

### 3 Presentation of officer reports

#### 3.2 Improving the operation of ResCode Discussion Paper - Council submission

##### Abstract

On 8 November 2021 the Department of Environment, Land, Water and Planning (DELWP) released the discussion paper *Improving the operation of ResCode* (**Attachment 1**). Feedback on the discussion paper is due by 17 December 2021.

The discussion paper proposes a new process for ResCode assessments (Clauses 54, 55 and 58 of all Victorian Planning Schemes). The new model seeks to standardise how assessment provisions work, in an effort to improve clarity for all users. Importantly, no changes are proposed to permit triggers, third party notice or review rights, nor the quantitative ResCode standards.

The existing ResCode framework requires consideration of a proposal against the relevant objective, standard and decision guidelines before deciding whether an application meets the objectives. Importantly, meeting the numerical requirements of the standard is not considered to automatically meet the objective.

Under the proposed Performance Assessment Model (PAM), the existing ResCode objectives will be split into consideration of 'Performance Measures' (quantitative) and 'Performance Criteria' (qualitative). Critically, the key difference would be that, if the 'Performance Measure' is met, the proposal is deemed to have met the objective and therefore comply. No further consideration could be given to the 'Performance Criteria'.

DEWLP suggests the potential changes will deliver more consistent, digital ready assessment provisions to support streamlined decision making and provide greater clarity to all parties.

Officers have reviewed the discussion paper and while acknowledging the need to improve the operation of assessment provisions in planning schemes, there are a number of key concerns with what is being proposed.

Firstly, it is considered that the proposal places too much emphasis on standardised quantitative measures, while removing Council's ability to undertake a nuanced, qualitative assessment. The proposal represents the first step to a "code assess" model which would limit Council's ability to assess development proposals against Council's Neighbourhood Character Policy (and other relevant local policies), design response and local context. There are concerns that rather than strengthening the consideration of local planning policies (e.g. neighbourhood character) it could result in those policies being excluded from the planning permit assessment process. It is therefore considered that the proposed model is not suitable to apply to all of the current ResCode standards, particularly those that relate to Neighbourhood Character.

Secondly, there are concerns about the implementation process including its timing and the need for further detailed consultation. While the inclusion of the neighbourhood character policy objectives in the relevant residential zone schedule is supported, it is unclear to what extent and how quickly existing neighbourhood

character policies can in fact be translated into the residential zone schedules. Council will need time to undertake further strategic work, likely including a significant planning scheme amendment to update the local neighbourhood character controls in response to these changes. DELWP needs to ensure this work is supported and completed prior to the proposed new ResCode model coming into effect. Otherwise, councils might find themselves in the position of having extensive neighbourhood character policies within their planning schemes that cannot be considered or enforced.

Officers have prepared a draft submission (**Attachment 2**) outlining in more detail the concerns summarised in this report for consideration and adoption.

## Officers' recommendation

That the Urban Planning Delegated Committee resolve to:

1. Note the discussion paper *Improving the operation of ResCode* as shown in **Attachment 1**.
2. Adopt the submission on the discussion paper *Improving the operation of ResCode* generally as shown in **Attachment 2** and lodge the submission with the Department of Environment, Land, Water and Planning.

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**Responsible director:**     **Scott Walker, Director Urban Living**

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## **1. Purpose**

The purpose of this report is to:

1. Inform the UPDC of the release of the discussion paper *Improving the operation of ResCode (Attachment 1)* by the Department of Environment, Land, Water and Planning and the opportunity to make a submission on the proposed reforms.
2. Seek the UPDC's adoption of the submission prepared by officers on behalf of the City of Boroondara (**Attachment 2**).

## **2. Policy implications and relevance to community plan and council plan**

### **Council Plan 2017-2021**

The response to the discussion paper is consistent with the strategic objective to 'Facilitate the process of urban renewal throughout the City to enhance amenity by efficient and effective permit issuing administration' under Theme 3 - Enhanced amenity.

### **Boroondara Community Plan 2017-27**

The Boroondara Community Plan 2017-27 sets out the 10 year vision for Boroondara's future based on values, aspirations and priorities important to the community.

The response to the discussion paper implements Strategic Objective 4 of the Plan: *Protect the heritage and respect the character of the City to maintain amenity and liveability while recognising the need for appropriate, well-designed development for future generations.*

Specifically, the discussion paper relates to the following strategies:

- **Strategy 4.1** - Encourage the planning of well-designed new development that is appropriately located and does not negatively impact on established residential streets and valued neighbourhood character.
- **Strategy 4.2** - Advocate to the State Government and opposition parties for greater control over planning decisions.
- **Strategy 4.4** - Encourage development in and around our commercial centres, with an emphasis on increasing housing diversity by having the appropriate planning controls in the Boroondara Planning Scheme.

## **3. Background**

On 8 November 2021 the Department of Environment, Land, Water and Planning (DELWP) released the discussion paper *Improving the operation of ResCode (Attachment 1)*.

The discussion paper proposes a new Performance Assessment Model (PAM) aimed at delivering more consistent, digital ready assessment provisions that support streamlined decision making.

The model will standardise how assessment provisions work, to improve clarity for all users. It is proposed to apply this model first to the ResCode provisions at Clauses 54, 55 and 58 of all Victorian Planning Schemes. It is important to note that there are no changes proposed to permit triggers, third party notice or review rights, nor the quantitative ResCode standards.

The discussion paper also proposes a number of smaller changes aimed at improving decision making, including standardised digital application templates and proforma “pattern book” of neighbourhood character and design detail variations.

### ***Residential planning permit assessment in Boroondara***

ResCode is the common name for the residential assessment provisions at Clauses 54, 55 and 58 of all Victorian Planning Schemes, which have been in operation for 20 years. These provisions operate when a planning permit is triggered by a residential zone, and work in tandem with the zone controls, any relevant zone schedules and local planning policies (such as neighbourhood character). The residential zone schedules are able to vary some of the standard state ResCode controls and specify neighbourhood character objectives. However, Boroondara does not have any such variations at this time with previous Ministers refusing Council’s requests for such variations.

There has been a notable inconsistency in the decisions made by VCAT regarding the operation of the ResCode provisions. The most critical question has always been whether a proposal that meets the standard automatically meets the objective. Some VCAT members have determined that this is the case, whilst others have argued in favour of a more qualitative and balanced approach to decision making.

In addition to ResCode, each Council has undertaken their own body of work relating to neighbourhood character, which is one of the ResCode considerations. These neighbourhood character studies have resulted in diverse neighbourhood character controls applying across the state, some as Design and Development Overlays, Neighbourhood Character Overlays, local planning policies and varied zone schedules. Boroondara has invested significant resources into this neighbourhood character work and has a strong Neighbourhood Character Local Planning Policy in the Planning Scheme, supported by 80 Neighbourhood Character Precinct Statements (NCPS).

The *Boroondara Neighbourhood Character Study* (2013) divided residential areas in Boroondara into 80 distinct precincts according to their style and common characteristics. This helps new developments to keep the character and history of local areas. Each area has a NCPS, a reference document in the Boroondara Planning Scheme at Clause 22.05, which is considered when planning permit applications in residential zones are assessed.

## 4. Outline of key issues/options

### The proposal

More recently, there have been significant efforts by the State Government to find efficiencies in the planning system and remove red tape, including the introduction of VicSmart fast track permits and many discussion papers, including *Reforming the Victorian Planning Provisions: A discussion paper* (DELWP 2017).

In keeping with the State's aim to streamline decision making and improve the efficiency of the planning system, the discussion paper proposes a new model for ResCode assessments.

DELWP are seeking feedback on the proposed reforms by Friday 17 December 2021.

### *Current ResCode assessment process*

ResCode assessments are relevant to the construction of single dwellings on a lot under 500 square metres and multi-unit residential developments including some apartment buildings (currently Clauses 54, 55 and 58 of all Victorian Planning Schemes).

The existing ResCode framework includes objectives, standards and decision guidelines for different aspect/elements of a proposed development such as setbacks, site coverage and overlooking. An objective describes an outcome to be achieved, the standard contains the numerical requirements to achieve the objective and the decision guideline set out matters the responsible authority must consider before deciding whether the application meets the objective.

In assessing a proposed development, Council must consider these three components equally to determine whether the objective to a standard has been met. Importantly, the numerical requirements of the standard are not considered to automatically justify the objective being met. Council must always consider the relevant decision guidelines.

### *Proposed Performance Assessment Module*

Under the proposed Performance Assessment Model (PAM), the existing ResCode objectives will be split into consideration of 'Performance Measures' (quantitative) and 'Performance Criteria (qualitative)'. It states that in assessing an application, if the 'Performance Measure' is met, the proposal is deemed to comply. As such, no further consideration is given to the 'Performance Criteria'.

This reduces Council's Officer's scope to review a proposal against Council's Neighbourhood Character Policy, design response and local context.

DEWLP suggests the proposed standardised assessment model will deliver more consistent, digital ready provisions that support streamlined decision making and improve clarity for all users.

Importantly, no changes are proposed to permit triggers (when a planning permit is required), third party notice or review rights, nor the quantitative ResCode standards.

### **Key issues identified**

It is acknowledged there is a need and opportunity to improve the operation of assessment provisions in planning schemes. However, there are concerns that the potential reform of ResCode as detailed in the discussion paper could in fact have the opposite effect and weaken Council's ability to consider local policy (such as neighbourhood character) as part of the planning permit assessment process. The key concerns are outlined below. The draft submission at Attachment 2 includes a more technical and detailed discussion.

#### *Emphasis on quantitative measures over qualitative criteria*

There are concerns that the model is not suitable to apply to all of the current ResCode standards, and as such the draft translation is unsupportable in its current form.

The proposal goes too far and places too much emphasis on standardised quantitative measures, while removing any nuanced qualitative assessment and reduces neighbourhood character to a number or a tick a box exercise. It is considered that the assessment of development proposals cannot be reduced to a simple, quantitative assessment process but needs to comprise a qualitative assessment. Experience shows meeting (arbitrary) quantitative measures will not result in good outcomes. Rather it creates a planning system built on minimum compliance without striving for good design outcomes.

While Council has long advocated for greater weight to be given to local policy and while the proposed reforms may enable this, it remains unclear to what extent and when Council will be able to translate existing neighbourhood character policies and strategies.

#### *Implementation of the new assessment model*

There are concerns about a number of implementation issues, namely:

- Translation of existing neighbourhood character local planning policies into the residential zone schedules.

The inclusion of neighbourhood character policy objectives in the relevant residential zone schedule is supported. However it is unclear to what extent and how quickly existing neighbourhood character policies can in fact be translated into the residential zone schedules prior to the new assessment model coming into effect. Council will need time to (potentially) undertake further strategic work, likely including a significant planning scheme amendment to update our local neighbourhood character controls in response to these changes. DELWP needs to ensure this work is supported and completed prior to the proposed new ResCode model coming into effect. Otherwise, councils might find themselves in the position of having extensive neighbourhood character policies within their planning schemes that cannot be considered or enforced.

- The limited time for review, consideration and feedback on the discussion paper.

The time provided to review the proposed reforms, consider possible implications and prepare a submission for consideration and endorsement by Council is (again) inadequate. Important reforms such as the ones outlined in the discussion paper must not be rushed through and require detailed consideration to make sure there are no unintended consequences.

More information on the above issues can be found in the detailed submission response at **Attachment 2**.

## **5. Consultation/communication**

No consultation with the community or other stakeholders was undertaken given the limited time to review the discussion paper and prepare the submission.

The discussion paper is publicly available for submissions on the Engage Victoria website until 17 December 2021.

## **6. Financial and resource implications**

Costs associated with preparing a response to the discussion paper have been limited to officer time within the Strategic and Statutory Planning Department.

## **7. Governance issues**

The officers responsible for this report have no direct or indirect interests requiring disclosure.

The implications of this report have been assessed and are not considered likely to breach or infringe upon, the human rights contained in the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

## **8. Social and environmental issues**

Providing feedback on the discussion paper contributes to the orderly planning of Victoria and the City of Boroondara and will have a positive social and environmental impact.

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# Improving the operation of ResCode

A new model for assessment



November 2021



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**Acknowledgment**

We acknowledge and respect Victorian Traditional Owners as the original custodians of Victoria's land and waters, their unique ability to care for Country and deep spiritual connection to it.

We honour Elders past and present whose knowledge and wisdom has ensured the continuation of culture and traditional practices.

We are committed to genuinely partner, and meaningfully engage, with Victoria's Traditional Owners and Aboriginal communities to support the protection of Country, the maintenance of spiritual and cultural practices and their broader aspirations in the 21st century and beyond.



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Department of Environment, Land, Water and Planning

## Glossary

<b>The Act</b>	<i>The Planning and Environment Act 1987</i>
<b>An application</b>	An application for a planning permit lodged under section 47 of the Act or an application to amend a planning permit under section 72 of the Act
<b>Building Regulations</b>	<i>Building Regulations 2018</i>
<b>DDO</b>	Design and Development Overlay
<b>DELWP</b>	Department of Environment, Land, Water and Planning
<b>GRZ</b>	General Residential Zone
<b>Notice and review</b>	The notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act
<b>NCO</b>	Neighbourhood Character Overlay
<b>NPR</b>	No permit required
<b>NRZ</b>	Neighbourhood Residential Zone
<b>PAM</b>	Performance Assessment Module
<b>Planning scheme</b>	The relevant local planning scheme
<b>Permit</b>	A planning permit granted under Part 4 of the Act
<b>PPARS</b>	The DELWP Planning Permit Activity Reporting System
<b>Practitioners Guide</b>	<i>A Practitioners Guide to Victorian Planning Schemes</i> , DELWP April 2020
<b>Regulations</b>	<i>The Planning and Environment Regulations 2015</i>
<b>ResCode</b>	Clauses 54, 55 and 56 of the VPP and all planning schemes
<b>RGZ</b>	Residential Growth Zone
<b>VCAT</b>	Victorian Civil and Administrative Tribunal
<b>VicSmart</b>	The application assessment process under clause 71.06 and other provisions of a planning scheme
<b>VPP</b>	Victoria Planning Provisions

## Executive summary

The Victoria Planning Provisions (VPP) and ResCode have served Victorians well for more than two decades.

They have delivered simpler, more consistent and usable planning schemes based on state standard provisions. However, as expectations on the planning system have grown, the complexity of issues and how some scheme provisions have responded has created uncertainty, hindered usability and created an obstacle to delivering digital ready planning schemes.

This report sets out how the operation of assessment provisions in planning schemes can be improved through the introduction of a new Performance Assessment Model (the model) that will deliver consistent, digital ready assessment provisions that support streamlined decision making. The model will standardise how assessment provisions work, improving clarity for all users.

This report focuses on improving how planning schemes describe the desired planning objectives for residential development in ResCode and how proposals are assessed against those objectives, however the model can be applied to all discretionary provisions across the VPP and local provisions.

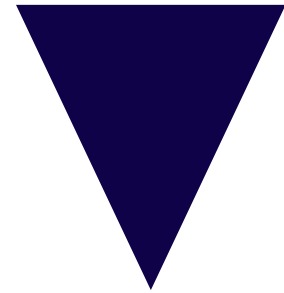
The model is made up of a new Performance Assessment Module (PAM) and new rules about how a design response is assessed against the PAM. The PAM will set out more precisely the performance objectives for a design matter and the considerations and information that are needed to make an assessment of that matter. The new rules will make it clear when a design response is deemed to achieve the performance objective.

### The performance assessment model



Both these new provisions will significantly reduce uncertainty about what is expected for each design matter and whether a design response meets those expectations.

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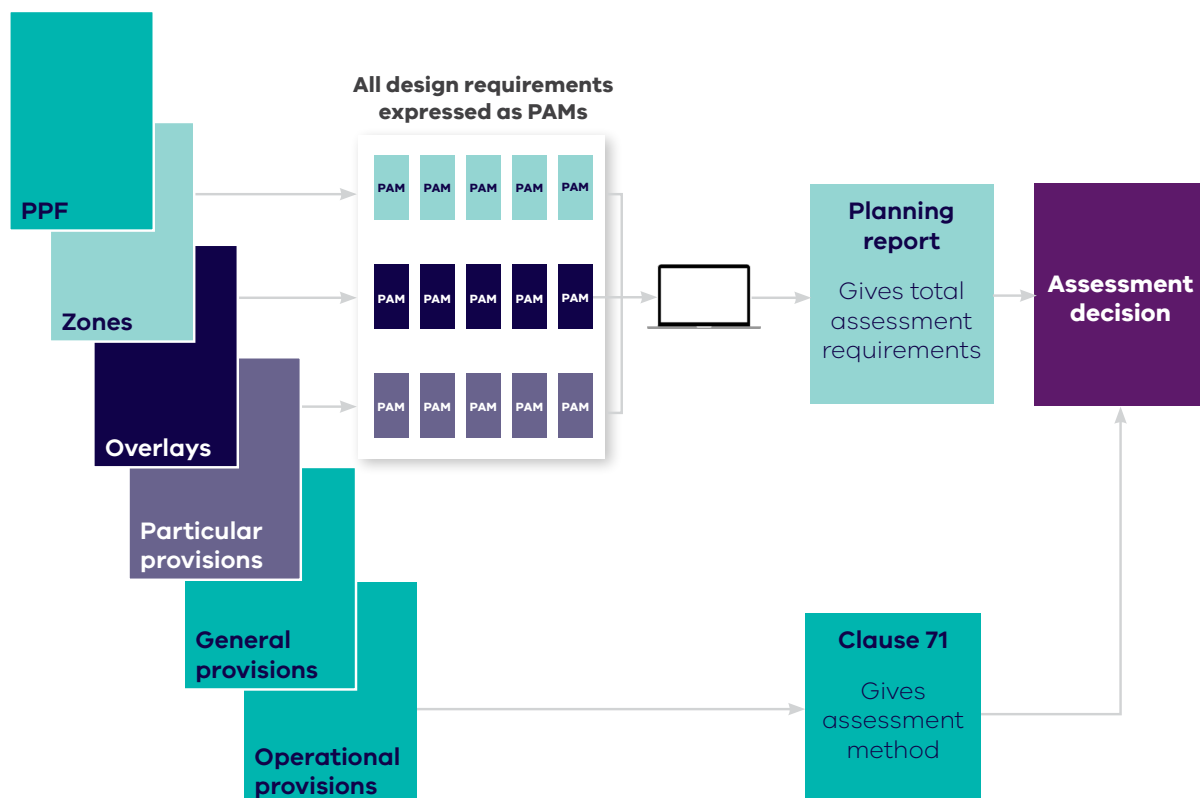
Converting assessment provisions to the proposed model will have the following benefits:

- A clear, consistent, more modular structure for the preparation of provisions that guide the exercise of discretion across the VPP.
- A more consistent operational framework that promotes the use of objective Performance Measures to clearly signal and facilitate outcomes that are deemed to be acceptable.
- A consistent structure and format for discretionary provisions that will support the long-term development and delivery of fully digital planning schemes.

Translating all development assessment provisions in planning schemes to the consistent use of PAM provisions will mean that, in the longer term, digital platforms will be able to 'collect' all the relevant PAMs for a matter and present them in a consistent, integrated form that will enable:

- an applicant to clearly see what performance objectives are required to be achieved, how they might be achieved and exactly what information is required to be presented with the application.
- the responsible authority to get a quick and complete checklist of all the matters that need to be assessed in a form suitable for direct inclusion in their planning report.
- the community to readily see which aspects of a proposal achieve expectations and the basis on which aspects that may not will be assessed.

### Overview of how the proposed model will work



## Why start with ResCode?

Residential development proposals make a significant contribution to the number of planning applications made each year. Of the 40,000 new permit applications received in 2019/20, about 30% included a residential element that was assessed against the residential development standards in ResCode.

This report shows how the operation of ResCode can be improved by using the model to update the format of the ResCode standards to be clearer about their expectations and to be better aligned with the principles of the VPP. This will lead to more certain and more efficient development assessment and decision making.

The proposed model builds and improves upon the operational model that currently underpins ResCode.

**Translating the ResCode standards to PAMs will not change the content of established standards or affect the procedural settings that currently apply to the assessment of proposals, including third party notice or appeal rights.**

## What is ResCode?

Clauses 54 and 55 are commonly referred to as ResCode and were introduced in August 2001, shortly after the rollout of the VPP and new format planning schemes. These two initiatives marked the beginning of a new era in preparing and administering local planning schemes based on user friendly provisions that are consistent statewide.

In the two decades since the introduction of the VPP and ResCode, Victoria has undergone significant change. The Victorian population has increased by 1.9 million people to 6.6 million people. It is estimated that by 2051 Melbourne's population will increase by another 4 million people. Plan Melbourne (Direction 2.4) has highlighted the critical role the planning system plays in ensuring an adequate supply of well located, affordable housing, while maintaining Victoria's liveability. Plan Melbourne has identified the need to better streamline approvals for housing proposals that do not raise strategic policy issues through more code-based approaches to assessment.

Advances in technology over the last 20 years have also brought profound change in the way citizens interact with public services and the law. The ability to 'design out' complexity and improve access to the law using digital platforms offers significant efficiency and effectiveness benefits for the way that the planning system delivers desired housing outcomes. To realise this potential, clearer and more consistent approaches to the operation and drafting of planning provisions is needed to make them 'digital ready'.

The role of planning reform is to ensure that the planning system is calibrated to meet the current and future needs and expectations of the Victorian community, specifically so that:

- Provisions clearly describe desired planning outcomes that are consistent with those needs and expectations.
- Provisions and processes are consistently applied in a manner that is proportionate to risk and to efficiently deliver the desired outcomes.
- Provisions and processes, and any supporting initiatives, are designed to meet the needs of the system's users.

Since its introduction, there have been a number of reforms to the VPP affecting residential development, including the introduction of reformed residential zones, and a new assessment pathway (VicSmart), and new standards for apartment developments.

Against this background local councils have accumulated and refined a substantial body of strategic work on housing and neighbourhood character. This work has, to varying extents, been implemented in local planning schemes or supporting guidance documents, through neighbourhood character policies and associated variations to ResCode standards.

The ResCode standards are now well accepted and understood and have served Victorians well. ResCode's long use and the familiarity users have with its application to local neighbourhoods are significant assets. They provide a strong basis on which to recalibrate and improve its statutory operation in line with the VPP principles (including *User Focussed, Proportional and Digital First*).





### What is a PAM?

The PAM is built on four components:

- **Performance Objectives** – that clearly describe acceptable design outcomes.
- **Performance Measures** – that specify quantitative measures or objectively ascertainable conditions. Compliance with performance measures will be deemed to achieve the relevant Performance Objective.
- **Performance Criteria** – where a Performance Measure cannot be specified or is not complied with, the Performance Criteria will specify qualitative standards for determining whether the proposal achieves the Performance Objective.
- **Information required** – that identifies any specific information needed to inform a decision about whether a Performance Objective is met.

Where the model is applied, a PAM must include one or more:

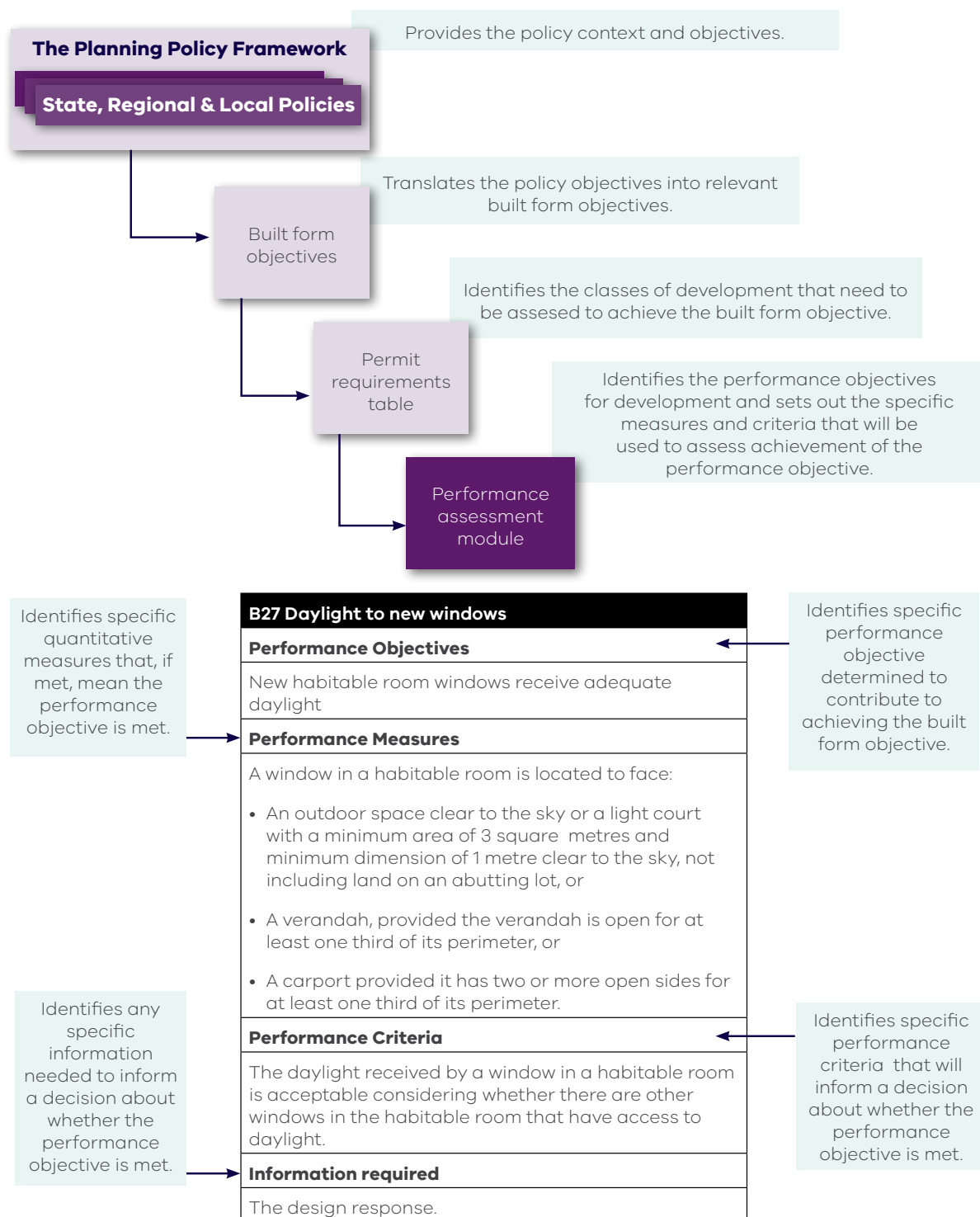
- Performance Objective
- Performance Criteria

The PAM may include one or more:

- Performance Measure
- Information Requirements

How a PAM is created is shown below. In drafting a PAM, it will be essential that the Performance Objective being sought is well thought out and can be clearly expressed. The PAM also ensures that the planning authority can express the measures that, if achieved, show that the Performance Objective is achieved. This will remove doubt and debate about whether certain design responses are acceptable or not.

## Building a PAM

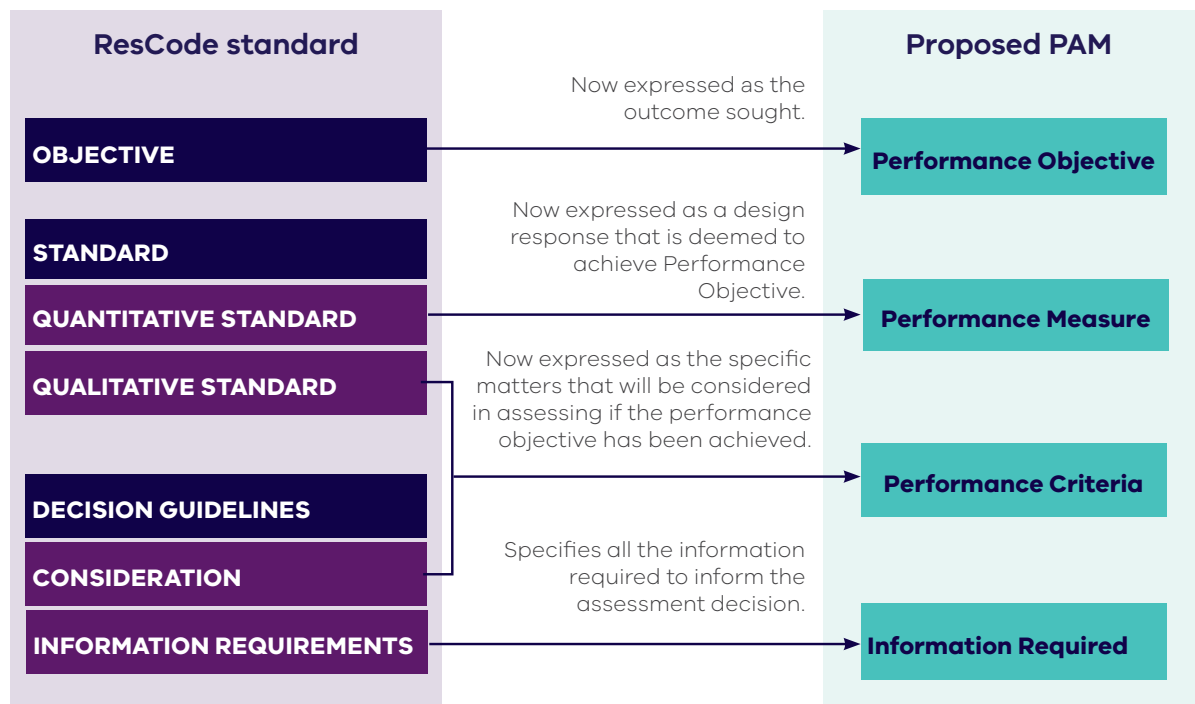


*This report has found that all current ResCode standards can be expressed as a PAM (see APPENDICES 4, 5 and 6).*



Translating a ResCode standard to PAM

The difference between a ResCode standard and a PAM



## Changes to apply the model

The proposed changes needed to introduce the model are summarised in the tables and diagrams below. How the model can be applied to ResCode is described in section 4.

1. A NEW PAM FOR DISCRETIONARY PROVISIONS IN THE VPP	
<b>Proposal</b>	<p>Implement a new PAM in the operational provisions of the VPP.</p> <p>The new model creates a PAM built on four components:</p> <p><b>Performance Objectives</b> – that clearly describe acceptable residential development outcomes.</p> <p><b>Performance Measures</b> – that specify quantitative measures or objectively ascertainable conditions. Compliance with the Performance Measures is deemed to achieve the relevant Performance Objective.</p> <p><b>Performance Criteria</b> – where Performance Measures cannot be specified or are not complied with, Performance Criteria will specify qualitative standards for determining whether a proposal achieves the Performance Objective.</p> <p><b>Information Required</b> – that identifies any specific information needed to inform a decision about whether a Performance Objective is met.</p>
<b>Current issues</b>	<p>Discretionary provisions are inconsistently articulated across the VPP and planning schemes, creating uncertainty regarding their intended outcomes and operation.</p> <p>The need to promote streamlined, code-based assessment for low risk applications where standards are well understood and accepted.</p> <p>A more consistent structure and operation of discretionary provisions can promote code-based assessment and digital ready provisions.</p>
<b>Proposed changes</b>	<p>A new operational provision (clause 71.XX – Performance Assessment (see APPENDIX 3)) to provide for:</p> <ul style="list-style-type: none"> <li>• The use of the new PAM across the VPP and planning schemes.</li> <li>• Specification of a standard operation and decision-making framework where a PAM is applied.</li> </ul>

Department of Environment, Land, Water and Planning

**2. TRANSLATE EXISTING RESCODE PROVISIONS TO THE NEW PAM**

<b>Proposal</b>	<p>Translate the existing ResCode objectives and standards into PAMs.</p> <p>This translation will not change the existing ResCode quantitative standards and procedural settings, including third party notice and review rights.</p>
<b>Current issues</b>	<p>Existing quantitative ResCode standards and local variations are well understood and accepted.</p> <p>A divergence of views has created some uncertainty regarding the operation of some aspects of ResCode.</p> <p>The current expression of standards does not sufficiently facilitate approval for residential development that complies with an accepted standard or local variation.</p>
<b>Proposed changes</b>	<p>Translate clauses 54, 55 and 58 into the proposed new PAM format. APPENDICES 4, 5 and 6 set out drafts of how these would look.</p>

**3. INTRODUCE A NEW OPPORTUNITY TO SPECIFY NEIGHBOURHOOD CHARACTER PERFORMANCE MEASURES**

<b>Proposal</b>	<p>Provide a new opportunity for councils to more precisely specify performance measures for Neighbourhood Character (A1 &amp; B1) and Detailed Design (A19 &amp; B31), within the planning scheme in the schedules to residential zones.</p>
<b>Current issues</b>	<p>Councils have accumulated substantial bodies of work that identify important features of neighbourhood character for local areas.</p> <p>Neighbourhood character study documents largely exist outside planning schemes or are imprecisely expressed in local policies.</p> <p>Opportunity to elevate important neighbourhood character elements to Performance Measures and facilitate appropriate residential development.</p>
<b>Proposed changes</b>	<p>Amendments to residential zones (clauses 32.04, Mixed Use Zone, 32.05 – Township Zone, 32.07 – Residential Growth Zone, 32.08 – General Residential Zone, 32.09 – Neighbourhood Residential Zone) to provide head of power for schedules to specify performance measures for Neighbourhood Character (A1 &amp; B1) and Detailed Design (A19 &amp; B31).</p> <p>Updates to Neighbourhood Character (A1 &amp; B1) (clauses 54 and 55) to refer to Performance Measures specified in zone schedules.</p> <p>Amendment to Ministerial Direction (form and content of planning schemes) to vary schedule format for residential zones (clauses 32.04, Mixed Use Zone, 32.05 – Township Zone, 32.07 – Residential Growth Zone, 32.08 – General Residential Zone, 32.09 – Neighbourhood Residential Zone) to allow schedules to specify Performance Measures for Neighbourhood Character (A1 &amp; B1) and Detailed Design (A19 &amp; B31).</p>

It is important to note that the proposals in this report have only been developed to a 'proof of concept' stage. It will be necessary to ensure that any final package of statutory and operational provisions is developed and introduced in a coordinated way with all stakeholders and practitioners. As well, some of the proposed statutory drafting and decision-making changes are subtle. A substantial communication and training program will be essential for successful implementation.



# 1. The purpose of this report

## Purpose

Operational experience and stakeholder feedback has identified aspects of the operation of assessment provisions that contribute to uncertainty and inconsistency of decision making, inconsistent expectations and outcomes, process inefficiencies and avoidable time and cost impacts.

Ongoing enhancement of the VPP and planning schemes for digital delivery is easier if provisions are consistent and modular.

The purpose of the report is twofold:

- To develop an improved statutory and operational model for assessment provisions
- To demonstrate the benefits of the model by applying it to ResCode.

**The purpose is not to change any of the ResCode standards but to restructure the component elements to aid the process of efficient and consistent decision making.**

## The evolution of planning schemes and ResCode

It is over 20 years since the VPP and ResCode were introduced. During that time the provisions of both have evolved to address issues and shortcomings of the original concept. Planning schemes, including ResCode, are now far more sophisticated instruments than they were 20 years ago. However, the growth in volume and complexity has contributed to long timeframes for decision making, lack of certainty for proponents and the community and policy confusion, all of which cause frustration and add to development time and costs.

Many reports and reviews have emphasised the need to improve the planning system and streamline decision making especially for residential development<sup>1</sup>. An overview of reviews and residential reforms since 2000 is set out in APPENDIX 1.

## Why streamlining residential approval is important

The purpose of a planning assessment and approval process is to ensure that a proposed development is appropriate for its site and context, is aligned with state and local policy objectives and meets expected standards for matters such as amenity and community safety.

Good regulation should ensure that the process pathway for making this assessment is efficient and effective for proponents, the community and the decision maker (the responsible authority, usually a council). This is important both for the community generally and for the economic benefit that flows from both efficient facilitation of appropriate development and effective protection from inappropriate development.

<sup>1</sup> Such as Better Decisions Faster (August 2003), Cutting Red Tape in Planning (August 2006), Making Local Policy Stronger (June 2007), the DAF Leading Practice Model for Development Assessment in Australia (March 2005), the DELWP Smart Planning Program, and Turning best practice into common practice, BRV (2019).

## Department of Environment, Land, Water and Planning

Recent planning permit activity<sup>2</sup>

	2018/19	2019/20	Change
<b>Total applications</b>	50,844	45,659	Down 10%
<b>% of new permits that required assessment against ResCode (cl 54, 55 or 58).</b>	na	About 30%	-
<b>Total cost of works</b>	Over \$34 billion	Over \$33 billion	Down 3%
<b>Average cost of works per permit</b>	About \$829,000	About \$756,000	Down 10%

## Best practice decision making

To meet the economic, environmental and social challenges that lie ahead, the planning system needs application assessment and decision-making processes that ensure:

- Decision making occurs at the most effective level.
- The considerations guiding decision making are as targeted and simple as possible having regard to the potential impacts of the proposal.
- Decision makers are appropriately informed about the policy objectives, economic, environmental and social impacts and community aspirations relevant to the proposal being considered.
- The community has appropriate opportunity to be informed about and comment on proposals that may impact them.
- The cost of the assessment process for the proponent, the assessor and the community is kept as low as possible.
- The limited resources in the planning system are applied efficiently and where it matters most.

These considerations have informed the proposals in this report.

<sup>2</sup> Data does not include Central Goldfields, Hepburn, Minister for Planning, Mornington Peninsula, Mount Alexander, Southern Grampians, Stonnington.

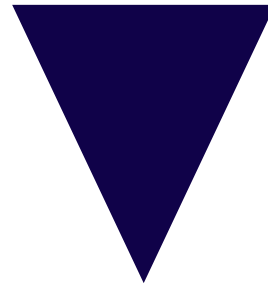


## The VPP Principles

The six principles for the VPP are set out in *A Practitioner's Guide to Victorian Planning Schemes* (DELWP 2020, page 10) and reproduced below. The proposals in this report have been measured against and support a number of these principles.

### The six principles of the VPP





## The rules for planning schemes

*A Practitioner's Guide to Victorian Planning Schemes* also sets out rules for the preparation of planning scheme provisions. The rules apply to both state standard and local provisions. The opportunities in this paper support and, in some cases, 'hard wire' these rules into the proposed new provisions.


The entry rules seek to ensure the intended outcome sought by the provision is within the power of Planning and Environment Act 1987 (the Act) and has a sound basis in strategic planning and policy.

The application rules seek to ensure that an amendment to a planning scheme is necessary and proportional to the intended outcomes and applies the VPP in a proper manner.

The drafting rules seek to ensure that a provision is drafted clearly and unambiguously and will be effective in achieving the intended outcome.


## The planning scheme rules

### Entry Rules




1. A provision must be within the scope of the objectives and power of the Act.
2. A provision must implement the objectives of planning and be supported by a sound strategic planning and policy basis.
3. A provision must not conflict with or duplicate other legislation, instruments or planning scheme provisions.

### Application Rules



4. The application of a provision must be necessary and proportional to the intended planning outcome.
5. A provision must be consistent with the operational provisions of the scheme, any parent provision and any relevant Ministerial Direction.
6. The application of a provision must be clear.

### Drafting Rules



7. The requirements of a provision must be clear and unambiguous.
8. A provision must be structured to be clear and unambiguous.
9. A provision must be written to be clear and unambiguous.





## 2. The new model

### The need for more consistent assessment provisions

The VPP and planning schemes have grown considerably in length since the introduction of new format planning schemes, reflecting responses to emerging state and local policy priorities and more nuanced approaches to regulation generally.

The growth in planning scheme length and the additional demands placed on the planning system in an increasingly complex public policy environment have also led to a rise in complexity, primarily because of the inconsistent use of language and different drafting adopted across new state standard provisions and schedules.

Over the years, courts and tribunals<sup>3</sup> have confirmed that the Act, the VPP and the principle of 'integrated decision making' necessarily provide equal status to controls (or permit requirements) and discretionary provisions in planning schemes. Despite variations in subject matter or drafting, no control or clause takes precedence over another and a responsible authority must determine whether a proposal will result in an 'acceptable outcome' under each control.

Despite this fundamental commonality, discretionary provisions across the VPP and planning schemes are not consistently expressed or structured, which can give rise to confusion as to how they should be weighed or determined.

Uncertainty can arise when operational provisions, or provisions drafted in language implying operational consequences, are combined with substantive provisions, such as occurs in ResCode and increasingly in local schedules. In particular, when deontic modal verbs such as 'should' and 'must' are used differently across the VPP, confusion can arise in relation to the effect of that provision (for example, whether it is mandatory or discretionary) and the scope of matters required to be considered. This is particularly so when the use of these verbs is multiplied or layered across multiple provisions.

Inconsistent language has contributed to some uncertainty about the operation of ResCode and the scope of considerations in circumstances where quantitative standards are met.

Variations in the format and structure of discretionary provisions can also hinder the usability of planning schemes and their potential to be accessed with digital platforms. While ResCode might rely on an internally consistent format, discretionary provisions exist in various structural formats across other state standard provisions and schedules. In each instance, applicants and decision makers are required to understand the significance of each discretionary component and their role in decision making.

The adoption of more consistent and digital friendly provision formats can mitigate the effects of the increasing size of planning schemes, by enabling users to more easily access and understand provisions directly relevant to their proposals.

Consistency is a key VPP and usability principle. If provisions are expressed and operate in the same way, no effort is required in understanding how they work. There is an opportunity to establish a more consistent model for drafting discretionary provisions across the VPP that removes uncertainty about their operation.

<sup>3</sup> For example, see *Boroondara City Council v 1045 Burke Road Pty Ltd & Ors* [2015] VSCA 27



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## The proposed model

This report sets out how the operation of development assessment in planning schemes can be improved through the introduction of a new Performance Assessment Model that will deliver consistent, digital ready assessment provisions that support streamlined decision making. The model will standardise how assessment provisions work for all users.

This report focuses on improving how planning schemes describe the desired planning objectives for residential development in ResCode and how proposals are assessed against those objectives, however the model can be applied to all development provisions across the VPP and local provisions.

