1.6m or more above floor level or translucent glazing to any part of a window less than 1.6m above floor level;*

14. Option (Section 3.5.3-2 Screens)

In Design Element 7, delete E7.T4.

15. Option Section 3.5.3-4 Architectural Solutions)

In Design Element 7, additional diagrams should be included in the design suggestions for E7.C1.

16. Option (Section 3.5.3-5)

The techniques from Design Element 7 relating to visual privacy should be included in the Building Regulations.

17. Option (Section 3.6.3-2 Articulation)

In Design Element 6, add an additional technique after E6.T3 and E6.T4 as follows:

Where buildings are set back from side and rear boundaries of any adjacent residential boundary by 1m or less than the minimum distance under E6.T3 or E6.T4, 20 per cent of the total building length in this category must be set back further by at least 1m.

18. Option (Section 3.6.3-3 Building Footprint)

In Design Element 3, include the following design suggestion:

Consider exceeding any maximum height where:

- *The building footprint is reduced to better reflect the footprint of adjoining residential development.*
- *A roof-line is incorporated that responds to any characteristic roof form and pitch of the neighbourhood.*

19. Option (Section 3.6.3-6 Garages and Carports in Front Setback)

- a) In Design Element 8, add an additional technique under the heading “Location of Accessways and Car Parking Spaces” as follows:

At least one car parking space per dwelling is under cover or set back the minimum front setback distance calculated by reference to E6.T1.

- b) This additional technique and other techniques in Design Element 8 should be included in the Building Regulations.
- c) In Design Element 6, add the words in italics to the Note to E6.T1 to read as follows:

Note: The setback is measured to the wall-face of the dwelling. Eaves, porches and verandahs, *but not garages or carports*, may project forward of this line.

APPENDIX d

DESIGN ELEMENT 6 *THE GOOD DESIGN GUIDE*

APPENDIX e

ELEMENT 2 *VICCODE 1*

APPENDIX f

DESIGN ELEMENT 8 *THE GOOD DESIGN GUIDE*

APPENDIX G

ELEMENT 4 *VICCODE 1*

APPENDIX H

VICTORIAN CODE FOR RESIDENTIAL DEVELOPMENT MULTI-DWELLINGS:

PRELIMINARY SUBMISSION TO INDEPENDENT PANEL BY THE DEPARTMENT OF PLANNING AND HOUSING (SEPTEMBER 1992);

SECTION 1.1 HISTORICAL CONTENT

APPENDIX i

summary of general recommendations;

ENERGY EFFICIENT STRATEGIES JANUARY 2000,

IMPACT OF OVERSHADOWING BY NEW HOUSING DEVELOPMENTS ON THE ENERGY EFFICIENCY OF EXISTING HOUSES

1. SUMMARY OF PROJECT FINDINGS AND RECOMMENDATIONS (Executive Summary)

This study is a technical analysis of the impact of overshadowing by new housing developments on the energy efficiency of existing housing. Whilst the brief was to examine the effect of overshadowing caused by housing developments (typically new medium density developments) the findings of this study are applicable to any form of obstruction that would limit solar access to a dwelling.

1.1 BACKGROUND SUMMARY

The first aim of this project was to assess whether the current provisions within the Good Design Guide and VicCode 1 are effective in achieving an “appropriate” level of energy efficiency in an existing dwelling subject to overshadowing by a proposed new development.

The second aim of this project was to develop suitable performance measures which:

- Protect and enhance energy efficiency without impacting adversely on other issues of amenity, and
- Which are suitable for consideration in any future revision of the Good Design Guide and Vic Code1.

1.2 EXISTING PROVISIONS

Following is a summary in point form of the findings in respect of the existing overshadowing protection provisions contained within the Good Design Guide and VicCode1. For a detailed analysis refer to section 6.

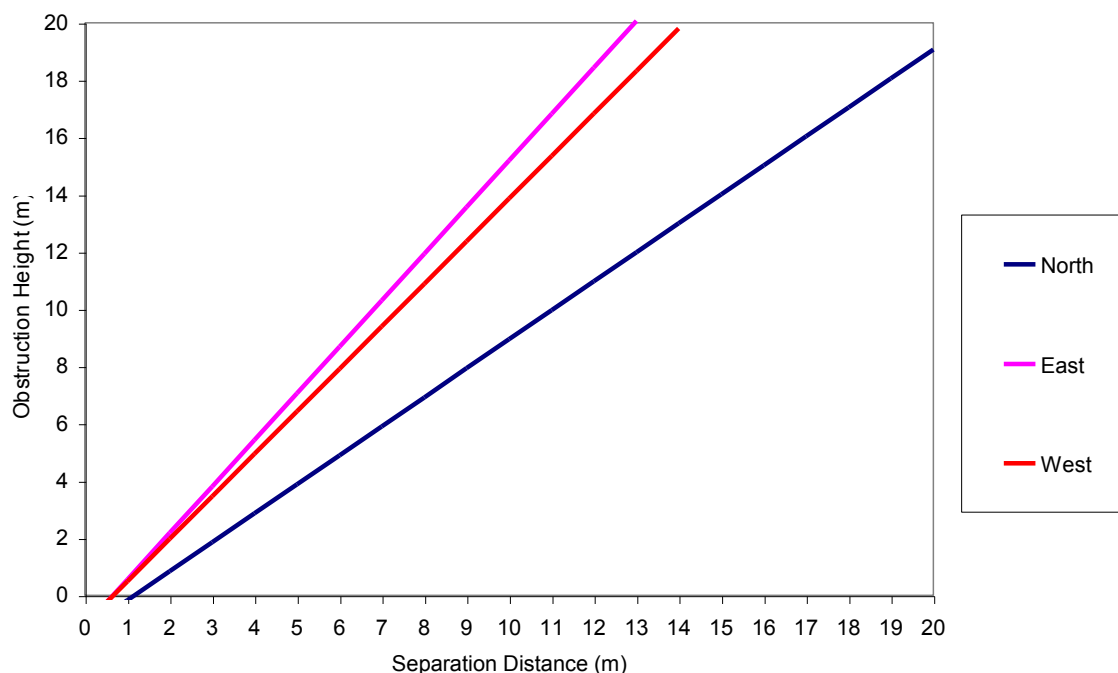
- **Separation Distances** - Setback distances in the GDG & VicCode 1 are prescribed in relation to the property boundary with no regard to the relative position of the affected dwelling. The degree of energy efficiency protection offered by these provisions was found to be highly variable depending upon the relative separation of the overshadowed dwelling from the overshadowing development.
- **Measurement of Overshadowing Development Height** - Development heights are prescribed in relation to the ground level below the development with no regard to the relative vertical position of the affected dwelling (ie no consideration of the effect of slope). The degree of energy efficiency protection offered by these provisions is therefore in practice likely to be variable depending upon the topography of the intervening land between the overshadowed dwelling and the overshadowing development.

- **Overshadowing Development Profile** - The degree of energy efficiency protection offered by the currently prescribed setback to height profile was found to be highly variable depending upon which building height to boundary setback ratio is adopted.
- **Orientation** - The degree of energy efficiency protection offered was found to be highly variable depending upon the orientation of the overshadowing development relative to the overshadowed dwelling, a factor not accounted for in the current codes.
- **Offsetting** - The practice of offsetting an overshadowing development (see section 4.6 for a definition of offsetting) can substantially reduce the impact that it will have on the energy efficiency of the overshadowed dwelling. The current provisions provide no dispensations in terms of height or setback restrictions for a developer who is prepared to offset their development in relation to the overshadowed dwelling.
- **Overshadowed House Type** - The degree of energy efficiency protection was found to be highly variable depending upon the type and design of the overshadowed dwelling, a factor not accounted for in the current codes.

1.3 RECOMMENDATIONS – GENERAL

- **Separation Distances** – Effective regulation needs to have regard for the relative horizontal position of the affected dwelling in relation to the overshadowing development, even if its position is only a deemed position relative to the common boundary.
- **Measurement of Overshadowing Development Height** - Effective regulation needs to have regard for the height of the overshadowing development relative to the affected dwelling, i.e. topographical factors need to be taken into account.
- **Overshadowing Development Profile** - In order that a consistent performance outcome is obtained, the currently prescribed obstruction profile needs to be revised to a linear profile as suggested in Figure 1. (noting that this is based on a maximum permissible heating energy increase of 30% – the graph would require adjustment if a higher or lower acceptable increase was selected). As an alternative technique to the building profile technique “Lookup” tables may be provided, an example of a Lookup table is included in Appendix 9.4
- **Orientation** - In order that a consistent performance outcome is obtained, differing prescriptive provisions will be required according to the orientation of the overshadowing development relative to the overshadowed dwelling as shown in Figure 1.
- **Offsetting** - Dispensations in terms of height and or setback restrictions for a developer who is prepared to offset their development in relation to the overshadowed dwelling should be available where appropriate.
- **Overshadowed House Type** - Planning provisions need to account for the type of housing being overshadowed, at least in broad terms. For instance certain planning zones within a LGA may be deemed to contain high overshadowing sensitive housing (eg areas which are zoned to have medium to high density housing). Differing overshadowing stringency levels may need to be applied according to these zones.

Figure 1 Complying Building Height to Setback Profiles – 30% Stringency Level



- **Responsibilities of the overshadowed building owner/designer** – Regulations need to recognise that a responsibility in part exists with the overshadowed building owner/designer to protect themselves against the impacts of overshadowing either through strategic siting or via alternative routes to energy efficiency (ie other than a reliance on passive solar design principles). Investigations into the possibility of incorporating such responsibilities into any upcoming housing MEPS should be conducted.
- **Performance Basis** – To cope with unusual circumstances and innovation, a true performance based approach should be offered within any overshadowing regulations (eg as suggested in section 7.3.3). Furthermore, stringency levels for performance measures should be based on acceptable levels of increase in heating energy consumption only resulting from overshadowing.
- **Dealing with Existing Houses** – Regulations should be based upon the potential offered by a site rather than the particular design of an existing house.
- **Dealing with Vacant Blocks** – If action regarding vacant blocks is required then deemed to exist housing types need to be developed and agreed such that the potential of vacant blocks may be adequately protected.
- **Stringency Levels** – Further research and stakeholder consultation should be conducted to develop a set of stringency levels appropriate to various neighbourhood types.

1.4 RECOMMENDATIONS – FURTHER RESEARCH

The following areas are considered worthy of further research:

- Development of principles for defining neighboured types/planning zones appropriate to the aims of energy efficiency protection through overshadowing controls.
- Research into levels of Stringency appropriate to various neighbourhood types, with particular reference to greenhouse gas emission trade-offs.
- Development of deemed to exist housing types for use in the case of vacant blocks.
- Research into the scope for including allowances for overshadowing into any proposed Housing MEPS program as currently being investigated by various government bodies including the Australian Greenhouse Office.
- Research to better define the benefits of offsetting. This would allow the extent of more severe height restrictions to be limited to certain sections of the boundary between sites rather than the whole boundary.

APPENDIX J

RESPONSES TO THE ISSUES AND OPTIONS PAPER

SUBMISSIONS RESPONDING TO ISSUE & OPTIONS PAPER

Sub No	Name	Organisation/Postion	On Behalf Of
1	David French	French Built P/L	David French
2	C Fadgyas	City of Greater Geelong	C Fadgyas
3	E E Pearce	President	Beaumaris Cons. Society
4	Col Bandy	Col Bandy Architects P/L	Col Bandy
5	Janelle House		Janelle House
6	R Roberts		R Roberts
7	Neil D Armstrong	Chief Executive Officer	LGPRO
8	John A Waugh		John A Waugh
9	Harry Somers	Secretary	St Albans North Environmental Action Group Inc
10	D Neyland		D Neyland
11	Jeff McAlpine	Senior Strategic Planner	City of Monash
12	John Gaffney	Director	Housing Industry Association
13	John Ieraci		John Ieraci
14	Pauline Delios	Senior Statutory Planner	City of Boroondara
15	Andrew Mason	Senior Planner	Delatite Shire
16	Ron Grainger	Secretary	Blackburn Village Residents Group
17	Jason Green & Katelyn Orbyn	Project Planner	Delfin Property Group Ltd Craigieburn Gardens Village
18	Sean McNamee	Integrated Planning	Maroondah City Council
19	Neil Kerby	Co-Founder	Mitcham Residents Against Inappropriate Development
20	Markus Terjung	Urban Planning & Development Mgr	City of Hobsons Bay
21	Tony Iepi	President	Building Designers Association of Vic Inc
22	Slawka Bell	State Manager	Royal Australian Institute of Architect
23	Geoff Oulton	Director City Development	City of Port Phillip
24	John Quirk	Quirk Consultants	Quirk Consultants
25	Dawn Bray	Co-ordinator Planning Reform	City of Whitehorse
26	Nicole Yelland & Paul Hede		Hede Architects
27	L Jackson		L Jackson
28	Elizabeth Meredith	Secretary	West of Elgar Residents Association
29	Aubrey Sidaway		Aubrey Sidaway
30	Jacqui Houguet	Manager, Planning	City of Casey
31	Jill Moore		Jill Moore

32	Helen Efthimwu		Helen Efthimwu
33	Marco Negri	Manager, Planning	Stonnington City Council
34	Max Croxford	Chairperson	Building Control Commission
35	Angela Kourambas	Manager, City Strategy	Knox City Council
36	W Keebie		W Keebie
37	Judy Hutchinson		Judy Hutchinson
38	Robert Hutchinson		Robert Hutchinson
39	Jon Brock	Manager, Strategic & Economic Development	Banyule City Council
40	Michael Smit	Manager, City Development	Moreland City Council
41	Dr Geoff Reid		Mailing Precinct Protection Group
42	Maroa J Shelton		Maroa J Shelton
43	Gillian Wright	President	Knox Residents Against Overwhelming Development
44	David Joy		David Joy
45	Angela Williams		North & West Melbourne Association Inc
46	Noel Cleaves	Manager, Urban Environment	Maribyrnong City Council
47	Allan Cowley	Planner	Mornington Peninsula Shire Council
48	David Wilms	Committee Member	Save Our Suburbs
49	Michelle Quigley	President	Richmond Residents Against Inappropriate Development Inc.
50	Eloise Gucciardo	Principal Officer,	City of Melbourne
51	Noel Matthews	Manager,	City of Boroondara
52	Geoff Rundell	Executive Manager	Moonee Valley City Council
53	Andrea Bow	Secretary	Macleod Progress Association Inc
54	Stephen Plater	Group Manager	Nillumbik Shire Council
55	Michael Corrie	Acting Director	Shire of Yarra Ranges
56	Bev Smith	General Manager	Energy Efficiency Victoria
57	John Bayly		John Bayly
58	Peter Lewis		Peter Lewis
59	Andrej Mocicka	President	The Institute of Surveyors Victoria
60	A W Harding		A W Harding
61	Alan Andrews	Co-ordinator	Simonds Urban Living
62	John Roan	Manager	Brimbank City Council
63	Noreen Argentino	Chief Executive Officer	Association of Consulting Surveyors Victoria
64	Ronald Cummins		Ronald Cummins
65	Selwyn Blackstone		Selwyn Blackstone Architects
66	Stephen Onions	Physical & Environmental Services Manager	Glenelg Shire Council

67	Roger Harvey	Town Planner	Shadow Draw
68	Emily Trist	Town Planner	City of Kingston
69	Sally Moor	Planning Consultant	Sally Moor
70	Sally Hooper	Town Planner	Surf Coast Shire
71	Cr Loreto Davey	Mayor	City of Boroondara
72			Urban Ecology Australia & National Environment Law Association
73	Jenny Houlihan		Jenny Houlihan
74	Roz Hansen	Partner	Hansen Partnership
75	Gabrielle O'Halloran	Senior Planner	Hansen Partnership
76	Alina Skoutarides	President	Black Rock Association for Responsible Development
77	Roger Collins	Manager – Economic and Environmental Planning	City of Manningham
78	Garry Marshall	Chair	Australian Council of Building Design Professions Ltd
79	Peter Tesdorf	Victorian President	Royal Australian Planning Institute
80	Peter McEwan	Director, Policy Development	Department of Infrastructure
81	Judy Nicholson	Associate Director	Perrott Lyon Mathieson

