

Attachment 10: Clause 55 Assessment

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: Pursuant to the provisions of the zone, the proposal must meet the requirements of Clause 55.

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
	The proposed development would response to the neighbourhood character objectives. Whilst the surrounding area is characterised by single dwellings on allotments, the proposal would respond to 15.01-5L with generous boundary setbacks offering extensive landscaping opportunities, and reflective building styles with skillion roof forms to reflect the pitch of surrounding roofs, as well as brick and cladding materials reflective of the prevailing character of the area.	
55.02-2 Residential policy objectives		
Standard B2	Comments – Standards and Objectives	Met
	<p>The proposal would be consistent with the urban consolidation objectives contained within the State and Local Policy. The site is within an appropriate location for increased density housing in a consolidation area as per the Schedule 1 to the Residential Growth Zone.</p> <p>The site is close to community facilities and Lilydale Activity Centre, with the zoning encouraging higher density development. The proposal would respect existing residential character and respond to the attributes of the established neighbourhood.</p>	
55.02-3 Dwelling diversity objective		
Standard B3	Comments – Standards and Objectives	Met
	The proposal would provide for a variety of housing sizes:	

	<ul style="list-style-type: none"> • Two (2) x four (4) bedroom dwellings • Six (6) x three (3) bedroom dwellings • Three (3) x two (2) bedroom dwellings <p>In addition, two (2) dwellings offer a ground floor bedroom with ensuite, and ground floor living.</p>
55.02-4 Infrastructure objectives	
Standard B4	Comments – Standards and Objectives Met
	The site is connected to all reticulated services. Standard drainage requirements will be included on if a permit is issued.
55.02-5 Integration with the street objective	
Standard B5	Comments – Standards and Objectives Met
	<p>The subject site has a 10.11 metre frontage to Janson Place. The western boundary also shares a 27.3 metre boundary with a reserve at 12 and 12A Janson Place, and a following 30.35 metres with 7 Janson Place.</p> <p>The common accessway would occupy a significant portion of the Janson Place frontage, at 6.2 metres wide. To further integrate the development into the street, the design would infer a wider frontage through the provision of generous open space to the front setbacks of Dwellings No. 1 and No. 11 to accommodate canopy tree planting and general landscaping. In addition, Dwelling No. 1 and Dwelling No. 11 would be set back from the western boundary to present a wider frontage to Janson Place and accommodate additional landscaping that wraps around the side of the Units.</p> <p>A condition would be included to require no fencing forward of Dwellings No. 1 and No. 11 to retain an openness to Janson Place.</p>

55.03 SITE LAYOUT AND BUILDING MASSING

55.03-1 Street setback objective	
Standard B6	Comments – Standards Met
	<p>The site does not have any dwellings on abutting allotments to provide guidance for front setbacks. In addition, the site is an irregular shape, with the narrow frontage to Janson Place part of a wider western boundary to the site. Assessing the front setback for this application therefore required a site-specific review of appropriateness given the site constraints.</p> <p>Dwelling No. 1 has provided a 3.59 metre setback to the Janson Place boundary, whilst Dwelling No. 11 has provided a setback of approximately 8.9 metres.</p> <p>Due to the narrow street frontage, the dwellings front the common accessway rather than Janson Place, with porches placed on the</p>

