



## Manningham Council Submission

# ResCode Deemed-to-Comply provisions (September 2024)



Interpreter service

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MANNINGHAM

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# Introduction

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This submission has been prepared by Council officers in accordance with the request of the Department of Transport and Planning (DTP) to comment on the proposed changes to ResCode.

The ResCode Deemed-to-Comply provisions are a reform that Council officers would have ordinarily informed our Councillors as part of preparing the submission. This is based on the impacts that would be created on residential development in Manningham. Council officers adopted this approach in the preparation of the submission to the Plan for Victoria and the draft Housing Target reforms.

Manningham officers attended the Deemed-to-Comply workshops to discuss further codification options with the DTP. These were very high-level discussions and none of the proposed changes were presented to the group for discussion at that time. It is Council's officers' position that a Deemed-to-Comply provision must be measurable for it to be considered compliant. Furthermore, Standards cannot contain ambiguous language such as "should", "may", etc. These provisions must contain the word must, to ensure compliance.

The reforms proposed to ResCode represent significant changes in how multi-unit residential developments will be assessed in Victoria, since the introduction of these provisions in 2001.

Council officers are supportive of DTP undertaking a review to ensure that Rescode remains contemporary in responding to emerging trends and policy changes. The drafting of changes must be well-articulated and easy to interpret by all users of the Scheme.

A number of the proposed changes to the ResCode clauses are supported by Council officers. Changes to simplify the expression of some clauses will make them easier to interpret and administer. However, Council officers have concerns regarding many other proposed amendments.

Community participation has been an integral component of the Victorian planning system in informing the decision-making process for planning permit applications and amendments to planning schemes. Council officers have serious concerns regarding the proposed changes that seek to effectively remove the opportunities for third party appeals to VCAT. These changes will favour the development industry over the rights of the local community in influencing a planning outcome that may directly affect them.

The submission is divided into two parts. Part 1 discusses the overarching planning implications that are anticipated to arise should the proposed amendments to Rescode be implemented as proposed. Part 2 considers the proposed changes to the objectives and standards of clauses 54 & 55. It outlines Council officers concerns and recommends changes where applicable.

The offer is being extended for Council officers to collaborate with DTP on the matters raised in the submission and the ongoing involvement in finalising the ResCode provisions.

## Context

Manningham Council is in Melbourne's eastern suburbs covering an area of 114km<sup>2</sup>. It stretches from Bulleen about 12km from Melbourne's Central Business District (CBD) to Wonga Park.

The Wurundjeri-woi-wurrung are the Traditional Owners of the lands and waterways known today as Manningham. Mullum Mullum Creek divides the municipality into two distinct regions. Land to the west is primarily urbanised, while land to the east is primarily semi-rural in character.

Between these regions is a low-density residential buffer area which makes a valuable contribution to the settlement pattern of Manningham. A large section of the eastern half of the municipality is within the designated 'Green Wedge' area that has minimal development opportunities and features significant ecological environments.

The urban areas include the suburbs of Bulleen, Doncaster, Doncaster East, Templestowe and Templestowe Lower. The peri-urban areas include a large tract of the Green Wedge land which is mainly used for rural-residential living, conservation and small-scale agriculture (viticulture and orcharding).

The settlement pattern of two regions is also very different. The eastern side is dominated by single dwellings on large lots. Lots can be as large as 20 hectares but are usually half that size. The western side is developed with serviced residential subdivisions with good access to main roads. However, public transport is limited to bus services only.

The majority of multi-unit residential developments, that would be assessed under ResCode, will be concentrated in the western side of the municipality.

# PART 1: Overarching Implications

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## 1. OMNIBUS DECISION MAKING

The proposed Deemed-to-Comply provisions includes the removal of third-party appeal rights under ResCode if all applicable Standards have been met in the proposal. In some of the residential zones in Manningham, the planning controls of ResCode are complemented with planning controls under the Design and Development Overlay (DDO) to establish preferred design outcomes, particularly in areas that have been identified for higher density developments. Under the DDO, third party appeal rights exist.

The recent VCAT decision [Myers v Southern Grampians SC \(Red Dot\) \[2022\] VCAT 695 \(24 June 2022\) \(austlii.edu.au\)](https://www.austlii.edu.au/au/other/vic/other/victrib/victrib/2022/06/24/Myers_v_Southern_Grampians_SC_(Red_Dot)_2022_VCAT_695.html) has created significant legal uncertainty for Responsible Authorities across Victoria when making a decision on a planning application.

The planning application, for group accommodation, in Dunkeld, was appealed by objectors following the issuing of a NOD by Southern Grampians Council. Permit triggers for use and development were in the Rural Living Zone (RLZ), Design and Development Overlay, Schedule 6 (DDO6) and Environmental Significance Overlay (ESO) planning controls.

After substituting plans at the beginning of the hearing, a legal question was raised relating to whether the matters in the SLO6 could be heard given that the SLO6 sets out exemptions on notice and review rights. Legal Member (SM Djohan) held that the objectors were not entitled to be heard in relation to issues relating to the DDO6. It was also held that VCAT had no jurisdiction to consider the provisions of DDO6 in the review.

The decision of VCAT was unsuccessfully appealed to the Supreme Court by the objectors. The decision of Council was varied by VCAT, and the planning application was granted conditional approval under the provisions of the RLZ and the ESO, but not under the DDO6. The effect of VCAT's decision is that only the clauses where appeal rights exist can be appealed. An appeal can therefore not be made on the entire application, and any decision is therefore not an omnibus decision.

The implications on this decision are significant. A permit can be granted under some of the provisions of the Scheme, and at the same time a refusal can be issued under other provisions of the Scheme. In Manningham, Neighbourhood Character provisions are included in the schedules to the DDO. Schedule 8 (DDO8) is the most important schedule as it relates to substantial change areas where intensive residential developments can occur. Under this control, appeal rights exist for objectors.

Another matter for Council to consider is what information should be included in a ResCode planning application letter when it is notified. Council expects the DTP will provide guidance to all Responsible Authorities on this procedural process.

It is Council officers' opinion that third party appeal rights should be retained in the new Deemed-to-Comply ResCode provisions. However, if the DTP is of a mind to remove them, Council's officers request the DTP urgently amends the Act and/or the planning schemes to avoid the unintended legal consequences that have arisen from the above VCAT decision.

Decision-making and recommendations provided by VCAT and Planning Panels Victoria also provides an invaluable source planning knowledge that can be used in policy formation and revision.