### The PAM

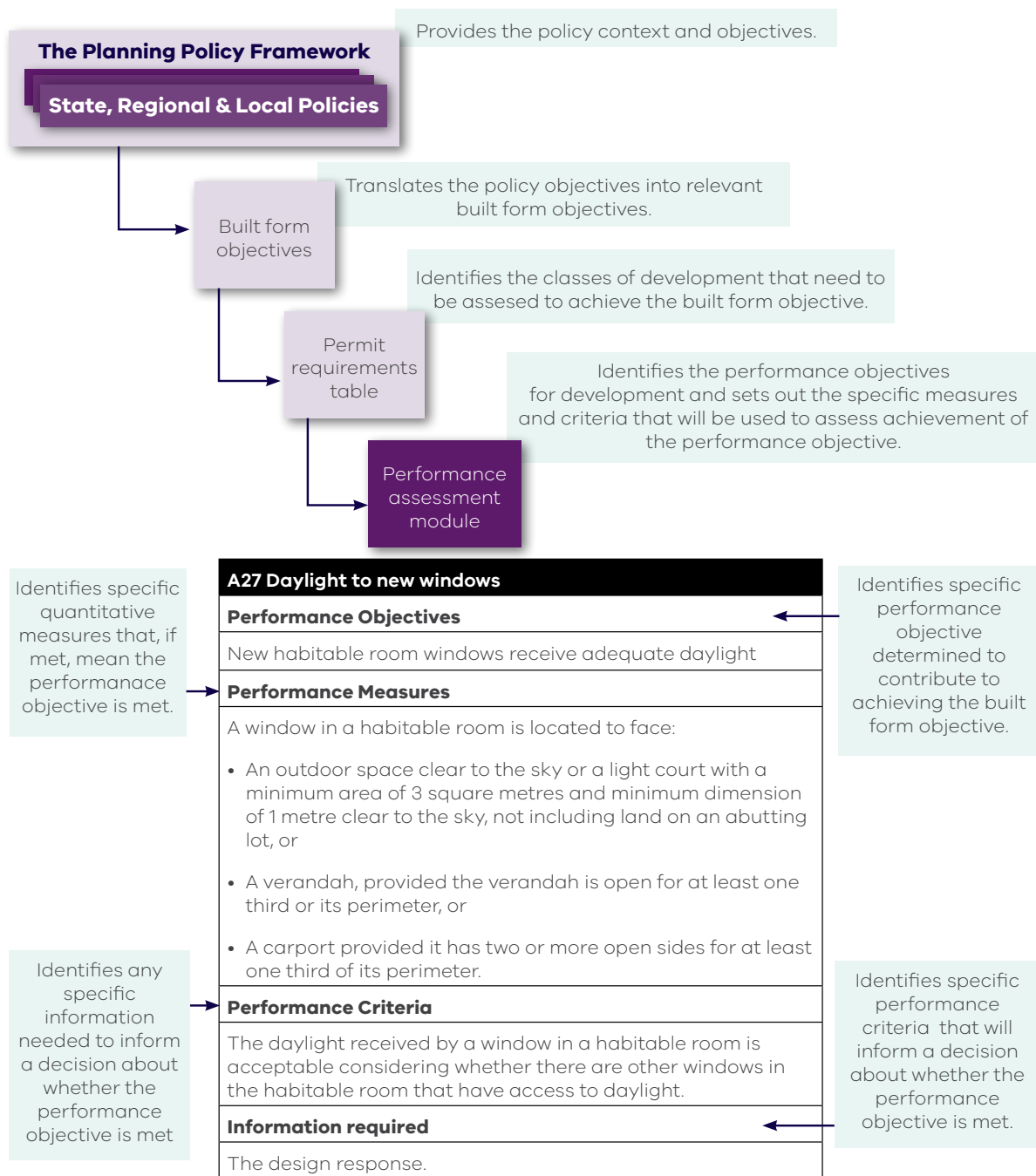


The model is made up of a new PAM and new rules about how a design response is assessed against the PAM. The PAM will set out more precisely the performance objectives for a design matter and the considerations and information that are needed to assess that matter. The new rules will make it clear when a design response is deemed to achieve the performance objective.

The PAM is built on four components:

- **Performance Objectives** – that clearly describe acceptable residential development outcomes.
- **Performance Measures** – that specify quantitative measures or objectively ascertainable conditions. Compliance with Performance Measures will be deemed to achieve the relevant Performance Objective.
- **Performance Criteria** – where a Performance Measure cannot be specified or is not complied with, the Performance Criteria will specify qualitative standards for determining whether the proposal achieves the Performance Objective.
- **Information required** – that identifies any specific information needed to inform a decision about whether a Performance Objective is met.

## Building a PAM



## How will the new model work?

Where the model is applied, a PAM must include one or more:

- Performance Objectives
- Performance Criteria.

The module may include one or more:

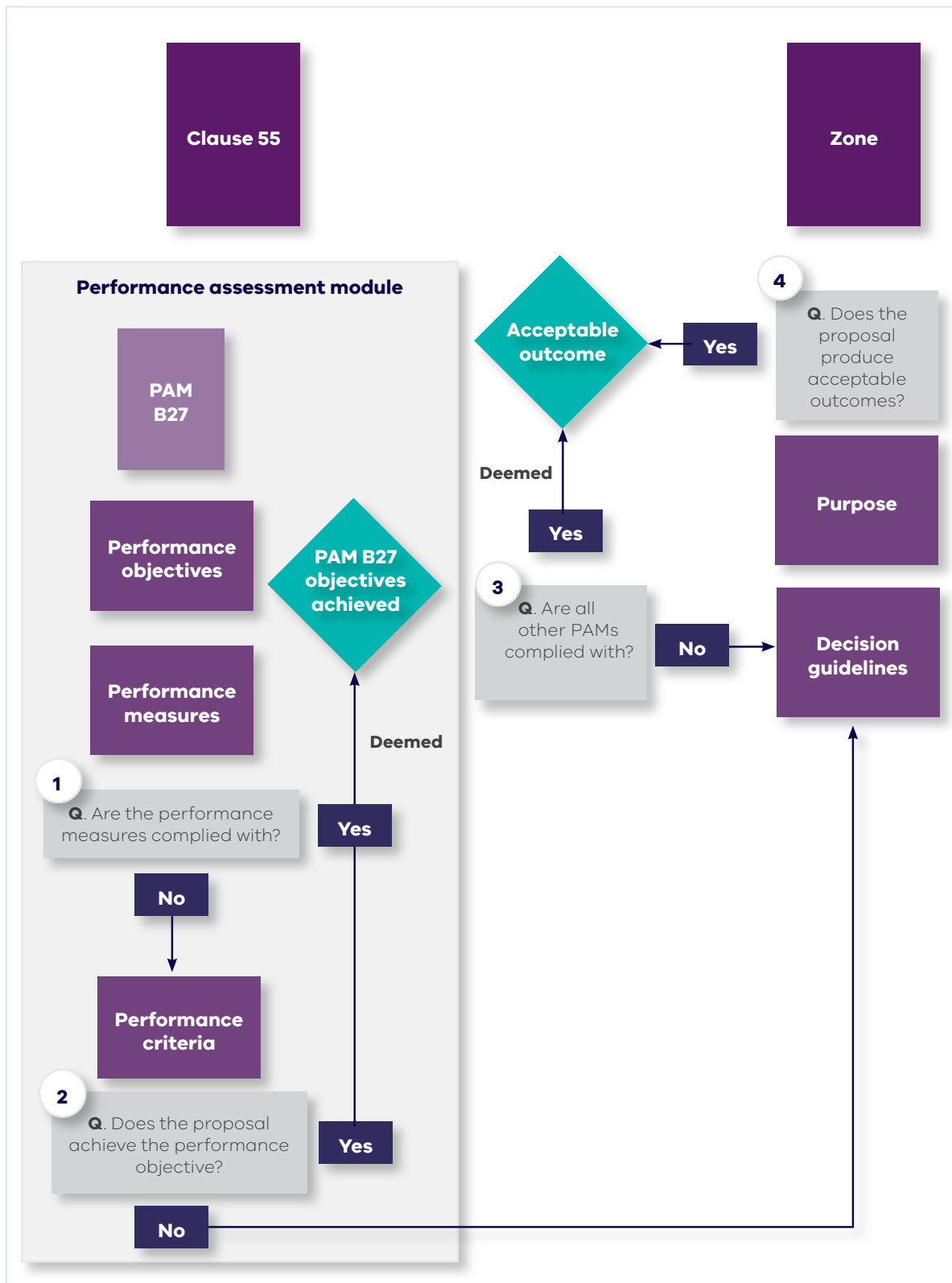
- Performance Measures
- Information Requirements.

The model also includes a new state standard Performance Assessment operational provision (clause 71.XX, see APPENDIX 3) that will enable any provision of a scheme to specify a PAM for a use or a class of development. Wherever a PAM is used in a provision, the same operational rules will apply. They cannot be varied by any other provision of the scheme.

How the Performance Assessment Module would operate is summarised in the tables and diagrams below.

Department of Environment, Land, Water and Planning

## Making a decision using a performance assessment module



**Operation of the performance assessment module**

<b>Performance Objectives</b>	
<b>What is the role of a Performance Objective in decision making?</b>	Describes an acceptable outcome that the provision seeks to deliver. A responsible authority must decide whether the use or class of development achieves the performance objective of each assessment provision.
<b>What happens if a proposal achieves all specified Performance Objectives?</b>	If an application achieves all applicable performance objectives, it is deemed to produce an acceptable outcome under the relevant zone provision.
<b>What if a proposal does not achieve a Performance Objective?</b>	The responsible authority must decide whether the proposal will still produce acceptable outcomes having regard to decision guidelines in the zone.

<b>Performance Measures</b>	
<b>What happens if a proposal complies with Performance Measures?</b>	If the proposed use or class of development complies with any specified Performance Measures, it is deemed to achieve the relevant Performance Objective.  The responsible authority must not consider any Performance Criteria or decision guidelines.
<b>What happens if a proposal does not comply with Performance Measures?</b>	The responsible authority must decide whether the proposal achieves the Performance Objective having regard to any specified Performance Criteria and any relevant information requirements.
<b>What if there are no Performance Measures specified?</b>	As above.

<b>Performance Criteria</b>	
<b>When are Performance Criteria applied?</b>	As noted above, Performance Criteria can only be considered where no Performance Measures have been specified or any Performance Measures have not been complied with.
<b>How should Performance Criteria be used?</b>	The responsible authority must use Performance Criteria to decide whether the proposal achieves a Performance Objective.
<b>What else can be considered?</b>	In assessing a proposal against Performance Criteria, a responsible authority can only consider any specified information requirement. Any Decision Guidelines must not be considered.
<b>What if a responsible authority decides that a Performance Objective has not been achieved?</b>	As noted above, the responsible authority must then decide whether the proposal will still produce acceptable outcomes having regard to Decision Guidelines in the zone.

By standardising all residential performance objectives in the zone, relevant overlays and in ResCode into a standard modular format, the complete package of performance expectations can be consolidated into a consistent set of requirements that all operate in the same way and can be clearly related and aligned to each other.

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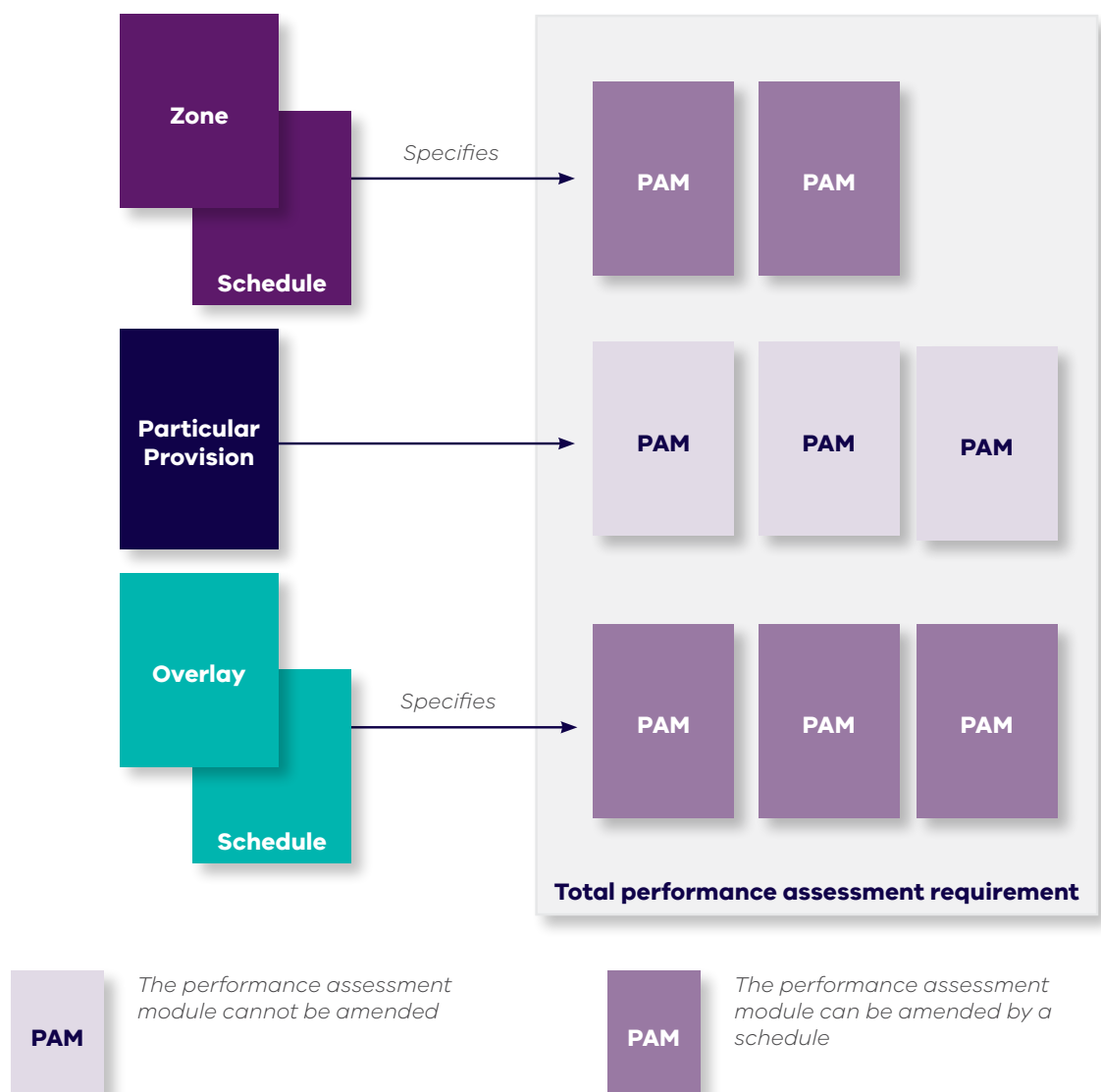
## Benefits for the future of the VPP

The proposed reforms focus on improving how ResCode and local planning scheme provisions describe and facilitate desired planning outcomes. The model also has potential for broader application across the VPP and local provisions.

The new model provides the following benefits:

- A clear, consistent, more modular structure for the preparation of provisions that guide the exercise of discretion across the VPP.
- A more consistent operational framework that promotes the use of objective performance measures to clearly signal and facilitate outcomes that are deemed to be acceptable.
- A more consistent structure and format for discretionary provisions that will help the long-term development and delivery of fully digital planning schemes.

### How the model can apply to non-residential provisions



### **A standard modular format for more focussed assessment**

Beginning with ResCode, PAMs will provide a consistent format for the preparation of discretionary provisions for the VPP and local planning schemes.

The new format focusses on facilitating outcomes that are clearly described in each PAM. It will simplify the matrix of considerations that might otherwise need to be considered, in particular where a proposal complies with Performance Measures and delivers an acceptable outcome.

Providing clearer boundaries for the assessment of specific classes of proposals will reduce the administrative burden for decision makers and provide for more proportional levels of assessment for simpler proposals.

The model is also flexible and will allow for more complex, merit based assessments, where competing policy considerations might need to be weighed and integrated into a single planning permit.

To realise these benefits the model will need to be supported by clear drafting rules.

### **A clear operation that promotes streamlined assessment**

The model will establish a clear operational framework for the operation of ResCode and other discretionary provisions across planning schemes.

Operational language and clauses will be removed from ResCode and standardised in a central operational provision that cannot be modified or altered. Once applied scheme-wide, users will no longer be required to study the operational model of each VPP or schedule assessment tool or schedules to determine how they work.

The proposed model would remove any uncertainty about the consequences of complying with existing quantitative standards.

In this way, it will promote the use of quantitative and objective Performance Measures as a means of signalling outcomes that are deemed to be acceptable. Where Performance Measures cannot be specified or are not complied with, Performance Criteria will establish qualitative expectations of what alternative design outcomes are likely to be considered acceptable for achieving a Performance Objective.

### **Digital ready provisions**

The consistent format and operational framework for discretionary provisions that the PAM format will create across ResCode and planning schemes will facilitate future access through digital platforms.

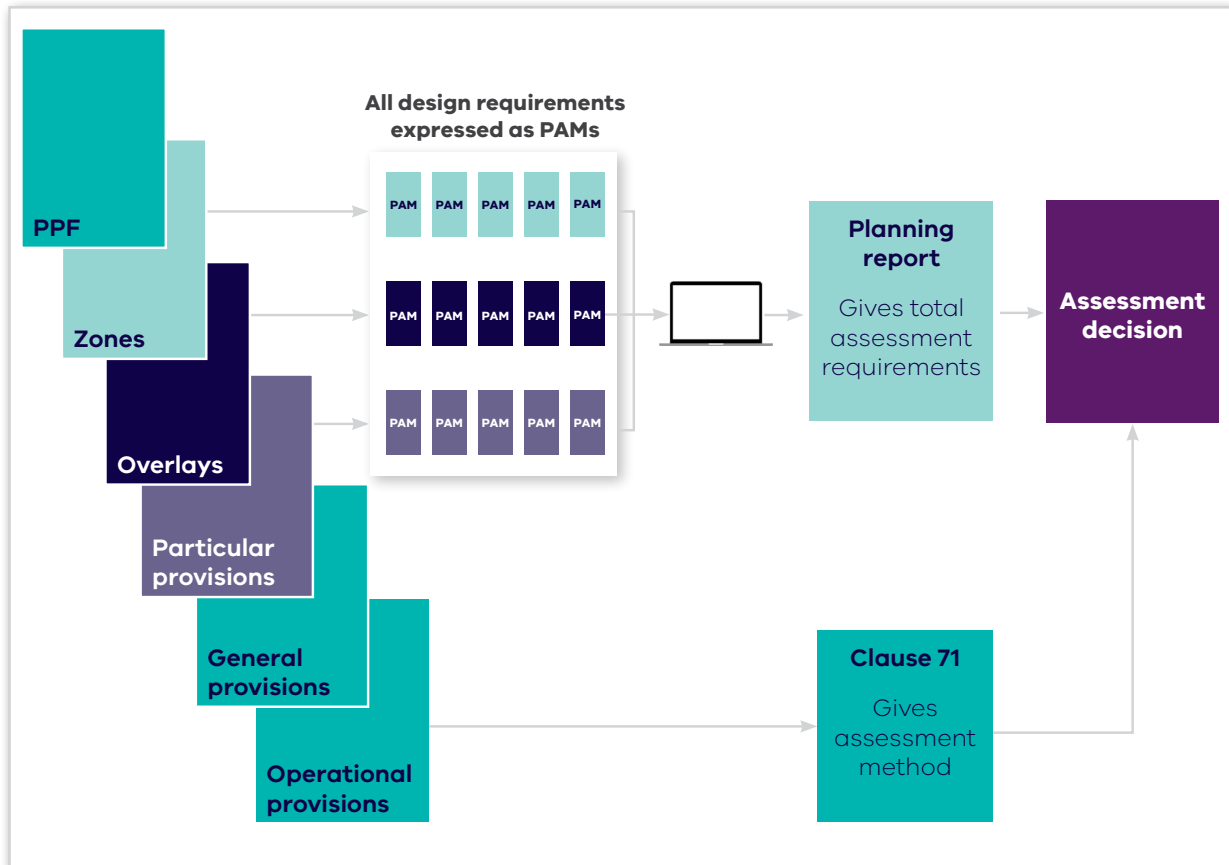
When provisions are structured consistently and operate in an identical way, individual components that are relevant to the assessment of a proposal can be more easily identified for decision makers and proponents by electronic means.

Over time, as other components of the VPP and planning schemes are also optimised, digital platforms have the potential to dramatically reduce complexity and provide more efficient access to planning schemes for all users.

Translating all development assessment provisions in planning schemes to the consistent use of PAM provisions will mean that, in the longer term, digital platforms will be able to 'collect' all the relevant PAMs for a matter and present them in a consistent, integrated form that will enable:

- An applicant to clearly see what performance objectives are required to be achieved, how they might be achieved and exactly what information is required to be presented with the application.
- The responsible authority to get a quick and complete checklist of all the matters that need to be assessed in a form suitable for direct inclusion in their planning report.
- The community will be able to readily see which aspects of a proposal achieve expectations and the basis on which aspects that may not will be assessed.

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**Overview of how the proposed model will work**



### 3. Understanding ResCode

#### Where did ResCode come from?

When the new format planning schemes based on the VPP were introduced they represented a shift from a prescriptive based planning system to a performance based system. Decision making was intended to be strategic and to be based on how a proposal meets relevant objectives. The application of planning controls by way of zones, overlays and particular provisions was intended to be an implementation of planning policies in the Act and the planning scheme, rather than an end in itself. Local planning policies were intended to guide decision making; they were not intended to be a de-facto control. Planning schemes were intended to facilitate decision making that met objectives and provide certainty for permitted development. Many more land uses than previously were now permitted by the zones, consequently decision makers were invested with a much wider range of discretion.

From the outset, this approach faced challenges, particularly with respect to the use of policy and the lack of certainty that a discretionary, performance based system of decision making entailed. There was strong community preference for more prescription and more opportunity for local variation to the standard planning controls, rather than a one-size-fits-all approach. Over the years, these preferences have resulted in the proliferation of local policies and increasingly detailed modifications to standard provisions. There has been ongoing tension between the flexibility inherent in discretionary performance based planning controls and the desire for certainty offered by mandatory controls.

In 1999-2000, The Good Design Guide and VicCode 1 were reviewed to test whether the techniques and performance measures they contained were meeting the community's expectations about public and private amenity. A key outcome of this review was the recommendation that there should be a single comprehensive code for the subdivision of land and the siting and design of all dwellings, and there should be no distinction in the standards that apply to dwellings based only on the fact of whether there is one or more dwellings on a lot. This led to the development of ResCode.

ResCode was prepared in response to Government commitments that communities should be provided with a choice of well-designed houses and, at the same time, the character of Victoria's streets, suburbs and towns should be protected. These commitments were made in response to widespread public concern that the previous Government's controls over housing and subdivision available under The Good Design Guide and VicCode 1 did not sufficiently protect areas of valued character and that the emphasis on urban consolidation outweighed consideration of the intrinsic value of streets and suburbs.

To provide greater certainty in development, the consultation Draft ResCode adopted mandatory standards with prescriptive requirements wherever possible. The Advisory Committee examining ResCode rejected this approach. It considered that this shift from an emphasis on the quality of outcomes to an emphasis on compliance with rules was a retrograde step which would promote a formula driven approach to both the design and assessment processes for residential development. It concluded that the exhibited ResCode would impose inefficient and unnecessary constraints on a major part of the housing market without guaranteeing better outcomes.

The preferred option recommended by the Advisory Committee was to develop new provisions and use the existing tools in the VPP, including a new Neighbourhood Character Overlay (NCO), and to facilitate a stronger local policy imperative for councils to develop a range of options for the location and management of new development.



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It was a framework that would seek a balance between the objectives of certainty and accommodating designs that respond to their context by:

- building on the existing performance based system;
- maintaining discretion to accommodate site responsive or innovative design solutions;
- recognising the desire for certainty regarding specific requirements by maintaining techniques or benchmarks that will normally meet objectives; and
- enhancing consistency and certainty through the inclusion of additional decision guidelines where alternative approaches are proposed.<sup>4</sup>

The introduction of ResCode involved: new provisions in the Building Regulations 2018 (the Building Regulations); new provisions in the residential zones in all planning schemes; three new Particular Provisions of all planning schemes (clauses 54, 55 and 56); and the new NCO. In particular, it incorporated: basic amenity standards, a greater emphasis on neighbourhood character, mandatory neighbourhood and site description and design responses for all applications, and new environmental standards. A number of the standards within the ResCode provisions could be varied at a local level by councils by way of schedules to residential zones and by applying the NCO.

Councils have enthusiastically embraced the opportunity to modify standard ResCode provisions, adding additional decision guidelines and requirements and introducing local planning policies. Numerous strategic reviews and neighbourhood character studies underpin such changes. Often, they have been driven by community concerns to protect existing neighbourhood character and residential amenity, and to provide more certainty of outcome for residents about the location of new development.

As a result, Design and Development Overlays (DDOs), NCOs and schedules to zones modifying ResCode standards have proliferated. There are approximately 408 residential zone schedules and 401 NCO and DDO schedules affecting land in

residential zones. This results in 1,438 permutations or variations to ResCode requirements in the parent zone.

At the heart of community concern about residential development, which has driven these controls and the proliferation of local policies, has been a desire to limit more intensive residential development in certain areas of valued neighbourhood character. Various reports<sup>5</sup> identified that the onus ought to be on councils to identify where new residential development should be directed to provide certainty to communities and plan strategically for more housing. Councils were encouraged to plan for housing growth 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.

In 2017, new residential zones (the Residential Growth Zone (RGZ), the General Residential Zone (GRZ) and the Neighbourhood Residential Zone (NRZ)) were introduced to implement relevant strategic planning, reflect the true development capacity of the land, and provide the opportunity to apply local requirements to achieve preferred built form outcomes identified in the Planning Policy Framework.

<sup>4</sup> ResCode Advisory Committee Report: Part 1: Response to terms of reference (December 2000) pp 6-7"

<sup>5</sup> For example, see Monash Planning Scheme: Local Variations to The Good Design Guide Advisory Committee Report (August 1998); Good Design Guide and VicCode 1 Issues and Options Paper: (August 1999); Review of The Good Design Guide and Viccode 1: Final Report (March 2000); Making Local Policy Stronger: (June 2007)



## How does ResCode work

While not identified as such in the VPP, 'ResCode' is the label given to the residential development standards introduced in 2001 to replace *The Good Design Guide*, *VicCode 1* and the array of local provisions that existed at the time.

The new ResCode standards consisted of:

- Clause 54 One Dwelling on a Lot
- Clause 55 Two or More Dwellings on a Lot
- Clause 56 Residential Subdivision.

Clause 58 Apartment Developments was subsequently added by Amendment VC136 in 2017.

ResCode applies to the development of one or more dwellings on a lot, and to the subdivision of land in residential zones. It establishes basic amenity, siting and design standards for new dwellings and requires preparation of a mandatory neighbourhood and site description and a design response to the neighbourhood and site context and the ResCode objectives. Quantitative siting and amenity standards from ResCode are replicated as regulations in the Building Regulations to ensure they apply in circumstances where a planning permit is not required.

An overview of the current standards in clauses 54, 55 and 58 is set out in APPENDIX 2.

Where a planning permit is required for a single dwelling, in addition to the siting and amenity standards, qualitative and quantitative standards covering neighbourhood character, energy efficiency, landscaping and the like are also required to be considered. Where two or more dwellings are proposed, additional standards applicable to multi-dwelling issues also require consideration (such as dwelling diversity and common property).

The siting and amenity standards in the Building Regulations are 'deemed to comply'; that is, where the quantitative standard is met, the regulation is considered to be met. Where a variation is sought to a siting or amenity regulation, a 'report and consent' process is required where an application to a reporting authority (usually a council) is required.

For a single dwelling on a lot that requires a planning permit, and a multi-dwelling application, the permit requirement is found in the applicable zone. The permit requirement also establishes that the requirements of clause 54 or 55 must be met (or clause 58 in the case of an apartment development of five or more storeys). The zone also provides the power for a schedule to the zone to vary a number of ResCode standards that will apply in place of the usual requirements<sup>6</sup>.

The zone requires that the neighbourhood and site description and the design response from ResCode are submitted with an application for residential development, and that the objectives, standards and decision guidelines of ResCode be considered by the responsible authority in determining any application for dwellings and residential buildings.

Both clause 54 and 55 include the following purposes:

*To implement the Municipal Planning Strategy and the Planning Policy Framework.*

*To achieve residential development that respects the existing neighbourhood character or which contributes to a preferred neighbourhood character.*

*To encourage residential development that provides reasonable standards of amenity for existing and new residents.*

*To encourage residential development that is responsive to the site and the neighbourhood.*

Both clauses then specify to which type of application they apply, with clause 54 to single dwellings and clause 55 to two or more dwellings on a lot. Both clauses provide:

*Operation*

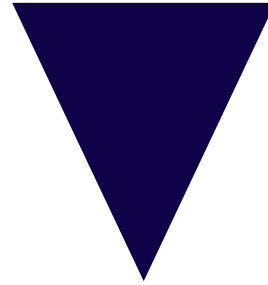
*The provisions of this clause contain:*

*Objectives. An objective describes the desired outcome to be achieved in the completed development.*

*Standards. A standard contains the requirements to meet the objective. A standard should normally be met. However, if the responsible authority is satisfied that an*

<sup>6</sup> Standards A3, A5, A6, A10, A11, A17 and A20 of clause 54, and Standards B6, B8, B9, B13, B17, B18, B28 and B32 of clause 55.

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*application for an alternative design solution meets the objective, the alternative design solution may be considered.*

*Decision guidelines. The decision guidelines set out the matters that the responsible authority must consider before deciding if an application meets the objectives.*

In the case of both clauses 54 and 55, objectives *must* be met, while standards *should* be met, and the decision guidelines must be considered. A permit may not be granted unless all the objectives are met. Clause 56, which relates to the subdivision of residential land, operates differently in that it contains objectives and standards but does not include decision guidelines that must be considered as part of the assessment of a residential subdivision.

## Problems with the operation of ResCode

Over time, uncertainty about the proper operation of the ResCode standards and how they relate to the objectives has arisen. In particular, the relevance of the decision guidelines in circumstances where a standard is met has been the subject of a number of significant and well discussed determinations at VCAT. These include differing views about whether compliance with standards will be deemed to comply with objectives.

### Some relevant cases include:

- Li Chak Lai v Whitehorse CC (No.1) [2005] VCAT 1274 (30 June 2005) (corrected by Li Chak Lai v Whitehorse CC (No.2) [2005] VCAT 1438 (18 July 2005), in which the Tribunal found in relation to satisfying the standard:

...where the standards are met, the considerations against the proposal cannot include failure to meet the objectives to which the standards relates.<sup>7</sup>

- Lamaro v Hume CC & Anor (includes Summary) (Red Dot) [2013] VCAT 957 (13 June 2013), where the Tribunal attempted to rectify the mandatory requirement to consider the decision guidelines when assessing a standard:

...Reliance on the quantitative standards that apply everywhere do not necessarily achieve a design response that is respectful of the existing neighbourhood character or contributes to a preferred neighbourhood character; or a design that is responsive to its site and its neighbourhood

context. Therefore, whilst there may remain some question as to whether the three dot points under the 'operation' heading in clause 55 should be read sequentially or collectively, it is my view that they need to be taken as a whole and read collectively in order to achieve the purpose of clause 55. The decision guidelines therefore need to be considered in all cases irrespective of whether the standard is met.<sup>8</sup>

- Red Star Beaumaris Pty Ltd v Bayside CC (Correction) [2015] VCAT 305 (17 March 2015), where the Tribunal discussed if the approach in Lamaro was inconsistent with that taken in Li Chak Lai; determining in the end the question was not immediately relevant and that if there was any inconsistency, Li Chak Lai would be the preferred approach.
- 16 Taylor Pty Ltd v Nillumbik SC [2020] VCAT 673 (22 June 2020), a more recent decision where the Tribunal again battled with how to reconcile the mandatory requirement to consider the objective, standard and decision guidelines:

Whilst I give significant weight to the proposal's compliance, and indeed, exceedance of the preferred 5.5 metre setback, I find that an assessment cannot merely look at the quantitative outcome. The objective under clause 55.03-1, and the decision guidelines of this clause as well as both the ACZ1 and SLO1 require a qualitative assessment to be undertaken. ...<sup>9</sup>

The consequence of these conflicting interpretations of the operation of ResCode is that circumstances can arise where a residential development proposal may comply with a standard but is rejected because it is not deemed to meet the relevant objective having regard to the decision guidelines. Because ResCode requires that a development must meet all the objectives that apply to the application, this means that a permit cannot be granted.

More broadly, the cumulative result of this layering of controls and multiplicity of matters to be considered in the decision-making process is that users can incur significant costs and delays as they navigate the system.<sup>10</sup> Decision making is protracted and made uncertain by the complicated, overlapping and sometimes contradictory policy settings. Conflicting views about the meaning of provisions result in uncertainty both for developers and residents. The mix of quantitative and qualitative criteria for decision making can mean that even if a proposal meets all the quantitative standards of

<sup>7</sup> Li Chak Lai v Whitehorse CC (No.1) [2005] VCAT 1274, at [33]

<sup>8</sup> Lamaro v Hume CC & Anor (includes Summary)(Red Dot) [2013] VCAT 957, at [16]

<sup>9</sup> 16 Taylor Pty Ltd v Nillumbik SC [2020] VCAT 673, at [86]

<sup>10</sup> As recognized in the Planning and Building Approvals Process Review: Discussion Paper BRV 2019

ResCode, it may still be rejected because it fails to meet the relevant objectives of those standards.

The issues highlighted above manifest most prominently when reconciling proposals with the neighbourhood character objectives contained in ResCode.

## Bringing clarity to the operation of ResCode

### Need for more focussed assessment

A maxim of statutory planning is that matters addressed through the assessment of a proposal must be directed to achieving the purpose of the permit requirement - the reason why the permit is required.

ResCode presently includes a range of decision guidelines that direct decision makers to consider broad categories of issues and documents. For example, the decision guidelines of some objectives of ResCode include the following:

*Any relevant neighbourhood character objective, policy or statement set out in this scheme.*

For residential matters, the decision guidelines of clause 65 and the zones can also bring into play the array of considerations set out in these clauses in addition to those in ResCode.

For applicants this can mean that, despite a proposal responding positively to specific standards or more specific decision guidelines, other unknown or vaguely defined matters might be weighed against it. For decision makers, it can also require a much broader inquiry (such as a range of PPF considerations) than is warranted by a proposal that might only raise a discrete set of amenity issues.

It will often be necessary for decision makers to conduct broader inquiries where proposals require multiple permissions that raise complex or competing policy outcomes, which need to be integrated into an overall decision and planning permit.

However, where provisions such as ResCode have established a comprehensive and well understood set of standards for a specific class of development, the consideration of broader decision guidelines is unlikely to be necessary nor yield any planning benefits given the purpose of the control. The administrative burden this level of inquiry imposes can also undermine the efficiency and usability of the system for all users.

### Quantitative vs Qualitative

More streamlined approaches to assessment will work best and most efficiently if the standards to be assessed are quantitative or objective in character.

ResCode currently includes a combination of quantitative and qualitative standards, which contain the requirements to meet a given objective.

Quantitative standards, such as Side and rear setbacks (A10 and B17), require an assessment to determine whether a proposal will comply with a requirement delimited by a height and setback metric or profile. Quantitative standards effectively identify a pre-set or accepted level of performance to satisfy an objective. The quantitative standards and their operation are also reflected in Part 5 (Siting) the Building Regulations.

Qualitative standards on the other hand, such as Neighbourhood character (A1 and B1) and Detailed design (A19 & B31), require an exercise of discretion in their interpretation and determination as to whether the standard has been met, and consequently the objective. These types of standards usually require a finer grain consideration of contextual matters identified on the design response and neighbourhood context plans.

Where standards are quantitative, the relevant decision guidelines will often point to contextual factors that might justify a departure from the numeric standard to an alternative outcome that is acceptable. For example, the existence of an abutting laneway is identified as a decision guideline for A10 and B17 and will often support decisions to not require strict compliance with the standard. In this way, decision guidelines perform a similar role to qualitative standards and require the same level of inquiry into relevant contextual factors.

Presently no operational distinction is made between quantitative and qualitative standards, despite the different type of assessment required for each category. There also appears to be considerable overlap between the function and scope of qualitative standards and decision guidelines.

Similar issues can be observed in other provisions and local schedules, which also raise uncertainty about the function of quantitative standards and the consequences of compliance with them.

To facilitate more streamlined assessment, there is a need to clarify and better promote the use of quantitative standards for assessing residential development proposals.

**Department of Environment, Land, Water and Planning****Neighbourhood character**

ResCode evolved from a set of quantitative standards that were primarily directed at ensuring the provision of adequate infrastructure and facilities for new residential development and appropriate standards of amenity for existing and future residents.

In response to community concerns that a one-size-fits-all approach to development proposals failed to respond adequately to existing neighbourhood character, a greater emphasis on neighbourhood character was incorporated into ResCode in subsequent reforms. Respect for and response to neighbourhood character is now embedded in the purpose and many of the design and siting objectives in ResCode.

In addition to the ResCode provisions, references to neighbourhood character are dispersed throughout the planning scheme where they are firmly embedded in the Planning Policy Framework, zone provisions and overlays.

**Planning policy framework**

The Planning Policy Framework includes neighbourhood character in clause 15.01-5S. It provides:

**Neighbourhood character****Objective**

To recognise, support and protect neighbourhood character, cultural identity, and sense of place.

**Strategies**

Support development that respects the existing neighbourhood character or contributes to a preferred neighbourhood character.

Ensure the preferred neighbourhood character is consistent with medium and higher density housing outcomes in areas identified for increased housing.

Ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by respecting the:

- Pattern of local urban structure and subdivision.
- Underlying natural landscape character and significant vegetation.
- Neighbourhood character values and built form that reflect community identity.

Many planning schemes also include local policy about neighbourhood character in the Planning Policy Framework, often in great detail.

**Zones**

Neighbourhood character is included in many residential zone provisions as well. For example, see the following residential zones purposes:

**Mixed Use Zone:**

*To encourage development that responds to the existing or preferred neighbourhood character of the area*

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**Township Zone and General Residential Zone:**

*To encourage development that respects the neighbourhood character of the area.*

**Neighbourhood Residential Zone:**

*To recognise areas of predominantly single and double storey residential development. To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.*

The Mixed Use Zone, Township Zone and GRZ may, and the NRZ must, contain neighbourhood character objectives to be achieved for an area in a schedule. A schedule to the NRZ must also contain the heritage, environment, or landscape character objectives to be achieved for the area. A schedule to the RGZ must contain the design objectives to be achieved for the area.

**Overlays**

The NCO is designed to specifically address neighbourhood character. The purpose of the NCO includes:

*To identify areas of existing or preferred neighbourhood character.*

*To ensure that development respects the neighbourhood character.*

*To prevent, where necessary, the removal of buildings and vegetation before the neighbourhood character features of the site and the new development have been evaluated.*

A schedule to the NCO must contain a statement of the key features of the neighbourhood character and the neighbourhood character objectives to be achieved for the area affected by the schedule.

The NCO can be used to rewrite most clause 54 and clause 55 standards, except for several standards specified in the overlay at clause 43.05-3. Any rewritten standard must be consistent with the relevant objective and decision guideline in clause 54 or clause 55. The NCO cannot be used to rewrite the objectives or decision guidelines in clause 54 and clause 55. The objectives and decision guidelines continue to apply to a rewritten standard. Additional local neighbourhood character objectives and decision guidelines may be specified in the schedule to the NCO to achieve a preferred neighbourhood character.

The DDO, while not specifically designed to protect or enhance neighbourhood character, is also often used for this purpose.

Since its introduction in 2002 the NCO has only been applied in 15 planning schemes (out of 79) with 56 schedules. When considering residential land area, the application of the NCO affects an average of 3.10% of residential land in the 15 identified planning schemes and the impacts statewide are even less significant.

While there may be benefits to considering amendments to the NCO and its relationship with other overlays, the sparse application of this overlay across the state will limit the overall impact of such reforms. The greatest influence from the consideration of neighbourhood character on decision making for residential development comes from the zone provisions, the operation of ResCode and the opportunities to modify ResCode provisions by way of schedules to the residential zones.



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**Understanding neighbourhood character**

Since ResCode was introduced, a much greater understanding has developed of the built form and spatial elements that help to define neighbourhood character. They include street, side and rear setbacks; site coverage; walls on boundaries; front fences; height; landscape and gardens; and built form.

The following elements, which have quantitative standards specified in ResCode, are identified in the residential zones as capable of modification in a schedule to the zone to better reflect the existing or preferred neighbourhood character of an area – Street setbacks (A3 and B6); Site coverage (A5 and B8); Permeability (A6 and B9); Side and rear setbacks (A10 and B17); Walls on boundaries (A11 and B18); Private open space (A17 and B28); and Front fences (A20 and B32).<sup>11</sup>

Height has quantitative standards in A4 and B7 of ResCode of 9 metres unless specified in a zone.

Garden areas are now recognised as another element of neighbourhood character. Minimum garden area requirements are specified in the NRZ and GRZ. A schedule to the GRZ may specify an exemption from the minimum garden area.

If the opportunity to customise standards in the residential zones to reflect the existing or preferred neighbourhood character of specific areas by modifying key quantitative standards in ResCode is not considered adequate, councils have the option to apply a DDO or NCO.

Another important element of neighbourhood character is design detail, which includes matters such as facade articulation and detailing, window and door proportions, roof form and verandahs, and eaves and parapets (standards A19 and B31). Many councils refer to these details in local planning policies and policy documents that sit outside the planning scheme, such as design guidelines.

Local policies and design guidelines will often detail other elements of existing and preferred neighbourhood character, which are not referenced in ResCode, such as a preference for a sense of separation and space between buildings or for multi-dwelling developments to read as a single detached dwelling from the street.

**How do ResCode standards deliver neighbourhood character?**

In most settings the basic ResCode standards will deliver developments that respect the neighbourhood character of the many locations where it applies.

The built form and spatial elements that help to define neighbourhood character include street, side and rear setbacks; site coverage; walls on boundaries; front fences; height; landscape and gardens; and built form.

Most of the standards in ResCode that affect these aspects of neighbourhood character are quantitative standards. They are all standards that can be modified in a schedule to the zone. Other standards that affect neighbourhood character, which have qualitative standards only, are the neighbourhood character objective itself,<sup>12</sup> and objectives relating to landscaping<sup>13</sup> and design detail.<sup>14</sup>

Clauses 54 and 55 provide that an objective describes the desired outcome to be achieved by a development and a standard contains the requirements to meet that objective. Logically, if these quantitative ResCode standards affecting neighbourhood character are applied, it must be presumed that they will deliver development which produces an acceptable outcome in neighbourhood character terms. If the objective is, for example:

*To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character ...; or To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character ..., then on this basis, compliance with the relevant standard will comply with this objective.*

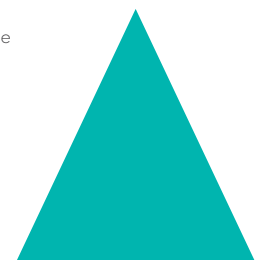
In settings where this is not the case and the existing or preferred neighbourhood character requires the application of different quantitative standards for development to acceptably respect neighbourhood character, then there is the ability to modify the standards either by way of a schedule to the zone or an overlay.

