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Department of Planning and Transport
Level 7, 8 Nicholson Street
East Melbourne VIC 3002

Dear Ms Kormas,

Proposed ResCode Deemed-to-Comply Provisions

Whitehorse City Council is providing comment on the proposed deemed-to-comply provisions. Please find attached below Councils submission.

We would welcome the opportunity to engage further with the Department to support the ongoing refinement of the amendment.

Yours sincerely

Jeff Green

Director City Development



Executive summary

In September 2023, Amendment VC243 was gazetted into the Victorian Planning Provisions to further support the delivery of housing in Victoria. These changes included:

- Amending Clause 54 and 54 ('ResCode') to codify several residential development standards for single dwellings, townhouses and low-rise apartments;
- Removing the need for a planning permit for a single dwelling on a lot of 300 square metres;
- Expanding the Future Homes and Development Facilitation Program; and
- Introducing the provision of small second dwellings.

These changes were made off the announcements contained within *Victoria's Housing Statement: The decade ahead 2024-2034* (the 'Housing Statement'), which has identified, amongst other key issues, that the planning system has failed to deliver sufficient residential approvals to meet the demands of population growth pressures.

It is understood that the State Government now seeks to further amend the ResCode provisions, aiming to fulfil the commitments within the Housing Statement to streamline planning applications. The amendment would introduce a deemed to comply model with both new and amended standards.

Council has had the opportunity to review the proposed changes to ResCode (albeit within a very confined timeframe), and as currently drafted, Council has significant concerns regarding the proposed provisions.

This submission will focus on the following key issues:

- The removal of the neighbourhood character standards, the shift to a deemed to comply model and the resultant built form and amenity outcomes.
- The shift away from evidence-based planning and the lack of data or modelling to support the proposed changes.
- The lack of transparency or consultation with Council(s) and the broader community and the loss of third-party appeal rights.
- The drafting of the standards and the implications with other areas of the Victorian Planning Provisions.

Further details relating to these points is highlighted in the substantive submissions below.



Codification and intensification of development

While there are already a number of implemented 'deemed to comply' standards; the existing policy framework and broader neighbourhood character objectives has afforded Council planners a level of discretion to moderate built form proposals to achieve appropriate outcomes within communities.

There are now proposed to be several new or amended standards introduced within a deemed to comply model that would allow for substantially increased built form intensity without appropriate regard to neighbouring interfaces, residential amenity or character outcomes (which will be further discussed below).

For example, when considered in totality, the following deemed to comply standards could result in a development typology that maintains an aggressive site coverage with limited side and rear setbacks, very little capacity for landscaping or spacing in between or around buildings:

- The increased site coverages (standard B8).
- The reduced front setback from 9 metres to 6 metres (standard B6);
- The allowance of private open spaces within front yards and the deletion of secluded open space requirements (Standard B28);
- The static side and rear boundary setbacks (Standard B17); and
- The reduced external amenity standards (various standards).

Council raises concerns that the removal of these standards has not been tested in a practical setting to understand how the loss of these standards would present as actual buildings, and the resultant amenity impacts of creating a set of standards that are generic and not responsive to the particular traits of an area.

Having regard to these concerns, the proposed standards will undermine the creativity and quality of housing through codification of design detail, leading to standardised housing forms that offer little in terms of character, diversity, or building creativity, and achieve minimal responsiveness to the architectural forms in existing residential areas. Whilst Council accepts that there is opportunity for some elements of ResCode to be refined, the removal of the above standards put at risk, the very elements existing residential neighbourhoods value.

Recent years have demonstrated the effects of an absence of neighbourhood character considerations where planning permits are not triggered, and outcomes are managed through Building Regulations. Houses have increased in size and reduced in diversity, often achieved at the expense of landscaping opportunities, planting and growth of canopy trees.

Council submits that the proposed ResCode provisions will not achieve the expected increases in housing supply or diversity as anticipated by the Housing Statement. Rather, the changes will encourage larger dwellings, minimal diversity in dwelling size, and will have long-standing implications to the residential built environment through poor standards of resident amenity, outdoor spaces, and landscaping outcomes.