APPENDIX k

SUBMISSIONS ON DENSITY AND CARPARKING

SUBMISSIONS RESPONDING TO CARPARKING & DENSITY

Sub No	Name	Organisation/Position	On Behalf Of
1	Donald McLeod	Planning Dept	West Wimmera Shire Council
2	Bruce Morgan		Bruce Morgan Architects
3	Stephen Onions	Physical and Environmental Science Manager	Glenelg Shire
4	D Neyland		D Neyland
5	Jim O'May	Research and Consultancy Manager	Centre for Environment Management
6	Chubb Fadgyas	Coordinator Strategy Planning	City of Greater Geelong
7	Christina Fong	Manager, Strategy & Design	Stonnington City Council
8	DJ & CF Kenwood		DJ & CF Kenwood
9	Sally Hooper	Town Planner	Surf Coast Shire
10	Jacqui Houguet	Manager, Planning	City of Casey
11	Michelle Quigley	President	Richmond R.A.I.D. Inc
12	Bronwen Machin	Clean Air Campaigner	Environment Victoria Inc
13	Brian Fitt	Secretary	McCubbins Estate Residents Committee Inc
14	David Mayes		David Mayes & Associates P/L
15	Bill Forrest	Group Manager Environment and Community	Shire of Nillumbik
16	Elmo Zeigelaar		Elmo Zeigelaar
17	Bartie Sheppard	Vice President	Bartie Sheppard
18	E E Pearce	President	Beaumaris Conservation Society Inc
19	Markus Terjung	Urban Planning and Development Manager	Hobsons Bay City Council
20	Andrej Mocicka	President	Institute of Surveyors, Victoria
21	Geoff Rundell	Acting Manager – Environmental Services	City of Moonee Valley
22	Gregory Henderson		Ballarat Citizens for Thoughtful Development
23	Slawka Bell	State Manager	The Royal Australian Institute of Architects
24	Roz Hansen	Partner	Hansen Partnership
25	William R Orange		William R Orange
26	Alexander Gourley		Alexander Gourley
27	Judy Petterd		Judy Petterd
28	John Moore	Manager Planning & Development	Knox City Council
29	Ian Nice	Manager Planning & Building	Kingston City Council
30	Michael Top	Corporate Manager Planning	Bayside City Council

31	David Cox	Team Leader – Maribyrnong Land Development	Melbourne Water
32	Angela Williams	Convenor, Planning	North & West Melbourne Association Inc
33	David Hodge	Assistant Director Planning and Environment	Housing Industry Association
34	Bruce Phillips	Manager Strategic & Statutory Planning & Building Services	City of Port Phillip
35	Laurie Ryan		Laurie Ryan
36	P Watts		P Watts
37	Simon Martyn		Macroplan
38	Professor R G H Cotton		Professor R G H Cotton
39	R A Cummins		R A Cummins
40	John Roan	Manager, Statutory Planner	Brimbank City Council
41	Dawn Bray	Co-ordinator, Planning Projects	Whitehorse City Council
42	John Dobinson		John Dobinson
43	Karen Bayly	Local Policy Planner	City of Melbourne
44	Jeff McAlpine	Strategic Planner	Monash City Council
45	Noel Matthews	Manager, Strategic Planning	Boroondara City Council
46	Alan Pears		Alan Pears

APPENDIX I

SUMMARY OF ISSUES RAISED IN RESPONSES TO THE ISSUES AND OPTIONS PAPER AND ON DENSITY AND CARPARKING

ISSUES AND OPTIONS PAPER

TECHNIQUES AND PERFORMANCE MEASURES IN THE GOOD DESIGN GUIDE AND VICCODE 1

SUMMARY OF ISSUES

**Standing Advisory Committee on Local Variations
to *The Good Design Guide***

February 2000

ABBREVIATIONS

DDO	Design and Development Overlay
GDG	Good Design Guide
LPPF	Local Planning Policy Framework
MSS	Municipal Strategic Statement
ODP	Outline Development Plan
RA	Responsible Authority

PART 2: THE BIG PICTURE

SECTION 2.2: MANAGING CHANGE

OPTION 1: USE EXISTING TOOLS IN PLANNING SYSTEM TO MANAGE CHANGE

COUNCIL RESPONSE

The majority of Councils agree with this approach to planning and managing change. It is considered that the existing mechanisms available to Councils under the new Format Planning Schemes are satisfactory for managing change and will provide a strong strategic foundation for influencing the future and direction of their municipalities.

IDENTIFICATION OF THE DIFFERENT AREAS WITHIN A MUNICIPALITY COULD BE EXPRESSED BY USING ZONES, OVERLAYS, LOCAL POLICIES, LOCAL VARIATIONS AND THE MUNICIPAL STRATEGIC STATEMENT (MSS). FOR EXAMPLE, THE AREAS OF SUBSTANTIAL GROWTH COULD BE IDENTIFIED IN THE MSS AND LOCAL POLICY AND INCLUDED IN A DDO AND/OR MIXED USE ZONE. HERITAGE AREAS COULD BE IDENTIFIED AS AREAS OF MINIMAL CHANGE AND THE BALANCE OF THE MUNICIPALITY ARE AREAS OF INCREMENTAL CHANGE BASED ON EXISTING CHARACTERISTICS AND HIGH DENSITY OF DEVELOPMENT.

Certain Councils have already identified areas of minimal change, incremental change and substantial change which will form part of their New Format Planning Schemes. Following are examples of the types of tools used by Councils.

- **Local Design Initiatives and Built Form Policies**

The City of Whitehorse has identified Special Character Areas to raise awareness within the community that these areas are considered to have something 'special' about them that need to be taken into account when planning for infill development. It is also managing change through initiatives such as the annual Design Symposium and the Building Better Cities Design Awards. Both of these initiatives provide an avenue for Council to work with developers and the wider community to ensure that the quality of design is improved overall, and that everyone is aware of Councils expectations for new development to reflect and enhance neighbourhood character. Council is working with specific communities to identify whether special planning controls are warranted to ensure that new development is in keeping with the character and the amenity of the area.

The City of Moonee Valley is preparing Residential Design Provisions. The Council proposes to introduce a local residential policy with associated design provisions into the Local Planning Policy Framework (LPPF) which will incorporate reference to the Moonee Valley Statement on Housing, Development and Neighbourhood Character as well as Residential Style Notes based on a number of broad neighbourhood character types. The system identified in this option to manage change will be used as a basis for its Residential Design Provisions where areas of minimal,

incremental, and substantial opportunities exist for redevelopment. The Residential Design Provisions will compliment the GDG and provide greater clarity to the future direction of development to both developers and residents alike.

- **Housing Studies**

The City of Boroondara and The City of Kingston are in the process of preparing Housing Needs Strategies that address the present and future needs of their municipalities. The strategies do not attempt to dictate the future of the housing market, rather recognise and respond to housing needs. The Council's have undertaken a substantial amount of background research in the preparation of the strategies, including research into the housing needs of current and future residents, existing housing stock, housing supply trends and the capacity of existing residential areas to accommodate change. The Councils have also completed studies on neighbouring character and heritage, which will form part of the overall strategy.

- **Other strategies**

IT HAS ALSO BEEN SUGGESTED THAT A METROPOLITAN MODEL RESIDENTIAL STRATEGY, HOUSING NEEDS STRATEGY AND/OR PRACTICE NOTE COULD BE PREPARED BY THE DEPARTMENT OF INFRASTRUCTURE (DOI) TO HELP COUNCIL'S WITH SUCH STRATEGIES.

HOWEVER IT HAS BEEN IDENTIFIED THAT 'RATE OF CHANGE' IS A RELATIVE CONCEPT. WHAT IS SIGNIFICANT CHANGE IN A MUNICIPALITY LIKE BOROONDARA IS LIKELY TO BE DIFFERENT TO SIGNIFICANT CHANGE IN PORT PHILLIP OR FRANKSTON.

ONE PROBLEM IDENTIFIED IS THAT THE IMPLEMENTATION OF THIS OPTION WILL BE COSTLY FOR THOSE COUNCILS WITHOUT IN-HOUSE STAFF RESOURCES TO UNDERTAKE THE WORK, AND IT WOULD TAKE SOME TIME TO IMPLEMENT THE WORK INTO THE MSS AND THE LPPF.

This option may also be difficult to implement within the municipalities. Politically, Council's could find it hard to identify established residential areas as being 'where substantial change may be expected'. This is likely to be poorly received in the community as the term does not accurately convey what is likely to happen in areas designated as suitable for medium density housing. Although though this may be possible on some large isolated development sites.

This approach may also prejudice the development and planning process as people buy land in areas expecting automatic approval of development or vice versa (that there will be no development of any kind in their neighbourhood).

PRIVATE INDUSTRY RESPONSE

It is generally agreed that this approach will provide better certainty to the industry. However, it is argued that wide ranging blanket prohibitions for medium density housing are unacceptable. Any identification of areas must be based on a sound strategic policy based approach.

THERE NEEDS TO BE A CLEAR UNDERSTANDING OF HOW MUCH CHANGE WILL BE ALLOWED/ENCOURAGED. WHAT PROVISIONS WILL BE ALLOWED IN AREAS DESIGNATED FOR 'SUBSTANTIAL' CHANGE – IE, FRONTAGE SETBACK, SITE COVERAGE. P.O.S REQUIREMENT (BASIC FACTORS WHICH AFFECT YIELD).

RESIDENT GROUPS RESPONSE

THE MAJORITY OF RESIDENT GROUPS ARE CONCERNED AT THE PRESENT RATE OF RESIDENTIAL CHANGE ACROSS METROPOLITAN MELBOURNE AND WELCOME A REVISED APPROACH TO MANAGING CHANGE. MANY BELIEVE THAT MOST RESIDENTIAL CHANGE IS NOT FOR THE BETTER AND IS PRODUCING INAPPROPRIATE DEVELOPMENT ON OVERCROWDED SITES.

A FEW RESPONSES WERE PESSIMISTIC ABOUT THE SAC'S ANALYSIS AND THE PROPOSED GOOD DESIGN GUIDE CHANGES AND ARE CONCERNED ABOUT HOW THIS APPROACH WOULD WORK IN PRACTICE. *'THE OUTCOME OF THE GDG IS UNPREDICTABLE TO THE EXTENT THAT THE GDG RELIES UPON AN ASSUMPTION (THAT IS UNREALISTIC) THAT THERE WILL BE SUFFICIENT EDUCATION/TRAINING AND RESOURCES'*.

- COMMUNITY CONSULTATION

THE MAJORITY OF GROUPS SUPPORT THIS OPTION, PROVIDED THERE IS CONSULTATION WITH THE LOCAL COMMUNITY. IF THE COMMITTEE'S APPROACH LED TO A REDUCTION IN THE ABILITY OF AFFECTED RESIDENTS TO PARTICIPATE IN THE PLANNING PROCESS , THIS OPTION WOULD NOT BE SUPPORTED.

- **IT IS BELIEVED THAT THE GDG SHOULD BE REVIEWED AND AMENDED TO REFLECT THE SUBSTANTIAL COMMUNITY OPPOSITION TO CHANGE. THE CHANGES NEED TO BE SET SOMEWHERE NEAR COMMUNITY EXPECTATIONS, THUS THE PROBABILITIES OF A BETTER OUTCOME WOULD INCREASE. THE FOLLOWING AREAS NEED TO BE ADDRESSED.**

- Housing types.

- Subdivision patterns.
 - Density.
 - The distinction between the 'suburbs' and the 'inner suburbs' and the expectations that people have when choosing either.
 - The distinction between infill development and development of greenfield sites.
 - The advantage of certainty available if aspects of development can be identified into areas that are:
 - Absolutely prohibited
 - Permissible
 - Permitted
 - The direct statistical correlation between, on one hand overdevelopment, building too close to boundaries, overlooking, overshadowing, loss of vegetation, loss of neighbourhood character and, on the other hand reduced lot sizes and MDH
- PROBLEMS WITH IDENTIFYING AREAS OF CHANGE

IF COUNCILS WERE TO IDENTIFY AREAS OF MINIMAL CHANGE WITHIN THEIR MUNICIPALITY, IT IS CONSIDERED THAT EVEN THESE AREAS WITH THE MOST SENSITIVE ENVIRONMENTS, ARE NOT SUFFICIENTLY DIVERSE TO PRECLUDE SOME CHANGE AT A SLOW RATE. ON THE OTHER HAND THERE IS A CONCERN THAT AREAS OF SUBSTANTIAL CHANGE MAY BECOME THE PLANNING EQUIVALENT OF FREE-TRADE ZONES, WHERE VIRTUALLY ANYTHING COULD HAPPEN.

AN OVERLAY CONTROL SHOULD BE APPLIED TO AREAS IDENTIFIED FOR MINIMAL CHANGE. THE TREATMENT OF AREAS OF MINIMAL CHANGE WOULD NEED TO BE CLEARLY ARTICULATED IN BOTH THE GUIDE AND THE PLANNING SCHEME AND MINIMAL CHANGE WOULD NEED TO VIRTUALLY PROHIBIT MULTI-UNIT DEVELOPMENT.

NO REFERENCE IS MADE TO THE INABILITY OF THE PRESENT PLANNING SYSTEM TO CONTROL DEMOLITION OR MOON SCAPING OF SITES PREPARATORY TO AN APPLICATION FOR NEW WORK.

PART 2: THE BIG PICTURE

SECTION 2.2: MANAGING CHANGE (continued)

OPTION 2: USE LOCAL VARIATIONS TO THE GOOD DESIGN GUIDE, RATHER THAN LOCAL PLANNING POLICIES, TO REGULARLY APPLY A DIFFERENT TECHNIQUE TO THAT SPECIFIED IN THE GOOD DESIGN GUIDE (IF REQUIRED)

COUNCIL RESPONSE

This option proved to be an agreeable approach in most Councils opinions, however, some Councils were critical of certain aspects of the option and many suggested that a combination of Local Planning Policies (LPPs) and Local Variations to the GDG would be more successful in managing change. Others felt that Local Variations were unnecessary and LPPs were a preferred option.

The councils that agreed with this options also highlighted the importance of LPP's.

- LPP's are needed as they identify, elaborate and justify Council's strategic objectives such as housing needs and design, maintenance of streetscape character and general urban character. Using Local Variations is a practical means of achieving specified Techniques, such as setback requirements.
- LPP's such as residential strategies are a good tool for 'bridging the gap' between the GDG and Local Variations.
- Policies can provide a greater level of direction and certainty to residents and developers alike and provide a strategic framework for the specific provisions of the GDG.
- A clear and simple framework must be provided by the Local Variations, as currently, the process is complicated with too many avenues.

Other Council's were critical of the Option and felt there were better ways of managing change than through Local Variations.

- Considered to be too early to pursue this type of control until Panels have considered a number of Local Variations to ensure that their findings and advice to Councils in preparing Local Variations provide a clear direction.
- The amount of resources and volume of work needed for a successful planning scheme amendment is underestimated.
- A DDO could be a better alternative for all forms of Local Variations as it enables areas to be mapped.

Councils raised some concerns in relation to adopting the new process.

- LPP's can be implemented a lot quicker (even with full public consultation) than Local Variations. Therefore, Local Policies could be used as a short term or as an interim measure until Local Variations are adopted. For example while strategic housing projects are undertaken to provide the strategic basis for Local Variations, interim local policies should be permitted to ensure residential areas are protected from inappropriate developments until strategic projects are completed.

PRIVATE INDUSTRY RESPONSE

THE MAJORITY OF PRIVATE INDUSTRY GROUPS CONCLUDED THAT LOCAL VARIATIONS ARE THE PREFERRED OPTIONS TO LPP'S.

- **THE PROCESS OF ASSESSING LOCAL VARIATIONS IS MUCH MORE TRANSPARENT THAN THE IMPLEMENTATION OF LPP'S.**
- **UNDER THE LEADERSHIP OF THE STATE GOVERNMENT, IT IS FELT THAT LOCAL VARIATIONS ARE APPROPRIATE AS LPP'S WOULD LEAD TO FURTHER UNCERTAINTY AS THEY COULD BE SUBJECT TO CONTINUAL CHANGE AFTER THE ELECTION OF EACH COUNCIL.**

SEVERAL GROUPS MADE THE FOLLOWING SUGGESTIONS.

- **COUNCIL MUST TAKE A REALISTIC ATTITUDE AND APPROACH, AS THE PROPOSED OPTION PLACES THE RESPONSIBILITY OF PLANNING CONTROLS ONTO LOCAL GOVERNMENT THEREFORE CREATING THE RISK THAT COUNCIL WILL IMPOSE UNREASONABLE AND RESTRICTIVE REQUIREMENTS RESULTING IN A LACK OF STRATEGIC COORDINATION.**
- **THERE NEEDS TO BE MORE CERTAINTY IN INTERPRETATION OF DESIGN REQUIREMENTS/GUIDELINES.**
- **LOCAL VARIATIONS SHOULD BE FORMULATED AND BE ABLE TO DIFFER. A THREE-TIER APPROACH COULD BE ADOPTED WITH DIFFERENT SETS OF LOCAL VARIATIONS FOR INNER, MIDDLE AND OUTER SUBURBAN LOCATIONS.**
- **LOCAL VARIATIONS MUST BE BASED ON LONG TERM HOUSING NEEDS AND DEMANDS OF MUNICIPALITIES AND SURROUNDING AREAS NOT JUST IMMEDIATE ENVIRONMENTAL EFFECTS.**

RESIDENT GROUPS RESPONSE

RESIDENTS COMMENTS WERE GENERALLY IN AGREEMENT WITH THIS OPTION, HOWEVER, MORE CRITICAL COMMENTS WERE MADE IN RELATION TO THE GDG AND THE GENERAL PROCESS OF MANAGING CHANGE.