<sup>11</sup> Landscaping (B13) is also capable of having different requirements specified in a schedule even though the standards are more qualitative and quantitative

<sup>12</sup> A1 and B1

<sup>13</sup> A8 and B13

<sup>14</sup> A19 and B31



### Improving how neighbourhood character is applied

Neighbourhood character is an important element of ResCode, but its assessment remains vague compared to other objectives and standards. Resolving neighbourhood character outcomes has been a key source of uncertainty in ResCode's operation, particularly where design responses that exceed compliance with other quantitative standards are proposed.

The many reports that have emphasised the need to improve the planning system and streamline decision making for residential development highlight the need for certainty in decision making. Greater certainty in decision making can be achieved if it is accepted that the role of ResCode is to ensure that residential development provides reasonable standards of amenity for existing and new residents, that it is responsive to the site and its context; and that development which complies with ResCode standards will produce an acceptable response to neighbourhood character.

Development which does not comply with ResCode standards should be able to be considered on its merits having regard to ResCode objectives and ultimately the purposes of the zone and the policy framework of the zone.

Such an approach would consolidate the experience that has been gained in identifying and understanding the quantitative and design measures which will result in development that reflects and respects neighbourhood character. It provides an opportunity to:

- make ResCode the primary repository for provisions relating to the built form of residential development that focus on the provision of adequate infrastructure and facilities for new development and appropriate standards of amenity for existing and future residents
- make zones the primary repository for provisions relating to neighbourhood character considerations that depart from the ResCode standards, supplemented by overlays such as the DDO and the NCO
- create greater certainty for development proposals that comply with the quantitative measures of ResCode by deeming them to comply with relevant performance objectives and neighbourhood character purposes, and streamlining their approval
- retain the opportunity to consider proposals that do not comply with ResCode standards on their merits.

Restructuring ResCode and the residential zone provisions along these lines would not involve change to the substance of any of the ResCode standards or zone requirements. Rather, it offers an opportunity to introduce more certainty and make decision making more structured and consistent, and more focussed on outcomes and objectives, which was how the VPP was always intended to operate.

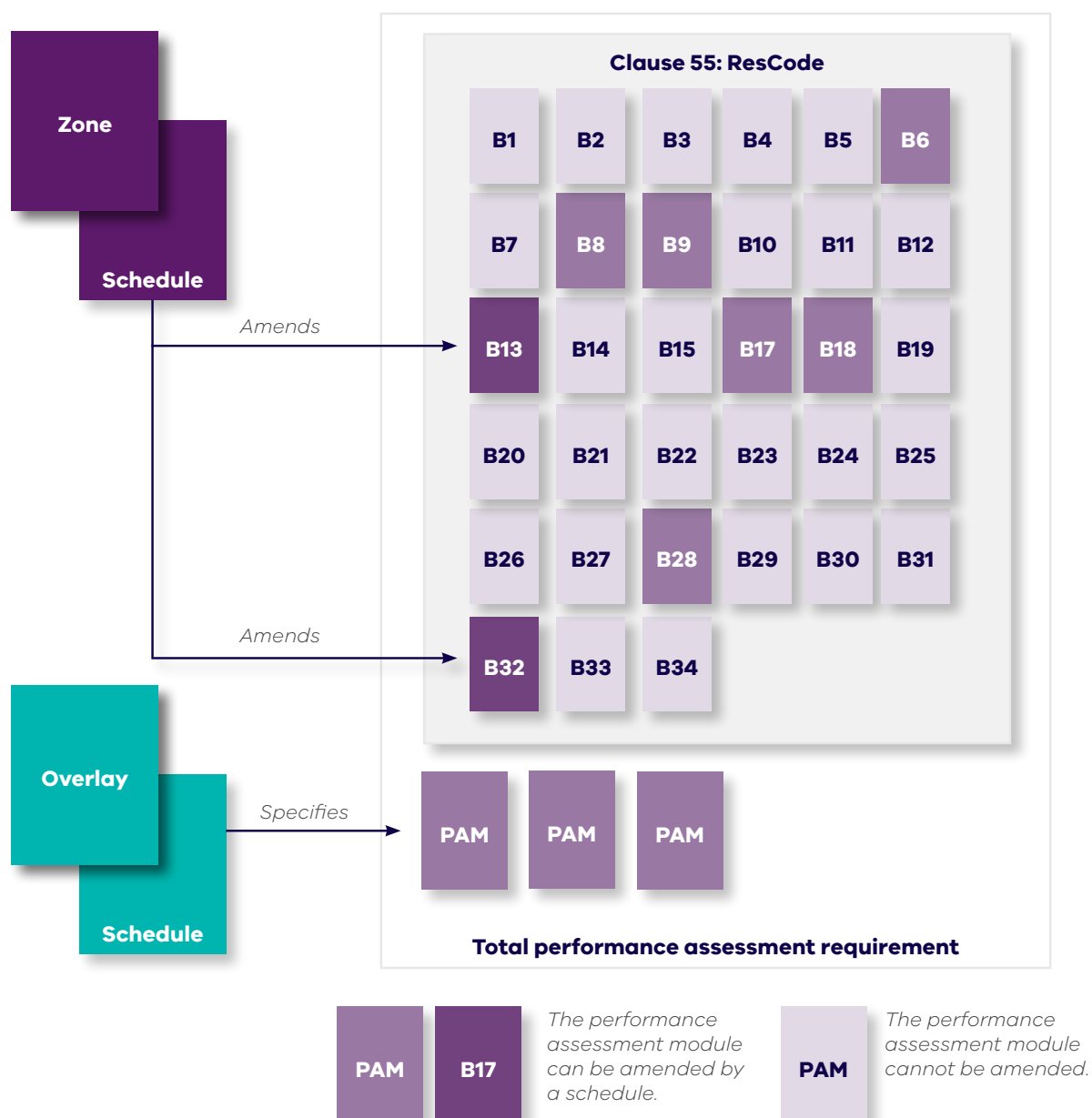


## 4. Applying the model to ResCode

### How the new model can apply to ResCode

By repackaging all the built form standards that apply to a residential development into a set of consistent PAMs, the total performance assessment requirement for a residential development can be assembled and assessed in a comprehensive and consistent way. Both the designer and the assessor will be able to easily assemble all the PAMs relevant to a proposal and be clear about what is expected, what information is needed and how compliance will be assessed.

### The total performance assessment requirement for a residential development



## Translating the ResCode standards to PAMs

Currently, each ResCode standard is expressed as:

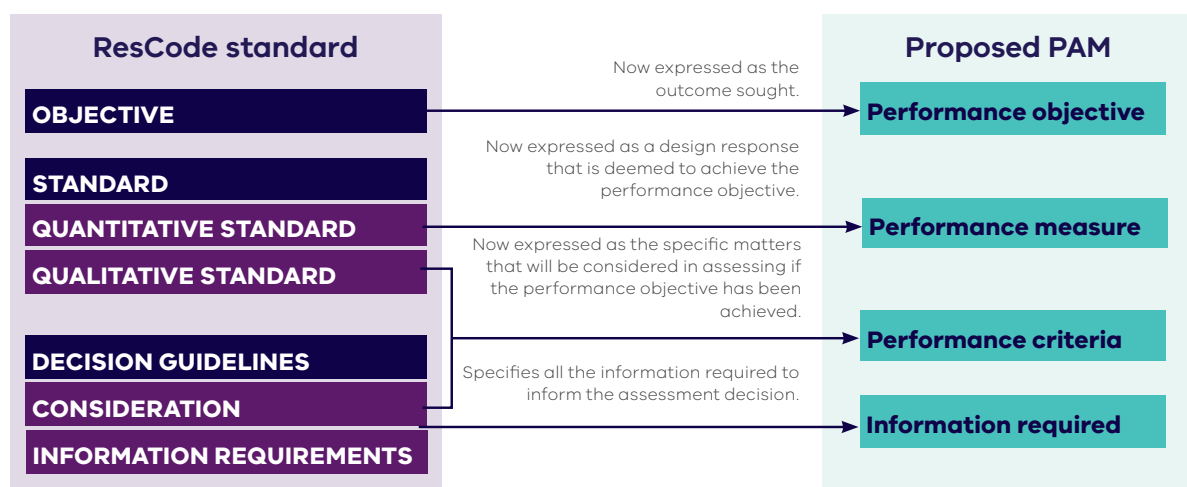
- An **Objective** that expresses an aspiration about what the design will achieve.
- A **Standard** that says what a proposal must or should do.
- **Decision Guidelines** that indicate what matters will be considered in assessing a proposal.

While this system is effective and understood, it can create uncertainty for all stakeholders about when a 'should' is really a 'must', about what information needs to be submitted with an application in relation to specific standards and what the specific criteria are that will be applied in assessing whether each standard has been achieved.

Translating the current provisions to the PAM format will significantly reduce the potential for uncertainty around such issues. In simple terms, the translation of a ResCode Standard to a PAM would follow the method in the table below.

## Translating a ResCode standard

### The difference between a ResCode Standard and a PAM



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## Example of a current standard: Standard A6

## CURRENT

## 54.03-4

**Permeability objectives**

To reduce the impact of increased stormwater run-off on the drainage system.

To facilitate on-site stormwater infiltration.

**Standard A6**

The site area covered by pervious surfaces should be at least:

- The minimum area specified in a schedule to the zone; or
- If no minimum area is specified in a schedule to the zone, 20 per cent of the site.

**Decision guidelines**

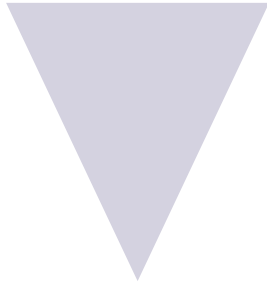
Before deciding on an application, the responsible authority must consider:

- The design response.
- The existing site coverage and any constraints imposed by existing development.
- The capacity of the drainage network to accommodate additional stormwater.
- The capacity of the site to absorb run-off.
- The practicality of achieving the minimum site coverage of pervious surfaces, particularly on lots of less than 300 square metres.

## Example of a translated standard: Standard A6

## TRANSLATED

A6 Permeability	
Performance objective	
The impact of increased stormwater run-off on the drainage system is reduced.	
Stormwater is infiltrated on-site.	
Performance measure	
The site area covered by pervious surfaces is at least:	
<ul style="list-style-type: none"> <li>• The minimum area specified in a schedule to the zone; or</li> <li>• If no minimum area is specified in a schedule to the zone, 20 per cent of the site.</li> </ul>	
Performance criteria	
Stormwater discharge is acceptable considering:	
<ul style="list-style-type: none"> <li>• The existing site coverage and any constraints imposed by existing development.</li> <li>• The capacity of the drainage network to accommodate additional stormwater.</li> <li>• The capacity of the site to absorb run-off.</li> <li>• The practicality of achieving the minimum site coverage of pervious surfaces, particularly on lots of less than 300 square metres.</li> </ul>	
Information required	
The design response.	
If not included in the design response, a statement documenting:	
<ul style="list-style-type: none"> <li>• How the proposal responds to any relevant water and stormwater management objective, policy or statement set out in this scheme.</li> <li>• The capacity of the drainage network to accommodate additional stormwater.</li> </ul>	



The PAM format also makes the expression of requirements more precise by activating the concept that if a Performance Measure is complied with, then the Performance Objective is achieved. This has been an ongoing issue of uncertainty. Similarly, the extent of information and further information that is required before a decision can be made has also been an issue of uncertainty. Careful drafting of the PAM provisions will significantly improve that aspect of decision making.

The differences between the current and translated PAM provisions are in some cases subtle, but they are important. In particular:

- The translation removes the subjectivity embedded in the current standards about what should or should not happen. Performance Objectives and Performance Measures are expressed in neutral terms and clearly state an outcome or a measure.
- Similarly, the Performance Criteria clearly state what will be considered in assessing a proposal against the Performance Objective if the Performance Measure is not complied with. These are not expressed as 'guidelines' but as statements.
- In many cases, the current Decision Guidelines imply the need for certain information, but do not specifically state what is required. The proposed model more clearly states for each standard what specific information is required. Sometimes this is standard information, such as the design response, sometimes it is more specific, such as 'The capacity of the drainage system to accommodate additional stormwater'. In all cases, the information must directly relate to the standard being assessed.

**It is important to note that neither the requirements of the model nor the draft translations in APPENDICES 4, 5 and 6 change the content or intent of any standard.**

Draft translations of all the standards in clauses 54, 55 and 58 are included in APPENDICES 4, 5 and 6. Generally, each ResCode standard translates well to the PAM format.

## Considering neighbourhood character under the new model

### Schedule to residential zones

The new model starts from the premise that in most settings, the quantitative ResCode standards that refer to neighbourhood character will deliver developments that respect the neighbourhood character of the many locations where they apply.

In settings where this is not the case and the existing or preferred neighbourhood character requires the application of different quantitative standards for development to acceptably respect neighbourhood character, the standards can be modified either by way of a schedule to the zone or an overlay.

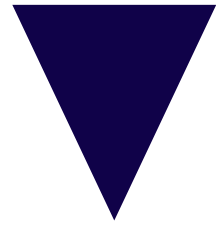
The model proposes a modified schedule to the residential zones that interacts more comprehensively with the assessment provisions of clauses 54 and 55. It specifies:

- The name of the particular element – Neighbourhood character; Minimum street setback; Site coverage; Permeability; Landscaping; Side and rear setbacks; Walls on boundaries; Private open space; Front fence height; and Design detail.
- The relevant Performance Objective – for example, A3 and B6, A5 and B8
- The Performance Measure, which must be a measure or standard that is quantitative or can be objectively ascertained or measured. If there is no performance measure, then the words "None specified" must be inserted.

The schedule will continue to make provision for neighbourhood character objectives.<sup>15</sup> They must be completed if any Performance Measures are included in the schedule.

The neighbourhood character objectives set out in the zone schedule will form the basis for the Performance Measures in the schedule.

<sup>15</sup> Or design objectives in the case of the Residential Growth Zone.



For example, a schedule could read:

#### 4.0

#### Assessment provisions of Clause 54 and Clause 55

—/—/20—  
C—

	Performance objective	Performance measure
<b>Neighbourhood character</b>	A1 and B1	Only one dwelling faces the street Provide driveways to the side of the dwelling Site garages adjacent to or behind the dwelling A garage or carport is set back at least 1 metre behind the front wall of a dwelling There is no more than one vehicle crossover per site
<b>Minimum street setback</b>	A3 and B6	None specified
<b>Site coverage</b>	A5 and B8	None specified
<b>Permeability</b>	A6 and B9	None specified
<b>Landscaping</b>	B13	None specified
<b>Side and rear setbacks</b>	A10 and B17	None specified

A modified zone schedule will provide an opportunity for a council to be more specific about those particular design details or neighbourhood character elements that will respect existing or preferred neighbourhood character.

For developers, it will provide more certainty as to exactly what Performance Measures will be deemed to achieve Performance Objectives. If they choose a design that does not meet the Performance Measures, there is still an opportunity, having regard to the Performance Criteria, for the council to consider whether the Performance Objectives are met. If the Performance Objectives are still not met, then a proposal may be considered on its merits having regard to the decision guidelines set out in the zone.

However, if the Performance Measures are met, either as set out in the assessment provisions or a schedule to the zone, it will not be open to councils to seek additional 'beyond compliance outcomes' in the name of intangible ideas of neighbourhood character.

### Focus on objectives

Each element of the assessment provisions is focussed on achieving the objectives for that element. Many objectives include reference to neighbourhood character. Others deal solely with particular design, infrastructure and amenity features of the development. Taken together, the combination of Performance Objectives will facilitate residential development outcomes that are deemed to be acceptable.

The objectives of all the ResCode standards that refer to neighbourhood character are to ensure that aspects of the development respect the existing or preferred neighbourhood character. They may also include a more site-specific design based objective or context objective.

The model retains these existing ResCode objectives as Performance Objectives in the assessment provisions.

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**Treatment of decision guidelines**

Wherever a ResCode standard includes a reference to neighbourhood character, it includes the following decision guideline<sup>16</sup>.

*Any relevant neighbourhood character objective, policy or statement set out in this scheme.*

The decision guidelines will also usually contain a reference to the design response and relevant site-specific or neighbourhood context considerations.

The model removes all decision guidelines from the assessment provisions. Decision guidelines are instead converted to Performance Criteria where they relate to site-specific or neighbourhood context matters, or how to achieve the specific Performance Objective of the assessment provision other than neighbourhood character. Specifically, the decision guideline, which relates to consideration of any relevant neighbourhood character objective, policy or statement set out in the scheme, has been omitted.

This decision guideline is omitted from the proposed model because it is no longer necessary.

The reference in the ResCode decision guidelines to any relevant neighbourhood character objective, policy or statement set out in the scheme, is not a reference to neighbourhood character 'at large'. It refers to something more specific that is set out in the planning scheme.

This decision guideline is not referring to the site-specific or neighbourhood context of the proposed development because consideration of this context is encompassed and made relevant by other decision guidelines. Rather, the consistent wording of this decision guideline is in all the quantitative neighbourhood character objectives, and the fact that all these standards can be modified by a schedule to the zone, means that the neighbourhood character in question must be ascertainable by reference to the planning scheme.

The proposed model is based on the premise that compliance with Performance Measures will achieve the Performance Objectives, which include respecting the existing or preferred neighbourhood character. If Performance Measures are met, there is no need to consider a neighbourhood character objective or policy outside the assessment provision.

It is only if the Performance Measures are not met, that it becomes relevant to consider the Performance Criteria to decide if the particular Performance Objective is achieved. Under the model, this will be decided having regard to site-specific or neighbourhood context considerations, not broad neighbourhood character considerations.

It is only if, having considered the Performance Criteria, it is decided that the Performance Objective is not achieved, that an application must be considered on its merits having regard to the broader planning policy framework. In these circumstances, any neighbourhood character objectives in the zone or within the planning policy framework will be relevant. They will need to be considered and balanced as part of the integrated decision making required by clause 71.02-3. In this circumstance, any decision guidelines set out in the zone will be relevant.

**Neighbourhood character objective**

The neighbourhood character objective in ResCode (A1 and B1) is retained as a PAM. The Performance Objectives remain the same:

*The design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.*

*The development responds to the features of the site and the surrounding area.*

The Performance Measures provide as follows:

*The design of new development complies with the performance measures specified for the following performance objectives or any variation to them in a schedule to a zone or overlay:*

- *Street setback (A3).*
- *Building height (A4).*
- *Site coverage (A5).*
- *Side and rear setbacks (A10).*
- *Walls on boundaries (A11).*
- *Front fences (A20).*

*The design of new development complies with any performance measures specified for neighbourhood character and design detail in a schedule to a zone.*

<sup>16</sup> A1 and B1, A3 and B6, A4 and B7, A5 and B8, A8 and B13, A10 and B17, A11 and B18, A19 and B31, A20 and B32

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The Performance Criteria are:

*A proposed variation to a performance measure in the design of new development does not unreasonably disturb the existing neighbourhood context described in the neighbourhood and site description.*

The PAM for neighbourhood character is based on the premise, which underpins the proposed model, that in most settings, the existing quantitative ResCode standards referring to neighbourhood character will, without modification, deliver development that respects the neighbourhood character of the location.

In settings where this is not the case and the existing or preferred neighbourhood character requires the application of different quantitative standards for development to acceptably respect neighbourhood character, then the standards can be modified either by a schedule to the zone or an overlay. This approach will also remove the uncertainty inherent in the reliance on neighbourhood character studies that exist outside planning schemes.

The proposed PAM for neighbourhood character recognises and embodies this premise.

### Design detail objective

The design detail objective in A19 and B31 is:

*To encourage design detail that respects the existing or preferred neighbourhood character.*

Standards A19 and B31 provide:

*The design of buildings, including:*

- *Façade articulation and detailing,*
- *Window and door proportions,*
- *Roof form, and*
- *Verandahs, eaves and parapets,*

*should respect the existing or preferred neighbourhood character.*

*Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character.*

The decision guidelines include:

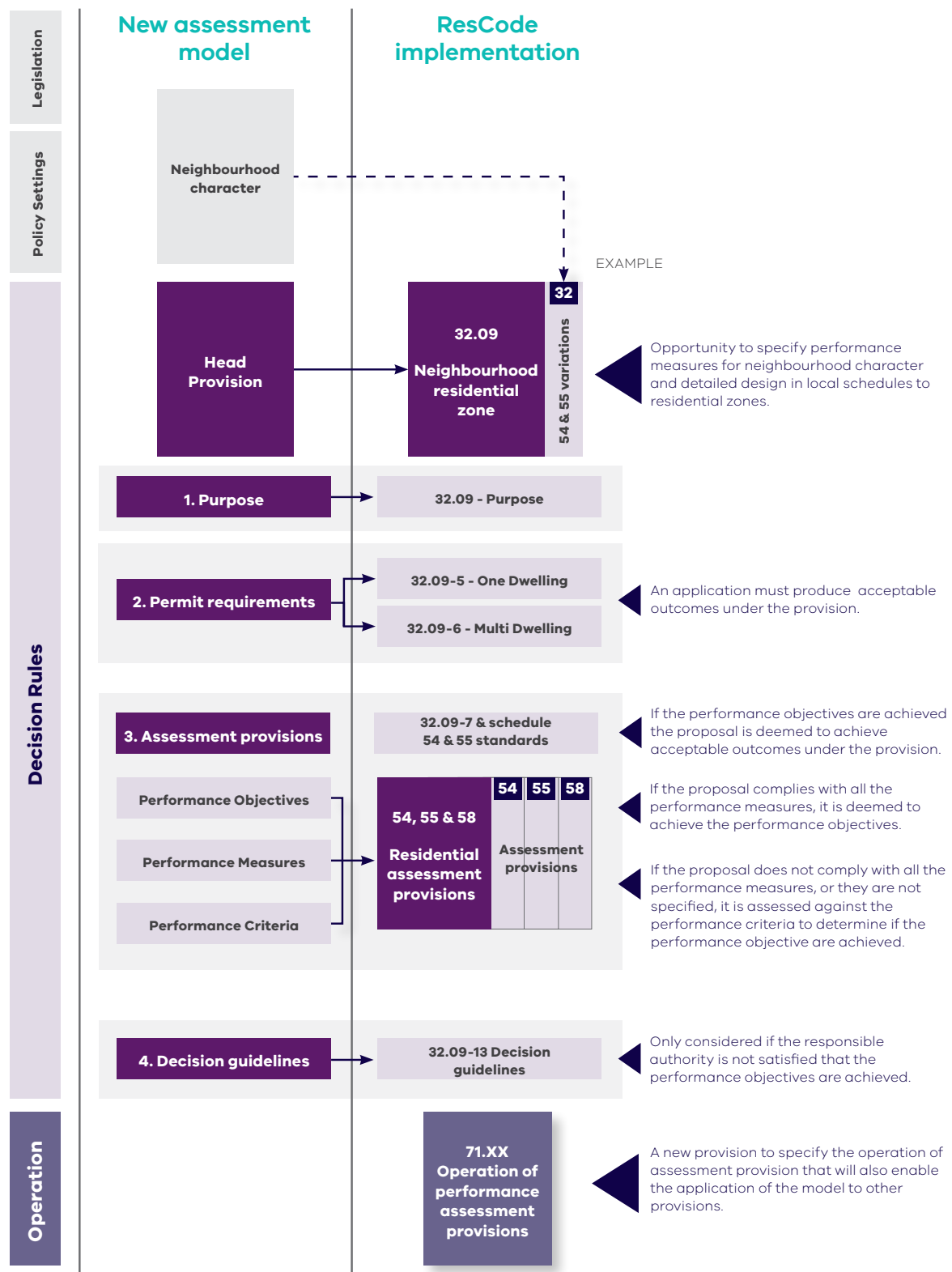
*Any relevant neighbourhood character objective, policy or statement set out in this scheme.*

The design of buildings is often an important aspect of neighbourhood character. However, to understand the type of design features such as façade articulation and detailing, window and door proportions, roof form, and verandahs, eaves and parapets, that will reflect existing or preferred neighbourhood character, these design features need to be adequately identified and described.

The model provides an opportunity to identify and describe such design features in the schedule to the residential zones. The Performance Objective in the PAM version of the design detail standard is less generic than the design detail objective of A19 and B31. It refers to design detail that respects the existing or preferred neighbourhood character set out in a schedule to a zone or overlay, or to the neighbourhood context. The Performance Measures relate to any design details included as Performance Measures in a schedule to the zone.

If there are no Performance Measures included in a schedule to the zone, then this Performance Objective must be considered according to the Performance Criteria. The Performance Criteria relate to whether design details are acceptable in the neighbourhood context.

## A new performance assessment model





## 5. Considerations for implementation

### Updating the drafting rules

The benefits of the new model will rely on clear drafting rules to ensure a consistent implementation and fully realise its benefits. The *Practitioner's Guide to Victorian Planning Schemes* sets out rules for the preparation of planning scheme provisions. The rules apply to both state standard and local provisions.

The new model seeks to better align ResCode and other discretionary provisions with the VPP principles and 'hardwire' the drafting rules set out in section 4 of the Practitioner's Guide into their structure and operation. More detailed drafting rules will need to be developed to support the introduction of the model into the VPP and local provisions, in particular to provide guidance for drafting Performance Objectives, Measures and Criteria.

It may be possible to develop a pattern book of standard PAMs to address common planning issues, such as roof and architectural forms and other design matters. Standard PAMs such as these could be easily adapted to implement local requirements, reduce the potential for errors and enhance the consistency and usability of schemes.

### Other consequential actions

Other actions to support the efficient operation of the new model could include the following.

#### **Update Clause 54.01 and 55.01 (Neighbourhood and site description and design response)**

These clauses will require amendment to reflect the new model. There is also an opportunity to include a table that explains how the Performance Measures for each PAM are complied with, and if they are not complied with, how the proposal responds to the Performance Criteria. Such a requirement would streamline the assessment of proposals against each PAM.

#### **Create a standard digital assessment proforma**

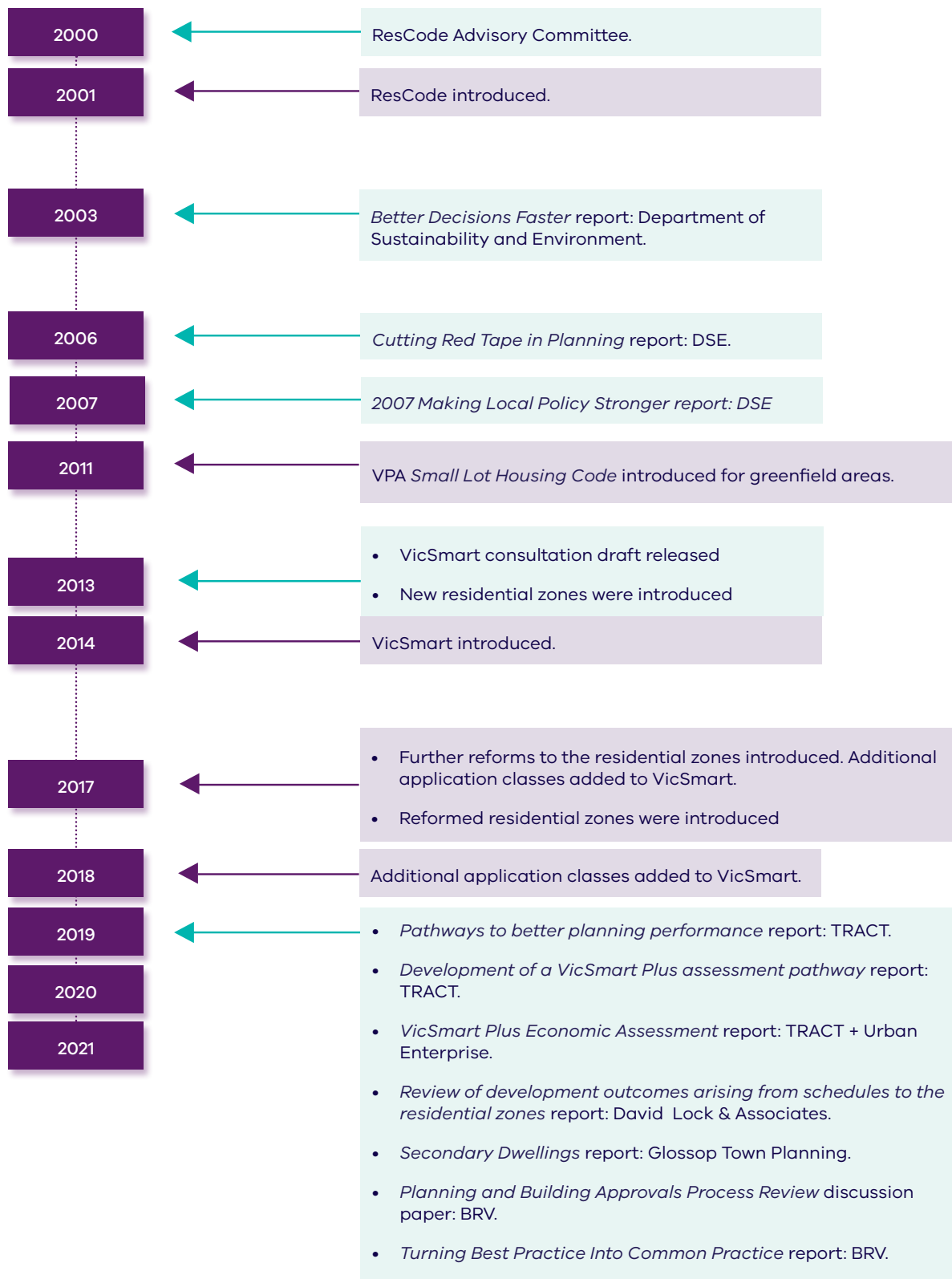
To take that concept further, a standardised electronic assessment proforma could be created that an applicant can pre-populate as part of the Neighbourhood and Site Description and Design Response and provide to the responsible authority with an application. This could include space for the council's assessment response and be designed in a way that allows embedding in a council's report. This would save administrative effort for the council and act as a checklist for applicants to ensure that every PAM is responded to and all the required information is provided.

# Appendices

Department of Environment, Land, Water and Planning

## Appendix 1

### An overview of residential reforms since 2000



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## Appendix 2: Overview of ResCode standards

Clause 54 One dwelling on a lot	Clause 55 Two or more dwellings on a lot and residential buildings	Clause 58 Apartments	Clause 55 Two or more dwellings on a lot and residential buildings
A1 Neighbourhood character	B1 Neighbourhood character		D1 Urban context
	B2 Residential policy		D2 Residential policy
	B3 Dwelling diversity		D3 Dwelling diversity
	B4 Infrastructure		D4 Infrastructure
A2 Integration with the street	B5 Integration with the street		D5 Integration with the street
A3 Street setback	B6 Street setback		
A4 Building height	B7 Building height		
A5 Site coverage	B8 site coverage		
A6 Permeability	B9 Permeability and stormwater management	B35 Energy efficiency	D6 Energy efficiency
A7 Energy efficiency protection	B10 Energy efficiency	B36 Communal open space	D7 Communal open space
	B11 Open space	B37 Solar access to communal outdoor open space	D8 Solar access to communal outdoor open space
	B12 Safety		D9 Safety
A8 Significant trees	B13 Landscaping		D10 Landscaping
	B14 Access		D11 Access
	B15 Parking Location		D12 Parking location
A9 No content	B16 No content	B38 Deep soil areas and canopy trees	
A10 Side and rear setbacks	B17 Side and rear setbacks		
A11 Walls on boundaries	B18 Walls on boundaries		
A12 Daylight to existing windows	B19 Daylight to existing windows		
A13 North facing windows	B20 North facing windows	B39 Integrated water and stormwater management	D13 Integrated water and stormwater management
A14 Overshadowing open space	B21 Overshadowing open space		D14 Building setback
A15 Overlooking	B22 Overlooking		
A16 Daylight to new windows	B23 Internal views		D15 Internal views
	B24 Noise impacts	B40 Noise impacts	D16 Noise impacts
	B25 Accessibility	B41 Accessibility	D17 Accessibility
	B26 Dwelling entry	B42 Building entry and circulation	D18 Building entry and circulation
	B27 Daylight to new windows		
A17 Private open space	B28 Private open space	B43 private open space above ground floor	D19 Private open space
A18 Solar access to open space	B29 Solar access to open space		
	B30 Storage	B44 Storage	D20 Storage
A19 Detail design	B31 Detail design		
A20 Front fences	B32 Front fences		
	B33 Common property		D21 Common property
	B34 Site services		D22 Site services
		B45 Waste and recycling	D23 Waste and recycling
		B46 Functional layout	D24 Functional layout
		B47 Room depth	D25 Room depth
		B48 Windows	D26 Windows
		B49 Natural ventilation	D27 Natural ventilation

\* Standard may be modified by schedule

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## Appendix 3

### Draft Clause 71.XX

#### 71.XX OPERATION OF ASSESSMENT PROVISIONS

##### 71.XX-1 Assessment provisions

Any provision of this scheme may specify assessment provisions for a use or a class of development.

An assessment provision must include one or more:

- Performance objectives
- Performance criteria.

An assessment provision may include one or more:

- Performance measures
- Information requirements.

##### 71.XX-2 Performance objectives

A performance objective describes an acceptable outcome for a use or a class of development.

##### 71.XX-3 Performance measures

A performance measure is a measure or a standard that is quantitative or can be objectively ascertained or measured.

##### 71.XX-4 Performance criteria

A performance criterion specifies a qualitative standard of performance for a use or a class of development.

##### 71.XX-5 Information requirements

Information requirements set out the information that an application must include to enable an assessment against any relevant performance objective, performance measure or performance criterion.

##### 71.XX-5 Making decisions about an assessment provision

Where a provision of a scheme specifies assessment provisions for an application:

- A responsible authority must decide whether the use or class of development achieves the performance objective of each assessment provision.
- If an application achieves all applicable performance objectives, it is deemed to produce an acceptable outcome under the relevant provision.
- If the proposed use or class of development complies with any specified performance measures, it is deemed to achieve the relevant performance objective and the responsible authority must not consider and is exempt from considering:
  - Any performance criteria specified for the use or class of development under that assessment provision.
  - Any decision guidelines specified for the use or class of development under the relevant provision or other provision under the which the application is made.
  - The Municipal Planning Strategy and Planning Policy Framework.

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- The requirements of section 60(1)(b), (e) and (f) and (1A) (b) to (h) and (j) of the Act.
- The decision guidelines in Clause 65.
- Where performance measures are not complied with or are not specified, the responsible authority must decide whether the use or class of development achieves the performance objective having regard to any specified performance criteria and any relevant information requirements.
- In deciding whether a proposed use or class of development achieves a performance objective, the responsible authority must not consider and is exempt from considering:
  - Any decision guidelines specified for the use or class of development under the relevant provision or other provision under the which the application is made.
  - The Municipal Planning Strategy and Planning Policy Framework.
  - The requirements of section 60(1)(b), (e) and (f) and (1A) (b) to (h) and (j) of the Act.
  - The decision guidelines in Clause 65.
- If a responsible authority decides that the use or class of development does not achieve a performance objective, it must decide whether the use or class of development will produce acceptable outcomes having regard to decision guidelines specified for the use or class of development under the relevant provision or other provision under the which the application is made.

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## Appendix 4

### Test translation of Clause 54

*NOTE: This translation is an initial 'proof of concept' version.*

*The detailed drafting of each module will require further review and refinement before coming into operation.*

### 54.02 NEIGHBOURHOOD CHARACTER

#### CURRENT

#### 54.02-1 Neighbourhood character objectives

To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.

To ensure that the design responds to the features of the site and the surrounding area.

#### Standard A1

The design response must be appropriate to the neighbourhood and the site.

The proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site.

#### Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The neighbourhood and site description.
- The design response.

#### TRANSLATED

#### A1 Neighbourhood character

##### Performance objective

The design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.

The development responds to the features of the site and the surrounding area.

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<b>Performance measure</b>
<p>The design of new development complies with the performance measures specified for the following performance objectives or any variation to them in a schedule to a zone or overlay:</p> <ul style="list-style-type: none"> <li>• Street setback (A3).</li> <li>• Building height (A4).</li> <li>• Site coverage (A5).</li> <li>• Side and rear setbacks (A10).</li> <li>• Walls on boundaries (A11).</li> <li>• Front fences (A20).</li> </ul> <p>The design of new development complies with any performance measures specified for neighbourhood character and design detail in a schedule to a zone.</p>
<b>Performance criteria</b>
A proposed variation to a performance measure in the design of new development does not unreasonably disturb the existing neighbourhood context described in the neighbourhood and site description or the neighbourhood character objectives in a schedule to a zone.
<b>Information required</b>
<p>The neighbourhood and site description.</p> <p>The design response.</p>

**CURRENT****54.02-2****Integration with the street objective**

To integrate the layout of development with the street.

**Standard A2**

Dwellings should be oriented to front existing and proposed streets. High fencing in front of dwellings should be avoided if practicable.

Dwellings should be designed to promote the observation of abutting streets and any abutting public open spaces.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.

**TRANSLATED**

<b>A2 Integration with the street</b>
<b>Performance objective</b>
The development integrates with the street.



## Department of Environment, Land, Water and Planning

<b>Performance measure</b>
Dwellings are oriented to front existing and proposed streets.
There is no high fencing in front of dwellings.
Dwellings promote the observation of abutting streets and any abutting public open space.
<b>Performance criteria</b>
The layout of development is integrated with the street.
<b>Information required</b>
The neighbourhood and site description.
The design response.

**54.03 SITE LAYOUT AND BUILDING MASSING****CURRENT****54.03-1 Street setback objective**

To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.

**Standard A3**

Walls of buildings should be set back from streets:

- At least the distance specified in a schedule to the zone, or
- If no distance is specified in a schedule to the zone, the distance specified in Table A1.

Porches, pergolas and verandahs that are less than 3.6 metres high and eaves may encroach not more than 2.5 metres into the setbacks of this standard.

**Table A1 Street setback**

Development context	Minimum setback from front street (Metres)	Minimum setback from a side street (Metres)
There is an existing building on both the abutting allotments facing the same street, and the site is not on a corner.	The average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 9 metres, whichever is the lesser.	Not applicable
There is an existing building on one abutting allotment facing the same street and no existing building on the other abutting allotment facing the same street, and the site is not on a corner.	The same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.	Not applicable
There is no existing building on either of the abutting allotments facing the same street, and the site is not on a corner.	6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.	Not applicable

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The site is on a corner.	<p>If there is a building on the abutting allotment facing the front street, the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.</p> <p>If there is no building on the abutting allotment facing the front street, 6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.</p>	The same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 2 metres, whichever is the lesser.
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**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- Whether a different setback would be more appropriate taking into account the prevailing setbacks of existing buildings on nearby lots.
- The visual impact of the building when viewed from the street and from adjoining properties.
- The value of retaining vegetation within the front setback.

**TRANSLATED**

<b>A3 Street setback</b>
<b>Performance objective</b>
The setbacks of buildings from a street respect the existing or preferred neighbourhood character.
The setbacks of buildings from a street make efficient use of the site.

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Performance measure		
<p>All building walls are set back from streets:</p> <ul style="list-style-type: none"> <li>• At least the distance specified in a schedule to the zone, or</li> <li>• If no distance is specified in a schedule to the zone, the distance specified in Table A1;</li> </ul> <p>except that a porch, pergola or verandah less than 3.6 metres high and an eave may encroach not more than 2.5 metres into the setbacks of this performance measure.</p>		
Table A1 Street setback		
Development context	Minimum setback from front street (Metres)	Minimum setback from a side street (Metres)
There is an existing building on both the abutting allotments facing the same street, and the site is not on a corner.	The average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 9 metres, whichever is the lesser.	Not applicable
There is an existing building on one abutting allotment facing the same street and no existing building on the other abutting allotment facing the same street, and the site is not on a corner.	The same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.	Not applicable
There is no existing building on either of the abutting allotments facing the same street, and the site is not on a corner.	6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.	Not applicable
The site is on a corner.	<p>If there is a building on the abutting allotment facing the front street, the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.</p> <p>If there is no building on the abutting allotment facing the front street, 6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.</p>	The same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 2 metres, whichever is the lesser.
Performance criteria		
<p>The building setback is appropriate considering:</p> <ul style="list-style-type: none"> <li>• Whether a different setback is more appropriate taking into account the prevailing setbacks of existing buildings on nearby lots.</li> <li>• The visual impact of the building when viewed from the street and from adjoining properties.</li> <li>• The value of retaining vegetation in the front setback.</li> </ul>		

## Department of Environment, Land, Water and Planning

Information required
The neighbourhood and site description.
The design response.

**CURRENT****54.03-2****Building height objective**

To ensure that the height of buildings respects the existing or preferred neighbourhood character.

**Standard A4**

The maximum building height should not exceed the maximum height specified in the zone, schedule to the zone or an overlay that applies to the land.

If no maximum height is specified in the zone, schedule to the zone or an overlay, the maximum building height should not exceed 9 metres, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building height should not exceed 10 metres.

Changes of building height between existing buildings and new buildings should be graduated.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- Any maximum building height specified in the zone, a schedule to the zone or an overlay applying to the land.
- The design response.
- The effect of the slope of the site on the height of the building.
- The relationship between the proposed building height and the height of existing adjacent buildings.
- The visual impact of the building when viewed from the street and from adjoining properties.

**TRANSLATED**

A4 Building height
Performance objective
The height of buildings respects the existing or preferred neighbourhood character.
Performance measure
The maximum building height does not exceed the maximum height specified in the zone, a schedule to the zone or an overlay that applies to the land.
If no maximum height is specified in the zone, a schedule to the zone or an overlay, the maximum building height does not exceed 9 metres, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building height does not exceed 10 metres.
Any change of building height between existing buildings and new buildings is graduated.

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<b>Performance criteria</b>
<p>The building height is acceptable considering:</p> <ul style="list-style-type: none"> <li>• The relationship between the proposed building height and the height of existing adjacent buildings.</li> <li>• The visual impact of the building when viewed from the street and from adjoining properties.</li> <li>• The effect of the slope of the site on the height of the building.</li> </ul>
<b>Information required</b>
<p>The neighbourhood and site description.</p> <p>The design response.</p>

**CURRENT****54.03-3****Site coverage objective**

To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.

**Standard A5**

The site area covered by buildings should not exceed:

- The maximum site coverage specified in a schedule to the zone, or
- If no maximum site coverage is specified in a schedule to the zone, 60 per cent.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The existing site coverage and any constraints imposed by existing development or the features of the site.
- The site coverage of adjacent properties.
- The effect of the visual bulk of the building and whether this is acceptable in the neighbourhood.

