

## Clause 55 (Rescode) 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 <input checked="" type="checkbox"/> Not Met <input type="checkbox"/>
	<p>Complies -</p> <p>The site layout includes development of a second dwelling on the lot with proposed 2 lot subdivision.</p> <p>The existing front dwelling is located to the front of the site and is set back 6.96 metres from the front boundary. It is accessed via its own pre-existing accessway and crossover to the street. It has one existing car space (single car port) located in the front setback area.</p> <p>The proposed dwelling is located in Lot 2 (at the rear). It features a rear boundary setback of 2.91-4.8 metres and side boundary setbacks of 2.89-3.26 metres. It is double storey in height.</p> <p>The proposed dwelling has one single garage parking space and one additional car space.</p> <p>The front proposed converted dwelling is timber weatherboard (painted white) with Colorbond (grey) roof. The rear existing dwelling to the rear utilises similar materials. This is consistent with the surrounding build form. The materials complement the range of built form styles found in the area.</p> <p>Overall, the design is visually compatible with the neighbourhood character including façade articulation and detailing door and window proportions roof form and eaves materials and finishes.</p>	

	<p>Ryrie Street is characterised by predominantly single storey dwellings with pitched tile roofs. There are at least nine (9) unit developments within 250 metres of the subject site. The developments at 34-36 Harker St which consist of two (2) single storey brick veneer dwellings, directly back onto the subject site. At 122-124 Maroondah Highway, there are two (2) single storey brick veneer dwellings. Double storey dwellings are sited at 10 and 12 Ryrie Street.</p> <p>Although the predominant character is single storey, there are examples of other double storey dwellings in the area.</p> <p>The zone requirements allow for incremental change and the addition of a double storey dwelling in the rear yard area in close proximity to the activity centre of Healesville is considered to be an appropriate incremental change from the existing single and occasional double story character having regard to the number of other unit developments in proximity to the subject site. Vehicle access and parking facilities will not dominate the street frontage as both the dwellings will be accessed via their own pre-existing accessways.</p> <p>The development will provide a good standard of accommodation for future residents and will not adversely affect the neighbour’s amenity or their development potential. The neighbourhood and site description and design response submitted with the proposal has been reviewed and is generally acceptable.</p> <p>Overall, it is considered that the proposal is a suitable design response and outcome for the site.</p>	
55.02-2 Residential policy objectives		
Standard B2	Comments – Standards and Objectives	Met <input checked="" type="checkbox"/> Not Met <input type="checkbox"/>
	<p>Complies - Reflective of State Government policy and objectives.</p> <p>The subject site is located in an area with access to Bus routes along Maroondah Highway and walkable access to Commercial Centre of Healesville.</p>	
55.02-3 Dwelling diversity objective		
Standard B3	Comments – Standards and Objectives	Met <input checked="" type="checkbox"/> Not Met <input type="checkbox"/>
	Not applicable.	
55.02-4 Infrastructure objectives		
Standard B4	Comments – Standards and Objectives	Met <input checked="" type="checkbox"/> Not Met <input type="checkbox"/>
	Complies -	

	All services are available and can be modified to accommodate the increased intensity of the development proposal. Standard infrastructure conditions will be applied.	
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>Complies -</p> <p>The development is to the rear and therefore there is limited opportunity to integrate with the street. Nevertheless the dwelling integrates well with the street via an appropriately designed accessway.</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"/>
	Not applicable. The proposed dwelling is to the rear.	
55.03-2 Building height objective		
Standard B7	Comments – Standards	Met <input checked="" type="checkbox"/> Not Met <input type="checkbox"/>
	The building height of the proposed double storey dwelling is 7.48 metres, well below the 9 metre maximum prescribed.	
55.03-3 Site coverage objective		
Standard B8	Comments – Standards	Met <input checked="" type="checkbox"/> Not Met <input type="checkbox"/>
	<p>Complies -</p> <p>Entire site is 26.40 percent</p> <ul style="list-style-type: none"><li>Proposed Lot 1: Site coverage: 29.9 percent</li><li>Proposed Lot 2: Site coverage: 25.2 percent</li></ul> <p>The site coverage is well within the 60 percent maximum in this Standard.</p>	

**55.03-4 Permeability objectives**

<b>Standard B9</b>	<b>Comments – Standards and Objectives</b>	<b>Met <input checked="" type="checkbox"/> Not Met <input type="checkbox"/></b>
	<p>Complies -</p> <p>Entire site is 73.6 percent</p> <p>Proposed Lot 1: Permeability: 290.18m<sup>2</sup> = 70.1 percent</p> <p>Proposed Lot 2: Permeability: 446.39m<sup>2</sup> = 74.8 percent</p> <p>The permeability is well above the 20 percent minimum in this Standard which is compliant.</p>	

