

Practice Note

FOR THE
**Small Lot
Housing Code**

AUGUST 2014



SMALL LOT HOUSING CODE

PRACTICE NOTE

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PURPOSE

The purpose of this Practice Note is to provide clarification of the standards established in the Small Lot Housing Code. This Practice Note is not intended as a substitute for making direct reference to the relevant standards in the Code.

BACKGROUND

The Small Lot Housing Code applies to the construction of a house and associated outbuildings in an Urban Growth Zone where a Precinct Structure Plan has been incorporated into the planning scheme. The Code encourages one, two or three storey houses that can be attached, semi-detached or detached housing on lots less than 300m² in area. There are no minimum lot sizes under the code.

The Code is not mandatory, as a developer or house builder can opt to use the existing planning permit process, however if the standards in this code are met it eliminates the need for planning permits even for houses on lots less than 300m² in area.

The standards are prescriptive - a standard is either met or not met. The standards establish an envelope that deals with all the siting matters covered in Part 4 of the Building Regulations 2006. There are no options, discretions or variations involved in this code however the current planning permit process can be used for houses that do not meet the standards, so there is no loss of flexibility.

HOW IS THE CODE IMPLEMENTED?

The mechanism that activates the use of the code is set out in the Schedule to the Urban Growth Zone. The Schedule provides that a planning permit is not required to construct one dwelling on a lot with an area less than 300 square metres where a site is identified as a lot to be assessed against the Small Lot Housing Code via a restriction on title, and it complies with the Small Lot Housing Code. The restriction should identify each lot as "Type A" or "Type B" under the Small Lot Housing Code.

Approval for the construction of housing that meets all the standards is in the form of a building permit issued by a Relevant Building Surveyor (RBS).

House designers must provide sufficient information on the plans to enable the RBS to determine compliance with the standards and the RBS must ensure that an application for a building permit provides sufficient information to determine that the application complies with the standards.

EXCEPTION CONCERNING APPROVED BUILDING ENVELOPES

The exception concerning approved building envelopes under 406(2) of the Building Regulations 2006 continues to apply. If an adjoining lot is not subject to the Code or is not shown on the same certified plan of subdivision, regulations 414, 415, 416, 417, 418, 419, 425, 426, 428, 429 and 430 apply to the extent that they relate to that adjoining lot.

DEFINITIONS

The definitions at the beginning of the code apply to all standards in the code however there are other terms used in the code that only apply to a particular standard and are detailed at the end of those particular standards.

Further clarification is provided for some of the definitions.

"clear to the sky" – gutters or spouting should not be regarded as being clear to the sky.

"existing building" and **"existing wall"** – the status as "existing" only applies to buildings or walls that have been completed and an 'occupancy permit' or a 'certificate of final inspection' has been issued and forwarded to the relevant council. Buildings that have obtained a building permit only, or buildings that are under construction, are not considered as "existing".

"height" – heights are measured vertically from natural ground level at the base of a wall or fence or, in the case of a building, vertically below the top of the roof covering. Chimneys, flues and service pipes are not included when measuring heights. (**see diagram 1**)

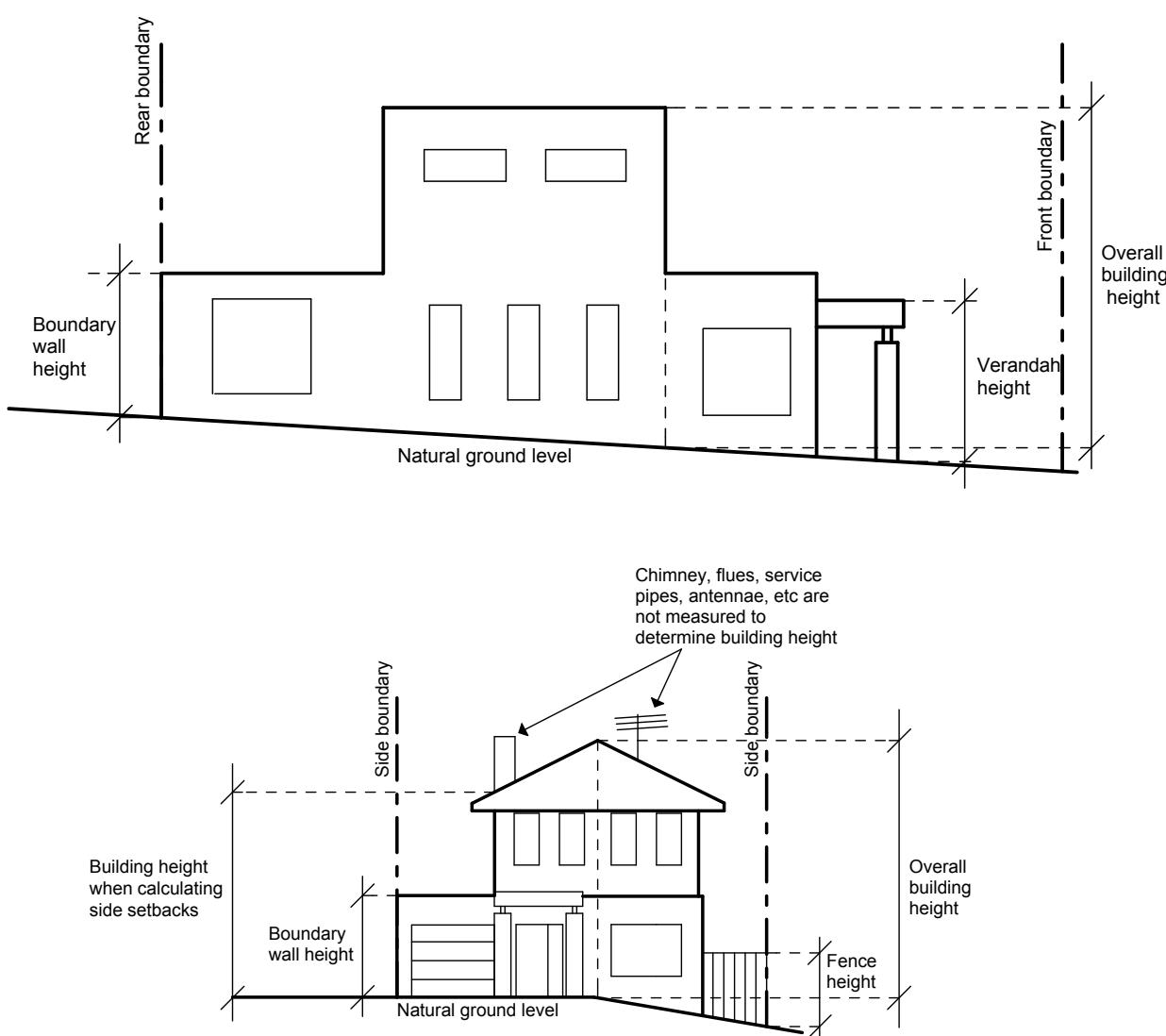


Diagram 1

Diagrams 2 and 3 show the measurements of fence heights from natural ground level.

Natural ground level can be difficult to ascertain when the subject allotment has undergone a cut and fill or other earth works. Natural ground level may be taken as being a line across the allotment that connects any two points, either within the allotment or on adjoining allotments. (**see diagram 3**)

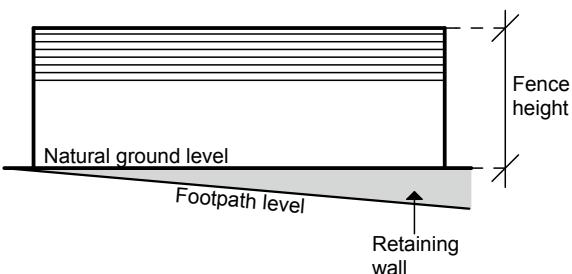


Diagram 2

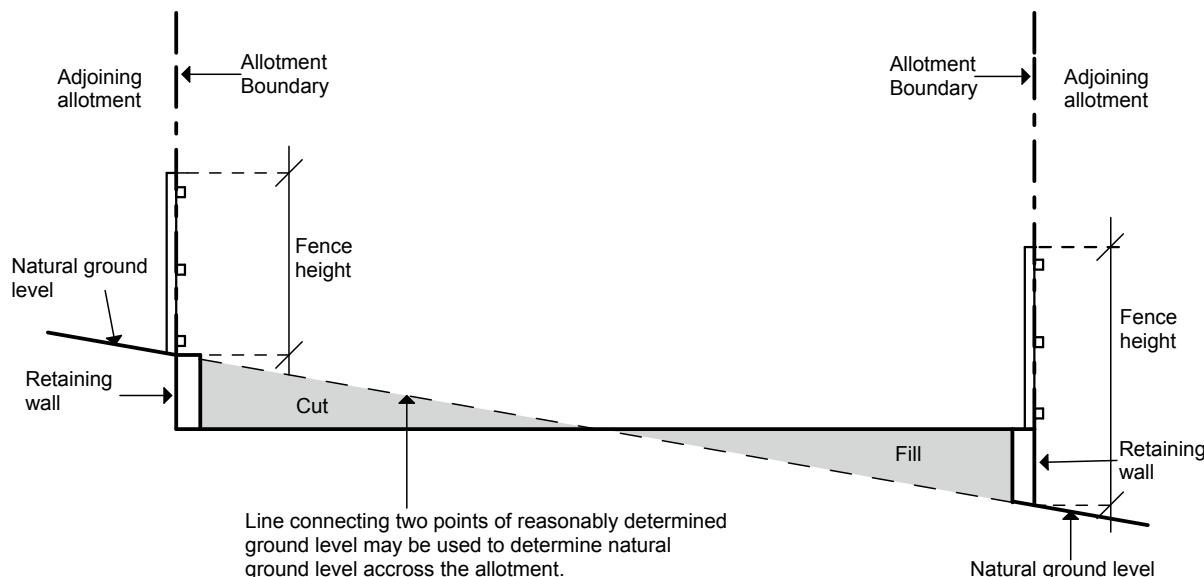


Diagram 3

Where land has undergone extensive 'reshaping' earthworks, the new levels created by the reshaping can be taken as the natural ground level where the adjoining allotments have also been subject to the same earthworks or are at the same level.