**TRANSLATED**

<b>A5 Site coverage</b>
<b>Performance objective</b>
<p>The site coverage respects the existing or preferred neighbourhood character.</p> <p>The site coverage responds to the features of the site.</p>

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<b>Performance measure</b>
<p>The site area covered by buildings does not exceed:</p> <ul style="list-style-type: none"> <li>• The maximum site coverage specified in a schedule to the zone, or</li> <li>• If no maximum site coverage is specified in a schedule to the zone, 60 per cent.</li> </ul>
<b>Performance criteria</b>
<p>The site coverage is acceptable considering:</p> <ul style="list-style-type: none"> <li>• The existing site coverage and any constraints imposed by existing development or the features of the site.</li> <li>• The site coverage of adjacent properties.</li> <li>• The effect of the visual bulk of the building and whether this is acceptable in the neighbourhood context.</li> </ul>
<b>Information required</b>
<p>The neighbourhood and site description.</p> <p>The design response.</p>

**CURRENT****54.03-4****Permeability objectives**

To reduce the impact of increased stormwater run-off on the drainage system.

To facilitate on-site stormwater infiltration.

**Standard A6**

The site area covered by pervious surfaces should be at least:

- The minimum area specified in a schedule to the zone; or
- If no minimum area is specified in a schedule to the zone, 20 per cent of the site.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The design response.
- The existing site coverage and any constraints imposed by existing development.
- The capacity of the drainage network to accommodate additional stormwater.
- The capacity of the site to absorb run-off.
- The practicality of achieving the minimum site coverage of pervious surfaces, particularly on lots of less than 300 square metres.

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## TRANSLATED

<b>A6 Permeability</b>
<b>Performance objective</b>
The impact of increased stormwater run-off on the drainage system is reduced. Stormwater is infiltrated on-site.
<b>Performance measure</b>
The site area covered by pervious surfaces is at least: <ul style="list-style-type: none"> <li>• The minimum area specified in a schedule to the zone; or</li> <li>• If no minimum area is specified in a schedule to the zone, 20 per cent of the site.</li> </ul>
<b>Performance criteria</b>
Stormwater discharge is acceptable considering: <ul style="list-style-type: none"> <li>• The existing site coverage and any constraints imposed by existing development.</li> <li>• The capacity of the drainage network to accommodate additional stormwater.</li> <li>• The capacity of the site to absorb run-off.</li> <li>• The practicality of achieving the minimum site coverage of pervious surfaces, particularly on lots of less than 300 square metres.</li> </ul>
<b>Information required</b>
The design response.  If not included in the design response, a statement documenting: <ul style="list-style-type: none"> <li>• How the proposal responds to any relevant water and stormwater management objective, policy or statement set out in this scheme.</li> <li>• The capacity of the drainage network to accommodate additional stormwater.</li> </ul>

## CURRENT

**54.03-5 Energy efficiency protection objectives**

To achieve and protect energy efficient dwellings.

To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.

**Standard A7**

Buildings should be:

- Oriented to make appropriate use of solar energy.
- Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.
- Sited and designed to ensure that the performance of existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone are not unreasonably reduced. The existing rooftop solar energy system must exist at the date the application is lodged.

Living areas and private open space should be located on the north side of the dwelling, if practicable.

Dwellings should be designed so that solar access to north-facing windows is maximised.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

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- The design response.
- The size, orientation and slope of the lot.
- The existing amount of solar access to abutting properties.
- The extent to which an existing rooftop solar energy system on an adjoining lot is overshadowed by existing buildings or other permanent structures.
- Whether the existing rooftop solar energy system on an adjoining lot is appropriately located.
- The effect of overshadowing on an existing rooftop solar energy system on an adjoining lot.
- The availability of solar access to north-facing windows on the site.

## TRANSLATED

<b>A7 Energy efficiency protection</b>	
<b>Performance objective</b>	
<p>New development is energy efficient.</p> <p>The energy efficiency of existing buildings is protected.</p> <p>The orientation and layout of development reduces fossil fuel energy use and makes appropriate use of daylight and solar energy.</p>	
<b>Performance measure</b>	
<p>Buildings are oriented to make use of solar energy.</p> <p>Living areas and private open space are located on the north side of the dwelling.</p> <p>New dwellings maximise solar access to north-facing windows.</p> <p>Buildings are sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not reduced.</p> <p>Buildings are sited and designed to ensure that the performance of existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone are not reduced. The existing rooftop solar energy system must exist at the date the application is lodged.</p>	
<b>Performance criteria</b>	
<p>The energy efficiency of new development is acceptable considering:</p> <ul style="list-style-type: none"> <li>• The size, orientation and slope of the lot.</li> <li>• The availability of solar access to north-facing windows on the site.</li> </ul> <p>The energy efficiency protection for existing development is acceptable considering:</p> <ul style="list-style-type: none"> <li>• The existing amount of solar access to abutting properties.</li> <li>• The extent to which an existing rooftop solar energy system on an adjoining lot is overshadowed by existing buildings or other permanent structures.</li> <li>• Whether the existing rooftop solar energy system on an adjoining lot is appropriately located.</li> <li>• The effect of overshadowing on an existing rooftop solar energy system on an adjoining lot.</li> </ul>	



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Information required
<p>The neighbourhood and site description.</p> <p>The design response.</p> <p>A written statement that identifies any existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone, and the likely effect of overshadowing by the development on their performance taking account of:</p> <ul style="list-style-type: none"> <li>• The extent to which an existing rooftop solar energy system on an adjoining lot is overshadowed by existing buildings or other permanent structures.</li> <li>• Whether the existing rooftop solar energy system on an adjoining lot is appropriately located.</li> </ul>

## CURRENT

## 54.03-6

**Significant trees objectives**

To encourage development that respects the landscape character of the neighbourhood.

To encourage the retention of significant trees on the site.

**Standard A8**

Development should provide for the retention or planting of trees, where these are part of the neighbourhood character.

Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The health of any trees that were removed or are proposed to be removed.
- Whether a tree was removed to gain a development advantage.

## TRANSLATED

A8 Significant trees
Performance objective
<p>New development respects the landscape character of the neighbourhood.</p> <p>Existing significant trees on the site are retained where possible.</p>
Performance measure
<p>Existing significant trees on the site are retained.</p> <p>Any significant trees that have been removed in the 12 months prior to the application being made are replaced.</p>

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Performance criteria
<p>The removal of a significant tree is acceptable considering:</p> <ul style="list-style-type: none"> <li>• The health of any trees that have been or are proposed to be removed.</li> <li>• Whether a tree was removed to gain a development advantage</li> </ul>
Information required
<p>The neighbourhood and site description.</p> <p>The design response.</p> <p>If not included in the design response, a statement documenting the health of any tree that is proposed to be removed or has been removed in the 12 months prior to the application being made.</p>

## 54.04

## AMENITY IMPACTS

## CURRENT

## 54.04-1

## Side and rear setbacks objective

To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.

## Standard A10

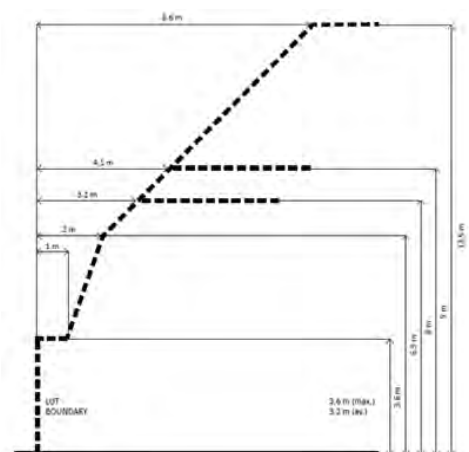
A new building not on or within 200mm of a boundary should be set back from side or rear boundaries:

- At least the distance specified in a schedule to the zone, or
- If no distance is specified in a schedule to the zone, 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.

Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5 metres into the setbacks of this standard.

Landings having an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard.

## Diagram A1 Side and rear setbacks



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**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The impact on the amenity of the habitable room windows and secluded private open space of existing dwellings.
- Whether the wall is opposite an existing or simultaneously constructed wall built to the boundary.
- Whether the wall abuts a side or rear lane.

**TRANSLATED****A10 Side and rear setbacks****Performance objective**

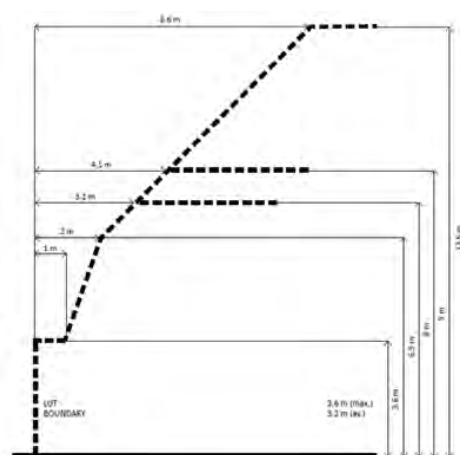
The height and setback of a building from a boundary respects the existing or preferred neighbourhood character.

The height and setback of a building from a boundary limits the impact on the amenity of existing dwellings.

**Performance measure**

A new building that is not on or within 200mm of a boundary is set back from side or rear boundaries:

- At least the distance specified in a schedule to the zone, or
- If no distance is specified in a schedule to the zone, 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.

**Diagram A1 Side and rear setbacks**

Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks and heating or cooling equipment or other services do not encroach more than 0.5 metres into the setback.

Landings with an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setback.

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Performance criteria
<p>The height and setback of a building from a boundary is acceptable considering:</p> <ul style="list-style-type: none"> <li>• The impact on the amenity of the habitable room windows and secluded private open space of existing dwellings.</li> <li>• Whether the wall is opposite an existing or simultaneously constructed wall built to the boundary.</li> <li>• Whether the wall abuts a side or rear lane.</li> </ul>
Information required
<p>The neighbourhood and site description.</p> <p>The design response.</p>

**CURRENT****54.04-2****Walls on boundaries objective**

To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.

**Standard A11**

A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of a lot should not abut the boundary:

- For a length more than the distance specified in a schedule to the zone; or
- If no distance is specified in a schedule to the zone, for a length of more than:
  - 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or
  - Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports, whichever is the greater.

A new wall or carport may fully abut a side or rear boundary where the slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.

A building on a boundary includes a building set back up to 200mm from a boundary.

The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The extent to which walls on boundaries are part of the neighbourhood character.
- The visual impact of the building when viewed from adjoining properties.
- The impact on the amenity of existing dwellings.
- The opportunity to minimise the length of walls on boundaries by aligning a new wall on a

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boundary with an existing wall on a lot of an adjoining property.

- The orientation of the boundary that the wall is being built on.
- The width of the lot.
- The extent to which the slope and retaining walls or fences reduce the effective height of the wall.
- Whether the wall abuts a side or rear lane.
- The need to increase the wall height to screen a box gutter.

## TRANSLATED

A11 Walls on boundaries
Performance objective
<p>The location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character</p> <p>The location, length and height of a wall on a boundary limits the impact on the amenity of existing dwellings.</p>
Performance measure
<p>A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of a lot does not abut the boundary:</p> <ul style="list-style-type: none"> <li>• For a length more than the distance specified in a schedule to the zone; or</li> <li>• If no distance is specified in a schedule to the zone, for a length of more than: <ul style="list-style-type: none"> <li>– 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or</li> <li>– Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports, whichever is the greater.</li> </ul> </li> </ul> <p>A new wall or carport does not fully abut a side or rear boundary unless the slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.</p> <p>The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary does not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.</p> <p><i>Note: A building on a boundary includes a building set back up to 200mm from a boundary.</i></p>

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Performance criteria
<p>The location, length and height of a wall on a boundary is acceptable considering:</p> <ul style="list-style-type: none"> <li>• The extent to which walls on boundaries are part of the neighbourhood character.</li> <li>• The visual impact of the building when viewed from adjoining properties.</li> <li>• The impact on the amenity of existing dwellings.</li> <li>• The opportunity to minimise the length of walls on boundaries by aligning a new wall on a boundary with an existing wall on a lot of an adjoining property.</li> <li>• The orientation of the boundary that the wall is being built on.</li> <li>• The width of the lot.</li> <li>• The extent to which the slope and retaining walls or fences reduce the effective height of the wall.</li> <li>• Whether the wall abuts a side or rear lane.</li> <li>• The need to increase the wall height to screen a box gutter</li> </ul>
Information required
<p>The neighbourhood and site description.</p> <p>The design response.</p>

**CURRENT****54.04-3****Daylight to existing windows objective**

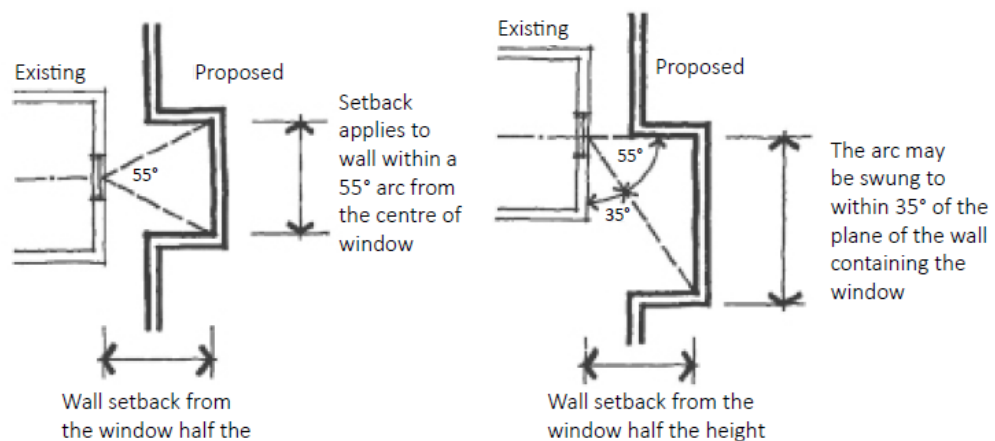
To allow adequate daylight into existing habitable room windows.

**Standard A12**

Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot.

Walls or carports more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.

Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.

**Diagram A2 Daylight to existing windows**

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**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The design response.
- The extent to which the existing dwelling has provided for reasonable daylight access to its habitable rooms through the siting and orientation of its habitable room windows.
- The impact on the amenity of existing dwellings.

**TRANSLATED****A12 Daylight to existing windows****Performance objective**

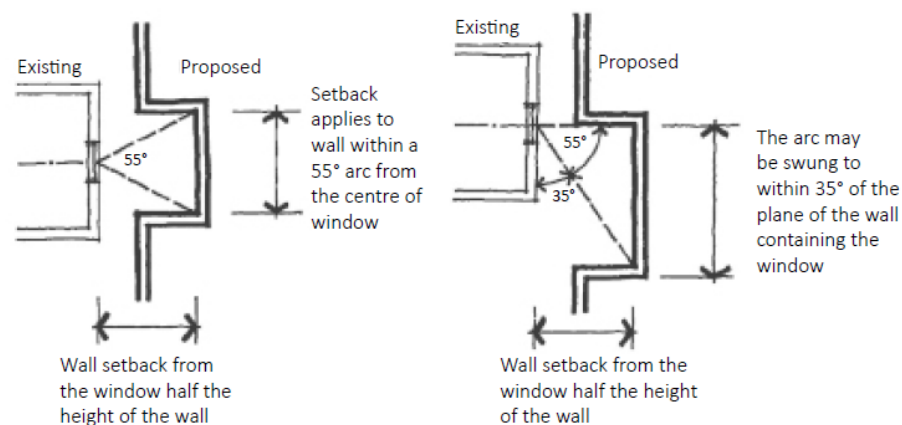
Existing habitable room windows receive adequate daylight.

**Performance measure**

Any building opposite an existing habitable room window provides a light court to the existing window and the light court has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot.

A wall or carport more than 3 metres in height opposite an existing habitable room window is set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.

*Note: Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.*

**Diagram A2 Daylight to existing windows****Performance criteria**

The location, length and height of a wall on a boundary is acceptable considering:

- The extent to which the existing dwelling has provided for reasonable daylight access to its habitable rooms through the siting and orientation of its habitable room windows.
- The impact on the amenity of existing dwelling

**Information required**

The neighbourhood and site description.

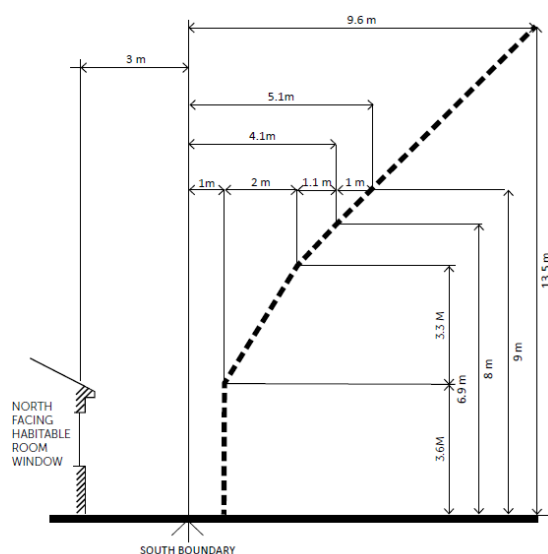
The design response.

**CURRENT****54.04-4 North facing windows objective**

To allow adequate solar access to existing north-facing habitable room windows.

**Standard A13**

If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, a building should be setback from the boundary 1 metre, plus 0.6 metre for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window. A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.

**Diagram A3 North-facing windows****Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The design response.
- Existing sunlight to the north-facing habitable room window of the existing dwelling. The impact on the amenity of existing dwellings.

**TRANSLATED****A13 North facing windows****Performance objective**

Existing north facing habitable room windows have adequate solar access.



Performance measure
<p>If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, any new building is setback from the boundary 1 metre, plus 0.6 metre for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window.</p> <p><i>Note: A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.</i></p>
<p><b>Diagram A3 North-facing windows</b></p> <p>The diagram illustrates the setback requirements for a building adjacent to a north-facing habitable room window. It shows a building footprint with a dashed line indicating the setback boundary. Key dimensions include: a 3m setback from the window to the boundary; a 9.6m horizontal distance from the window to the end of the setback; a 13.5m vertical distance from the south boundary to the end of the setback; and various height-based setbacks (3.6m, 6.9m, 8m, 9m) for different building heights. The diagram also shows a 1m, 2m, 1.1m, and 1m horizontal distance from the window to the boundary at different heights.</p>
Performance criteria
<p>The setback of a building from a north-facing habitable room window of an existing dwelling that is within 3 metres of a boundary on an abutting lot is acceptable considering:</p> <ul style="list-style-type: none"><li>Existing sunlight to the north-facing habitable room window of the existing dwelling.</li><li>The impact on the amenity of existing dwellings.</li></ul>
Information required
<p>The neighbourhood and site description.</p> <p>The design response.</p>

CURRENT

54.04-5      Overshadowing open space objective

To ensure buildings do not unreasonably overshadow existing secluded private open space.

Standard A14

Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September.

If existing sunlight to the secluded private open space of an existing dwelling is less than the

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requirements of this standard, the amount of sunlight should not be further reduced.

### Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The impact on the amenity of existing dwellings.
- Existing sunlight penetration to the secluded private open space of the existing dwelling.
- The time of day that sunlight is available to the secluded private open space of the existing dwelling.
- The effect of a reduction in sunlight on the existing use of the secluded private open space.

### TRANSLATED

<b>A14 Overshadowing open space</b>
<b>Performance objective</b>
A new building does not unreasonably overshadow existing secluded private open space.
<b>Performance measure</b>
<p>If sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space receives at least five hours of sunlight between 9 am and 3 pm on 22 September.</p> <p>If existing sunlight to the secluded private open space of an existing dwelling is less than the requirement of this assessment provision, the amount of sunlight is not further reduced.</p>
<b>Performance criteria</b>
<p>Any reduction in sunlight to the secluded private open space of an existing dwelling is acceptable considering:</p> <ul style="list-style-type: none"> <li>• The impact on the amenity of the existing dwelling.</li> <li>• The existing sunlight penetration to the secluded private open space of the existing dwelling.</li> <li>• The time of day that sunlight is available to the secluded private open space of the existing dwelling.</li> <li>• The effect of a reduction in sunlight on the existing use of the secluded private open space.</li> </ul>
<b>Information required</b>
<p>The neighbourhood and site description.</p> <p>The design response.</p> <p>Overshadowing diagrams.</p>

### CURRENT

#### 54.04-6

#### Overlooking objective

To limit views into existing secluded private open space and habitable room windows.

#### Standard A15

A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space and habitable room windows of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the

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window, balcony, terrace, deck or patio. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level.

A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio should be either:

- Offset a minimum of 1.5 metres from the edge of one window to the edge of the other, or
- Have sill heights of at least 1.7 metres above floor level, or
- Have obscure glazing in any part of the window below 1.7 metres above floor level, or
- Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent.

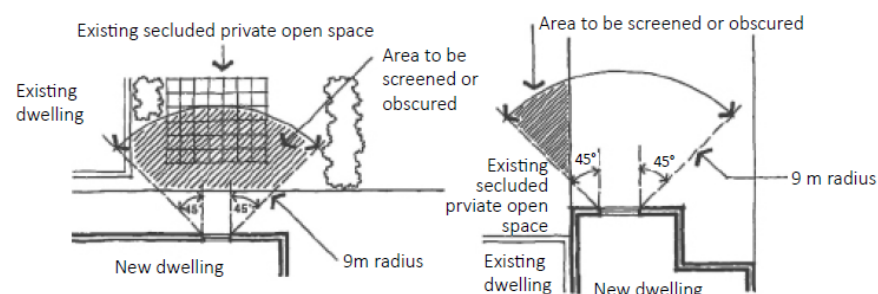
Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard.

Screens used to obscure a view should be:

- Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels.
- Permanent, fixed and durable.
- Designed and coloured to blend in with the development.

This standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary.

**Diagram A4 Overlooking open space**



### Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The impact on the amenity of the secluded private open space or habitable room window.
- The existing extent of overlooking into the secluded private open space and habitable room windows of existing dwellings.
- The internal daylight to and amenity of the proposed dwelling.

### TRANSLATED

A15 Overlooking
Performance objective
Views into existing secluded private open space and habitable room windows are limited.

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**Performance measure**

Any habitable room window, balcony, terrace, deck or patio is located and designed to avoid direct views into the secluded private open space and habitable room windows of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio.

*Note: Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level.*

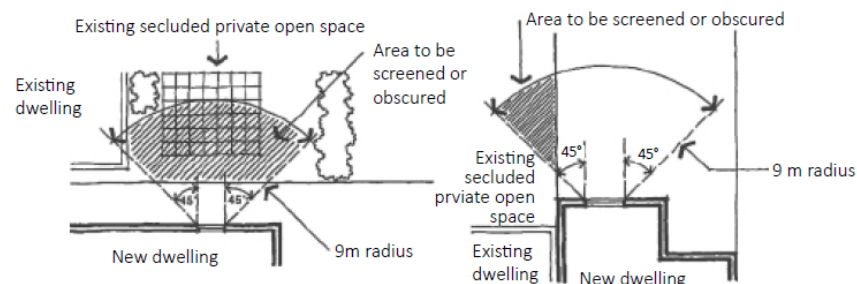
A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio is either:

- Offset a minimum of 1.5 metres from the edge of one window to the edge of the other, or
- Have sill heights of at least 1.7 metres above floor level, or
- Have obscure glazing in any part of the window below 1.7 metres above floor level, or
- Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent.

Obscure glazing in any part of the window below 1.7 metres above floor level is only openable if there are no direct views as specified in this performance measure.

Screens used to obscure a view are:

- Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels.
- Permanent, fixed and durable.
- Designed and coloured to blend in with the development.

**Diagram A4 Overlooking open space**

This performance measure does not apply to a new habitable room window, balcony, terrace, deck or patio that faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary.

**Performance criteria**

Any overlooking of the secluded private open space of an existing dwelling is acceptable considering:

- The impact on the amenity of the secluded private open space or habitable room window.
- The existing extent of overlooking into the secluded private open space and habitable room windows of existing dwellings.
- The internal daylight to and amenity of the proposed dwelling.

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Information required
The neighbourhood and site description.
The design response.

**54.05 ON-SITE AMENITY AND FACILITIES****CURRENT****54.05-1 Daylight to new windows objective**

To allow adequate daylight into new habitable room windows.

**Standard A16**

A window in a habitable room should be located to face:

- An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or
- A verandah provided it is open for at least one third of its perimeter, or
- A carport provided it has two or more open sides and is open for at least one third of its perimeter.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The design response.
- Whether there are other windows in the habitable room which have access to daylight.

**TRANSLATED**

<b>A16 Daylight to new windows</b>
<b>Performance objective</b>
New habitable room windows receive adequate daylight..
<b>Performance measure</b>
<p>A window in a habitable room is located to face:</p> <ul style="list-style-type: none"> <li>• An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or</li> <li>• A verandah, provided the verandah is open for at least one third of its perimeter, or</li> <li>• A carport provided it has two or more open sides and is open for at least one third of its perimeter.</li> </ul>
<b>Performance criteria</b>
The daylight received by a window in a habitable room is acceptable considering whether there are other windows in the habitable room that have access to daylight.
<b>Information required</b>
The design response.

**CURRENT****54.05-2****Private open space objective**

To provide adequate private open space for the reasonable recreation and service needs of residents.

**Standard A17**

A dwelling should have private open space of an area and dimensions specified in a schedule to the zone.

If no area or dimensions is specified in a schedule to the zone, a dwelling should have private open space consisting of an area of 80 square metres or 20 per cent of the area of the lot, whichever is the lesser, but not less than 40 square metres. At least one part of the private open space should consist of secluded private open space with a minimum area of 25 square metres and a minimum dimension of 3 metres at the side or rear of the dwelling with convenient access from a living room.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability of the private open space, including its size and accessibility.
- The availability of and access to public open space.
- The orientation of the lot to the street and the sun.

**TRANSLATED**

<b>A17 Private open space</b>
<b>Performance objective</b>
Residents have adequate private open space for their reasonable recreation and service needs.
<b>Performance measure</b>
Each dwelling has private open space with the area and dimensions specified in a schedule to the zone.  If no area or dimensions are specified in a schedule to the zone, each dwelling has private open space consisting of an area of 80 square metres or 20 per cent of the area of the lot, whichever is the lesser, but not less than 40 square metres.  If no area or dimensions are specified in a schedule to the zone, at least one part of the private open space consists of secluded private open space with a minimum area of 25 square metres and a minimum dimension of 3 metres at the side or rear of the dwelling with convenient access from a living room.
<b>Performance criteria</b>
The private open space available to each dwelling is acceptable considering: <ul style="list-style-type: none"> <li>• The useability of the private open space, including its size and accessibility.</li> <li>• The availability of and access to public open space.</li> <li>• The orientation of the lot to the street and the sun.</li> </ul>
<b>Information required</b>
The neighbourhood and site description.  The design response.

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**CURRENT****54.05-3 Solar access to open space objective**

To allow solar access into the secluded private open space of a new dwelling.

**Standard A18**

The private open space should be located on the north side of the dwelling, if practicable.

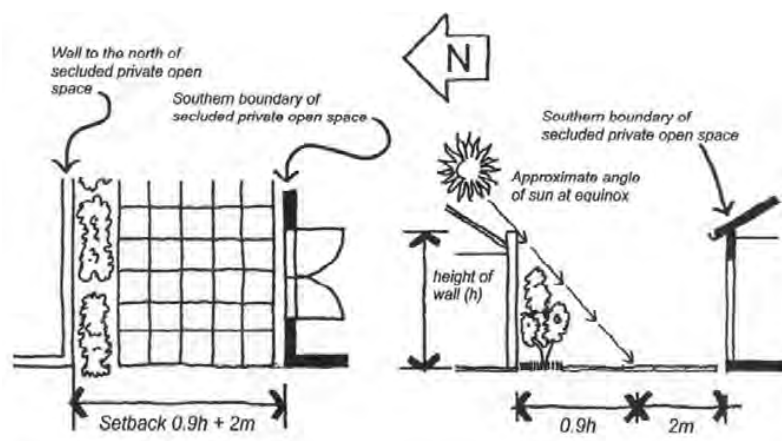
The southern boundary of secluded private open space should be set back from any wall on the north of the space at least  $(2 + 0.9h)$  metres, where 'h' is the height of the wall.

Diagram A5 Solar access to open space

**Decision guidelines**

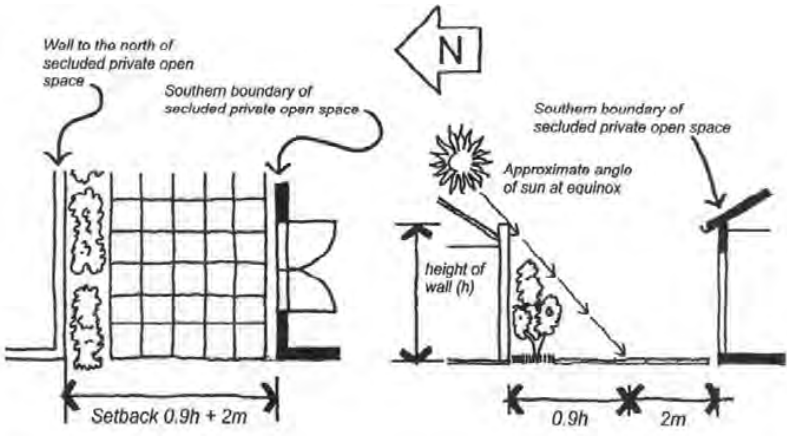
Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability and amenity of the secluded private open space based on the sunlight it will receive.

**Diagram A5 Solar access to open space****TRANSLATED****A18 Solar access to open space****Performance objective**

The secluded private open space of a new dwelling has adequate solar access.

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<b>Performance measure</b>
<p>The private open space is located on the north side of the dwelling.</p> <p>The southern boundary of secluded private open space is set back from any wall on the north of the space at least <math>(2 + 0.9h)</math> metres, where 'h' is the height of the wall.</p>
<p><b>Diagram A5 Solar access to open space</b></p> 
<b>Performance criteria</b>
<p>The solar access to the secluded private open space of any dwelling is acceptable considering the useability and amenity of the secluded private open space, based on the sunlight it will receive.</p>
<b>Information required</b>
<p>The design response.</p>

## 54.06

## DETAILED DESIGN

## CURRENT

## 58.06-1

## Detail design objective

To encourage design detail that respects the existing or preferred neighbourhood character.

## Standard A19

The design of buildings, including:

- Façade articulation and detailing,
- Window and door proportions,
- Roof form, and
- Verandahs, eaves and parapets,

should respect the existing or preferred neighbourhood character.

Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character.

## Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this



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scheme.

- The design response.
- The effect on the visual bulk of the building and whether this is acceptable in the neighbourhood setting.
- Whether the design is innovative and of a high architectural standard.

## TRANSLATED

<b>A19 Detail design</b>
<b>Performance objective</b>
Design detail respects the existing or preferred neighbourhood character set out in a schedule to a zone or overlay, or to the neighbourhood context..
<b>Performance measure</b>
The design of new development complies with any performance measures specified for neighbourhood character and design detail in a schedule to the zone.
<b>Performance criteria</b>
<p>The design detail of buildings is acceptable in the neighbourhood context considering:</p> <ul style="list-style-type: none"> <li>• Façade articulation and detailing</li> <li>• Window and door proportions</li> <li>• Roof form</li> <li>• Verandahs, eaves and parapets</li> <li>• Whether the design is innovative and of a high architectural standard.</li> </ul> <p>Garages and carports are visually compatible with the development and the neighbourhood context.</p>
<b>Information required</b>
<p>The neighbourhood and site description.</p> <p>The design response.</p>

## CURRENT

## 54.06-2

**Front fences objective**

To encourage front fence design that respects the existing or preferred neighbourhood character.

**Standard A20**

The design of front fences should complement the design of the dwelling and any front fences on adjoining properties.

A front fence within 3 metres of a street should not exceed:

- The maximum height specified in a schedule to the zone, or
- If no maximum height is specified in a schedule to the zone, the maximum height specified in Table A2.

**Table A2 Maximum front fence height**

Street context	Maximum front fence height
Streets in a Road Zone, Category 1	2 metres
Other streets	1.5 metres

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The setback, height and appearance of front fences on adjacent properties.
- The extent to which slope and retaining walls reduce the effective height of the front fence.
- Whether the fence is needed to minimise noise intrusion.

**TRANSLATED**

<b>A20 Front fences</b>	
<b>Performance objective</b>	
Front fence design respects the existing or preferred neighbourhood character.	
<b>Performance measure</b>	
<p>A front fence within 3 metres of a street should not exceed:</p> <ul style="list-style-type: none"> <li>• The maximum height specified in a schedule to the zone, or</li> <li>• If no maximum height is specified in a schedule to the zone, the maximum height specified in Table A2.</li> </ul>	
<b>Table A2 Maximum front fence height</b>	
Street context	Maximum front fence height
Streets in a Road Zone, Category 1	2 metres
Other streets	1.5 metres
<b>Performance criteria</b>	
<p>The design of the fence is acceptable considering:</p> <ul style="list-style-type: none"> <li>• Whether the fence complements the design of the dwelling and any front fences on adjoining properties.</li> <li>• The setback, height and appearance of front fences on adjacent properties.</li> <li>• The extent to which slope and retaining walls reduce the effective height of the front fence.</li> <li>• Whether the fence is needed to minimise noise intrusion.</li> </ul>	
<b>Information required</b>	
The neighbourhood and site description.	
The design response.	

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## Appendix 5

### Test translation of Clause 55

*NOTE that this translation is an initial 'proof of concept' version.*

*The detailed drafting of each module will require further review and refinement before any consultation or adoption.*

#### 55.02 NEIGHBOURHOOD CHARACTER AND INFRASTRUCTURE

##### CURRENT

##### 55.02-1 Neighbourhood character objectives

To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.

To ensure that development responds to the features of the site and the surrounding area.

##### Standard B1

The design response must be appropriate to the neighbourhood and the site.

The proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site.

##### Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The neighbourhood and site description.
- The design response.

##### TRANSLATED

B1 Neighbourhood character
Performance objective
The design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.
The development responds to the features of the site and the surrounding area.
Performance measure
The design of new development complies with the performance measures specified for the following performance objectives or any variation to them in a schedule to a zone or overlay:
<ul style="list-style-type: none"> <li>• Street setback (B6).</li> <li>• Building height (B7).</li> <li>• Site coverage (B8).</li> <li>• Side and rear setbacks (B17).</li> <li>• Walls on boundaries (B18).</li> <li>• Front fences (B32).</li> </ul>
The design of new development complies with any performance measures specified for neighbourhood character and design detail in a schedule to a zone.

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<b>Performance criteria</b>
A proposed variation to a performance measure in the design of new development does not unreasonably disturb the existing neighbourhood context described in the neighbourhood and site description or the neighbourhood character objectives in a schedule to a zone.
<b>Information required</b>
The neighbourhood and site description.
The design response.

**CURRENT****55.02-2****Residential policy objectives**

To ensure that residential development is provided in accordance with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.

To support higher density residential development where development can take advantage of public and community infrastructure and services.

**Standard B2**

An application must be accompanied by a written statement to the satisfaction of the responsible authority that describes how the development is consistent with any relevant policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The design response.

**TRANSLATED**

<b>B2 Residential policy</b>
<b>Performance objective</b>
New residential development accords with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.
Higher density residential development is supported where development can take advantage of public and community infrastructure and services.
<b>Performance measure</b>
None specified.
<b>Performance criteria</b>
New development is consistent with any relevant policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.
<b>Information required</b>
The design response.
If not included in the design response, a statement describing how the development is consistent with any relevant policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.

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**CURRENT****55.02-3 Dwelling diversity objective**

To encourage a range of dwelling sizes and types in developments of ten or more dwellings.

**Standard B3**

Developments of ten or more dwellings should provide a range of dwelling sizes and types, including:

- Dwellings with a different number of bedrooms.
- At least one dwelling that contains a kitchen, bath or shower, and a toilet and wash basin at ground floor level.

**TRANSLATED**

<b>B3 Dwelling diversity</b>
<b>Performance objective</b>
New developments of ten or more dwellings include a range of dwelling sizes and types.
<b>Performance measure</b>
Developments of ten or more dwellings provide a range of dwelling sizes and types, including: <ul style="list-style-type: none"> <li>• Dwellings with a different number of bedrooms.</li> <li>• At least one dwelling that contains a kitchen, a bath or shower and a toilet and wash basin at ground floor level.</li> </ul>
<b>Performance criteria</b>
The dwelling diversity of the proposed development is acceptable considering the proposed range of dwelling sizes and types.
<b>Information required</b>
None specified.

**CURRENT****55.02-4 Infrastructure objectives**

To ensure development is provided with appropriate utility services and infrastructure.

To ensure development does not unreasonably overload the capacity of utility services and infrastructure.

**Standard B4**

Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas, if available.

Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.

In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure.

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**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The capacity of the existing infrastructure.
- In the absence of reticulated sewerage, a Land Capability Assessment on the risks to human health and the environment of an on-site wastewater management system constructed, installed or altered on the lot in accordance with the requirements of the Environment Protection Regulations under the *Environment Protection Act 2017*.
- If the drainage system has little or no spare capacity, the capacity of the development to provide for stormwater drainage mitigation or upgrading of the local drainage system.

**TRANSLATED**

<b>B4 Infrastructure</b>
<b>Performance objective</b>
Appropriate utility services and infrastructure are provided to new development. New development does not unreasonably overload the capacity of utility services and infrastructure.
<b>Performance measure</b>
Development is connected to reticulated services, including reticulated sewerage, drainage, electricity and gas. Development does not exceed the capacity of utility services and infrastructure, including reticulated services and roads.
<b>Performance criteria</b>
Where a utility service or infrastructure has little or no spare capacity, new development provides for appropriate upgrading or mitigation of the impact on the service or infrastructure.
<b>Information required</b>
A report on the capacity of the existing infrastructure.  If reticulated sewerage is not available, a Land Capability Assessment of the risk to human health and the environment of providing an on-site wastewater management system constructed on the lot in accordance with the requirements of the Environment Protection Regulations under the Environment Protection Act 2017.

**CURRENT****55.02-5****Integration with the street objective**

To integrate the layout of development with the street.

**Standard B5**

Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility.

Development should be oriented to front existing and proposed streets.

High fencing in front of dwellings should be avoided if practicable.

Development next to existing public open space should be laid out to complement the open space.

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**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- Any relevant urban design objective, policy or statement set out in this scheme.
- The design response.

**TRANSLATED**

<b>B5 Integration with the street</b>
<b>Performance objective</b>
The layout of new development is integrated with the street.
<b>Performance measure</b>
<p>Dwellings are oriented to front existing and proposed streets.</p> <p>There is no high fencing in front of dwellings.</p> <p>Dwellings promote the observation of abutting streets and any abutting public open space.</p> <p>New development provides vehicle and pedestrian links that maintain or enhance local accessibility.</p>
<b>Performance criteria</b>
<p>New development integrates with the street.</p> <p>New development next to existing public open space is laid out to complement the open space.</p>
<b>Information required</b>
<p>The neighbourhood and site description.</p> <p>The design response.</p> <p>If not included in the design response, a statement describing how the design responds to any relevant urban design objective, policy or statement set out in this scheme.</p>

**55.03****SITE LAYOUT AND BUILDING MASSING****CURRENT****55.03-1****Street setback objective**

To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.

**Standard B6**

Walls of buildings should be set back from streets:

- At least the distance specified in a schedule to the zone, or
- If no distance is specified in a schedule to the zone, the distance specified in Table B1.

Porches, pergolas and verandahs that are less than 3.6 metres high and eaves may encroach not more than 2.5 metres into the setbacks of this standard.

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Table B1 Street setback

Development context	Minimum setback from front street (Metres)	Minimum setback from a side street (Metres)
There is an existing building on both the abutting allotments facing the same street, and the site is not on a corner.	The average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 9 metres, whichever is the lesser.	Not applicable
There is an existing building on one abutting allotment facing the same street and no existing building on the other abutting allotment facing the same street, and the site is not on a corner.	The same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.	Not applicable
There is no existing building on either of the abutting allotments facing the same street, and the site is not on a corner.	6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.	Not applicable
The site is on a corner.	<p>If there is a building on the abutting allotment facing the front street, the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.</p> <p>If there is no building on the abutting allotment facing the front street, 6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.</p>	<p>Front walls of new development fronting the side street of a corner site should be setback at least the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 3 metres, whichever is the lesser.</p> <p>Side walls of new development on a corner site should be setback the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 2 metres, whichever is the lesser.</p>

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- Whether a different setback would be more appropriate taking into account the prevailing setbacks of existing buildings on nearby lots.
- The visual impact of the building when viewed from the street and from adjoining properties.
- The value of retaining vegetation within the front setback.



## Department of Environment, Land, Water and Planning

## TRANSLATED

B6 Street setback		
Performance objective		
The setbacks of buildings from a street respects the existing or preferred neighbourhood character.		
The setbacks of buildings from a street make efficient use of the site.		
Performance measure		
<p>All building walls are set back from streets:</p> <ul style="list-style-type: none"> <li>At least the distance specified in a schedule to the zone, or</li> <li>If no distance is specified in a schedule to the zone, the distance specified in Table B1;</li> </ul> <p>except that a porch, pergola or verandah less than 3.6 metres high and an eave may encroach not more than 2.5 metres into the setbacks of this performance measure.</p>		
Table B1 Street setback		
Development context	Minimum setback from front street (Metres)	Minimum setback from a side street (Metres)
There is an existing building on both the abutting allotments facing the same street, and the site is not on a corner.	The average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 9 metres, whichever is the lesser.	Not applicable
There is an existing building on one abutting allotment facing the same street and no existing building on the other abutting allotment facing the same street, and the site is not on a corner.	The same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.	Not applicable
There is no existing building on either of the abutting allotments facing the same street, and the site is not on a corner.	6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.	Not applicable
The site is on a corner.	<p>If there is a building on the abutting allotment facing the front street, the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.</p> <p>If there is no building on the abutting allotment facing the front street, 6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.</p>	<p>Front walls of new development fronting the side street of a corner site should be setback at least the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 3 metres, whichever is the lesser.</p> <p>Side walls of new development on a corner site should be setback the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 2 metres, whichever is the lesser.</p>

## Department of Environment, Land, Water and Planning

<b>Performance criteria</b>
<p>The building setback is appropriate considering:</p> <p>Whether a different setback is more appropriate taking into account the prevailing setbacks of existing buildings on nearby lots.</p> <p>The visual impact of the building when viewed from the street and from adjoining properties.</p> <p>The value of retaining vegetation in the front setback.</p>
<b>Information required</b>
<p>The neighbourhood and site description.</p> <p>The design response.</p>

**CURRENT****55.03-2****Building height objective**

To ensure that the height of buildings respects the existing or preferred neighbourhood character.

**Standard B7**

The maximum building height should not exceed the maximum height specified in the zone, schedule to the zone or an overlay that applies to the land.

If no maximum height is specified in the zone, schedule to the zone or an overlay, the maximum building height should not exceed 9 metres, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building height should not exceed 10 metres.