## 2. THIRD PARTY APPEAL RIGHTS

There are several pros and cons to be considered when deciding to remove the objecting public from the opportunity to voice their concerns before an independent hearing. The following pros and cons are considered relevant:

### Pros

- More certainty will be created for the applicant. A proposal that meets all the Standards in ResCode will be approved by the Responsible Authority. If appeal rights under other clause in a planning scheme are provided, an application may still be appealed under those provisions.
- Removes provocative appeals. These are made to VCAT to prolong and frustrate the decision-making process without there being a planning concern on a proposal. These appeals abuse the system that has been designed to provide transparency and are especially costly to the applicant.
- Faster turnaround times for decisions could be achieved in some instances. However, there are many reasons why an application can be delayed. This can include the information that has been included in the application – is it complete, and how quickly the applicant has taken to respond to requests for further information on applications.

### Cons

- The ability/expectations of objectors when Council is unable to apply conditions to improve a design or make changes when an application “complies”.
- Loss of community engagement. Although objections must be considered by Council, the objector has no independent review options available if they are dissatisfied with Council’s decision.
- Levels of trust in the planning system, the processes of planning decision-making, and of the Responsible Authority itself will be brought into question more frequently should the appeal rights be removed.
- Increase confusion within the community about their rights to comment on an application.

A central pillar of the Victorian Planning system is for the community to be engaged in the planning processes. Engagement occurs in the strategic and statutory spears of planning, and this is welcomed. In both areas of planning, independent review authorities can be called upon to consider planning disagreements between Council, the landowner, and the objectors. It is Council’s opinion that better planning decisions are generally arrived at using the existing system. It is also contested that better planning decisions make better communities as they have a gained a greater level of ownership in the process. This is particularly important for the larger proposals that are likely to generate substantial amenity impacts on adjoining properties.

Removing these appeal rights, will erode the integrity of the Victorian Planning system. ResCode planning applications represent the bulk of appeals considered by VCAT. A more appropriate approach would be for provisions to be made within VCAT to undertake a preliminary review of an application and determine if there is merit and should proceed to a compulsory conference or hearing.

The proposed loss of third-party appeal rights is therefore not supported. To remove them, to alleviate the pressure they place on VCAT’s resources is not in itself a strong enough reason. It is not unreasonable expectation to be heard, and improved design outcomes are usually always achieved. These improved outcomes are considered to provide a net community benefit.

### 3. ASSESSING AND ENFORCING STANDARDS

There are many benefits anticipated for Responsible Authorities and the development sector from the introduction of the new Deemed-to-Comply standards. For Responsible Authorities, less complex planning application assessments are expected, whilst more certainty should be provided to the development sector.

To achieve these twin objectives, every Standard in ResCode must be written so that it is easily interpretable; there can be no ambiguous or vague language used. The assessment of a design element of a proposal for compliance against a ResCode Standard must also be a straightforward process for all involved. Complex provisions are harder to assess, and they would be more prone to error.

Of particular concern is the possibility that appeals will be lodged that questions whether compliance with a Standard has been achieved, especially if the Standard provisions are overly complex or difficult to administer. Council officers want to avoid this possibility at all costs.

Deemed-to-Comply provisions must also be clear to allow them to be enforceable. Many of the proposed amendments to ResCode would make enforcement difficult to achieve.

Council officers therefore recommend that the DTP:

- Review the wording and complexity of the Standards to ensure that any ambiguous standards are removed.
- Prepare a new Planning Practice Note to guide the preparation and assessment of multi-unit residential planning proposals.
- Create Assessment Tables to assist applicants and councils in the preparation and assessment of their planning applications respectively.

### 4. NEIGHBOURHOOD CHARACTER

The reforms to ResCode propose the removal of neighbourhood character objectives and standards. These changes would be a significant concern for Council and the community and represents a fundamental departure from current planning permit application assessment process. It is considered that the removal of a Neighbourhood Character assessment will result in design outcomes that meet only the basic minimum standards with an urban design outcome that is devoid of any architectural merit. It is a particularly concerning change for councils like Manningham, which do not currently have neighbourhood character objectives in schedules to the residential zones or any Neighbourhood Character Overlays.

In developing a housing strategy and residential framework plan, a key input in determining areas for housing growth is a neighbourhood character strategy. The State Government's *Planning Practice Note 90: Planning for housing* (PPN90), guides councils in the preparation of these documents and reinforces the need to consider neighbourhood character and landscape qualities in planning for urban growth. A neighbourhood character strategy is an integral component in the creation of a residential development framework as depicted below in the extract from PPN90.

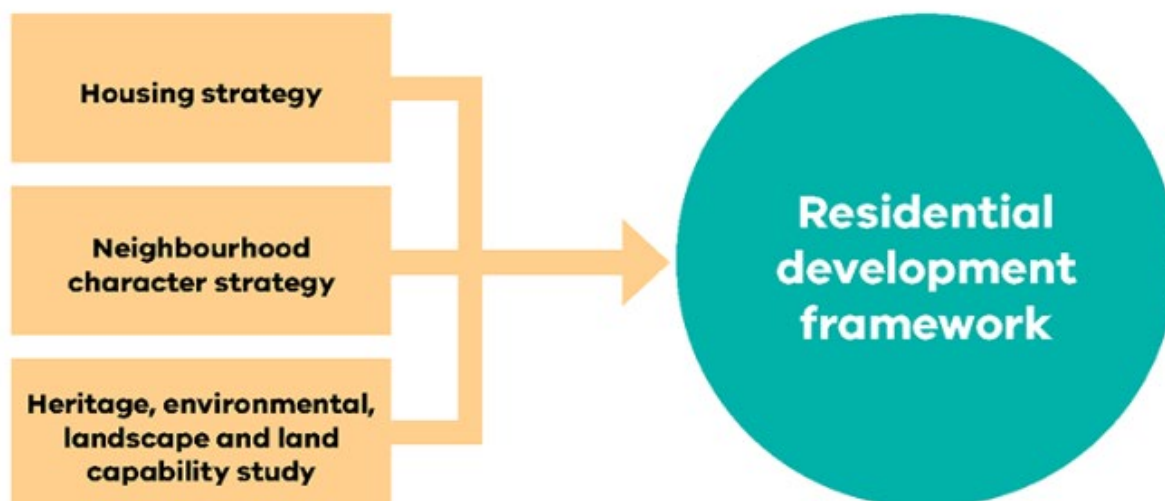


Figure 1: Extract from PPN90, inputs for a residential development framework

*Planning Practice Note 91: Using the residential zones* (PPN91) also includes numerous references to neighbourhood character, and particularly its relevance and role in the application of the NRZ and GRZ. Furthermore, the purpose of both the NRZ and GRZ reference a requirement for future development to respect the neighbourhood character of the area.

The complete removal of neighbourhood character from ResCode is a clear contradiction of other State Government guidance and policy which emphasises its relevance in strategic planning, and planning permit application assessments.

Neighbourhood character has been a fundamental component of ResCode since its introduction. Its removal from clauses 54 and 55 represents a substantial shift in direction and the loss of site-specific assessments that consider the particular character elements that make a neighbourhood unique.