Testing and modelling of standards

There are references within the consultation material to testing of the new standards, but no detail has been provided within the draft documents in relation to if, or how, this has occurred.

It is reasonable to expect that the Department thoroughly test and model the proposed deemed to comply provisions for various residential scenarios to demonstrate the housing outcomes that would be expected; it is unclear why this has not occurred or if it has been, why this information has not been provided within the consultation materials.

It is our view that the modelling of a deemed to comply development would highlight the design concerns raised in this submission, and it is disappointing that such information has not been provided given the enormity of the changes proposed. In addition to the lack of built form modelling, it is unclear whether the Department has appropriate data (for example, supply and affordability modelling) to strategically support the amendment and its overall intent to improve housing supply and affordability.

It is disappointing that the Department has proposed these changes with minimal engagement, and no public consultation. The planning system has been predicated on community consultation and the community having a voice in the decisions made in their neighbourhoods, and it is a stark contrast to see such broad sweeping changes proposed in an engagement vacuum.

Furthermore, it would appear that DTP are not held to the same standards as local council to strategically justify their Planning Scheme amendments, showcasing an absence of evidence supporting and underpinning the proposed changes. This indicates a troubling shift away from an evidenced-based approach and warrants further investigation.

Lack of transparency and consultation with Council(s) and the community

Whitehorse City Council was not selected to participate in the deemed to comply workshops nor were they notified of the proposed amendments. It is unclear whether other Council's received notice, and it is understood that there is no intention to undertake a broad community consultation.

The following timeline on events is noted:

- November 2023: the Department invited Councils to attend a workshop to discuss (at a high level) the deemed to comply standards of ResCode. No draft provisions were provided for review, and feedback from Council was consistent in relation to the removal of neighbourhood character provisions.
- November 2023: the Department invited other stakeholders (such as developers, architects and planning consultants) to participate in feedback.
- June 2024: The department invited Councils to attend a further workshop to discuss the deemed to comply standards of ResCode. Again, no draft provisions were provided for review, and feedback from Council was consistent with the previous consultation.



- June 2024: the Department invited other stakeholders (such as developers, architects and planning consultants) to participate in feedback.

Noting the above, it is disappointing that the rationale given for removal of neighbourhood character standards, as well as amending other standards is that 'stakeholders mostly agreed...'. There is no evidence provided that supports this outcome and appears to be contrary to the discussions held at the workshops attended by other Councils.

Council submits that that the level of consultation to date is lacking transparency and is insufficient. A change of this scale should be clearly communicated to all Councils, stakeholders and interested parties, with appropriate time to consider the changes and provide a considered response.

The workshops in November 2023 and June 2024 failed to provide any draft provisions for review, or any clear direction about how the amendment would progress. Further, there has been no detail communicated that demonstrates the correlation between the proposed changes and increased housing approvals. Only very short timeframes were provided to Councils to provide comment, which is not conducive to providing meaningful input, and in doing so, is inconsistent with the objectives of the *Planning and Environment Act 1987* (the Act), which seeks to establish clear procedures for amending planning schemes, with appropriate public participation in decision making.

Before the gazettal of any Planning Scheme amendment, transparent and meaningful consultation should be undertaken, including all Councils and sections of the public, in line with the objectives of the Act.

Exemption from third party appeal rights

If all deemed to comply standards are met, the Department has proposed to remove the ability for third parties to appeal the decision at VCAT.

Whilst development proposals do not have to comply with each standard, a significant proportion of applicants will seek the path of least resistance – being a deemed to comply proposal – to minimise both lead time and associated costs with appeals.

This is likely to result in a greater proportion of generic and low-quality deemed to comply permit applications, that fail to appropriately respond to valued characteristics of the surrounding residential context, in order to specifically avoid third party appeals.