	<p>corner of Dwellings 1 and 11 to respond to Janson Place. Dwelling No. 1 setback would be limited, however is deemed reasonable as it would be stepped from the frontage and side boundary, allowing for canopy tree planting and landscaping to wrap around the dwelling frontage and side.</p> <p>Dwelling No. 11 setback appears generous, however the dwelling porch would have a setback of just 1.34 metres from the western boundary. The setbacks are deemed reasonable as the dwelling would be set well back from the common accessway, providing a reasonable level of landscaping opportunity, including along the side of the dwelling.</p> <p>Variations to the front setback are acceptable as it would allow for the efficient use of the site and responds to the site constraints.</p>				
55.03-2 Building height objective					
Standard B7	<table border="1"> <thead> <tr> <th>Comments – Standards</th> <th>Met</th> </tr> </thead> <tbody> <tr> <td> <p>The building height must not exceed 13.5 metres and the building must contain no more than four (4) storeys at any point. No requirements are specified in the Schedule 1 to the Residential Growth Zone.</p> <p>The maximum height of the development is 8.065m above ground level achieved by Dwelling 3. The maximum number of storeys proposed for the development is two (2) storeys.</p> </td> <td></td> </tr> </tbody> </table>	Comments – Standards	Met	<p>The building height must not exceed 13.5 metres and the building must contain no more than four (4) storeys at any point. No requirements are specified in the Schedule 1 to the Residential Growth Zone.</p> <p>The maximum height of the development is 8.065m above ground level achieved by Dwelling 3. The maximum number of storeys proposed for the development is two (2) storeys.</p>	
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55.03-3 Site coverage objective					
Standard B8	<table border="1"> <thead> <tr> <th>Comments – Standards</th> <th>Met</th> </tr> </thead> <tbody> <tr> <td> <p>The maximum site coverage should not exceed 60%. There is no additional requirement specified in Schedule 1 to the Residential Growth Zone.</p> <p>The proposed site coverage would be 33.39% and satisfies the standard. Landscaping would be accommodated to the front and rear of most dwellings, consistent with the character of the area and the expectations of higher density developments.</p> </td> <td></td> </tr> </tbody> </table>	Comments – Standards	Met	<p>The maximum site coverage should not exceed 60%. There is no additional requirement specified in Schedule 1 to the Residential Growth Zone.</p> <p>The proposed site coverage would be 33.39% and satisfies the standard. Landscaping would be accommodated to the front and rear of most dwellings, consistent with the character of the area and the expectations of higher density developments.</p>	
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55.03-4 Permeability objectives					
Standard B9	<table border="1"> <thead> <tr> <th>Comments – Standards and Objectives</th> <th>Met</th> </tr> </thead> <tbody> <tr> <td> <p>The site area to be covered by pervious surfaces should be a minimum of 20% of the site. There is no requirement specified in the Schedule 1 to the Residential Growth Zone.</p> <p>The proposed development would have a permeable area of 44.78% of the site.</p> </td> <td></td> </tr> </tbody> </table>	Comments – Standards and Objectives	Met	<p>The site area to be covered by pervious surfaces should be a minimum of 20% of the site. There is no requirement specified in the Schedule 1 to the Residential Growth Zone.</p> <p>The proposed development would have a permeable area of 44.78% of the site.</p>	
Comments – Standards and Objectives	Met				
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55.03-5 Energy efficiency objectives		
Standard B10	Comments – Standards and Objectives	Met
	<p>A sustainable Design Assessment has been provided and reviewed. Each dwelling achieves a 6.5 star rating.</p> <p>The proposal would include north facing open space where possible, with Dwellings Nos.5-11 provided north facing balconies in addition to south facing SPOS. In addition, living areas would be orientated to the north, with Dwellings Nos. 5-11 provided a first floor living with access to the balcony with a northern elevation.</p> <p>Generous eaves would be provided to allow for passive heating and cooling, offering shading of windows to the north in summer months.</p>	
55.03-6 Open space objective		
Standard B11	Comments – Standards and Objectives	Not applicable
	<p>No public or communal open space provided in or adjacent to this development.</p>	
55.03-7 Safety objective		
Standard B12	Comments – Standards and Objectives	Met
	<p>Dwellings No. 1 and No. 11 would be directly visible from Janson Place. The remaining 9 dwellings would be accessible via the common accessway which allows for passive surveillance. Safety would be ensured through the provision of external lighting along the proposed common accessway.</p> <p>If a permit is issued, a condition will be included requiring external lighting be provided to the development, capable of illuminating access to each garage and the common property.</p>	
55.03-8 Landscaping objectives		
Standard B13	Comments – Standards and Objectives	Met
	<p>The proposal would provide a suitable and appropriate level of landscaping opportunities throughout the site, both within SPOS areas to dwellings and within the common property adjacent to the driveway.</p> <p>A landscape plan was not submitted with the application. A detailed landscape plan would be required a condition of permit if issued, including:</p> <ul style="list-style-type: none"> the provision of one canopy tree per dwelling, 	

	<ul style="list-style-type: none"> • two canopy trees within the common front setback, • ensuring the easement is kept clear of substantial planting, with any landscaping being smaller in scale to ensure no adverse impact on assets within the easement.
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55.03-9 Access objectives

Standard B14	Comments – Standards and Objectives	Met
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	<p>A new crossover is proposed to Janson Place, to be constructed to Council standards to a width of 6.2 metres and will connect to a common accessway and utilised for access to all the dwellings.</p> <p>The frontage of the property is 10.11 metres. The crossover will take up 61.3% of the site frontage against the maximum 40% allowed under the standard.</p> <p>Given the narrow frontage, the context of the site at the head of a court bowl, and the need to provide passing space for vehicles at the entry to the development, the proposed crossover arrangement is considered appropriate when assessed against the objectives of the standard.</p>
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55.03-10 Parking location objectives