Changes of building height between existing buildings and new buildings should be graduated.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- Any maximum building height specified in the zone, a schedule to the zone or an overlay applying to the land.
- The design response.
- The effect of the slope of the site on the height of the building.
- The relationship between the proposed building height and the height of existing adjacent buildings.
- The visual impact of the building when viewed from the street and from adjoining properties.

**TRANSLATED**

<b>B7 Building height</b>
<b>Performance objective</b>
The height of buildings respects the existing or preferred neighbourhood character.

## Department of Environment, Land, Water and Planning

<b>Performance measure</b>
<p>The maximum building height does not exceed the maximum height specified in the zone, a schedule to the zone or an overlay that applies to the land.</p> <p>If no maximum height is specified in the zone, a schedule to the zone or an overlay, the maximum building height does not exceed 9 metres, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building height does not exceed 10 metres.</p> <p>Any change of building height between existing buildings and new buildings is graduated.</p>
<b>Performance criteria</b>
<p>The building height is acceptable considering:</p> <ul style="list-style-type: none"> <li>• The relationship between the proposed building height and the height of existing adjacent buildings.</li> <li>• The visual impact of the building when viewed from the street and from adjoining properties.</li> <li>• The effect of the slope of the site on the height of the building.</li> </ul>
<b>Information required</b>
<p>The neighbourhood and site description.</p> <p>The design response.</p>

**CURRENT****55.03-3****Site coverage objective**

To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.

**Standard B8**

The site area covered by buildings should not exceed:

The maximum site coverage specified in a schedule to the zone, or

If no maximum site coverage is specified in a schedule to the zone, 60 per cent.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The existing site coverage and any constraints imposed by existing development or the features of the site.
- The site coverage of adjacent properties.
- The effect of the visual bulk of the building and whether this is acceptable in the neighbourhood.

**TRANSLATED****B8 Site coverage****Performance objective**

The site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.

## Department of Environment, Land, Water and Planning

<b>Performance measure</b>
The site area covered by buildings does not exceed:  The maximum site coverage specified in a schedule to the zone, or  If no maximum site coverage is specified in a schedule to the zone, 60 per cent.
<b>Performance criteria</b>
The site coverage is acceptable considering: <ul style="list-style-type: none"> <li>• The existing site coverage and any constraints imposed by existing development or the features of the site.</li> <li>• The site coverage of adjacent properties.</li> <li>• The effect of the visual bulk of the building and whether this is acceptable in the neighbourhood context.</li> </ul>
<b>Information required</b>
The neighbourhood and site description.  The design response.

**CURRENT****55.03-4****Permeability and stormwater management objectives**

To reduce the impact of increased stormwater run-off on the drainage system.

To facilitate on-site stormwater infiltration.

To encourage stormwater management that maximises the retention and reuse of stormwater.

**Standard B9**

The site area covered by the pervious surfaces should be at least:

- The minimum area specified in a schedule to the zone, or
- If no minimum is specified in a schedule to the zone, 20 percent of the site.

The stormwater management system should be designed to:

- Meet the current best practice performance objectives for stormwater quality as contained in the *Urban Stormwater - Best Practice Environmental Management Guidelines* (Victorian Stormwater Committee, 1999).
- Contribute to cooling, improving local habitat and providing attractive and enjoyable spaces.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The design response.
- The capacity of the site to incorporate stormwater retention and reuse.
- The existing site coverage and any constraints imposed by existing development.
- The capacity of the drainage network to accommodate additional stormwater.
- The capacity of the site to absorb run-off.
- The practicality of achieving the minimum site coverage of pervious surfaces, particularly on lots of less than 300 square metres.

## Department of Environment, Land, Water and Planning

- Whether the owner has entered into an agreement to contribute to off-site stormwater management in lieu of providing an on-site stormwater management system.

## TRANSLATED

B9 Permeability and stormwater management	
Performance objective	
The impact of increased stormwater run-off on the drainage system is reduced.	
Stormwater is infiltrated on-site.	
Stormwater is retained and reused on the site.	
Performance measure	
The site area covered by pervious surfaces is at least:	
<ul style="list-style-type: none"> <li>• The minimum area specified in a schedule to the zone; or</li> <li>• If no minimum area is specified in a schedule to the zone, 20 per cent of the site.</li> </ul>	
The stormwater management system is designed to:	
<ul style="list-style-type: none"> <li>• Meet the current best practice performance objectives for stormwater quality as contained in the <i>Urban Stormwater - Best Practice Environmental Management Guidelines</i> (Victorian Stormwater Committee, 1999).</li> <li>• Contribute to cooling, improving local habitat and providing attractive and enjoyable spaces.</li> </ul>	
Performance criteria	
Stormwater discharge is acceptable considering:	
<ul style="list-style-type: none"> <li>• The capacity of the site to incorporate stormwater retention and reuse.</li> <li>• The existing site coverage and any constraints imposed by existing development.</li> <li>• The capacity of the drainage network to accommodate additional stormwater.</li> <li>• The capacity of the site to absorb run-off.</li> <li>• The practicality of achieving the minimum site coverage of pervious surfaces, particularly on lots of less than 300 square metres.</li> <li>• Whether the owner has entered into an agreement to contribute to off-site stormwater management in lieu of providing an on-site stormwater management system.</li> </ul>	
Information required	
The design response.	
If not included in the design response, a statement documenting:	
<ul style="list-style-type: none"> <li>• How the proposal responds to any relevant water and stormwater management objective, policy or statement set out in this scheme.</li> <li>• The capacity of the drainage network to accommodate additional stormwater.</li> </ul>	

## CURRENT

## 55.03-5 Energy efficiency objectives

To achieve and protect energy efficient dwellings and residential buildings.

To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.

## Department of Environment, Land, Water and Planning

**Standard B10**

Buildings should be:

- Oriented to make appropriate use of solar energy.
- Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.
- Sited and designed to ensure that the performance of existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone are not unreasonably reduced. The existing rooftop solar energy system must exist at the date the application is lodged.

Living areas and private open space should be located on the north side of the development, if practicable.

Developments should be designed so that solar access to north-facing windows is maximised.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The design response.
- The size, orientation and slope of the lot.
- The existing amount of solar access to abutting properties.
- The availability of solar access to north-facing windows on the site.
- The extent to which an existing rooftop solar energy system on an adjoining lot is overshadowed by existing buildings or other permanent structures.
- Whether the existing rooftop solar energy system on an adjoining lot is appropriately located.
- The effect of overshadowing on an existing rooftop solar energy system on an adjoining lot.

**TRANSLATED**

<b>B10 Energy efficiency</b>
<b>Performance objective</b>
<p>New development is energy efficient.</p> <p>The energy efficiency of existing buildings is protected.</p> <p>The orientation and layout of development reduces fossil fuel energy use and makes appropriate use of daylight and solar energy.</p>
<b>Performance measure</b>
<p>Buildings are oriented to make use of solar energy.</p> <p>Living areas and private open space are located on the north side of the dwelling.</p> <p>New dwellings maximise solar access to north-facing windows.</p> <p>Buildings are sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not reduced.</p> <p>Buildings are sited and designed to ensure that the performance of existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone are not reduced. The existing rooftop solar energy system must exist at the date the application is lodged.</p>

## Department of Environment, Land, Water and Planning

<b>Performance criteria</b>
<p>The energy efficiency of new development is acceptable considering:</p> <ul style="list-style-type: none"> <li>• The size, orientation and slope of the lot.</li> <li>• The availability of solar access to north-facing windows on the site.</li> </ul> <p>The energy efficiency protection for existing development is acceptable considering:</p> <ul style="list-style-type: none"> <li>• The existing amount of solar access to abutting properties.</li> <li>• The extent to which an existing rooftop solar energy system on an adjoining lot is overshadowed by existing buildings or other permanent structures.</li> <li>• Whether the existing rooftop solar energy system on an adjoining lot is appropriately located.</li> <li>• The effect of overshadowing on an existing rooftop solar energy system on an adjoining lot.</li> </ul>
<b>Information required</b>
<p>The neighbourhood and site description.</p> <p>The design response.</p> <p>A written statement that identifies any existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone, and the likely effect of overshadowing by the development on their performance taking account of:</p> <ul style="list-style-type: none"> <li>• The extent to which an existing rooftop solar energy system on an adjoining lot is overshadowed by existing buildings or other permanent structures.</li> <li>• Whether the existing rooftop solar energy system on an adjoining lot is appropriately located.</li> </ul>

**CURRENT****55.03-6****Open space objectives**

To integrate the layout of development with any public and communal open space provided in or adjacent to the development.

**Standard B11**

If any public or communal open space is provided on site, it should:

- Be substantially fronted by dwellings, where appropriate.
- Provide outlook for as many dwellings as practicable.
- Be designed to protect any natural features on the site.
- Be accessible and useable.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- Any relevant plan or policy for open space in the Municipal Planning Strategy and the Planning Policy Framework.
- The design response.

## Department of Environment, Land, Water and Planning

## TRANSLATED

<b>B11 Open space</b>
<b>Performance objective</b>
The layout of development is integrated with any public and communal open space provided in or adjacent to the development.
<b>Performance measure</b>
Any public or communal open space provided in the development: <ul style="list-style-type: none"> <li>• Is substantially fronted by dwellings.</li> <li>• Provides outlook for as many dwellings as practicable.</li> <li>• Protects any natural features on the site.</li> <li>• Is accessible and useable.</li> </ul>
<b>Performance criteria</b>
The layout and design of any public and communal open space provided in or adjacent to the development is acceptable considering: <ul style="list-style-type: none"> <li>• Any relevant plan or policy for open space in the Municipal Planning Strategy and the Planning Policy Framework.</li> <li>• How the any public and communal open space integrates with dwellings.</li> <li>• The accessibility and useability of the public and communal open space.</li> <li>• The natural features of the site.</li> </ul>
<b>Information required</b>
<p>The neighbourhood and site description.</p> <p>The design response.</p> <p>If not included in the design response, a statement describing how the development is consistent with any relevant policy for open space in the Municipal Planning Strategy and the Planning Policy Framework.</p>

## CURRENT

## 55.03-7

**Safety objective**

To ensure the layout of development provides for the safety and security of residents and property.

**Standard B12**

Entrances to dwellings should not be obscured or isolated from the street and internal accessways.

Planting which creates unsafe spaces along streets and accessways should be avoided.

Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.

Private spaces within developments should be protected from inappropriate use as public thoroughfares.

**Decision guideline**

Before deciding on an application, the responsible authority must consider the design response.



## Department of Environment, Land, Water and Planning

## TRANSLATED

<b>B12 Satefy</b>
<b>Performance objective</b>
The layout of development provides for the safety and security of residents and property.
<b>Performance measure</b>
None specified
<b>Performance criteria</b>
Entrances to dwellings are not obscured or isolated from the street and internal accessways.
Planting does not create unsafe spaces along streets and accessways.
Private spaces within developments are protected from inappropriate use as public thoroughfares.
The development provides good lighting, visibility and surveillance of car parks and internal accessways.
<b>Information required</b>
The design response.

## CURRENT

## 55.03-8

**Landscaping objectives**

To encourage development that respects the landscape character of the neighbourhood.

To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.

To provide appropriate landscaping.

To encourage the retention of mature vegetation on the site.

**Standard B13**

The landscape layout and design should:

- Protect any predominant landscape features of the neighbourhood.
- Take into account the soil type and drainage patterns of the site.
- Allow for intended vegetation growth and structural protection of buildings.
- In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals.
- Provide a safe, attractive and functional environment for residents.

Development should provide for the retention or planting of trees, where these are part of the character of the neighbourhood.

Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.

The landscape design should specify landscape themes, vegetation (location and species), paving and lighting.

Development should meet any additional landscape requirements specified in a schedule to the zone.

## Department of Environment, Land, Water and Planning

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- Any relevant plan or policy for landscape design in the Municipal Planning Strategy and the Planning Policy Framework.
- The design response.
- The location and size of gardens and the predominant plant types in the neighbourhood. The health of any trees to be removed.
- Whether a tree was removed to gain a development advantage.

**TRANSLATED**

<b>B13 Landscaping</b>
<b>Performance objective</b>
Appropriate landscaping is provided.
New development respects the landscape character of the neighbourhood.
The habitat of plants and animals in locations of habitat importance is maintained and enhanced.
Mature vegetation on the site is retained where possible.
<b>Performance measure</b>
Landscaping is provided in accordance with a landscaping layout and design that: <ul style="list-style-type: none"> <li>• Specifies landscape themes, vegetation (location and species), paving and lighting.</li> <li>• Takes into account the soil types and drainage patterns of the site.</li> <li>• Allows for intended vegetation growth and structural protection of buildings.</li> <li>• Maintains existing mature vegetation.</li> <li>• Replaces any significant trees that have been removed in the 12 months prior to the application being made.</li> <li>• The habitat of plants and animals in locations of habitat importance is maintained and enhanced.</li> <li>• Landscaping complies with any performance measures specified for neighbourhood character and design detail in a schedule to a zone.</li> </ul>
<b>Performance criteria</b>
The proposed landscaping layout and design of the development is acceptable considering: <ul style="list-style-type: none"> <li>• Any relevant plan or policy for landscape design in the Municipal Planning Strategy and the Planning Policy Framework.</li> <li>• The location and size of gardens and the predominant plant types in the neighbourhood.</li> <li>• The health of any trees that have been or are proposed to be removed.</li> <li>• Whether a tree was removed to gain a development advantage.</li> </ul>

## Department of Environment, Land, Water and Planning

Information required
<p>The neighbourhood and site description.</p> <p>The design response.</p> <p>If not included in the design response, a statement describing how the development is consistent with any relevant policy for landscape design in the Municipal Planning Strategy and the Planning Policy Framework.</p> <p>If not included in the design response, a statement describing whether the site is in a location of habitat importance identified in this scheme and how the landscaping maintains and enhances the habitat of plants and animals.</p>

## CURRENT

55.03-9

**Access objective**

To ensure the number and design of vehicle crossovers respects the neighbourhood character.

**Standard B14**

The width of accessways or car spaces should not exceed:

- 33 per cent of the street frontage, or
- if the width of the street frontage is less than 20 metres, 40 per cent of the street frontage.

No more than one single-width crossover should be provided for each dwelling fronting a street.

The location of crossovers should maximise the retention of on-street car parking spaces.

The number of access points to a road in a Road Zone should be minimised.

Developments must provide for access for service, emergency and delivery vehicles.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The design response.
- The impact on the neighbourhood character.
- The reduction of on-street car parking spaces.
- The effect on any significant vegetation on the site and footpath.

## TRANSLATED

B14 Access
Performance objective
The number and design of vehicle crossovers respects the neighbourhood context.

## Department of Environment, Land, Water and Planning

<b>Performance measure</b>
<p>The width of accessways or car spaces does not exceed:</p> <ul style="list-style-type: none"> <li>• 33 per cent of the street frontage, or</li> <li>• if the width of the street frontage is less than 20 metres, 40 per cent of the street frontage.</li> </ul> <p>No more than one single-width crossover is provided for each dwelling fronting a street.</p> <p>The location of crossovers maximises the number of on-street car parking spaces retained.</p> <p>The number of access points to a road in a Road Zone is minimised.</p> <p>Access for service, emergency and delivery vehicles is provided.</p>
<b>Performance criteria</b>
<p>Access to the development is acceptable considering:</p> <ul style="list-style-type: none"> <li>• The impact on the neighbourhood context.</li> <li>• The reduction of on-street car parking spaces.</li> <li>• The effect on any significant vegetation on the site and footpath.</li> <li>• How access is provided for service, emergency and delivery vehicles.</li> </ul>
<b>Information required</b>
<p>The neighbourhood and site description.</p> <p>The design response.</p>

**CURRENT****55.03-10****Parking location objectives**

To provide convenient parking for resident and visitor vehicles.

To protect residents from vehicular noise within developments.

**Standard B15**

Car parking facilities should:

- Be reasonably close and convenient to dwellings and residential buildings.
- Be secure.
- Be well ventilated if enclosed.

Shared accessways or car parks of other dwellings and residential buildings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.

**Decision guideline**

Before deciding on an application, the responsible authority must consider the design response.

## Department of Environment, Land, Water and Planning

## TRANSLATED

<b>B15 Parking location</b>
<b>Performance objective</b>
Residents and visitors have access to convenient parking.
Residents are protected from vehicle noise in the development.
<b>Performance measure</b>
Car parking facilities are close and convenient to dwellings.
Car parking facilities are secure.
Car parking facilities are well ventilated if enclosed.
Shared accessways or car parks of other dwellings are located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.
<b>Performance criteria</b>
The design and location of resident and visitor parking is acceptable considering: <ul style="list-style-type: none"> <li>• The convenience to dwellings</li> <li>• Security</li> <li>• Ventilation</li> <li>• The proximity of shared accessways and the car parks of other dwellings to habitable room windows.</li> </ul>
<b>Information required</b>
The design response.

## 55.04 AMENITY IMPACTS

## CURRENT

## 55.04-1 Side and rear setbacks objective

To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.

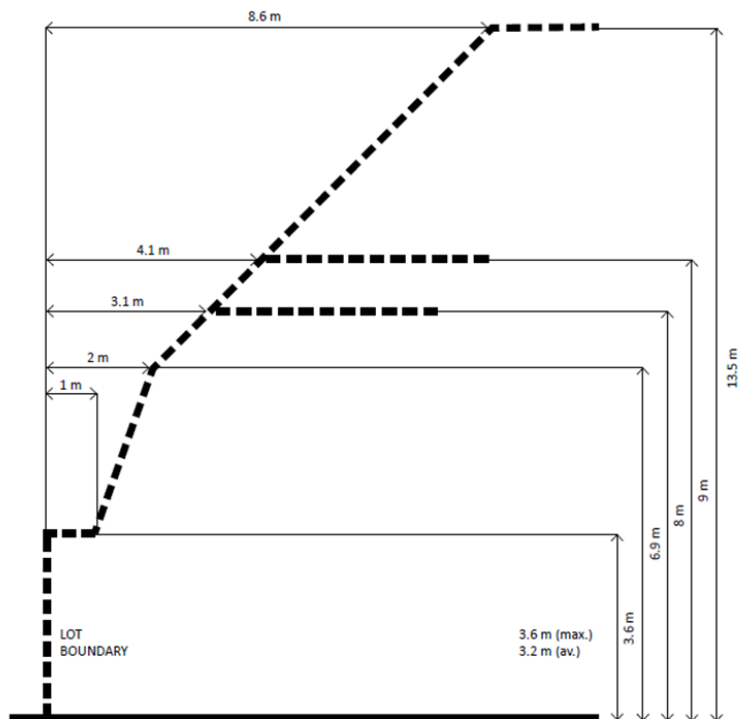
**Standard B17**

A new building not on or within 200mm of a boundary should be set back from side or rear boundaries:

- At least the distance specified in a schedule to the zone, or
- If no distance is specified in a schedule to the zone, 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.

Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5 metres into the setbacks of this standard.

Landings having an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard.

**Diagram B1 Side and rear setbacks****Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The impact on the amenity of the habitable room windows and secluded private open space of existing dwellings.
- Whether the wall is opposite an existing or simultaneously constructed wall built to the boundary.
- Whether the wall abuts a side or rear lane.

**TRANSLATED****B17 Side and rear setbacks****Performance objective**

The height and setback of a building from a boundary respects the existing or preferred neighbourhood character.

The height and setback of a building from a boundary limits the impact on the amenity of existing dwellings.

Performance measure
<p>A new building that is not on or within 200mm of a boundary is set back from side or rear boundaries:</p> <ul style="list-style-type: none"><li>• At least the distance specified in a schedule to the zone, or</li><li>• If no distance is specified in a schedule to the zone, 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.</li></ul>
<p><b>Diagram A1 Side and rear setbacks</b></p> <p>Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks and heating or cooling equipment or other services do not encroach more than 0.5 metres into the setback.</p> <p>Landings with an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setback.</p>
Performance criteria
<p>The height and setback of a building from a boundary is acceptable considering:</p> <ul style="list-style-type: none"><li>• The impact on the amenity of the habitable room windows and secluded private open space of existing dwellings.</li><li>• Whether the wall is opposite an existing or simultaneously constructed wall built to the boundary.</li><li>• Whether the wall abuts a side or rear lane.</li></ul>
Information required
<p>The neighbourhood and site description.</p> <p>The design response.</p>

**CURRENT****55.04-2 Walls on boundaries objective**

To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.

**Standard B18**

A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of a lot should not abut the boundary:

- For a length more than the distance specified in a schedule to the zone; or
- If no distance is specified in a schedule to the zone, for a length of more than:
  - 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or
  - Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports, whichever is the greater.

A new wall or carport may fully abut a side or rear boundary where the slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.

A building on a boundary includes a building set back up to 200mm from a boundary.

The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The extent to which walls on boundaries are part of the neighbourhood character.
- The visual impact of the building when viewed from adjoining properties.
- The impact on the amenity of existing dwellings.
- The opportunity to minimise the length of walls on boundaries by aligning a new wall on a boundary with an existing wall on a lot of an adjoining property.
- The orientation of the boundary that the wall is being built on.
- The width of the lot.
- The extent to which the slope and retaining walls or fences reduce the effective height of the wall.
- Whether the wall abuts a side or rear lane.
- The need to increase the wall height to screen a box gutter.



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## TRANSLATED

B18 Walls on boundaries
Performance objective
<p>The location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character</p> <p>The location, length and height of a wall on a boundary limits the impact on the amenity of existing dwellings.</p>
Performance measure
<p>A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of a lot does not abut the boundary:</p> <ul style="list-style-type: none"> <li>• For a length more than the distance specified in a schedule to the zone; or</li> <li>• If no distance is specified in a schedule to the zone, for a length of more than: <ul style="list-style-type: none"> <li>– 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or</li> <li>– Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports, whichever is the greater.</li> </ul> </li> </ul> <p>A new wall or carport does not fully abut a side or rear boundary unless the slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.</p> <p>The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary does not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.</p> <p><i>Note: A building on a boundary includes a building set back up to 200mm from a boundary.</i></p>
Performance criteria
<p>The location, length and height of a wall on a boundary is acceptable considering:</p> <ul style="list-style-type: none"> <li>• The extent to which walls on boundaries are part of the neighbourhood character.</li> <li>• The visual impact of the building when viewed from adjoining properties.</li> <li>• The impact on the amenity of existing dwellings.</li> <li>• The opportunity to minimise the length of walls on boundaries by aligning a new wall on a boundary with an existing wall on a lot of an adjoining property.</li> <li>• The orientation of the boundary that the wall is being built on.</li> <li>• The width of the lot.</li> <li>• The extent to which the slope and retaining walls or fences reduce the effective height of the wall.</li> <li>• Whether the wall abuts a side or rear lane.</li> <li>• The need to increase the wall height to screen a box gutter</li> </ul>
Information required
<p>The neighbourhood and site description.</p> <p>The design response.</p>

**CURRENT****55.04-3****Daylight to existing windows objective**

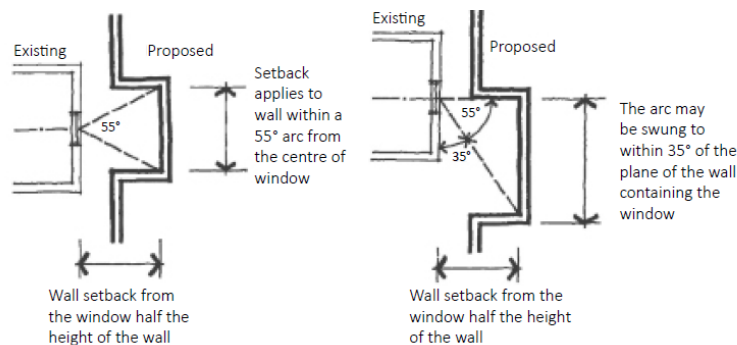
To allow adequate daylight into existing habitable room windows.

**Standard B19**

Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot.

Walls or carports more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.

Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.

**Diagram B2 Daylight to existing windows****Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The design response.
- The extent to which the existing dwelling has provided for reasonable daylight access to its habitable rooms through the siting and orientation of its habitable room windows.
- The impact on the amenity of existing dwellings.

## Department of Environment, Land, Water and Planning

## TRANSLATED

**B19 Daylight to existing windows****Performance objective**

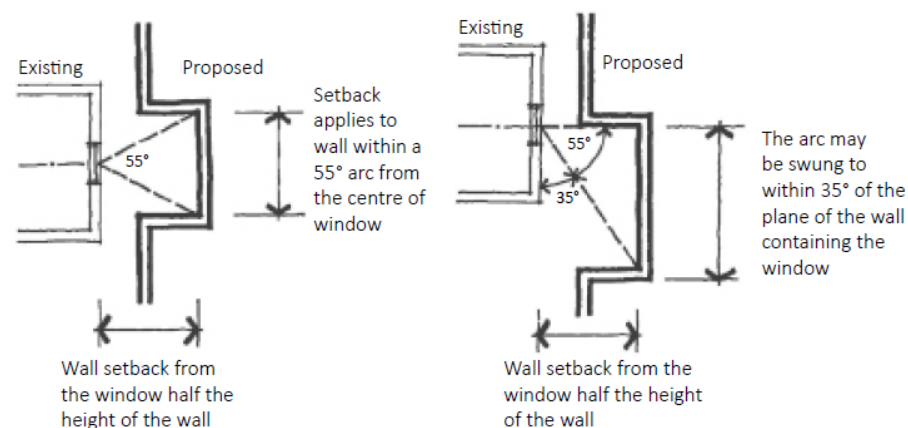
Existing habitable room windows receive adequate daylight.

**Performance measure**

Any building opposite an existing habitable room window provides a light court to the existing window and the light court has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot.

A wall or carport more than 3 metres in height opposite an existing habitable room window is set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.

*Note: Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.*

**Diagram B2 Daylight to existing windows****Performance criteria**

The location, length and height of a wall on a boundary is acceptable considering:

- The extent to which the existing dwelling has provided for reasonable daylight access to its habitable rooms through the siting and orientation of its habitable room windows.
- The impact on the amenity of existing dwellings.

**Information required**

The neighbourhood and site description.

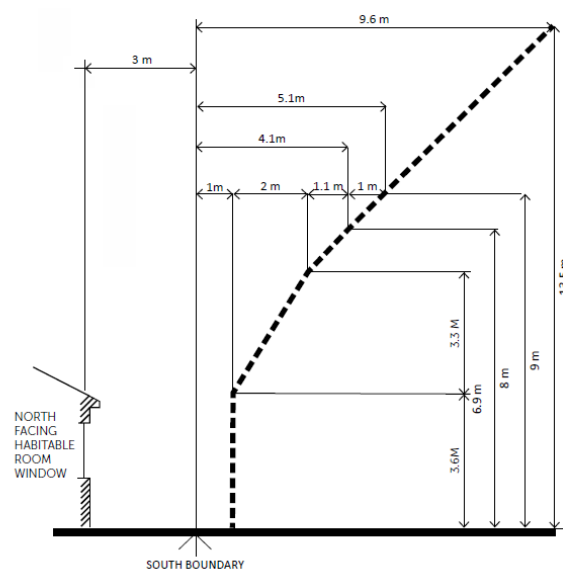
The design response.

**CURRENT****55.04-4 North facing windows objective**

To allow adequate solar access to existing north-facing habitable room windows.

**Standard B20**

If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, a building should be setback from the boundary 1 metre, plus 0.6 metre for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window. A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.

**Diagram B3 North-facing windows****Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The design response.
- Existing sunlight to the north-facing habitable room window of the existing dwelling. The impact on the amenity of existing dwellings.

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## TRANSLATED

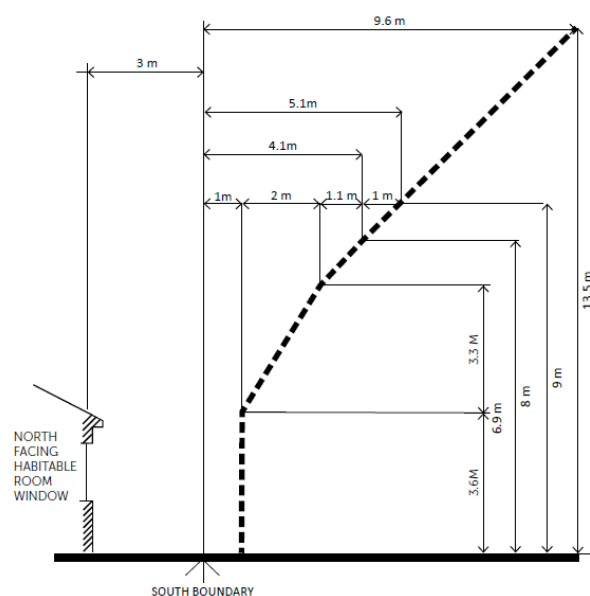
**B20 North facing windows****Performance objective**

Existing north facing habitable room windows have adequate solar access.

**Performance measure**

If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, any new building is setback from the boundary 1 metre, plus 0.6 metre for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window.

*Note: A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.*

**Diagram B3 North-facing windows****Performance criteria**

The setback of a building from a north-facing habitable room window of an existing dwelling that is within 3 metres of a boundary on an abutting lot is acceptable considering:

- Existing sunlight to the north-facing habitable room window of the existing dwelling.
- The impact on the amenity of existing dwellings.

**Information required**

The neighbourhood and site description.

The design response.

**CURRENT****55.04-5****Overshadowing open space objective**

To ensure buildings do not unreasonably overshadow existing secluded private open space.

**Standard B21**

Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September.

If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The design response.
- The impact on the amenity of existing dwellings.
- Existing sunlight penetration to the secluded private open space of the existing dwelling.
- The time of day that sunlight is available to the secluded private open space of the existing dwelling.
- The effect of a reduction in sunlight on the existing use of the secluded private open space.

**TRANSLATED**

<b>B21 Overshadowing open space</b>
<b>Performance objective</b>
A new building does not unreasonably overshadow existing secluded private open space.
<b>Performance measure</b>
If sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space receives at least five hours of sunlight between 9 am and 3 pm on 22 September.
If existing sunlight to the secluded private open space of an existing dwelling is less than the requirement of this performance measure, the amount of sunlight is not further reduced.
<b>Performance criteria</b>
Any reduction in sunlight to the secluded private open space of an existing dwelling is acceptable considering: <ul style="list-style-type: none"> <li>• The impact on the amenity of existing the dwelling.</li> <li>• The existing sunlight penetration to the secluded private open space of the existing dwelling.</li> <li>• The time of day that sunlight is available to the secluded private open space of the existing dwelling.</li> <li>• The effect of a reduction in sunlight on the existing use of the secluded private open space</li> </ul>
<b>Information required</b>
The neighbourhood and site description.
The design response.

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**CURRENT****55.04-6****Overlooking objective**

To limit views into existing secluded private open space and habitable room windows.

**Standard B22**

A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space and habitable room windows of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level.

A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio should be either:

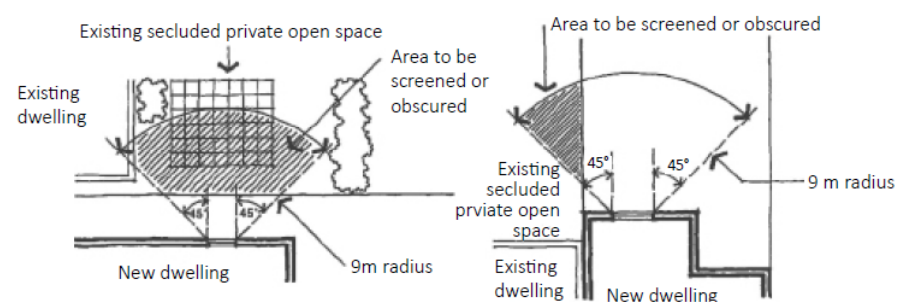
- Offset a minimum of 1.5 metres from the edge of one window to the edge of the other, or
- Have sill heights of at least 1.7 metres above floor level, or
- Have obscure glazing in any part of the window below 1.7 metres above floor level, or
- Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent.

Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard.

Screens used to obscure a view should be:

- Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels.
- Permanent, fixed and durable.
- Designed and coloured to blend in with the development.

This standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary.

**Diagram B4 Overlooking open space****Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The design response.
- The impact on the amenity of the secluded private open space or habitable room window.
- The existing extent of overlooking into the secluded private open space and habitable room windows of existing dwellings.

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- The internal daylight to and amenity of the proposed dwelling or residential building.

## TRANSLATED

<b>B22 Overlooking</b>
<b>Performance objective</b>
Views into existing secluded private open space and habitable room windows are limited.
<b>Performance measure</b>
Any habitable room window, balcony, terrace, deck or patio is located and designed to avoid direct views into the secluded private open space and habitable room windows of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio.
Note: Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level.
A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio is either:
<ul style="list-style-type: none"> <li>• Offset a minimum of 1.5 metres from the edge of one window to the edge of the other, or</li> <li>• Have sill heights of at least 1.7 metres above floor level, or</li> <li>• Have obscure glazing in any part of the window below 1.7 metres above floor level, or</li> <li>• Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent.</li> </ul>
Obscure glazing in any part of the window below 1.7 metres above floor level is only openable if there are no direct views as specified in this standard.
Screens used to obscure a view are:
<ul style="list-style-type: none"> <li>• Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels.</li> <li>• Permanent, fixed and durable.</li> <li>• Designed and coloured to blend in with the development.</li> </ul>
<b>Diagram B4 Overlooking open space</b>
This performance measure does not apply to a new habitable room window, balcony, terrace, deck or patio that faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary.



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<b>Performance criteria</b>
Any overlooking of the secluded private open space of an existing dwelling is acceptable considering: <ul style="list-style-type: none"> <li>• The impact on the amenity of the secluded private open space or habitable room window.</li> <li>• The existing extent of overlooking into the secluded private open space and habitable room windows of existing dwellings.</li> <li>• The internal daylight to and amenity of the proposed dwelling or residential building.</li> </ul>
<b>Information required</b>
The neighbourhood and site description.
The design response.

**CURRENT****55.04-7****Internal views objective**

To limit views into the private open space and habitable room windows of dwellings and residential buildings within a development.

**Standard B23**

Windows and balconies should be designed to prevent overlooking of more than 50 per cent of the private open space of a lower-level dwelling directly below and within the same development.

**Decision guideline**

Before deciding on an application, the responsible authority must consider the design response.

**TRANSLATED**

<b>B23 Internal views</b>
<b>Performance objective</b>
Views into the private open space and habitable room windows of dwellings and residential buildings are limited.
<b>Performance measure</b>
Windows and balconies do not allow overlooking of more than 50 per cent of the private open space of a lower-level dwelling directly below and within the same development.
<b>Performance criteria</b>
Views into the private open space and habitable room windows of dwellings and residential buildings are acceptable considering the reasonable privacy expectations of occupants.
<b>Information required</b>
The design response.

**CURRENT****55.04-8****Noise impacts objectives**

To contain noise sources in developments that may affect existing dwellings.

To protect residents from external noise.

**Standard B24**

Noise sources, such as mechanical plant, should not be located near bedrooms of immediately adjacent existing dwellings.

Noise sensitive rooms and secluded private open spaces of new dwellings and residential buildings should take account of noise sources on immediately adjacent properties.

Dwellings and residential buildings close to busy roads, railway lines or industry should be designed to limit noise levels in habitable rooms.

**Decision guideline**

Before deciding on an application, the responsible authority must consider the design response.

**TRANSLATED**

<b>B24 Noise impacts</b>
<b>Performance objective</b>
Noise sources in developments that may affect existing dwellings are contained.
Residents are protected from external noise.
<b>Performance measure</b>
Noise sources, such as mechanical plant, are not located near the bedrooms of immediately adjacent existing dwellings.
Noise sensitive rooms and secluded private open spaces of new dwellings and residential buildings are not located near noise sources on immediately adjacent properties.
Dwellings and residential buildings close to busy roads, railway lines or industry are designed to limit noise levels in habitable rooms.
<b>Performance criteria</b>
The noise impacts are acceptable considering:
<ul style="list-style-type: none"> <li>• The location of noise sources, such as mechanical plant.</li> <li>• Noise sources on immediately adjacent properties.</li> <li>• Other noise sources such as busy roads, railway lines or industry.</li> </ul>
<b>Information required</b>
The neighbourhood and site description.
The design response.

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**55.05 ON-SITE AMENITY AND FACILITIES****CURRENT****55.05-1 Accessibility objective**

To encourage the consideration of the needs of people with limited mobility in the design of developments.

**Standard B25**

The dwelling entries of the ground floor of dwellings and residential buildings should be accessible or able to be easily made accessible to people with limited mobility.

**TRANSLATED**

<b>B25 Accessibility</b>
<b>Performance objective</b>
People with limited mobility can access new dwellings and residential buildings.
<b>Performance measure</b>
The entry to each ground floor dwelling and residential building is accessible or able to be easily made accessible to people with limited mobility.
<b>Performance criteria</b>
The accessibility of new development is acceptable considering the needs of people with limited mobility.
<b>Information required</b>
The design response.

**CURRENT****55.05-2 Dwelling entry objective**

To provide each dwelling or residential building with its own sense of identity.

**Standard B26**

Entries to dwellings and residential buildings should:

- Be visible and easily identifiable from streets and other public areas.
- Provide shelter, a sense of personal address and a transitional space around the entry.

**TRANSLATED**

<b>B26 Dwelling entry</b>
<b>Performance objective</b>
Each dwelling or residential building has its own sense of identity.
<b>Performance measure</b>
The entry to each dwelling and residential building is visible and easily identifiable from streets and other public areas.
The entry to each dwelling and residential building provides shelter, a sense of personal address and a transitional space around the entry.

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<b>Performance criteria</b>
The entry to each dwelling and residential building is acceptable considering: <ul style="list-style-type: none"> <li>• Visibility and identification from streets and other public areas.</li> <li>• The shelter, sense of personal address and transitional space around the entry proposed.</li> </ul>
<b>Information required</b>
The design response.

**CURRENT****55.05-3****Daylight to new windows objective**

To allow adequate daylight into new habitable room windows.

**Standard B27**

A window in a habitable room should be located to face:

- An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or
- A verandah provided it is open for at least one third of its perimeter, or
- A carport provided it has two or more open sides and is open for at least one third of its perimeter.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The design response.
- Whether there are other windows in the habitable room which have access to daylight.

**TRANSLATED**

<b>B27 Daylight to new windows</b>
<b>Performance objective</b>
New habitable room windows receive adequate daylight.
<b>Performance measure</b>
A window in a habitable room is located to face: <ul style="list-style-type: none"> <li>• An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or</li> <li>• A verandah, provided the verandah is open for at least one third of its perimeter, or</li> <li>• A carport provided it has two or more open sides and is open for at least one third of its perimeter.</li> </ul>
<b>Performance criteria</b>
The daylight received by a window in a habitable room is acceptable considering whether there are other windows in the habitable room that have access to daylight.
<b>Information required</b>
The design response.

## Department of Environment, Land, Water and Planning

**CURRENT****55.05-4 Private open space objective**

To provide adequate private open space for the reasonable recreation and service needs of residents.

**Standard B28**

A dwelling or residential building should have private open space of an area and dimensions specified in a schedule to the zone.

If no area or dimensions is specified in a schedule to the zone, a dwelling or residential building should have private open space consisting of:

- An area of 40 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 25 square metres, a minimum dimension of 3 metres and convenient access from a living room, or
- A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room, or
- A roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room.

The balcony requirements in Clause 55.05-4 do not apply to an apartment development.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability of the private open space, including its size and accessibility.
- The availability of and access to public open space.
- The orientation of the lot to the street and the sun.

**TRANSLATED**

<b>B28 Private open space</b>
<b>Performance objective</b>
Residents have adequate private open space for their reasonable recreation and service needs.

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Performance measure
Each dwelling or residential building has private open space with the area and dimensions specified in a schedule to the zone.
If no area or dimensions is specified in a schedule to the zone, a dwelling or residential building has private open space consisting of: <ul style="list-style-type: none"> <li>An area of 40 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 25 square metres, a minimum dimension of 3 metres and convenient access from a living room, or</li> <li>A roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room.</li> <li>If the development is not an apartment building, a balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room</li> </ul>
Performance criteria
The private open space available to each dwelling is acceptable considering: <ul style="list-style-type: none"> <li>The useability of the private open space, including its size and accessibility.</li> <li>The availability of and access to public open space.</li> <li>The orientation of the lot to the street and the sun.</li> </ul>
Information required
The design response.

## CURRENT

## 55.05-5

## Solar access to open space objective

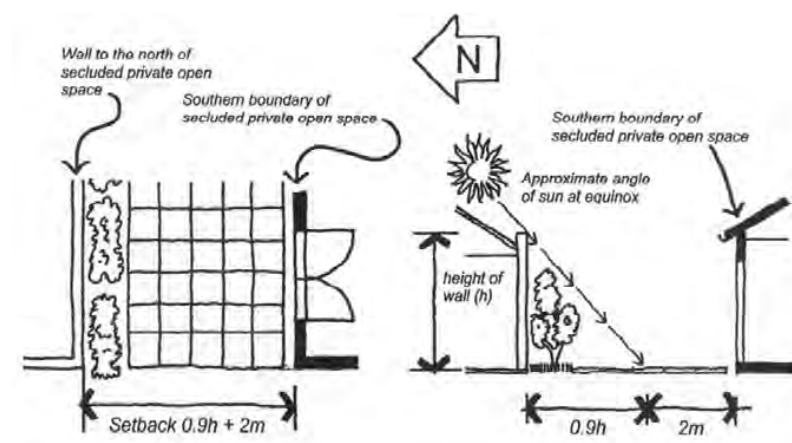
To allow solar access into the secluded private open space of new dwellings and residential buildings.

## Standard B29

The private open space should be located on the north side of the dwelling or residential building, if appropriate.

The southern boundary of secluded private open space should be set back from any wall on the north of the space at least  $(2 + 0.9h)$  metres, where 'h' is the height of the wall.

## Diagram B5 Solar access to open space



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**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability and amenity of the secluded private open space based on the sunlight it will receive.

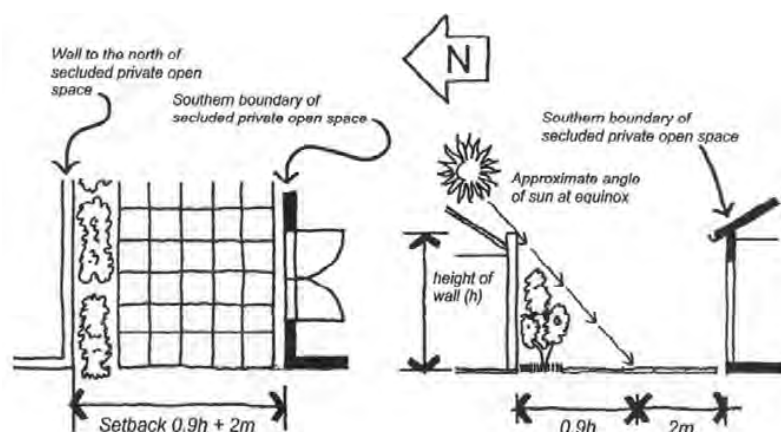
**TRANSLATED****B29 Solar access to open space****Performance objective**

The secluded private open space of a new dwelling or residential building has adequate solar access.

