

# Clause 55 Assessment

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Requirement	Response
<p><b>Clause 55.01-1 Neighbourhood and site description</b></p> <p>The neighbourhood and site description may use a site plan, photographs or other techniques and must accurately include:</p> <ul style="list-style-type: none"> <li>- A description of the neighbourhood</li> <li>- A description of the subject site</li> </ul>	<p><b>Provided</b></p> <p>Please refer to town planning report.</p>
<p><b>Clause 55.01-2 Design response</b></p> <p>The design response must explain how the proposed design:</p> <ul style="list-style-type: none"> <li>- Derives from and responds to the neighbourhood and site description.</li> <li>- Meets the objectives of Clause 55.</li> <li>- Responds to any neighbourhood character features for the area identified in a local planning policy or a Neighbourhood Character Overlay.</li> </ul> <p>The design response must include correctly proportioned street elevations or photographs showing the development in the context of adjacent buildings. If in the opinion of the responsible authority this requirement is not relevant to the evaluation of an application, it may waive or reduce the requirement.</p>	<p><b>Provided</b></p> <p>Please refer to town planning report and town planning drawings.</p>
<p><b>Clause 55.02-1 Neighbourhood character (Standard B1)</b></p> <p>The design response must be appropriate to the neighbourhood and the site. The proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site.</p>	<p><b>Complies</b></p> <p>The proposed dwellings have been designed to respond to the site's location within a residential heritage precinct and appropriately integrate with the neighbour character as expressed through the Design and Development Overlay and Heritage Overlay. Refer to detailed assessment in town planning report.</p>
<p><b>Clause 55.02-2 Residential policy (Standard B2)</b></p> <p>An application must be accompanied by a written statement to the satisfaction of the responsible authority that describes how the development is consistent with any relevant policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.</p>	<p><b>Complies</b></p> <p>Refer to town planning report.</p>
<p><b>Clause 55.02-3 Dwelling diversity (Standard B3)</b></p> <p>Developments of ten or more dwellings should provide a range of dwelling sizes and types, including dwellings with a different number of bedrooms, and at least one dwelling that contains a kitchen, bath or shower, and a toilet and wash basin at ground floor level.</p>	<p><b>Not applicable</b></p>
<p><b>Clause 55.02-4 Infrastructure (Standard B4)</b></p> <p>Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas, if available.</p> <p>Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.</p>	<p><b>Complies</b></p> <p>The development can be connected to the relevant infrastructure and utility services as required.</p>

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<p>In areas where utility services or infrastructure have little or no space capacity, developments should provide for the upgrading or mitigation of the impact on services or infrastructure.</p>	
<p><b>Clause 55.02-5 Integration with the street (Standard B5)</b>            Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility.            Dwellings should be oriented to front existing and proposed streets.            High fencing in front of dwellings should be avoided if practicable.            Dwellings next to existing public open space should be laid out to complement the open space.</p>	<p><b>Complies</b>            The dwellings are located behind the existing dwelling, and will be visible from the street but read in the context of the Norfolk Pines and the dwellings closer to the street.            The proposal will utilise an existing access to the site and provides for vehicle access to the proposed dwellings.            No high fencing is proposed.            Dwellings do not adjoin public open space.</p>
<p><b>Clause 55.03-1 Street setback (Standard B6)</b>            Walls of buildings should be set back from streets:</p> <ul style="list-style-type: none"> <li>- At least the distance specified in a schedule to the zone, or</li> <li>- If no distance is specified in a schedule to the zone, the distance specified in Table B1.</li> </ul>	<p><b>Complies</b>            The street setback to the existing dwelling remains unchanged. The new dwellings are located to the rear of the property where front setback is not an issue.</p>
<p><b>Clause 55.03-2 Building height (Standard B7)</b>            The maximum building height should not exceed the maximum height specified in the zone, schedule to the zone or an overlay that applies to the land.            If no maximum height is specified in the zone, schedule to the zone or an overlay, the maximum building height should not exceed 9 metres, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building height should not exceed 10 metres.            Changes of building height between existing buildings and new buildings should be graduated.</p>	<p><b>Complies</b>            The new dwellings will have a maximum height of 6.78 metres.</p>
<p><b>Clause 55.03-3 Site coverage (Standard B8)</b>            The site area covered by buildings should not exceed:</p> <ul style="list-style-type: none"> <li>- The maximum site coverage specified in a schedule to the zone, or</li> <li>- If no maximum site coverage is specified in a schedule to the zone, 60 percent.</li> </ul>	<p><b>Complies</b>            The proposed site coverage is approximately 30%. This is less than the allowable 60% under Standard B8.</p>
<p><b>Clause 55.03-4 Permeability and Stormwater Management (Standard B9)</b>            The site area covered by pervious surfaces should be at least:</p> <ul style="list-style-type: none"> <li>- The minimum area specified in a schedule to the zone; or</li> <li>- If no minimum area is specified in a schedule to the zone, 20 percent of the site.</li> </ul> <p>The stormwater management system should be designed to:</p>	<p><b>Complies</b>            The proposal complies with Standard B9 through providing for greater than 20 per cent permeability (70% permeable areas provided).            It is anticipated that a stormwater management plan will be required as part of any planning permit issued which will nominate the legal point of discharge and the appropriate way to manage associated runoff from the development.</p>

