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Dear Stuart,

Draft Amendment GC206 – Small Lot House Code update

Thank you for the opportunity to review and provide comment on the proposed Small Lot Housing Code 2022 (SLHC) and associated draft planning scheme amendment GC206.

As the Victorian Government's development arm, Development Victoria revitalises iconic public buildings, creates important cultural and recreational facilities, recycles public land, and builds great homes and communities where people and business can thrive, catering for different budgets, lifestyles, and people.

Our projects include proposals to development new communities such as housing in Melbourne's suburbs which will rely in part on being able to utilise the existing SLHC 2019 to help facilitate housing diversity and affordability. Development Victoria therefore has a keen interest in working collaboratively with the Victorian Planning Authority (VPA) to ensure the updated SLHC enhances delivery of these important outcomes.

As part of this collaboration, we have reviewed the proposed SLHC and GC206 and commend the VPA on its work to date. We consider that the proposed updates and inclusion of a new Type C dwelling to help facilitate appropriate dwellings on lots under 150sqm as broadly appropriate and provide the following commentary for the VPA's consideration in finalising the updated SLHC and associated planning scheme amendment.

Overall Type C standards structure and application

To help provide consistency in the structure of the SLHC, the VPA may consider re-arranging the order of Type C dwelling standards to align with the structure for Types A and B more closely. This may assist practitioners in comparing the different dwelling types when undertaking assessments and deciding which to apply in different circumstances.

It is also noted that the background material for the draft amendment outlines that the proposed Type C dwellings are expected to facilitate development on lots less than 150sqm. However, it is not clear from the new SLHC whether a Type C designation may only apply to a lot less than 150sqm or if it can also be applied to larger lots. It may be appropriate to clarify the intention of application of Type C within the SLHC 'Introduction' section to ensure users fully understand how Type C is to be applied.

Type C dwelling setbacks

To fully realise the potential to deliver dwellings on lots less than 150sqm, we encourage the VPA to consider whether Type C setbacks could be reduced from a side street and from the rear boundary to reflect those for Type A and B dwellings. This would allow Type C dwellings to be built within 1 metre of a side boundary (rather than 1.5m) as per Type B standards, and to have minimum rear boundary setback of 1 metre, rather than 4 metres.

Car parking

Clause 15.1 of the SLHC (Type C) states that one car park must be provided unless the dwelling is rear loaded. The standard appears to prohibit side-by-side car parking spaces due to their potentially negative impact of the streetscape. However, it may be beneficial for the SLHC to be modified to ensure it allows a tandem car parking arrangement for front loaded dwellings given they would only require a single width garage, therefore limiting visual impact to the street.

Additionally, the interpretation of the standard may be improved if it was re-worded to state that each lot must provide at least one space to avoid confusion as to whether it is a maximum or minimum requirement.

Design requirements

Standards 1.1 and 1.2 - Maximum length of Type C dwellings

Whilst it is acknowledged that consideration should be given to the visual impact of dwellings within the streetscape and to limit visual bulk, the requirement for Type C dwellings to occupy no more than 60 metres in a single row or 10 dwellings (whichever is less) and have at least a 5-metre break at the third storey every 6 dwellings, may not be necessary to ensure the overarching objective is achieved.

In this respect it is noted that:

- Type A and B dwellings can be up to 3 storeys without a restriction on the number of dwellings in a row or with any breaks along the row at the third storey. It is not clear why the same approach as currently exists for Type A and B dwellings would not be extended to Type C.
- Type A and B dwellings in some cases (depending on the context), may have front setbacks as low as 1.5 metres, less than Type C dwellings that must be at least 2.5m, or 0.5 metres only where they face an open space or footpath with a 1.5 metre landscape buffer. Again, it is not clear why a row of Type C dwellings with similar setbacks or a landscape buffer would have a more negative visual impact on the street than Type A or B dwellings.
- The Type C minimum 2.5 metre setback requirement for a garage door facing a front street will help ensure the potential impacts of these features on the streetscape is limited.
- The Type C standards put considerable emphasis on ensuring articulation across facades in addition to the minimum garage setback, with requirements for recesses and projections, variation in materials and limitation of façade design repetition. These will all assist in ensuring rows of Type C dwellings do not unreasonably overwhelm or impact the streetscape.

It is suggested that standards 1.1 and 1.2 could be reviewed to allow a greater number of Type C dwellings in a row (including 3 storey dwellings) to enhance the ability to deliver this housing type and associated benefits to meet market demand.