Standard B15	Comments – Standards and Objectives	Met
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	<p>Car parking spaces are conveniently located to each dwelling. Three (3) visitor car spaces have been provided to the east corner of the site.</p>
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55.04 AMENITY IMPACTS

55.04-1 Side and rear setbacks objective

Standard B17	Comments – Standards	Met
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	<p>The proposed development would meet the objectives as per the plans, with the side and rear setbacks consistent with the Rescode standards.</p> <p>Ground floor setbacks respond to the requirements of Rescode, with first floor setbacks generous in nature from all boundaries.</p>
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55.04-2 Walls on boundaries objective

Standard B18	Comments – Standards	Not Applicable
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	<p>There are no proposed walls on boundaries.</p>
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55.04-3 Daylight to existing windows objective		
Standard B19	Comments – Standards	Met
	<p>Existing windows do not exist on any properties to the east, south and west of the site.</p> <p>Properties to the north are set back at least 16 metres from the proposed development, ensuring no daylight to existing windows are impacted upon.</p>	
55.04-4 North-facing windows objective		
Standard B20	Comments – Standards	Met
	<p>There are no existing north - facing windows that would be impacted upon by the proposed development.</p>	
55.04-5 Overshadowing open space objective		
Standard B21	Comments – Standards	Met
	<p>The proposed development would not cause any unreasonable overshadowing to adjoining properties. The shadow diagrams submitted with the application demonstrate that the proposal would meet the requirements of Standard B21.</p> <p>No overshadowing impact would occur to SPOS areas of the dwellings adjoining to the east of the site.</p> <p>No overshadowing impact would occur to the commercial premises to the south.</p> <p>No overshadowing impact would occur to the dwellings adjoining the site to the north.</p> <p>The sites to the west are not currently developed. The proposal would not unreasonably overshadow these sites should development occur in the future.</p>	



55.04-6 Overlooking objective

Standard B22

Comments – Standards and Objective

Met

Overlooking from the ground floor of all dwellings would be mostly prevented by boundary fences and setbacks. The proposal would provide 1.8m high paling fences to the north, south and east boundaries.

All relevant upper-level habitable room windows would include appropriate design responses such as sill heights of at least 1.7 metres above floor level, or fixed obscure glazing to any part of the window below 1.7 metres above floor level, where overlooking potential exists.

55.04-7 Internal views objective		
Standard B23	Comments – Standards and Objectives	Met
	<p>The proposal would generally meet this objective with no internal overlooking likely.</p> <p>Internal fences separating private open space areas are shown as 1.8-meter-high paling fences, limiting views.</p>	
55.04-8 Noise impacts objectives		
Standard B24	Comments – Standards and Objectives	Met
	<p>There would be no obvious noise sources to or from the development.</p> <p>The noise generated from the site is anticipated to be normal levels of residential noise.</p>	

55.05 ON-SITE AMENITY AND FACILITIES

55.05-1 Accessibility objective		
Standard B25	Comments – Standards and Objectives	Met
	<p>Dwellings could be modified for mobility needs. At least one bedroom is located on the ground floor for Dwellings No. 1 and No. 11, and ramp access can be provided if necessary.</p>	
55.05-2 Dwelling entry objective		
Standard B26	Comments – Standards and Objectives	Met
	<p>The dwelling entries would be visible and easily identifiable. A sense of address and shelter would be provided with a porch to each dwelling.</p> <p>Dwelling No. 1 and Dwelling No.11 porch entries would be visible from Janson Place with conditions requiring no fencing forward of the porches.</p> <p>The remaining dwellings have entry access via the internal accessway, each provided with a porch.</p> <p>Landscaping and Letterboxes would provide clear indication that multiple dwellings exist on the site.</p>	
55.05-3 Daylight to new windows objective		
Standard B27	Comments – Standards	Met

