

Clause 55 Assessment – 7 Huntingdale Drive (Lot 990 LP63910), Chirnside Park

Clause 55

Pursuant to the provisions of the zone, the proposal must meet the requirements of Clause 55. The application has been assessed against these provisions and found to be compliant. A discussion of the main issues identified in this assessment are below:

Amendment VC243 has included the following amendment to Clause 55:

A development:

- Must meet all of the objectives of this clause that apply to the application.
- Should meet all of the standards of this clause that apply to the application.
- If a development meets standard B6, B7, B8, B17, B18, B19, B20, B21, B22, B27, B28, B30 or B32, it is deemed to meet the objective for that standard.
- Where standard B6, B7, B8, B17, B18, B19, B20, B21, B22, B27, B28, B30 or B32 is met the decision guidelines for that standard do not apply to the application.

55.02 NEIGHBOURHOOD CHARACTER AND INFRASTRUCTURE

55.02-1 Neighbourhood character objectives		
Standard B1	Comments – Standards and Objectives	Met <input checked="" type="checkbox"/> Not Met <input type="checkbox"/>
	See Council Report for detailed assessment. The dwelling has been designed to respect the existing character of the Huntingdale Drive while responding to the newer development pattern within Simmons Court which is controlled by the Cloverlea Estate design guidelines.	
55.02-2 Residential policy objectives		
Standard B2	Comments – Standards and Objectives	Met <input checked="" type="checkbox"/> Not Met <input type="checkbox"/>
	See Council Report for detailed assessment of policy. The application has been submitted with the relevant information addressing how the application is consistent with the NRZ1, SLO23 and Clause 16.01-1L <i>'Incremental change areas'</i> of the <i>Yarra Ranges Neighbourhood Character Study</i> . Generally, it is considered the proposal will respond to the policy direction of the State Government and the Yarra Ranges Shire Council which has been referred to in the Delegation Report.	
55.02-3 Dwelling diversity objective		
Standard B3	Comments – Standards and Objectives	Met <input checked="" type="checkbox"/> Not Met <input type="checkbox"/>
	Not applicable – This Clause applies to the development of 10 or more dwellings on a lot. The application is for an additional dwelling (2 dwellings on lot).	

55.02-4 Infrastructure objectives

Standard B4	Comments – Standards and Objectives	Met <input checked="" type="checkbox"/> Not Met <input type="checkbox"/>
	<p>The proposed dwelling can be connected to all reticulated services, noting existing dwelling is serviced by these. Vehicle access can be constructed from Simmons Court in accordance with the relevant standards.</p> <p>Council's Engineers have reviewed the application and do not have any objection subject to the relevant conditions being included on any permit issued.</p>	

55.02-5 Integration with the street objective

Standard B5	Comments – Standards and Objectives	Met <input checked="" type="checkbox"/> Not Met <input type="checkbox"/>
	<p>The proposed dwelling is orientated to front Simmons Court, which would aid to provide a 'bookend' to the court, noting 1.8 metre timber paling fencing currently exists. This is considered an acceptable outcome and would aid to support a frontage which directly addresses Simmons Court and removes high fencing.</p> <p>The existing dwelling located at the front of the site will continue to address Huntingdale Drive unchanged with exception of a new carport. There is no front fencing proposed maintaining the presence of an open street frontage in accordance with the SLO23.</p>	

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

Standard B6	Comments – Standards	Met <input checked="" type="checkbox"/> Not Met <input type="checkbox"/>
	<p>The proposed 2nd dwelling is located to the rear of the existing dwelling and will front Simmons Court.</p> <p>As the proposed dwelling will front a street which no abutting dwellings front, a minimum front setback of 4m is required. The development proposes a 6m front setback, exceeding this requirement.</p>	

55.03-2 Building height objective

Standard B7	Comments – Standards	Met <input checked="" type="checkbox"/> Not Met <input type="checkbox"/>
	<p>The maximum building height of the proposed 2nd dwelling is 7 metres which is below the allowable 9 metres within the NRZ.</p> <p>The height of the existing dwelling will remain the same – 4.2 metres.</p>	

55.03-3 Site coverage objective

Standard B8	Comments – Standards	Met <input checked="" type="checkbox"/> Not Met <input type="checkbox"/>
	<p>A total building site coverage of 40.28% (348.07m²) is proposed. This is less than the maximum allowable 60%.</p>	

55.03-4 Permeability objectives

Standard B9	Comments – Standards and Objectives	Met <input checked="" type="checkbox"/> Not Met <input type="checkbox"/>
	A permeable area of 53.35% (460.94m ²) is proposed. This is greater than the minimum allowable 20%.	