Council is currently in the process of preparing a new residential strategy that will guide housing development in Manningham up to 2036. The first phase of this project involved a detailed existing neighbourhood character assessment and a housing demand and capacity analysis. These technical reports, together with community feedback received from the first round of public consultation in mid-2024 is being used to inform scenario testing for a new residential framework plan. This process has followed the steps outlined in PPN90.

As part of planning for increased residential development, as anticipated by the State Government's release of the draft Housing Targets, it is likely that the majority of new housing will be assessed under the provisions of ResCode. In the absence of neighbourhood character assessments, the residential areas of Manningham have the potential to lose the unique characteristics that differentiate the residential areas of the municipality.

While we are strongly opposed to any removal of neighbourhood character clauses in ResCode, should the State Government proceed with implementing the draft changes, we request the following:

- That the State Government enable the introduction of interim controls through a fast-track amendment process to support councils that are completing neighbourhood character studies and developing residential strategies with the intention of applying permanent controls through a planning scheme amendment.



- Implement transitional arrangements while Councils work on the moving content from local planning policies and other strategies to schedules to the residential zones to enable the consideration of neighbourhood character in the assessment of dwellings.

As part of the revisions to ResCode, consideration should also be given to any amendments that may be required to the Planning Policy Framework (PPF) to address any inconsistencies or to introduce any new policy requirements.

## PART 2: Proposed ResCode Controls

Theme	Clause & Standard	Comment	Recommendation
Transitional provisions		<p>The proposed amendments do not appear to have included transitional provisions for planning applications pending decision.</p> <p>Manningham Council currently has 156 undetermined planning applications requiring Rescode assessments. Should transitional provisions not be introduced in the amendment, Council will have to approach all applicants and request their applications be amended in accordance with the new provisions.</p> <p>It is anticipated that this will create a huge level of disruption and delay in the development community and will be very onerous on Council's ability to meet the statutory approval requirements of 60 days.</p> <p>All Council's in Victoria will be burdened by this extra workload, which could simply be avoided if transitional provisions were introduced.</p>	<p>Introduce Transitional provisions to allow existing planning applications to be assessed against the Rescode provisions that were in effect before the approval date of the amended Rescode provisions. This includes retaining third party appeal rights for the objectors to these existing planning applications.</p>
Third Party Appeal Rights		<p>Council officers are seeking clarification about how different notice, decision and review provisions should be exercised. There may be instances where an application is exempt from decision and review requirements under Clause 54 or 55 but is not exempt under an overlay or other planning control.</p>	<p>It is recommended that the DTP prepare a Practice Note and other guidance material to clarify how the different notice, decision and review requirements will operate, including for objectors.</p> <p>Clarity is also needed on how councils should issue a notice of decision where a proposal meets all applicable Clause 55 standards but is not</p>

Theme	Clause & Standard	Comment	Recommendation
			<p>exempt from notice and review requirements under another control that triggers a planning permit.</p> <p>It is suggested that exemptions from decision and review requirements be specified in the zone, as it is these controls that triggers the need for a planning permit.</p>
Formatting and numbering		Given the substantial changes proposed to Clauses 54 and 55, it is requested the Clauses and Standards be renumbered to ensure they are sequential.	Renumber the clause and standard numbers to ensure they are in numerical order, without gaps.
Building requirements		It is essential to ensure the new requirements are brought into building system, to ensure consistency in assessing residential development.	Update the building requirements at the same time as the proposed amendments come into effect.
Definitions	Clause 73.01	Updates are required to Clause 73.01 (General Terms).	The definition for Secluded Private Open Space is no longer required as reference to this term is being removed. Definitions are also required for Significant Trees and Canopy Trees if required.
Application requirements	Clause 54.01 Clause 55.01	<p>No discretion has been provided for Council to vary the Applications requirements if they are deemed not necessary for the application.</p> <p>The requirement for a landscaping plan is unnecessary. Canopy trees proposed, retained and on adjoining properties need only be shown on the Site Context Plan at this stage of the assessment. It is sufficient to know that adequate landscaping can be provided having regard for the building's footprint and characteristics of the site. Conditions of a Planning Permit includes that a fully detailed landscaping</p>	<p>Councils should be given discretion to request information.</p> <p>Delete the need for a landscaping plan to be provided. This will be required as a condition of approval.</p> <p>Delete the requirements for a Waste Management Plan for developments of less than 4 dwellings as this is unnecessary.</p>

Theme	Clause & Standard	Comment	Recommendation
		<p>plan to be submitted to Council for approval. This Plan forms part of the Permit and can be enforced if necessary.</p> <p>The requirement to provide a Waste Management Plan for each and every development is excessive and in most instances, Council collection will be provided dependent on the type and number of dwellings proposed.</p>	
Site Context Plan	<p>Clause 54.01.1</p> <p>Clause 55.01.1</p>	<p>The Site Context Plan does not include a requirement to identify the location of existing canopy trees that could be considered for retention.</p>	<p>Include a requirement to identify the location of canopy trees on the Site Context Plan.</p>
Design Response	<p>Clause 54.01-2</p> <p>Clause 55.01-2</p>	<p>Proposed canopy trees and other significant landscaping treatments should be included on the Design Response Plan, to determine whether an appropriate level of landscaping can be provided.</p> <p>The plans and elevations required as part of the design response clause makes reference to locating gas meters on the plans. It is assumed that this would relate to existing gas metres servicing dwellings that are being retained as part of the application, given that new connections to gas are not permitted.</p> <p>The last dot point under 55.01-2 refers to neighbourhood character features identified in local planning policies or a Neighbourhood Character Overlay but fails to reference neighbourhood character objectives that may be included in a schedule to a residential zone.</p>	<p>Include a requirement for canopy trees and other significant vegetation to be shown on the Design Response Plan.</p> <p>Clarification is required regarding the gas meter requirements.</p> <p>Update the Design Response section of clauses 54 and 55 to make reference to neighbourhood character objectives in a schedule to a zone.</p>