THERE WERE ADDITIONAL SUGGESTIONS MADE THAT ARE BELIEVED TO IMPROVE THIS OPTION.

- **OVERLAYS COULD BE APPLIED.**
- **THE PLANNING MATERIAL THAT AIDS THIS OPTION MUST BE WELL DEFINED, EASILY FOUND AND WRITTEN SO THAT ITS INTENT CANNOT BE MISCONSTRUED OR ABUSED.**

SOME RESIDENTS DISAGREED WITH THE OPTION FOR THE FOLLOWING REASONS.

- **MINISTERIAL DIRECTIVE 8 IS IMPOSSIBLE TO FULFIL WITH ANY SIGNIFICANT DEGREE OF REALITY.**
- **PANEL FAIL TO MENTION THE UNCERTAINTY GENERATED BY THE VCAT PROCESS WHERE DECISIONS BY COUNCILS CAN BE OVERRIDDEN, AND IN THE EXCEPTIONAL CIRCUMSTANCES THE MINISTER CAN CALL-IN PLANNING SUBMISSIONS.**

PART 3: SPECIFIC ISSUES AND OPTIONS

SECTION 3.1: SINGLE DWELLINGS AND VIC CODE 1

OPTION 3: DEVELOP ONE COMPREHENSIVE CODE FOR SUBDIVISION OF LAND AND SITING AND DESIGN OF ALL DWELLINGS

COUNCIL RESPONSE

The situation where single detached dwellings are causing most problems are where new houses are located on infill sites in established areas. Many Councils recognise that the community has been most angered by the design of detached double storey dwellings rather than that of medium density housing developments.

The majority of Councils agreed with developing one comprehensive code for subdivision of land and siting and design of all dwellings however there were many concerns raised, particularly over the added pressure on and responsibility of the Building Surveyor. For example;

- If Planning Permits were considered to be required for all residential developments, additional responsibilities (such as assessing overshadowing impacts, measuring overlooking) would be devolved to private certifiers or Building Surveyors. This would require substantial education and training of members of industry.
- One of the main issues of implementing a single residential code would be the consistent application of the code by Building Surveyors/Practitioners and Planning Departments and the need to standardise the procedures used in applying such a code.

Following is a range of other concerns and suggestions made by Councils.

- It is important that amenity considerations should be applied to single dwelling developments, but how far does one go to take away the rights of property owners to do as they wish with their single homes?
- Most detached dwellings are an 'off the rack' design and in a performance based environment, it is a concern that this will not result in much improvement in the way detached dwellings respond to amenity and character issues. Due to cost implications, house buyers are generally reluctant to commission an architect to design a site responsive dwelling. Therefore, the majority of developments are designed by draftspeople that have little understanding of a performance based code, causing a problem in how a single code can avoid 'off the rack' designs.
- The single code will need to tackle issues of neighbourhood character, to ensure that single detached dwellings are sensitively designed. Some design standards, such as roof pitch, building heights and the like can be addressed through design techniques.
- Considerable thought should be given to clearly defining procedures used in applying the code. This includes a process for consultation with neighbours, avenues of appeal and process for dealing with variations including issues for consideration.
- There needs to be a segregation of design and engineering matters relating to subdivision from matters relating to the design and siting of housing on lots.

- Presently it is difficult to negotiate changes that would minimise vegetation removal as there is no onus on the Building Surveyor or designer to take such matters into consideration when designing or approving a house.
- A schedule to residential zones could identify maximum standards applicable to areas based on their predominant character.
- New single dwellings could be exempt from the requirement of a planning permit provided they meet certain criteria in such a code.

One Council disagreed with the Option, stating that the Code would be cumbersome and potentially confusing to users. It is suggested that it would be preferable to retain the two separate codes and ensure that common design issues appear in both cases.

PRIVATE INDUSTRY RESPONSE

THE MAJORITY OF PRIVATE INDUSTRY REPRESENTATIVES BELIEVE THAT THE CONSOLIDATION OF SUBDIVISION, MEDIUM DENSITY AND SINGLE DETACHED GUIDELINES WILL RESULT IN A BETTER AND MORE COMPREHENSIVE UNDERSTANDING BY ALL INVOLVED IN SUBDIVISION, DESIGN AND CONSTRUCTION.

SEVERAL ADDITIONAL SUGGESTIONS WERE MADE.

- **THE SINGLE CODE WOULD HAVE TO BE PRESCRIPTIVE TO ENSURE CONSISTENCY IN ALLOWABLE DESIGN PARAMETERS. INNOVATIVE DESIGN PARAMETERS MUST BE ENCOURAGED.**
- **REGIONAL, LOCAL AND SITE SPECIFIC ISSUES SHOULD BE CONSIDERED WITHIN THE DESIGN PROCESSES OF ALL DWELLING DEVELOPMENT TYPES. THESE DESIGN PROCESSES AND THE RESULTANT DESIGN PROPOSAL SHOULD BE DOCUMENTED AND SUBMITTED TO AN INDEPENDENT BODY QUALIFIED TO REVIEW AND ASSESS THE MERIT OF THE PROPOSAL ACCORDING TO ALL THE ISSUES THAT RELATE TO THE PARTICULAR SITE. A SINGLE CODE SHOULD FORM THE BASIS OF THE ASSESSMENT CRITERIA FOR ALL DWELLING DEVELOPMENT TYPES, WHILE REGIONAL, LOCAL AND SITE SPECIFIC CONTROLS SHOULD IDENTIFY SENSITIVE AND ‘SPECIAL’ AREAS, STREET AND SITES AND DESCRIBE ADDITIONAL CRITERIA UPON WHICH A SPECIFIC SUBMISSION WILL BE ASSESSED.**
- **THERE COULD BE A DISTINCTION IN STANDARDS BASED ON LOT SIZES AND OR DIMENSIONS. SINGLE DWELLINGS ON LOTS OVER A CERTAIN SIZE SHOULD BE ABLE TO BE CONSTRUCTED ‘AS-OF-RIGHT’. THERE SHOULD BE A DISTINCTION BETWEEN INNER URBAN, MIDDLE URBAN AND URBAN FRINGE DEVELOPMENT.**
- **THE OPTION SHOULD ALSO INCLUDE EXTENSIONS TO HOUSES THAT ARE AT THE FRONT, OR ABUT A BOUNDARY.**

THERE ARE CONCERNS THAT IF A SINGLE CODE IS IMPLEMENTED THIS MAY HAVE NEGATIVE IMPLICATIONS ON DEVELOPMENT OF GREENFIELD SITES. THE FOLLOWING REASONS ARE OUTLINED BELOW.

- **THE PROPOSED DESIGN MEASURES AND TECHNIQUES COULD NEGATIVELY IMPACT ON THE PREDICTABLE AND AFFORDABLE NATURE OF HOUSING DEVELOPMENT WITHIN GREENFIELD SITES.**
- **THE OPTIONS COULD STIFLE THE HOUSING DIVERSITY ENCOURAGED IN NEW RESIDENTIAL DEVELOPMENTS.**
- **THE PROPOSALS MAY CREATE DIFFICULTIES FOR LAND DEVELOPERS IN DEMONSTRATING COMPLIANCE WITH THE NEW REQUIREMENTS IN ORDER TO OBTAIN THE NECESSARY PLANNING APPROVALS.**
- **THE ASSESSMENT OF OVERLOOKING AND OVERSHADOWING IMPACTS WILL PROVE DIFFICULT AS NEIGHBOURING PROPERTIES TEND TO BE AT VARIOUS STAGES OF DEVELOPMENT.**

- **SUCCESSFUL ASPECTS TO COVENANT REQUIREMENTS ADDRESSING AREAS OF FRONT FENCES, ROOFLINES AND FORM WILL BE JEOPARDISED IF PROPOSED OPTIONS SUCH AS 8 AND 9 ARE IMPLEMENTED.**

RESIDENT GROUPS RESPONSE

IT IS GENERALLY AGREED THAT THIS APPROACH WILL PROVIDE A MORE CONSISTENT OPTION FOR THE DESIGN AND DEVELOPMENT OF ALL RESIDENTIAL SITES. HOWEVER, LIKE COUNCIL THERE ARE CONCERNS ABOUT WHO WOULD ENFORCE COMPLIANCE WITH THIS CODE.

- **IF COMPLIANCE WAS LEFT TO BUILDING SURVEYORS AND PRIVATE SURVEYORS THERE MAY NOT BE THE OPPORTUNITY FOR NEIGHBOURS TO BE NOTIFIED NOR HAVE ACCESS TO PLANS.**
- **ADMINISTRATIVELY, SUCH A PROCESS WOULD GENERATE DIFFICULTIES IN THAT IT WOULD HAMPER THE EFFICIENT FLOW OF APPROVALS AND PERMITS OF THE DEVELOPMENT INDUSTRY. THIS CONCEPT MAY ALSO PERPETUATE THE PRESENT PROBLEM OF HAVING A MINIMUM STANDARD THAT IS NOT APPROPRIATE IN A LARGE NUMBER OF AREAS.**
- **OUTBUILDINGS THAT MAY BE CONSTRUCTED WITHOUT ANY REFERENCE TO OR APPROVAL FROM THE RESPONSIBLE AUTHORITY CAUSED CONCERN AS THEY ARE SOMETIMES BIGGER THAN THE ORIGINAL DWELLING AND HAVE BEEN CONSTRUCTED WITHOUT A PERMIT.**

PART 3: SPECIFIC ISSUES AND OPTIONS CONTINUED

SECTION 3.1: SINGLE DWELLINGS AND VIC CODE 1 (continued)

**OPTION 4: REQUIRE A SITE CONTEXT
PLAN TO BE SUBMITTED WITH AN
APPLICATION FOR A
BUILDING PERMIT**

COUNCIL RESPONSE

COUNCILS GENERALLY SUPPORT THE OPTION, AS IT IS A WAY OF ENSURING THAT SITE OPPORTUNITIES AND CONSTRAINTS ARE TAKEN INTO ACCOUNT WHEN DESIGNING A DETACHED DWELLING. HOWEVER IT WOULD NEED TO BE MADE VERY CLEAR WHAT THE REQUIREMENTS OF THE SITE CONTEXT PLAN WERE, AND WHERE RESPONSIBILITY LIES FOR CHECKING SUCH A PLAN.

- ASSESSMENT OF THE SITE ANALYSIS BY BUILDING SURVEYORS

STRONG CONCERN ABOUT BUILDING SURVEYORS ASSESSING QUESTIONS OF PRIVACY, OVERSHADOWING AND OTHER AMENITY CONSIDERATIONS RELATING TO THE CHARACTER OF THE AREA. MOST BUILDING SURVEYORS DO NOT HAVE THE QUALIFICATIONS OR EVEN THE INTEREST IN ASSUMING THIS RESPONSIBILITY AND YET THE PANEL IS NOW SUGGESTING THEY TAKE ON ASSESSMENT OF EVEN MORE SUBJECTIVE ISSUES. THERE NEEDS TO BE GREATER CONSIDERATION GIVEN TO HOW BUILDING SURVEYORS AND PRIVATE PRACTITIONERS WILL BE ACCOUNTABLE FOR THE SITE ANALYSIS PLANS, AND TO UTILISE THE INFORMATION PROVIDED TO DETERMINE WHETHER DESIGN MODIFICATIONS NEED TO BE MADE, AND WHETHER BUILDING PERMISSION SHOULD BE GRANTED.

FOLLOWING IS A LIST OF CONCERNS AND SUGGESTIONS IN RELATION TO THE WAY IN WHICH BUILDING SURVEYORS WILL REQUIRE AND USE THE SITE ANALYSIS PLANS.

- Without any accompanying design response, it may not be appropriately used, and may simply become an item merely drawn up in matters to achieve a building permit.
- Should preliminary site inspections by Council be a manner of course?
- Private Building Surveyors may just be tempted to sign off any permit application regardless of whether or not the dwelling satisfactorily responds to the site constraints.
- Will this plan form part of the building approval?

- **Relevance of site context plan**

There is the concern that this requirement cannot in itself ensure sensitive development. It is noted that this site context plan, as different from a site analysis for medium density housing, only related to overlooking, overshadowing and siting. It is not meant to ensure that the design, scale and form of a development are to be compatible with the character of the neighbourhood. It can not be expected to deliver a comprehensive design outcome.

- **Who prepares the site context plans?**

It has been Councils experience that site analysis and design response plans for medium density housing developments are generally prepared independently of the design, often by different consultants. This ensures that the applicant has met all of the requirements of the Planning Scheme but in some instances has not resulted in a better design. The threat to making the site context plan requirement work is that developers may find a draftsman to prepare the site context plan who has no responsibility for preparing the final dwelling design. Alternatively, a site context plan will be produced but the constraints and opportunities it uncovers will not be covered through to the design phase.

One way in which this concern may be addressed is the requirement for both the dwelling design and the site context plan to be prepared by the same person or company. There does, however, need to be some written analysis accompanying the design as to how the site context plan has led to the evolution of the design.

- **Site Context Plan relevant for all areas?**

SOME COUNCILS BELIEVE THAT A DIFFERENT ASSESSMENT APPROACH MAY BE APPROPRIATE FOR INFILL AND GREENFILL SITES AND PARTS OF THE MUNICIPALITY SET ASIDE FOR MINIMAL CHANGE, INCREMENTAL CHANGE OR SUBSTANTIAL CHANGE. THESE AREAS HAVE A GREAT POTENTIAL TO ADVERSELY AFFECT ADJACENT RESIDENCES.

- **Education**

THE SAC SHOULD CONSIDER RECOMMENDING AN EDUCATION OR TRAINING PROGRAM FOR THE CURRENT DESIGN AND BUILDING INDUSTRY WITH REGARD TO PLANNING ISSUES SUCH AS OVERLOOKING, OVERSHADOWING AND SITING IF THESE ISSUES ARE TO BECOME PART OF THE BUILDING PERMIT CONSIDERATIONS.

PRIVATE INDUSTRY RESPONSE

- **Building Surveyors involved in Planning issues.**

IT IS NOT APPROPRIATE FOR BUILDING SURVEYORS TO BE INVOLVED IN PLANNING ISSUES, OTHER THAN CHECK THAT THE BUILDING APPLICATION IS CONSISTENT WITH THE PLANNING PERMIT. THE DECISIONS ON SITING AND DESIGN MATTERS SHOULD BE MADE BY COUNCIL PLANNING DEPARTMENTS RATHER THAN BUILDING DEPARTMENTS AND THEREFORE THE REQUIREMENTS CONTAINED IN THE GDG SHOULD BE MAINTAINED IN A PLANNING GUIDE RATHER THAN BE INCORPORATED INTO BUILDING LEGISLATION.

HOWEVER IT IS ALSO REASONABLE TO EXPECT THE OWNER OR BUILDER OF A SINGLE DWELLING TO ONLY HAVE TO PAY ONE FEE FOR 'COUNCIL' APPROVAL, WHICH WOULD INCLUDE A PLANNING PERMIT AND A BUILDING PERMIT.

- **The Relevance of a Site Context Plan for all areas?**

THIS OPTION IS ALMOST IMPOSSIBLE TO SATISFY WHEN BUILDING AND DESIGNING IN NEWLY SUBDIVIDED AREAS / NEW ESTATES. A SUBDIVISION MAY HAVE A NUMBER OF HOUSES BEING CONSTRUCTED AT ONCE WITH BUILDING PERMITS ISSUED BY DIFFERENT BUILDING SURVEYORS. UNDER THIS SCENARIO IT WOULD BE IMPOSSIBLE TO GATHER INFORMATION ABOUT SURROUNDING PROPERTIES.

Site context plans for single dwellings on lots over 300 sq. metres should not be as extensive as those required for higher density developments and limited to adjoining properties.

- **COSTING AND TIMING**

Private Industry expressed concerns that If site context plans for single dwellings were required to be certified by Council Planning Departments, given the current workloads, further delays may arise. Some Councils are tending to go overboard with their site context requirements for medium density developments and are starting to demand these requirements for lesser density developments.

Additionally, this requirement would add considerable cost to the housing construction sector. Satisfaction or the ability to satisfy the requirements would require accurate information about buildings on adjoining land even at a preliminary sales and design stage, clearly in many cases this information will not be available.