**55.03-5 Energy efficiency objectives**

<b>Standard B10</b>	<b>Comments – Standards and Objectives</b>	<b>Met <input checked="" type="checkbox"/> Not Met <input type="checkbox"/></b>
	<p>Complies -</p> <p>Both dwellings have good energy efficiency as some of the common areas are located on the north side of the buildings and open space is located on the west side of the dwellings with access to north sunlight. Opportunities for outdoor clothes drying facilities exist. Eaves provided to north-facing windows.</p>	

**55.03-6 Open space objective**

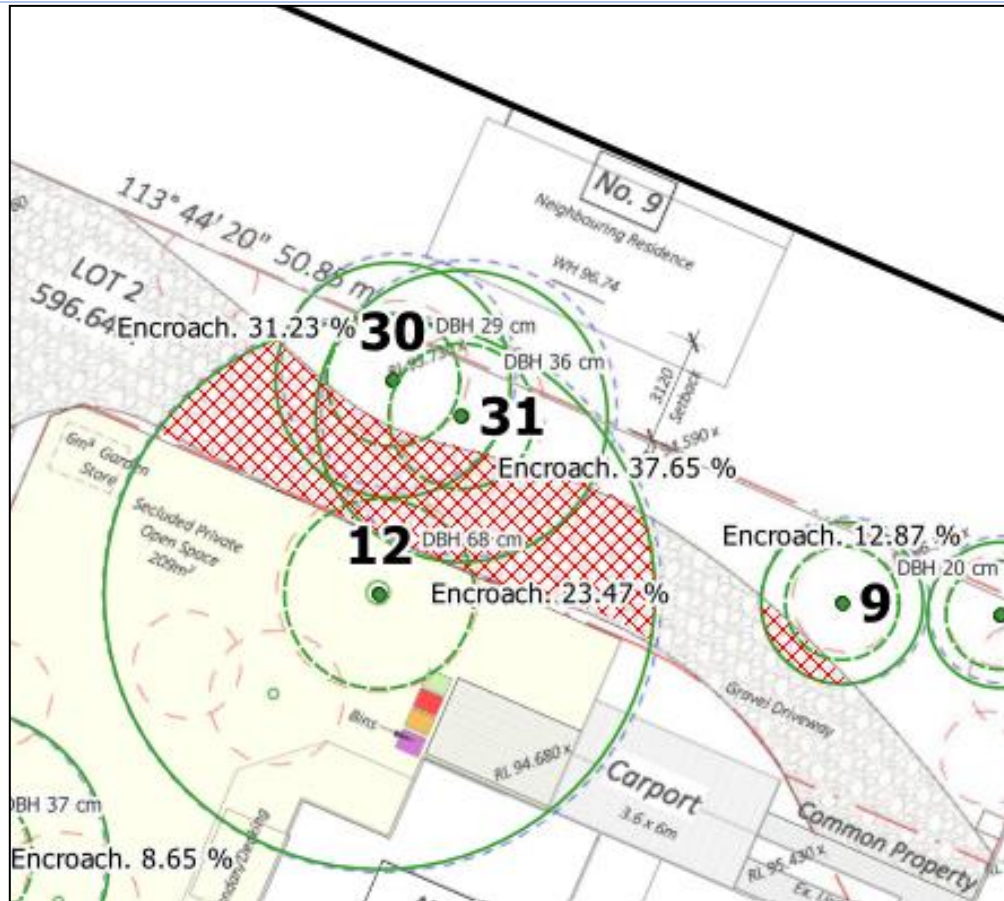
<b>Standard B11</b>	<b>Comments – Standards and Objectives</b>	<b>Met <input checked="" type="checkbox"/> Not Met <input type="checkbox"/></b>
	<p>Complies -</p> <p>No community open space facilities are located adjacent to the proposal.</p>	

**55.03-7 Safety objective**

<b>Standard B12</b>	<b>Comments – Standards and Objectives</b>	<b>Met <input checked="" type="checkbox"/> Not Met <input type="checkbox"/></b>
	<p>Complies -</p> <p>Each of the 2 dwellings have appropriately designed front entries. The existing dwelling's front entry is visible from the street. The proposed dwelling's front entry is visible via the accessway and parking areas are provided with appropriate passive surveillance from nearby windows.</p>	