Theme	Clause & Standard	Comment	Recommendation
Neighbourhood Character/ Residential Policy	<p>Clause 54.02 Standard A1</p> <p>Clause 55.02 Standard B1</p>	<p>The removal of neighbourhood character standards from ResCode is a significant departure from the current planning application assessment process. It is a particularly concerning change for councils that do not currently have neighbourhood character objectives in the schedules to the residential zones.</p> <p>In developing a housing strategy and residential character framework, a key component in determining areas for housing growth is a neighbourhood character strategy. This guidance is provided to councils in State Government issued planning practice notes.</p> <p>Neighbourhood character assessments are integral to the consideration of housing change areas and the assessment of planning permit applications that increase density.</p> <p>Neighbourhood character has been a fundamental component of ResCode since its introduction. Its removal from Clauses 54 and 55 represents a substantial shift in direction and the loss of site-specific assessments that consider the particular character elements that make a neighbourhood unique.</p>	<p>Neighbourhood character standards must be retained in clauses 54 and 55, particularly for development proposals in the NRZ and GRZ. The proposed changes are inconsistent with State Government's direction to councils on how housing strategies and residential policy should be justified and incorporated into the planning scheme.</p> <p>While we are strongly opposed any removal of neighbourhood character clauses in ResCode. However, should the State Government proceed with implementing the draft changes, we request the following:</p> <ul style="list-style-type: none"> <li>• That the State Government enable the introduction of interim controls through a fast-track amendment process to support councils that are completing neighbourhood character studies and developing residential strategies with the intention of applying permanent controls through a planning scheme amendment.</li> <li>• Consider transitional arrangements while Councils work on the moving content from local planning policies and other endorsed strategies to schedules to the residential zones.</li> </ul>
Dwelling Diversity	<p>Clause 55.02-3 Standard B3</p>	<p>Council officers are generally supportive of the dwelling diversity objective particularly where apartment style developments are proposed. However, we question whether meeting this Standard would be feasible in townhouse developments of 10 or more dwellings.</p> <p>Given the type of development undertaken in Manningham, it is highly unlikely that we will achieve one bedroom</p>	<p>It is recommended the standard be reviewed to determine the feasibility of townhouse developments achieving this requirement. It is unlikely that one-bedroom townhouses will be constructed.</p> <p>Include provisions for aging in place. Provisions should require at least one bedroom at the ground floor level to enable the ground floor level to be lived in with full services.</p>

Theme	Clause & Standard	Comment	Recommendation
		<p>townhouse developments. These are generally provided in apartment style developments.</p> <p>In this clause, provision needs to be made for aging in place. Designs should include the requirement for the ground level to be able to be used as a dwelling. In addition to a bathroom kitchen, laundry and living room, at least one bedroom should be provided at ground floor level.</p>	
Street setback	<p>Clause 54.03-1</p> <p>Standard A3</p> <p>Clause 55.03-1</p> <p>Standard B6</p>	<p>The proposed reduction in street setbacks to 6 metres will align the street setbacks in Council's higher density areas, which are in the DDO8. The reduced setbacks will limit landscaping opportunities within the front setback. On this basis it is generally supported for properties in the GRZ and RGZ.</p> <p>However, the impacts of reduced setbacks on properties in the NRZ where generous landscaped front setbacks are a valued characteristic of the area, and the reduced setback is not supported.</p>	<p>Retain the current 9 metre setback requirements for properties in the NRZ.</p> <p>In Manningham front setbacks are generally 7.6 metres to reduce this to 6.0 metres would disrupt the rhythm of the street.</p>
Building height	<p>Clause 54.03-2</p> <p>Standard A4</p> <p>Clause 55.03-2</p> <p>Standard B7</p>	<p>Building heights need to be site responsive and relate to the context and should step down with the slope/topography of the site.</p> <p>As part of the preparation of Council's new Residential Strategy, the intent is to address the current inconsistencies between the Zone provisions and various schedules.</p> <p>It is welcomed that a provision will be included that states that, if a different building height requirement is specified in an overlay, than that height will apply.</p>	<p>Ensure that the provision is included that specified a building height in an overlay (or schedule to an overlay) prevails over the clause.</p>

Theme	Clause & Standard	Comment	Recommendation
Site coverage	<p>Clause 54.03-3</p> <p>Standard A5</p> <p>Clause 55.03-3</p> <p>Standard B8</p>	<p>Increasing site coverage and maintaining site permeability will adversely impact flow regimes in receiving waterways. Contributions to downstream works to limit flows into water ways should be considered.</p> <p>How do the revised site coverage percentages reconcile with the garden area requirements in the zones? For example, the proposed standard allows a 70% site coverage for GRZ properties, but the zone also required 35% of garden area for lot &gt;650sqm in area.</p> <p>Increasing site coverage will also likely result in larger building footprints and impacts on the ability to provide landscaping around a dwelling.</p>	<p>Introduce an additional decision guideline for the consideration of stormwater flows into water bodies.</p> <p>Remove the garden area requirements from the scheme to allow the site coverage standard to be achieved.</p>
Permeability and stormwater management	<p>Clause 54.03-4</p> <p>Standard A6</p> <p>Clause 55.03-4</p> <p>Standard B9</p>	<p>Consideration needs to be given to maintaining the ongoing function of Water Sensitive Urban Design (WSUD) treatments and requiring appropriate maintenance.</p> <p>Achieving the Standard requirement in the RGZ may be difficult to meet where the site coverage of up to 80% is permitted under the Standards.</p> <p>Drainage of the site cannot be a codified matter. Whilst council seeks to ensure that developments provide for WSUD, these details are generally provided post-permit. Providing full details with the application is unnecessary and is an added cost to the developers.</p> <p>What does meeting best practice mean?</p>	<p>Include a requirement for Section 173 Agreements requiring documentation of requirements and the long-term owner maintenance of WSUD assets.</p>

Theme	Clause & Standard	Comment	Recommendation
Energy efficiency protection	<p>Clause 54.03-5 Standard A7</p> <p>Clause 55.03-5 Standard B10</p>	<p>The intention is generally supported. There is concern that the benefits of the standard are likely to be undermined by future developments to the north, which is built to the proposed standards will cast shadows on buildings to the south in the winter months.</p> <p>The standard refers to 25% of windows to the primary living area. It is unclear if this is a reference to the number of windows, or the overall window area.</p> <p>It is also unclear how the climate zone of the development affects the need for north facing windows.</p> <p>There are no provisions relating to cooling measures that can be attained from building material selections.</p> <p>What does unreasonably reduced mean?</p>	<p>Define what a <i>Primary Living</i> area is.</p> <p>Consider including a diagram to demonstrate the aspect range, measured in degrees, for north facing windows.</p> <p>Provide information on the different climate zones that are referenced under the decision guidelines.</p> <p>Include the requirement for light-coloured roofs and driveways for urban cooling.</p>
Significant Trees / Landscaping	<p>Clause 54.03-6 Standard A8</p> <p>Clause 55.03-8 Standard B13</p>	<p>The names and objectives of A8 and B13 should be the same. It is important to encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance under both clauses.</p> <p>The provision for protection and retention of Significant Trees is not clear, especially given that Significant Trees have not been defined. A simpler approach would be to make provisions for just one tree type - a Canopy Tree.</p> <p>The height of the Canopy Tree should be increased to 8m in height. The proposed 5m height is inadequate to provide a dominant landscaping treatment with good canopy cover. An 8m height with a trunk circumference of 0.78m (25cm DBH) measured 1.4m above the ground would ensure that</p>	<p>Rename Standard A8 to Landscaping objective.</p> <p>Include in Standard A8 the following objective:</p> <ul style="list-style-type: none"> <li><i>To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.</i></li> </ul> <p>Make the provisions relate to one type of tree for ease of assessment. It is recommended that this be a canopy tree which should have the following definition:</p> <ul style="list-style-type: none"> <li><i>Canopy Tree means a tree that can reach a mature height of at least 8m with a minimum trunk circumference of 0.78m (25cm DBH) measured 1.4m above the ground.</i></li> </ul>