55.03-5 Energy efficiency objectives

Standard B10	Comments – Standards and Objectives	Met <input checked="" type="checkbox"/> Not Met <input type="checkbox"/>
	Bedrooms have been located on the north and east of the dwelling providing opportunity for solar access as far as practical. Private open space is located with access to solar as far as practical. The proposal will not result in overshadowing of adjoining dwellings solar systems.	

55.03-6 Open space objective

Standard B11	Comments – Standards and Objectives	Met <input checked="" type="checkbox"/> Not Met <input type="checkbox"/>
	Not applicable – There is no public or communal open space provided within or adjacent to the development.	

55.03-7 Safety objective

Standard B12	Comments – Standards and Objectives	Met <input checked="" type="checkbox"/> Not Met <input type="checkbox"/>
	The entrance to proposed dwelling will be clearly delineated with a front porch and windows providing outlook to street and the entrance to the proposed dwelling is highly visible from the internal accessway. There are no changes to the existing dwelling beyond the addition of a carport.	

55.03-8 Landscaping objectives

Standard B13	Comments – Standards and Objectives	Met <input checked="" type="checkbox"/> Not Met <input type="checkbox"/>
	The surrounding landscape character consists of a mixture of open front gardens with no front fencing. While vegetation will be removed to facilitate the development, the proposal depicts there is adequate space for landscaping and planting of canopy trees within setbacks and POS of both dwellings to support the objectives of the SLO23.	

55.03-9 Access objectives

Standard B14	Comments – Standards and Objectives	Met <input checked="" type="checkbox"/> Not Met <input type="checkbox"/>
	<p>The proposed dwelling has been assessed to meet Standard B14 noting a single crossover and accessway is proposed which will not exceed 40 per cent of the street frontage.</p> <p>While it is noted the base of the Simmons Court consists of four (4) sealed indented car parking spaces and the proposed crossover would increase the impervious surface area of the base of Simmons Court, given the location of the crossover will not reduce the capacity of existing parking arrangements within Simmons Court it is considered the proposal meets the requirements of this Clause.</p> <p>Vehicle access to the existing dwelling will remain unchanged.</p>	

55.03-10 Parking location objectives

Standard B15	Comments – Standards and Objectives	Met <input checked="" type="checkbox"/> Not Met <input type="checkbox"/>
	The proposed dwelling is afforded a double garage with internal access to the living area of the dwelling and would appear ventilated.	

55.04 AMENITY IMPACTS**55.04-1 Side and rear setbacks objective**

Standard B17	Comments – Standards	Met <input checked="" type="checkbox"/> Not Met <input type="checkbox"/>
	The proposal fully satisfies the side and rear setback standards at B17. It is considered the setbacks applied to the proposed dwelling are respectful of the character of surrounding dwellings within Simmons Court.	

55.04-2 Walls on boundaries objective

Standard B18	Comments – Standards	Met <input checked="" type="checkbox"/> Not Met <input type="checkbox"/>
	No walls on boundaries are proposed.	

55.04-3 Daylight to existing windows objective

Standard B19	Comments – Standards	Met <input checked="" type="checkbox"/> Not Met <input type="checkbox"/>
	No habitable room windows on adjoining properties are within close proximity to proposed second dwelling. Light courts will be maintained to exterior of habitable rooms of all neighboring dwellings with a minimum dimension of 1m and area of 3m ² . All walls of the proposed dwelling greater than 3 metres in height are setback more than 50% of their height opposite habitable room windows on adjoining lots.	

55.04-4 North-facing windows objective

Standard B20	Comments – Standards	Met <input checked="" type="checkbox"/> Not Met <input type="checkbox"/>
	The north facing habitable room window of the existing dwelling is setback 5.7 metres from southern wall of proposed second dwelling, ensuring adequate solar access continues to be afforded to the dwelling.	

55.04-5 Overshadowing open space objective

Standard B21	Comments – Standards	Met <input checked="" type="checkbox"/> Not Met <input type="checkbox"/>
	The proposed development has adequate setbacks to ensure that there will be minimal overshadowing of the adjoining properties. The development will not overshadow more than 40m ² or 75% of the adjoining properties private open spaces between 9am and 3pm on 22 September as shown on the Shadow Plan.	