**Performance measure**

The private open space is located on the north side of the dwelling.

The southern boundary of secluded private open space is set back from any wall on the north of the space at least  $(2 + 0.9h)$  metres, where 'h' is the height of the wall.

**Diagram A5 Solar access to open space****Performance criteria**

The solar access to the secluded private open space of any dwelling or residential building is acceptable considering the useability and amenity of the secluded private open space, based on the sunlight it will receive.

**Information required**

The design response.

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**CURRENT****55.05-6****Storage objective**

To provide adequate storage facilities for each dwelling.

**Standard B30**

Each dwelling should have convenient access to at least 6 cubic metres of externally accessible, secure storage space.

**TRANSLATED**

<b>B30 Storage</b>
<b>Performance objective</b>
Each dwelling has adequate storage facilities.
<b>Performance measure</b>
Each dwelling has convenient access to at least 6 cubic metres of externally accessible, secure storage space.
<b>Performance criteria</b>
The storage provided to each dwelling is acceptable and is convenient, usable, sufficient and secure.
<b>Information required</b>
The design response.



## Department of Environment, Land, Water and Planning

**55.06 DETAILED DESIGN****CURRENT****55.06-1 Detail design objective**

To encourage design detail that respects the existing or preferred neighbourhood character.

**Standard B31**

The design of buildings, including:

- Façade articulation and detailing,
- Window and door proportions,
- Roof form, and
- Verandahs, eaves and parapets,

should respect the existing or preferred neighbourhood character.

Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The effect on the visual bulk of the building and whether this is acceptable in the neighbourhood setting.
- Whether the design is innovative and of a high architectural standard.

**TRANSLATED**

<b>B31 Detailed design</b>
<b>Performance objective</b>
Design detail respects any existing or preferred neighbourhood character set out in a schedule to a zone or overlay, or the neighbourhood context.
<b>Performance measure</b>
The design of new development complies with any performance measures specified for neighbourhood character and design detail in a schedule to the zone.
<b>Performance criteria</b>
<p>The design detail of buildings is acceptable in the neighbourhood context considering:</p> <ul style="list-style-type: none"> <li>• Façade articulation and detailing</li> <li>• Window and door proportions</li> <li>• Roof form</li> <li>• Verandahs, eaves and parapets</li> <li>• Whether the design is innovative and of a high architectural standard.</li> </ul> <p>Garages and carports are visually compatible with the development and the neighbourhood context.</p>

Information required
The neighbourhood and site description.
The design response.

**CURRENT****55.06-2****Front fences objective**

To encourage front fence design that respects the existing or preferred neighbourhood character.

**Standard B32**

The design of front fences should complement the design of the dwelling or residential building and any front fences on adjoining properties.

A front fence within 3 metres of a street should not exceed:

- The maximum height specified in a schedule to the zone, or
- If no maximum height is specified in a schedule to the zone, the maximum height specified in Table A2.

**Table B3 Maximum front fence height**

Street context	Maximum front fence height
Streets in a Road Zone, Category 1	2 metres
Other streets	1.5 metres

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The setback, height and appearance of front fences on adjacent properties.
- The extent to which slope and retaining walls reduce the effective height of the front fence.
- Whether the fence is needed to minimise noise intrusion.

**TRANSLATED**

B32 Front fences
Performance objective
Front fence design respects the existing or preferred neighbourhood character.

## Department of Environment, Land, Water and Planning

Performance measure	
A front fence within 3 metres of a street should not exceed:	
<ul style="list-style-type: none"> <li>The maximum height specified in a schedule to the zone, or</li> <li>If no maximum height is specified in a schedule to the zone, the maximum height specified in Table B3.</li> </ul>	
Table B3 Maximum front fence height	
Street context	Maximum front fence height
Streets in a Road Zone, Category 1	2 metres
Other streets	1.5 metres
Performance criteria	
The design of the fence is acceptable considering:	
<ul style="list-style-type: none"> <li>The design of the dwelling or residential building.</li> <li>The setback, height and appearance of front fences on adjacent properties.</li> <li>The extent to which slope and retaining walls reduce the effective height of the front fence.</li> <li>Whether the fence is needed to minimise noise intrusion.</li> </ul>	
Information required	
The neighbourhood and site description.	
The design response.	

## CURRENT

## 55.06-3

## Common property objectives

To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.

To avoid future management difficulties in areas of common ownership.

## Standard B33

Developments should clearly delineate public, communal and private areas.

Common property, where provided, should be functional and capable of efficient management.

## TRANSLATED

B33 Common property
Performance objective
Communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.
Areas in common ownership do not have management difficulties.
Performance measure
None specified.

## Department of Environment, Land, Water and Planning

<b>Performance criteria</b>
Developments clearly delineate public, communal and private areas.
Common property, where provided, is functional and capable of efficient management.
<b>Information required</b>
The design response.

**CURRENT****55.06-4****Site service objectives**

To ensure that site services can be installed and easily maintained.

To ensure that site facilities are accessible, adequate and attractive.

**Standard B34**

The design and layout of dwellings and residential buildings should provide sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically.

Mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development.

Mailboxes should be provided and located for convenient access as required by Australia Post.

**Decision guideline**

Before deciding on an application, the responsible authority must consider the design response.

**TRANSLATED**

<b>B34 Site service</b>
<b>Performance objective</b>
Site services can be installed and easily maintained.
Site facilities are accessible, adequate and attractive.
<b>Performance measure</b>
None specified.
<b>Performance criteria</b>
The design and layout of dwellings and residential buildings provides sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically.
Mailboxes and other site facilities are adequate in size, durable, waterproof and blend in with the development.
Mailboxes are provided and located for convenient access as required by Australia Post.
<b>Information required</b>
The design response.

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**55.07 APPARTMENT DEVELOPMENTS****CURRENT****58.03-1 Energy efficiency objectives**

To achieve and protect energy efficient dwellings and buildings.

To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.

To ensure dwellings achieve adequate thermal efficiency.

**Standard B35**

Buildings should be:

- Oriented to make appropriate use of solar energy.
- Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.
- Sited and designed to ensure that the performance of existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone are not unreasonably reduced. The existing rooftop solar energy system must exist at the date the application is lodged.

Living areas and private open space should be located on the north side of the development, if practicable.

Developments should be designed so that solar access to north-facing windows is optimised.

Dwellings located in a climate zone identified in Table B4 should not exceed the maximum NatHERS annual cooling load specified in the following table.

**Table B4 Cooling load**

NatHERS climate zone	NatHERS maximum cooling load MJ/M <sup>2</sup> per annum
Climate zone 21 Melbourne	30
Climate zone 22 East Sale	22
Climate zone 27 Mildura	69
Climate zone 60 Tullamarine	22
Climate zone 62 Moorabbin	21
Climate zone 63 Warrnambool	21
Climate zone 64 Cape Otway	19
Climate zone 66 Ballarat	23

*Note: Refer to NatHERS zone map, Nationwide House Energy Rating Scheme (Commonwealth Department of Environment and Energy).*

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The design response.
- The size, orientation and layout of the site.
- The existing amount of solar access to abutting properties.
- The availability of solar access to north-facing windows on the site.

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- The annual cooling load for each dwelling.
- The extent to which an existing rooftop solar energy system on an adjoining lot is overshadowed by existing buildings or other permanent structures.
- Whether the existing rooftop solar energy system on an adjoining lot is appropriately located.
- The effect of overshadowing on an existing rooftop solar energy facility on an adjoining lot.

## TRANSLATED

B35 Energy efficiency	
Performance objective	
<p>New development is energy efficient.</p> <p>The energy efficiency of existing buildings is protected.</p> <p>The orientation and layout of development reduces fossil fuel energy use and makes appropriate use of daylight and solar energy.</p> <p>New dwellings achieve adequate thermal efficiency.</p>	
Performance measure	
<p>Living areas and private open space are located on the north side of the development</p> <p>A dwelling located in a climate zone identified in Table B4 does not exceed the maximum NatHERS annual cooling load specified in Table B4.</p>	
Table B4 Cooling load	
NatHERS climate zone	NatHERS maximum cooling load MJ/M <sup>2</sup> per annum
Climate zone 21 Melbourne	30
Climate zone 22 East Sale	22
Climate zone 27 Mildura	69
Climate zone 60 Tullamarine	22
Climate zone 62 Moorabbin	21
Climate zone 63 Warrnambool	21
Climate zone 64 Cape Otway	19
Climate zone 66 Ballarat	23
<p><i>Note: Refer to NatHERS zone map, Nationwide House Energy Rating Scheme (Commonwealth Department of Environment and Energy).</i></p>	

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Performance criteria
<p>The energy efficiency of new development is acceptable considering:</p> <ul style="list-style-type: none"> <li>• The size, orientation and layout of the site.</li> <li>• How buildings are oriented to make use of solar energy.</li> <li>• The availability of solar access to north-facing windows on the site.</li> <li>• The annual cooling load for each dwelling.</li> </ul> <p>The energy efficiency protection for existing development is acceptable considering:</p> <ul style="list-style-type: none"> <li>• The existing amount of solar access to abutting properties.</li> <li>• The extent to which an existing rooftop solar energy system on an adjoining lot is overshadowed by existing buildings or other permanent structures.</li> <li>• Whether the existing rooftop solar energy system on an adjoining lot is appropriately located.</li> <li>• The effect of overshadowing on an existing rooftop solar energy facility on an adjoining lot.</li> </ul>
Information required
<p>The neighbourhood and site description.</p> <p>The design response.</p> <p>A written statement that identifies the existing amount of solar access to abutting properties and the likely effect of overshadowing by the development on their performance taking account of:</p> <ul style="list-style-type: none"> <li>• The extent to which an existing rooftop solar energy system on an adjoining lot is overshadowed by existing buildings or other permanent structures.</li> <li>• Whether the existing rooftop solar energy system on an adjoining lot is appropriately located.</li> </ul>

**CURRENT****55.07-2****Communal open space objective**

To ensure that communal open space is accessible, practical, attractive, easily maintained and integrated with the layout of the development.

**Standard B36**

Developments with 40 or more dwellings should provide a minimum area of communal open space of 2.5 square metres per dwelling or 250 square metres, whichever is lesser.

Communal open space should:

- Be located to:
  - Provide passive surveillance opportunities, where appropriate.
  - Provide outlook for as many dwellings as practicable.
  - Avoid overlooking into habitable rooms and private open space of new dwellings.
  - Minimise noise impacts to new and existing dwellings.
- Be designed to protect any natural features on the site.
- Maximise landscaping opportunities.
- Be accessible, useable and capable of efficient management.

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**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

Any relevant urban design objective, policy or statement set out in this scheme.

The design response.

- The useability and amenity of the communal open space based on its size, location, accessibility and reasonable recreation needs of residents.
- The availability of and access to public open space.

**TRANSLATED**

<b>B36 Communal open space</b>
<b>Performance objective</b>
Communal open space is accessible, practical, attractive and easily maintained.
Communal open space is integrated with the layout of the development.
<b>Performance measure</b>
A development with 40 or more dwellings provides at least 2.5 square metres per dwelling or 250 square metres of communal open space, whichever is lesser.
Communal open space does not enable overlooking into habitable rooms and private open space of new dwellings.
<b>Performance criteria</b>
<p>The communal open space of new development is acceptable considering how the communal open space proposed is designed and located to:</p> <ul style="list-style-type: none"> <li>• Provide passive surveillance opportunities.</li> <li>• Provide outlook for as many dwellings as practicable.</li> <li>• Avoid overlooking into habitable rooms and private open space of new dwellings.</li> <li>• Minimise noise impacts to new and existing dwellings.</li> <li>• Protect any natural features on the site.</li> <li>• Maximise landscaping opportunities.</li> <li>• Be accessible, useable and capable of efficient management.</li> </ul> <p>The amount of communal open space of new development is acceptable considering:</p> <ul style="list-style-type: none"> <li>• The availability of and access to public open space.</li> <li>• The reasonable recreation needs of residents.</li> </ul>
<b>Information required</b>
<p>The design response.</p> <p>If not included in the design response, a statement describing how the design responds to any relevant urban design objective, policy or statement set out in this scheme.</p>



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**CURRENT****55.07-3 Solar access to communal outdoor open space objective**

To allow solar access into communal outdoor open space.

**Standard B37**

The communal outdoor open space should be located on the north side of a building, if appropriate.

At least 50 per cent or 125 square metres, whichever is the lesser, of the primary communal outdoor open space should receive a minimum of two hours of sunlight between 9am and 3pm on 21 June.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability and amenity of the primary communal outdoor open space areas based on the urban context, the orientation of the building, the layout of dwellings and the sunlight it will receive.

**TRANSLATED**

<b>B37 Solar access to communal outdoor open space</b>
<b>Performance objective</b>
Communal outdoor open space has appropriate solar access.
<b>Performance measure</b>
At least 50 per cent or 125 square metres, whichever is the lesser, of the primary communal outdoor open space receives a minimum of two hours of sunlight between 9am and 3pm on 21 June.
<b>Performance criteria</b>
The solar access to communal open space of new development is acceptable considering the useability and amenity of the communal outdoor open space areas based on the urban context, the orientation of the building, the layout of dwellings and the sunlight the open space will receive.
<b>Information required</b>
The design response.

**CURRENT****55.07-4 Deep soil areas and canopy trees objective**

To promote climate responsive landscape design and water management in developments to support thermal comfort and reduce the urban heat island effect.

**Standard B38**

The landscape layout and design should:

- Be responsive to the site context.
- Consider landscaping opportunities to reduce heat absorption such as green walls, green roofs and roof top gardens and improve on-site storm water infiltration.
- Maximise deep soil areas for planting of canopy trees.

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- Integrate planting and water management.

Developments should provide the deep soil areas and canopy trees specified in Table B5.

If the development cannot provide the deep soil areas and canopy trees specified in Table B5, an equivalent canopy cover should be achieved by providing either:

- Canopy trees or climbers (over a pergola) with planter pits sized appropriately for the mature tree soil volume requirements.
- Vegetated planters, green roofs or green façades.

**Table B5 Deep soil areas and canopy trees**

Site area	Deep soil areas	Minimum tree provision
750 - 1000 square metres	5% of site area (minimum dimension of 3 metres)	1 small tree (6-8 metres) per 30 square metres of deep soil
1001 - 1500 square metres	7.5% of site area (minimum dimension of 3 metres)	1 medium tree (8-12 metres) per 50 square metres of deep soil or 1 large tree per 90 square metres of deep soil
1501 - 2500 square metres	10% of site area (minimum dimension of 6 metres)	1 large tree (at least 12 metres) per 90 square metres of deep soil or 2 medium trees per 90 square metres of deep soil
>2500 square metres	15% of site area (minimum dimension of 6 metres)	1 large tree (at least 12 metres) per 90 square metres of deep soil or 2 medium trees per 90 square metres of deep soil

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- Any relevant plan or policy for environmental sustainability in the Municipal Planning Strategy and the Planning Policy Framework.
- The design response.
- The suitability of the proposed location and soil volume for canopy trees.
- The ongoing management of landscaping within a development.
- The soil type and drainage patterns of the site.

## Department of Environment, Land, Water and Planning

## TRANSLATED

B38 Deep soil areas and canopy trees		
Performance objective		
Landscape design and water management is climate responsive.		
New development supports thermal comfort and reduces the urban heat island effect.		
Performance measure		
Heat absorption is reduced using landscape opportunities such as green walls, green roofs and roof top gardens.		
On-site storm water infiltration is provided.		
Planting and water management are integrated.		
Deep soil areas for planting of canopy trees are maximised and the deep soil areas and canopy trees specified in Table B5 are provided.		
Table B5 Deep soil areas and canopy trees		
Site area	Deep soil areas	Minimum tree provision
750 - 1000 square metres	5% of site area (minimum dimension of 3 metres)	1 small tree (6-8 metres) per 30 square metres of deep soil
1001 - 1500 square metres	7.5% of site area (minimum dimension of 3 metres)	1 medium tree (8-12 metres) per 50 square metres of deep soil or 1 large tree per 90 square metres of deep soil
1501 - 2500 square metres	10% of site area (minimum dimension of 6 metres)	1 large tree (at least 12 metres) per 90 square metres of deep soil or 2 medium trees per 90 square metres of deep soil
>2500 square metres	15% of site area (minimum dimension of 6 metres)	1 large tree (at least 12 metres) per 90 square metres of deep soil or 2 medium trees per 90 square metres of deep soil
<p><i>Note: Where an existing canopy tree over 8 metres can be retained on a lot greater than 1000 square metres without damage during the construction period, the minimum deep soil requirement is 7% of the site area.</i></p> <p>If the development cannot provide the deep soil areas and canopy trees specified in Table D2, an equivalent canopy cover is achieved by providing either:</p> <ul style="list-style-type: none"> <li>• Canopy trees or climbers (over a pergola) with planter pits sized appropriately for the mature tree soil volume requirements.</li> <li>• Vegetated planters, green roofs or green façades.</li> </ul>		

## Department of Environment, Land, Water and Planning

<b>Performance criteria</b>
<p>The landscape layout and design is acceptable considering how it:</p> <ul style="list-style-type: none"> <li>• Responds to the site context.</li> <li>• Integrates planting and water management.</li> <li>• Provides a safe, attractive and functional environment for residents.</li> <li>• Reduces heat absorption by means such as green walls, green roofs and roof top gardens.</li> <li>• Improves on-site stormwater infiltration.</li> <li>• Maximises deep soil areas for planting canopy trees.</li> </ul>
<b>Information required</b>
<p>The design response.</p> <p>If not included in the design response, a statement documenting:</p> <ul style="list-style-type: none"> <li>• Any relevant plan or policy for landscape character and environmental sustainability in the Municipal Planning Strategy and the Planning Policy Framework.</li> <li>• The suitability of the proposed location and soil volume for canopy trees.</li> <li>• The ongoing management of landscaping for the development.</li> <li>• The soil type and drainage patterns of the site.</li> </ul>

**CURRENT****55.07-5****Integrated water and stormwater management objectives**

To encourage the use of alternative water sources such as rainwater, stormwater and recycled water.

To facilitate stormwater collection, utilisation and infiltration within the development.

To encourage development that reduces the impact of stormwater run-off on the drainage system and filters sediment and waste from stormwater prior to discharge from the site.

**Standard B39**

Buildings should be designed to collect rainwater for non-drinking purposes such as flushing toilets, laundry appliances and garden use.

Buildings should be connected to a non-potable dual pipe reticulated water supply, where available from the water authority.

The stormwater management system should be:

- Designed to meet the current best practice performance objectives for stormwater quality as contained in the *Urban Stormwater - Best Practice Environmental Management Guidelines* (Victorian Stormwater Committee, 1999).
- Designed to maximise infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment areas.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- Any relevant water and stormwater management objective, policy or statement set out in this scheme.
- The design response.
- Whether the development has utilised alternative water sources and/or incorporated

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water sensitive urban design.

- Whether stormwater discharge from the site will adversely affect water quality entering the drainage system.
- The capacity of the drainage network to accommodate additional stormwater. Whether the stormwater treatment areas can be effectively maintained.
- Whether the owner has entered into an agreement to contribute to off-site stormwater management in lieu of providing an on-site stormwater management system.

## TRANSLATED

<b>B39 Integrated water and storm water management</b>	
<b>Performance objective</b>	<p>Alternative water sources such as rainwater, stormwater and recycled water are used.</p> <p>Stormwater is collected, used and infiltrated within the development.</p> <p>Stormwater run-off from the site is reduced.</p> <p>Stormwater is filtered for sediment and waste before being discharged from the site.</p>
<b>Performance measure</b>	<p>Buildings collect rainwater for non-drinking purposes such as flushing toilets, laundry appliances and garden use.</p> <p>Buildings are connected to a non-potable dual pipe reticulated water supply, where available from the water authority.</p> <p>The stormwater management system is designed to meet the current best practice performance objectives for stormwater quality as contained in the <i>Urban Stormwater - Best Practice Environmental Management Guidelines</i> (Victorian Stormwater Committee, 1999).</p> <p>The stormwater management system is designed to maximise infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment areas</p>
<b>Performance criteria</b>	<p>The proposed water and stormwater management arrangements are acceptable considering:</p> <ul style="list-style-type: none"> <li>• How the development has utilised alternative water sources and incorporated water sensitive urban design.</li> <li>• Whether stormwater discharge from the site will adversely affect water quality entering the drainage system.</li> <li>• The capacity of the drainage network to accommodate additional stormwater.</li> <li>• Whether the stormwater treatment areas can be effectively maintained.</li> <li>• Whether the owner has entered into an agreement to contribute to off-site stormwater management instead of providing an on-site stormwater management system.</li> </ul>
<b>Information required</b>	<p>The design response.</p> <p>If not included in the design response, a statement documenting:</p> <ul style="list-style-type: none"> <li>• Any relevant water and stormwater management objective, policy or statement set out in this scheme.</li> <li>• The capacity of the drainage network to accommodate additional stormwater.</li> <li>• Whether the owner has entered into an agreement to contribute to off-site stormwater management instead of providing an on-site stormwater management system.</li> </ul>

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## CURRENT

## 55.07-6

**Noise impact objectives**

To contain noise sources in developments that may affect existing dwellings.

To protect residents from external and internal noise sources.

**Standard B40**

Noise sources, such as mechanical plants should not be located near bedrooms of immediately adjacent existing dwellings.

The layout of new dwellings and buildings should minimise noise transmission within the site.

Noise sensitive rooms (such as living areas and bedrooms) should be located to avoid noise impacts from mechanical plants, lifts, building services, non-residential uses, car parking, communal areas and other dwellings.

New dwellings should be designed and constructed to include acoustic attenuation measures to reduce noise levels from off-site noise sources.

Buildings within a noise influence area specified in Table B6 should be designed and constructed to achieve the following noise levels:

- Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.
- Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm.

Buildings, or part of a building screened from a noise source by an existing solid structure, or the natural topography of the land, do not need to meet the specified noise level requirements.

Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed.

**Table B6 Noise influence area**

Noise source	Noise influence area
<b>Zone interface</b>	
Industry	300 metres from the Industrial 1, 2 and 3 zone boundary
<b>Roads</b>	
Freeways, tollways and other roads carrying 40,000 Annual Average Daily Traffic Volume	300 metres from the nearest trafficable lane
<b>Railways</b>	
Railway servicing passengers in Victoria	80 metres from the centre of the nearest track
Railway servicing freight outside Metropolitan Melbourne	80 metres from the centre of the nearest track
Railway servicing freight in Metropolitan Melbourne	135 metres from the centre of the nearest track

*Note: The noise influence area should be measured from the closest part of the building to the noise source.*

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The design response.
- Whether it can be demonstrated that the design treatment incorporated into the development meets the specified noise levels or an acoustic report by a suitably qualified consultant submitted with the application.

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- Whether the impact of potential noise sources within a development have been mitigated through design, location and siting.
- Whether the layout of rooms within a dwelling mitigates noise transfer within and between dwellings.
- Whether an alternative design meets the relevant objectives having regard to the amenity of the dwelling and the site context.

## TRANSLATED

B40 Noise impact	
Performance objective	
Residents of new development are not subject to unreasonable noise impacts from external and internal noise sources.	
Residents of existing dwellings are not subject to unreasonable noise impacts from new development.	
Performance measure	
Noise sources, such as mechanical plants, are not located near a bedroom of an immediately adjacent existing dwelling.	
Noise transmission within the site is minimised by the layout of new dwellings and buildings.	
Noise sensitive rooms (such as living areas and bedrooms) are located to avoid noise impacts from mechanical plants, lifts, building services, non-residential uses, car parking, communal areas and other dwellings.	
New dwellings are designed and constructed with acoustic attenuation that reduce noise levels from off-site noise sources.	
A building (other than a building or part of a building screened from a noise source by an existing solid structure or the natural topography of the land) that is within a noise influence area specified in Table B6, achieves the following noise levels:	
<ul style="list-style-type: none"> <li>• For bedrooms: not greater than 35dB(A), assessed as an LAeq,8h from 10pm to 6am.</li> <li>• For living areas: not greater than 40dB(A), assessed LAeq,16h from 6am to 10pm.</li> </ul>	
<i>Note: Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed.</i>	
Table B6 Noise influence area	
Noise source	Noise influence area
Zone interface	
Industry	300 metres from the Industrial 1, 2 and 3 zone boundary
Roads	
Freeways, tollways and other roads carrying 40,000 Annual Average Daily Traffic Volume	300 metres from the nearest trafficable lane
Railways	
Railway servicing passengers in Victoria	80 metres from the centre of the nearest track
Railway servicing freight outside Metropolitan Melbourne	80 metres from the centre of the nearest track
Railway servicing freight in Metropolitan Melbourne	135 metres from the centre of the nearest track
<i>Note: The noise influence area should be measured from the closest part of the building to the noise source.</i>	

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<b>Performance criteria</b>
<p>Noise impacts are acceptable considering:</p> <ul style="list-style-type: none"> <li>• How the impact of potential noise sources within a development has been mitigated through design, location and siting.</li> <li>• The proximity of noise sources, such as mechanical plants, to a bedroom of an immediately adjacent existing dwelling.</li> <li>• How the layout of rooms within a dwelling mitigates noise transfer within and between dwellings.</li> <li>• How noise sensitive rooms (such as living areas and bedrooms) are located to avoid noise impacts from mechanical plants, lifts, building services, non-residential uses, car parking, communal areas and other dwellings.</li> <li>• How noise transmission within the site is minimised by the layout of new dwellings and buildings.</li> <li>• Whether new dwellings are designed and constructed with acoustic attenuation that reduces noise levels from off-site noise sources.</li> <li>• How any alternative design meets the relevant performance objectives having regard to the amenity of the dwelling and the site context.</li> </ul>
<b>Information required</b>
<p>The design response.</p> <p>If not included in the design response, a statement documenting how the design treatment incorporated into the development meets the specified noise levels or an acoustic report by a suitably qualified consultant submitted with the application.</p>

**CURRENT****55.07-7****Accessibility objective**

To ensure the design of dwellings meets the needs of people with limited mobility.

**Standard B41**

At least 50 per cent of dwellings should have:

- A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom.
- A clear path with a minimum width of 1.2 metres that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area.
- A main bedroom with access to an adaptable bathroom.
- At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table B7.



## Department of Environment, Land, Water and Planning

**Table B7 Bathroom design**

	Design option A	Design option B
Door opening	A clear 850mm wide door opening.	A clear 820mm wide door opening located opposite the shower.
Door design	Either:  A slide door, or  A door that opens outwards, or  A door that opens inwards that is clear of the circulation area and has readily removable hinges.	Either:  A slide door, or  A door that opens outwards, or  A door that opens inwards and has readily removable hinges.
Circulation area	A clear circulation area that is:  A minimum area of 1.2 metres by 1.2 metres.  Located in front of the shower and the toilet.  Clear of the toilet, basin and the door swing.  The circulation area for the toilet and shower can overlap.	A clear circulation area that is: A minimum width of 1 metre.  The full length of the bathroom and a minimum length of 2.7 metres.  Clear of the toilet and basin.  The circulation area can include a shower area.
Path to circulation area	A clear path with a minimum width of 900mm from the door opening to the circulation area.	Not applicable.
Shower	A hobless (step-free) shower.	A hobless (step-free) shower that has a removable shower screen and is located on the furthest wall from the door opening.
Toilet	A toilet located in the corner of the room.	A toilet located closest to the door opening and clear of the circulation area.

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## TRANSLATED

B41 Accessibility		
Performance objective		
The design of new development meets the needs of people with limited mobility		
Performance measure		
<p>At least 50 per cent of dwellings have:</p> <ul style="list-style-type: none"> <li>• A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom.</li> <li>• A clear path with a minimum width of 1.2 metres that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area.</li> <li>• A main bedroom with access to an adaptable bathroom.</li> <li>• At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table B7.</li> </ul>		
Table B7 Bathroom design		
	Design option A	Design option B
Door opening	A clear 850mm wide door opening.	A clear 820mm wide door opening located opposite the shower.
Door design	<p>Either:</p> <ul style="list-style-type: none"> <li>• A slide door, or</li> <li>• A door that opens outwards, or</li> <li>• A door that opens inwards that is clear of the circulation area and has readily removable hinges.</li> </ul>	<p>Either:</p> <ul style="list-style-type: none"> <li>• A slide door, or</li> <li>• A door that opens outwards, or</li> <li>• A door that opens inwards and has readily removable hinges.</li> </ul>
Circulation area	<p>A clear circulation area that is:</p> <ul style="list-style-type: none"> <li>• A minimum area of 1.2 metres by 1.2 metres.</li> <li>• Located in front of the shower and the toilet.</li> <li>• Clear of the toilet, basin and the door swing.</li> <li>• The circulation area for the toilet and shower can overlap.</li> </ul>	<p>A clear circulation area that is:</p> <ul style="list-style-type: none"> <li>• A minimum width of 1 metre.</li> <li>• The full length of the bathroom and a minimum length of 2.7 metres.</li> <li>• Clear of the toilet and basin.</li> <li>• The circulation area can include a shower area.</li> </ul>
Path to circulation area	A clear path with a minimum width of 900mm from the door opening to the circulation area.	Not applicable.
Shower	A hobless (step-free) shower.	A hobless (step-free) shower that has a removable shower screen and is located on the furthest wall from the door opening.
Toilet	A toilet located in the corner of the room.	A toilet located closest to the door opening and clear of the circulation area.

## Department of Environment, Land, Water and Planning

<b>Performance criteria</b>
The accessibility of new development is acceptable considering the needs of people with limited mobility.
<b>Information required</b>
None specified

**CURRENT****55.07-8 Building entry and circulation objectives**

To provide each dwelling and building with its own sense of identity.

To ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents.

To ensure internal communal areas provide adequate access to daylight and natural ventilation.

**Standard B42**

Entries to dwellings and buildings should:

- Be visible and easily identifiable.
- Provide shelter, a sense of personal address and a transitional space around the entry.

The layout and design of buildings should:

- Clearly distinguish entrances to residential and non-residential areas.
- Provide windows to building entrances and lift areas.
- Provide visible, safe and attractive stairs from the entry level to encourage use by residents.
- Provide common areas and corridors that:
  - Include at least one source of natural light and natural ventilation.
  - Avoid obstruction from building services.
  - Maintain clear sight lines.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability and amenity of internal communal areas based on daylight access and the natural ventilation it will receive.

**TRANSLATED**

<b>B42 Building entry and circulation</b>
<b>Performance objective</b>
Each dwelling and building has its own sense of identity.
The internal layout of buildings allows residents safe, functional and efficient movement.
Internal communal areas have adequate access to daylight and natural ventilation.

## Department of Environment, Land, Water and Planning

Performance measure
<p>The entry to each dwelling and building is visible and easily identifiable.</p> <p>The entry to each dwelling and building provides shelter, a sense of personal address and a transitional space around the entry.</p> <p>The layout and design of buildings:</p> <ul style="list-style-type: none"> <li>Clearly distinguishes entrances to residential and non-residential areas.</li> <li>Provides windows to building entrances and lift areas.</li> </ul> <p>Stairs from the entry level are visible, safe and attractive and encourage use by residents.</p> <p>Common areas and corridors:</p> <ul style="list-style-type: none"> <li>Include at least one source of natural light and natural ventilation.</li> <li>Avoid obstruction from building services.</li> <li>Maintain clear sight lines.</li> </ul> <p>Internal communal areas receive reasonable daylight access and natural ventilation.</p>
Performance criteria
<p>The entry to each dwelling and residential building is acceptable considering:</p> <ul style="list-style-type: none"> <li>Visibility and identification from streets and other public areas.</li> <li>The shelter, sense of personal address and transitional space around the entry proposed.</li> <li>How entrances to residential and non-residential areas are distinguished.</li> <li>The proposed windows and lighting to building entrances and lift areas</li> </ul> <p>The internal layout of buildings is acceptable considering:</p> <ul style="list-style-type: none"> <li>The visibility, safety and attraction of stairs from the entry area.</li> <li>The useability, lighting, ventilation and sight lines of common areas and corridors.</li> </ul>
Information required
The design response.

**CURRENT****55.07-9****Private open space above ground floor objective**

To provide adequate private open space for the reasonable recreation and service needs of residents.

**Standard B43**

A dwelling should have private open space consisting of:

- An area of 15 square metres, with a minimum dimension of 3 metres at a podium or other similar base and convenient access from a living room, or
- A balcony with an area and dimensions specified in Table B8 and convenient access from a living room.
- If a cooling or heating unit is located on a balcony, the balcony should provide an additional area of 1.5 square metres.

## Department of Environment, Land, Water and Planning

**Table B8 Balcony size**

Dwelling type	Minimum area	Minimum demension
Studio or 1 bedroom dwelling	8 square metres	1.8 metres
2 bedroom dwelling	8 square metres	2 metres
3 or more bedroom dwelling	12 square metres	2.4 metres

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability and functionality of the private open space, including its size and accessibility.
- The amenity of the private open space based on the orientation of the lot, the wind conditions and the sunlight it will receive.
- The availability of and access to public or communal open space.

**TRANSLATED**

<b>B43 Private open space above ground floor</b>
<b>Performance objective</b>
Residents have adequate private open space for their recreatoin and service needs.
<b>Performance measure</b>
Each dwelling has private open space consisting of: <ul style="list-style-type: none"> <li>• An area of 15 square metres, with a minimum dimension of 3 metres at a podium or other similar base and convenient access from a living room, or</li> <li>• A balcony with an area and dimensions specified in Table B8 and convenient access from a living room.</li> <li>• If a cooling or heating unit is located on a balcony, the balcony provides an additional area of 1.5 square metres.</li> </ul>
<b>Performance criteria</b>
The private open space provided above ground floor is acceptable considering: <ul style="list-style-type: none"> <li>• The useability and functionality of the private open space, including its size and accessibility.</li> <li>• The amenity of the private open space based on the orientation of the lot, the wind conditions and the sunlight it will receive.</li> <li>• The availability of and access to public or communal open space.</li> </ul>
<b>Information required</b>
The design response.

**CURRENT****55.07-10****Storage objective**

To provide adequate storage facilities for each dwelling.

**Standard B44**

Each dwelling should have convenient access to usable and secure storage space.

The total minimum storage space (including kitchen, bathroom and bedroom storage) should meet the requirements specified in Table B9.

**Table B9 Storage**

Dwelling type	Total minimum storage volume	Minimum storage volume within the dwelling
Studio	8 cubic metres	5 cubic metres
1 bedroom dwelling	10 cubic metres	6 cubic metres
2 bedroom dwelling	14 cubic metres	9 cubic metres
3 or more bedroom dwelling	18 cubic metres	12 cubic metres

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability, functionality and location of storage facilities provided for the dwelling.

**TRANSLATED**

<b>B44 Storage</b>		
<b>Performance objective</b>		
Each dwelling has adequate storage facilities.		
<b>Performance measure</b>		
The total minimum storage space (including kitchen, bathroom and bedroom storage) meets the requirements specified in Table B9.		
<b>Table B9 Storage</b>		
Dwelling type	Total minimum storage volume	Minimum storage volume within the dwelling
Studio	8 cubic metres	5 cubic metres
1 bedroom dwelling	10 cubic metres	6 cubic metres
2 bedroom dwelling	14 cubic metres	9 cubic metres
3 or more bedroom dwelling	18 cubic metres	12 cubic metres
<b>Performance criteria</b>		
The storage provided to each dwelling is acceptable and is convenient, usable, sufficient and secure.		
<b>Information required</b>		
The design response.		

## Department of Environment, Land, Water and Planning

**CURRENT****55.07-11 Waste and recycling objectives**

To ensure dwellings are designed to encourage waste recycling.

To ensure that waste and recycling facilities are accessible, adequate and attractive.

To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity, health and the public realm.

**Standard B45**

Developments should include dedicated areas for:

- Waste and recycling enclosures which are:
  - Adequate in size, durable, waterproof and blend in with the development.
  - Adequately ventilated.
  - Located and designed for convenient access by residents and made easily accessible to people with limited mobility.
- Adequate facilities for bin washing. These areas should be adequately ventilated.
- Collection, separation and storage of waste and recyclables, including where appropriate opportunities for on-site management of food waste through composting or other waste recovery as appropriate.
- Collection, storage and reuse of garden waste, including opportunities for on-site treatment, where appropriate, or off-site removal for reprocessing.
- Adequate circulation to allow waste and recycling collection vehicles to enter and leave the site without reversing.
- Adequate internal storage space within each dwelling to enable the separation of waste, recyclables and food waste where appropriate.

Waste and recycling management facilities should be designed and managed in accordance with a Waste Management Plan approved by the responsible authority and:

- Be designed to meet the better practice design options specified in *Waste Management and Recycling in Multi-unit Developments* (Sustainability Victoria, 2019).
- Protect public health and amenity of residents and adjoining premises from the impacts of odour, noise and hazards associated with waste collection vehicle movements.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The design response.
- Any relevant waste and recycling objective, policy or statement set out in this scheme.

## TRANSLATED

<b>B45 Waste and recycling</b>
<b>Performance objective</b>
<p>Waste recycling is encouraged.</p> <p>Waste and recycling facilities are accessible, adequate and attractive.</p> <p>Waste recycling activities do not unreasonably impact residential amenity, health and the public realm.</p>
<b>Performance measure</b>
<p>Waste and recycling enclosures are provided that are:</p> <ul style="list-style-type: none"> <li>• Adequate in size, durable, waterproof and blend in with the development.</li> <li>• Adequately ventilated.</li> <li>• Located and designed for convenient access by residents and made easily accessible to people with limited mobility.</li> </ul> <p>A dedicated area is provided for collection, separation and storage of waste and recyclables, including where appropriate opportunities for on-site management of food waste through composting or other waste recovery.</p> <p>A dedicated area is provided for collection, storage and reuse of garden waste, including opportunities for on-site treatment, where appropriate, or off-site removal for reprocessing.</p> <p>There is adequate circulation to allow waste and recycling collection vehicles to enter and leave the site without reversing.</p> <p>There is adequate internal storage space in each dwelling to enable the separation of waste, recyclables and food waste.</p> <p>Waste and recycling management facilities are designed and managed in accordance with any Waste Management Plan approved by the responsible authority.</p> <p>Waste and recycling management facilities are designed to meet the better practice design options specified in <i>Waste Management and Recycling in Multi-unit Developments</i> (Sustainability Victoria, 2019).</p> <p>Waste and recycling management facilities are designed to protect public health and amenity of residents and adjoining premises from the impacts of odour, noise and hazards associated with waste collection vehicle movements.</p>
<b>Performance criteria</b>
<p>The waste management facilities provided for the development are acceptable considering:</p> <ul style="list-style-type: none"> <li>• Any Waste Management Plan approved by the responsible authority.</li> <li>• The better practice design options specified in <i>Waste Management and Recycling in Multi-unit Developments</i> (Sustainability Victoria, 2019).</li> </ul>
<b>Information required</b>
<p>The design response.</p> <p>If not included in the design response, a statement documenting how any relevant waste and recycling objective, policy or statement set out in this scheme is met.</p>



## Department of Environment, Land, Water and Planning

**CURRENT****55.07-12 Functional layout objective**

To ensure dwellings provide functional areas that meet the needs of residents.

**Standard B46**

Bedrooms should:

- Meet the minimum internal room dimensions specified in Table B10.
- Provide an area in addition to the minimum internal room dimensions to accommodate a wardrobe.

**Table B10 Bedroom dimensions**

Bedroom type	Minimum width	Minimum depth
Main bedroom	3 metres	3.4 metres
All other bedrooms	3 metres	3 metres

Living areas (excluding dining and kitchen areas) should meet the minimum internal room dimensions specified in Table B11.

**Table B11 Living area dimensions**

Dwelling type	Minimum width	Minimum area
Studio and 1 bedroom dwelling	3.3 metres	10 sqm
2 or more bedroom dwelling	3.6 metres	12 sqm

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability, functionality and amenity of habitable rooms.

**TRANSLATED**

<b>B46 Functional layout</b>
<b>Performance objective</b>
New dwellings include functional areas that meet the needs of residents.

## Department of Environment, Land, Water and Planning

<b>Performance measure</b>		
Each bedroom has the minimum internal room dimensions specified in Table B10.		
Each bedroom has an area in addition to the minimum internal room dimensions to accommodate a wardrobe.		
<b>Table B10 Bedroom dimensions</b>		
Bedroom type	Minimum width	Minimum depth
Main bedroom	3 metres	3.4 metres
All other bedrooms	3 metres	3 metres
Living areas (excluding dining and kitchen areas) have the minimum internal room dimensions specified in Table B11.		
<b>Table B11 Living area dimensions</b>		
Dwelling type	Minimum width	Minimum area
Studio and 1 bedroom dwelling	3.3 metres	10 sqm
2 or more bedroom dwelling	3.6 metres	12 sqm
<b>Performance criteria</b>		
Habitable rooms are useable, functional and have acceptable amenity.		
<b>Information required</b>		
The design response.		

**CURRENT****55.07-13****Room depth objective**

To allow adequate daylight into single aspect habitable rooms.

**Standard B47**

Single aspect habitable rooms should not exceed a room depth of 2.5 times the ceiling height.

The depth of a single aspect, open plan, habitable room may be increased to 9 metres if all the following requirements are met:

- The room combines the living area, dining area and kitchen.
- The kitchen is located furthest from the window.
- The ceiling height is at least 2.7 metres measured from finished floor level to finished ceiling level. This excludes where services are provided above the kitchen.
- The room depth should be measured from the external surface of the habitable room window to the rear wall of the room.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The design response.
- The extent to which the habitable room is provided with reasonable daylight access through the number, size, location and orientation of windows.

## Department of Environment, Land, Water and Planning

- The useability, functionality and amenity of the dwelling based on layout, siting, size and orientation of habitable rooms.
- Any overhang above habitable room windows that limits daylight access.

## TRANSLATED

<b>B47 Room depth</b>
<b>Performance objective</b>
Any single aspect habitable room has adequate daylight.
<b>Performance measure</b>
<p>The room depth of any single aspect habitable room is not more than 2.5 times the ceiling height.</p> <p>The depth of a single aspect, open plan, habitable room may be up to 9 metres if all the following requirements are met:</p> <ul style="list-style-type: none"> <li>• The room combines the living area, dining area and kitchen.</li> <li>• The kitchen is located furthest from the window.</li> <li>• The ceiling height is at least 2.7 metres measured from finished floor level to finished ceiling level. This excludes where services are provided above the kitchen.</li> </ul> <p><i>Note: The room depth is measured from the external surface of the habitable room window to the rear wall of the room.</i></p>
<b>Performance criteria</b>
<p>Daylight to habitable rooms is acceptable considering:</p> <ul style="list-style-type: none"> <li>• the number, size, location and orientation of windows,</li> <li>• the useability, functionality and amenity of the dwelling based on layout, siting, size and orientation of habitable rooms</li> <li>• any overhang above habitable room windows that limits daylight access.</li> </ul>
<b>Information required</b>
The design response.