SITE CONTEXT PLANS SHOULD NOT APPLY TO SMALLER RENOVATION PROJECTS.

RESIDENT GROUPS RESPONSE

THE MAJORITY OF RESIDENT GROUPS AGREE WITH THIS OPTION.

- **BUILDING SURVEYORS INVOLVED IN PLANNING ISSUES.**

A LEGISLATIVE CHANGE SHOULD BE MADE TO ALLOW A COUNCIL TO REVIEW A BUILDING PERMIT ISSUED BY A PRIVATE BUILDING SURVEYOR WITH THE RIGHT FOR THE PERMIT TO BE SUSPENDED OR REVOKED IF IT CAN BE SEEN THAT THE DOCUMENTS MAKING UP THE APPLICATION ARE INACCURATE OR INADEQUATE.

Council Planning officers must check the accuracy of the site context plan and design response, check the context plan against the development proposal, and be able to require amendments to the proposal to take account of the information outlined in the site context plan.

- **The relevance of a Site Context Plan for all areas.**

For multi-unit applications, on in-fill sites, the current Site Context Plans should be retained and it should be mandatory for any works in areas covered by a municipal heritage overlay.

PART 3: SPECIFIC ISSUES AND OPTIONS (continued)

SECTION 3.1: SINGLE DWELLINGS AND VIC CODE 1 (continued)

**OPTION 5: AMEND SECTION 11 (1) OF
THE BUILDING ACT AND THE
HEADING OF
REGULATION 4.4 OF THE
BUILDING REGULATIONS TO
INCLUDE REFERENCE TO ‘
DESIGN’**

COUNCIL RESPONSE

The majority of Council's support amending Section 11(1) of the Building Act and the heading of Regulation 4.4.

IT IS FELT BY MOST COUNCILS THAT AN AMENDMENT TO THE BUILDING ACT WILL ENABLE LOCAL VARIATIONS TO COVER MATTERS SUCH AS OVERLOOKING, OVERSHADOWING, SETBACKS AND VISUAL BULK RELATING TO DETACHED DWELLINGS AS WELL AS MEDIUM DENSITY DEVELOPMENTS. RESOLUTION OF ANY DISPUTES IN REGARD TO DESIGN WOULD NEED TO BE HANDLED CONSISTENTLY BETWEEN THE BUILDING APPEALS BOARD AND VCAT.

It should also be recognised that 'siting' and 'design' criteria should be heavily oriented towards energy efficiency as one of the major rationales rather than concentrating primarily upon aesthetic considerations.

THIS PROPOSED AMENDMENT WILL INVOLVE SOME WORKLOAD IMPLICATIONS FOR COUNCIL. THE MUNICIPAL BUILDING SURVEYOR WILL NEED TO BE VIGILANT IN REVIEWING THE DECISIONS MADE BY PRIVATE BUILDING SURVEYORS IN AREAS WHERE LOCAL VARIATIONS APPLY TO ENSURE THAT THE BUILDING SURVEYOR HAS CORRECTLY APPLIED AND INTERPRETED THE VARIATION.

SOME COUNCILS WOULD PREFER THAT MATTERS OF A PLANNING NATURE WERE ASSESSED BY A PLANNING DEPARTMENT VIA A PLANNING PERMIT PROCESS. IT IS CONSIDERED THAT ANY LOCAL VARIATION TO EITHER THE GDG OR A COMBINED GDG/VICCODE1 WOULD BE EFFECTED BY A CHANGE TO THE PLANNING SCHEME. THEREFORE THIS WOULD REQUIRE A PLANNING PERMIT BEING OBTAINED OR ONLY

AFFECT THOSE DEVELOPMENTS ALREADY REQUIRING A PLANNING PERMIT, CONSEQUENTLY ANY CHANGE TO THE BUILDING ACT WOULD BE UNNECESSARY. IT IS CONSIDERED MORE APPROPRIATE TO AMEND THE BUILDING ACT BY REQUIRING A BUILDING SURVEYOR TO ENSURE COMPLIANCE WITH ANY PLANNING APPROVAL (IE PLANNING PERMIT CONDITIONS AND APPROVED PLANS) AS PROPOSED BY THE MINISTER FOR PLANNING IN THE STATE PLANNING AGENDA.

PRIVATE INDUSTRY RESPONSE

THE MAJORITY OF THE RESPONSES FROM INDUSTRY GROUPS AGREE WITH THIS OPTION. HOWEVER IT MAY BE NECESSARY TO DEFINE THE SCOPE OF DESIGN ISSUES TO ENSURE THERE IS NO CONFUSION AS TO WHERE THE DESIGN ISSUES REFER BACK TO THE PLANNING SCHEME. IT MUST BE CLEAR FROM A BUILDING REGULATION POINT OF VIEW WHERE REFERENCE TO DESIGN ISSUES ARE REFERRED TO THE PLANNING SCHEME – IN ORDER TO SATISFY ANY CONCERNS BEFORE ISSUING A BUILDING PERMIT.

There is also the concern of delays in building approval due to lack of cohesion with Planning Departments.

RESIDENT GROUPS RESPONSE

THE RESPONSES FROM RESIDENTS WERE GENERALLY SUPPORTIVE.

Building Regulations should accord with the Planning Permit and cover siting and design and also location and design response, constraints and general planning philosophy. However there is concern that referring design and siting requirements to the assessment of a Building Surveyor who is not qualified.

PART 3: SPECIFIC ISSUES AND OPTIONS (continued)

**SECTION 3.2: SINGLE DWELLINGS -
PROCESS FOR APPROVAL**

Option 6: Use a Design and Development Overlay to require a planning permit for one dwelling on a lot greater than 300 square metres (if required)

COUNCIL RESPONSE

Generally Councils agree with using the Development and Design Overlay (DDO) as a mechanism for controlling single dwellings in specific circumstances but there is a concern that it will not address specific local issues such as 'Special' Neighbourhood Character', nor will it address amenity issues such as overlooking and overshadowing.

It appears that the advisory committee sees the DDO as primarily a tool for dealing with neighbourhood character issues. By inference, the DDO would only be used to regulate single dwelling development in areas deemed to have 'special' character. This is fine if all Council wishes to do is to require planning permits for single dwellings in areas of identified 'special character'.

The use of a DDO has beneficial outcomes.

COULD BE BENEFICIAL TO MUNICIPALITIES WHERE THERE ARE CONCERNS ABOUT NEW SINGLE DWELLINGS. DDO MAY PROVE TO BE A SUCCESSFUL SOLUTION TO AREAS WHERE NEIGHBOURHOOD CHARACTER IS OF PARTICULAR CONCERN. PROVIDING IT IS A SELECTIVE TOOL, WHICH COUNCILS MAY OR MAY NOT CHOOSE TO APPLY, THIS OPTION WOULD PROVIDE THE NECESSARY FRAMEWORK TO OVERCOME ISSUES SURROUNDING DWELLINGS NOT CURRENTLY REQUIRING A PLANNING PERMIT.

While it is considered a good option, the use of a Design and Development Overlay would have a number of problems.

- Increase the 'complication' (rather than 'simplification') of the planning process by imposing another control layer into the Scheme. Obviously they should be used in conjunction with adequate justification, and under those conditions many Councils (particularly rural and/or regional Councils) will not see a worthwhile cost/benefit.
- The time and resources required to introduce a DDO such as that proposed can not be underestimated. Undertaking consultant studies, carrying out consultation, preparing and exhibiting an amendment, presenting at panel hearings etc, are hugely resource intensive and time consuming, and there is no guarantee of a successful outcome for Councils. This is probably one of the main reasons for the absence of any proposed local variations.
- This will require additional staff to maintain an efficient approval process.

The issue of lot sizes raises some concerns as well.

- The issue of lot size relates in a large part to the ultimate design of the dwelling constructed on the site not specifically the size of the lot. There are instances where the existing provisions are used as loopholes to circumvent the planning process for medium density development, particularly in the range of 300 – 450 sq. metres lot size.
- A minimum lot size does not reflect the nature of areas or the uses that make for a good or bad developer. Utilising a schedule to the residential zone would allow for special areas to be identified without the need for a DDO.
- Raising the threshold to 500 square metres would resolve many of the issues surrounding single dwelling development, as single dwellings on these smaller than average size lots (where the impact on adjoining neighbours are often intensified due to the lot size) would be required to respond to local policy and urban character elements of the locality as part of the planning permit assessment process.
- Whilst such a control will not do anything to prevent bad development on lots over 450 sq. metres, there is a greater 'margin of error' on larger lots, and in any event many of the changes to residential siting and design suggested in the advisory committee report will assist in mitigating the worst aspects of bad single dwelling design/siting.

PRIVATE INDUSTRY RESPONSE

THE MEANS OF REQUIRING A PLANNING PERMIT FOR ONE DWELLING BY INCLUSION IN THE DDO AS OUTLINED IN OPTION 6 IS SUPPORTED BUT OFTEN WITH CAUTION. COUNCILS WOULD NEED TO BE ABLE TO JUSTIFY ANY INCLUSION IN THE OVERLAY THROUGH A TRANSPARENT PROCESS, OTHERWISE THE OVERLAY COULD BE SUBJECT TO REGULAR CHANGES AS A RESULT OF POLITICAL MANOEUVRING THE LOCAL GOVERNMENT LEVEL. BLANKET CONTROLS SHOULD NOT BE ALLOWED AS IT WOULD SUBVERT PLANNING POLICY ENCOURAGING MORE DIVERSITY. WE AGREE THAT A PRACTICE NOTE OR MINISTERIAL DIRECTION SHOULD BE PREPARED ON THIS IMPORTANT ISSUE.

IT MAY BE REASONABLE TO HAVE DEEMED-TO COMPLY PROVISIONS APPLICABLE TO SINGLE DWELLINGS TO AVOID THE NEED FOR THE APPLICATION TO BE ADVERTISED AND SUBJECT TO OBJECTION. IF THE APPLICANT WISHES TO CHALLENGED THE PROVISIONS THEY COULD THEN BE SUBJECT TO ADVERTISING ETC.

RESIDENT GROUPS RESPONSE

THE MAJORITY OF RESIDENTS AGREE WITH OPTION 6.

PART 3: SPECIFIC ISSUES AND OPTIONS (continued)

SECTION 3.3: NEIGHBOURHOOD CHARACTER

**OPTION 7: AMEND TECHNIQUE 1 OF DESIGN
ELEMENT 6 BUILDING ENVELOPE OF
THE GOOD DESIGN GUIDE, WHICH
RELATES TO STREET FRONTAGE
SETBACKS OF DWELLINGS**

COUNCIL RESPONSE

THE MAJORITY OF COUNCILS SUPPORT THIS OPTION. HOWEVER, IT IS CONSIDERED THAT THIS TECHNIQUE SHOULD BE SIMPLIFIED. CURRENTLY, THERE ARE A NUMBER OF DISCREPANCIES AND THE USE OF FOUR DIFFERENT TECHNIQUES WITHIN THE ONE (VARIED SETBACK, PREVAILING SETBACK, CORNER SITE SETBACKS AND HERITAGE OVERLAY SETBACKS) MAY COMPLICATE RATHER THAN CLARIFY THE EXISTING TECHNIQUE. THE GREATER SENSE OF DISCRETION IN THIS OPTION IS APPRECIATED, HOWEVER, A MORE SIMPLIFIED VERSION WOULD BE PREFERRED. THE FOLLOWING COMMENTS AND CONCERNS ARE RAISED IN RELATION TO THIS OPTION.

- **Definition and calculation of 'setback'**

There is a discrepancy in the method used to calculate prevailing and corner setbacks. The option presented calculates the corner setback of new developments from the wall-face of the dwelling, therefore allowing porches and verandahs to project forward of this line. However, prevailing setbacks are calculated using the closest part of the dwelling, including porches and verandahs. There appears to be no rationale for this discrepancy, and it is recommended that a consistent approach be adopted.

- **Calculation of varied setbacks.**

There appears to be a significant difference between the varied setback calculations for new dwellings within 7km of the Melbourne GPO. The required setbacks jump from 0 to 4 metres depending on whether the 'Adjacent Development Context' is less than or more than 4.5 metres. It is difficult to comprehend why a 0.1 metre difference in the adjacent development context should result in a 4.9 metre difference in the required setbacks for new development. Varied setbacks for new developments should have more gradual transition in the table to reflect the staged and gradual 'Adjacent Development Context' setbacks.

- **Calculation of corner site setbacks**

May raise some design issues. Setbacks for the long v's short sides of new developments could potentially result in the de-accentuation of corners of new buildings, where often the desired result is to *accentuate* the corner, particularly in an inner-city context. This may inhibit design opportunities which may compromise desired design outcomes as a result of these setback proposals.

- **Calculation of prevailing setbacks**

It is unclear what is exactly meant by the words: “*Where there are ten residential properties on one or two sides of a development in the same street.....*” This should be clarified to indicate whether it includes developments;

- lying within a group of at least 10 other properties;
- on the opposite side of the street;
- on the same side of the street but either left or right of the proposed development, or a combination of the above.

Varied setback calculations specifically refer to Urban Conservation or Heritage Overlay areas. Prevailing setback calculations fail to mention areas with Urban Conservation/Heritage Overlay controls.

Many of the 'inner' municipalities are characterised by streets with uniform setbacks, but the streets are physically too short to contain ten residential properties in order to calculate a prevailing setback. It is considered that provision should be made for these circumstances in the Technique. Prevailing setbacks could be calculated with fewer than ten residential properties in the same street. Furthermore, the requirement that prevailing setbacks be calculated on 'residential' properties poses some problems, especially in Mixed Use Zones, where building may be all uniform in setback but not all residential in use.

It is also considered that the height of a proposed development plays a very important role when calculating appropriate setbacks. Attention needs to be drawn in the Technique to the relationship between height and setback. This could be achieved in this Technique if it cross-referenced or was flagged to correspond with other areas of the GDG that discuss appropriate heights for new development.

PRIVATE INDUSTRY RESPONSE

A few concerns were raised about this option.

- **UNUSABLE PRIVATE OPEN SPACE**

TO PUT METRES OF UNUSABLE EXTRA SOUTH FACING FRONT GARDEN SIMPLY TO ALIGN WITH A NEIGHBOURING BUILDING CREATING UNUSABLE GARDEN THAT IS DIFFICULT AND EXPENSIVE TO ESTABLISH THEREBY RESTRICTING THE SIZE OF USEABLE PRIVATE NORTH FACING OPEN SPACE IS, AGAINST ALL LOGIC. CONVERSELY, TO HAVE THE ONLY OPTION FOR PRIVATE OPEN SPACE AT THE REAR OF THEIR NORTH FACING HOUSE IS SIMILARLY ILLOGICAL.

THIS OPTION MAY IMPOSE ITSELF AS A MAJOR DESIGN CONSTRAINT. GOOD DESIGN/ARCHITECTURE SHOULDN'T HAVE TO TAKE INTO ACCOUNT 'PREVAILING SETBACKS'.

THE SETBACK TABLES NEED TO BE CLEAR WHETHER THEY ARE STIPULATING MINIMUM OR PREFERRED SETBACKS (OR BOTH). CONTROLLING SETBACKS IS RELATIVELY UNIMPORTANT WHERE THERE IS NO PREVAILING SETBACK. IT MAY BE THAT VARIATION IS WHAT IS NEEDED. RATHER THAN ATTEMPT TO CODIFY SUCH COMPLEXITIES, IT NEEDS TO BE UNDERSTOOD THAT THE TABLES ARE A BASE REQUIREMENT AND THAT THE APPLICANTS NEED TO JUSTIFY WHATEVER SETBACK THEY PROPOSE. AS THIS WILL OFTEN INVOLVE ANALYSIS BEYOND THE TWO IMMEDIATE NEIGHBOURS, THE DIAGRAM ON PAGE 99 MAY BE DECEPTIVE IN THIS RESPECT. WHEN ONE THINKS ABOUT THE FUNDAMENTAL DIFFERENCES BETWEEN A VERANDAH AND A CARPORT, THE REQUIREMENT TO SET BACK MORE THAN VERANDAHS SHOULD BE OPEN TO ARGUMENT ON A CASE-BY-CASE BASIS.

RESIDENT GROUPS RESPONSE

The majority of residents agree with this approach.

SOS suggests the following standards could be applied:

- Setback of new development must be at least as great as the setback of 20% of the houses in the street with the smallest setback.
- **THE SETBACK OF THE NEW DEVELOPMENT MUST BE AT LEAST THE AVERAGE SETBACK OF THE IMMEDIATELY ADJOINING PROPERTIES.**

Resident groups also recognise that verandahs and porches are relevant when determining the prevailing set back – it is suggested that while wall-faces might be 9m, the prevailing front set back will be 9m minus verandas and porches. Then, new development must be set back at least 80% of the prevailing set back.