Implications of changes to the National Construction Code (NCC)

We are aware that the updated NCC will be adopted by States and Territories in September 2022. Whilst it is not currently clear how the Victorian State Government will manage the transition to the new NCC, it is apparent that its content regarding the new Liveable Housing Design standards may have an impact on the ability to implement the SLHC, and in particular the proposed Type C dwellings.

The key issues relate to the provision of 'step-free' access into a dwelling and to a ground floor toilet, and the provision of a minimum unobstructed 1.2m x 1.2m landing area at a front door. Whilst Development Victoria acknowledges the important role the new Liveable Housing Design standards will play in helping to improve equitable access to dwellings, the implications of applying the standards noted above on the ability to deliver SLHC product requires consideration.

It is noted that the NCC provides exemptions from the step-free access and landing area requirements, including where step-free access is not provided from a garage/carport/car parking space and there is insufficient space available on the site to construct the step-free access. However, the NCC separately requires the step-free access from a garage without exemption or explanation of when it may not be appropriate to provide.

To ensure the implications of the new NCC are known, we request that the VPA seek confirmation from DELWP or other relevant authority as to whether SLHC product will be exempt from the requirements of the 'step-free' access and entrance landing, under the provisions of either the NCC or Liveable Housing Design guide.

Clarity and interpretation of the standards

We have identified various standards that may benefit from revised drafting to improve clarity and ensure consistent interpretation, including within the supporting Practice Note. These matters are discussed in Appendix A.

Application to Development Victoria projects

We note that it is not currently proposed to include the SLHC 2022 in either the Brimbank or Knox Planning Schemes. Development Victoria has projects in these municipalities that specify use of the current SLHC 2019 as summarised in the table below

Project	Cairnlea – Brimbank Planning Scheme	Knoxfield – Knox Planning Scheme
Detail		
Description	Final stage of the Cairnlea residential development comprising 41ha, 840 dwelling lots (approx.), open space and 4,250sqm of commercial/mixed use space.	Residential development including 416 dwellings (approx.), open space, recreational facilities, and a mixed-use precinct.
Status	Planning scheme amendment – Advisory Committee concluded 10 June 2022.	Comprehensive Development Zone and Comprehensive Development Plan approved; initial subdivision applications lodged.

Use of SLHC	SLHC 2019 proposed to be incorporated into the Brimbank Planning Scheme and specified as an acceptable assessment tool within the Schedule to the Comprehensive Development Zone, including with associated permit exemptions.	SLHC 2019 is incorporated into the Knox Planning Scheme and specified as an acceptable assessment tool within the Schedule to the Comprehensive Development Zone, including with associated permit exemptions.
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As noted above, both the Cairnlea and Knoxfield projects include the use of the SLHC 2019 and would not have the benefit of the changes proposed in the 2022 update, including the use of Type C dwellings. It is understood that for this phase of the SLHC update, the VPA is focussing on implementation of the SLHC 2022 for 'growth areas' where Precinct Structure Plans and the Urban Growth Zone applies, and that consultation with councils in those areas has been or is being undertaken. Conversely, given the SLHC is not proposed to apply within the Brimbank or Knox areas, those council have not been consulted.

Whilst it is understood that focussing on 'growth areas' where the SLHC is widely used may deliver the most immediate benefit from the updated standards, we look forward to working with the VPA on opportunities to apply the updated SLHC to the projects highlighted above as soon as practicable. We consider that it is important the projects delivered by Development Victoria are given the opportunity to take advantage of the updated code and the efficiencies and housing diversity it can provide.

Thank you again for the opportunity to review draft amendment GC206. Should you have any queries regarding this submission, we would be pleased to arrange a meeting to continue to collaborate on this important project. Please contact either James Sutherland or myself, to arrange a meeting or discuss any of feedback provided.

Yours sincerely,



Augarette Malki
Senior Planning Manager

Appendix A – SLHC clarifications

Document and location	Wording or requirement of clause	Issue for clarification/consideration	Potential solution
Small Lot Housing Code			
Introduction	Identification of Type A, B and C dwellings within the SLHC.	Type C2 dwellings are referred to in the SLHC but not nominated as a housing type within the Introduction section. Consideration may need to be given to whether Type C2 dwellings require identification within the introduction to highlight them as an option.	Include reference to Type C2 dwellings in the Introduction.
Introduction	Identification of Type A, B and C dwellings within the SLHC.	Whether standards that are not nominated as applying to a specific dwelling Type apply to all dwelling Types within either Chapter 3 (Types A and B), or Chapter 4 (Types C and C2). For example, Standard 7.2 in Chapter 4 discusses the application of side and rear setbacks to Type C dwellings only. This raises the question as to whether the standard also applies to Type C2.	Specify how standards are applied across dwelling types.
5.1 (Type C)	Front setback requirements.	Whether a 4m setback is required where a dwelling fronts a declared road as per Type A and B dwellings.	Modify SLHC to specifically nominate a setback from declared roads for Type C and C2 dwellings.
7.2 (Type C)	<i>Where a Type C allotment is adjacent to a Type C allotment, street or public open space, a building must be set back from a side or rear boundary not less than the distance specified in Table 2.</i>	Both standards 5.1 and 7.2 discuss setbacks from a side street/where a dwelling is on a corner. To reduce the need for cross-referencing between standards, it may be preferable to specify all street (front and rear)	Update Table 1 at standard 5.1 to include requirements for side street/corner dwelling setbacks and modify standard and 7.2/Table 2 accordingly, and