## CURRENT

55.07-17

**Windows objective**

To allow adequate daylight into new habitable room windows.

**Standard B48**

Habitable rooms should have a window in an external wall of the building.

A window may provide daylight to a bedroom from a smaller secondary area within the bedroom where the window is clear to the sky.

The secondary area should be:

- A minimum width of 1.2 metres.
- A maximum depth of 1.5 times the width, measured from the external surface of the window.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

## Department of Environment, Land, Water and Planning

- The design response.
- The extent to which the habitable room is provided with reasonable daylight access through the number, size, location and orientation of windows.
- The useability and amenity of the dwelling based on the layout, siting, size and orientation of habitable rooms.

## TRANSLATED

<b>B48 Windows</b>
<b>Performance objective</b>
New habitable rooms have adequate daylight.
<b>Performance measure</b>
Each habitable room has a window in an external wall of the building.  A window may provide daylight to a bedroom from a smaller secondary area within the bedroom where the window is clear to the sky and the secondary area is: <ul style="list-style-type: none"> <li>• A minimum width of 1.2 metres.</li> <li>• A maximum depth of 1.5 times the width, measured from the external surface of the window.</li> </ul>
<b>Performance criteria</b>
The habitable room is provided with reasonable daylight access through the number, size, location and orientation of windows, and whether any overhangs above habitable room windows limit daylight access.  The dwelling is useable and functional, and has acceptable amenity, based on the layout, siting, size and orientation of habitable rooms.
<b>Information required</b>
The design response.

## CURRENT

## 55.07-4

**Natural ventilation objectives**

To encourage natural ventilation of dwellings.

To allow occupants to effectively manage natural ventilation of dwellings.

**Standard B49**

The design and layout of dwellings should maximise openable windows, doors or other ventilation devices in external walls of the building, where appropriate.

At least 40 per cent of dwellings should provide effective cross ventilation that has:

- A maximum breeze path through the dwelling of 18 metres.
- A minimum breeze path through the dwelling of 5 metres.
- Ventilation openings with approximately the same area.

The breeze path is measured between the ventilation openings on different orientations of the dwelling.

## Department of Environment, Land, Water and Planning

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The design response.
- The size, orientation, slope and wind exposure of the site
- The extent to which the orientation of the building and the layout of dwellings maximises opportunities for cross ventilation.
- Whether an alternative design meets the relevant objectives having regard to the amenity of the dwelling and the site context. .

**TRANSLATED**

<b>B49 Natural ventilation</b>
<b>Performance objective</b>
New dwellings are able to be naturally ventilated.
An occupant can effectively manage the natural ventilation of their dwelling.
<b>Performance measure</b>
At least 40 per cent of dwellings provide effective cross ventilation that has: <ul style="list-style-type: none"> <li>• A maximum breeze path through the dwelling of 18 metres.</li> <li>• A minimum breeze path through the dwelling of 5 metres.</li> <li>• Ventilation openings with approximately the same area.</li> </ul> <p><i>Note: The breeze path is measured between the ventilation openings on different orientations of the dwelling.</i></p>
<b>Performance criteria</b>
The natural ventilation features of the development respond to the size, orientation, slope and wind exposure of the site.
The layout of each dwelling maximises the openable windows, doors or other ventilation devices in external walls of the building, where appropriate.
The orientation of the building and the layout of dwellings maximises opportunities for cross ventilation.
<b>Information required</b>
The design response.

## Appendix 6

### Test translation of Clause 58

*NOTE that this translation is an initial 'proof of concept' version.*

The detailed drafting of each module will require further review and refinement before any consultation or adoption.

#### 58.02 URBAN CONTEXT

##### CURRENT

##### 58.02-1 Urban context objectives

To ensure that the design responds to the existing urban context or contributes to the preferred future development of the area.

To ensure that development responds to the features of the site and the surrounding area.

##### Standard D1

The design response must be appropriate to the urban context and the site.

The proposed design must respect the existing or preferred urban context and respond to the features of the site.

##### Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant urban design objective, policy or statement set out in this scheme.
- The urban context report.
- The design response.

##### TRANSLATED

D1 Urban context
<b>Performance objective</b>
New development responds appropriately to the urban context and the site.
New development responds to the features of the site and the surrounding area.
<b>Performance measure</b>
None specified
<b>Performance criteria</b>
The design of new development respects the existing or preferred urban context.
The design of new development responds to the features of the site and the surrounding area
The design responds to any relevant urban design objective, policy or statement set out in this scheme.
<b>Information required</b>
The urban context report.
The design response.

## Department of Environment, Land, Water and Planning

**CURRENT****58.02-2 Residential policy objectives**

To ensure that residential development is provided in accordance with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.

To support higher density residential development where development can take advantage of public and community infrastructure and services.

**Standard D2**

An application must be accompanied by a written statement to the satisfaction of the responsible authority that describes how the development is consistent with any relevant policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider: The Municipal Planning Strategy and the Planning Policy Framework. The design response.

**TRANSLATED**

<b>D2 Residential policy</b>
<b>Performance objective</b>
New residential development accords with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.
Higher density residential development is supported where development can take advantage of public and community infrastructure and services.
<b>Performance measure</b>
None specified
<b>Performance criteria</b>
New development is consistent with any relevant policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.
<b>Information required</b>
The design response.
If not included in the design response, a statement describing how the development is consistent with any relevant policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.

**CURRENT****58.02-3 Dwelling diversity objective**

To encourage a range of dwelling sizes and types in developments of ten or more dwellings.

**Standard D3**

Developments of ten or more dwellings should provide a range of dwelling sizes and types, including dwellings with a different number of bedrooms.

**TRANSLATED**

<b>D3 Dwelling diversity</b>
<b>Performance objective</b>
New developments of ten or more dwellings include a range of dwelling sizes and types.

## Department of Environment, Land, Water and Planning

<b>Performance measure</b>
Developments of ten or more dwellings include a range of dwelling sizes and types, including dwellings with a different number of bedrooms.
<b>Performance criteria</b>
The dwelling diversity of the proposed development is acceptable considering the proposed range of dwelling sizes and types.
<b>Information required</b>
None specified.

**CURRENT****58.02-4****Infrastructure objectives**

To ensure development is provided with appropriate utility services and infrastructure.

To ensure development does not unreasonably overload the capacity of utility services and infrastructure.

**Standard D4**

Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas, if available.

Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.

In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The capacity of the existing infrastructure.
- In the absence of reticulated sewerage, a Land Capability Assessment on the risks to human health and the environment of an on-site wastewater management system constructed, installed or altered on the lot in accordance with the requirements of the Environment Protection Regulations under the Environment Protection Act 2017.
- If the drainage system has little or no spare capacity, the capacity of the development to provide for stormwater drainage mitigation or upgrading of the local drainage system.

**TRANSLATED**

<b>D4 Infrastructure</b>
<b>Performance objective</b>
Appropriate utility services and infrastructure are provided to new development. New development does not unreasonably overload the capacity of utility services and infrastructure.
<b>Performance measure</b>
Development is connected to reticulated services, including reticulated sewerage, drainage, electricity and gas. Development does not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.



## Department of Environment, Land, Water and Planning

<b>Performance criteria</b>
Where a utility service or infrastructure has little or no spare capacity, new development provides for appropriate upgrading or mitigation of the impact on the service or infrastructure.
<b>Information required</b>
<p>A report on the capacity of the existing infrastructure.</p> <p>If reticulated sewerage is not available, a Land Capability Assessment of the risk to human health and the environment of providing an on-site wastewater management system constructed on the lot in accordance with the requirements of the Environment Protection Regulations under the Environment Protection Act 2017.</p>

**CURRENT****58.02-5****Integration with the street objective**

To integrate the layout of development with the street.

**Standard D5**

Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility.

Development should be oriented to front existing and proposed streets.

High fencing in front of dwellings should be avoided if practicable.

Development next to existing public open space should be laid out to complement the open space.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- Any relevant urban design objective, policy or statement set out in this scheme.
- The design response.

**TRANSLATED**

<b>D5 Integration with the streets</b>
<b>Performance objective</b>
The layout of new development is integrated with the street.
<b>Performance measure</b>
None specified.
<b>Performance criteria</b>
<p>Dwellings are oriented to front existing and proposed streets.</p> <p>There is no high fencing in front of dwellings.</p> <p>New development provides vehicle and pedestrian links that maintain or enhance local accessibility.</p> <p>New development next to existing public open space is laid out to complement the open space.</p>

## Department of Environment, Land, Water and Planning

Information required
The neighbourhood and site description.
The design response.
If not included in the design response, a statement describing how the design responds to any relevant urban design objective, policy or statement set out in this scheme.

**58.03 SITE LAYOUT****CURRENT****58.03-1 Energy efficiency objectives**

To achieve and protect energy efficient dwellings and buildings.

To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.

To ensure dwellings achieve adequate thermal efficiency.

**Standard D6**

Buildings should be:

- Oriented to make appropriate use of solar energy.
- Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.

Living areas and private open space should be located on the north side of the development, if practicable.

Developments should be designed so that solar access to north-facing windows is optimised.

Dwellings located in a climate zone identified in Table D1 should not exceed the maximum NatHERS annual cooling load specified in the following table.

**Table D1 Cooling load**

NatHERS climate zone	NatHERS maximum cooling load MJ/M <sup>2</sup> per annum
Climate zone 21 Melbourne	30
Climate zone 22 East Sale	22
Climate zone 27 Mildura	69
Climate zone 60 Tullamarine	22
Climate zone 62 Moorabbin	21
Climate zone 63 Warrnambool	21
Climate zone 64 Cape Otway	19
Climate zone 66 Ballarat	23

*Note: Refer to NatHERS zone map, Nationwide House Energy Rating Scheme (Commonwealth Department of Environment and Energy).*

## Department of Environment, Land, Water and Planning

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The design response.
- The size, orientation and layout of the site.
- The existing amount of solar access to abutting properties.
- The availability of solar access to north-facing windows on the site.
- The annual cooling load for each dwelling.

**TRANSLATED**

<b>D6 Energy efficiency</b>	
<b>Performance objective</b>	
<p>New development is energy efficient.</p> <p>The energy efficiency of existing buildings is protected.</p> <p>The orientation and layout of development reduces fossil fuel energy use and makes appropriate use of daylight and solar energy.</p> <p>New dwellings achieve adequate thermal efficiency.</p>	
<b>Performance measure</b>	
<p>Living areas and private open space are located on the north side of the development</p> <p>A dwelling located in a climate zone identified in Table D1 does not exceed the maximum NatHERS annual cooling load specified in Table D1.</p>	
<b>Table D1 Cooling load</b>	
<b>NatHERS climate zone</b>	<b>NatHERS maximum cooling load MJ/M<sup>2</sup> per annum</b>
Climate zone 21 Melbourne	30
Climate zone 22 East Sale	22
Climate zone 27 Mildura	69
Climate zone 60 Tullamarine	22
Climate zone 62 Moorabbin	21
Climate zone 63 Warrnambool	21
Climate zone 64 Cape Otway	19
Climate zone 66 Ballarat	23
<p><i>Note: Refer to NatHERS zone map, Nationwide House Energy Rating Scheme (Commonwealth Department of Environment and Energy).</i></p>	

## Department of Environment, Land, Water and Planning

Performance criteria
<p>The energy efficiency of new development is acceptable considering:</p> <ul style="list-style-type: none"> <li>• The size, orientation and layout of the site.</li> <li>• How buildings are oriented to make use of solar energy.</li> <li>• The availability of solar access to north-facing windows on the site.</li> <li>• The annual cooling load for each dwelling.</li> </ul> <p>The energy efficiency protection for existing development is acceptable considering:</p> <ul style="list-style-type: none"> <li>• The existing amount of solar access to abutting properties.</li> <li>• The effect of overshadowing on an existing rooftop solar energy facility on an adjoining lot.</li> </ul>
Information required
<p>The design response.</p> <p>If not included in the design response, a statement documenting the existing amount of solar access to abutting properties, the availability of solar access to north-facing windows on the site and the annual cooling load for each dwelling.</p>

**CURRENT****58.03-2****Communal open space objective**

To ensure that communal open space is accessible, practical, attractive, easily maintained and integrated with the layout of the development.

**Standard D7**

Developments with 40 or more dwellings should provide a minimum area of communal open space of 2.5 square metres per dwelling or 250 square metres, whichever is lesser.

Communal open space should:

- Be located to:
  - Provide passive surveillance opportunities, where appropriate.
  - Provide outlook for as many dwellings as practicable.
  - Avoid overlooking into habitable rooms and private open space of new dwellings.
  - Minimise noise impacts to new and existing dwellings.
- Be designed to protect any natural features on the site.
- Maximise landscaping opportunities.
- Be accessible, useable and capable of efficient management.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- Any relevant urban design objective, policy or statement set out in this scheme.
- The design response.
- The useability and amenity of the communal open space based on its size, location, accessibility and reasonable recreation needs of residents.
- The availability of and access to public open space.

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## TRANSLATED

<b>D7 Communal open space</b>
<b>Performance objective</b>
Communal open space is accessible, practical, attractive and easily maintained.
Communal open space is integrated with the layout of the development.
<b>Performance measure</b>
A development with 40 or more dwellings provides at least 2.5 square metres per dwelling or 250 square metres of communal open space, whichever is lesser.
Communal open space does not enable overlooking into habitable rooms and private open space of new dwellings.
<b>Performance criteria</b>
<p>The communal open space of new development is acceptable considering how the communal open space proposed is designed and located to:</p> <ul style="list-style-type: none"> <li>• Give passive surveillance opportunities.</li> <li>• Provide outlook for as many dwellings as practicable.</li> <li>• Avoid overlooking into habitable rooms and private open space of new dwellings.</li> <li>• Minimise noise impacts to new and existing dwellings.</li> <li>• Protect any natural features on the site.</li> <li>• Maximise landscaping opportunities.</li> <li>• Be accessible, useable and capable of efficient management.</li> </ul> <p>The amount of communal open space of new development is acceptable considering:</p> <ul style="list-style-type: none"> <li>• The availability of and access to public open space.</li> <li>• The reasonable recreation needs of residents.</li> </ul>
<b>Information required</b>
<p>The design response.</p> <p>If not included in the design response, a statement describing how the design responds to any relevant urban design objective, policy or statement set out in this scheme.</p>

## CURRENT

## 58.03-3

**Solar access to communal outdoor open space objective**

To allow solar access into communal outdoor open space.

**Standard D8**

The communal outdoor open space should be located on the north side of a building, if appropriate.

At least 50 per cent or 125 square metres, whichever is the lesser, of the primary communal outdoor open space should receive a minimum of two hours of sunlight between 9am and 3pm on 21 June.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The design response.

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- The useability and amenity of the primary communal outdoor open space areas based on the urban context, the orientation of the building, the layout of dwellings and the sunlight it will receive.

## TRANSLATED

<b>D8 Solar access to communal outdoor open space</b>
<b>Performance objective</b>
Communal outdoor open space has appropriate solar access.
<b>Performance measure</b>
At least 50 per cent or 125 square metres, whichever is the lesser, of the primary communal outdoor open space receives a minimum of two hours of sunlight between 9am and 3pm on 21 June.
<b>Performance criteria</b>
The solar access to communal open space of new development is acceptable considering the useability and amenity of the communal outdoor open space areas based on the urban context, the orientation of the building, the layout of dwellings and the sunlight the open space will receive.
<b>Information required</b>
The design response.

## CURRENT

## 58.03-4

**Safety objective**

To ensure the layout of development provides for the safety and security of residents and property.

**Standard D9**

Entrances to dwellings should not be obscured or isolated from the street and internal accessways.

Planting which creates unsafe spaces along streets and accessways should be avoided.

Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.

Private spaces within developments should be protected from inappropriate use as public thoroughfares.

**Decision guideline**

Before deciding on an application, the responsible authority must consider the design response.

## TRANSLATED

<b>D9 Safety</b>
<b>Performance objective</b>
The layout of development provides for the safety and security of residents and property.
<b>Performance measure</b>
None specified

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Performance criteria
Entrances to dwellings are not obscured or isolated from the street and internal accessways.
Planting does not create unsafe spaces along streets and accessways.
Private spaces within developments are protected from inappropriate use as public thoroughfares.
The development provides good lighting, visibility and surveillance of car parks and internal accessways.
Information required
The design response.

**CURRENT****58.03-5****Landscaping objectives**

To encourage development that respects the landscape character of the area.

To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.

To provide appropriate landscaping.

To encourage the retention of mature vegetation on the site.

To promote climate responsive landscape design and water management in developments that support thermal comfort and reduces the urban heat island effect.

**Standard D10**

The landscape layout and design should:

- Be responsive to the site context.
- Protect any predominant landscape features of the area.
- Take into account the soil type and drainage patterns of the site and integrate planting and water management.
- Allow for intended vegetation growth and structural protection of buildings.
- In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals.
- Provide a safe, attractive and functional environment for residents.
- Consider landscaping opportunities to reduce heat absorption such as green walls, green roofs and roof top gardens and improve on-site stormwater infiltration.
- Maximise deep soil areas for planting of canopy trees.

Development should provide for the retention or planting of trees, where these are part of the urban context.

Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.

The landscape design should specify landscape themes, vegetation (location and species), paving and lighting.

Development should provide the deep soil areas and canopy trees specified in Table D2.

If the development cannot provide the deep soil areas and canopy trees specified in Table D2, an equivalent canopy cover should be achieved by providing either:

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- Canopy trees or climbers (over a pergola) with planter pits sized appropriately for the mature tree soil volume requirements.
- Vegetated planters, green roofs or green façades.

**Table D2 Deep soil areas and canopy trees**

Site area Deep soil areas Minimum tree provision		
750 - 1000 square metres	5% of site area (minimum dimension of 3 metres)	1 small tree (6-8 metres) per 30 square metres of deep soil
1001 - 1500 square metres	7.5% of site area (minimum dimension of 3 metres)	1 medium tree (8-12 metres) per 50 square metres of deep soil or 1 large tree per 90 square metres of deep soil
1501 - 2500 square metres	10% of site area (minimum dimension of 6 metres)	1 large tree (at least 12 metres) per 90 square metres of deep soil or 2 medium trees per 90 square metres of deep soil
>2500 square metres	15% of site area (minimum dimension of 6 metres)	1 large tree (at least 12 metres) per 90 square metres of deep soil or 2 medium trees per 90 square metres of deep soil

*Note: Where an existing canopy tree over 8 metres can be retained on a lot greater than 1000 square metres without damage during the construction period, the minimum deep soil requirement is 7% of the site area.*

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- Any relevant plan or policy for landscape character and environmental sustainability in the Municipal Planning Strategy and the Planning Policy Framework.
- The design response.
- The location and size of gardens and the predominant plant types in the area.
- The health of any trees to be removed.
- The suitability of the proposed location and soil volume for canopy trees.
- The ongoing management of landscaping within the development.
- The soil type and drainage patterns of the site.



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## TRANSLATED

D10 Landscape		
Performance objective		
<p>Appropriate landscaping is provided.</p> <p>New development respects the landscape character of the neighbourhood.</p> <p>The habitat of plants and animals in locations of habitat importance is maintained and enhanced.</p> <p>Mature vegetation on the site is retained where possible.</p> <p>Climate responsive landscape design and water management is promoted.</p> <p>New development supports thermal comfort and reduces the urban heat island effect.</p>		
Performance measure		
<p>Trees that are part of the urban context are retained or replaced.</p> <p>Any significant trees that have been removed in the 12 months prior to the application being made are replaced.</p> <p>The landscape design specifies landscape themes, vegetation (location and species), paving and lighting.</p> <p>The deep soil areas and canopy trees specified in Table D2 are provided.</p>		
Table D2 Deep soil areas and canopy trees		
Site area	Deep soil areas	Minimum tree provision
750 - 1000 square metres	5% of site area (minimum dimension of 3 metres)	1 small tree (6-8 metres) per 30 square metres of deep soil
1001 - 1500 square metres	7.5% of site area (minimum dimension of 3 metres)	1 medium tree (8-12 metres) per 50 square metres of deep soil or 1 large tree per 90 square metres of deep soil
1501 - 2500 square metres	10% of site area (minimum dimension of 6 metres)	1 large tree (at least 12 metres) per 90 square metres of deep soil or 2 medium trees per 90 square metres of deep soil
>2500 square metres	15% of site area (minimum dimension of 6 metres)	1 large tree (at least 12 metres) per 90 square metres of deep soil or 2 medium trees per 90 square metres of deep soil
<p><i>Note: Where an existing canopy tree over 8 metres can be retained on a lot greater than 1000 square metres without damage during the construction period, the minimum deep soil requirement is 7% of the site area.</i></p>		

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Performance criteria
<p>The landscape layout and design is acceptable considering how it:</p> <ul style="list-style-type: none"> <li>• responds to the site context.</li> <li>• Responds to any relevant plan or policy for landscape character and environmental sustainability in the Municipal Planning Strategy and the Planning Policy Framework.</li> <li>• protects any predominant landscape features of the area.</li> <li>• considers the soil type and drainage patterns of the site</li> <li>• integrates planting and water management</li> <li>• considers intended vegetation growth</li> <li>• provides structural protection of buildings</li> <li>• maintains existing habitat and provides for new habitat for plants and animals in locations of habitat importance</li> <li>• provides a safe, attractive and functional environment for residents.</li> <li>• considers landscaping opportunities to reduce heat absorption such as green walls, green roofs and roof top gardens</li> <li>• considers landscaping opportunities to improve on-site stormwater infiltration.</li> <li>• maximises deep soil areas for planting canopy trees.</li> </ul> <p>If the development cannot provide the deep soil areas and canopy trees specified in Table D2, an equivalent canopy cover is achieved by providing either:</p> <ul style="list-style-type: none"> <li>• Canopy trees or climbers (over a pergola) with planter pits sized appropriately for the mature tree soil volume requirements.</li> <li>• Vegetated planters, green roofs or green façades.</li> </ul>
Information required
<p>The design response.</p> <p>If not included in the design response, a statement documenting:</p> <ul style="list-style-type: none"> <li>• The location and size of gardens and the predominant plant types in the area.</li> <li>• The health of any trees to be removed.</li> <li>• The suitability of the proposed location and soil volume for canopy trees.</li> <li>• The ongoing management of landscaping for the development.</li> <li>• The soil type and drainage patterns of the site.</li> </ul>

**CURRENT****58.03-6****Access objective**

To ensure the number and design of vehicle crossovers respects the urban context.

**Standard D11**

The width of accessways or car spaces should not exceed:

- 33 per cent of the street frontage, or
- if the width of the street frontage is less than 20 metres, 40 per cent of the street frontage.

No more than one single-width crossover should be provided for each dwelling fronting a

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street.

The location of crossovers should maximise the retention of on-street car parking spaces.

The number of access points to a road in a Road Zone should be minimised.

Developments must provide for access for service, emergency and delivery vehicles.

#### Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The impact on the streetscape.
- The reduction of on-street car parking spaces.
- The effect on any significant vegetation on the site and footpath.

#### TRANSLATED

D11 Access
<b>Performance objective</b>
The number and design of vehicle crossovers respects the urban context.
<b>Performance measure</b>
<p>The width of accessways or car spaces should not exceed:</p> <ul style="list-style-type: none"> <li>• 33 per cent of the street frontage, or</li> <li>• if the width of the street frontage is less than 20 metres, 40 per cent of the street frontage.</li> </ul> <p>No more than one single-width crossover is provided for each dwelling fronting a street.</p> <p>The location of crossovers maximises the number of on-street car parking spaces retained.</p> <p>The number of access points to a road in a Road Zone is minimised.</p> <p>Access for service, emergency and delivery vehicles is provided.</p>
<b>Performance criteria</b>
<p>Access to the development is acceptable considering:</p> <ul style="list-style-type: none"> <li>• The impact on the neighbourhood context.</li> <li>• The reduction of on-street car parking spaces.</li> <li>• The effect on any significant vegetation on the site and footpath.</li> <li>• How access is provided for service, emergency and delivery vehicles.</li> </ul>
<b>Information required</b>
The design response.

**CURRENT****58.03-7****Parking location objectives**

To provide convenient parking for resident and visitor vehicles.

To protect residents from vehicular noise within developments.

**Standard D12**

Car parking facilities should:

- Be reasonably close and convenient to dwellings.
- Be secure.
- Be well ventilated if enclosed.

Shared accessways or car parks of other dwellings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.

**Decision guideline**

Before deciding on an application, the responsible authority must consider the design response.

**TRANSLATED**

<b>D12 Parking location</b>
<b>Performance objective</b>
Residents and visitors have access to convenient parking.
Residents are protected from vehicle noise in the development.
<b>Performance measure</b>
Car parking facilities are reasonably close and convenient to dwellings.
Car parking facilities are secure.
Car parking facilities are well ventilated if enclosed.
Shared accessways or car parks of other dwellings are located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.
<b>Performance criteria</b>
The design and location of resident and visitor parking is acceptable considering:
<ul style="list-style-type: none"> <li>• The convenience to dwellings</li> <li>• Security</li> <li>• Ventilation</li> <li>• The proximity of shared accessways and the car parks of other dwellings to habitable room windows.</li> </ul>
<b>Information required</b>
The design response.

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**CURRENT****58.03-8****Integrated water and stormwater management objectives**

To encourage the use of alternative water sources such as rainwater, stormwater and recycled water.

To facilitate stormwater collection, utilisation and infiltration within the development.

To encourage development that reduces the impact of stormwater run-off on the drainage system and filters sediment and waste from stormwater prior to discharge from the site.

**Standard D13**

Buildings should be designed to collect rainwater for non-drinking purposes such as flushing toilets, laundry appliances and garden use.

Buildings should be connected to a non-potable dual pipe reticulated water supply, where available from the water authority.

The stormwater management system should be:

- Designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999).
- Designed to maximise infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment areas.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- Any relevant water and stormwater management objective, policy or statement set out in this scheme.
- The design response.
- Whether the development has utilised alternative water sources and/or incorporated water sensitive urban design.
- Whether stormwater discharge from the site will adversely affect water quality entering the drainage system.
- The capacity of the drainage network to accommodate additional stormwater. Whether the stormwater treatment areas can be effectively maintained.
- Whether the owner has entered into an agreement to contribute to off-site stormwater management in lieu of providing an on-site stormwater management system.

**TRANSLATED****D13 Integrated water and storm water management****Performance objective**

Alternative water sources such as rainwater, stormwater and recycled water are used.

Stormwater is collected, used and infiltrated within the development.

Stormwater run-off from the site is reduced.

Stormwater is filtered for sediment and waste before being discharged from the site.

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Performance measure
<p>Buildings collect rainwater for non-drinking purposes such as flushing toilets, laundry appliances and garden use.</p> <p>Buildings are connected to a non-potable dual pipe reticulated water supply, where available from the water authority.</p> <p>The stormwater management system is designed to meet the current best practice performance objectives for stormwater quality as contained in the <i>Urban Stormwater - Best Practice Environmental Management Guidelines</i> (Victorian Stormwater Committee, 1999).</p> <p>The stormwater management system is designed to maximise infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment areas.</p>
Performance criteria
<p>The proposed water and stormwater management arrangements are acceptable considering:</p> <ul style="list-style-type: none"> <li>• How the development has utilised alternative water sources and incorporated water sensitive urban design.</li> <li>• Whether stormwater discharge from the site will adversely affect water quality entering the drainage system.</li> <li>• The capacity of the drainage network to accommodate additional stormwater.</li> <li>• Whether the stormwater treatment areas can be effectively maintained.</li> <li>• Whether the owner has entered into an agreement to contribute to off-site stormwater management instead of providing an on-site stormwater management system.</li> </ul>
Information required
<p>The design response.</p> <p>If not included in the design response, a statement documenting:</p> <ul style="list-style-type: none"> <li>• Any relevant water and stormwater management objective, policy or statement set out in this scheme.</li> <li>• The capacity of the drainage network to accommodate additional stormwater.</li> <li>• Whether the owner has entered into an agreement to contribute to off-site stormwater management instead of providing an on-site stormwater management system.</li> </ul>

**58.04 AMENITY IMPACTS****CURRENT****58.04-1****Building setback objectives**

To ensure the setback of a building from a boundary appropriately responds to the existing urban context or contributes to the preferred future development of the area.

To allow adequate daylight into new dwellings.

To limit views into habitable room windows and private open space of new and existing dwellings. To provide a reasonable outlook from new dwellings.

To ensure the building setbacks provide appropriate internal amenity to meet the needs of residents.

**Standard D14**

The built form of the development must respect the existing or preferred urban context and respond to the features of the site.

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Buildings should be set back from side and rear boundaries, and other buildings within the site to:

- Ensure adequate daylight into new habitable room windows.
- Avoid direct views into habitable room windows and private open space of new and existing dwellings. Developments should avoid relying on screening to reduce views.
- Provide an outlook from dwellings that creates a reasonable visual connection to the external environment.
- Ensure the dwellings are designed to meet the objectives of Clause 58.

**Decision Guidelines**

Before deciding on an application, the responsible authority must consider:

- The purpose of the zone and/or overlay that applies to the land.
- Any relevant urban design objective, policy or statement set out in this scheme.
- The urban context report.
- The design response.
- The relationship between the proposed building setback and the building setbacks of existing adjacent buildings, including the interface with laneways.
- The extent to which the proposed dwellings are provided with reasonable daylight access through the layout of rooms and the number, size, location and orientation of windows.
- The impact of overlooking on the amenity of existing and proposed dwellings.
- The existing extent of overlooking into existing dwellings and private open space.
- Whether the development meets the objectives of Clause 58.

**TRANSLATED**

<b>D14 Building setback</b>
<b>Performance objective</b>
<p>The setback of a building from a boundary appropriately responds to the existing urban context or contributes to the preferred future development of the area.</p> <p>New dwellings receive adequate daylight.</p> <p>Views into habitable room windows and private open space of new and existing dwellings are appropriately limited.</p> <p>New buildings have a reasonable outlook.</p> <p>Buildings are setback to provide appropriate internal amenity for residents.</p>
<b>Performance measure</b>
None specified.

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<b>Performance criteria</b>
<p>The built form of the development respects the existing or preferred urban context.</p> <p>The built form of the development responds to the features of the site.</p> <p>Buildings are set back from side and rear boundaries, and other buildings within the site to:</p> <ul style="list-style-type: none"> <li>• Ensure adequate daylight into new habitable room windows.</li> <li>• Avoid direct views into habitable room windows and the private open space of new and existing dwellings without relying on screening.</li> <li>• Provide an outlook from each dwelling that creates a reasonable visual connection to the external environment.</li> <li>• Ensure each dwelling meets the objectives of clause 58.</li> </ul>
<b>Information required</b>
<p>The urban context report.</p> <p>The design response.</p> <p>If not included in the design response, a statement documenting:</p> <ul style="list-style-type: none"> <li>• The relationship between the proposed building setback and the building setbacks of existing adjacent buildings, including the interface with laneways.</li> <li>• The extent to which the proposed dwellings are provided with reasonable daylight access through the layout of rooms and the number, size, location and orientation of windows.</li> <li>• The impact of overlooking on the amenity of existing and proposed dwellings.</li> <li>• The existing extent of overlooking into existing dwellings and private open space.</li> </ul>

**CURRENT****58.04-2****Internal views objective**

To limit views into the private open space and habitable room windows of dwellings within a development.

**Standard D15**

Windows and balconies should be designed to prevent overlooking of more than 50 per cent of the private open space of a lower-level dwelling directly below and within the same development.

**Decision guideline**

Before deciding on an application, the responsible authority must consider the design response.

**TRANSLATED**

<b>D15 Internal views</b>
<b>Performance objective</b>
Views into the private open space and habitable room windows of dwellings are limited.
<b>Performance measure</b>
Windows and balconies do not allow overlooking of more than 50 per cent of the private open space of a lower-level dwelling directly below and within the same development.



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<b>Performance criteria</b>
Views into the private open space and habitable room windows of dwellings and residential buildings are acceptable considering the reasonable privacy expectations of occupants.
<b>Information required</b>
The design response.

**CURRENT****58.04-3 Noise impact objectives**

To contain noise sources in developments that may affect existing dwellings.

To protect residents from external and internal noise sources.

**Standard D16**

Noise sources, such as mechanical plants should not be located near bedrooms of immediately adjacent existing dwellings.

The layout of new dwellings and buildings should minimise noise transmission within the site.

Noise sensitive rooms (such as living areas and bedrooms) should be located to avoid noise impacts from mechanical plants, lifts, building services, non-residential uses, car parking, communal areas and other dwellings.

New dwellings should be designed and constructed to include acoustic attenuation measures to reduce noise levels from off-site noise sources.

Buildings within a noise influence area specified in Table D3 should be designed and constructed to achieve the following noise levels:

- Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.
- Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm.

Buildings, or part of a building screened from a noise source by an existing solid structure, or the natural topography of the land, do not need to meet the specified noise level requirements.

Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed.

**Table D3 Noise influence area**

Noise source	Noise influence area
<b>Zone interface</b>	
Industry	300 metres from the Industrial 1, 2 and 3 zone boundary
<b>Roads</b>	
Freeways, tollways and other roads carrying 40,000 Annual Average Daily Traffic Volume	300 metres from the nearest trafficable lane
<b>Railways</b>	
Railway servicing passengers in Victoria	80 metres from the centre of the nearest track
Railway servicing freight outside Metropolitan Melbourne	80 metres from the centre of the nearest track
Railway servicing freight in Metropolitan Melbourne	135 metres from the centre of the nearest track

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Note: The noise influence area should be measured from the closest part of the building to the noise source.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The design response.
- Whether it can be demonstrated that the design treatment incorporated into the development meets the specified noise levels or an acoustic report by a suitably qualified consultant submitted with the application.
- Whether the impact of potential noise sources within a development have been mitigated through design, location and siting.
- Whether the layout of rooms within a dwelling mitigates noise transfer within and between dwellings.
- Whether an alternative design meets the relevant objectives having regard to the amenity of the dwelling and the site context.

**TRANSLATED****D16 Noise impacts****Performance objective**

Residents of new development are not subject to unreasonable noise impacts from external and internal noise sources.

Residents of existing dwellings are not subject to unreasonable noise impacts from new development.

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Performance measure	
<p>Noise sources, such as mechanical plants, are not located near a bedroom of an immediately adjacent existing dwelling.</p> <p>Noise transmission within the site is minimised by the layout of new dwellings and buildings.</p> <p>Noise sensitive rooms (such as living areas and bedrooms) are located to avoid noise impacts from mechanical plants, lifts, building services, non-residential uses, car parking, communal areas and other dwellings.</p> <p>New dwellings are designed and constructed with acoustic attenuation that reduce noise levels from off-site noise sources.</p> <p>A building (other than a building or part of a building screened from a noise source by an existing solid structure or the natural topography of the land) that is within a noise influence area specified in Table D3, achieves the following noise levels:</p> <ul style="list-style-type: none"> <li>• For bedrooms: not greater than 35dB(A), assessed as an LAeq,8h from 10pm to 6am.</li> <li>• For living areas: not greater than 40dB(A), assessed LAeq,16h from 6am to 10pm.</li> </ul> <p><i>Note: Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed.</i></p>	
Table D3 Noise influence area	
Noise source	Noise influence area
<b>Zone interface</b>	
Industry	300 metres from the Industrial 1, 2 and 3 zone boundary
<b>Roads</b>	
Freeways, tollways and other roads carrying 40,000 Annual Average Daily Traffic Volume	300 metres from the nearest trafficable lane
<b>Railways</b>	
Railway servicing passengers in Victoria	80 metres from the centre of the nearest track
Railway servicing freight outside Metropolitan Melbourne	80 metres from the centre of the nearest track
Railway servicing freight in Metropolitan Melbourne	135 metres from the centre of the nearest track
<p><i>Note: The noise influence area should be measured from the closest part of the building to the noise source.</i></p>	

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Performance criteria
<p>Noise impacts are acceptable considering:</p> <ul style="list-style-type: none"> <li>• How the impact of potential noise sources within a development has been mitigated through design, location and siting.</li> <li>• The proximity of noise sources, such as mechanical plants, to a bedroom of an immediately adjacent existing dwelling.</li> <li>• How the layout of rooms within a dwelling mitigates noise transfer within and between dwellings.</li> <li>• How noise sensitive rooms (such as living areas and bedrooms) are located to avoid noise impacts from mechanical plants, lifts, building services, non-residential uses, car parking, communal areas and other dwellings.</li> <li>• How noise transmission within the site is minimised by the layout of new dwellings and buildings.</li> <li>• Whether new dwellings are designed and constructed with acoustic attenuation that reduces noise levels from off-site noise sources.</li> <li>• How any alternative design meets the relevant objectives having regard to the amenity of the dwelling and the site context.</li> </ul>
Information required
<p>The design response.</p> <p>If not included in the design response, a statement documenting how the design treatment incorporated into the development meets the specified noise levels or an acoustic report by a suitably qualified consultant submitted with the application.</p>

**58.05 URBAN CONTEXT****CURRENT****58.05-1 Accessibility objective**

To ensure the design of dwellings meets the needs of people with limited mobility.

**Standard D17**

At least 50 per cent of dwellings should have:

- A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom.
- A clear path with a minimum width of 1.2 metres that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area.
- A main bedroom with access to an adaptable bathroom.
- At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table D4.

## Department of Environment, Land, Water and Planning

Table D4 Bathroom design

	Design option A	Design option B
Door opening	A clear 850mm wide door opening.	A clear 820mm wide door opening located opposite the shower.
Door design	Either: A slide door, or A door that opens outwards, or A door that opens inwards that is clear of the circulation area and has readily removable hinges.	Either: A slide door, or A door that opens outwards, or A door that opens inwards and has readily removable hinges.
Circulation area	A clear circulation area that is: A minimum area of 1.2 metres by 1.2 metres. Located in front of the shower and the toilet. Clear of the toilet, basin and the door swing. The circulation area for the toilet and shower can overlap.	A clear circulation area that is: A minimum width of 1 metre. The full length of the bathroom and a minimum length of 2.7 metres. Clear of the toilet and basin. The circulation area can include a shower area.
Path to circulation area	A clear path with a minimum width of 900mm from the door opening to the circulation area.	Not applicable.
Shower	A hobless (step-free) shower.	A hobless (step-free) shower that has a removable shower screen and is located on the furthest wall from the door opening.
Toilet	A toilet located in the corner of the room.	A toilet located closest to the door opening and clear of the circulation area.

## TRANSLATED

D17 Accessibility
Performance objective
People with limited mobility can access new dwellings.

## Department of Environment, Land, Water and Planning

Performance measure		
<p>At least 50 per cent of dwellings should have:</p> <ul style="list-style-type: none"> <li>• A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom.</li> <li>• A clear path with a minimum width of 1.2 metres that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area.</li> <li>• A main bedroom with access to an adaptable bathroom.</li> <li>• At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table D4.</li> </ul>		
Table D4 Bathroom design		
	Design option A	Design option B
Door opening	A clear 850mm wide door opening.	A clear 820mm wide door opening located opposite the shower.
Door design	<p>Either:</p> <p>A slide door, or</p> <p>A door that opens outwards, or</p> <p>A door that opens inwards that is clear of the circulation area and has readily removable hinges.</p>	<p>Either:</p> <p>A slide door, or</p> <p>A door that opens outwards, or</p> <p>A door that opens inwards and has readily removable hinges.</p>
Circulation area	<p>A clear circulation area that is:</p> <p>A minimum area of 1.2 metres by 1.2 metres.</p> <p>Located in front of the shower and the toilet.</p> <p>Clear of the toilet, basin and the door swing.</p> <p>The circulation area for the toilet and shower can overlap.</p>	<p>A clear circulation area that is: A minimum width of 1 metre.</p> <p>The full length of the bathroom and a minimum length of 2.7 metres.</p> <p>Clear of the toilet and basin.</p> <p>The circulation area can include a shower area.</p>
Path to circulation area	A clear path with a minimum width of 900mm from the door opening to the circulation area.	Not applicable.
Shower	A hobless (step-free) shower.	A hobless (step-free) shower that has a removable shower screen and is located on the furthest wall from the door opening.
Toilet	A toilet located in the corner of the room.	A toilet located closest to the door opening and clear of the circulation area.
Performance criteria		
The accessibility of new development is acceptable considering the needs of people with limited mobility.		
Information required		
The design response.		

## Department of Environment, Land, Water and Planning

**CURRENT****58.05-2 Building entry and circulation objectives**

To provide each dwelling and building with its own sense of identity.

To ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents.

To ensure internal communal areas provide adequate access to daylight and natural ventilation.

**Standard D18**

Entries to dwellings and buildings should:

- Be visible and easily identifiable.
- Provide shelter, a sense of personal address and a transitional space around the entry.

The layout and design of buildings should:

- Clearly distinguish entrances to residential and non-residential areas.
- Provide windows to building entrances and lift areas.
- Provide visible, safe and attractive stairs from the entry level to encourage use by residents.
- Provide common areas and corridors that:
  - Include at least one source of natural light and natural ventilation.
  - Avoid obstruction from building services.
  - Maintain clear sight lines.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability and amenity of internal communal areas based on daylight access and the natural ventilation it will receive.

**TRANSLATED**

<b>D18 Building entry and circulation</b>
<b>Performance objective</b>
Each dwelling and building has its own sense of identity.
The internal layout of buildings allows residents safe, functional and efficient movement.
Internal communal areas have adequate access to daylight and natural ventilation.

## Department of Environment, Land, Water and Planning

<b>Performance measure</b>
<p>The entry to each dwelling and building is visible and easily identifiable.</p> <p>The entry to each dwelling and building provides shelter, a sense of personal address and a transitional space around the entry.</p> <p>The layout and design of buildings:</p> <ul style="list-style-type: none"> <li>• Clearly distinguishes entrances to residential and non-residential areas.</li> <li>• Provides windows to building entrances and lift areas.</li> </ul> <p>Stairs from the entry level are visible, safe and attractive and encourage use by residents.</p> <p>Common areas and corridors:</p> <ul style="list-style-type: none"> <li>• Include at least one source of natural light and natural ventilation.</li> <li>• Avoid obstruction from building services.</li> <li>• Maintain clear sight lines.</li> </ul> <p>Internal communal areas receive reasonable daylight access and natural ventilation.</p>
<b>Performance criteria</b>
<p>The entry to each dwelling and residential building is acceptable considering:</p> <ul style="list-style-type: none"> <li>• Visibility and identification from streets and other public areas.</li> <li>• The shelter, sense of personal address and transitional space around the entry proposed.</li> <li>• How entrances to residential and non-residential areas are distinguished.</li> <li>• The proposed windows and lighting to building entrances and lift areas</li> </ul> <p>The internal layout of buildings is acceptable considering:</p> <ul style="list-style-type: none"> <li>• The visibility, safety and attraction of stairs from the entry area.</li> <li>• The useability, lighting, ventilation and sight lines of common areas and corridors.</li> </ul>
<b>Information required</b>
The design response.