55.04-6 Overlooking objective

Standard B22	Comments – Standards and Objective	Met <input checked="" type="checkbox"/> Not Met <input type="checkbox"/>
	<p>The habitable room windows within the development have been designed to avoid direct views into the existing secluded private open space of surrounding existing dwellings. First floor windows incorporate screening measures to 1.7 metres above FFL to ensure no overlooking.</p> <p>Currently the plans do not clearly depict the height of side boundary fencing. To ensure fencing is of an appropriate height an amended plans condition will require side boundary fences to be a minimum of 1.8 metres in height to match the internal boundary fence between the existing and proposed dwelling to ensure there is no opportunity for overlooking.</p>	

55.04-7 Internal views objective

Standard B23	Comments – Standards and Objectives	Met <input checked="" type="checkbox"/> Not Met <input type="checkbox"/>
	<p>The proposal has been designed to effectively minimise internal overlooking as the proposed dwelling with proposed 1.8 metre high internal boundary fencing to restrict overlooking at ground floor. A 1.7 metre highlight window within the first floor of the proposed dwelling will restrict overlooking to the rear yard of the existing dwelling.</p>	

55.04-8 Noise impacts objectives

Standard B24	Comments – Standards and Objectives	Met <input checked="" type="checkbox"/> Not Met <input type="checkbox"/>
	<p>No noise beyond typical residential noise is expected.</p> <p>An amended plans condition will require the plans to depict the indicative location of all plant (i.e., Aircon units).</p>	

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

Standard B25	Comments – Standards and Objectives	Met <input checked="" type="checkbox"/> Not Met <input type="checkbox"/>
	<p>The proposed dwelling can be accessed by people of limited mobility, noting no steps are required to enter the proposed dwelling and all residential activities can be undertaken on the ground floor as required.</p>	

55.05-2 Dwelling entry objective

Standard B26	Comments – Standards and Objectives	Met <input checked="" type="checkbox"/> Not Met <input type="checkbox"/>
	<p>The entries of both the existing and proposed dwellings have their own sense of identity and are easily identifiable noting both will front a sperate road. Both dwellings provide shelter through a porch/verandah, have a clear sense of personal address and a transitional space around their entries.</p>	

55.05-3 Daylight to new windows objective

Standard B27	Comments – Standards	Met <input checked="" type="checkbox"/> Not Met <input type="checkbox"/>
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All of the windows within the proposed development will have adequate access to natural daylight, being setback from boundaries a minimum of 1 metre and located to the north/east of the dwelling. While the living area of the proposed dwelling is located on the southern side of the dwelling, eastern windows and a side setback of 4 metres will enable adequate solar access.

55.05-4 Private open space objective

Standard B28	Comments – Standards	Met <input checked="" type="checkbox"/> Not Met <input type="checkbox"/>
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Each dwelling is provided with POS in excess of 40m² and SPOS in excess of 25m² located to the northern side of the dwellings providing convenient access from the living areas and sufficient area for landscaping, servicing and recreation uses.

Existing Dwelling

POS – 97m²

SPOS – 64m²

2nd Dwelling

POS – 94m²

SPOS – 62m²

55.05-5 Solar access to open space objective

Standard B29	Comments – Standards and Objectives	Met <input checked="" type="checkbox"/> Not Met <input type="checkbox"/>
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Adequate solar access is provided to the proposed private open space areas as both have northern orientation and are setback sufficient distances to allow for appropriate solar access to enter these areas in accordance with the standard. See below for calculations:

Existing Dwelling

Southern wall of SPOS setback 5 metres from rear alfresco wall (3m high) of proposed 2nd dwelling.

(MET – minimum allowed setback of 4.5m)

Proposed Second Dwelling

No northern wall restricting solar access.

55.05-6 Storage objective

To provide adequate storage facilities for each dwelling

Standard B30	Comments – Standards	Met <input checked="" type="checkbox"/> Not Met <input type="checkbox"/>
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The proposed dwelling is afforded 6m³ of externally accessible storage within the rear private open space area, while the existing dwelling will be provided appropriate storage within the proposed shed.

55.06 DETAILED DESIGN

55.06-1 Design detail objective		
Standard B31	Comments – Standards and Objectives	Met <input checked="" type="checkbox"/> Not Met <input type="checkbox"/>
	Attention has been given to the existing design of surrounding dwellings, with the proposal taking inspiration from stocks of these dwellings which. The proposed development is innovative and of a high architectural standard which has been designed to reflect and enhance the character of the surrounding area.	
55.06-2 Front fences objective		
Standard B32	Comments – Standards	Met <input checked="" type="checkbox"/> Not Met <input type="checkbox"/>
	Complies as no front fence is proposed.	
55.06-3 Common property objectives		
Standard B33	Comments – Standards and Objectives	Met <input checked="" type="checkbox"/> Not Met <input type="checkbox"/>
	While the proposal does not incorporate subdivision, due to each dwelling being afforded a separate frontage, crossover and internal accessway, it is considered the purpose of this arrangement is to limit the need for common property in future. Should the application be approved, this should be formalized via a future subdivision application.	
55.06-4 Site services objectives		
Standard B34	Comments – Standards and Objectives	Met <input checked="" type="checkbox"/> Not Met <input type="checkbox"/>
	The location of site services such as bins, mailboxes and metering has not been depicted on the plans. It is considered this information can be required as an amended plans condition should the application be approved.	