### 55.03-8 Landscaping objectives

Standard B13	Comments – Standards and Objectives	Met <input checked="" type="checkbox"/> Not Met <input type="checkbox"/>
	<p>Complies with conditions –</p> <p>The proposal will involve the removal of twenty (20) trees from the subject site however only a limited number of those are considered substantial vegetation species. Of the twenty (20) being removed only one (1) are substantial but is exempt from a permit required as it is within 2m of a boundary.</p> <p>The Soft Tree Fern (<i>Dicksonia antarctica</i>) which is proposed for removal can be transplanted and this secured by way of condition.</p> <p>There are four (4) trees which require tree protection measures in order to have the best chance of survival. Those are Trees #9, 12, 30 and 31 which are a Japanese Maple (<i>Acer palmatum</i>), Kurrajong (<i>Brachychiton populneus</i>), Weeping Bottlebrush (<i>Callistemon viminalis</i>), and a Snow in Summer (<i>Melaleuca linarifolia</i>). Tree protection zones of these trees will be encroached by 12.9 percent, 23.5 percent, 31.2 percent and 37.6 percent respectively. However driveway sensitive construction can allow adequate protection for the trees.</p> <p>The application is accompanied by a Concept Landscape Plan. The landscape plan shows the setbacks afforded between the proposed dwelling and property boundaries would allow for planting of one canopy tree (<i>Acacia pycnantha</i>) within the side yard area in along the south side boundary, the landscape plan is deficient in detail and will have a condition to be amended.</p> <p>Should a planning permit be granted, several conditions will be required for tree protection of driveway impacted trees (driveway sensitive construction), Tree Protection Fencing, Street Tree Protection, Tree Fern Transplantation, Installation of Service, Tree Removal, a full landscape plan, and landscaping undertaken to Council's satisfaction and completed prior to occupation of the second dwelling.</p>	



The above figure details a snip from the development plans showing the tree protection zones and accessway encroachment for Trees #9, 12, 30 and 31.

#### 55.03-9 Access objectives

##### Standard B14

Comments – Standards and Objectives

Met ☒ Not Met ☐

Complies –

The site frontage is 20.19 metres wide and the existing crossover (proposed to be extended) will take up less than 19 percent of the frontage. The proposal has therefore been assessed to meet Standard B14. The single extended vehicle crossover to Ryrie Street will not exceed 40 per cent of the street frontage.

#### 55.03-10 Parking location objectives

##### Standard B15

Comments – Standards and Objectives

Met ☒ Not Met ☐

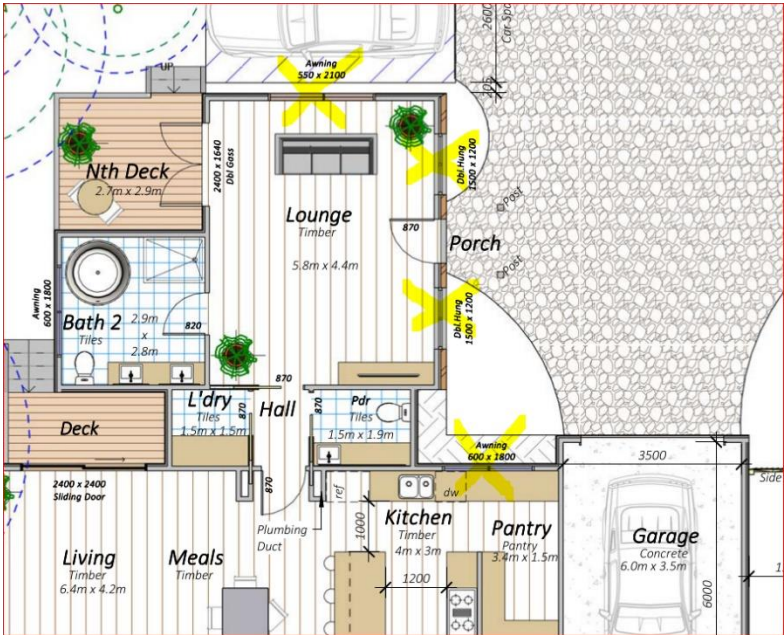
Complies subject to condition –

Car parking for the proposed dwelling is in the form of a single garage and separate single car space. These are both conveniently located next to the proposed dwelling. Adequate vehicle manoeuvrability is available within



the site which achieves the required turning radius. A single carport and tandem space is provided for the existing dwelling in the area where car parking was previously provided. All these facilities are located conveniently close to dwellings and allow for adequate vehicle manoeuvrability both within and to/from the site.

With regard to windows, shared accessways or car parks of other dwellings 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.