	<p>Adequate daylight would be available to all windows proposed in the development.</p> <p>All new habitable room windows within the development would be located to face an outdoor area of at least 3.0sqm within a minimum dimension of 1.0m clear to the sky.</p>	
55.05-4 Private open space objective		
Standard B28	Comments – Standards	Met
	<p>Each dwelling should have private open space of 40sqm with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling with a minimum of 25sqm, a minimum dimension of 3 metres and convenient access from a living room.</p> <p>The proposal would meet this objective, with the proposed secluded private open space and private open space for each dwelling being:</p> <ul style="list-style-type: none"> • Dwelling 1: 251.58 sqm POS, 239.81 sqm SPOS, 8.35 sqm Balcony • Dwelling 2: 165.24 sqm POS, 153.18 sqm SPOS, 8.48 sqm Balcony • Dwelling 3: 117.55 sqm POS, 110.81 sqm SPOS, 8.42 sqm Balcony • Dwelling 4: 114.88 sqm POS, 110.81 sqm SPOS, 5.86 sqm Balcony • Dwelling 5: 106.51 sqm POS, 76.97 sqm SPOS, 10.67 sqm Balcony • Dwelling 6: 40.13 sqm POS, 40.13 sqm SPOS, 10.67 sqm Balcony • Dwelling 7: 40.38 sqm POS, 40.38 sqm SPOS, 10.59 sqm Balcony • Dwelling 8: 44.34 sqm POS, 44.34 sqm SPOS, 10.59 sqm Balcony • Dwelling 9: 50.31 sqm POS, 43.93 sqm SPOS, 8.3 sqm Balcony • Dwelling 10: 50.13 sqm POS, 43.75 sqm SPOS, 8.3 sqm Balcony • Dwelling 11: 103.02 sqm POS, 75.24 sqm SPOS, 8.35 sqm Balcony. 	
55.05-5 Solar access to open space objective		
Standard B29	Comments – Standards and Objectives	Met

The proposal would meet this objective, with the SPOS of all the dwellings shown to receive adequate solar access.

- Dwelling 1 – No wall to the north of the SPOS
- Dwelling 2 – No wall to the north of the SPOS
- Dwelling 3 – No wall to the north of the SPOS
- Dwelling 4 – No wall to the north of the SPOS
- Dwelling 5 – No wall to the north of the SPOS
- Dwelling 6 – The 6.17 metre high first floor wall to Un Dwelling it 6 is setback a minimum 7.71 metres from the southern boundary of the ground floor SPOS, which complies with the standard.
- Dwelling 7 – The 6.1 metre high first floor wall to Dwelling 7 is setback a minimum 7.71 metres from the southern boundary of the ground floor SPOS, which complies with the standard.
- Dwelling 8 – The 6.1 metre high first floor wall to Un Dwelling it 8 is setback a minimum 8.29 metres from the southern boundary of the ground floor SPOS, which complies with the standard.
- Dwelling 9 – The 6.1 metre high first floor wall to Dwelling 9 is setback a minimum 8.29 metres from the southern boundary of the ground floor SPOS, which complies with the standard.
- Dwelling 10 – The 6.1 metre high first floor wall to Dwelling 10 is setback a minimum 8.29 metres from the southern boundary of the ground floor SPOS, which complies with the standard.
- Dwelling 11 – The 6.1 metre high first floor wall to Dwelling 11 is setback a minimum 8.29 metres from the southern boundary of the ground floor SPOS, which complies with the standard.

It is noted that whilst the ground floor SPOS areas of Dwellings Nos. 6- 11 is south of the dwellings, first floor balconies are north facing and would be provided adequate solar access.

55.05-6 Storage objective

To provide adequate storage facilities for each dwelling

Standard B30	Comments – Standards.	Met
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The proposal would meet the objective as 6 cubic metres of storage would be provided for each dwelling either within the garage or within the SPOS of dwellings via a shed.

55.06 DETAILED DESIGN

55.06-1 Design detail objective

Standard B31	Comments – Standards and Objectives	Met
	<p>The proposed built form and materials would be respectful of the existing character whilst promoting a contemporary response to the future neighbourhood character.</p> <p>The proposed built form and materials would consist of contemporary and traditional materials. The walls would be a combination of brick and lightweight cladding with a render finish. Roofs would be metal and skillion in style. The colours schedule would be contemporary and dark.</p> <p>The development would provide an appropriate level of articulation, provided by way of different roof forms between levels, recession of upper levels, eaves and overhangs, material and colour variation from ground to first floor level. These would create visual interest and reduce first floor bulk.</p>	
55.06-2 Front fences objective		
Standard B32	Comments – Standards	Met
	<p>If a permit is issued, a condition will be included to ensure that no front fence is provided. Fencing will not be permitted forward of the porch to Dwellings No.1 and No. 11.</p>	
55.06-3 Common property objectives		
Standard B33	Comments – Standards and Objectives	Met
	<p>The common accessway would be in common property and could be affectively managed.</p>	
55.06-4 Site services objectives		
Standard B34	Comments – Standards and Objectives	Met
	<p>The proposal would meet this objective, as services can be comfortably provided at the site. Each Dwelling would have ample space for the provision of required services.</p>	