		<p>setbacks within the one standard as per Type A and B dwellings.</p> <p>Additionally, it is not fully clear whether the setbacks at Table 1 or 2 take present in respect of Type C2 dwellings to a side street.</p>	<p>specify which table applies for Type C2 dwellings for side setbacks to a street.</p>
15.1	<p>The SLHC standard (Type C) states that one car parking space must be provided unless the dwelling is rear loaded and the Practice Note details that only one car park is permitted on the allotment because <i>there is limited capacity to provide more than one carpark on very small lots and additional carparking would compromise activation of the surrounding area.</i></p> <p>Figure 14 of the Practice Note that shows the application of standard 15, includes depictions of two car parking spaces provided from rear loaded lots.</p>	<p>Whether the standard should be interpreted as allowing only one car to be parked on a lot, or whether only one car parking area (containing one or more cars) is allowed.</p>	<p>Review the wording of standard 15.1 and the associated Practice Note to ensure clarity.</p>
15.3 (Type C)	<p><i>The car parking space must be accessible via an internal entrance from the dwelling unless it is not provided in a garage or the dwelling is rear loaded.</i></p>	<p>The SLHC Practice Note states that for clause 15.2 (assumed to relate to standard 15.3), <i>that where a garage is proposed, it must be accessible from inside the dwelling.</i></p> <p>Clarification is required to confirm that where dwellings are rear loaded, i.e. they have car parking accessed from a rear lane and a garage is proposed, direct internal access to a dwelling is not required.</p>	<p>Modify the Practice Note to clarify that rear loaded dwellings do not require direct internal access from a garage.</p>

<p>15.4 (Type C)</p>	<p><i>A single car parking space must be at least 6.0 metres long and 3.2 metres wide.</i></p>	<p>The SLHC Practice Note states that for clause 15.3 (assumed to relate to standard 15.4), <i>the car parking space must be at least 6.0 metres long and 3.0 metres wide measured from the internal dimensions of that structure.</i></p> <p>Clarification is required as to the width of car parking spaces (assumed to be 3.2m)</p>	<p>Update the Practice note to refer to car parking spaces being 3.2m wide.</p>
<p>17.1 and 17.2</p>	<p><i>17.1 - If a dwelling has three or more bedrooms it must have a total of at least 18.0 square metres of private open space. Unless the allotment is nominated as Type C2, in which case Standard 17.2 applies.</i></p> <p><i>17.2 – If a dwelling has two or less bedrooms it must have a total of at least 12.0 square metres.</i></p>	<p>What the requirement is for a 3 bedroom Type C2 dwelling.</p>	<p>Review for clarity.</p>
<p>20.1 (Type C)</p>	<p><i>Each allotment must provide an area for deep soil planting that is a minimum of 2.5 square metres, with a minimum dimension of 1.5 metres.</i></p>	<p>What is meant by the term ‘deep soil’.</p>	<p>Include a definition in the SLHC such as in the Apartment Design Guidelines for Victoria.</p>
<p>25.1(b)</p>	<p><i>A verandah, patio, porch or balcony that is open for more than one third of its perimeter</i></p>	<p>Wording not totally consistent with Type A/B.</p>	<p>Modify wording to refer to ‘at least one third’ to be consistent with Type A/B wording.</p>
<p>SLHC Practice Note</p>			
<p>Standards 15.2 and 15.3</p>	<p>N/A</p>	<p>The number does not appear to correlated to the same requirements in the SLHC.</p>	<p>Review for consistency.</p>

Figure 7	N/A	The image in relation to minimum setback from the side street alignment on a corner allotment notes a minimum 4m setback which does not accord with the corresponding Table 2 at standard 7.2 which specifies a 1.5m setback.	Review for consistency.
Figure 14	N/A	The 3.2m single garage width does not correlate to standard 15.3 in the Practice note.	Review for consistency.