Above figure, showing location of assessed windows.

Proposed Dwelling (Habitable Window proximity Accessway in to or Car space)	Sill Height (above accessway level)	Required setback from Accessway or Car space (factoring in Sill height)	Actual setback (closest point)	Complies?
North facade: Lounge	1.8 metres	1.0 metre	0.35 metre	No
East facade: Northern most Lounge	0.9 metre	1.5 metres	0.15 metre	No
East facade: Southernmost Lounge	0.9 metre	1.5 metres	0.25 metre	No
North facade: Kitchen	1.5 metres	1.0 metre	1.0 metre	Yes

As can be seen from the assessment table above, the Lounge room window on the north façade, and the northern and southern most windows on the east façade do not meet the standard. In order to determine if the application can vary the standard, the decision guidelines can be considered in this instance.

The decision guidelines advise that:

*Before deciding on an application, the responsible authority must consider the design response.*

In considering the design response it is reasoned that the 3 non-complying windows can be treated with double glazing to prevent the transmission of sound and their sill height raised to 1.5 metres as a condition of any approval. 1.5 metres is determined by considering the height of a typical vehicles headlights which range from 700mm-1.2 metres above ground level. The additional 300mm accounts for some light spill. This is considered appropriate and achievable.

There are no habitable room windows within 1.5 metres of the accessway on the existing dwelling.

## 55.04 AMENITY IMPACTS

### 55.04-1 Side and rear setbacks objective

**Standard B17**

Comments – Standards

Met ☒ Not Met ☐

Complies –

The proposed double storey dwelling is setback in accordance with standard provisions as demonstrated in the table below:

Elevation	Maximum Wall Height	Required Minimum Setback	Provided Minimum Setback
North:	6.68 metres	1.92 metres	10.88 metres
East:	5.41 metres	1.54 metres	32.94 metres
South:	6.33 metres	1.82 metres	2.89 metres
West:	7.39 metres	2.48 metres	3.81 metres

The amenity considerations of the clause are therefore considered to be met.



**55.04-2 Walls on boundaries objective****Standard  
B18**

Comments – Standards

Met ☒ Not Met ☐

Complies –

There are no walls on boundaries proposed.

**55.04-3 Daylight to existing windows objective****Standard  
B19**

Comments – Standards

Met ☒ Not Met ☐

Complies –

There are no habitable room windows on adjoining lots within 3 metres of the proposed development. Therefore, adequate daylight will be received to existing windows.

**55.04-4 North-facing windows objective****Standard  
B20**

Comments – Standards

Met ☒ Not Met ☐

Complies –

There are no neighbouring north facing habitable room windows within 3 metres of the boundary.

**55.04-5 Overshadowing open space objective****Standard  
B21**

Comments – Standards

Met ☒ Not Met ☐

Complies –

the provision covers existing dwellings only and there is only one affected property to the south of the proposed dwelling at No.30 Harker Street. The site is under construction so its questionable whether this is considered an existing dwelling, however for the benefit of any doubt, an assessment is provided:

Overshadowing to SPOS (amount increase) to 30 Harker Street:

Time on 22 September	Quantity of additional land overshadowed inside neighbouring SPOS at 30 Harker Street
9am	0.809 square metres

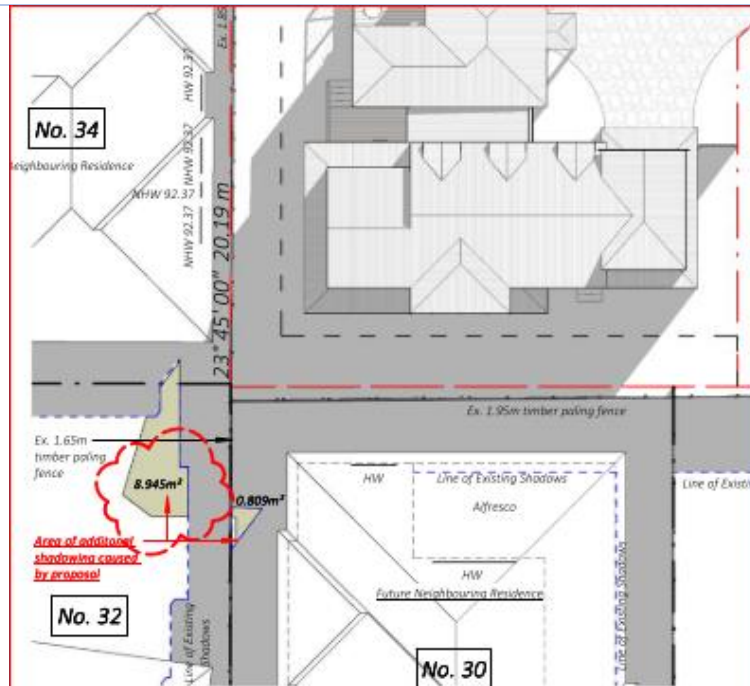
<b>10am</b>	0.225 square metres
<b>11am</b>	0.218 square metres
<b>12-midday</b>	0 square metres
<b>1pm</b>	0 square metres
<b>2pm</b>	0 square metres
<b>3pm</b>	0 square metres