"pergola" – is a structure that does not collect or discharge rain water and therefore must be either unroofed or if covered, with an open style permeable shade material. Plastic, polycarbonate or fiberglass sheeting as a roof covering changes the structure from a pergola to a verandah.

"simultaneously approved" – means developments that are approved on the same day. This would normally be the case when a developer has purchased a number of contiguous allotments who would be interested in constructing a number of two or three storey terrace style houses. The allowances are also offered to developments where the building permits are issued on the same day and the neighbours can co-ordinate their building permits.

PART 1 SINGLE CLASS 1a BUILDINGS AND ASSOCIATED CLASS 10a BUILDINGS

The standards in this part apply to single dwellings and their associated garages, carports, sheds and the like. Small boarding houses, rooming houses or guest houses (Class 1b buildings) are not covered by this code and would require a planning permit. The siting of in-ground or above ground swimming pools are not regulated under this code and fences (Class 10b buildings) are covered in Part 2 of the code.

STANDARD 1 - MAXIMUM STREET SETBACKS

This standard applies to the construction of a new dwelling only - not additions to an existing dwelling or to a garage or carport etc. However standard 2(2) requires doors or openings to garages and carports to be setback 5m from the front street alignment, which, on non-declared roads, will always mean that the garage or carport door or opening is setback further than the front wall of the dwelling.

STANDARD 2 - MINIMUM STREET SETBACKS

Before determining the required front and side street setbacks, the designation of the allotment into Type A or Type B must be obtained from the plan of subdivision and the classification of the road as either a declared or non-declared must be established from the VicRoads website on – Maps of Declared Roads.

<http://maps.vicroads.vic.gov.au/website/declared/viewer.htm>

STANDARD 2(1)

The term facing means oriented towards the street (i.e. the plane of the wall is less than 90° to the street alignment). If the wall is not parallel to the street alignment, the closest part of the wall to the street alignment is the point at which the setback is measured.

There are no prescribed setbacks for rear streets however standard 7 (side and rear setbacks) will apply. **Diagram 4** illustrates methods of measuring front and side street setbacks in some situations.

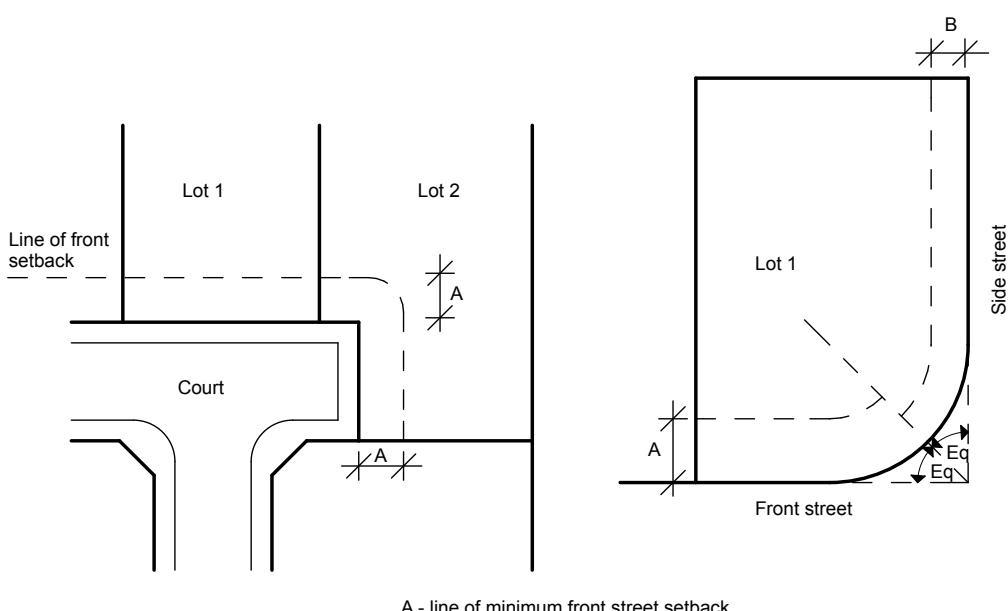
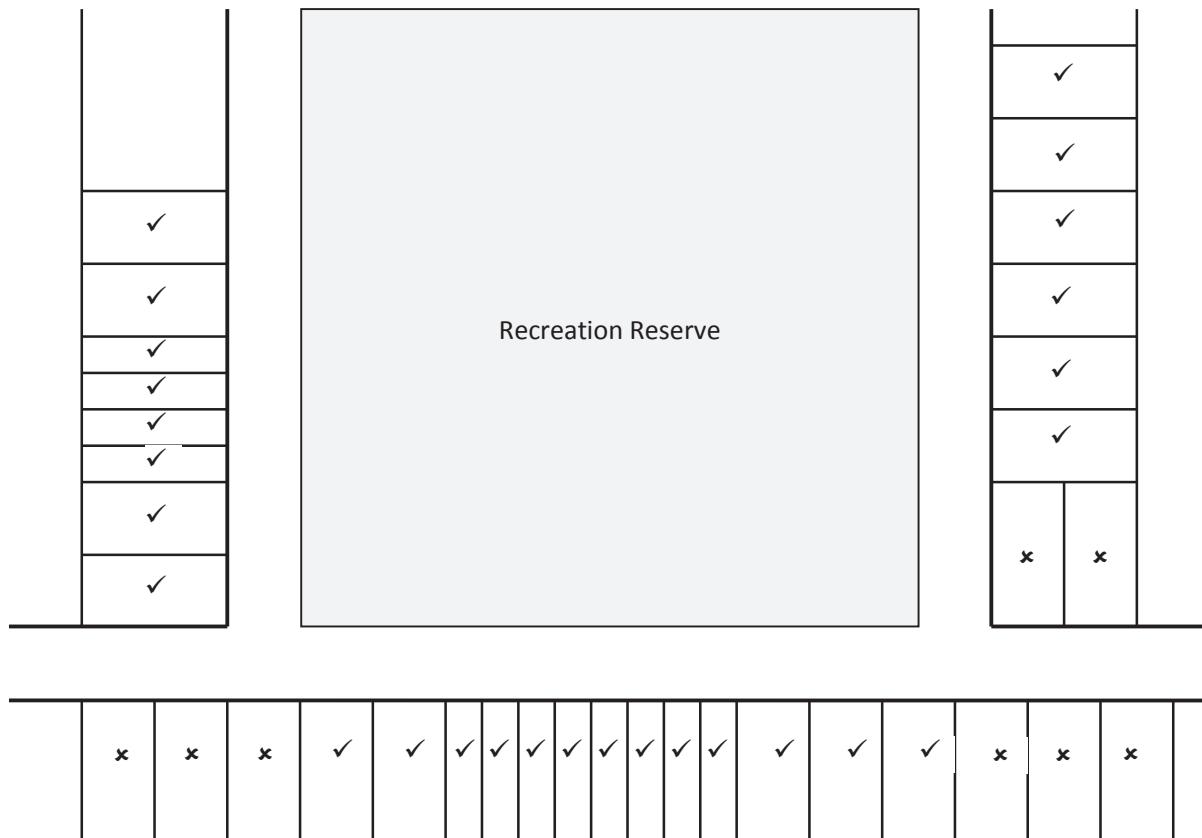


Diagram 4

Reduced frontage setbacks for properties opposite recreational reserves is allowed on Type A allotments and diagram 5 indicates which properties would be eligible for the reduced front setbacks.



Type A allotments where a minimum 1.5m frontage setback would apply



Type A allotments where reduced frontage setback would not apply, i.e., minimum frontage setback of 3.0m for a non-declared road and minimum frontage setback of 4.0m for a declared road.

Diagram 5

The concept of articulation of the front façade of the building and for walls adjacent to side streets that exceed 10m in length, have been introduced in Table 2, with a required increase in the setbacks for sections of the front and side walls being a minimum 300mm. (see **diagram 6**)

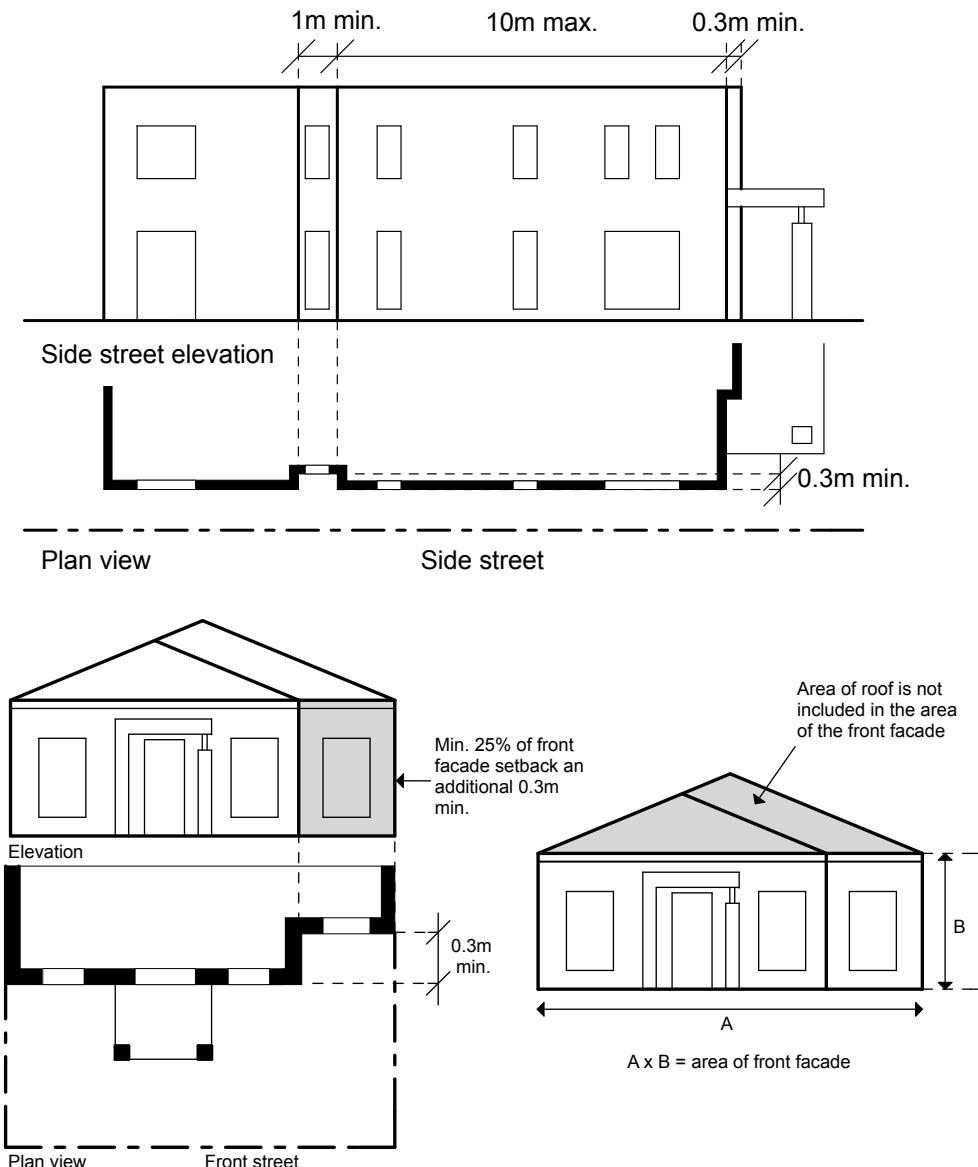


Diagram 6

STANDARD 2(2)

The minimum setback to the front door of a garage or carport, or to the access opening to a garage or carport, must be a minimum of 5.0m. This can be achieved by recessing the front door, as shown in **diagram 7**.