Theme	Clause & Standard	Comment	Recommendation
		<p>adequate landscaping has been provided and that canopy cover is achievable.</p> <p>A key challenge facing Manningham is the declining urban forest and the associated environmental and health impacts (including heat island effects). The <i>Living Melbourne Technical Report</i> identifies a total canopy cover of 29.8% within Manningham with the majority of canopy cover outside the urban area. Only 9% of the cover is made up of medium or large trees (10m+ tall at maturity). Retention and protection of larger trees is more important, and ResCode should be striving to protect them, so as to maintain and increase the current canopy cover across municipalities.</p> <p>Furthermore, the proposed allowance to retain small trees (5 metres tall with a circumference of 0.5m, measured 1.4m above ground level) will likely result in the retention of poorer quality trees over better quality trees, if the lessor quality tree is more convenient to retain as part of a development.</p> <p>The requirement to retain existing Significant Trees that have removed within the last 12 months cannot be achieved.</p> <p>Soil conditions are not the only concern when planting trees.</p> <p>The requirement for root barriers is not supported. If the minimum setback specified in Table B1.5 is met, a root barrier is not required. And if the minimum setback is not being met, the landscaping should not be supported as it is not outside the minimum setback required by Table 1.5.</p> <p>Research has shown that there are variable effects of root barriers on root distribution, including:</p>	<p>Require development to incorporate suitable spacing and canopy tree(s) to 'replace' Significant Trees removed within the last 12 months.</p> <p>Delete the requirements for the provision of root barriers.</p> <p>Delete the requirements for irrigation on private property, but retain this for common property areas, if practicable, and at the discretion of the Responsible Authority.</p> <p>Delete the requirements for organic matter. This is particularly difficult to determine and enforce.</p> <p>Delete the requirement to retain existing Significant Trees that have been removed within the last 12 months.</p> <p>A depth of 1 metre is not deep soil – delete and reference the soil requirements of Table 1.4.</p>

Theme	Clause & Standard	Comment	Recommendation
		<ul style="list-style-type: none"> <li>• Roots commonly grow under, around and over barriers causing damage.</li> <li>• The excavation for the barrier itself can create favorable conditions for tree growth encouraging roots to grow deeper.</li> <li>• Many barriers are not installed deep enough.</li> <li>• Surface damage to the top of a root barrier is common and leads to failure.</li> <li>• Buried thin plastics fail when if they are punctured or torn during installation and barriers are commonly punctured to allow other services through the barrier.</li> <li>• Barriers placed too close to trees, make circling roots a concern and may compromise structural roots and tree stability.</li> </ul> <p>The inclusion of Tables B1.3, B1.4 &amp; B1.5 provides better clarity of what is required to be planted, how much soil volume and distances each tree should be from infrastructure. These Tables are supported.</p> <p>The requirement for irrigation to be installed for all landscaping is unnecessary for individual properties. It should be restricted to common areas only, but only if it is practical to do so. Planning permit conditions require that landscaping areas are to be maintained to the satisfaction of the Responsible Authority. Council can therefore enforce unkempt landscaping. It is Council's experience that landscaping areas are maintained at a high level of condition.</p>	
Access	Clause 54.03-9	The terms crossover and accessway are both used which is inconsistent.	Update the clause to refer to <i>crossovers</i> only. Consider the other implications associated with the requirements of Standard A9.2 and include these factors in the decision guidelines.

Theme	Clause & Standard	Comment	Recommendation
	Standard A9.2	<p>The requirement for accessways to be located along the north property boundary may conflict with other objectives such as private property tree and street tree retention.</p> <p>Street trees should be protected at all costs.</p> <p>If there is an existing crossover that does not meet this Standard, it should be permissible for it to be retained.</p>	Exempt proposals from this Standard if an existing crossover is being retained to provide access.
Access	<p>Clause 55.03-9</p> <p>Standard B14</p>	<p>The terms <i>crossover</i> and <i>accessway</i> are both used which is inconsistent.</p> <p>The requirement for garage setbacks should be in clause 55.03-1 Standard B6 Street Setback Objective.</p> <p>The deletion to “single width” crossover is not supported.</p> <p>Street trees should be protected at all costs.</p> <p>The provision which states no more than one crossover is provided for each dwelling fronting a street could be made clearer.</p> <p>The 0.5 metre recessing of garages does not diminish the significance of parking structures.</p>	<p>Update the clause to refer to <i>crossovers</i> only.</p> <p>Relocate the garage setback requirement from the front wall of the dwelling to street setback Standard B6.</p> <p>Replace the term “single width” with crossovers are to be 3.0 metres wide or 6.1 metres wide if there is two-way traffic.</p> <p>A decision guideline should be included for the retention of established street trees.</p> <p>Clarification should be provided to ensure that side-by-side designs will still be able to be considered with two accessways provided, one for each dwelling.</p> <p>Increase the recessing of garages to 1.0 metres.</p>
Side and rear setbacks	<p>Clause 54.04-1</p> <p>Standard A10</p>	<p>The adoption of standards A10.2 and B17.2 is considered appropriate in the context of a RGZ where significant development and significant change is encouraged. It is not considered suitable in the NRZ and GRZ where less intensive developments occur, and interfaces will be more sensitive.</p>	<p>Revise Standards A10.2 and B17.2 to limit their use to the RGZ only.</p> <p>Clarification is required on what “south” means to apply this clause consistently.</p>