## Department of Environment, Land, Water and Planning

**CURRENT****58.05-3****Private open space objective**

To provide adequate private open space for the reasonable recreation and service needs of residents.

**Standard D19**

A dwelling should have private open space consisting of:

- An area of 25 square metres, with a minimum dimension of 3 metres at natural ground floor level and convenient access from a living room, or
- An area of 15 square metres, with a minimum dimension of 3 metres at a podium or other similar base and convenient access from a living room, or
- A balcony with an area and dimensions specified in Table D5 and convenient access from a living room, or
- A roof-top area of 10 square metres with a minimum dimension of 2 metres and convenient access from a living room.

If a cooling or heating unit is located on a balcony, the balcony should provide an additional area of 1.5 square metres.

**Table D5 Balcony size**

Dwelling type	Minimum area	Minimum dimension
Studio or 1 bedroom dwelling	8 square metres	1.8 metres
2 bedroom dwelling	8 square metres	2 metres
3 or more bedroom dwelling	12 square metres	2.4 metres

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability and functionality of the private open space, including its size and accessibility.
- The amenity of the private open space based on the orientation of the lot, the wind conditions and the sunlight it will receive.
- The availability of and access to public or communal open space.

**TRANSLATED**

<b>D19 Private open space</b>
<b>Performance objective</b>
Residents have adequate private open space for their reasonable recreation and service needs.

## Department of Environment, Land, Water and Planning

Performance measure		
<p>Each dwelling has private open space consisting of:</p> <ul style="list-style-type: none"> <li>• An area of 25 square metres, with a minimum dimension of 3 metres at natural ground floor level and convenient access from a living room, or</li> <li>• An area of 15 square metres, with a minimum dimension of 3 metres at a podium or other similar base and convenient access from a living room, or</li> <li>• A balcony with an area and dimensions specified in Table D5 and convenient access from a living room, or</li> <li>• A roof-top area of 10 square metres with a minimum dimension of 2 metres and convenient access from a living room.</li> </ul> <p>If a cooling or heating unit is located on a balcony, the balcony should provide an additional area of 1.5 square metres.</p>		
Table D5 Balcony size		
Dwelling type	Minimum area	Minimum dimension
Studio or 1 bedroom dwelling	8 square metres	1.8 metres
2 bedroom dwelling	8 square metres	2 metres
3 or more bedroom dwelling	12 square metres	2.4 metres
Performance criteria		
<p>The private open space available to each dwelling is useable, functional and accessible.</p> <p>The private open space is of adequate size considering the availability of and access to public or communal open space.</p> <p>The private open space has adequate amenity, considering the orientation of the lot, the wind conditions and the sunlight the space will receive.</p>		
Information required		
The design response.		

## CURRENT

## 58.05-4

## Storage objective

To provide adequate storage facilities for each dwelling.

## Standard D20

Each dwelling should have convenient access to usable and secure storage space.

The total minimum storage space (including kitchen, bathroom and bedroom storage) should meet the requirements specified in Table D6.

Dwelling type	Total minimum storage volume	Minimum storage volume within the dwelling
Studio	8 cubic metres	5 cubic metres
1 bedroom dwelling	10 cubic metres	6 cubic metres
2 bedroom dwelling	14 cubic metres	9 cubic metres

## Department of Environment, Land, Water and Planning

3 or more bedroom dwelling	18 cubic metres	12 cubic metres
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**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability, functionality and location of storage facilities provided for the dwelling.

**TRANSLATED**

<b>D20 Storage</b>		
<b>Performance objective</b>		
Each dwelling has adequate storage facilities.		
<b>Performance measure</b>		
The total minimum storage space (including kitchen, bathroom and bedroom storage) meets the requirements specified in Table D6.		
<b>Table D6 Storage</b>		
<b>Dwelling type</b>	<b>Total minimum storage volume</b>	<b>Minimum storage volume within the dwelling</b>
Studio	8 cubic metres	5 cubic metres
1 bedroom dwelling	10 cubic metres	6 cubic metres
2 bedroom dwelling	14 cubic metres	9 cubic metres
3 or more bedroom dwelling	18 cubic metres	12 cubic metres
<b>Performance criteria</b>		
The storage provided to each dwelling is acceptable and is convenient, usable, sufficient and secure.		
<b>Information required</b>		
The design response.		

## Department of Environment, Land, Water and Planning

**58.06 DETAILED DESIGN****CURRENT****58.06-1 Common property objectives**

To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.

To avoid future management difficulties in areas of common ownership.

**Standard D21**

Developments should clearly delineate public, communal and private areas.

Common property, where provided, should be functional and capable of efficient management.

**TRANSLATED**

<b>D21 Common property</b>
<b>Performance objective</b>
Communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.
Areas in common ownership do not have management difficulties.
<b>Performance measure</b>
None specified.
<b>Performance criteria</b>
Developments should clearly delineate public, communal and private areas.
Common property, where provided, should be functional and capable of efficient management.
<b>Information required</b>
The design response.

**CURRENT****58.06-2 Site service objectives**

To ensure that site services can be installed and easily maintained.

To ensure that site facilities are accessible, adequate and attractive.

**Standard D22**

The design and layout of dwellings should provide sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically.

Mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development.

Mailboxes should be provided and located for convenient access as required by Australia Post.

**Decision guideline**

Before deciding on an application, the responsible authority must consider the design response.

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## TRANSLATED

D22 Site service
<b>Performance objective</b>
Site services can be installed and easily maintained.
Site facilities are accessible, adequate and attractive.
<b>Performance measure</b>
None specified.
<b>Performance criteria</b>
The design and layout of dwellings provides sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically.
Mailboxes and other site facilities are adequate in size, durable, waterproof and blend in with the development.
Mailboxes are provided and located for convenient access as required by Australia Post.
<b>Information required</b>
The design response.

## CURRENT

## 58.06-3

**Waste and recycling objectives**

To ensure dwellings are designed to encourage waste recycling.

To ensure that waste and recycling facilities are accessible, adequate and attractive.

To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity, health and the public realm.

**Standard D23**

Developments should include dedicated areas for:

- Waste and recycling enclosures which are:
  - Adequate in size, durable, waterproof and blend in with the development.
  - Adequately ventilated.
  - Located and designed for convenient access by residents and made easily accessible to people with limited mobility.
- Adequate facilities for bin washing. These areas should be adequately ventilated.
- Collection, separation and storage of waste and recyclables, including where appropriate opportunities for on-site management of food waste through composting or other waste recovery as appropriate.
- Collection, storage and reuse of garden waste, including opportunities for on-site treatment, where appropriate, or off-site removal for reprocessing.
- Adequate circulation to allow waste and recycling collection vehicles to enter and leave the site without reversing.
- Adequate internal storage space within each dwelling to enable the separation of waste, recyclables and food waste where appropriate.

Waste and recycling management facilities should be designed and managed in accordance with a Waste Management Plan approved by the responsible authority and:

## Department of Environment, Land, Water and Planning

- Be designed to meet the better practice design options specified in Waste Management and Recycling in Multi-unit Developments (Sustainability Victoria, 2019).
- Protect public health and amenity of residents and adjoining premises from the impacts of odour, noise and hazards associated with waste collection vehicle movements.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The design response.
- Any relevant waste and recycling objective, policy or statement set out in this scheme.

**TRANSLATED**

<b>D23 Waste and recycling</b>
<b>Performance objective</b>
<p>Waste recycling is encouraged.</p> <p>Waste and recycling facilities are accessible, adequate and attractive.</p> <p>Waste recycling activities do not unreasonably impact residential amenity, health and the public realm.</p>
<b>Performance measure</b>
<p>Waste and recycling enclosures are provided that are:</p> <ul style="list-style-type: none"> <li>• Adequate in size, durable, waterproof and blend in with the development.</li> <li>• Adequately ventilated.</li> <li>• Located and designed for convenient access by residents and made easily accessible to people with limited mobility.</li> </ul> <p>An adequately ventilated facility is provided for bin washing.</p> <p>A dedicated area is provided for collection, separation and storage of waste and recyclables, including where appropriate opportunities for on-site management of food waste through composting or other waste recovery.</p> <p>A dedicated area is provided for collection, storage and reuse of garden waste, including opportunities for on-site treatment, where appropriate, or off-site removal for reprocessing.</p> <p>There is adequate circulation to allow waste and recycling collection vehicles to enter and leave the site without reversing.</p> <p>There is adequate internal storage space in each dwelling to enable the separation of waste, recyclables and food waste.</p> <p>Waste and recycling management facilities are designed and managed in accordance with any Waste Management Plan approved by the responsible authority.</p> <p>Waste and recycling management facilities are designed to meet the better practice design options specified in <i>Waste Management and Recycling in Multi-unit Developments</i> (Sustainability Victoria, 2019).</p> <p>Waste and recycling management facilities are designed to protect public health and amenity of residents and adjoining premises from the impacts of odour, noise and hazards associated with waste collection vehicle movements.</p>

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<b>Performance criteria</b>
<p>The waste management facilities provided for the development are acceptable considering:</p> <ul style="list-style-type: none"> <li>Any Waste Management Plan approved by the responsible authority.</li> <li>The better practice design options specified in <i>Waste Management and Recycling in Multi-unit Developments (Sustainability Victoria, 2019)</i>.</li> </ul>
<b>Information required</b>
<p>The design response.</p> <p>If not included in the design response, a statement documenting how any relevant waste and recycling objective, policy or statement set out in this scheme is met.</p>

**58.06 INTERNAL AMENITY****CURRENT****58.07-1 Functional layout objective**

To ensure dwellings provide functional areas that meet the needs of residents.

**Standard D24**

Bedrooms should:

- Meet the minimum internal room dimensions specified in Table D7.
- Provide an area in addition to the minimum internal room dimensions to accommodate a wardrobe.

**Table D7 Bedroom dimensions**

Bedroom type	Minimum width	Minimum depth
Main bedroom	3 metres	3.4 metres
All other bedrooms	3 metres	3 metres

Living areas (excluding dining and kitchen areas) should meet the minimum internal room dimensions specified in Table D8.

**Table D8 Living area dimensions**

Dwelling type	Minimum width	Minimum area
Studio and 1 bedroom dwelling	3.3 metres	10 sqm
2 or more bedroom dwelling	3.6 metres	12 sqm

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability, functionality and amenity of habitable rooms.

**TRANSLATED**

<b>D24 Functional layout</b>																				
<b>Performance objective</b>																				
New dwellings include functional areas that meet the needs of residents.																				
<b>Performance measure</b>																				
<p>Each bedroom has the minimum internal room dimensions specified in Table D7.</p> <p>Each bedroom has an area in addition to the minimum internal room dimensions to accommodate a wardrobe.</p> <p><b>Table D7 Bedroom dimensions</b></p> <table> <tr> <th>Bedroom type</th><th>Minimum width</th><th>Minimum depth</th></tr> <tr> <td>Main bedroom</td><td>3 metres</td><td>3.4 metres</td></tr> <tr> <td>All other bedrooms</td><td>3 metres</td><td>3 metres</td></tr> </table> <p>Living areas (excluding dining and kitchen areas) have the minimum internal room dimensions specified in Table D8.</p> <p><b>Table D8 Living area dimensions</b></p> <table> <tr> <th>Dwelling type</th><th>Minimum width</th><th>Minimum area</th></tr> <tr> <td>Studio and 1 bedroom dwelling</td><td>3.3 metres</td><td>10 sqm</td></tr> <tr> <td>2 or more bedroom dwelling</td><td>3.6 metres</td><td>12 sqm</td></tr> </table>			Bedroom type	Minimum width	Minimum depth	Main bedroom	3 metres	3.4 metres	All other bedrooms	3 metres	3 metres	Dwelling type	Minimum width	Minimum area	Studio and 1 bedroom dwelling	3.3 metres	10 sqm	2 or more bedroom dwelling	3.6 metres	12 sqm
Bedroom type	Minimum width	Minimum depth																		
Main bedroom	3 metres	3.4 metres																		
All other bedrooms	3 metres	3 metres																		
Dwelling type	Minimum width	Minimum area																		
Studio and 1 bedroom dwelling	3.3 metres	10 sqm																		
2 or more bedroom dwelling	3.6 metres	12 sqm																		
<b>Performance criteria</b>																				
Habitable rooms are useable, functional and have acceptable amenity.																				
<b>Information required</b>																				
The design response.																				

**CURRENT****58.07-2****Room depth objective**

To allow adequate daylight into single aspect habitable rooms.

**Standard D25**

Single aspect habitable rooms should not exceed a room depth of 2.5 times the ceiling height.

The depth of a single aspect, open plan, habitable room may be increased to 9 metres if all the following requirements are met:

- The room combines the living area, dining area and kitchen.
- The kitchen is located furthest from the window.
- The ceiling height is at least 2.7 metres measured from finished floor level to finished ceiling level. This excludes where services are provided above the kitchen.
- The room depth should be measured from the external surface of the habitable room window to the rear wall of the room.



## Department of Environment, Land, Water and Planning

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The design response.
- The extent to which the habitable room is provided with reasonable daylight access through the number, size, location and orientation of windows.
- The useability, functionality and amenity of the dwelling based on layout, siting, size and orientation of habitable rooms.
- Any overhang above habitable room windows that limits daylight access.

**TRANSLATED**

<b>D25 Room depth</b>
<b>Performance objective</b>
Any single aspect habitable room has adequate daylight.
<b>Performance measure</b>
<p>The room depth of any single aspect habitable room is not more than 2.5 times the ceiling height.</p> <p>The depth of a single aspect, open plan, habitable room may be up to 9 metres if all the following requirements are met:</p> <ul style="list-style-type: none"> <li>• The room combines the living area, dining area and kitchen.</li> <li>• The kitchen is located furthest from the window.</li> <li>• The ceiling height is at least 2.7 metres measured from finished floor level to finished ceiling level. This excludes where services are provided above the kitchen.</li> </ul> <p><i>Note: The room depth is measured from the external surface of the habitable room window to the rear wall of the room.</i></p>
<b>Performance criteria</b>
<p>Daylight to habitable rooms is acceptable considering:</p> <ul style="list-style-type: none"> <li>• the number, size, location and orientation of windows,</li> <li>• the useability, functionality and amenity of the dwelling based on layout, siting, size and orientation of habitable rooms</li> <li>• any overhang above habitable room windows that limits daylight access.</li> </ul>
<b>Information required</b>
The design response.

## Department of Environment, Land, Water and Planning

**CURRENT****58.07-3****Windows objective**

To allow adequate daylight into new habitable room windows.

**Standard D26**

Habitable rooms should have a window in an external wall of the building.

A window may provide daylight to a bedroom from a smaller secondary area within the bedroom where the window is clear to the sky.

The secondary area should be:

- A minimum width of 1.2 metres.
- A maximum depth of 1.5 times the width, measured from the external surface of the window.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The design response.
- The extent to which the habitable room is provided with reasonable daylight access through the number, size, location and orientation of windows.
- The useability and amenity of the dwelling based on the layout, siting, size and orientation of habitable rooms.

**TRANSLATED**

<b>D26 Windows</b>
<b>Performance objective</b>
New habitable rooms have adequate daylight.
<b>Performance measure</b>
Each habitable room has a window in an external wall of the building.  A window may provide daylight to a bedroom from a smaller secondary area within the bedroom where the window is clear to the sky and the secondary area is: <ul style="list-style-type: none"> <li>• A minimum width of 1.2 metres.</li> <li>• A maximum depth of 1.5 times the width, measured from the external surface of the window.</li> </ul>
<b>Performance criteria</b>
The habitable room is provided with reasonable daylight access through the number, size, location and orientation of windows.  The dwelling is useable and has acceptable amenity, based on the layout, siting, size and orientation of habitable rooms.
<b>Information required</b>
The design response.

## Department of Environment, Land, Water and Planning

**CURRENT****58.07-4 Natural ventilation objectives**

To encourage natural ventilation of dwellings.

To allow occupants to effectively manage natural ventilation of dwellings.

**Standard D27**

The design and layout of dwellings should maximise openable windows, doors or other ventilation devices in external walls of the building, where appropriate.

At least 40 per cent of dwellings should provide effective cross ventilation that has:

- A maximum breeze path through the dwelling of 18 metres.
- A minimum breeze path through the dwelling of 5 metres.
- Ventilation openings with approximately the same area.

The breeze path is measured between the ventilation openings on different orientations of the dwelling.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The design response.
- The size, orientation, slope and wind exposure of the site
- The extent to which the orientation of the building and the layout of dwellings maximises opportunities for cross ventilation.
- Whether an alternative design meets the relevant objectives having regard to the amenity of the dwelling and the site context..

**TRANSLATED**

<b>D27 Natural ventilation</b>
<b>Performance objectives</b>
New dwellings are able to be naturally ventilated.
An occupant can effectively manage the natural ventilation of their dwelling.
<b>Performance measures</b>
At least 40 per cent of dwellings provide effective cross ventilation that has: <ul style="list-style-type: none"> <li>• A maximum breeze path through the dwelling of 18 metres.</li> <li>• A minimum breeze path through the dwelling of 5 metres.</li> <li>• Ventilation openings with approximately the same area.</li> </ul> <p><i>Note: The breeze path is measured between the ventilation openings on different orientations of the dwelling.</i></p>

<b>Performance criteria</b>
The natural ventilation features of the development respond to the size, orientation, slope and wind exposure of the site.
The layout of each dwelling maximises the openable windows, doors or other ventilation devices in external walls of the building, where appropriate.
The orientation of the building and the layout of dwellings maximises opportunities for cross ventilation.
<b>Information required</b>
The design response.



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## *Improving the operation of ResCode* Discussion Paper, November 2021

Submission by Boroondara City Council

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For adoption by the Urban Planning Delegated Committee on 13 December 2021



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## INTRODUCTION

The City of Boroondara welcomes the opportunity to provide feedback on the Department of Environment, Land, Water and Planning's (DELWP) discussion paper *Improving the operation of ResCode*.

Council has reviewed the discussion paper and acknowledges opportunities and the need to improve the operation of assessment provisions in planning schemes.

While the proposed reforms contain some positive elements, overall Council sees too many concerns with the detail (or lack thereof) to provide support for the proposal at this stage. Specifically, Council considers the proposed model is not suitable to apply to all of the current ResCode standards. Critically, Council is of the view the proposal could in fact result in a weakening of local planning policies and limit Council's ability to undertake qualitative assessments of proposed developments based on neighbourhood character outcomes. The proposal goes too far, and places too much emphasis on standardised quantitative measures, while removing any nuanced qualitative assessment and reducing neighbourhood character to a number or a tick a box exercise. Council has long advocated for greater weight to be given to local policy. It is questioned whether the proposed reforms will in fact afford more weight to local policy. The proposed reforms could jeopardise past successes.

Council is also concerned about certain aspects of the implementation of the reforms including the lack of transitional provisions to ensure Council can continue to consider existing local policies, the limited timeframe for consultation and feedback and the uncertainty about when these reforms might come into effect. It is unclear to what extent Council will be able to translate existing neighbourhood character policies. Critically, Council will need time to undertake further strategic work, likely including a significant planning scheme amendment to update our local neighbourhood character controls in response to these changes.

The opportunity presented by a change to the operation of ResCode therefore must include a fast-tracked Amendment to the Planning Scheme to translate Council's existing Neighbourhood Character Policy into the zone schedules. These schedule variations must be able to be considered in assessing applications. This is the only way Council's and community expectations related to residential development are met. Additional work will be required to consider new schedules to the residential zones to incorporate Council's well regarded Neighbourhood Character Precinct Statements (NCPS) into the Scheme. These amendments must be completed prior to the commencement of the new ResCode Planning Assessment Modules (PAMs). One of the objectives of the new system is to make local policy stronger and many councils have spent considerable time and resources, with the support of DELWP, preparing detailed Neighbourhood Character policies and strategies. This important work must be appropriately recognised.

## **GENERAL COMMENTS**

Before providing comments regarding each of the three key changes required to apply the PAM model, general comments on the proposal will be outlined.

### **Code assessment and minimum compliance**

Consistent with previous submissions, Council only supports a code assessment application process where requirements are prescriptive, mandatory and do not require any discretion or subjective judgement. Although it is not currently part of this proposal, Council opposes any move towards full code assessment and reiterates the importance of a thorough professional assessment by decision makers and retaining the third-party notice and appeal rights of the community.

The language employed in the draft translation also reinforces the move toward a minimum compliance model, which Council does not support and has indeed worked hard to avoid with its neighbourhood character work. The performance criterion for 'A1/B1 - Neighbourhood Character' seeking to "not unreasonably disturb" the local character is a missed opportunity to ensure development positively contributes to local existing or preferred character, as expressed in Council's own LPP and NCPS. This must be amended to ensure good planning outcomes and to not encourage poorly designed minimum compliance development.

### **Consultation timeframes**

Council is again disappointed with the short consultation period which does not allow the detailed review and consideration required. These proposed reforms present a major change and providing just over a month does not allow time for officers to properly review the paper, meet internal review deadlines and to seek Council endorsement of their submission. Further, the deadline around the summer holiday break also makes any short extension of time redundant, as Council meetings do not resume until February 2022. As such, a detailed response to the "test" translated Clauses 54, 55 and 58 is not provided as part of this submission. Instead, a high-level response has been prepared, using examples to highlight key issues.

This submission is not an exhaustive response, and Council strongly agrees with the sentiment expressed in the discussion paper that the detailed drafting of each module will require further review and refinement before coming into operation. Council submits that additional consultation must occur on these translated Clauses, with adequate timeframes to allow a thorough investigation and testing of the proposal and implications for real applications.

### **Implementation**

The changes proposed are significant, especially as they relate to neighbourhood character assessments and consideration of local planning policies currently being translated into the new Planning Policy Framework (PPF). This issue will be explored further in Section 3 of this submission (p. 9). However, it is of note that there must be

a significant lead time to allow councils to ensure their current neighbourhood character policies and controls are not lost or weakened. The City of Boroondara relies on its neighbourhood character local planning policy at Clause 22.05, as well as the *Boroondara Neighbourhood Character Precinct Statements*<sup>1</sup> (NCPS), a reference document in the Boroondara Planning Scheme (the Scheme). These NCPS are well regarded by the Tribunal and have worked with ResCode to achieve good neighbourhood character outcomes for our community.

Council offers cautious support to the idea of a “pattern book” of standard PAMs to address design matters. Crucial to this support is further consultation with local councils to ensure they remain adaptable in the local context and design matters outside of this pattern book can be considered as appropriate.

Further, a standard digital assessment proforma that can be embedded in a council report is very attractive. If this can also function as a checklist for applicants and planners, it would also be of assistance in reducing the time taken to prepare Requests for Further Information, improving clarity for all users and likely improving application processing time. This tool would likely result in more well prepared, considered and complete applications, something that Council has long advocated for.

Updating Clauses 54.01 and 55.01 (Neighbourhood and site description and design response) to require a table that explains how the performance measures for each PAM are complied with, or how the proposal responds to the performance criteria is also supported.

Ultimately, the reforms provide welcome opportunities to make planning schemes digital ready, more accessible for all users and to improve processing times. However, it is important process improvements are not at the cost of good built form outcomes. Council is strong in its view that good design can only be achieved by rigorous assessment by skilled planning practitioners.

Of further concern is the intention to introduce the PAM model to other provisions (e.g. zone, overlay or particular provisions), which Council is unable to support without seeing a draft proposal.

### **The role of local planning policy**

Council holds grave concerns for its local planning policies under the restructuring of ResCode set out in the discussion paper. DELWP will be aware council officers have recently spent a significant amount of time and resourcing translating the existing Local Planning Policy Framework (LPPF) into the new PPF structure. This process was to ensure a policy neutral translation of existing Clause 21 and 22 planning policies and maintain Council's policy directions. This proposal completely undermines this work and significantly reduces the consideration of local policy in planning application assessments. The proposal does not allow adequate consideration of qualitative policy objectives or strategies, or anything beyond readily quantified measures. This is a significant problem for Council, not just in relation to

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<sup>1</sup> *Boroondara Neighbourhood Character Precinct Statements* (Boroondara 2013)



Neighbourhood Character Policy, but also broader policy objectives such as Environmentally Sustainable Design.

The current ResCode decision guidelines enable Council to consider the LPP for Neighbourhood Character, and this must be maintained. Similar to the draft translation of 'Standard B2 - Residential Policy' (which enables the consideration of relevant local housing policies in the PPF and Municipal Planning Strategy), it is imperative that the role of Council's neighbourhood character local policy (and others as relevant) is not weakened and still able to be rightfully assessed.

### **Uncertainty regarding translation of local content**

The discussion paper fails to clearly articulate what local policy content DELWP will and will not support being translated to zone schedules. Without knowing whether all existing neighbourhood character policy can be included in the relevant zone schedule, it is difficult to provide support to the proposal.

### **Recommendations:**

Review and refine translated Clauses with additional consultation and adequate timeframes for Council adopted responses.

Allow councils adequate time to translate and amend their planning scheme as required to protect their neighbourhood character controls being lost before implementing any changes to the existing ResCode provisions.

In close consultation and collaboration with councils, develop a customisable "pattern book" of standard PAMs to address common design matters.

In close consultation and collaboration with councils, develop a standard digital assessment proforma and improve information requirements, subject to further consultation.

Ensure the consideration of the relevant LPP for Neighbourhood Character, as is currently enabled by the decision guidelines (see translation of 'Standard B2' as an example).

Do not introduce the PAM model to other provisions (e.g. zone, overlay or particular provisions) without further consultation with councils and without demonstrated success.

## **1. A NEW PAM FOR DISCRETIONARY PROVISIONS IN THE VPP**

Council welcomes a review to improve the usability and certainty of planning schemes for all stakeholders, be they practitioners, councillors, applicants or the community. The inconsistency in decisions from the Tribunal are well known and certainty in this regard is long overdue. However, Council is concerned with the detail provided in Appendix 3 (Draft Clause 71.XX) which outlines the operation of the new PAM with key issues discussed in detail below.

### 1.1. Drafting errors

Draft Clause 71.XX-5 states “If the proposed use or class of development complies with any specified performance measures, it is deemed to achieve the relevant performance objective...”

It is unclear from this wording whether all performance measures must be met, or just one. The use of the word “any” seems to imply that only one of the performance measures must be met for the development to be deemed to comply.

In the case of ‘Standard A2 - Integration with the street’, this means if “there is no high fencing in front of dwellings” the proposal is deemed to comply, regardless of the orientation of dwellings or their observation of public land. This does not achieve an acceptable outcome and does not meet the objective that “the development integrates with the street”.

Again using the ‘Standard A2’ example, the given performance criterion simply repeats the performance objective and doesn’t guide the decision maker in the exercise of discretion. The consideration of any relevant neighbourhood character objective, policy or statement set out in this scheme has been removed. Council opposes removing neighbourhood character as a relevant consideration.

The ‘Standard A2’ example is a simple one, but highlights the importance of the drafting of this clause and the at-times problematic operation of the new PAMs.

The same argument can be made within the wording of ‘A1 - Neighbourhood character’ as it relates to performance measures specified in zone schedules. It is suggested again that “all” is clearer than “any”. This will be explored in more detail at Section 2 (p. 5) of this submission.

There is also a minor typographical error at draft Clause 71.XX-5 - “any decision guidelines specified for the use or class of development under the relevant provision or other provision under the which the application is made” (p. 47, emphasis added to highlight the erroneous word).

### 1.2. Consideration of Section 60(1A)(h)

Council strongly disagrees with exempting the consideration of Section 60(1A)(h) of the Planning & Environment Act 1987 (the Act) which states:

*“any amendment to the planning scheme which has been adopted by a planning authority but not, as at the date on which the application is considered, approved by the Minister or a planning authority”.*

Removing the consideration of adopted amendments undermines the role of Council and the strategic work undertaken throughout the planning scheme amendment

process. Officers must retain the ability to act in accordance Council's adopted position on amendments.

By excluding the consideration of some sections of the Act, there is an added layer of complexity in determining what does and does not apply. This is time consuming, provides uncertainty and over complicates simple planning applications.

### **1.3. Recommendations:**

Review the drafting of this clause carefully and consider the implications of unclear wording, particularly the use of "any" rather than "all" in the given example.

Remove Section 60(1A)(h) from the list of excluded considerations.

## **2. TRANSLATE EXISTING RESCODE PROVISIONS TO THE NEW PAM**

### **2.1. Performance measures and performance criteria**

Council agrees clarity is required as to the operation of objectives, standards and decision guidelines. However, some ResCode standards are appropriate to be considered as "deemed to comply", where others are not.

Where a standard does not include subjective considerations and is widely accepted as being a quantitative standard, this may be appropriate. These include:

- A12/B19 - Daylight to existing windows
- A13/B20 - North facing windows

Critically, there are many examples in the "test" ordinance where meeting a performance measure being "deemed to comply" as meeting the objective is highly problematic. These standards will require more careful thought and testing against real applications to safeguard good planning outcomes.

Council would like to draw attention to the following standards which it believes require a qualitative assessment:

- A1/B1 - Neighbourhood Character  
The performance measure does not introduce any new matters other than what has previously been considered (Street setback (B6), Building height (B7), Site coverage (B8), Side and rear setbacks (B17), Walls on boundaries (B18) and Front fences (B32)). Importantly, no provision is made for the consideration of Council's neighbourhood character policy contained in the PPF or related strategic directions in the Municipal Planning Statement. Ultimately, further statutory weight should be given to Council's Neighbourhood Character Policy to consider the existing and preferred character of the area.

Most concerning, the draft Performance Criteria under standard B1 only requires new development to "not unreasonably disturb" the existing neighbourhood context. This approach is fundamentally flawed as the basis should be to achieve

a design response sympathetic to or consistent with the preferred neighbourhood character.

The consideration of neighbourhood character objectives in a residential zone schedule will only be possible if the performance standard is not met. Council does not support this limitation. The neighbourhood character objective contained in a residential zone schedule must always be considered.

- A3/B6 - Street setback

The performance measure fails to consider site responsiveness. For example, a 'stepped' front setback, which responds to adjoining properties, may be more appropriate in some instances. The PAM allows for a singular alignment of the average front setback, without consideration to the site's context. This outcome is particularly concerning in relation to wide sites, which contain multiple street frontages or 'block' apartment style developments.

- A4/B7 - Building height

The performance measure doesn't consider the visual impact of the building height on the streetscape, nor the interaction of the building height with the building articulation, including sheer walls.

- B13 - Landscaping

While the performance measure speaks of maintaining "existing mature vegetation", no definition of mature vegetation is provided. This is subjective, not readily quantifiable and requires the exercise of discretion, and is more appropriately considered as a performance criterion. However, should the other performance measures be met, this would then not be able to be considered at all which is troubling. The update to the objective adding "where possible" is not supported.

- B14 - Access

The performance measure is problematic as it specifies "no more than one single-width crossover is provided for each dwelling fronting a street". This is not considered to achieve the outcome desired as it means a very narrow (e.g. 15 metre) site could essentially have 2 crossovers as of right, without any consideration of neighbourhood character. The performance objective refers to respecting the neighbourhood context, however none of the performance measures consider neighbourhood character. These performance measures are more appropriately considered as performance criteria to allow neighbourhood character assessments. Alternatively, a measure could be introduced to allow a zone schedule to vary these requirements.

- A10/B17 - Side and rear setbacks

Performance criteria are only able to be considered if the quantitative performance measure is not met. That means if the setback meets the numerical standard, "the impact on the amenity of the habitable room windows and secluded private open space of existing dwellings" is unable to be considered. This is a clear example where meeting the quantitative performance measure is not guaranteed to achieve either of the listed performance objectives or result in an acceptable outcome.

The given performance measures are inadequate to achieve the objectives, given they do not afford the consideration of neighbourhood character. They do not consider the third dimension of the building (how long it spans for) nor its impact on visual bulk. They provide no consideration of backyard character and do not treat the interface to the rear boundary/backyard any differently to a side boundary. Further, they do not differentiate particularly sensitive interfaces such as habitable room windows and private open spaces.

The Performance Objective relates to both 'amenity' and 'neighbourhood character'. However, there are no neighbourhood character considerations (including the neighbourhood character local policy) within the numerical standards.

- A11/B18 - Walls on boundaries

The above example where amenity is expressly unable to be considered should the quantitative standard is met also applies here and is of significant concern.

Additionally, the given performance measures are inadequate to achieve the objectives, given they don't consider boundary to boundary development, garages on boundary walls in detached areas or boundary walls on rear setbacks with backyards.

- A17/B28 - Private open space

The given performance measures are inadequate to achieve the objectives, given they do not contemplate issues with neighbourhood character in relation to areas of secluded private open space (SPOS) instead of balconies, or the size of SPOS being able to accommodate both canopy trees and the recreational needs of residents.

- A19/B31 Detail design objective

It is unclear how the architectural design features listed in the PAM will be incorporated into a quantitative measure. Concern is raised in relation to how Council's Neighbourhood Character Policies will be reiterated and to how this 'tick a box' approach to different design elements will restrict innovative design that is complementary to the character of the area.

- A20/B32 - Front fences

The given performance measures are inadequate to achieve the objectives, given they do not contemplate materiality or permeability.

As not all PAMs require performance measures to be listed, there may be instances where it is appropriate to change performance measures to being performance criteria, to enable discretion to be exercised through a detailed assessment.

It is understood some councils may be able to introduce variations via zone schedules that are able to be considered by the operation of Neighbourhood Character (A1 & B1) and Detailed Design (A19 & B31). However, many of the above examples relate to more nuanced (qualitative) amenity considerations that cannot be adequately captured by current neighbourhood character controls and more directly relate to the site context. Such concerns cannot simply be reduced to quantitative measures.

Given the limited timeframe for consultation the above list is not exhaustive, and rather serves to highlight just some of the issues Council foreshadows with the proposal.

Further, Council submits that there are many outstanding inconsistencies or areas of confusion in the existing ResCode provisions that ought to be clarified as a part of this translation. This will achieve the project aims to reduce further information requests, improve decision making timeframes and reduce the number of applications being referred to the Tribunal. These include:

#### Street Setback

It is important to define what is the “front” setback.

#### Building Height

It is important to specify that the 2.5 degrees change in fall should be located within the proposed building envelope of the building. There have been a series of decisions coming out of the Tribunal with various positions on whether the cross-section needs to be within the curtilage of the proposed building.

#### Permeability

Onsite retention ought to be a matter for consideration, and it must be specified whether a swimming pool is a permeable surface.

#### Energy efficiency

What is the appropriate location for neighbour’s solar panels and how is this defined?

#### Significant trees

The information requirements must include the ability to ask for an arborist report for the removal of any trees, and an assessment that the proposed buildings/works will not potentially compromise the health of any trees on the site or adjoining properties, including street trees.

#### Side and Rear Setbacks

In addition to the minimum setback, there ought to be a maximum length of continuous wall at the one setback. Urban Design advice often suggests 8-10 metres for levels above ground floor. This is consistent with the approach of the Wall on Boundary Standard which sets out a height of a wall on boundary in addition to the acceptable length of wall on boundary.

#### Walls on Boundary

The standard needs to be better expressed regarding the cumulative impact of additional walls on boundary. There have been circumstances where sites have extended on boundary where they have sought ‘10m plus 25%’ on numerous occasions.

#### Daylight to Windows

Many of the calculations assume that the existing neighbour’s windows are at the same level of the proposed walls. On occasions, the window might be at a higher level than the proposed wall.

### North Facing Windows

Many of the calculations assume that the existing neighbour's windows are at the same level of the proposed walls. On occasions, the window might be at a higher level than the proposed wall, or reverse. Furthermore, the sill height might be high in the wall. The further information requirement should set out the ability to ask for a cross-section showing the vertical shadow.

### Overshadowing

The existing standard calculation is typically too difficult for the majority of people to understand. This is a standard where mandatory information in a table in addition to the shadow diagrams (areas of adjoining SPOS, existing shadow sqm area and proposed shadow sqm area) would benefit all parties.

### Overlooking

Demonstrating compliance with this standard often requires councils to impose additional conditions on any planning permit issued so that the information on the endorsed plans demonstrates compliance. It is recommended that the information requirements outlines that each window or screen will need details of openability, proof of 25% transparency etc. or the provision of cross sections that demonstrate no views within the 9m arc.

### Private Open Space

The size of the open space should also be proportional to the size of the dwelling. A large multi-bedroom dwelling may need more than 40 sqm to serve recreational and service needs of residents.

### Infrastructure

For metropolitan councils, it is readily assumed that infrastructure can be achieved, and capacity matters are typically resolved during building and subdivision. Objectors will often use the objectives about 'overloading infrastructure' to dispute new development within preferred locations for medium density or higher density.

### Internal Views

The performance measure does not address overlooking between windows, or into windows.

### Noise

A "mechanical plant" referred to in this standard generally does not require a planning permit. The standard needs to differentiate amenity and noise expectations between residential buildings and mixed-use buildings.

### BADS

There is a significant opportunity to improve the standards for multi-dwelling (Clause 55) assessments by using some of the BADS standards.

## 2.2. Drafting errors

While Council acknowledges the translations provided in Appendices 4-6 are a “test” in draft form, the failure to comply with drafting rules is of concern. The existing ResCode provisions occasionally contain drafting that is no longer considered best practice and there is a considerable opportunity to clarify these within the scope of these reforms.

### List points ending in “or”

This is the result of direct translation and is not in keeping with drafting rules outlined in the *Practitioners Guide*<sup>2</sup>.

For example, in the draft translation of ‘A6 - Permeability’ the performance measure could be made clearer by rewriting the measure so that it is not a list.

“The site area covered by pervious surfaces is at least the minimum area specified in a schedule to the zone, or if no minimum area is specified in a schedule to the zone, 20 per cent of the site”.

This applies to the direct translations at A5, A10, A11, A15 and A20 amongst others. Where a list is still required, the operation of the list must be made clear. For example, in the case of A15 stating “one or more of the following:” would improve the usability of this list.

### The use of “should” in performance measures

‘A20/B32 - Front fences’ retains the problematic “should” in the performance measure. This must be redrafted utilising “does”.

“A front fence within 3 metres of a street **does** not exceed the maximum height specified in a schedule to the zone...”

The use of “should” must also be corrected at A15 and B22 (see the note at each of these standards).

### Typographical and punctuation errors

‘A19 - Detailed design’ is missing full stops in the performance criteria list, has a double full stop at the end of the objective and “or **to** the neighbourhood context” should read “or the neighbourhood context”.

At ‘B12 - **Satefy**’ - the heading needs to be corrected to read ‘Safety’.

## 2.3. Recommendations:

Reconsider the direct translation at Appendices 4-6, and review the implications of the operation of each of these using a variety of real-life examples across different neighbourhood contexts. As previously recommended, further collaboration and consultation with councils is required.

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<sup>2</sup> A *Practitioner’s Guide to Victorian Planning Schemes*, v1.4 (DELWP 2020), p. 57.



Review the translation carefully to correct errors and ensure compliance with entry and drafting rules, particularly relating to lists, points ending in “or” and the use of “should” in performance measures.

### **3. INTRODUCE A NEW OPPORTUNITY TO SPECIFY NEIGHBOURHOOD CHARACTER PERFORMANCE MEASURES**

Council agrees that neighbourhood character can be better integrated into the planning scheme and welcomes the opportunity to consider how this might best occur. Strengthening the consideration of neighbourhood character in the assessment process is a key concern for Council.

Council supports the ability to more precisely specify performance measures for Neighbourhood Character (A1 & B1) and Detailed Design (A19 & B31) within the planning scheme in the schedules to residential zones.

The new performance measure provides a new opportunity for a planning authority to specify design elements in a schedule to a residential zone relating to:

- façade articulation and detailing
- window and door proportions
- roof form
- verandahs, eaves and parapets.

This is very much welcomed and follows Council’s previous submissions that local neighbourhood character be given more weight in decision making. Council also submits that further design elements should be able to be varied here, so that current neighbourhood character protections are not lost. It is imperative that these variations not be limited to strictly numerical standards, and that Council has control over what is able to be locally varied.

As previously discussed, a “pattern book” may be a helpful tool, but Council must be able to specify or vary a broad range of design elements and not be limited to a set of “off the shelf” options that may detract from Council’s existing and well-regarded neighbourhood character controls.

By way of example, Council’s Neighbourhood Character Policy at Clause 22.05-4 currently provides guidance on attached dwellings set one behind the other that provide no visual separation between built forms, and upper storeys of dwellings at the rear of lots being recessive and having a reduced footprint to the ground floor. These examples are not covered by the above dot points and highlights the need to locally vary zone schedules so that such policy direction is not lost.

The Boroondara NCPS also provide guidance on neighbourhood character elements that equally must be able to be considered. These include:

- vegetation/open space/soft landscaping
- fences (era appropriate/height)
- building/roof form (massing and articulation)

- building materials/colours (not just façade)
- design details (period reproduction/façade articulation/size and spacing of windows)
- car parking structures (hard paving/basement garages/setback of structures).

The above is just a small selection of the diverse array of neighbourhood character and design detail elements that are currently managed by our local policy and NCPS.

It is imperative that councils are able to amend zone schedules in a comprehensive way to prior to implementation of the new ResCode model coming into effect to continue to manage these elements. Alternatively, Council must be allowed to continue to consider existing Neighbourhood Character local policies (either at Clause 22 or Clause 15 of the PPF) where no neighbourhood character objectives or variations exist in the zone schedules.

Clearly, significant time and resourcing is required to do this strategic work, including running planning scheme amendments which would take several years. Transitional provisions are not desirable given the uncertainty this would cause, and it is much cleaner to provide a reasonable time for Councils to undertake the appropriate strategic work, including any required planning scheme amendments, before introducing any of the proposed changes.

The outstanding issue remains that the new model dilutes the importance of the qualitative aspects of planning. Neighbourhood character provisions must retain a level of flexibility to enable thoughtful, contextual site-specific assessments.

### **3.1. Recommendations:**

Proactively contact councils to ensure their existing neighbourhood character controls are adequately considered under the new model, providing assistance (e.g. fast track amendments) and close collaboration as each council requires.

Do not implement the PAM and the proposed changes outlined in the discussion paper until councils have had time to ensure their existing neighbourhood character controls are adequately considered under the new model.

## **4. CONCLUSION**

Thank you for considering the City of Boroondara's submission on this matter. We welcome further opportunities to collaborate and to refine the proposal.