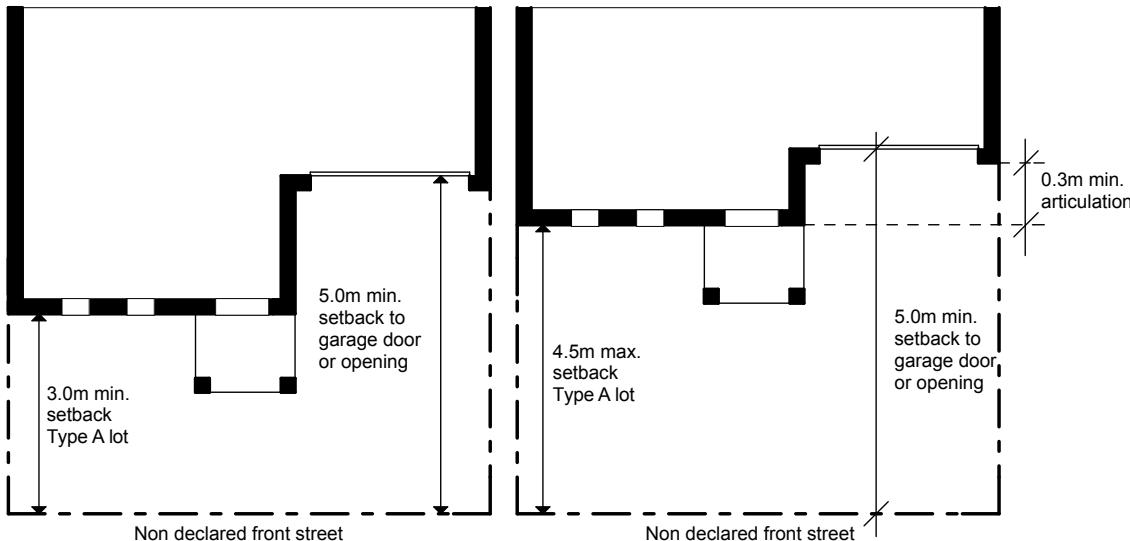


Diagram 7

STANDARD 2(3)

This standard also allows decks, steps & landings that are less than 800mm in height and eaves, fascia & gutters to encroach 1.5m into the required front and side street setbacks, however at no time can any of these structures project over the title boundary.

STANDARD 2(4)

To further encourage front façade articulation, an open porch, verandah or pergola, an upper floor balcony, or fin/s or sunhood/s, or a combination of the above, must project forward of the front wall of the dwelling and may encroach into the required front setback. (see examples in **diagram 8**)

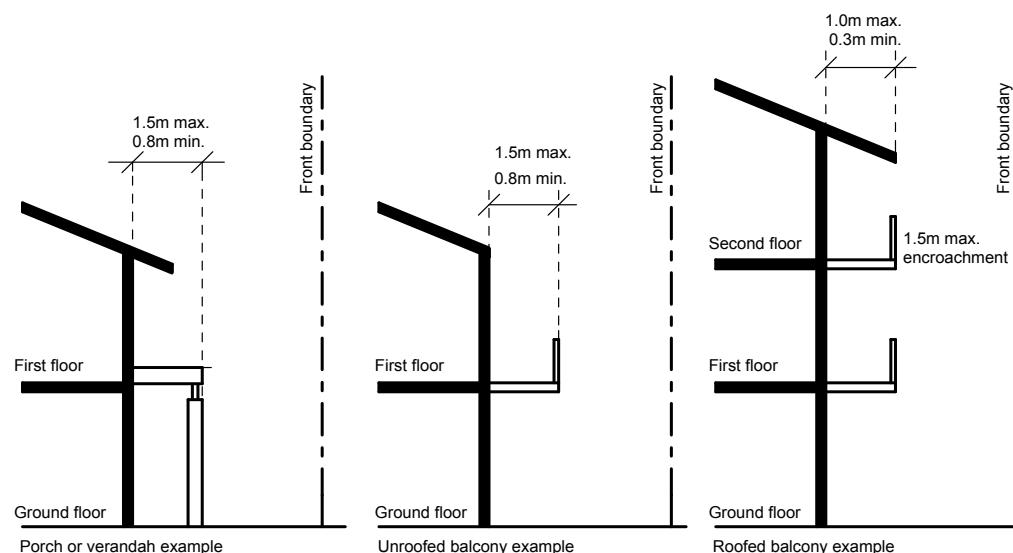


Diagram 8

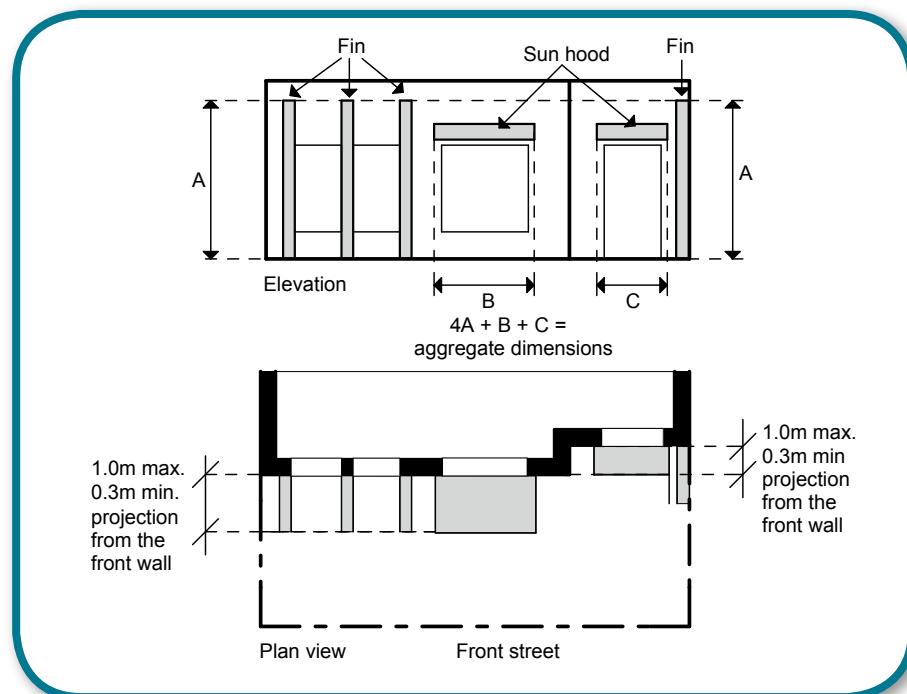


Diagram 8 (continued)

STANDARD 2(5)

Although "street" in the definitions includes lane, footway, alley and right of way, the street setback in this standard are not setbacks from lanes, footways, alleys or right of ways. The setbacks from, or the option to build on a lane, footway, alley or right of way, are set out in standards 7 & 8 respectively.

How you determine "area of front façade" and 'aggregate dimensions' are explained in this standard and are shown in **diagram 9**.

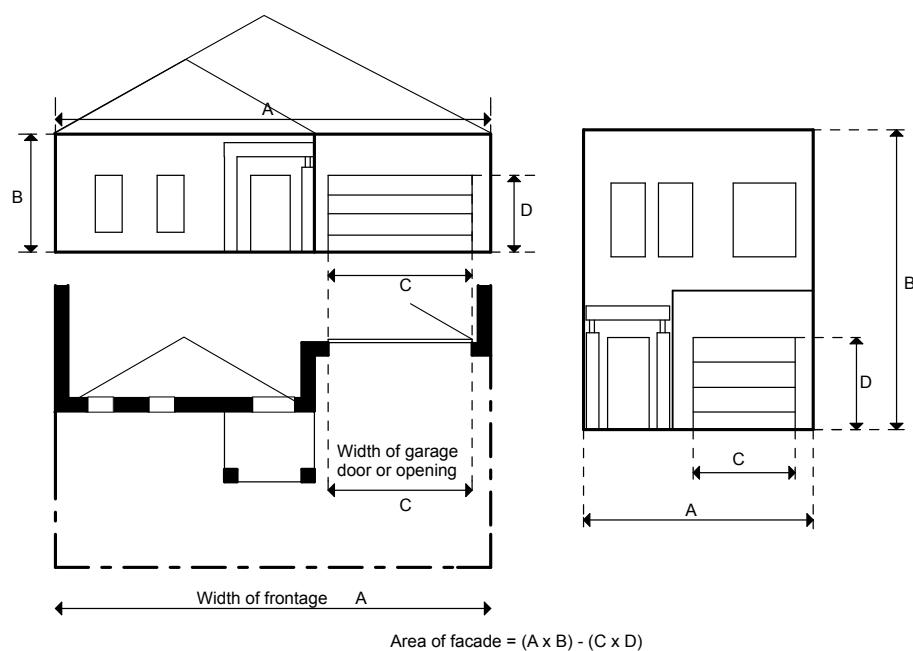


Diagram 9

STANDARD 3 - BUILDING HEIGHT

This standard allows a maximum building height of 11m where the slope of the ground is 2.5° or more across a 4m section of the building. This is equal to a ratio of 1:23 or a rise or fall over the 4m section of 175mm. (see **diagram 10**). If the site does not fall 2.5° , the maximum overall building height above natural ground level is 10m.