Theme	Clause & Standard	Comment	Recommendation
	<p>Clause 55.04-1</p> <p>Standard B17</p>	<p>For Standard B17.2, the reference to a boundary to the south of a building may be problematic for irregular shaped and orientated lots. Would it include part of the south-west and south-east boundaries that are to the southern corner of a building?</p> <p>Can, within a design, one dwelling use Table B17.1, and another dwelling use Table 17.2 for setbacks? This needs clarification.</p> <p>The side setback reference to buildings and services normal to a dwelling, should be divided into two categories. Services normal a dwelling such as A/C and/or a water tank are preferred in this area to avoid encroaching into the private open space areas.</p>	<p>It must be stated how the Tables are to be applied. Preferable, only one Table should be allowed to be used in a development proposal.</p> <p>Land within the side setbacks of a dwelling for services normal to a dwelling should be supported, particularly water tanks and garbage bins.</p>
Walls on boundaries	<p>Clause 54.04-2</p> <p>Standard A11</p> <p>Clause 55.04-2</p> <p>Standard B18</p>	<p>Allowing walls to be built up to 50% of the boundary length is excessive. The entire dwelling could potentially be built on a boundary taking into account the required front and rear setbacks. Walls on boundary reduce landscaping opportunities along boundaries.</p> <p>Despite the other standards such as those requiring solar access to windows, this could still result in a significant increase in built form on the boundary.</p> <p>Allowing new walls on boundaries to be up to 3.6m in height reduces the incentive for developments to be setback 1.0m from the boundary, per Standard B17.1. A 3.6m high wall on a boundary is too high.</p>	<p>Retain the existing maximum and average height standards for a wall on a boundary. These have proved successful in the past.</p> <p>Include reference to walls on a southern boundary in accordance with Standard B17.2, particularly given the relevant reference regarding walls opposite existing windows in Standard B19 has been removed and that this standard should correspond with Standard B20 for north-facing windows.</p> <p>Retain the following decision guideline and consider making specific reference to shadowing/solar access:</p> <ul style="list-style-type: none"> <li><i>The orientation of the boundary that the wall is being built on.</i></li> </ul>

Theme	Clause & Standard	Comment	Recommendation
		The impact of a new wall on a boundary on solar access and shadowing is a relevant decision guideline and should not have been removed.	
Daylight to existing windows	<p>Clause 54.04-3</p> <p>Standard A12</p> <p>Clause 55.04-3</p> <p>Standard B19</p>	<p>There is concern that the light court component will not afford an acceptable level of amenity protection.</p> <p>If adequate side setbacks are provided for the building including eaves, it would not be necessary to cut out eaves to allow light penetration into a court for daylight provision.</p> <p>This compromised design impacts the appearance, function, and character of the development.</p> <p>Are diagrams A2 and B2 still required given the removal of the second paragraphs under Standard A2 and B19?</p>	Remove diagrams A2 and B2.
North-facing windows	<p>Clause 54.04-4</p> <p>Standard A13</p> <p>Clause 55.04-4</p> <p>Standard B20</p>	<p>Is the intention for the second compliance pathway (where B17.2 is used), that the building would be setback a further 1 metre, where opposite north facing windows?</p> <p>Diagrams A3 and B3 do not address the second dot point of Standards A13 and B20.</p>	<p>Clarification on these competing Standards is required.</p> <p>Update Standards A3 and B3 to include a second diagram depicting the requirement where Standards 10.2 and B17.2 has been used.</p>
Overshadowing open space	Clause 54.04-5	The reducing of sunlight from 40sqm to 25sqm is not supported on amenity grounds, which can be provided within	The loss of amenity is considered excessive for the occupiers of the property.

Theme	Clause & Standard	Comment	Recommendation
	<p>Standard A14</p> <p>Clause 55.04-5</p> <p>Standard B21</p>	<p>the front setback. There is also no requirement for it to be provided as a single area.</p> <p>The standard refers to the “overshadowing by the development”. It does not clarify if this includes shade cast by existing or proposed boundary fences.</p> <p>“Private open space” is undefined. Does it mean the primary open space area or all outdoor areas?</p>	<p>The standard should include a clarification that shade cast by boundary fences do not count towards overshadowing of a property.</p> <p>“Private open space” should be defined as the primary open space area.</p>
Overlooking	<p>Clause 54.04-6</p> <p>Standard A15</p> <p>Clause 55.04-6</p> <p>Standard B22</p>	<p>The diagrams should be revised to a legible standard.</p> <p>The proposed changes to the clause are considered unacceptable and have raised many questions for Council officers:</p> <ul style="list-style-type: none"> <li>• Why is the horizontal distance reduced to just 6m?</li> <li>• Why is the sill height / screening height lowered to 1.5m?</li> <li>• Why has obscure glazing been removed as a screening option?</li> <li>• It is unclear how changing the dimensions to the standard corresponds with the purpose of the clause, when it has been accepted as a reasonable standard of amenity?</li> <li>• The standard refers to direct views measured at “a 45-degree angle in the downward direction”. How is this measured, when the angle would presumably be affected by the height of the floor level / windows given the horizontal length is set at 6m?</li> </ul> <p>Overlooking has been a very common ground of appeal by objectors. Given that third party appeal rights are proposed</p>	<p>It is recommended that the existing provisions be retained to ensure privacy is protected. This has been an unquestioned standard, one that is almost universally accepted by Responsible Authorities, VCAT and the community for over 20 years.</p> <p>Update diagrams A4 and B4, they are very hard to interpret in their current format.</p>

Theme	Clause & Standard	Comment	Recommendation
		to be removed, it is appropriate to retain the existing provisions, not relax them.	
Internal views	Clause 55.04-7  Standard B23	Refer to the comments under Overlooking, Standard A15 and B22.	Refer to the recommendation under Overlooking, Standard A15 and B22.
Noise impacts	Clause 54.04-8  Standard A15.2  Clause 55.04-8  Standard B24	<p>The proposed clause is now overly complex and should be simplified.</p> <p>The first objective seeks only to protect residents from industry and transport system noise sources and is limiting.</p> <p>It is unclear how to assess the provisions relating to noise levels. Noting that these are Deemed-to-Comply provisions.</p> <p>What information will the applicant need to submit to justify meeting this condition?</p> <p>Tables A1.6 and B2 stipulate threshold distances from the specified noise sources however it is not clear where you find the information on designated freight routes and freight railways, and roads carrying 20,000 average traffic volume.</p>	<p>The first objective should be rewritten to read:</p> <ul style="list-style-type: none"> <li><i>To protect residents from external noise sources.</i></li> </ul> <p>The DTP needs to provide technical support to councils to assist in the assessment of this objective and standard. This should be prepared as a Practice Note.</p> <p>A standard condition will need to be placed on planning permits to ensure that the requirements of this standard are achieved post construction. This should be prepared by the DTP.</p> <p>Traffic volumes vary and because of this, establishing compliance with the provision is impractical. It is recommended replacing reference to 20,000 annual average daily traffic volume in Tables A1.6 and B2 with the Transport Zone. This would eliminate any questions on compliance.</p> <p>It is also recommended that the clause requires mandatory double glazing or noise minimizing glazing in all new multi-unit developments. This will provide thermal benefits in addition to noise attenuation. If double glazing requirements are introduced, the provisions of the clause could be pared back to this provision.</p>