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<ul style="list-style-type: none"> <li>- Meet the current best practice performance objectives for stormwater quality as contained the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999)</li> <li>- Contribute to cooling, improving local habitat and providing attractive and enjoyable spaces.</li> </ul>	
<p><b>Clause 55.03-5 Energy efficiency protection (Standard B10)</b> Buildings should be:</p> <ul style="list-style-type: none"> <li>- Oriented to make appropriate use of solar energy.</li> <li>- Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.</li> <li>- Living areas and private open space should be located on the north side of the dwelling, if practicable.</li> <li>- Dwellings should be designed so that solar access to north-facing windows is maximised.</li> </ul>	<p><b>Complies</b></p> <p>The proposed dwellings are designed and orientated to take advantage of the northern aspect, and are provided with north facing decks. Due to the modest footprint and compact design, the living rooms are provided with north facing windows.</p>
<p><b>Clause 55.03-6 Open space (Standard B11)</b> If any public or communal open space is provided on site, it should:</p> <ul style="list-style-type: none"> <li>- Be substantially fronted by dwellings, where appropriate.</li> <li>- Provide outlook for as many dwellings as practicable.</li> <li>- Be designed to protect any natural features on the site.</li> <li>- Be accessible and useable.</li> </ul>	<p><b>Not applicable</b></p> <p>No public or communal open space is proposed.</p>
<p><b>Clause 55.03-7 Safety (Standard B12)</b> Entrances to dwellings and residential buildings should not be obscured or isolated from the street and internal accessways. Planting which creates unsafe spaces along streets and accessways should be avoided. Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways. Private spaces within developments should be protected from inappropriate use as public thoroughfares.</p>	<p><b>Complies</b></p> <p>The entry to the site utilises an existing access to Sackville Street.</p> <p>Entries to dwellings are not concealed and can be seen from the common driveway.</p>
<p><b>Clause 55.03-8 Landscaping (Standard B13)</b> The landscape layout and design should:</p> <ul style="list-style-type: none"> <li>- Protect any predominant landscape features of the neighbourhood.</li> <li>- Take into account the soil type and drainage patterns of the site.</li> <li>- Allow for intended vegetation growth and structural protection of buildings.</li> <li>- In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals.</li> </ul>	<p><b>Complies subject to conditions (if required)</b></p> <p>Existing landscaping in front of the existing dwelling is to be retained, and is characteristic of the neighbourhood.</p> <p>If Council requires a landscape plan as part of the approvals process, (ie: planning permit condition) a landscape plan can subsequently be prepared. The objective of this clause is able to be comfortably met subject to landscape design detail.</p>

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<p>– Provide a safe, attractive and functional environment for residents.</p> <p>Development should provide for the retention or planting of trees, where these are part of the character of the neighbourhood.</p> <p>Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.</p> <p>The landscape design should specify landscape themes, vegetation (location and species), paving and lighting.</p> <p>Development should meet any additional landscape requirements specified in a schedule to the zone.</p>	
<p><b>Clause 55.03-9 Access (Standard B14)</b> The width of accessways or car spaces should not exceed:</p> <ul style="list-style-type: none"> <li>– 33 percent of the street frontage, or</li> <li>– if the width of the street frontage is less than 20 metres, 40 per cent of the street frontage.</li> </ul> <p>No more than one single-width crossover should be provided for each dwelling fronting a street. The location of crossovers should maximise the retention of on-street car parking spaces. The number of access points to a road in a Road Zone should be minimised. Developments must provide for access for service, emergency and delivery vehicles.</p>	<p><b>Complies</b></p> <p>The access to Sackville Street does not exceed 40% of the site frontage and only one is provided.</p>
<p><b>Clause 55.03-10 Parking location (Standard B15)</b> Car parking facilities should:</p> <ul style="list-style-type: none"> <li>– Be reasonably close and convenient to dwellings and residential buildings.</li> <li>– Be secure.</li> <li>– Be well ventilated if enclosed.</li> </ul> <p>Shared accessways or car parks of other dwellings and residential buildings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.</p>	<p><b>Variation to Standard, Objective met.</b></p> <p>Each dwelling is provided with conveniently located car parking with driveway access from Sackville Street.</p> <p>The driveway is setback a minimum of 600mm from the Lot 2 dwelling. This setback has been mitigated with privacy screening, and the inclusion of fencing at ground level. Given the width of the lot at only 12.5 metres, this is considered an appropriate outcome.</p>
<p><b>Clause 55.04-1 Side and rear setbacks (Standard B17)</b> A new building not on or within 200mm of a boundary should be set back from side or rear boundaries:</p> <ul style="list-style-type: none"> <li>– At least the distance specified in a schedule to the zone, or</li> <li>– If no distance is specified in a schedule to the zone, 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.</li> </ul> <p>Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other</p>	<p><b>Variation to Standard, Objective met.</b></p> <p>The proposal generally complies with the minimum setback requirements, with only minor, allowable encroachments.</p> <p>Dwelling 2 does not technically comply with the side setback to the new northern boundary, however, this dwelling is setback more than 1 metre from the subject site boundary to the north, and will be provided with sufficient space due to the setback created by the common property. This is considered to comply with the objective.</p>

