

## Clause 55 Two or More Dwellings on a Lot and Residential Buildings

The purpose of Clause 55 is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To achieve residential development that respects the existing neighbourhood character, or which contributes to a preferred neighbourhood character.
- To encourage residential development that provides reasonable standards of amenity for existing and new residents.
- To encourage residential development that is responsive to the site and the neighbourhood.

### Clause 55 Assessment (amendments in blue)

Application Type	Objectives and Standards to be met
To construct two dwellings on a lot	All of Clause 55 except Clause 55.07-1 to 55.07-15 (inclusive).

Clause	Comment
<p><b>55.01</b> NEIGHBOURHOOD AND SITE DESCRIPTION AND DESIGN RESPONSE</p> <p>An application must be accompanied by:</p> <ul style="list-style-type: none"> <li>• A neighbourhood and site description.</li> <li>• A design response.</li> </ul>	<p>✓ <b>Complies</b> – The proposed construction of two dwellings is supported by a town planning report with a site and surrounds description and details of the proposed design response. The application is also supported by a features plan.</p> <p>The proposed dwellings represent a modern and contemporary beach house design located in an area containing a mix of dwelling designs including contemporary dwellings and thus there is no overall dwelling design theme. The design response seeks to maximise the views over the Portarlington foreshore by having a predominantly glazed frontage with balconies.</p> <p>The minor amendments to the design (roof top terrace) as a consequence of changing part of the internal layout to incorporate the use of a lift does not change the overall design response.</p>
<p><b>55.01-2</b> DESIGN RESPONSE</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</li> </ul>	<p>✓ <b>Complies</b> – The proposed dwellings have been designed and accords with the neighbourhood character by the generous front and rear setbacks and use of muted and earthy natural colours.</p> <p>The surrounding neighbourhood contains established dwellings of varying scales and built form with no overall</p>



<p>description.</p> <ul style="list-style-type: none"> <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>development theme or character. However, the two-storey modern beach house design is considered to be an appropriate modern design response at this location. As advised the design seeks to maximise views to the Portarlington foreshore.</p> <p>The minor amendments to the design (rooftop terrace) as a consequence of changing part of the internal layout to incorporate the use of a lift does not change the overall design response and does not impact on the extent of views from the property at the rear as assessed by Peter Haack.</p>
<p><b>55.02-1</b> NEIGHBOURHOOD CHARACTER OBJECTIVES</p> <p>To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.</p> <p>To ensure that development responds to the features of the site and the surrounding area.</p>	<p>✓ <b>Complies</b> – The proposal respects the existing neighbourhood character and contributes a visually pleasing development within an established residential area. This is achieved by the high quality yet simple development to be constructed with muted external finishes to conform with the surrounding coastal landscape. The high-quality contemporary design accords with the Local policy requirements.</p> <p>There is also no overall preferred character in relation to this site which shows a broad variety of dwelling types from modest single storey developments to modern contemporary double storey dwellings. The dwellings on Franzel Avenue alone shows a range of different style double storey dwellings and landscaping variations that does not create any overall development pattern or theme.</p> <p>The minor amendments to the design because of changing part of the internal layout to incorporate the use of a lift does not change the overall design response as already approved.</p>
<p><b>55.02-2</b> RESIDENTIAL POLICY OBJECTIVES</p> <p>To ensure that residential development is provided in accordance with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.</p>	<p>✓ <b>Complies</b> – Refer to the attached Town Planning report which provides a response to the relevant policies of the Municipal Planning Strategy and the Planning Policy Framework.</p> <p>In addition, the proposal is consistent with housing policies of the scheme as the dwellings are located within the existing Portarlington Settlement Boundary, will increase the number of dwellings from one dwelling to</p>



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<p>To support medium densities in areas where development can take advantage of public transport and community infrastructure and services.</p> <p>Standard B2</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>Decision guidelines Before deciding on an application, the responsible authority must consider:</p> <ul style="list-style-type: none"> <li>• The Municipal Planning Strategy and the Planning Policy Framework.</li> <li>• The design response.</li> </ul>	<p>two and provide a positive response to the immediate surrounds including the provision of generous setbacks that generally accord with the surrounding character. The site is not considered to be an appropriate location for medium density.</p> <p>The site is well located and close to community facilities of Portarlington. The proposed dwellings provide an opportunity for housing diversity that meets the needs of the community.</p>
<p><b>55.02-3</b> DWELLING DIVERSITY OBJECTIVE</p> <p>To encourage a range of dwelling sizes and types in developments of ten or more dwellings.</p> <p>Standard B3</p> <p>Developments of ten or more dwellings should provide a range of dwelling sizes and types, including:</p> <ul style="list-style-type: none"> <li>• Dwellings with a different number of bedrooms.</li> <li>• At least one dwelling that contains a kitchen, bath or shower, and a toilet and wash basin at ground floor level.</li> </ul>	<p>✓ <b>N/A Only two dwellings are proposed.</b></p>
<p><b>55.02-4</b> INFRASTRUCTURE OBJECTIVES</p> <p>To ensure development is provided with appropriate utility services and infrastructure.</p>	<p>✓ <b>Complies</b> – The proposed development will be connected to all available services as required as these services are already provided at this site.</p> <p>It is not anticipated that the additional dwelling at this location will unreasonably overload the capacity utility</p>