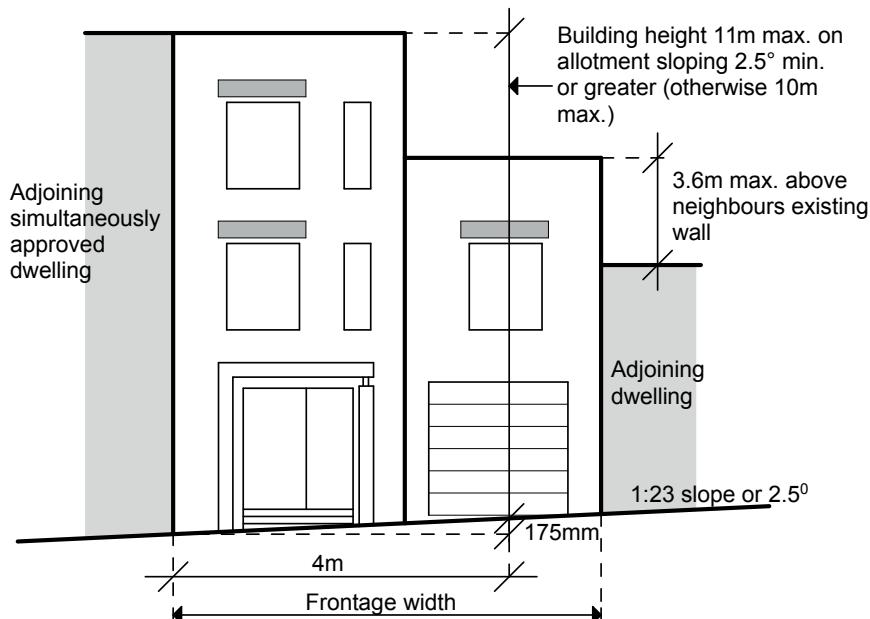


Diagram 10

STANDARD 4 - SITE COVERAGE

There is only a maximum site coverage specified for Type A allotments and this maximum percentage (90%) may be calculated as the average over adjoining allotments, if the dwellings are simultaneously approved.

All existing buildings must be included when calculating site coverage however there are stated structures in standard 4(2) that may be disregarded.

STANDARD 5 - PERMEABILITY

There is only a maximum impermeable surface requirement specified for Type A allotments and this maximum percentage (90%) may be calculated as the average over adjoining allotments, if the dwellings are simultaneously approved.

A permeable surface is one that allows water to be absorbed through the material and therefore on-site infiltration of storm waters.

STANDARD 6 - CAR PARKING

The purpose of this standard is to ensure new dwellings have adequate on-site car parking. Car parking spaces can be nominated anywhere on an allotment, however a complying car parking space must be accessible from a public street, lane or right of way and be fully contained within the allotment. If the spaces are within a structure the dimensions are to be taken as the internal dimensions of that structure. (see **diagram 11**)

STANDARD 6(1)

To determine the number of car spaces required, the allotment designation (Type A or B) and the number of bedrooms must be established. A bedroom includes any habitable room with a floor area greater than $6m^2$ that is enclosed on all sides, that contains a window. This means that enclosed rooms labeled study or library etc would need to be counted as a bedroom for the purposes of this standard if they exceed $6m^2$ in floor area and the room contains a window.

STANDARD 6(2)

Allotments with frontage widths of less than 6m will not have car access from the front of the allotment.

STANDARD 6 (3), (4) & (6)

These standards are best explained in **diagram 11**.

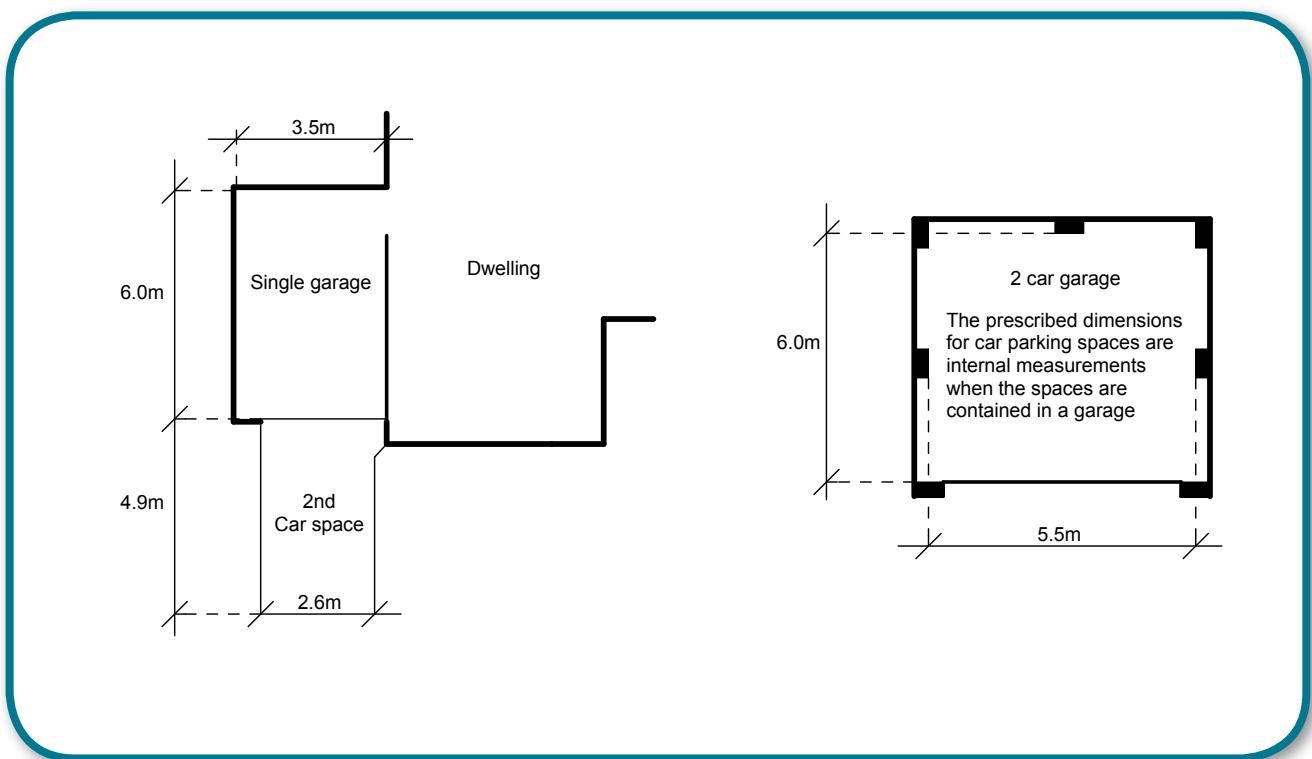


Diagram 11

STANDARD 6(5)

The minimum ceiling height to a garage, carport or car parking space is 2.1m

STANDARD 6(7)

These standards are explained in **diagram 12**.

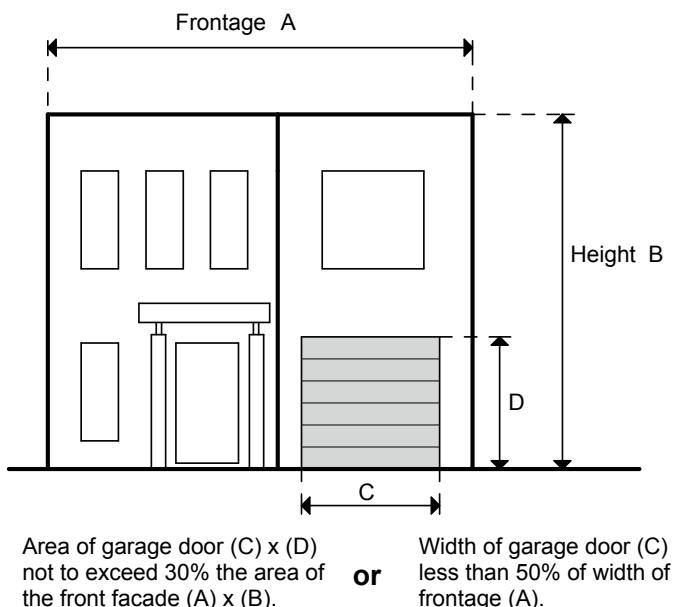
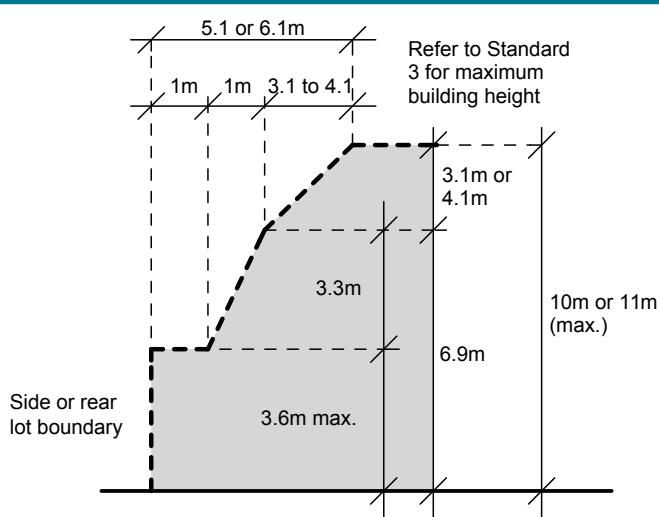


Diagram 12

STANDARD 7 - SIDE AND REAR SETBACKS

The envelope within which a building must be constructed is established by this regulation and regulation 8, as shown in **diagram 13**. The envelope established by **Table 1** commences at a 1m setback from the side or rear boundary, allowing a 3.6m height at this point. The envelope established by standard 8 limits building heights including the roof structure, to 3.6m within 1.0m to a side or rear boundary.