The area of SPOS has been calculated from the endorsed plans from the relevant planning permit YR-2022/881 for 30 Harker Street, approved 22 August 2023 and endorsed amended plans issued 29 May 2024 under YR-2022/881/1. The shadow of the existing fence is not included in the calculations. A snip of the 30 Harker Street site plan is shown below indicating the SPOS area (not identified on the plans) is 50 square metres. Snips of the relevant overshadowing diagrams from 9am, 10am, 11am and 12-midday are also provided below. The overshadowing reduces it by 0.225 square metres at 10am and 0.218 square metres at 11am. However, it is not necessary to include the 9am in the calculation as the 5-hour requirement can span 9am-2pm or 10am-3pm, however I have included it therefore consideration of the broader context.

The Secluded Private Open Space (SPOS) area for 30 Harker Street is 50 square metres (see plan measurements below) but the standard requires at least 75 percent or 40 square metres of SPOS to have solar access between 9am and 3pm. The lesser area in this case is 40 square metres and this is reduced by a total of 0.443 square metres for 5 hours which is within the 50 square metres and greater than the allowable 40 square metres (leaves 49.55 square metres with solar access between 9am-3pm) which is greater than 40 square metres. Therefore, the area of additional overshadowing is to the south outside of the calculated SPOS area is shown to be acceptable in that at least 40 square metres of SPOS area will achieve 5 hours of sunlight between 9am-3pm.

Calculations have not been necessary for the overshadowing to 32 Harker Street as the overshadowing of their SPOS (of 8.94 square metres) only occurs in the first hour (9-10am) and all other hours are unencumbered by any additional overshadowing.

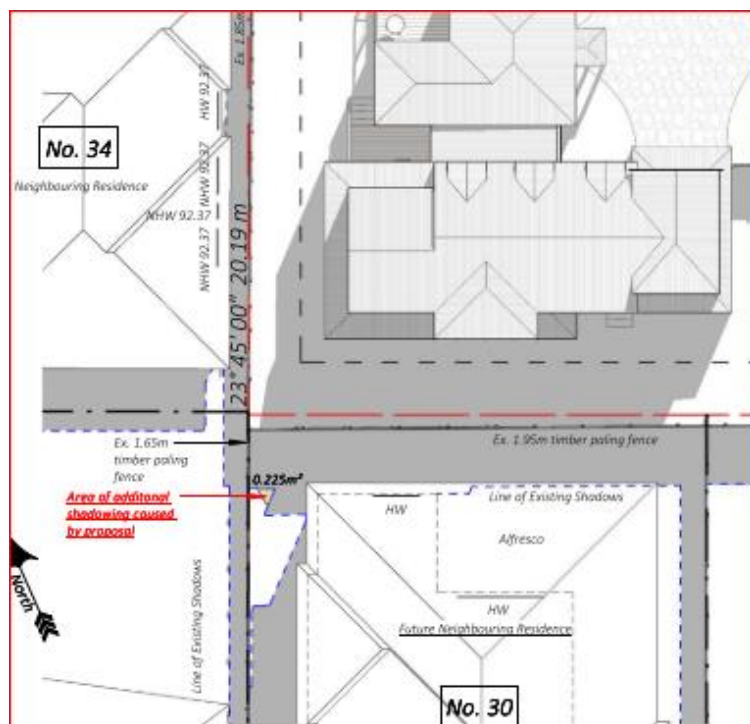
Adequate solar access is achieved to POS.