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<p>services may encroach not more than 0.5 metres into the setbacks of this standard. Landings having an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard.</p>	
<p><b>Clause 55.04-2 Walls on boundaries (Standard B18)</b>  A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of a lot should not abut the boundary:</p> <ul style="list-style-type: none"> <li>- For a length more than the distance specified in a schedule to the zone; or</li> <li>- If no distance is specified in a schedule to the zone, for a length of more than:</li> <li>- 10 metres plus 25 percent of the remaining length of the boundary of an adjoining lot, or</li> <li>- Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports, whichever is the greater.</li> </ul>	<p><b>Complies</b></p> <p>The storage sheds are proposed to be built on the boundary, and comply given they are minor structures.</p>
<p><b>Clause 55.04-3 Daylight to existing windows (Standard B19)</b>  Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot. Walls or carports more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.  Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.</p>	<p><b>Complies</b></p> <p>Appropriate light courts are provided. The southern wall of the proposed dwellings are setback more than 50% of the height of the new south wall from the boundary.</p> <p>The new dwellings do not unreasonably inhibit daylight to any existing windows in accordance with the Standard.</p>
<p><b>Clause 55.04-4 North-facing windows (Standard B20)</b>  If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, a building should be setback from the boundary 1 metre, plus 0.6 metre for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window. A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.</p>	<p><b>Complies</b></p> <p>Complies, the minimum setback to protect north facing windows in accordance with this Standard, is 1.96m from the boundary, which the proposal complies with by being setback 2m from the boundary.</p> <p>No north-facing windows are impacted by the proposed dwellings.</p>
<p><b>Clause 55.04-5 Overshadowing open space (Standard B21)</b>  Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 percent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours</p>	<p><b>Complies</b></p> <p>Shadow diagrams have been provided to demonstrate the proposal ensures the dwellings to the south retain 40 square metres of private open space which is unaffected by overshadowing from the proposal.</p>

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<p>of sunlight between 9am and 3pm on 22 September.</p>	
<p><b>Clause 55.04-6 Overlooking (Standard B22)</b>  A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space and habitable room windows of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level.</p>	<p><b>Complies</b></p> <p>The proposal does not result in overlooking.</p> <p>The ground floor windows do not result in unreasonable overlooking impacts due to fencing and design of these windows.</p> <p>Upper floor windows to habitable rooms have been either placed to a high sill level (1700mm) or have been screened effectively to prevent overlooking.</p>
<p><b>Clause 55.04-7 Internal views (Standard B23)</b>  Windows and balconies should be designed to prevent overlooking of more than 50 per cent of the secluded private open space of a lower-level dwelling or residential building directly below and within the same development.</p>	<p><b>Complies</b></p> <p>Internal views have been well managed through the provision of high sill windows and screening and the setback of the buildings from each other.</p>
<p><b>Clause 55.04-8 Noise impacts (Standard B24)</b>  Noise sources, such as mechanical plant, should not be located near bedrooms of immediately adjacent existing dwellings. Noise sensitive rooms and secluded private open spaces of new dwellings and residential buildings should take account of noise sources on immediately adjacent properties. Dwellings and residential buildings close to busy roads, railway lines or industry should be designed to limit noise levels in habitable rooms.</p>	<p><b>Complies</b></p> <p>The design of the proposed dwellings is unlikely to result in unreasonable noise impacts to bedrooms.</p> <p>The subject site is not located near any busy roads, railways lines or industry.</p>
<p><b>Clause 55.05-1 Accessibility (Standard B25)</b>  The dwelling entries of the ground floor of dwellings and residential buildings should be accessible or able to be easily made accessible to people with limited mobility.</p>	<p><b>Complies</b></p> <p>The new dwellings can be accessed at ground floor level with minimal level change.</p> <p>It is acknowledged that the new dwellings are double storey and are not ideal for those with limited mobility. The downstairs area does not feature a bedroom but features a powder room appropriate for visitors.</p>
<p><b>Clause 55.05-2 Dwelling entry (Standard B26)</b>  Entries to dwellings and residential buildings should:</p> <ul style="list-style-type: none"> <li>- Be visible and easily identifiable from streets and other public areas.</li> <li>- Provide shelter, a sense of personal address and a transitional space around the entry.</li> </ul>	<p><b>Complies</b></p> <p>The dwelling entries are easily identifiable.</p>