PART 3: SPECIFIC ISSUES AND OPTIONS (continued)

**SECTION 3.3: NEIGHBOURHOOD
CHARACTER (CONTINUED)**

Option 8: *Delete a Design Suggestion and insert a new Criterion and a new Technique, which relate to front fences, in Design Element 3 Neighbourhood Character of The Good Design Guide.*

COUNCIL RESPONSE

THE INTENT OF THIS OPTION IS GENERALLY SUPPORTED BY COUNCILS, IE. THE PROVISIONS OF FRONT GARDENS, NOT PROVIDING OPEN SPACE WITHIN FRONT SETBACKS, ENSURING SURVEILLANCE OF PUBLIC STREETS, AND PROVIDING A 'TRANSITIONAL' AREA BETWEEN THE PUBLIC AND PRIVATE REALM.

IT IS GENERALLY AGREED THAT LIMITING FRONT FENCE HEIGHTS TO 1.2 METRES OR REQUIRING SOME FORM(S) OF FENCE 'TRANSPARENCY', WOULD ENCOURAGE BETTER/MORE INNOVATIVE DESIGN SOLUTIONS FOR OPEN SPACE AREAS PARTICULARLY THE FRONT YARD/FRONT SETBACK AREAS.

IT IS ALSO SUGGESTED THAT IT IS THE COMBINATION OF HEIGHT AND TYPE (MATERIALS) OF 'PREVAILING' FRONT FENCING, SURROUNDING BUILDING SCALE, NATURE STREET AND STREET WIDTH THAT ARE AN IMPORTANT FACTOR IN DETERMINING APPROPRIATE FRONT FENCING. THE FOLLOWING WORDING OF THIS OPTION COULD BE:

- *Fences exposed to the street are constructed of a material and to a height which reflects the established characteristics of properties within 100 metres adjoining and opposite the street frontage.*
- ***WHERE A SITE IS LOCATED ON A STREET CORNER, BOTH STREET FRONTAGES NEED TO BE CONSIDERED. EXISTING HIGH SIDE OR PALING FENCES WILL NOT BE TAKEN INTO CONSIDERATION WHEN DECIDING THE HEIGHT OF A NEW FRONT FENCE.***

Often it is poor subdivision design that results in the construction of higher fences, usually to overcome the adverse amenity impacts of traffic related issues, particularly noise. Hence, there is a need to emphasise better subdivision design and layout to minimise future off-site impacts that often result in the perceived need for high fencing to ameliorate the problems.

Anticipating an appropriate fence height in an area where substantial change is expected also needs to be considered. The proposed new criteria should make it clear that an area of substantial change should be identified in the MSS otherwise applicants will frequently be arguing that their street is changing as an excuse for a different fence type.

PRIVATE INDUSTRY RESPONSE

Private industry groups generally agree with the approach but also offer other alternatives.

- **HIGH FRONT FENCING CAN BE A VERY USEFUL DEVICE TO REDUCE THE SCALE OF THE GARAGES IN THE STREET. THEY ARE ALSO A REALLY USEFUL TO CREATE USEABLE PRIVATE GARDENS – LOOK AT TOORAK.**
- Perhaps in streets where there are no front fences, or only low front fences, there should be a minimum of 600mm setback to a high fence for street landscape, or alternatively a percentage of frontage with transparent fencing.
- Filtered privacy can be obtained with vegetation and articulated building form, with fence setbacks that allow planting.

The following points relate to blocks with north facing frontages:

- The front setback be increased in exchange for a higher front fence. This would then enable the front to be used as private open space (northern orientation).
- Be able to have solid fence at eye level.
- Be able to place carports (open, not garages) within the increased frontage setbacks.
- Could possibly consider some setback for landscaping which may achieve privacy without introducing a solid fence.

THERE ARE MANY EXAMPLES BOTH HERE AND OVERSEAS WHERE VARYING SETBACKS, HOUSING STYLES, ROOF FORMS AND SCALE CAN BE ADDITIONS TO THE ‘URBAN CHARACTER’. THE SUCCESS OF WHICH IS LARGELY A RESULT OF THE SKILL OF THE DESIGNER. THIS PROVISION ALSO PROMISES TO BECOME AN ENTRENCHED AND NARROW CONTROL BY PLANNERS.

RESIDENT GROUPS RESPONSE

RESIDENTS ARE A LITTLE RELUCTANT TO ACCEPT THIS APPROACH AS IT IS FELT THAT FENCES SHOULD BE ALLOWED (WHICH ARE ALREADY VERY VARIED AND SHOULD REFLECT THE CHARACTER OF THE PROPERTY AND THE NEIGHBOURHOOD) TO BE OF A HEIGHT WHICH WOULD EXCLUDE NOISE (SUCH AS BUS ROUTES, BUSY STREETS), AND MAINTAIN PRIVACY AND SAFETY.

THIS OPTION IS BINDING AND DOES NOT NECESSARILY ALLOW FOR CHANGES THAT CAN EVENTUATE FROM TIME TO TIME IN CERTAIN STREETS AND SUBURBS.

APPLICATIONS COULD BE SUBMITTED WITH A SIGNED CONSENT OR REJECTION FROM BOTH ADJOINING PROPERTY OWNERS LEAVING THE MATTER OPEN FOR NEGOTIATION.

Alternatively, Council’s could adopt ‘maximum’ fence heights for all streets under their control and review from time to time.

PART 3: SPECIFIC ISSUES AND OPTIONS (continued)

SECTION 3.3: NEIGHBOURHOOD CHARACTER (continued)

**OPTION 9: INCLUDE THE NEW TECHNIQUE
RELATING TO FRONT FENCES IN THE
BUILDING REGULATIONS AS ONE OF
THE MATTERS WHICH APPLY TO
BUILDING PERMITS ISSUED FOR
SINGLE DWELLINGS**

COUNCIL RESPONSE

The majority of Councils believe there is a need to achieve consistency in the application of front fencing provisions for single detached dwellings and multi-dwelling developments to ensure that they apply equally to all residential development. However it was also suggested that perhaps rather than having the GDG or the Building Regulations govern the issue of front fencing design, it would be best to have fencing issues dealt with under the Heritage Overlay or Design and Development Overlay provisions in the Planning Schemes.

PRIVATE INDUSTRY RESPONSE

ALSO AGREE WITH THIS APPROACH. IT IS FELT THAT SPECIFIC REGULATIONS ARE REQUIRED SO THAT BUILDING REGULATIONS ARE CARRIED OUT EFFECTIVELY AND IN KEEPING WITH THE NEIGHBOURHOOD CONTEXT AND URBAN DENSITY.

RESIDENT GROUPS RESPONSE

Also support this option.

PART 3: SPECIFIC ISSUES AND OPTIONS (continued)

**SECTION 3.3: NEIGHBOURHOOD
CHARACTER (CONTINUED)**

**OPTION 10: *INSERT A NEW CRITERION,
WHICH RELATES TO ROOF FORM AND
PITCH, IN DESIGN ELEMENT 3
NEIGHBOURHOOD CHARACTER OF
THE GOOD DESIGN GUIDE***

COUNCIL RESPONSE

The option is generally supported by Councils. In terms of neighbourhood character and built form, it is also considered that the use of eaves, parapets and building mass and proportion should be incorporated into clearer, more 'up-front' criteria and given more weight. These elements also have a tendency to impact significantly on neighbourhood character.

Those Councils that do not support this option, feel that any requirement for roof design to comply with the existing predominant roof characteristics is unreasonable.

THESE COUNCILS BELIEVE THAT THE GDG SHOULD NOT FETTER THE IMAGINATION OF ARCHITECTS/DESIGNERS UNREASONABLY NOR REMOVE THE REASONABLE RIGHTS AND EXPECTATIONS OF OWNERS/BUILDERS TO BUILD THEIR 'DREAM HOME', PROVIDED THAT IN ALL OTHER MATTERS THE PROPOSAL COMPLIES, AND DOES NOTHING TO ADVERSELY IMPACT UPON THE AMENITY OF ITS NEIGHBOURS.

PRIVATE INDUSTRY RESPONSE

THE OPTION SUGGESTS THAT THE CONTROL ONLY APPLY WHEN THERE IS A 'CHARACTERISTIC ROOF FORM AND PITCH ANY NEW DEVELOPMENT SHOULD RESPOND TO IT'. IN RESPONSE TO THIS THE HIA BELIEVES THERE WILL BE DIFFICULTIES DEFINING 'CHARACTERISTIC ROOF FORMS' UNLESS LOCAL POLICY ADDRESSES THE MATTER. THEY BELIEVE THE MOST APPROPRIATE METHOD TO CONTROL THIS MATTER IS LOCAL POLICY OR LOCAL VARIATIONS.

PRIVATE INDUSTRY GROUPS ARE ALSO CONCERNED THAT THE PROPOSAL TO CONTROL ROOF FORM WILL STIFLE INNOVATIVE OR CONTEMPORARY DESIGNS AND RESULT IN REPETITIOUS STREETSCAPES AND DESIGN SOLUTIONS.

IT IS CONSIDERED THAT IT MAY BE APPROPRIATE TO BROADEN THIS CRITERIA TO INCLUDE THE ROOF AS AN ‘ELEMENT’ OF THE OVERALL ENVELOPE FORM AND THEREFORE STATE THE OBJECTIVE OF THE BUILDING ENVELOPE DESIGN. FOR EXAMPLE,

- **‘GOOD’ DESIGN SHOULD THEN RESPOND WITH STATING HOW THE PROPOSAL ACHIEVES THIS OBJECTIVE – FLAT ROOF OR OTHERWISE. THE BOX-ON-BOX FORM OF NEO-GEORGIAN WITH LITTLE, IF ANY, ROOF VISIBLE WILL NOT AVOID UNDESIRABLE IMPACT WITH A STEEPER PITCH OR EAVES – WHICH IS THE LIKELY TRANSITION OF THIS CRITERION. GREATER ARTICULATION OF WALLS DEEPER RECESSES, WIDER EAVES AND GENERALLY A ‘SAFER’ INTERFACE WITH THE LANDSCAPE SETTING (GARDEN AND/OR STREET) WILL REDUCE THE HARSHNESS SEEN WITH MUCH OF RECENT DEVELOPMENT.**

COULD BE TREATED AS A DDO IF NECESSARY.

RESIDENT GROUPS RESPONSE

THE MAJORITY OF RESIDENT GROUPS AGREE WITH THIS OPTION.

The respondents who didn't agree generally thought that style should not be 'prescribed' and shouldn't replicate or mimic other housing designs. They also believed that care is needed in interpreting this option. It may be a question of applying the most appropriate design for a specific lot. For example, where on a slope lower than neighbours or where a low or flat roof on a relatively high dwelling would allow neighbours to retain view of surrounding trees above roofline.

PART 3: SPECIFIC ISSUES AND OPTIONS (continued)

SECTION 3.4: OVERSHADOWING

Option 11: Insert the Techniques in Design Element 6 Building Envelope of The Good Design Guide relating to overshadowing into the Building Regulations

COUNCIL RESPONSE

This approach appeared most agreeable to Councils, particularly the idea of the winter solstice used as a guide for overshadowing, instead of 22 September. Several suggestions and concerns are raised below.

- **Winter Sunlight**

Winter sunlight is considered to be more precious than summer sun. This not only affects amenity considerations, but also efficiency objectives. Therefore, a solution needs to be applied whereby on the 22 June indoor living areas and primary open spaces should have access to sunlight for a specified period of time between 9.00am to 3.00pm in middle and outer suburbs.

- **Ability of Building Surveyors**

There is concern that Building Surveyors drawing up or checking Techniques of overshadowing are assuming a similar role to Planners. Building Surveyors do not have training on measuring the overshadowing impact of a proposal and a clear process for handling applications that do not satisfy requirements. Building Surveyors may also have little experience in understanding the wider amenity considerations of neighbouring properties.

- **Detached Dwellings**

Another concern involves problems that arise when detached dwellings have not been designed to respond to sloping sites or where 'off the rack' designs have been used that are unable to respond to the orientation, size and shape of the site nor the layout of abutting dwellings. These problems need to be addressed first and then many cases of overshadowing may be avoided.

- **Wording of Technique**

The wording needs to be clearly and prescriptively drafted so that the Applicant/Builder/Developer is required to provide the necessary information based on the accredited standard or utilising an acknowledged technical package such as Shadow Draw or similar.

PRIVATE INDUSTRY RESPONSE

- **UNLIKE COUNCIL, APPROXIMATELY 50% OF PRIVATE INDUSTRY SUBMISSIONS DID NOT AGREE WITH THIS OPTION CONCERNING OVERSHADOWING. LIKE MANY COUNCIL RESPONSES, THERE IS A CONCERN THAT BUILDING SURVEYORS WILL BE**

EXPECTED TO CARRY OUT ASSESSMENTS OF SHADOW IMPACTS WHICH IS OUTSIDE THEIR SCOPE OF EXPERTISE. IT WAS ALSO FELT IN SOME CASES THAT NO ADDITIONAL OVERSHADOWING CONTROLS WERE NECESSARY FOR SINGLE DWELLING DEVELOPMENTS AND THE CURRENT REQUIREMENTS WERE GENERALLY ACCEPTABLE.

THE HOUSING INDUSTRY ASSOCIATION BELIEVES THERE IS NO EVIDENCE TO INDICATE THAT THE MAJORITY OF SINGLE HOUSING DOES NOT MEET THE SPECIFICATIONS OF DESIGN ELEMENT 6. THEY FELT THAT INTRODUCING A PROVISION THAT WILL REQUIRE THE PRODUCTION OF SHADOW DIAGRAMS AND DETAILS OF SURROUNDING PROPERTY LAYOUT WILL ADD UNREASONABLE COMPLEXITY TO THE APPROVAL OF SINGLE HOUSES FOR LITTLE ADDITIONAL BENEFIT. THIS REQUIREMENT IS ALSO UNWORKABLE IN GREENFIELD DEVELOPMENTS DUE TO LACK OF KNOWLEDGE AND INFORMATION TO ASSESS THE IMPACTS ON NEIGHBOURING PROPERTIES.

MANY SUGGESTIONS WERE MADE IN RELATION TO ALTERNATIVE WAYS HOW THE ISSUE OF OVERSHADOWING COULD BE RESOLVED. ENERGY EFFICIENCY VICTORIA MADE SEVERAL RECOMMENDATIONS, BRINGING FORWARD MANY DIFFERENT ASPECTS OF OVERSHADOWING. THESE ARE AS FOLLOWS.

- A TECHNIQUE COULD BE DEvised TO PROTECT SOLAR ACCESS FOR DESIGNATED NEIGHBOURHOOD TYPES. ONE POSSIBILITY COULD BE TO DEVELOP ‘BUILDING PROFILES’ (AS USED IN THE GDG) WHICH CAN BE APPLIED TO NORTHERN ORIENTATIONS.**
- SUITABLE STRINGENCY LEVELS FOR DIFFERENT NEIGHBOURHOOD TYPES / DENSITIES SHOULD BE ESTABLISHED. THIS WILL SET A LEVEL ABOVE WHICH ENERGY CONSUMED FOR WINTER HEATING SHOULD NOT BE INCREASED, AS A RESULT OF OVERSHADOWING. THIS MAY RESULT IN TWO OR MORE DIFFERENT TECHNIQUES TO REFLECT DIFFERENT NEIGHBOURHOOD TYPES / DENSITIES.**
- SEPARATION DISTANCE BETWEEN BUILDINGS SHOULD BE TAKEN INTO CONSIDERATION, NOT BETWEEN BOUNDARIES. THE EFFECT OF SLOPE SHOULD ALSO BE INCORPORATED INTO A TECHNIQUE.**
- CONSIDERATION SHOULD BE GIVEN TO EXTENDING THE CRITERION COVERING OVERSHADOWING OF MAIN LIVING ROOM WINDOWS TO INCLUDE NON - LIVING ROOM WINDOWS (BEDROOMS) SHOULD NO MAIN LIVING ROOM WINDOWS BE LOCATED IN THE DESIGNATED ORIENTATION.**
- FURTHER RESEARCH SHOULD BE REQUIRED BEFORE A SUITABLE TECHNIQUE FOR MAINTAINING THE ENERGY EFFICIENCY OF EXISTING DWELLINGS CAN BE ESTABLISHED. THIS SPECIFICALLY INCLUDES FURTHER WORK ON REFINING THE CRITICAL ORIENTATION, RANGE AND OFFSET.**

RESIDENT GROUPS RESPONSE

THE MAJORITY OF RESIDENTS FAVOURED THE APPROACH OF OPTION 11, AS THE ISSUE OF OVERSHADOWING WAS A MAJOR CONCERN TO THIS GROUP. SEVERAL SUGGESTIONS, HOWEVER WERE PUT FORWARD IN ADDITION TO OR AS AN ALTERNATIVE TO THE OPTION.