The *Planning and Environment Act 1987* (the Act) includes key objectives that seek to:

- Ensure those affected by proposals receive appropriate notice; and
- Provide for an accessible process for decisions to be reviewed without unnecessary formality.

Removing third party appeal rights does not adhere to the objectives of the Act and fails to adequately consider or balance the needs of present and future Victorians.



Council is deeply concerned with the continual erosion of community voice and involvement in the planning approvals process.

In terms of a practical application of the exemptions, Council wishes to highlight the following issues with the approach:

- The drafting of the standards (in part) is unclear and ambiguous requiring a level of interpretation, which has the potential for decisions to issue which have failed to capture appeal rights.
- The need for notice under Section 52 in a deemed to apply model is unclear, particularly where Council do not have the capacity to effect change. Such an approach will present as antagonistic and confusing for residents.
- It is unclear whether these revisions have had consideration for the likelihood of increased administrative work (Practise Day Hearings) through the Tribunal where resident/third party objectors are unlikely to grasp the revised requirements.

Council remains opposed to the removal of third-party appeal rights and considers that further refinements to the amendment is necessary.

Other drafting implications and a review of the deemed to comply provisions

Interaction with the Zones and Planning Policy Framework

The consultation material does not propose changes to the zones or other parts of the Victorian Planning Provisions. There are several key questions to be resolved:

- Will the Department provide Councils the opportunity to amend their existing zone schedules or apply additional areas of Neighbourhood Character Overlays?
- Can Council still consider the existing and preferred character of an area through the purposes of the Neighbourhood and General Residential Zones?
- Can Council still consider the Planning and Local Policy Framework in relation to residential amenity, built form and character through the purposes of the residential zones or general decision guidelines?
- What weight would be appropriate to give to these matters in balancing the various competing objectives and potential development outcomes?
- How will garden area interact with the proposed amendments?

In addition to the above questions, Council submits that the proposed amendments would make the existing suite of residential zones largely redundant, with the only differences across the zones being marginal increases to height and site coverage. The proposed changes undermine the strategic hierarchy that has existed across the residential zones which have historically transitioned between limited and substantial change, with different priorities. No modelling or data has been presented to demonstrate that the existing substantial change area (or amended to incorporate greater area) would be insufficient to accommodate the proposed housing target for Victoria.

Before the gazettal of any Planning Scheme amendment, these matters must be further clarified and resolved.



Interaction with existing strategic work

Whitehorse City Council introduced the Significant Landscape Overlay – Schedule 9 (SLO9) into the Planning Scheme through Amendment C219 on 30 July 2020.

The controls were aimed at protecting existing and established trees and preserving the landscape character of the municipality. The work was strategically supported by the *Municipal Wide Tree Study* and tested through Planning Panels Victoria prior to its gazettal within the Whitehorse Planning Scheme.

To date, the Overlay has successfully operated to either retain significant trees; replace removed trees; and / or manage buildings and works around trees, to both maintain the valued landscape character of the municipality and more broadly meet 30% canopy coverage target by 2050 set out in the Urban Forest Strategy.

Since its introduction, Council has assessed and approved numerous residential development applications, successfully integrating existing and new trees whilst delivering on applicant expectations. This highlights that housing can be both facilitated and supplied whilst also protecting and managing onsite trees, and Council has the data to support that proposition.

The Overlay is currently set to expire on the 23 December 2024, and whilst references have been made within the consultation material (see Standard B13) to a tree protection provision within the VPP, it is unclear whether the Department has a resolved permit trigger that would serve as a suitable replacement.

Council has outlined several concerns with the amended landscaping standard, but principally – and consistent with several other statements within this letter – it is unclear how or why the Department has formed their view that a minimum 10% canopy coverage is an appropriate outcome, particularly when many other Councils are seeking much greater canopy coverage aspirations.

Council is concerned that:

- There will be a substantial gap between the removal of the Overlay, and an appropriate replacement, resulting in permit applicants ‘moonscaping’ sites.
- The eventual state-wide tree control will be ineffective or not go far enough to protect significant trees, and the balance between tree management and the supply of housing will be unfavourably distorted.
- The aspirations of the Department are not appropriately tested or supported by data and will not provide for the long-term benefits of canopy coverage.

