



To Whom It May Concern,

Re: Draft State Planning Policy 7.3: Medium Density Code and Guidelines Feedback

With great enthusiasm the Australian Institute of Landscape Architects (AILA) received and reviewed the *Draft State Planning Policy 7.3: Medium Density Code and Guidelines*, released by the Department of Planning, Lands and Heritage for public comment in November 2020. The interests of landscape architects range across the many of the design elements in the *Medium Density Code and Guidelines*, in particular where this concerns gardens, trees and the dwelling's street interfaces and how they contribute to quality of life and the natural environment.

In conversation with our members, we are pleased to submit our feedback on the Draft Medium Density Code.

In general, AILA sees the *Draft Medium Density Code and Guidelines* as an important and very positive step forward. The quality of medium density delivered under the current Residential Design Codes is inadequate. AILA is particularly concerned about:

- the disappearing gardens and functional outdoor space for residents;
- the decreasing tree canopy resulting in increasing heat stress; and
- disappearing street interaction of dwellings and consequently the community connections among residents.

The *Draft Medium Density Code and Guidelines* goes considerable a way to address the current shortcomings, introducing higher standards for development and landscaping. Especially the inclusion of elements introduced by *SPP 7.3 Vol 2 – Apartments*, such as deep soil area, private open space and attention for streetscape interaction, are applauded.

AILA's primary thoughts and concerns focus on:

- Coding for the diversity of medium density outcomes
- Usable garden space and deep soil area
- Engaging interaction with the street

Please find below an elaboration on these points. Finally, we have included a few comments regarding other elements.

[Coding for diversity of medium density outcomes](#)

AILA recognises the complexity of coding for the 'Missing Middle', the residential form between the typical low-density detached houses with large gardens and the high-density apartments with nearby urban amenities offsetting for the absence of the gardens. This segment of urban form is characterized by a particularly large diversity of possible dwelling typologies and arrangements, including patio dwellings, town houses, walk-ups, low rise



apartments, courtyard arrangements, mews, perimeter blocks, etc. On top of that, a coding should allow for the variation across the State in terms of local character, community requirements, climate and environment. AILA appreciates how the Draft Medium Density Code and Guidelines find a balance between the need for streamlining and uniformity in the planning regulations, and acknowledging the diversity in outcomes that should be promoted and supported.

The *Draft Medium Density Code and Guidelines* introduces two pathways for approval: the deemed-to-comply and the performance-based approach. AILA sees this as a crucial way to address the above-described tensions, and fully supports this method. The performance-based approach allows for customising designs to local circumstances and diversity of medium density forms, while the deemed-to-comply allows for a risk-free pathway.

At the same time AILA is not convinced that the current Draft will sufficiently promote the performance-based pathway. The Draft includes two documents, the *Medium Density Code*, and the *Medium Density Guidelines*. The Code translates the lay-out of *SPP 7.3 Vol 2. – Apartments* - with objectives and acceptable outcomes - into principles and deemed-to-comply provisions, without sufficiently stating the potential advantages of the performance-based opportunities. Those are captured in the Guidelines, as a separate document. Furthermore, the deemed-to-comply requirements not that far apart from business-as-usual practice. In the current industry practice of deemed-to-comply designs, the performance-based pathway needs to be promoted better to be effective.

AILA advises the DPLH to consider:

- Integration of Code and Guideline into one document, presenting for each element the principles, deemed-to-comply provisions and alternative performance-based opportunities in one overview
- Increase the deemed-to-comply thresholds to encourage the performance-based pathway
- Include more local examples of well-designed medium density to visualise the performance-based opportunities

Usable garden space and deep soil area

AILA is enthusiastic that the DPLH recognises the importance of the garden for quality of life and supports giving the garden a prominent position in the order of the Code and Guidelines. The elements covered in the Garden section are appropriate and fully supported.

However, AILA believes that the deemed-to-comply standards set for the primary garden area are insufficient. The *Draft Medium Density Code* requires an area that is only 15% of the lot as a usable garden (2.1 Primary garden area). This is in stark contrast with



international benchmarking examples where up to 65% of medium density lots is usable gardens.

The percentage of deep soil area is only 20% of the total lot size (2.3 Trees, deep soil area and landscaping), of which 30% can be paved and covered by roofs. In other words, a maximum 14% of the lot needs to be planting and/or turf. It is not stated that artificial turf should be counted as 'pavement'. These figures are insufficient to address the current decline in garden space and increase of urban heat island effect. They are also hardly incentives to promote better, performance-based design solutions. In addition, much of the open space easily gets lost to side setback requirements without providing usable space. While medium density arrangements, such as terrace houses with private terraces around a communal garden, are not likely to happen with the limited communal outdoor space requirements in comparison to the reduced lot sizes allowed by amalgamation (Site Category 2 and 3).