- **IMPROVED BENCHMARKS FOR THE PROTECTION OF THE NEIGHBOURING PROPERTY FROM OVERSHADOWING MUST BE INCLUDED.**
- **E6.T10 SHOULD BE REVISED TO 40 SQUARE METRES WITH A MINIMUM DIMENSION OF 4 METRES (INSTEAD OF 3). THIS WOULD NOT ‘STIFLE’ AN INNOVATIVE ARCHITECTURE AND OPEN SPACE MUST HAVE ACCESS TO SUNLIGHT.**
- **THE IMPACT ON SUNLIGHT NEEDS TO BE LOOKED AT FURTHER WHEN BUILDING EXTENSIONS. SIDE BOUNDARIES ON THE EAST, WEST, NORTH AND SOUTH NEED TO BE ASSESSED, NOT JUST NORTH.**
- **THE APPLICANT FOR A BUILDING PERMIT SHOULD SUBMIT SHADOW INFORMATION FOR THE BUILDING SURVEYOR TO CHECK.**
- **MANY PROBLEMS WITH OVERSHADOWING WOULD BE SOLVED BY IMPOSING BLANKET SETBACK CONTROLS, REMOVABLE ONLY BY CONSENT OR WHERE THE NEW DEVELOPMENT MIRRORS THE SETBACK ON THE OTHER SIDE OF THE FENCE.**
- **THE SEPTEMBER EQUINOX SHOULD NOT BE USED FOR CALCULATING OVERSHADOWING - THE WINTER SOLSTICE OF 22 JUNE SHOULD BE USED. THIS GENERALLY REPRESENTS THE WORST CONDITION FOR OVERSHADOWING.**

SEVERAL RESIDENT CONCERNS INCLUDED.

- **THE RECOMMENDATIONS ARE INSUFFICIENT AND PROBLEMS WILL OCCUR ESPECIALLY CONCERNING THE WINTER SUNLIGHT OF NEWER HOMES.**
- **IF THERE IS NO NOTIFICATION TO ADJACENT PROPERTY OWNERS BY THE BUILDING SURVEYOR, THERE IS NO WAY OF ADJACENT OWNERS CHECKING (A) CORRECTNESS OF THE SITE ANALYSIS AND (B) THE CORRECTNESS OF THE SHADOW DIAGRAMS.**
- **THE OPTION FAILS TO PROTECT SOLAR ACCESS TO ROOMS OTHER THAN THE MAIN LIVING ROOM AND MAKES NO MENTION OF PREVENTING OVERSHADOWING TO SOLAR WATER HEATERS.**
- **THERE ARE REAL PROBLEMS WITH NEW DWELLINGS IN ESTATES WITH BLOCKS YET TO BE BUILT UPON. SOME SHADOW DIAGRAMS IN T10 WILL BE UNNECESSARY AND ADD COST TO THE HOME BUILDER.**

PART 3: SPECIFIC ISSUES AND OPTIONS (continued)

SECTION 3.4: OVERSHADOWING

**Option 12: INSERT A NEW TECHNIQUE, WHICH RELATES TO LIMITING THE
OVERSHADOWING OF EXISTING WINDOWS, IN DESIGN
ELEMENT 6 BUILDING ENVELOPE OF THE GOOD DESIGN GUIDE**

COUNCIL RESPONSE

IT IS GENERALLY AGREED THAT WHERE A PREVIOUS DWELLING WHICH OVERSHADOWS AN EXISTING DWELLING IS BEING REPLACED BY A NEW DEVELOPMENT, THE NEW DEVELOPMENT MAY OVERSHADOW THE EXISTING DWELLING TO AN EQUIVALENT EXTENT. HOWEVER, WHERE THERE IS ADDITIONAL OVERSHADOWING THIS IS TO BE CONSIDERED ON ITS MERITS. IT IS ALSO CONSIDERED IMPORTANT THAT DEVELOPERS SHOULD NOT HAVE TO COMPENSATE INAPPROPRIATELY DESIGNED DWELLINGS OR POORLY LOCATED OPEN SPACES ON ADJOINING PROPERTIES. THIS TYPE OF DESIGN ELEMENT COULD BE APPLIED TO BOTH SINGLE AND MEDIUM DENSITY HOUSING.

- **Height Restrictions**

OVERSHADOWING (IN COUNCILS EXPERIENCE) IS GENERALLY CONFINED TO/CAUSED BY THE TWO STOREY (OR ABOVE) 'BOX' DESIGNS, PARTICULARLY WHERE THEY ARE PROPOSED ON SITES STEEPER THAN 2% GRADE, DEVELOPERS (FOR REASONS OF COSTS USUALLY) ARE GENERALLY UNWILLING TO EXCAVATE THE SITE, OR INSIST ON UNREASONABLE POSITIONING OF THE BUILDING ON SITE, OR ON SITES WITH NARROW FRONTAGES. THE PROBLEM WOULD BE OVERCOME TO A LARGE EXTENT BY RESTRICTING THE MAXIMUM BUILDING HEIGHT ON THE BOUNDARY OF A FLAT SITE TO 3 METRES, WITH PROVISION FOR A GRADED REDUCTION OF THAT HEIGHT RELATIVE TO SLOPE AND ORIENTATION.

- **Problems with current format**

The new technique is relatively complex for the layperson to understand, The document should be written in simple language. Its current format presents the following problems.

- The figures (30, 100, and 40 degrees) all appear to be arbitrary.
- This Technique does not specify whether the calculations should be taken at the September 22 Equinox, or at the June 22 solstice.
- The diagrams are difficult to use and understand.
- The orientation, angle and size of neighbouring dwellings' windows will surely influence the resulting overshadowing, yet the diagrams of the Option only depict windows facing true north.

- The inclusion of this proposed Technique will result in the requirement for many more diagrams, examining shadows for different neighbouring windows and private open space locations, for both existing and proposed conditions, and at different times of the day. It is considered that this process may be inefficient, time consuming and confusing for all parties involved in the planning process.

IT ALSO IMPORTANT TO RECOGNISE THAT THE FUNCTION OF HOMES HAS CHANGED DRAMATICALLY OVER THE PAST FEW YEARS WITH THE INCREASING RELIANCE ON TECHNOLOGY SUCH AS COMPUTERS AND AN INCREASE IN THE NUMBER OF PEOPLE WORKING FROM HOME. AS SUCH THE USE OF BEDROOMS (OTHER THAN MASTER BEDROOMS), AND STUDIES ARE OFTEN INTERCHANGED, DEPENDENT ON THE NEEDS OF THE OCCUPANT, AND CAN SERVE A WIDER RANGE OF FUNCTIONS THROUGHOUT THE DAY. SUNLIGHT TO THESE ROOMS MAY WELL BE AS IMPORTANT AS THAT TO LIVING AREAS.

It is also noted under the proposed Technique greater setbacks would be required for the first floor level of two storey dwellings. This will assist in providing greater articulation and minimising the 'boxy' appearance of two storey development.

PRIVATE INDUSTRY RESPONSE

THE PRIVATE INDUSTRY RESPONSES ALSO FOUND THIS TECHNIQUE DIFFICULT TO FOLLOW. THIS ISSUE INVOLVES SO MANY VARIABLES THAT HAVE TO BE CONSIDERED.

- **THE IDENTIFICATION OF A MAIN LIVING ROOM CAN BE AN ILLUSIVE CONCEPT IN MANY MODERN OR INDEED OLDER HOUSES THAT HAVE EXTENSIONS. IN PRACTICE IT IS OFTEN NOT AS SIMPLE AS IT CAN BE STATED.**
- **THE EXTENT TO WHICH DIFFERING LIVING ROOMS ARE DESIGNED AND ORIENTED HAS A VAST IMPACT UPON THE AMOUNT OF SUN LIGHT THEY RECEIVE, OR HOW IMPORTANT THIS IS TO THE LIVING SPACE, THE INTENDED DESIGN OUTCOME, LANDSCAPED OR THE LIFE STYLE OF THE OCCUPANTS**

RESIDENT GROUPS RESPONSE

GENERALLY THE RESIDENT GROUPS AGREE WITH THIS APPROACH.

OTHER SUGGESTIONS AND OPTIONS FOR THIS TECHNIQUE ARE:

- Should contain some wording as to the context of where the sunlight will fall, for example. on an open entertaining or BBQ area, not behind a shed.
- Reference in GDG should be made to overshadowing of skylights or light wells. (Should be a minimum one metre setback or recess from a skylight to a neighbouring wall, like the case of adjacent windows in E6.T7).
- Fences can also cause overshadowing and structural damage to adjacent properties. Can this be incorporated into the Technique too?
- Does not take into account the potential impact on the southern neighbour at all and in particular those who may rely on solar heating.

THERE IS ALSO A CONCERN (COUNCIL AS WELL) THAT TOO MUCH OVERDEVELOPMENT IN INNER CITY AREAS (EG. CARLTON, FITZROY AND RICHMOND) IS OCCURRING AND SHOULD BE PROTECTED GREATER FROM OVERSHADOWING BECAUSE PROPERTIES ARE GENERALLY SMALLER AND DIRECT SUNLIGHT IS MORE SCARCE.

PART 3: SPECIFIC ISSUES AND OPTIONS (continued)

SECTION 3.5: OVERLOOKING

**OPTION 13: *DELETE SPECIFIED
PARAGRAPHS, WHICH RELATE TO
SILL HEIGHTS AND SCREENING OF
WINDOWS, OF TECHNIQUES 1 AND 2
OF DESIGN ELEMENT 7 VISUAL AND
ACOUSTIC PRIVACY OF THE GOOD
DESIGN GUIDE***

COUNCIL RESPONSE

IT IS GENERALLY UNDERSTOOD BY COUNCILS THAT THE PROPOSAL TO REMOVE THESE PRESCRIBED TECHNIQUES IS MOTIVATED BY THE ABUSE OF LESS SOPHISTICATED MECHANISMS (SUCH AS HIGHLIGHT WINDOWS, UGLY SCREENS AND OPAQUE GLAZING) TO AVOID OVERLOOKING. IDEALLY, THERE IS A GENERAL CONSENSUS THAT OVERLOOKING PROBLEMS SHOULD BE AVOIDED THROUGH PROPER DESIGN SOLUTIONS.

However, it should also be remembered that the nature of residential development in inner city areas is usually constrained by small lot sizes and existing conditions on adjacent properties stemming from the high density of residential areas.

While some Council's agree that the overuse of raised sill heights and obstructed glazing can adversely affect the internal amenity of new dwellings, it would frequently be impossible to design around overlooking problems of some new dwellings.

Some suggestions for this Technique are as follows:

- A wording of the Technique which encourages creative solutions to overlooking problems were inserted and that raised sill heights and obscure glazing were de-emphasised to the extent of being one of a number of Techniques which can be employed to address the problem.
- These Techniques should be replaced by examples of how to sensitively place windows to ensure that overlooking is not created in the first place, along with diagrams or photos to demonstrate what is being suggested.
- Perhaps include sill windows and fixed screens as possible 'design ideas' demonstrating the appropriate use of these Techniques.

- It is also suggested that highlight windows need to remain not necessarily as a means of preventing overlooking, but as a design option for increasing natural light opposite existing habitable windows. Technique 1 may end up giving the impression that highlight windows will not be supported or considered due to the remaining Technique requiring window to be off set a minimum of 1 metre for the edge of one window to the edge of the other.

In relation to 'perceived' overlooking problems It would be preferable if the Techniques recognised that the application of prescribed sill heights and screening of windows may only be necessary where there is a 'real' overlooking problem.

PRIVATE INDUSTRY RESPONSE

THE MAJORITY OF INDUSTRY RESPONSES WERE NOT CONCERNED ABOUT THE REMOVAL OF SPECIFIED PARAGRAPHS. HOWEVER IT IS BELIEVED THE ISSUE OF 'OBJECTIONS' FROM NEIGHBOURS WITH 'OVERLOOKING' CONCERNS WILL CONTINUE TO BE A POINT OF CONFLICT. PARTICULARLY WITH THE WISHY-WASHY APPROACH APPLIED BY MANY PLANERS. MODIFYING DESIGNS TO SATISFY AN UNREASONABLE OVERLOOKING OBJECTION PLACES AN UNFAIR BURDEN ON THE APPLICANT WISHING TO EXPEDITE APPROVAL IN AN ALREADY LENGTH AND USUALLY TEDIOUS PROCESS.

RESIDENT GROUPS RESPONSE

RESIDENTS GENERALLY BELIEVE THAT THE TECHNIQUES DESCRIBED IN THE REPORT ARE NOT GOOD PRACTICE, BUT REMOVING REFERENCE TO THEM WILL RESULT IN HIGHER INCIDENCE OF OVERLOOKING.

OTHER FACTORS TO CONSIDER ARE:

- **'RELATIVE LIGHTING' EG, IF A LIGHT IS TURNED ON IN AFFECTED ROOM - INHABITED ROOM IS COMPLETELY VISIBLE.**
- **WINDOW SILLS COULD BE RESOLVED BY EITHER ALTERING ROOM DESIGN OR WINDOW SHAPE.**
- **IF WINDOW SILL HEIGHTS ARE DELETED THEN THERE MUST BE SOME RESTRICTION TO 'FORCE' DESIGN THAT PREVENTS OVERLOOKING. COUNCIL MUST SAY NO AND NO RECOURSE (EG. VCAT).**
- **IT IS DOUBTFUL THAT ALL THOSE EMPLOYED IN THE DESIGN INDUSTRY HAVE THE SKILL TO DELIVER THE HIGH QUALITY OUTCOMES SOUGHT.**

PART 3: SPECIFIC ISSUES AND OPTIONS (continued)

SECTION 3.5: OVERLOOKING (continued)

**OPTION 14: DELETE TECHNIQUE 4 OF
DESIGN ELEMENT 7 VISUAL AND
ACOUSTIC PRIVACY OF THE GOOD
DESIGN GUIDE, WHICH RELATES TO
THE FORM OF EXTERNAL SCREENING
DEVICES**

COUNCIL RESPONSE

IT IS GENERALLY BELIEVED THAT THE PRESCRIPTIVE NATURE OF THE TECHNIQUE HAS TENDED TO PROMOTE INAPPROPRIATE AND UNIMAGINATIVE DESIGNS AND BECOME 'ENFORCEMENT NIGHTMARES'. OFTEN EXTERNAL SCREENS ARE 'TACKED' TO A BUILDING TO COMPLY WITH THIS TECHNIQUE AND TO SATISFY OBJECTOR CONCERNS AFTER THE DESIGN PROCESS, THEREFORE LACKING ANY INTEGRATION WITH THE BUILDINGS DESIGN AND FORM. ONLY OCCASIONALLY HAS THIS TECHNIQUE RESULTED IN GOOD DESIGN OUTCOMES, MORE OFTEN STEMMING FROM THE INITIATIVE OF A GOOD ARCHITECT OR DESIGNER, RATHER THAN FROM ANY PRESCRIBED OPTION IN THE GDG.

ONE COUNCIL IS CONCERNED HOWEVER THAT THE 9 METRE SEPARATION DISTANCE REQUIREMENT BETWEEN HABITABLE ROOM WINDOWS IS ONEROUS FOR SINGLE DWELLING DEVELOPMENT AND WOULD SIGNIFICANTLY IMPACT ON THIS FORM OF HOUSING. THIS PERFORMANCE STANDARD (9 METRES) WOULD NEED TO BE REVIEWED IN INTRODUCING AN ELEMENT OF THIS NATURE INTO SINGLE DWELLING CONTROLS.

PRIVATE INDUSTRY RESPONSE

ALL AGREE

RESIDENT GROUPS RESPONSE

GENERALLY MOST RESIDENTS AGREE WITH THIS OPTION.