Council strongly recommends that greater consideration must be given to resolving the landscape standard (as per the concerns below) and developing an appropriate model for sensible permit triggers for retaining and maintaining vegetation.

Drafting issues

For a deemed to comply model to be successful, standards that are to be codified must be both unambiguous and simple enough to interpret. The drafting issues evident in the documents reviewed are extensive.



Council has undertaken a detailed review of certain standards below, and highlights several examples of poor drafting with the proposed standards:

- 'Primary living areas' are not defined under Standard B10.
- There is no requirement for tree planting under Standard B13.
- It is unclear how the areas of unshadowed private open space are calculated under Standard B21 (either individually or as a whole).
- The requirement for HEPA filters or a mechanical ventilation system is challenging to assess and requires access to Australian Standards.

Council submits that there are several standards (either new or introduced) which are either too complex, potentially ambiguous, or both. This fundamentally undermines the intent of the reforms by creating onerous and time-consuming assessment tools which are likely to result in delays due to the increased consequences of compliance with the standard. I

In this regard, the proposed changes are trying to achieve too much under the banner of ResCode. ESD standards in particular should be left as an independent planning scheme requirement, and not diluted through 'bolted-on' performance standards under these changes.

There is also (by virtue of the above complexities) potential for interested parties to hold different interpretation on specific standards. This has the potential to result in challenges to the validity of Council's decision making, exposing Council to several risks, therefore requiring very careful consideration of the standards.

For example, the drafting of Standard B9 for permeability requires a stormwater system to meet objectives of the *Best Practice Environment Management Guidelines*, which is a large document with a series of qualitative objectives that could be open to interpretation.

Review of the Standards

Officer comments are provided to selected standards. Broadly, key findings of the review include:

- The standards are not sufficiently clear to operate as deemed to comply standards.
- The standards are poorly resolved and, in some cases, illogical.
- The standards fail to appropriately balance the facilitation of housing with appropriate residential amenity.

Standard B1 (Neighbourhood Character)

- Council is fundamentally opposed to the notion of making neighbourhood character a deemed to comply assessment.
- The approach ignores local context and what makes an area interesting and engaging and promotes generic, 'cookie-cutter' development outcomes that are unresponsive to its context and devoid of any creativity or innovation.
- A number of objectives continue to require proposals to respect or contribute to neighbourhood character but fail to allow Councils to appropriately consider such outcomes through the policy framework.



- The approach segregates individual parts of a design and assess them in isolation in lieu of a broader, holistic assessment approach, which takes in the key principles of neighbourhood character as a combination of both the public and private realm.
- The approach to codify the character standards, whilst still maintaining broader policy statements in the Policy Framework and ResCode objectives around respecting and contributing to a preferred character is disingenuous when the proposed approach and built form intensity will fundamentally undermine existing residential settings across the wider State. If a codified approach is preferred, the “character” standards should be designed around a balanced outcome, not a bare minimum.
- Practice Note 43 – Understanding Neighbourhood Character, highlights that “any assessment that takes a ‘tick-a-box’ approach to identifying the features and characteristics of the neighbourhood is not sufficient.” Shifting from the previously adopted approach is not appropriate and will not appropriate design outcomes within the residential context.

Standard B2 (Residential Policy)

- Removing this standard will significantly reduce the role of local policy in the assessment of residential development proposals, particularly as it relates to the provision of housing supply, diversity and affordability.
- In the absence of information clarifying how the Zones or other parts of the Policy Framework will activate policy considerations, the removal of this standard is opposed.

Standard B4 (Infrastructure)

- Council generally supports the removal of this standard on the basis that these matters are captured through other legislative requirements.
- It is relevant to highlight that no modelling has been provided to demonstrate that the expected density of the Housing Targets would be acceptable within the capacity of the current drainage, sewerage, electricity systems.