Standards 7(2), (3) & (4) specify the allowable encroachments into the required setback and includes decks up to a maximum height of 800mm above natural ground level, which is not the case under the Building Regulations 2006.



Note: additional height allowances for walls abutting boundary walls and buildings that are simultaneously approved

Diagram 13

The table below is a quick way of establishing the side and rear setback requirement for certain building heights.

TABLE 1 - SIDE AND REAR BOUNDARY SETBACKS

PROPOSED BUILDING HEIGHTS	REQUIRED SETBACK FROM BOUNDARY	PROPOSED BUILDING HEIGHTS	REQUIRED SETBACK FROM BOUNDARY
3.6	1.00	7.3	2.40
3.7	1.03	7.4	2.50
3.8	1.06	7.5	2.60
3.9	1.09	7.6	2.70
4.0	1.12	7.7	2.80
4.1	1.15	7.8	2.90
4.2	1.18	7.9	3.00
4.3	1.21	8.0	3.10
4.4	1.24	8.1	3.20
4.5	1.27	8.2	3.30
4.6	1.30	8.3	3.40
4.7	1.33	8.4	3.50
4.8	1.36	8.5	3.60
4.9	1.39	8.6	3.70
5.0	1.42	8.7	3.80
5.1	1.45	8.8	3.90
5.2	1.48	8.9	4.00
5.3	1.51	9.0	4.10
5.4	1.54	9.1	4.20
5.5	1.57	9.2	4.30
5.6	1.60	9.3	4.40
5.7	1.63	9.4	4.50
5.8	1.66	9.5	4.60
5.9	1.69	9.6	4.70
6.0	1.72	9.7	4.80
6.1	1.75	9.8	4.90
6.2	1.78	9.9	5.00
6.3	1.81	10.0	5.10
6.4	1.84	10.1	5.20
6.5	1.87	10.2	5.30
6.6	1.90	10.3	5.40
6.7	1.93	10.4	5.50
6.8	1.96	10.5	5.60
6.9	2.00	10.6	5.70
7.0	2.10	10.7	5.80
7.1	2.20	10.8	5.90
7.2	2.30	10.9	6.00
		11.0	6.10

STANDARD 8 -WALLS ON BOUNDARIES

This regulation applies to buildings that are built abutting a side or rear boundary or carports built on or within 1.0m of a side or rear boundary. If the requirements of this standard are not met then the building or carport must be setback a minimum of 1m from the side or rear boundary, in compliance with the setback requirements in standard 7.

The walls of buildings cannot be 150mm from a side or rear boundary, as is the case with the current Building Regulations, but buildings must abut a side or rear boundary. If it is proposed to construct a pitched roof off a boundary wall, the roof must be within the envelope shown on **diagram 13**.

STANDARD 8(2) & (3)

The maximum height of a boundary wall or carport is 3.6m unless constructed adjacent to an existing or simultaneously constructed boundary wall or carport on the adjoining allotment, in which case the height difference can be up to 3.6m, provided the length does not exceed the length of the existing or simultaneously approved boundary wall or carport by more than 2m. (**see diagram 14**)

There is otherwise no stated maximum length of a wall on a side boundary.

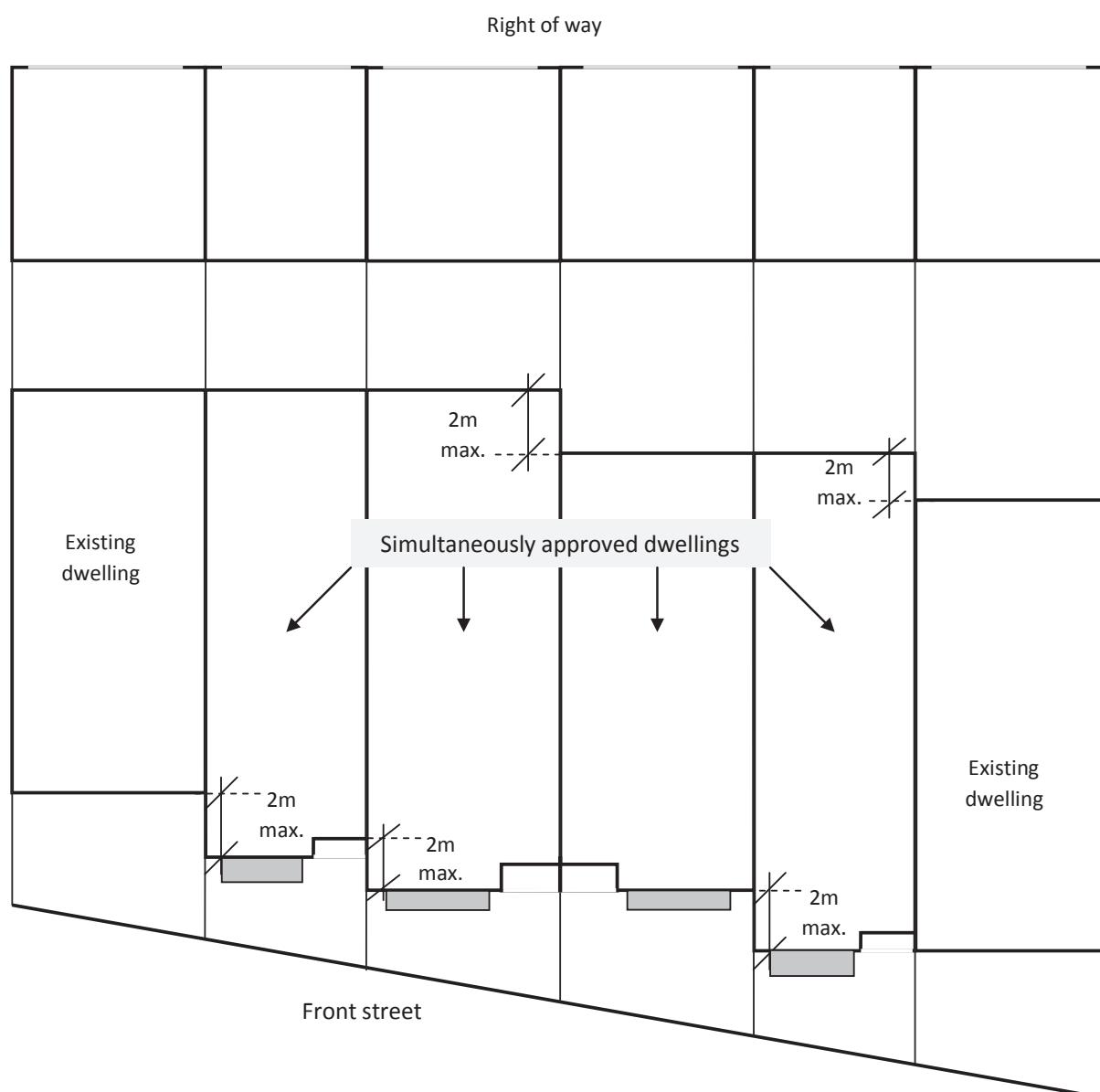


Diagram 14

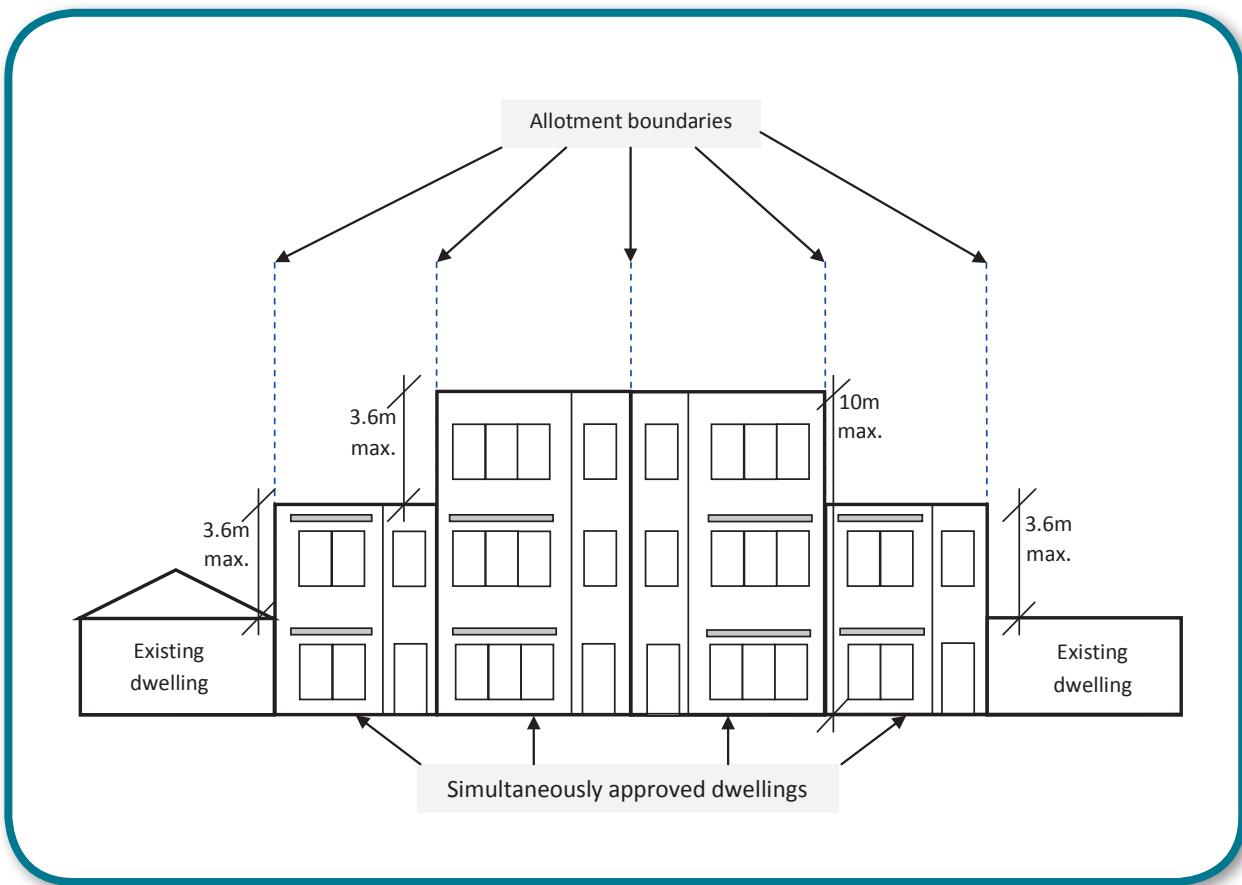


Diagram 14 (continued)

STANDARD 9 - DAYLIGHT TO EXISTING HABITABLE ROOM WINDOWS

There are no standards under this heading as all buildings constructed in accordance with the code provide their own light courts in accordance with Standard 13 and there are no requirements imposed on a house builder to increase setbacks on their property to provide daylight to neighbouring properties. This standard heading has been placed in the code for consistency with the Building Regulations 2006.