AILA advises the DPLH to consider:

- Increase the required percentage for deep soil area
- Increase the minimum required usable garden space
- Allow for more flexibility in setbacks for performance-based approach to allow for accumulating these marginal spaces into usable front yard, backyard and/or patio space
- Reducing the maximum building footprint per lot should be considered. This would be the most effective way to increase usable garden space and effectively address urban heat island and stormwater infiltration

Engaging interaction with the street

With the increasing density, more pressure is put on streetscapes. Not only for transporting and parking more vehicles, but also for providing safe and attractive routes for walking and cycling. And since gardens are smaller and park requirements stay at 10%, the streets also need to support neighbours to connect and provide opportunities for relaxing and socialising. This puts extra pressure on both the streetscape design and the interface of residential lot with the street. The lockdowns due to Covid 19 have been a wake-up call, making many in the community realise how important streets are as public spaces for their well-being.

In traditional residential developments, dwellings had a private backyard and a 'semi-private' front yard, private land but visually part of the public street. Research in Melbourne showed that only a few decades ago still 70% of the community connections were made through the front yard. However, this front yard connection to the street is lost in many cases, impacting the robustness of communities.

AILA is very pleased with the attention for both the backyard and the front yard in the *Draft Medium Density Code and Guidelines*. Addressing the primary garden area (2.1) and permitting balconies, porches and verandas to encroach in the primary street setback are



praised. However, the *Draft Medium Density Code and Guidelines* also includes some aspects that can seriously threaten an attractive and socialising street interface.

AILA advises the DPLH to consider:

- The primary garden area (2.1) is required to be on the north side of the lot. Although understandable from a solar orientation point of view, this can have negative consequences for the streetscape if the street is also on that side. Privacy in the primary garden area, especially when the area is only the minimum required space, will result in screening to the street. This will be detrimental for an attractive and safe street, necessary to support both walking and community connections. AILA advises a more flexible approach or to mandate a performance-based approach in these cases.
- A veranda or porch to the street can provide an attractive outdoor space, especially when orientated to the north or an attractive streetscape (4.6). The primary living space should be allowed to connect to such a veranda, even if the veranda is not the full size of a 'primary garden area', while a larger private backyard or patio is also provided.
- No visitor bays are required on private lots for the lower densities (3.4). This might be attractive or even logical from a development point of view, but at the same time pushes the parking pressure onto the street, compromising the street as a safe place for people, and compromising space for trees, planting and water sensitive urban design.
- 60 to 80% of the dwelling's street front is permitted to be garages (4.5). This is detrimental to an attractive streetscape interface, significantly reduces passive surveillance and the undoing of many other provisions to promote street interaction. AILA strongly advises to reduce these percentages significantly and allow only single width garage doors to primary streets. The images of Figure 4.5b show acceptable widths, and the written percentages should represent what is drawn.
- AILA fully supports the location of driveways in accordance with the street hierarchy as well as the reduced driveway widths (4.7). The tapering driveways to a width of maximum 3 metres when it crosses the public footpath should be required.
- Allowing 1.5m high street fence effectively cuts off the lot from the street (4.9). The 'semi open' above 1m allows for infill screening and privacy backyards at the front of the house, effectively disconnecting the dwelling from the street. Primary street fences should be maximum 1m high.

In addition to increasing the deemed-to-comply requirements for the streetscape interaction, AILA calls for local governments to address streetscapes as not merely traffic space for cars, but part of the public realm that binds communities together and reduces the heat stress in our urban environments. Streets make up approximately 80% of the public realm in medium density areas and need to perform better.



A few comments regarding other elements

While the three topics described above represent AILA's main concerns, we do not want to withhold a few other observations we made during the review of the *Draft Medium Density Code and Guidelines*.

- Private open space (2.2) requires min. 25% of a balcony's perimeter to be unscreened. This is based on an almost square balcony, as shown in Figure 2.2a. As the most functional balconies are not square but rectangular, with a long side to the open air, this percentage should be considered more in the range of 30 to 33%.
- The *Guidelines* for communal open space (2.4) seem to allow for parking in the communal open space. This would seriously compromise the "space for recreation and socialising" and should not be allowed. Co-locating might be given into consideration though.
- The daylight access of the primary living space (3.1) is similar to the SPP 7.3 Vol 2 – Apartments. However, this results often in dark kitchens at more than 8m away from a window, requiring artificial light during the whole day. This is not supporting sustainability or living quality. Daylight access becomes even worse if the window is behind a balcony or covered outdoor space. AILA advises to correct this requirement, to improve sustainability and general living quality.
- The visual privacy requirements (4.12) seem to allow for bedrooms with only high windows. This is not a desirable outcome and compromises living quality of the dwelling. Most Design Review Panels do not accept such situations in apartment proposals. They should also not be allowed for medium density designs.

Summarising, AILA is enthusiastic about the *Draft Medium Density Code and Guidelines*, and sees it as an important and very positive step forward. At the points of coding for diversity, usable garden and deep soil area, and engaging with the streets, AILA believes the draft can be significantly improved and forwards the above suggestions for DPLH's consideration. We are very supportive of the Medium Density Code and Guidelines and wish the Department strength and wisdom in amending and finalising the Code and Guidelines.

Kind regards,

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