Standard B5 (Integration with the Street - Removed)

- The existing Standard B5 allows the application of discretion to the design of front dwellings to maintain interaction with the street.
- The new Dwelling Entry Standards fails to capture the previous intent of Standard B5, resulting in poor outcomes to the street and public realm.
- It is unclear how this will interact with the Design Detail standards, where blank wall designs are allowable within distance thresholds (i.e. 14.99 metres of blank wall is deemed acceptable).
- This is inconsistent with the broader reform themes which seek to emphasise the use of the front yard as an activated and interactive space.

Standard B6 (Street Setback)

- The majority of dwellings in suburban settings maintain homogenous street setbacks.
- The amended standards will, in the short term, result in inconsistent siting patterns within the streetscape setting, with a loss of landscaping opportunities.



- Longer term, as the new standards allow for much more substantial built form outcomes, the reduced setbacks will result in excessively dominant dwellings that would be unacceptable in the residential context

Standard B7 (Building Height)

- The deemed to comply approach would enable the as-of-right construction of three (3) storey dwellings within natural change areas where the predominant building height is two (2) storeys.
- The amended standards also allow for substantially larger building typologies (which is discussed elsewhere within this submission), which at three (3) storeys will result in substantial visual bulk and be substantially out of character with the typical dwelling typology.
- Such a change will not contribute to achieving housing targets but will simply facilitate the creation of larger dwellings.

Standard B8 (Site Coverage)

- The 60 and 70 percent site coverage in the Neighbourhood and General residential zones, together with other standards that increase the intensity of dwelling footprints, will result in unacceptable built form outcomes that are excessive in size, and would be unresponsive to the level of change anticipated in the applicable zones

Standard B10 (Energy Efficiency)

- Primary living areas is not defined and has the potential to result in interpretation difficulties.
- There is no metric to appropriately manage the interface of north-facing windows. Its positive impact is redundant if windows are substantially encroached by another dwelling, fencing or are partially covered or obscured.
- There are proposed 'rooftop solar energy generation area' standards at Clause 55.05-9, but no standards to protect future panels from overshadowing, which, depending on the system can lead to a drop in output.

Standard B13 (Landscaping)

- There are no requirements to include any landscaping or replacement planting, making residential developments without replacement planting 'deemed to comply'.
- In the absence of a permit trigger to remove significant vegetation, the controls will result in full-scale tree removal without replacement planting. This concern is reflected in the earlier commentary in relation to the Significant Landscape Overlay – Schedule 9 and the proposed changes being an inadequate replacement to the control.
- It is unclear how the landscaping standard will respond to the specified canopy coverage target of 10%.
- The tree protection measures for replacement planting are good in theory, but difficult to apply, assess and enforce and – without any requirement for replacement planting – will likely result in permit applicants simply not providing any landscaping on a site.
- A significant tree has not been defined and there are concerns this will only apply to existing significant trees defined under a Vegetation Protection



Overlay. Significant tree must be appropriately defined within the proposed tree removal control.

Standard B14 (Access)

- The deemed to comply model will allow a greater proportion of additional crossovers, which has the potential to undermine street parking and street tree planting.
- The 0.5 metre setback to garages from the front wall of new dwellings will not be sufficient to offset the additional bulk, massing and scale of dwellings allowable under the new deemed to comply provisions.

Standard B17 (Side and Rear Setbacks)

- The standards, slavishly applied do not appropriately regulate amenity impacts such as solar access, overshadowing and visual bulk or allow for appropriate landscaping.
- Without the ability to manage built form or interfaces through the policy framework, the deemed to comply model for side and rear setbacks (together with other intensified built form standards) will lead to larger ground and first floor footprints, leading to very poor built form outcomes.
- The allowable 3-metre setbacks (side and rear) for a height of 3 storeys will result in dominant, sheer wall developments, that fails to strike an appropriate balance between residential amenity and development intensification, and no modelling has been provided to demonstrate the benefit of the additional yield.
- As the General Residential Zone allows for 3 storey building heights, the proposed standard, assessed within a deemed to comply model has the potential to seriously undermine the suburban context within natural change (or equivalent) areas.