### Shadows - 9am

Scale: 1 : 200

Note

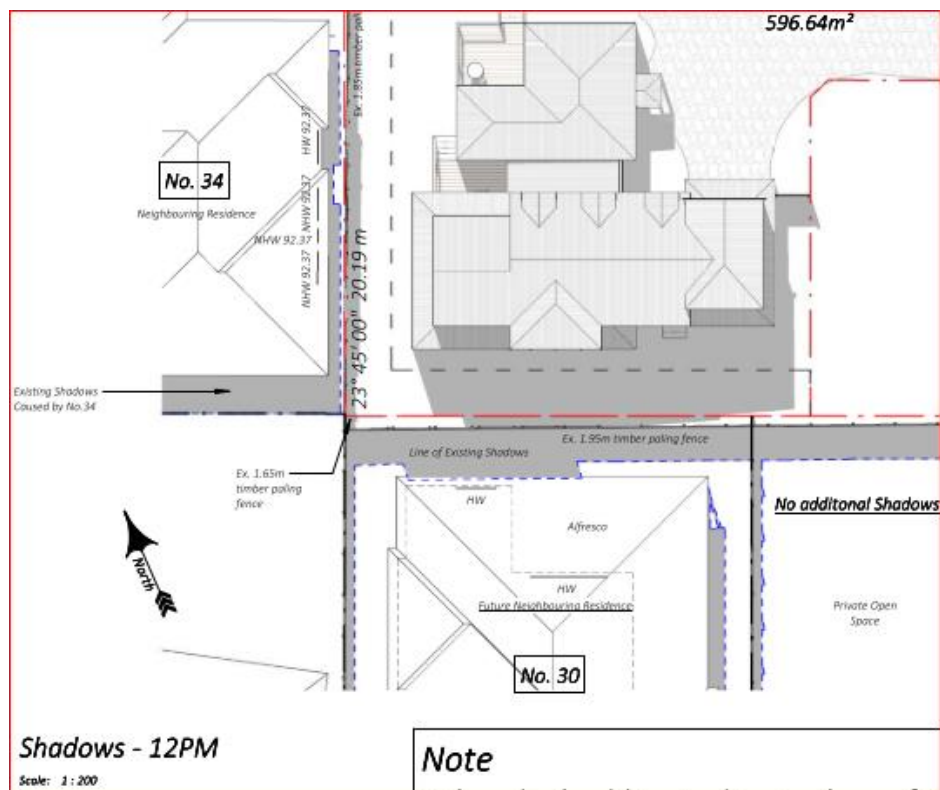
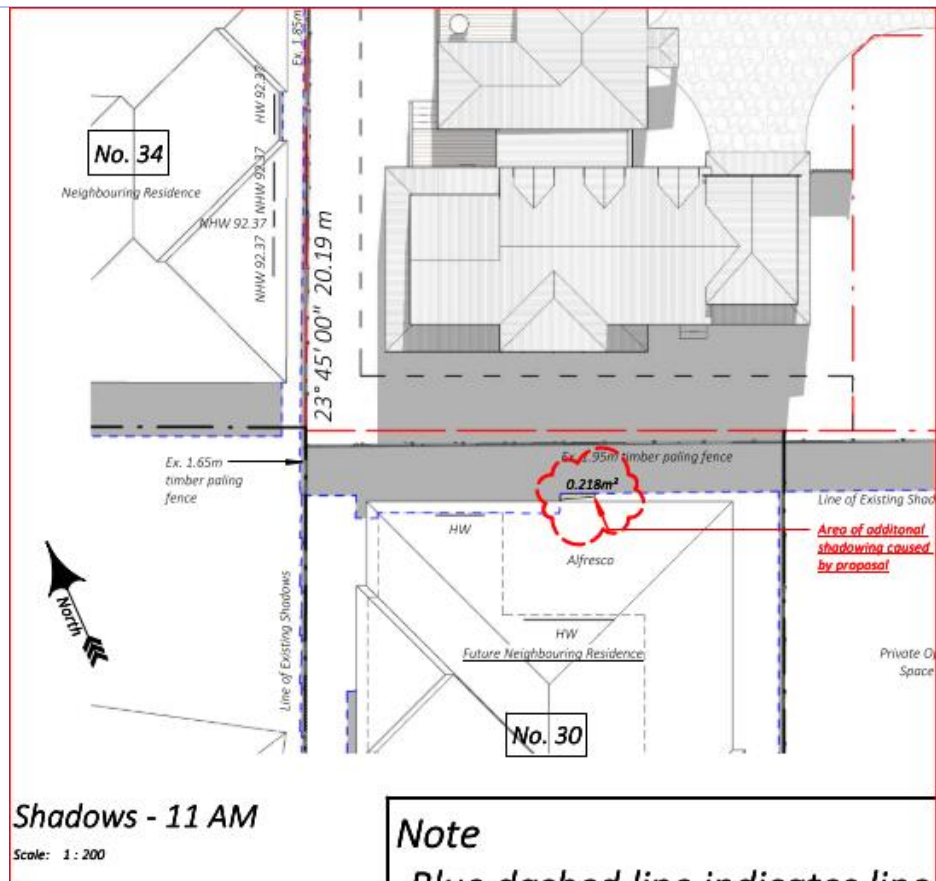