STANDARD 10 - SOLAR ACCESS TO EXISTING NORTH-FACING HABITABLE ROOM WINDOWS

There are no standards under this heading as all buildings constructed in accordance with the code provide their own light courts in accordance with Standard 13 and if additional northern solar access is desired then this must be provided by the house builder without imposing increase setbacks on the neighbouring properties. This standard heading has been placed in the code for consistency with the Building Regulations 2006.

STANDARD 11 - OVERSHADOWING OF RECREATIONAL PRIVATE OPEN SPACE (RPOS)

The purpose of this standard is to ensure protection of overshadowing of adjoining allotments existing recreational private open space (RPOS) and links with the requirements of standard 14(3) in that a minimum 6m², with a minimum dimension of 2m, of the neighbors RPOS must have direct sunlight after determining the length of shadow.

The length of shadow cast by a wall or fence is calculated as 0.9 x the height of the wall when the sun is true north. (**see diagram 15**)

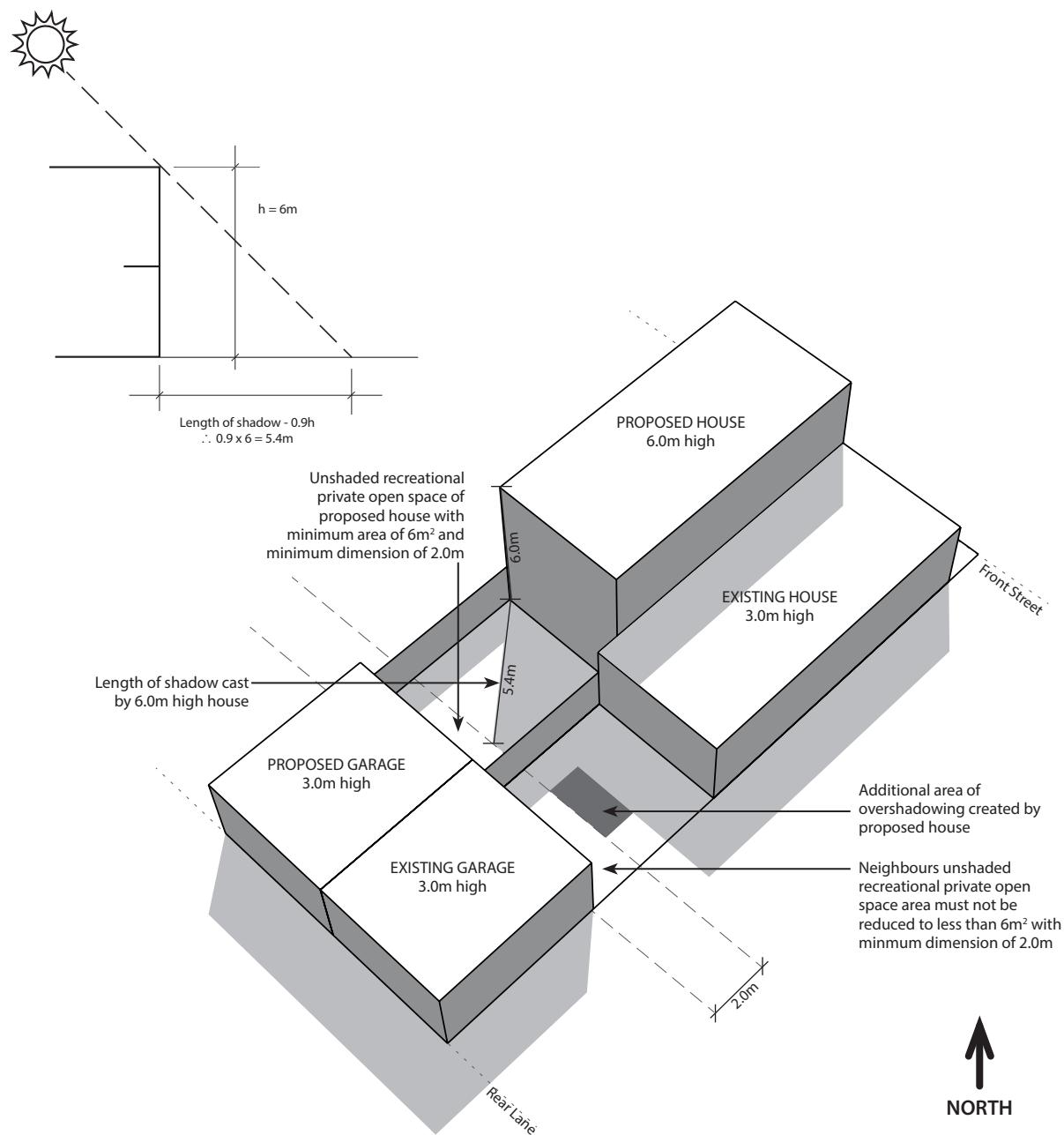


Diagram 15

This requirement does not apply to RPOS provided as a balcony.

A simple single overshadowing diagram, with the shadow lengths being $0.9 \times$ wall height, south of the building, need only be submitted.

The definition of RPOS includes the term "primarily intended for outdoor recreational activities". It is anticipated that in most instances the RPOS of the adjoining allotment will be the same as the private open space as defined in the definitions except for clothesline areas, bin storage/compost areas, service areas, narrow access ways providing access to service areas, driveways and any area within the front setback.

STANDARD 12 - OVERLOOKING

This standard sets out setbacks, sill heights and/or screen provisions that will reduce the overlooking from habitable room windows or raised open space (ROS) areas.

The windows affected must be in habitable rooms with a floor level more than 2.5m above natural ground level at the window location and the ROS areas (i.e. landings with an area of more than 2m², balconies, terraces, decks or patios) that have a floor level of more than 800mm above natural ground level.

There are reductions in the boundary setback requirements for windows in habitable rooms or ROS areas that face lanes, footways, alleys or right of ways, with the measurements being taken from the middle of the abutting lane, footway, alley or right of way.

There is no need for architects or draftspersons to produce overlooking diagrams under this regulation.

Diagram 16 details some of the requirements of this standard.

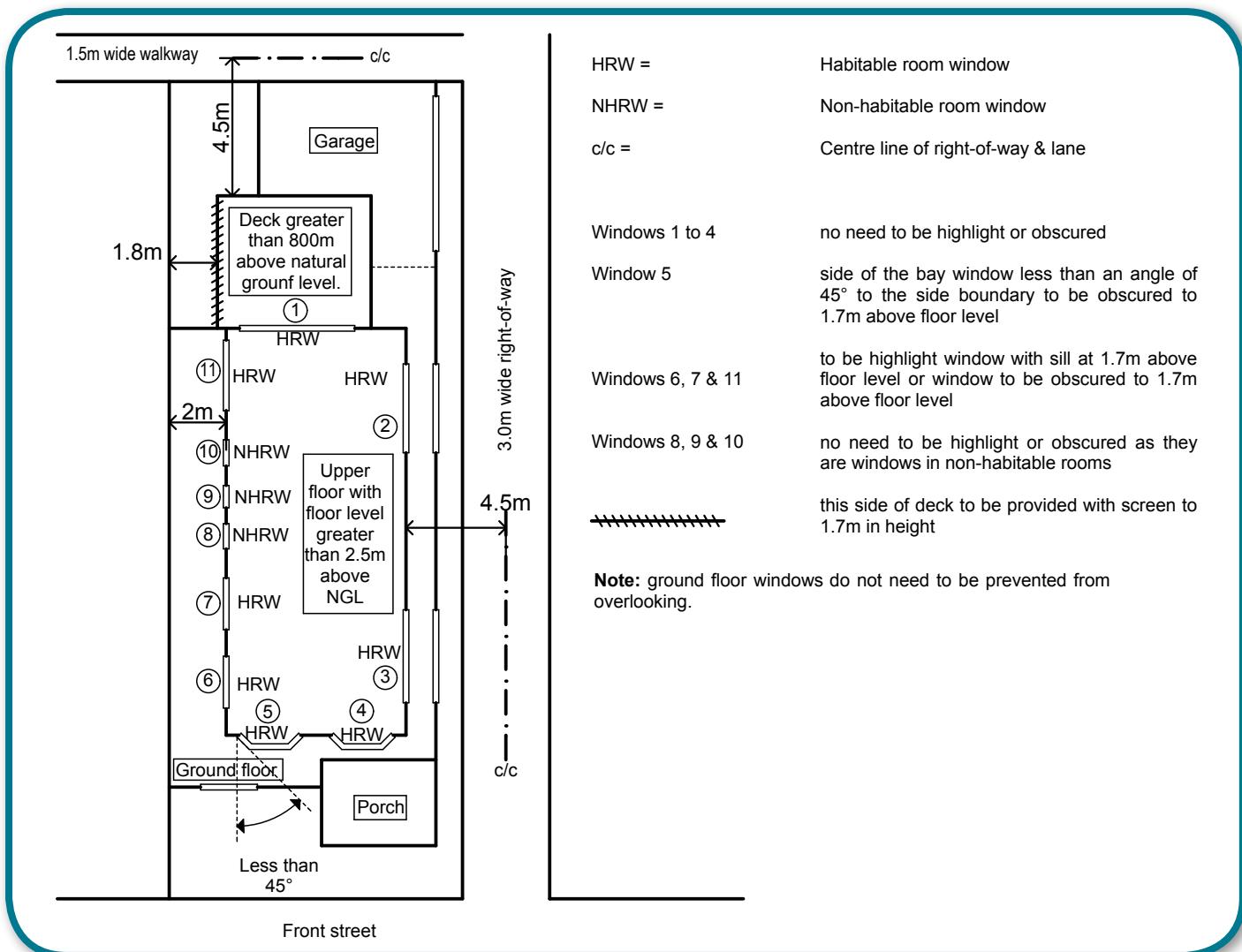
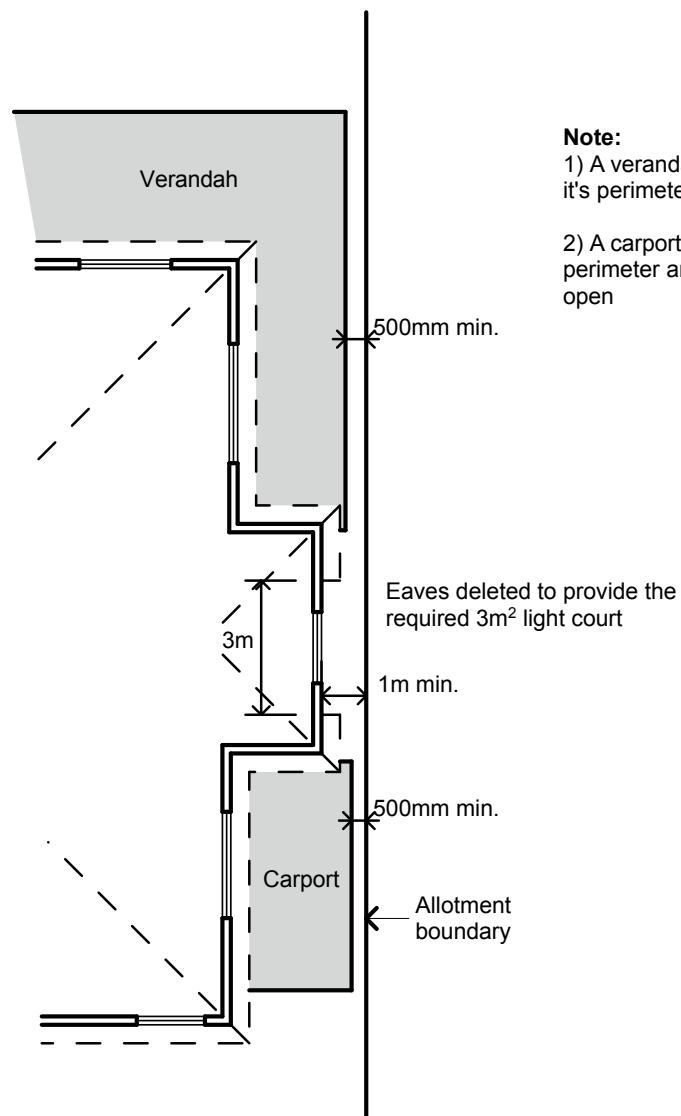