**MOST PRIVACY CONCERNS ARE DUE TO BUILDINGS BEING TOO CLOSE TOGETHER-
THEREFORE THE PROBLEM IS RELATED TO FRONT AND SIDE SET BACKS. IT IS
SUGGESTED THAT THE MEASURE SHOULD BE INCREASED TO 12 OR 15 METRES AND
INTRODUCTION OF DIAGRAMS INTO THE TECHNIQUE.**

PART 3: SPECIFIC ISSUES AND OPTIONS (continued)

**SECTION 3.5: OVERLOOKING
(CONTINUED)**

Option 15: INSERT ADDITIONAL DIAGRAMS UNDER THE DESIGN SUGGESTIONS FOR CRITERION 1 OF DESIGN ELEMENT 7 VISUAL AND ACOUSTIC PRIVACY OF THE GOOD DESIGN GUIDE, WHICH RELATES TO REASONABLY PROTECTING ADJACENT PROPERTIES FROM DIRECT OVERLOOKING

COUNCIL RESPONSE

THE INSERTION OF NEW DIAGRAMS IS SUPPORTED BY COUNCIL'S PROVIDED THAT THEY DEMONSTRATE HOW SENSITIVE WINDOW PLACEMENT CAN BE ACHIEVED TO OVERCOME OVERLOOKING. SOME COUNCIL'S HAVE ALSO FOUND THAT PHOTOGRAPHS OF GOOD AND BAD EXAMPLES OF DEVELOPMENT ARE USEFUL IN DEMONSTRATING HOW THIS TYPE OF TECHNIQUE CAN BE SUCCESSFULLY APPLIED.

It may be useful to include a diagram of attic style windows where natural light can be accessed but overlooking is avoided. This design solution has successfully been applied in a number of developments in Whitehorse.

PRIVATE INDUSTRY RESPONSE

Agree with this option.

RESIDENT GROUPS RESPONSE

MOST RESPONSES WERE SUPPORTIVE HOWEVER, A FEW CONCERNS WERE RAISED:

- **THE DIAGRAM 'IDEAS FOR PROVIDING PRIVACY TO A LOWER DWELLING'S SECLUDED PRIVATE OPEN SPACE' SHOWS HALF THE AREA OF THE OPEN SPACE BEING OVERLOOKED.**
- **A SECOND DIAGRAM SHOWS A LOSS OF ACOUSTIC AND VISUAL PRIVACY, WHERE A FIRST FLOOR BALCONY OVERLOOKS SECLUDED OPEN SPACE, WHERE THE BALCONY IS LARGE ENOUGH TO HOLD A PARTY ON IT.**
- **QUESTIONABLE AS THE ONLY SOLUTION. MUST BE GREATER THAN 9 METRES (EVEN 20 METRES IS TOO CLOSE) FOR VISUAL PRIVACY. PROPERTY SIZE SHOULD BE A DETERMINENT.**

PART 3: SPECIFIC ISSUES AND OPTIONS (continued)

**SECTION 3.5: OVERLOOKING
(CONTINUED)**

Option 16: Insert the Techniques in Design Element 7 Visual and Acoustic Privacy of The Good Design Guide relating to visual privacy into the Building Regulations

COUNCIL RESPONSE

COUNCILS BELIEVE IT IS SENSIBLE THAT THE PROVISIONS RELATING TO MEDIUM DENSITY HOUSING ARE APPLIED TO DETACHED DWELLINGS. THIS WILL SERVE TO OVERCOME MANY OF THE CONCERNS FROM LOCAL RESIDENTS ABOUT THE LACK OF CONSIDERATION OF THEIR PRIVACY WHEN DETACHED DWELLINGS ARE BEING DESIGNED AND BUILT.

PRIVATE INDUSTRY RESPONSE

Most responses agreed with this approach. It is suggested that the incorporation of Techniques relating to visual privacy in the Building Regulations should take into account lot size and viewing distance not just viewing angle, as well as the use of the room from which viewing could be done, eg, overlooking from an upper storey living area may be regarded as more significant than from an upper storey bedroom.

The implications of requiring first floor bedroom windows to be screened have the potential to undermine the viability of many volume builders who rely on model designs.

RESIDENT GROUPS RESPONSE

PART 3: SPECIFIC ISSUES AND OPTIONS (continued)

SECTION 3.6: VISUAL BULK

OPTION 17: *INSERT A NEW TECHNIQUE IN DESIGN ELEMENT 6 BUILDING ENVELOPE OF THE GOOD DESIGN GUIDE, WHICH RELATES TO THE SETBACK OF WALLS FROM REAR AND SIDE BOUNDARIES*

COUNCIL RESPONSE

Councils generally believe that revised provisions that promote greater articulation are considered important particularly with respect to double storey developments. The Techniques, however, need to incorporate detailed design principles and diagrams. It is also felt that the provisions are too prescriptive and would affect internal dwelling layouts and functionally for the sake of achieving articulation. They would also discourage the use of other innovative design solutions that could equally reduce visual bulk.

It is suggested that setback provisions need to be more flexible so they are integrated with adjoining dwelling layouts as well as proposed private open space locations on site.

PRIVATE INDUSTRY RESPONSE

There are a few concerns relation to this option.

- Provisions will result in poor and ineffective residential design.
- The 20% setback requirement is too prescriptive. Other aspects of residential design contribute to building bulk such as building height, building envelope size, roof form and materials.
- The setback provisions would result in unusable open space areas particularly with single story dwellings where articulation is not as necessary as with double storey dwellings.
- The provisions fail to take into account issues relating to landfall and the need to establish site level benchmarks at developments.

RESIDENT GROUPS RESPONSE

THE RESIDENT GROUPS ALSO RAISED SOME CONCERNS IN RELATION TO THIS OPTION.

- **THE PROVISIONS ARE TOO PERMISSIVE OF VISUAL BULK. THEY PROMOTE AN ATTITUDE THAT VISUAL BULK IS ACCEPTABLE IF YOU CAN COMPLY WITH THE**

RELEVANT PROVISIONS. THERE IS NO REAL ATTEMPT AT ADDRESSING ISSUES OF RESIDENTIAL CHARACTER AND AMENITY.

- **ARTICULATION DOES NOT EQUAL REDUCED VISUAL BULK. VISUAL BULK CAN ONLY BE ADDRESSED BY REDUCING THE HEIGHT AND LENGTH OF WALLS AND BY INCREASING SETBACKS.**
- **PROVISIONS MAY NOT BE APPROPRIATE IN INNER CITY SUBURBS (WITHIN A 7KM RADIUS OF THE MELBOURNE GPO) WHERE BACK YARDS WOULD BE 'BOXED IN'.**

PART 3: SPECIFIC ISSUES AND OPTIONS (continued)

**SECTION 3.6: VISUAL BULK
(CONTINUED)**

Option 18: *Insert a new Design Suggestion for Design Element 3 Neighbourhood Character of The Good Design Guide, which relates to considering exceeding any maximum height where the building footprint or roof-line has been specifically designed to reflect adjacent residential development*

COUNCIL RESPONSE

The majority of Councils had some concern with this option. For example, the fact that a building footprint can be designed to reflect adjacent residential development can cause some problems. Other issues raised are as follows.

- **Definition of a ‘maximum height’**

It is not defined. Does it refer to local policy height controls, DDO height controls, or does it refer to height provisions in the GDG. This would need to be clarified before introduction of this design suggestion.

- **Potential for inappropriate replication of neighbouring forms or style**

The option may promote height concessions based purely on building footprint and roof form. This design suggestion may give the impression to applicants that height limits are disposable if residential proposals simply replicate the layout and roof form of neighbouring buildings, which may in turn encourage mock building designs. It is considered that new developments should avoid replica or mock designs.

The adjacent residential development may be three storey walk up flats that were built in the 1960's. It is hardly appropriate to base the design of the new development on low quality, poorly designed existing development. This type of development has been criticised for many years and is constantly identified as the type of development that the State Government does not wish to see occur again.

It could contradict other provisions in the GDG. Some developers will argue that they have reflected the footprint of the adjacent development and trade this off against the setback and landscaping provisions of the guide by stating that it is in keeping with neighbourhood character.

- May increase height which will effect neighbourhood character.
- Envelope size and building height should be considered independent issues.
- Development may be able to exceed height limits where the site analysis and design response submissions demonstrate that higher development is justified.

PRIVATE INDUSTRY RESPONSE

This option was generally supported, however it was felt that it has the possibility to limit design innovation which may otherwise be a positive contribution to neighbourhood character. It is an example of granting concessions for good design – which is a good principle. However it may be difficult to codify, it is worthy of more work. Note that planning controls need to accept that innovation and difference can add to the urban quality.

RESIDENT GROUPS RESPONSE

MANY RESIDENT GROUPS DO NOT AGREE WITH THIS OPTION.

- Development that enhances a streetscape shouldn't emulate the street's existing height, scale, form, mass, bulk and setback. This option may lead to the condoning of overdevelopment of a site, or dominating visual bulk.
- Requirement would vary with topography, size of site etc.
- Some words need to be included regarding the articulation of second storey developments where the majority of dwellings are single storey.
- This increase should be redistributed to an attic level in the height of the building mass provided such a height does not contravene heritage controls or loss of privacy and increase in overshadowing of neighbours.

PART 3: SPECIFIC ISSUES AND OPTIONS (continued)

**SECTION 3.6: VISUAL BULK
(CONTINUED)**

***OPTION 19(A): INSERT A NEW TECHNIQUE IN
DESIGN ELEMENT 8 CAR PARKING
AND VEHICLE ACCESS OF THE GOOD
DESIGN GUIDE, WHICH RELATES TO
THE FRONTAGE SETBACK OF CAR
PARKING SPACES***

COUNCIL RESPONSE

Most Councils agree with this option.

- Is of particular importance in heritage and urban conservation control areas.
- May not be of particular importance in 'greenfield' areas.
- May create another impediment of the free choice of consumers.
- Garages often protrude due to smaller lot sizes and setback.
- Often residents and their visitors do not park in garages and therefore park in the driveway. This sometimes causes safety and amenity concerns given that parked vehicles often project into the road reserve and overhang footpaths.
- The requirement for 'one' undercover car space per dwelling may undermine Local Policies relating to urban design guidelines. Heritage Overlays, and Design and Development Overlays, or may be contrary to the character of the streetscape. It is suggested that a more appropriate option to overcome the problems associated with 'afterthought' garages is to include the suggested Technique as a Criteria of Design Element 8, together with the dot-point 'clever design solutions'. This would alert both the planning officer and the applicant of the need to consider under-cover parking in the initial assessment of proposals for new dwellings, or to make provision in the plans for potential future undercover car space. An alternative option would contain a reference to other relevant council urban design, heritage or other policies.

PRIVATE INDUSTRY RESPONSE

- **TO OCCUPY REALLY GOOD SITE AREA WITH DRIVEWAYS EFFECTIVELY REMOVES AREA FOR EITHER LANDSCAPING, OR GROUND FLOOR BUILDING.**
- **THE THREE DIMENSIONAL DESIGN OF A BUILDING FORM IS NOT RESOLVED BY CREATING A RULE THAT PLACES THE GARAGE NO FURTHER THAN THE BUILDING LINE. IF IT IS A DOUBLE GARAGE IT SHALL HAVE A 4.8 WIDE DOOR WITH A BIG CONCRETE APRON. IT IS THERE NO MATTER WHAT YOU DO. SETTING IT BACK A BIT DOES NOT ACHIEVE ANY IMPROVEMENT – IT SIMPLY PRETENDS THAT IT HAS GONE AWAY. A BETTER RULE WOULD BE ONE THAT FOCUSES ON LANDSCAPE SCALE AND OPPORTUNITY IN THE STREET FRONTAGE.**
- **THE POSITIONING OF THESE STRUCTURES FORWARD OF A DWELLING CAN HAVE DESIGN BENEFITS IN SOME SITUATIONS, AND IS OFTEN THE ONLY OPTION. SOME GUIDELINES FOR SITUATIONS WHERE THIS IS A GOOD OUTCOME COULD BE CONSIDERED, FOR EXAMPLE IN RELATION TO ROOF FORM, GARAGE DOOR DESIGN AND PAVEMENT TREATMENT AND LANDSCAPING.**

RESIDENT GROUPS RESPONSE

- **CAR PARKING IN THE GDG AND VIC CODE 1 FAIL TO ADDRESS THE ADVERSE IMPACT ON A STREETScape (OR NEIGHBOURHOOD CHARACTER) OF UNDULY WIDE KERB CROSSOVERS AND DRIVEWAYS OVER NATURE STRIPS/RESERVES. MANY NEWLY DESIGNED RESIDENCES FAIL TO INCORPORATE CAR PARK SPACES EITHER IN THE BUILDING OR AT THE SIDE OR REAR OF A DWELLING.**
- **THE REQUIREMENT SHOULD BE FOR ONE CAR SPACE PER DWELLING TO BE COVERED, AND ALL PERMANENT CAR SPACES TO BE SETBACK THE MINIMUM FRONT SETBACK DISTANCE, WITH THE EXCEPTION THAT ONE VISITOR SPACE WOULD BE ACCEPTABLE IN THE FRONT SETBACK AREA OR ON DRIVEWAY CROSSING SETBACK ARE AND LEADING TO OTHER CAR PARKING FACILITIES WITHIN THE SITE.**
- There is some concern that this might lead to a reduction in private open space or produce even higher, bulkier buildings.
- **THERE IS THE ABILITY TO ADD PORCHES AND VERANDAS, THUS REDUCING SETBACKS AND INCREASING SITE COVERAGE IS INCONSISTENT WITH THE INTENTION TO LIMIT SITE COVERAGE AND TO PROVIDE A BUILDING LINE WHICH DOES NOT HAVE A STREETScape IMPACT NOR AN ADVERSE IMPACT ON THE NEIGHBOURING PROPERTY.**

PART 3: SPECIFIC ISSUES AND OPTIONS (continued)

**SECTION 3.6: VISUAL BULK
(CONTINUED)**

***OPTION 19(B): INSERT THE NEW
TECHNIQUE RELATING TO THE
FRONTAGE SETBACK OF CAR
PARKING SPACES AND THE
OTHER TECHNIQUES OF DESIGN
ELEMENT 8 CAR PARKING AND
VEHICLE ACCESS OF THE GOOD
DESIGN GUIDE INTO THE
BUILDING REGULATIONS***

-

COUNCIL RESPONSE

The inclusion of these details into the Building Regulations is supported to ensure a consistent approach for single dwellings and medium density housing proposals. It is recognised that it is often the development of single dwellings and their associated outbuildings which create the initial concern in a specific neighbourhood.

The majority of Councils support consistency between the design provisions relating to detached dwellings and MDH. It is even considered that the setbacks of garages is more of an issue with the design of detached dwellings than it is for medium density developments.

- It is considered that the introduction of this technique should assist in overcoming some of the negative impacts 'infill' detached dwellings have on the streetscape where generally undercover parking facilities are usually provided to the side or rear of the existing dwelling.
- This technique would also improve the streetscape of new estates whereby one is confronted with a row of protruding double garages. Although this is less concern than infill development in existing residential areas, new estates are often a stark contrast to the nature of development in surrounding areas and the design of dwellings at the interface with existing development should better reflect the existing neighbourhood character.

- The SAC needs to be able to respond to the issue that Building Surveyors will have the ability to issue dispensation for front setbacks. The ability to vary this requirement may result in this provision being circumvented and the location of garages will not alter.
- A major problem faced by Council is that designers can gain approval for car space/car parking facilities in front of medium density projects, due to other occurrences in the street. This means that Council is often powerless to regulate through its Planning Framework because for single dwellings this scenario is permitted.

RESIDENT GROUPS RESPONSE

- **MORE PROVISION SHOULD BE MADE IN THE TECHNIQUES FOR MORE CAR SPACES ON SITE.**
- **CAR PARKING MINIMUM AND 6 METRE GARAGE SETBACKS SHOULD BE INCREASED FOR DEVELOPMENTS FRONTING MAJOR ROADS WHERE ON-STREET PARKING IS HAZARDOUS.**

PART 3: SPECIFIC ISSUES AND OPTIONS (continued)

**SECTION 3.6: VISUAL BULK
(CONTINUED)**

Option 19(c): *Insert new wording in the Note to Technique 1 of Design Element 6 Building Envelope of The Good Design Guide relating to the setback of garages and carports*

COUNCIL RESPONSE

The majority of Councils agree with this approach, however there were a few concerns:

- May not work with side by side developments, as first floors are typically set further from the street with a porch forward of the garage. Meeting this requirement would result in sheer two-storey facades. This approach is too prescriptive and may not necessarily encourage good design.
- It still allows for verandahs to project forward of the frontage setback. This could potentially allow the construction of either large verandahs actually functioning as carports, similarly compromising the objective of maintaining the existing streetscape. The design element should be re-drafted to preclude intrusions from large verandahs, the suggested re-wording is as follows.

The setback is measured to the wall face of the dwelling. Eaves, unroofed porches and verandahs less than 1.8 metres wide, but not garages, carports and verandahs over 1.8 metres wide, may project forward of this line.

PART 4: EXTENDED TERMS OF REFERENCE

SECTION 4.1 DENSITY

Technique

It is not considered that compliance with the numerical technique set out in E1.T1 assists in achieving the objectives and criteria of the Element, particularly those that make reference to providing housing diversity, quality design that responds to site constraints and impact on neighbours.