### Shadows - 10am

Scale: 1 : 200

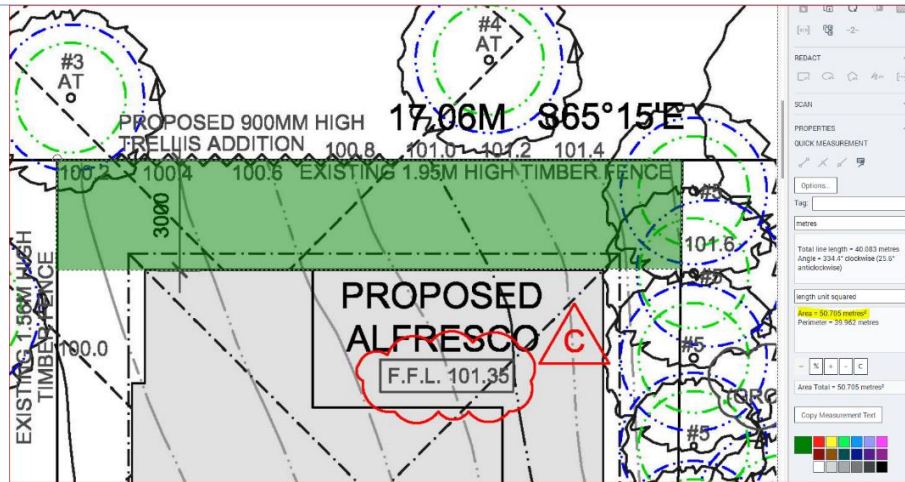
Note

- Blue dashed line indicates
- Yellow hatch indicates ex



The 4 figures above indicate overshadowing between 9am-12midday.

The 1-3pm diagrams have been excluded as there is no overshadowing at that time.



The figure above is taken from the endorsed plan dated 29 May 2024 under YR-2022/881/1 of the secluded private open space area of 30 Harker Street indicating the area calculation as being 50 square metres.

It is noted that a review of the relevant decision for that property did not provide any figures.

#### 55.04-6 Overlooking objective

##### Standard B22

Comments – Standards and Objective

Met ☒ Not Met ☐

Complies -

There are no unreasonable instances of overlooking.

First considering ground floor overlooking, all side and rear boundary fences exceed 1.8 metres within 9 metres of all ground floor habitable room windows. All floor levels are less than 800mm.

Secondly considering upper floor overlooking, an assessment of all upper floor windows follows detailing full compliance:

	Bed 1	Ensuite	Bed 3	Bath/ Pdr	Bed 2	Stairwell/ Passage
<b>North:</b>	No screening as no overlooking within 9 metres	Not required for bathrooms.	No screening as no overlooking within 9 metres	Not required for bathrooms.	No screening as no overlooking within 9 metres	-
<b>East:</b>	-	-	-	-	High sill window, 1.7 metres above Floor Level	-
<b>South:</b>	-	-	-	Not required for bathrooms.		Not required for stairwell / passages
<b>West:</b>	High sill window, 1.7 metres above Floor Level	-	-	-	-	Not required for stairwell / passages

The development is assessed to comply with overlooking provisions, however it is noted that the east elevation showing the Bedroom 2 high sill window is not dimensioned. This is measured on the drawings to be 1.7 metres above the floor level however it needs to be dimensioned on the elevations. Therefore, a requirement of any permit granted will be for this dimension to be provided.

#### 55.04-7 Internal views objective

<b>Standard B23</b>	Comments – Standards and Objectives	Met <input checked="" type="checkbox"/> Not Met <input type="checkbox"/>
---------------------	-------------------------------------	--

Complies -  
There will be no internal views within this development.

#### 55.04-8 Noise impacts objectives

<b>Standard B24</b>	Comments – Standards and Objectives	Met <input checked="" type="checkbox"/> Not Met <input type="checkbox"/>
---------------------	-------------------------------------	--

Complies –  
There will no mechanical noise sources near the site and proposed plant within the site that would affect future residents of the proposal.