Standard B18 (Walls on Boundaries)

- Currently, multi-dwelling developments will typically confine small portions of buildings to side and rear boundaries to respond to each landscaping, setback and character standards, which typically results in reasonable amenity outcomes for adjoining interfaces, with smaller lengths of wall on shared boundaries.
- The amended standards, assessed in the deem to comply model will fail to provide appropriate siting and spacing outcomes on sites, limiting opportunities for landscaping or visual softening (particularly where the landscape standards do not provide prescriptive planting outcomes) and will result in poor off-site amenity outcomes for residents, with the potential to be enclosed within walls on boundary.
- There has been no testing presented to demonstrate that the increase in wall height to 3.6 metres will result in acceptable amenity off-site amenity outcomes, and no evidence to demonstrate what this is actually seeking to achieve.

Standard B19 (Daylight to Existing Windows)

- No daylight testing has been provided to demonstrate that the light court component will afford an acceptable level of amenity protection. The further



eroding of the on-site amenity and facilities provisions fails to accord with the purpose of Clause 55, and indeed the State Government's own Housing Statement, which seeks to ensure appealing, comfortable, sustainable and fit-for-purpose homes.

Standard B20 (North-facing Windows)

- The drafting of the standard is unclear in relation to B17.2 and whether buildings would need to be setback a further 1 metre to respond to Standard B20.
- The shadow cross-section shown for B17.2 indicates overshadowing to north-facing windows at the Solstice, which demonstrates that compliance with the proposed standard is already likely to undermine north-facing windows.

Standard B21 (Overshadowing Open Space)

- This is a significant departure from the previous standard and will significantly impact the amenity of adjoining occupants.
- The new standards will allow overshadowing to secluded private open spaces on the basis that other areas of private open space (for example service yards) remain unshadowed and meet the standard.
- The loss of rear yard amenity is not an appropriate trade-off for density, particularly where there has been no data or modelling to test its efficacy and impact.
- The new internal amenity standards (particularly for the provision of north-facing windows, or internal living areas) do not provide sufficient space for the typology of housing typically seen in the suburban context to offset the loss of rear yard amenity due to overshadowing.
- Equally, the internal amenity standards would be redundant if new dwellings were allowed to substantially overshadow the spaces where sunlight is accessible to windows.
- The drafting of the standard is open to interpretation, as it is unclear whether the 25 square / 3 metre area is provided as a single space or could compromise numerous private open space areas across a site.
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Standard B22 (Overlooking)

- Both the reduced horizontal plane and height of window screening will have significant impact on residential amenity in the form of privacy.
- The proposed trade-off of off-site amenity for internal amenity is unbalanced, and it would be inequitable to base the standard to facilitate better designs for new dwellings especially on smaller sites, particularly where the greater proportion of housing is based in the suburban context.
- The average Australian male and female height is 175.6cm and 161.8cm respectively (measured between 2011-12), with the new standards resulting in obvious overlooking issues for adjoining occupants.
- The drafting has failed to consider that there are alternative and high-quality design options for screening that would allow for an acceptable balance between internal amenity and a right to reasonable privacy.
- No modelling or testing has been provided to demonstrate that there has been an acceptable balancing with the new standards



Standard B24.1 (Air Pollution – New)

- The standard is supported, but may require assessment against Australian Standards, which is not freely accessible.

Standard B26 (Dwelling Entry)

- The standard has not appropriately captured the matters from the previous 'Integration with the Street' and 'Safety' standards and does not allow for passive surveillance, entry windows, or orientation of an entry to a street.