THE QUESTION OF APPROPRIATE HOUSING DENSITIES IS EXTREMELY COMPLEX. IT CAN BE ARGUED THAT IF A DEVELOPMENT WAS WELL DESIGNED THE QUESTION OF DENSITY IN RELATION TO THE SURROUNDING NEIGHBOURHOOD SHOULD NOT BE OF ANY CONCERN TO THE NEIGHBOURS AND THE ASSESSOR OF MEDIUM DENSITY HOUSING. FOR EXAMPLE, IF ALL ELEMENTS OF THE GDG, WITH THE EXCEPTION OF DENSITY, ARE SATISFIED THEN THOSE ASSESSING THE PROPOSAL CAN BE ASSURED THAT THE BUILDINGS ON A SITE WILL HAVE LITTLE OR NO IMPACT ON SURROUNDING NEIGHBOURS.

The benefit of stated density criteria is that it is an indication of what can be reasonably expected, provided other elements of the GDG are also satisfied. However it can also be argued that by adopting benchmark densities Councils, Medium Density Housing designers and the community will simply use this density as the bottom line and not consider more innovative or creative proposals that exceed the density benchmark. Conversely it can also be put that density benchmarks lead to an expectation that a site can accommodate the stated density, even when the site and surrounding constraints may limit the potential density of the site.

For example, it is HIA's experience that compliance with density benchmarks does not provide any indication of the likely impacts of the proposed development. In practice Local Government, the community and designers have come to rely on the density benchmarks as an indicator of how the site can be developed. The evidence of this is that particular Councils such as the City of Whitehorse, Boroondara and Bayside are adopting their own benchmarks without reference to any strategic justification. This unnecessary emphasis on densities could perhaps be explained in part by the fact that Density Benchmarks are the first element of the GDG and it has therefore been given unintended importance by simply being the first element of the Guide.

AN OVERWHELMING PROBLEM SITED WAS THAT DEVELOPERS ARE MAKING ECONOMIC DECISIONS BASED UPON THESE STATED "BENCHMARK DENSITIES" AND IT IS NOT DIFFICULT TO DEMONSTRATE COMPLIANCE WITH "...THE OBJECTIVES AND CRITERIA OF THE GUIDE AS A WHOLE..." WITHOUT ACHIEVING THE LAUDABLE PURPOSE OF THE GUIDE IN THE FIRST PLACE. IT WAS ALSO RECOMMENDED THAT NO DENSITY FIGURES SHOULD BE STATED WHATSOEVER, AND THE CRITERIA FOR THE APPROVAL OF ANY DENSITY AT ALL SHOULD BE THE DEMONSTRATED ACHIEVEMENT OF THE PURPOSE OF THE GUIDE FOLLOWING PRE-APPLICATION CONSULTATION AND APPROVAL (BY COUNCIL) OF THE SITE ANALYSIS.

Density Range specified by the table in E1 T1

It is considered that the numbers specified by the table are arbitrary and clearly do not take into account local characteristics.

The density benchmarks, while providing a level of 'certainty' tend to be focussed upon more by developers than the objective and criteria outlined by the element. This approach does not assist in facilitating a design that is site responsive.

BENCHMARKS SPECIFIED IN THE TECHNIQUE ARE OFTEN SEEN AS THE DETERMINING FACTOR OF SUITABLE DENSITY FOR A SITE, AND ARE THEREFORE USED AS A STARTING POINT IN THE PREPARATION OF A DESIGN PROPOSAL. THIS IS NOT CONSIDERED TO BE AN APPROPRIATE APPROACH,. HOWEVER, IF IT IS TO BE ADOPTED AS THE APPROACH, PERHAPS THE DENSITY BENCHMARKS SHOULD BE HIGHER.

AS MENTIONED BEFORE, MANY DESIGNERS USE THE BENCHMARKS TO DETERMINE THE DWELLING YIELD OF A SITE AND THEN WORK TO MINIMUM STANDARDS TO SQUEEZE THAT NUMBER OF UNITS ON A SITE. THIS APPROACH CAN HAVE A SIGNIFICANT IMPACT, PARTICULARLY ON STREETScape AND ADJACENT NEIGHBOURS' AMENITY.

While advocating lower density benchmarks won't necessarily solve the concerns raised, they may assist in establishing what is considered to be a more appropriate 'starting point' for design, and would not prevent higher densities occurring where it can be demonstrated that such a density is justifiable.

Development within 7km of the GPO

Many Councils believe that the 7 km radius , covering only small parts of certain municipalities is an arbitrary control and is generally unresponsive to local character. Areas included within the 7km radius may be no different to other residential neighbourhoods within the municipality in terms of urban character or accessibility to the central Melbourne area.

LOCATION OF A SITE WITHIN 7 KM OF THE GPO DOES NOT NECESSARILY RESULT IN GREATER ACCESS TO FACILITIES AND SERVICES, LIKE PUBLIC TRANSPORT AND PUBLIC OPEN SPACE, WHICH MAY WARRANT A HIGHER DENSITY. IN MANY INSTANCES, SITES LOCATED MORE THAN 7 KMS AWAY FROM THE GPO MAY HAVE GREATER ACCESS TO THESE THINGS THAN A SITE WITHIN 7 KMS.

Overall, the 7km radius areas does not generally result in development that:

- recognises the diversity in the character of the area,
- does not result in higher density housing being located close to public transport, shopping and commercial facilities,
- achieve medium density housing which is respectful of its neighbourhood,
- maintain the garden character of neighbourhoods,
- integrate the layout of developments with the neighbourhood and abutting use and development,
- provide sufficient open space for reasonable recreation, service and storage needs of residents, and
- Provide site facilities which are adequate and convenient for residents' needs .

General Comments on Density

IT IS FELT THAT AN 'APPROPRIATE' DENSITY SHOULD BE DETERMINED AS A RESULT OF HAVING UNDERTAKEN A SITE ANALYSIS AND CONSIDERATION OF FACTORS SUCH AS STREETScape, LOCAL CHARACTER AND SITE CONSTRAINTS AND OPPORTUNITIES. FOR EXAMPLE URBAN DENSITY SHOULD CORRELATE WITH APPROPRIATE LOCAL

INFRASTRUCTURE. RESIDENTIAL DEVELOPMENTS IN A DENSE ACTIVITY CENTRE SHOULD BE ENCOURAGED WHETHER IN KNOX, EPPING OR ANY RURAL TOWN JUST AS MUCH AS IN SOUTH YARRA OR FITZROY. THE KEY CRITERIA SHOULD BE CONVENIENT ACCESS TO SUBSTANTIAL INFRASTRUCTURE.

Appropriate density is best determined in the context of the site, not on the basis of allotment size and dimension as presented by Technique 1.

In addition to the problems outlined, it is considered that the allocation of Density as the first element in the GDG gives the impression that it is the starting point for designing medium density housing.

Alternative approaches could include the following:

- priorities the Elements and move Density toward the back of the guide for consideration after other elements, and
- remove the Technique of the Density Element and include the principals as Criteria with Design Suggestions.

PART 5: CARPARKING

SECTION 5.1

Review the existing provisions and advise on:

- whether compliance with the techniques meets the objectives of Element 8;
- whether any other standards for car parking and access would better meet these objectives, and
- any other matters related to the application of the Techniques in Element 8.

COUNCIL, PRIVATE INDUSTRY & RESIDENT GROUPS

NUMBER OF SPACES

E8.T1

There were various responses in relation to this Technique. For example the City of Stonnington recommends that the average number of car parks required per dwellings must be capable of being varied having regard to local circumstances. Stonnington's parking survey shows that the average demand for flats is 1.47 for the part of South Yarra north of Toorak Road between Rockley Road and River Street, and 2.00 for the part of South Yarra south of Toorak Road between Osborne Street and Punt Road. The tool to implement such differences is **Local Variation**.

The example of car parking requirements for dwellings in coastal townships is another factor to consider. For example Surf Coast Shire believes that the number of spaces required per dwelling is insufficient for dwellings in coastal townships for the following reasons:

- Large proportion of dwellings are used by non-permanent residents during holiday periods. This often involves extended family and short-stay visitors who drive private cars. As such the residents are likely to have a high level of car ownership with high probability of at least two cars per household.
- Public transport within the shire is extremely limited and often non-existent.
- The population in the various townships can swell by many thousand during the summer period significantly reducing the availability of on-street parking.
- **Local Variation can apply here**

Differing locations across metropolitan Melbourne also determine appropriate number of car parking spaces per dwelling. For example the **City of Casey** recommended that the standard number of spaces should be increased to 2 per dwelling. The current requirement for 1.5 spaces per dwelling is inadequate as a standard rate given the high level of car ownership in Casey. A low rate is considered acceptable for elderly persons accommodation and public housing where car ownership levels are lower. Adoption of a higher 'standard' rate is recommended using the same principles as the standard car parking rates for other uses in the planning scheme. This would then require an applicant to justify any reduction below that.

Whereas in inner city locations the requirement for 2 car spaces on site is not so necessary given the close proximity to public transport. However, the Richmond residents association (RAID) made a very important point about the assumption that living in inner city locations doesn't necessarily bring with it lesser car ownership. The ABS statistics for the City of Yarra demonstrates higher car ownership in the past 5 years. One of the main problems has been the assumption that residents don't or won't want cars. Residents may still own a car even where they may travel to work, school or other daily tasks by public transport but retain a car for recreation, shopping or social travel, particularly across town. There will need to be vehicle accommodation on site for during the day.

The Shire of Nillumbik has a different approach to working out appropriate car parking spaces on site. It is the Shires view that there is a greater relationship between car parking and numbers of bedrooms than car parking and number of dwellings. Council supports the second dot point of the existing Technique requiring one space per one bedroom dwelling. It is suggested that this be expanded to require one space for a two bedroom dwelling, two spaces for a three bedroom dwelling and three spaces for dwellings with four or more bedrooms. To circumvent 'studies' or 'studios' being used on plans to disguise additional bedrooms, studies and studios should be included as bedrooms in car parking assessment as above.

THERE WAS THE BELIEF AMONGST COUNCILS THAT OCCUPANT AND/OR VISITOR CAR PARKING PROVISION ARE INADEQUATE, ESPECIALLY WHERE DWELLINGS ARE OF 2 OR MORE BEDROOMS. THE CONCEPT OF TANDEM PARKING MAY SEEM SATISFACTORY IN THEORY BUT IS A FAILURE IN PRACTICE. INVARIABLY, THE 'TANDEM' VISITOR SPACES ARE USED BY THE PERMANENT OCCUPANTS WITH THE CONSEQUENT PRESSURE FOR ON-STREET PARKING. INCREASED PARKING ON STREETS IMPEDES TRAFFIC FLOW, CREATES DANGEROUS TRAFFIC CONDITIONS AND CAN HAVE AN NEGATIVE IMPACT OF THE VISUAL CHARACTER OF STREETS.

It is also felt that tandem spaces are that tandem spaces are not utilised as such, because they are often difficult to access, are not convenient in terms of their size, and therefore the resultant impact is an increase in on-street parking. It is considered that tandem spaces should not be encouraged unless it can be demonstrated that there will be no conflict with other residents and that the space is located conveniently to access the dwelling.

E8.T2

No comments

PROVISION OF STREETS

E8.T3

ENCOURAGE A STRONGER RECOGNITION OF THE ROLE OF LANES AND SECONDARY STREETS IN INNER LOCATIONS. WHERE THE REAR ACCESS HAS BEEN HISTORICALLY PROVIDED THAT ROLE SHOULD BE MAINTAINED, NOT THE OPPORTUNITY TO CREATE A STREET FRONTAGE FOR A DWELLING AND COMPROMISE THE USEFUL FUNCTION AND HIERARCHY OF ACCESS POINTS THE NARROW STREETS AND LANES PROVIDE.

SHARED PRIVATE DRIVEWAYS ARE SECOND RATE URBAN DESIGN COMPARED TO PUBLIC LANES AND ACCESS WAYS. THE THRESHOLD OF THIS TECHNIQUE REQUIRING A PUBLIC STREET ARE TOO HIGH. COUNCILS DON'T LIKE DEVELOPING LITTLE STREETS SO DRIVEWAYS ARE ANY EASY SOLUTION. THIS TECHNIQUE SHOULD BE MORE PRODUCTIVE IN PROMOTING THE DESIGN OF LITTLE STREETS WHICH KNIT THE NEW DWELLINGS IN A DEVELOPMENT SEAMLESSLY INTO THE URBAN FABRIC.

The City of Stonnington recommended the integration or replacement of these 'standards' of the Technique with the relevant parts of the Australian Standard AS2890.1 1993 Parking Facilities (part 1): They believe it is comprehensive, widely used and has kept abreast with industry thinking. For example it is used by Stonnington's Transport Unit in its assessment of development proposals. It also provides standards for a wider range of matters not available in the GDG such as ramp grades, height clearance and sight lines for off street car parking. These are critical where basement parking and parking areas separated from their dwellings are common. These Guidelines would benefit both designers and approval authorities. Use of AS2890.1 provides a better link between industry and planning approvals and between planning and other approvals.

ACCESS

E8.T4

THE ONLY RECOMMENDATION MADE IN RELATION TO THIS TECHNIQUE WAS BY THE CITY OF CASEY. IT WAS FELT THAT INTERNAL PASSING AREAS (I.E SECTIONS OF DRIVEWAY 5.0 – 5.5 METRES WIDE) SHOULD BE REQUIRED ON LARGER DEVELOPMENTS TO ENABLE CARS TO PASS. THE CURRENT TECHNIQUES ONLY REQUIRE WIDER ENTRANCES WHICH DOES NOT OVERCOME VEHICLE PASSING PROBLEMS WITHIN THE SITE. THESE PASSING AREAS SHOULD BE DESIGNED TO DISCOURAGE THEIR USE FOR PARKING.

E8.T5

The City of Moonee Valley tries to encourage all developers to ensure cars can turn around and leave the site in a forward direction, especially in instances where an accessway serves two dwellings and / or the dwelling is located toward the rear of the site. It is considered unacceptable to

allow vehicles to reverse almost the entire length of the block, especially in instances where they are required to reverse past another dwelling.

It is felt that this Technique would be improved if turning areas were required where an accessway:

- serves 3 or more car spaces; or
- serves 2 or more dwellings; or
- connects to a busy roads; or
- is required to pass by another dwelling.

CAR SPACE AND ACCESS DIMENSIONS

E8.T8

GARAGES AND ACCESS POINTS AND DIMENSIONS HAVE PROVEN TO BE A PROBLEM FOR A LOT OF COUNCILS. THIS IS IN PART BECAUSE THE VEHICLES OWNED ARE NOT NECESSARILY SMALL CARS. THE OTHER REASONS IS THAT THE GARAGES ARE NOT USED BECAUSE THEY ARE SO TIGHT AND NOT EASILY ACCESSED. THIS IS EXACERBATED BY THE USE OF MANY GARAGES SPACES AS STORAGE AREAS.

The inadequate provision of storage space in many medium density developments leads to garages being used as storage space rather than for parking. Double garages are effectively reduced thereby to singles, and many singles are used solely for storage. This forces occupiers to use on-street parking, or the visitor spaces provided in the development, if they are provided.

E8.T12

THE INCREASED NUMBER OF CROSSOVERS HAS MADE MANY SMALL STREETS IN INNER AREAS UNCOMFORTABLE AND UNSAFE FOR PEDESTRIANS.

Council would view the 40% and 33% threshold as being absolute maximum frontage to be utilised for vehicle accessways or car parking.

The City of Moonee Valley normally requires crossings that do not exceed 4.5 metres in width so as to reduce any impact on the streetscape. It is considered inappropriate to be providing 6 metres wide crossings, unless there are safety reasons for doing so.

LOCATION OF ACCESSWAYS AND GARAGES

E8.T13

The **City of Stonnington** recommends that setback for garages should be the same for each style of dwelling development (ie, single dwellings and multi unit developments) with the same performance measures. In this respect, garages should not dominate the street frontages. Currently in many single dwelling garages are located in front of the dwelling, while in multi- dwelling development Council has the direction over the location of the garage.

E8. T14

The City of Moonee Valley there appears to be a conflict between the second paragraph and the associated diagram provided with the technique.

Interpreting the words, it would appear that the diagram should show a minimum 1 metre setback between the accessway and the window, similar to the 1.5 metre dimension shown on the first diagram.

The other concern resulting from the technique is the opportunity to use a 1.5 metre high fence to enable a reduction in the setback. This is not seen to be a positive design solution as it creates 'dead space' between the fence and dwelling and leaves no opportunity for meaningful landscaping.