## 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"/>
	Complies –  The entries of each dwelling are suitably designed for persons with limited mobility in that it can readily be fitted-out with handrails etc with minimal additional structural changes required.	
55.05-2 Dwelling entry objective		
Standard B26	Comments – Standards and Objectives	Met <input checked="" type="checkbox"/> Not Met <input type="checkbox"/>
	Complies –  Both dwellings front entries are readily visible from the street or driveway and parking area is provided with appropriate passive surveillance. Each dwelling entry is easily identifiable and provides sense of personal address, shelter and appropriate transition.	
55.05-3 Daylight to new windows objective		
Standard B27	Comments – Standards	Met <input checked="" type="checkbox"/> Not Met <input type="checkbox"/>
	Complies –  All habitable room windows face the open sky or are provided with adequate light courts.	



**55.05-4 Private open space objective****Standard  
B28**

Comments – Standards

Met ☒ Not Met ☐

Complies -

Adequate private open space (POS), and secluded private open space (SPOS) has been provided.

For the proposed dwelling plans indicate 105.37square metres of SPOS is provided, however this area includes an area of less than 3.0m in dimension and is therefore excluded from the calculation. The actual area is 70 square metres which is still well above the minimum for both POS and SPOS.

<b>Dwelling</b>	<b>Private Open Space (POS)</b>	<b>Secluded Private Open Space</b> (Greater than 3.0 metre dimension and not directly south of the dwelling)
<b>Existing</b>	252 square metres	206.57 square metres
<b>Proposed</b>	105.37 square metres	70 square metres

**55.05-5 Solar access to open space objective****Standard  
B29**

Comments – Standards and Objectives

Met ☒ Not Met ☐

Complies –

For the proposed dwelling, the bulk of the secluded private open space is located with clear north solar access, only an area of 30 square metres (with a minimum dimension exceeding 3.0 metres) is located to the south of the dwelling and even though that smaller section is non-compliant given the wall height to the north and insufficient setback to the south of the wall, it is inconsequential as the broader area of 70 square metres is compliant having clear north solar access and this exceeds the 25 square metres minimum for this standard.

The existing dwelling has 206 square metres of SPOS and even though a small section is encumbered by the carport, there is well in excess of 25 square metres of SPOS with clear solar access.

### 55.05-6 Storage objective

To provide adequate storage facilities for each dwelling

<b>Standard B30</b>	Comments – Standards	Met <input checked="" type="checkbox"/> Not Met <input type="checkbox"/>
	<p>Complies –</p> <p>The standard requires 6m3 of externally accessible storage to be provided. Both the existing dwelling and proposed dwelling have a 6m3 garden shed proposed.</p>	

## 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"/>
	<p>Compiles –</p> <p>The design is an acceptable outcome for the site having regard to the design detail. This is because the proposed building features a pitched roof form, eaves, features traditional light-weight materials including timber weatherboard, Colorbond in appropriate colours. The roof utilises Colorbond with “Windspray” finish being a light sandy brown colour. The façade features James Hardie Linea, painted I Dulux “Feathersoft” (being a sandy colour). The James Hardie cladding is a pre-formed fibre cement weatherboard product. Facades also use timber cladding (in a natural finished colour), and some feature sandstone cladding. Windows are to utilise vivid white which is limited in scope. This is considered acceptable in this residential context.</p>	

### 55.06-2 Front fences objective

Standard B32	Comments – Standards	Met <input checked="" type="checkbox"/> Not Met <input type="checkbox"/>
	<p>Complies -</p> <p>There is an existing open weave style front fence of 1.8 metres in height. As this fence is existing and is of a traditional and sympathetic open weave style, it is considered acceptable to remain despite the height being 1.8 metres. There is no change proposed to this fence.</p>	

### 55.06-3 Common property objectives

Standard B33	Comments – Standards and Objectives	Met <input checked="" type="checkbox"/> Not Met <input type="checkbox"/>
	<p>Complies -</p> <p>A common property driveway is proposed. This area currently comprises 16 square metres and extends for a small section where the two accessways collide near the front of the site. This area will be readily able to be managed and represents a small area of the site.</p>	

**55.06-4 Site services objectives**

<b>Standard B34</b>	Comments – Standards and Objectives	Met <input checked="" type="checkbox"/> Not Met <input type="checkbox"/>
	<p>Complies –</p> <p>Four bins are required per dwelling, and four are provided meeting the Yarra Ranges Council standard. In addition, a suitable location for letter boxes has been shown for each property on alternative sides of the accessway fronting the street. Water tanks have been shown. The existing dwelling will be fitted with a 2,000L water tank and the proposed dwelling will be fitted with a 5,000L water tank – importantly this detail is questioned in the BMO assessment below. Clothes lines have also been detailed for each dwelling. No other site services have been shown however there is sufficient space for the suitable location of other services.</p>	