Diagram 16

STANDARD 13 - DAYLIGHT TO HABITABLE ROOM WINDOWS

This standard ensures that all required habitable room windows receive adequate light without imposing any requirements or restrictions on the neighbouring properties.

Diagram 17 details some of the requirements of this standard.



Note:

1) A verandah must be open for at least 1/3 of its perimeter

2) A carport must be open at least 1/3 of its perimeter and must have two or more sides open

Note: The fire rating provisions of Volume 2 of the Building Code of Australia must be considered for any building within 900mm of a fire source feature (allotment boundary).

Diagram 17

STANDARD 14 - PRIVATE OPEN SPACE

The area of private open space (POS) that needs to be provided on an allotment is determined by the number of bedrooms in the dwelling. A bedroom includes any room that is enclosed on all sides, that contains a window and is more than $6m^2$ in floor area. This means that enclosed rooms labeled study or library etc may need to be counted as a bedroom for the purposes of this standard.

POS can be at ground level, on a balcony or at roof top level. (**see diagram 18**)

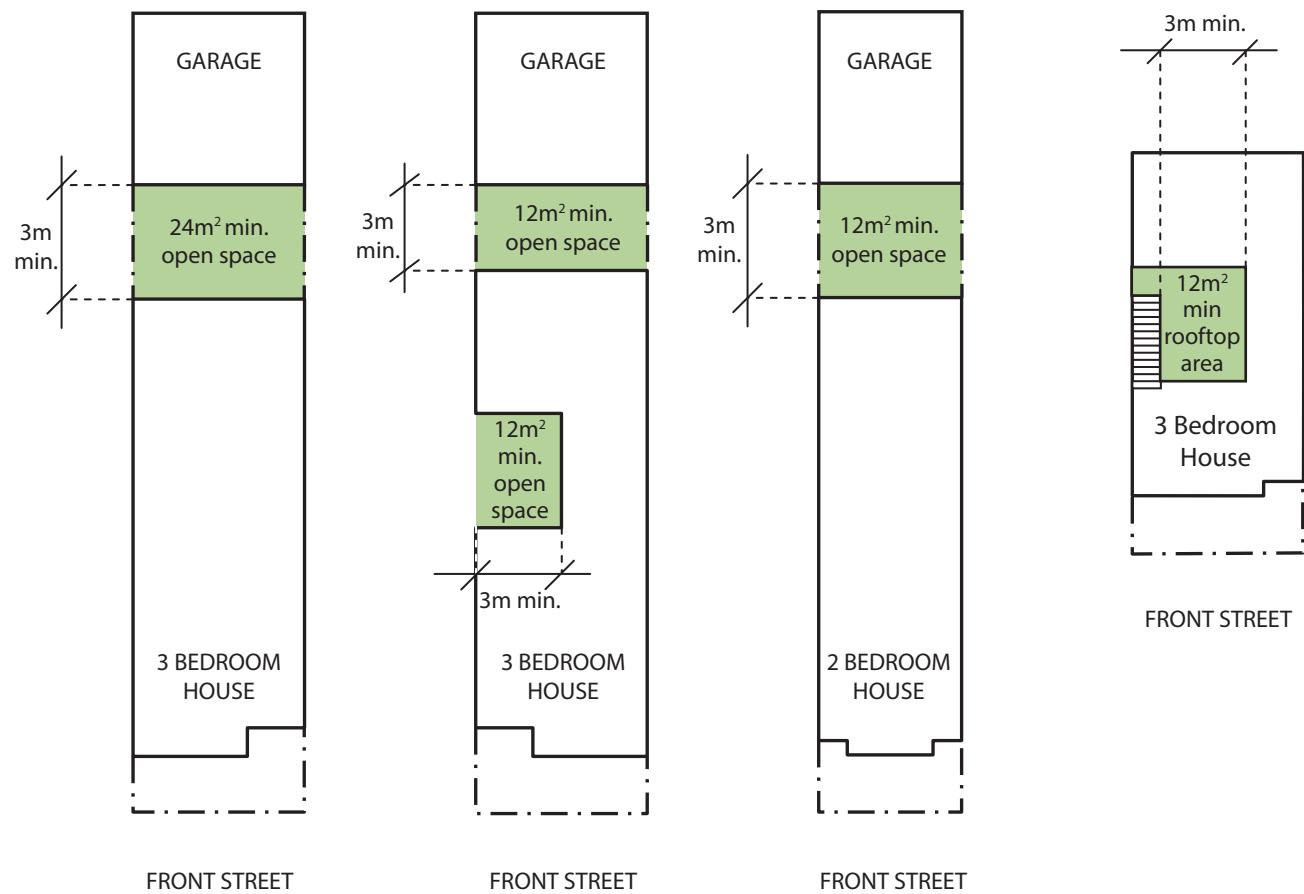


Diagram 18

If POS is provided at the side or rear of the dwelling or as a roof top area it must have a minimum area of 6m², with a minimum dimension of 2m, that receives direct sunlight at noon on the equinox.

To determine if the POS receives or does not receive direct sunlight, the length of shadow cast by a wall or fence is calculated as $0.9 \times$ the height of the wall when the sun is true north as shown in **diagram 19**.