Theme	Clause & Standard	Comment	Recommendation
Air pollution	<p>Clause 54.04-9</p> <p>Standard A15.3</p> <p>Clause 55.04-9</p> <p>Standard B24.1</p>	<p>This new provision is considered excessively onerous, expensive to include in a new build, and would require ongoing enforcement.</p> <p>The following paragraphs are unclear in their meaning in both clauses. It is unclear whether it is intended to be an exemption to the clause?</p> <p><i>If in an air pollution influence area specified in Table A1.7 the dwelling, or other solid structure that is at least 1.8 metres in height, is located between the air pollution source and any ground level private open space of a dwelling or residential building.</i></p> <p><i>If in an air pollution influence area specified in Table B2.1 the dwelling, residential building, or other solid structure that is at least 1.8 metres in height, is located between the air pollution source and any ground level private open space of a dwelling or residential building.</i></p> <p>Tables A1.7 and B2.1 stipulate threshold distances from the specified pollution influence areas however it is not clear where the information is included on designated freight routes and freight railways, and roads carrying 20,000 annual average daily traffic volume.</p> <p>Are openable windows permitted on the side of the dwelling facing towards the air pollution source? Levels of air pollution are likely to differ throughout the day and evening and it is reasonable for residents to have windows that can be opened during times of lower air pollution (e.g. at night when railway services may not be operating).</p>	<p>It is recommended the proposed new provision be deleted altogether. Despite the difficulty and complexity in providing cleaning and ventilation systems, little benefit is expected to be achieved. Council officers also notes the transition towards greener transport. Electric cars and buses are becoming more prevalent on the roads and only regional and freight trains use diesel engines.</p> <p>If the DTP intends to pursue the introduction of this provision, the mentioned paragraph needs to be rewritten. The reference to roads carrying 20,000 average traffic volume should be removed and changed to apply the requirement to properties abutting roads in a TRZ.</p> <p>Provide additional information to assist in determining air pollution sources.</p> <p>Clarify the requirements for ground level private open space by simplifying the wording.</p> <p>Clarify the requirements relating to openable windows. How does this affect the ability to prevent air pollution?</p>



Theme	Clause & Standard	Comment	Recommendation
Overshadowing domestic solar energy systems	Clause 55.04-10 Standard B24.2	Standard B24.2 has the same requirement as Standard B17.1. It is unclear what this would achieve?  The decision guideline relating to noise is irrelevant.  It should be recognized that not all lots have a northern aspect and existing solar facilities are placed on dwellings where practicable. The second decision guideline seems illogical, and protection should be afforded to existing facilities.  This new clause and standard have only been included in Clause 55.	Include that consideration be given to orientation, i.e. solar energy systems located to the south of the site should be given more protection with larger setbacks.  Delete the decision guideline relating to noise.  Include an equivalent provision in clause 54.
Dwelling entry	Clause 55.05-2 Standard B25	The entry requirements for apartment buildings provides an insufficient covered area over the entry door of at least 0.5 metres in depth, providing negligible weather protection.	The depth of the covered area should be increased to 2 metres and be more visually prominent.
Daylight to new windows	Clause 54.05-1 Standard A16 Clause 55.05-3 Standard B27	The provision allowing light sources from smaller secondary areas for a bedroom where the window is clear to the sky is not supported. This provision will allow snorkel windows in townhouse developments.  Clear to the sky should be defined.	Delete this provision as an unacceptable low level of amenity will be achieved.  Include minimum ceiling heights to maximise access to daylight.  Remove the ability to provide snorkel windows to all developments to improve internal dwelling amenity.  Provide measurable targets for daylight in lux levels.  Define what clear to the sky means.

Theme	Clause & Standard	Comment	Recommendation
			Thresholds for verandahs and balconies should be included.
Private open space	<p>Clause 54.05-2</p> <p>Standard A17</p> <p>Clause 55.05-4</p> <p>Standard B28</p>	<p>The clause requires ground level private open space of at least 25sqm which is unacceptably small and limits landscaping opportunities.</p> <p>Water tanks, sheds etc... and other services normal to a dwelling should be allowed in private open space areas.</p> <p>Under clause 55.05-5 (which is to be deleted), contained the provision relating southern boundary secluded private open space areas.</p>	<p>Retain the minimum 40sqm metre requirements with a minimum dimension of 3 metres.</p> <p>Include, as part of the Standard, the following requirement:</p> <p>The southern boundary of secluded private open space should be 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>
Room depth	<p>Clause 55.05-7</p> <p>Standard B30.1</p>	<p>The new provisions may lead to, or even encourage, rooms with snorkel windows. This is not supported.</p> <p>We support minimum room dimensions to protect internal amenity.</p>	<p>Include provisions restricting snorkel window designs, to ensure internal amenity standards are acceptable.</p>
Solar access to new windows	<p>Clause 54.05-4</p> <p>Standard A18.1</p> <p>Clause 55.05-8</p> <p>Standard B30.2</p>	<p>The second objective only encourages external shading. This should be more strongly worded.</p> <p>The second paragraph under Standards A18.1 and B30.2 refers to eaves extending by '<i>...at least half the depth of the eave</i>'. It is unclear what this means.</p> <p>The requirement for external structures within 5.5m of a primary north facing living area to not have a solid roof is restrictive. If an outdoor entertaining area connects to a north facing living area, it is reasonable that some of this</p>	<p>Reword the second objective to read:</p> <ul style="list-style-type: none"> <li><i>To provide external shading of windows to minimize heat gain.</i></li> </ul> <p>Amend the wording of both Standards to provide clarity on eaves.</p> <p>Review and amend the requirement for external structures near north facing living areas.</p> <p>Provide additional cross references on the 'climate zone' to support decision making.</p>

Theme	Clause & Standard	Comment	Recommendation
		<p>area would be roofed to provide weather protection. Retractable roofs are costly and may not be feasible for small scale developments.</p> <p>The decision guidelines refer to the 'climate zone'. Where is information on the climate zone found?</p>	<p>This standard should be combined with Standard B27 as both are concerned with providing an optimal amount of light to a window.</p>
Rooftop solar energy generation area	<p>Clause 54.05-5</p> <p>Standard A18.2</p> <p>Clause 55.05-9</p> <p>Standard B30.3</p>	<p>This requirement is excessive and does not ensure the installation of a solar energy facility. Rooftop solar can be cost prohibitive for some property owners and therefore a standard that designates space for a service that may never be installed seems onerous. Also, the design of the roof may limit the ability to install solar panels, particularly on hip forms.</p> <p>The orientation requirements for the solar energy generation area may be particularly hard to achieve on hipped or gabled roof forms. Introduction of this requirement will lead to reduced articulation of roof forms (which is a direct contradiction of the Detailed Design standard) and the widespread adoption of flat roofs.</p> <p>The last dot point under Standard A18.2 and B30.3 is unclear, stating:</p> <p><i>A rooftop solar energy area is provided for each dwelling which:</i></p> <ul style="list-style-type: none"> <li><i>Is free of obstructions within twice the height of the obstruction, measured at the base and centre point of the structure.</i></li> </ul> <p>How is consideration given to the height and shadowing impact of adjoining buildings that may be in a zone that permits greater building heights?</p>	<p>This requirement seems particularly onerous given that there is no requirement to install a rooftop solar energy facility. We request that this objective be removed from clauses 54 and 55.</p> <p>This new requirement would result in a loss of articulated roof forms and the increased use of flat roofs that would be inconsistent with the valued neighbourhood character.</p> <p>If the requirement is to be retained, the wording of the dot point relating to obstructions needs to be amended so that it can be clearly understood.</p>