Standard B28 (Private Open Space)

- The removal of 'secluded' private open space is inconsistent with the prevailing social fabric of the suburban setting where primary recreation areas has been within the backyard.
- It is unclear that the range of issues the change is purporting to address have been tested against the townhouse style development as opposed to just apartment typologies.
- Council stringently opposes the change to reduce provision of sunlight to open space areas to a 6sqm for 2 hours during the September Equinox. This is seen as being inadequate to protect amenity of residents and/or provide reasonable recreation space with good amenity for residents
- The use of the frontage for private open space – in conjunction with the other intensified standards – would result in substantial built form outcomes with limited spacing and opportunities for landscaping.
- If the landscape standards are further amended to incorporate landscaping requirements; in some scenarios, the 3-metre minimum setback for private open space would not allow for tree types B and C under the landscape standard, which require 4 and 6 metre setbacks from buildings respectively. This will likely disincentivise the planting of taller trees.
- Frontage open space will require higher front fencing for privacy to residents, which will be inconsistent with the broader reform themes which seek to emphasise the use of the frontage.

Standard B29 (Solar access to open space – Removed)

- The standards have not been appropriately translated into Standard B28, resulting in poor on-site amenity for future residents and a greater portion of built form, deeper into sites.

Standard B30.1 - (Room depth) and Standard B46 (Functional Layout)

- Minimum internal amenity standards are generally supported but should transition in dimension and square metre area relative to the typology of housing.

Standard B31 (Design Detail)

- Council is fundamentally opposed to the notion of making neighbourhood character a deemed to comply assessment.
- The current drafting of the standard sets a low bar to attain a deemed to comply outcome. Quantifying elements such as articulation, bulk and scale, roof forms and materiality are likely to result in generic, visually unappealing



building designs that ignores the local context and fails to respond to the positive elements of an area.

- Practice Note 43 – Understanding Neighbourhood Character, highlights that “any assessment that takes a ‘tick-a-box’ approach to identifying the features and characteristics of the neighbourhood is not sufficient.” Shifting from the previously adopted approach is not appropriate and will not foster creative and interesting design detailing.
- The current drafting of the standard is also poorly resolved, allowing in part for large expanses of blank walls (14.99 metre length) or walls without a variation in alignment (29.99 metre length).
- The options for articulation are not sufficient to cater for visually interesting and engaging housing designs that respond to their existing context.
- Applying the outcomes sought under the standard to only ‘where a development fronts a street’ is misguided in seeking to apply ‘character’ outcomes to the front of a site only. If this is not the intention, then greater clarity must be inserted into the standard.
- The absence of diagrams/models or other depictions of what the standard would allow for under these arrangements is unacceptable given the far reaching implications that this change would have on design quality of developments.

Standard B32 (Front Fences)

- Again, poor drafting seems to have neglected changes to the Private Open Space Standard which now aims to promote use of front setbacks as SPOS which will translate into a need for increased fencing for privacy from the street.

Standard B34 (Site Services)

- The 20% requirement is overly generous and, on a typical allotment width of 15.24 metres, could allow for approximately 3 metres of services across a frontage.
- There are no design specifications for site services such as height, materiality of detailing to ensure that cupboards integrate with a development.
- In conjunction with Standard B14, there is the potential for the frontage of buildings to be undermined by services and access points.

Standard B34.1 - Waste and recycling

- Council opposes the wording of the proposed standard which does not provide consideration for the placement of the bin storage space outside of areas that would impact on residential amenity or access to the storage. The loss of guidance on service areas being ‘attractive’ would invite poorly integrated outcomes.

Standard B53 (External Walls and Materials)

- The requirements of this standard, which seek to provide high-quality, all-weather materials have not been translated into the design detail standard.

Conclusion



As outlined in the submission, Council has significant concerns about the proposed amendment, particularly in relation to the housing outcomes they will deliver, the resultant amenity impacts to future residents and the overall functionality, useability and administration.

Council continues to maintain several doubts about whether the proposal will achieve the intended streamlining outcomes, due to the complexity of the standards and the ambiguity that exists in the drafting, as well as the series of administrative and procedural issues that will arise as a result.

Council requests further consultation, that is transparent, clear and supported by appropriate built form modelling and data, ensuring that these changes are further refined prior to implementation.