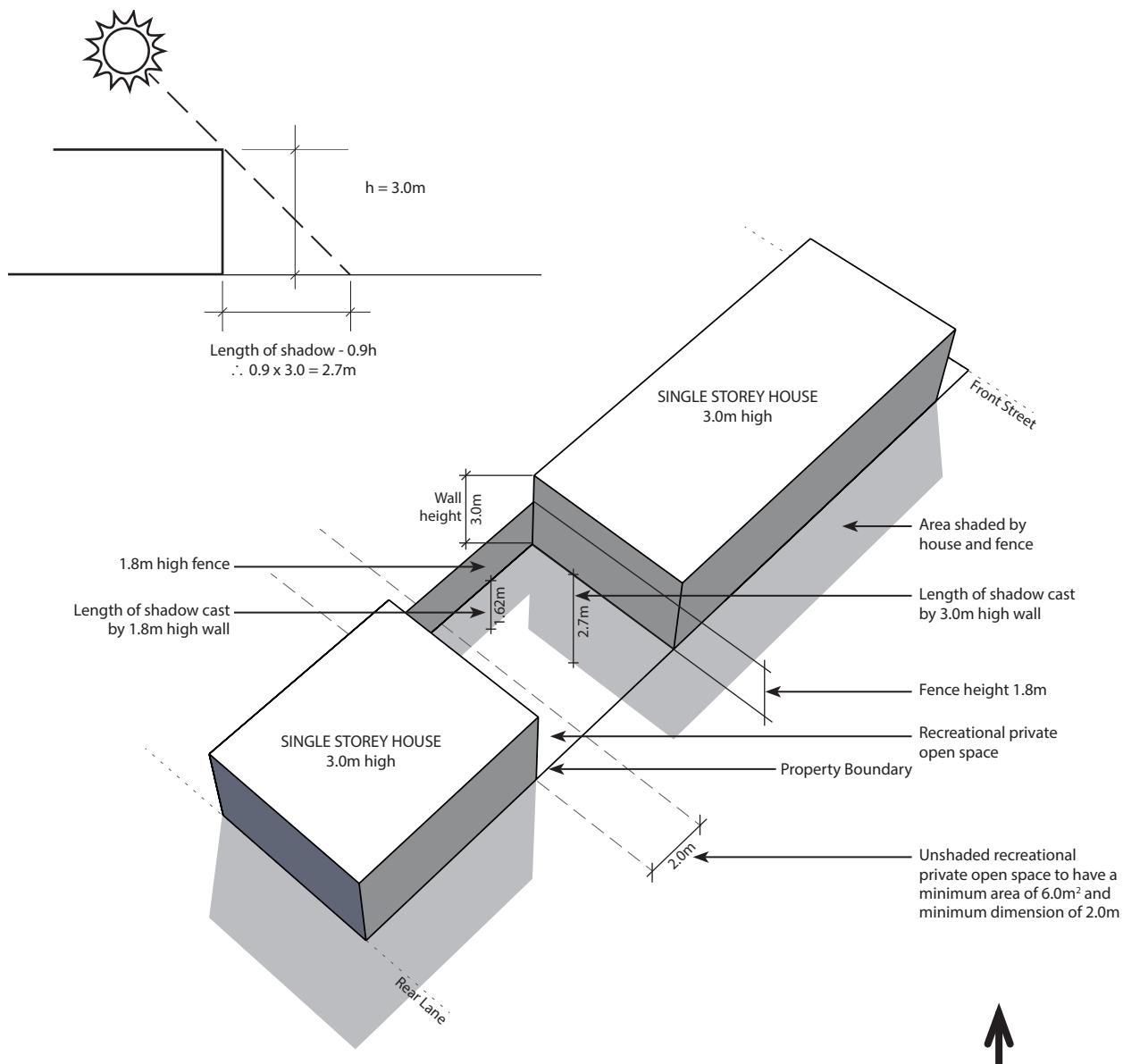


Diagram 19

PART 2 CLASS 10B BUILDINGS

The standards in this Part apply to front and other fences constructed on allotments within the Urban Growth Zone. There are no other siting standard applicable for other Class 10b buildings such as swimming pools, spas, masts, poles etc.

The height provisions of regulation 431 of the Building Regulation 2006 apply in respect of masts, poles, aerials, antennae, chimneys, flues, pipes or other services.

STANDARD 15 - FRONT FENCE HEIGHT

This standard applies to fences within 3m of the front street alignment with the maximum height and type of fence permitted depending on the street classification.

STANDARD 15(1)

The maximum height of a front fence within 3m to a declared road is 2m whereas the maximum height of a front fence within 3m to a non-declared road is 1.2m.

STANDARD 15(2)

A front fence within 3m to a non-declared road, if higher than 700mm, must have that part of the fence higher than 700mm no more than 85% open. (**see diagram 20**)

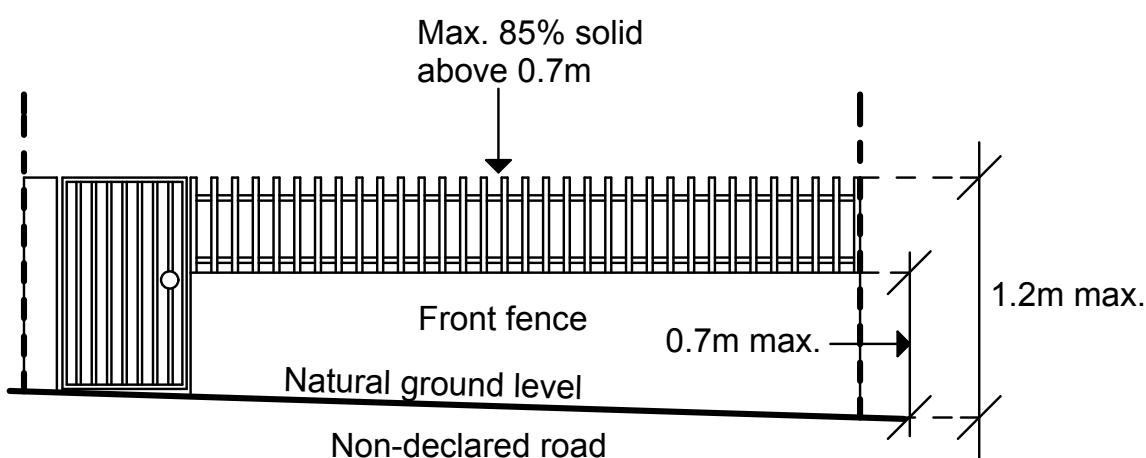


Diagram 20

STANDARD 16 - FENCES SETBACK FROM SIDE AND REAR BOUNDARIES

The maximum height of any fence not on a side or rear boundary is 2.5m but if the fence is higher than 2m, the section of fence that is greater than 2m must have at least 25% of its area open. (**see diagram 21**)

This section of fence must have at
least 25% of its area open

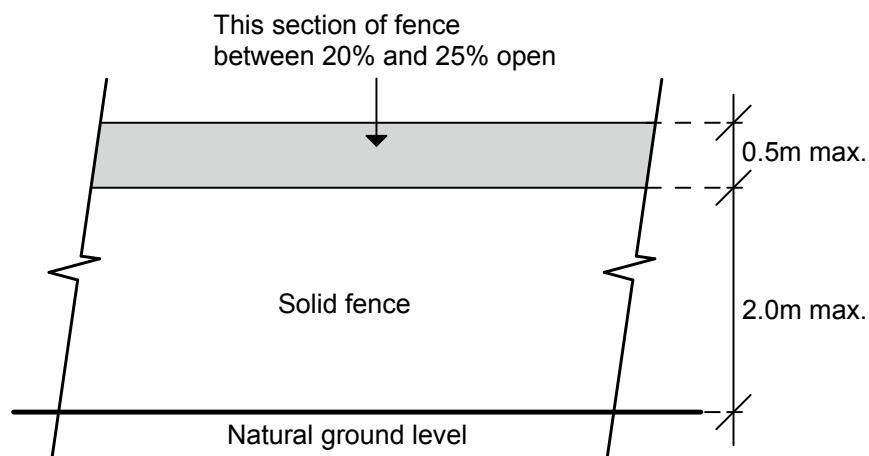


Diagram 21

STANDARD 17 - FENCES ON OR WITHIN 150MM OF SIDE AND REAR BOUNDARIES

The maximum height of any fence on or within 150mm of a side or rear boundary that is not of a boundary adjacent to a side or rear street, is 2.5m, but if the fence is higher than 2m, the section of fence that is greater than 2m have at least 25% of its area open.

Fences on side or rear lanes, footways, alleys or right of ways can be 2.5 m high provided the section of fence that is greater than 2m in height has at least 25% of its area open. (**see diagram 21**)

STANDARD 18 - FENCES ON STREET ALIGNMENTS

This standard applies to fences within 3m to a point of intersection of street alignments on corner allotments and fences on a side street and rear streets. (**see diagram 22**).

Note that "street" in this standard do not include lanes, footways, alleys or right of ways so the fence within 3m to the intersection of the side street and the rear lane not limited to the maximum height.

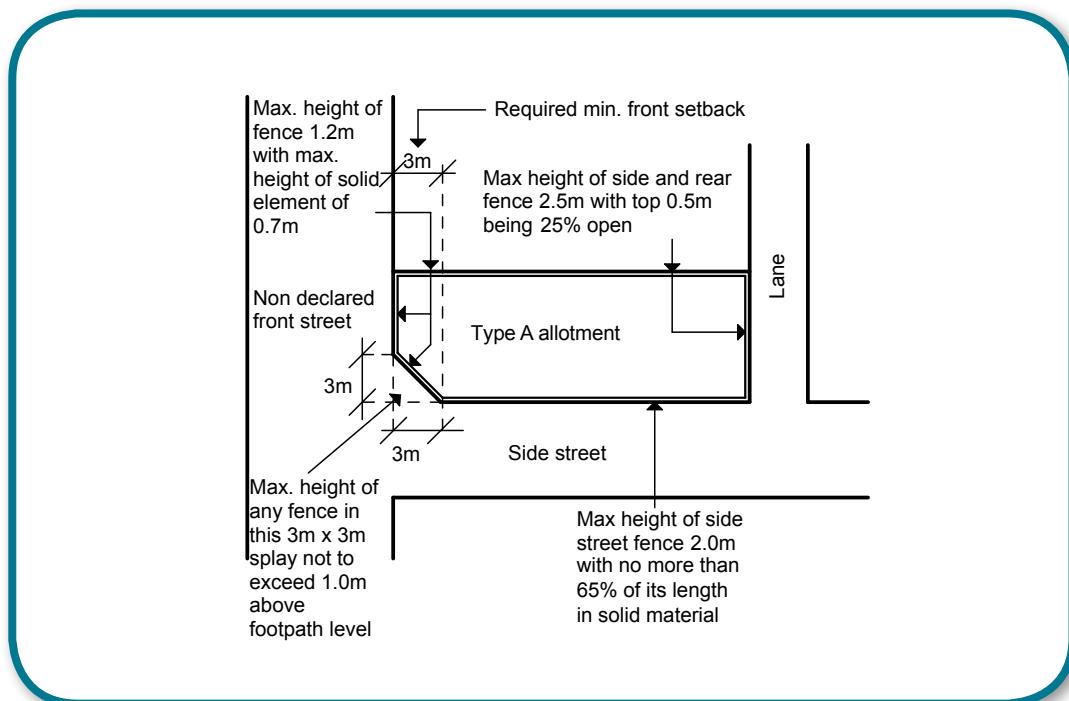


Diagram 22

The height of the fence within 3m of the point of intersection is measured above footpath level whereas all other fence heights are measured above natural ground level.

The standard also prohibits barbed wire fences or fences with sharp protrusions being adjacent to street alignments or boundaries onto public open space areas.

STANDARD 19 - FENCES AND DAYLIGHT TO WINDOWS IN EXISTING BUILDINGS;**STANDARD 20 - FENCES AND SOLAR ACCESS TO EXISTING NORTH-FACING HABITABLE ROOM WINDOWS, AND****STANDARD 21 - FENCES AND OVERSHADING OF RECREATIONAL PRIVATE OPEN SPACE**

There are no requirements specified for these three standards as the maximum height of a fence is 2.5m, with the section of fence that is greater than 2m in height being 25% open. It is considered that such fences would not affect the amenity on adjoining habitable room windows or RPOS areas.

These standards are included in the code for consistency with the Building Regulations.



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