Requirement	Response
<p><b>Clause 55.05-3 Daylight to new windows (Standard B27)</b>  A window in a habitable room should be located to face:</p> <ul style="list-style-type: none"> <li>- An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or</li> <li>- A verandah provided it is open for at least one third of its perimeter, or</li> <li>- A carport provided it has two or more open sides and is open for at least one third of its perimeter.</li> </ul>	<p><b>Complies</b></p> <p>Each new window is located where it can obtain a light court clear to the sky in accordance with Standard B27.</p>
<p><b>Clause 55.05-4 Private open space (Standard B28)</b>  A dwelling or residential building should have private open space of an area and dimensions specified in a schedule to the zone.  If no area or dimensions are specified in a schedule to the zone, a dwelling or residential building should have private open space consisting of:</p> <ul style="list-style-type: none"> <li>- An area of 40 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 25 square metres, a minimum dimension of 3 metres and convenient access from a living room, or</li> <li>- A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room, or</li> <li>- A roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room.</li> </ul>	<p><b>Complies</b></p> <p>Each dwelling provides for an appropriate area of private open space.</p>
<p><b>Clause 55.05-5 Solar access to open space (Standard B29)</b>  The private open space should be located on the north side of the dwelling, if practicable.  The southern boundary of secluded private open space should be set back from any wall on the north of the space at least <math>(2 + 0.9h)</math> metres, where 'h' is the height of the wall.</p>	<p><b>Complies</b></p> <p>Solar access to open space areas for the application is considered an appropriate outcome given the site constraints.</p>
<p><b>Clause 55.05-6 Storage (Standard B30)</b>  Each dwelling should have convenient access to at least 6 cubic metres of externally accessible, secure storage space.</p>	<p><b>Complies</b></p> <p>Garden sheds are proposed to provide storage.</p>

<b>Requirement</b>	<b>Response</b>
<p><b>Clause 55.06-1 Design detail (Standard B31)</b></p> <p>The design of buildings, including:</p> <ul style="list-style-type: none"> <li>– facade articulation and detailing,</li> <li>– window and door proportions,</li> <li>– roof form, and</li> <li>– verandahs, eaves and parapets,</li> </ul> <p>should respect the existing or preferred neighbourhood character.</p> <p>Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character.</p>	<p><b>Complies</b></p> <p>The existing dwelling design is not being altered and will retain the existing façade to the streetscape.</p> <p>The new dwellings provide for a contemporary design which provides for efficient construction and a good use of functional space internally.</p> <p>The new dwellings include contemporary forms which will enhance the character of the area.</p>
<p><b>Clause 55.06-2 Front fences (Standard B32)</b></p> <p>The design of front fences should complement the design of the dwelling and any front fences on adjoining properties.</p> <p>A front fence within 3 metres of a street should not exceed:</p> <ul style="list-style-type: none"> <li>– The maximum height specified in a schedule to the zone, or</li> <li>– If no maximum height is specified in a schedule to the zone, the maximum height specified in Table B3.</li> </ul>	<p><b>Not applicable</b></p> <p>No change to existing.</p>
<p><b>Clause 55.06-3 Common property (Standard B33)</b></p> <p>Developments should clearly delineate public, communal and private areas.</p> <p>Common property, where provided, should be functional and capable of efficient management.</p>	<p><b>Complies</b></p> <p>The driveway area will be used as a common area and fencing will be used to delineate private areas.</p>
<p><b>Clause 55.06-4 Site services (Standard B34)</b></p> <p>The design and layout of dwellings and residential buildings should provide sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically.</p> <p>Bin and recycling enclosures, mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development.</p> <p>Bin and recycling enclosures should be located for convenient access by residents.</p> <p>Mailboxes should be provided and located for convenient access as required by Australia Post.</p>	<p><b>Complies</b></p> <p>Services will be able to be extended from Sackville Street along the shared driveway to the new dwellings.</p> <p>Mailboxes will be able to be placed at the Sackville Street frontage.</p> <p>The lots retain sufficient area for bin storage.</p>