Theme	Clause & Standard	Comment	Recommendation
Natural ventilation	<p>Clause 54.05-6</p> <p>Standard A18.3</p> <p>Clause 55.05-10</p> <p>Standard B30.4</p>	<p>There is no definition or diagram of what a breeze path is.</p> <p>It is unlikely that breeze paths required in accordance with Standard B30.4 could be achieved for all dwellings within an apartment development. Clause 58.07-4 only requires 40% of dwellings to achieve the breeze path. This new standard under B30.4 is inconsistent and creates a substantial difference in the requirements for apartment buildings below and over 5 storeys.</p> <p>Is there a requirement for a breeze path to be provided at all levels of a building?</p>	<p>Include a definition of a breeze path in the clause or in 73.01.</p> <p>A diagram depicting an example breeze path would be helpful under this standard.</p> <p>Revise Standard B30.4 to ensure consistency with breeze path requirements for apartment buildings of any number of 5 storeys.</p> <p>Clarification is required on whether each floor in a building requires a breeze path.</p>
Detailed design	<p>Clause 54.06-1</p> <p>Standard A19</p> <p>Clause 55.06-1</p> <p>Standard B31</p>	<p>The objective seeks to encourage design detail that respects the existing or preferred neighbourhood character. Yet, the Neighbourhood character requirements are proposed to be deleted from ResCode.</p> <p>More clarity is required in many of the design detail requirements. Refer to the recommendations for these.</p> <p>The materials provisions of the clause may not be able to comply with the materials requirements on many Covenants in Manningham, many of which require buildings to be built in brick.</p> <p>The requirement to include variation to the roof form may have implications on the ability to achieve the rooftop solar energy generation standard.</p>	<p>The objective requires reconsideration.</p> <p>It is recommended that the provision is reworded “Where a dwelling fronts a street” rather than “development”.</p> <p>Passive surveillance from windows – a maximum sill height should be specified to avoid highlight windows facing the street, e.g. a sill height of no more than 800mm above FFL.</p> <p>A wall that is not “blank” should be further defined as one that has windows.</p> <p>The articulation provisions will provide very little visual interest. The wall lengths are too long. With the front and rear setback requirements, a 30 metres wall be an equivalent length as the side boundary. It is recommended that this be reduced to 10 metres.</p> <p>Consider the implications of the variation to roof form requirement on the rooftop solar energy generation area standard.</p>

Theme	Clause & Standard	Comment	Recommendation
Waste and recycling	<p>Clause 54.06-3</p> <p>Standard A21</p> <p>Clause 55.06-5</p> <p>Standard B34.1</p>	<p>The proposed amendments are generally supported.</p> <p>Council assesses the minimum bin storage area requirements based on the configuration and design of a proposed development, which is assessed on an individual basis.</p> <p>The Bin Storage Area Dimensions are of a size that is expected for waste storage.</p>	No changes.
Functional Layout		<p>It has been indicated that the Functional Layout provisions under clause 55.07-12 will also apply to clause 55. However, it appears that these standards have not been included as part of the amendment.</p> <p>The width and depth provisions should be provided clear of any obstructions, e.g. poles and cupboards, etc.</p> <p>These provisions should also be introduced to proposals considered under Clause 54.</p>	<p>Include the Functional Room Layout provisions in clause 54 and 55.</p> <p>The depth and width provisions should be made clear of obstructions, e.g. no poles.</p>
Energy efficiency	<p>Clause 55.07-1</p> <p>Standard B35</p>	<p>The amendment is generally supported. However, the standard should continue to require and prioritise passive solutions to cooling and heating.</p>	Include a provision to prioritise passive solutions to cooling and heating.
Communal open space	<p>Clause 55.07-2</p>	<p>The amendment is generally supported. It should be further amended to require the inclusion of canopy cover and trees</p>	Include a provision to require canopy cover and trees and for communal open space to be accessible to all residents.

Theme	Clause & Standard	Comment	Recommendation
	Standard B36	and for communal open space to be accessible to all residents.	
Solar access to communal outdoor open space	Clause 55.07-3 Standard B37	The deletion of the requirement to provide communal outdoor open space on the northern side (if appropriate) is not supported.	Include a provision that prioritises this area on the northern side, above the eastern or western sides of a building. The provision should also not allow this area on the southern side of a building.
Landscaping	Clause 55.07-4 Standard B38	Refer to the comments for Standard B13.  The proposed tree heights are too small for substantial apartment buildings.	The size of the trees in Table B7 should be changed to:  Type A: 8 metres. Type B: 12 metres. Type C: 15 metres.
Noise impacts	Clause 55.07-7 Standard B41	Refer to comments for Standards A15.2 and B24.	Refer to recommendations for Standards A15.2 and B24.
Accessibility	Clause 55.07-8 Standard B42	The deletion of Standard B42 is opposed.  The Standard should be retained to ensure that future housing stock is universally accessible, and that accessibility remains at the forefront of dwelling design.	Retain Standard B42.

Theme	Clause & Standard	Comment	Recommendation
		The retention of Standard B42 will also remove the need for planning permit amendments to address this issue at a later time.	
Private open space	Clause 55.07-9 Standard B43	The consolidation of this standard with Standard B28 is supported.	No changes.
Storage	Clause 55.07-10 Standard B44	The proposed deletion and integration of B44 with the revised Standard B30 is supported.	No changes.
Waste and recycling	Clause 55.07-11 Standard B45	Refer to comments at Standard B34.1	Refer to recommendation at Standard B34.1.
Functional layout	Clause 55.07-12 Standard B46	The amendments are supported. However, they should also be included for non-apartment building developments, including clause 54.	No changes.
External walls and material	Clause 55.07-19	The proposed deletion of the clause is not supported.	Retain the clause.

Theme	Clause & Standard	Comment	Recommendation
	Standard B53	The quality and durability of external materials and finishes must be maintained to ensure appealing, comfortable, sustainable, and fit-for purpose homes as set out in the Housing Statement.	
Building separation	Clause 55.07-20  Standard B54	The proposed new provision is generally supported. However, the separation only appears to protect sunlight access for buildings to the south at the equinox, whilst allowing poor levels of sunlight through the winter months.  It is acknowledged that spacing will provide good opportunities for communal open space within a site.	Reconsideration of the provisions are required to account for shading at the ground level during winter.
Air pollution	Clause 55.07-21	Refer to comments for Standards A15.3 and B24.1.	Refer to recommendations to Standards A15.3 and B24.1.



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