<p>To ensure development does not unreasonably overload the capacity of utility services and infrastructure.</p>	<p>and infrastructure services.</p>
<p><b>55.02-5</b> INTEGRATION WITH THE STREET OBJECTIVE</p> <p>To integrate the layout of development with the street.</p> <p>Standard B5 Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility.</p> <p>Development should be oriented to front existing and proposed streets.</p> <p>High fencing in front of dwellings should be avoided if practicable.</p> <p>Development next to existing public open space should be laid out to complement the open space.</p> <p>Decision guidelines</p> <p>Before deciding on an application, the responsible authority must consider:</p> <ul style="list-style-type: none"> <li>• Any relevant neighbourhood character objective, policy or statement set out in this scheme.</li> <li>• The design response.</li> </ul>	<p>✓ <b>Complies</b> – The proposed dwellings appropriately respond to the existing street network by incorporating wide front setbacks for landscaping adjacent to the foreshore reserve which is a complimentary landscape approach. The design has been amended from the initial application by locating the garages to the rear of the dwellings. This provides a improved design response along the northern frontage of the dwellings.</p> <p>The application does not propose high fencing along the lot frontage and as advised the northern frontage provides a generous for landscaping which complements the adjacent landscape of the Portarlington foreshore.</p> <p>There are no Neighbourhood character polices or overlays on this site.</p> <p><a href="#">There are no changes proposed as part of the amended plans which change our previous response to this clause.</a></p>
<p><b>55.03-1</b> STREET SETBACK OBJECTIVE</p> <p>To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</p>	<p>✓ <b>Complies</b> – The proposed dwellings will create an overall consistent front setback range from 7.965m to 6.070m from west to east which is considered to be a reasonable average given the location of dwellings west and east of the subject land.</p> <p>The relevant setback distances for each dwellings are outlined within the architectural plans.</p>



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<p><b>55.03-2</b> BUILDING HEIGHT OBJECTIVE</p> <p>To ensure that the height of buildings respects the existing or preferred neighbourhood character.</p> <p>Standard B7 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>Decision guidelines Before deciding on an application, the responsible authority must consider:</p> <ul style="list-style-type: none"> <li>• Any relevant neighbourhood character objective, policy or statement set out in this scheme.</li> <li>• Any maximum building height specified in the zone, a schedule to the zone or an overlay applying to the land.</li> <li>• The design response.</li> <li>• The effect of the slope of the site on the height of the building.</li> <li>• The relationship between the proposed building height and the height of existing adjacent buildings.</li> <li>• The visual impact of the building when viewed from the street and from adjoining properties.</li> </ul>	<p>✓ <b>Complies</b> – The proposed dwellings have been designed in accordance with Standard B7 of the Planning Scheme at 9 metres above the natural ground level in accordance with Schedule 2 to the General Residential zone.</p> <p>The dwellings have been sited to provide generous setbacks to provide views through the property. Given the location of the site at the end of the road, limited height at 9 metres and the articulated design the dwellings will not have a detrimental impact on the current visual landscape.</p> <p>The amended plans incorporate a minor increase to the rooftop structure to accommodate the internal changes to the dwellings and will continue to maintain a generous setback from the dwelling at 5 Turner court. In addition obscure glazing and vertical screens have been maintained consistent with the endorsed plans to address overlooking concerns.</p> <p>The amended plans also demonstrate that the dwellings will not exceed the 9 metre mandatory height controls.</p> <p>The amended plans have also been visually assessed by Peter Haack Consulting (as attached) who has determined that the minor changes to the dwellings do not 'necessitate a change to the previous view assessment.</p>
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<p><b>55.03-3</b> SITE COVERAGE OBJECTIVE</p> <p>To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.</p> <p>Standard B8 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 per cent.</li> </ul>	<p>✓ <b>Complies</b> –. The site coverage of the dwellings is 434m2.</p>
<p><b>55.03-4</b> PERMEABILITY AND STORMWATER MANAGEMENT OBJECTIVES</p> <p>To reduce the impact of increased stormwater run-off on the drainage system.</p> <p>To facilitate on-site stormwater infiltration.</p> <p>To encourage stormwater management that maximises the retention and reuse of stormwater.</p>	<p>✓ <b>Complies</b> – Complies the garden area is 36% of the lot. The lot will discharge to the current legal point of discharge.</p>
<p><b>55.03-5</b> ENERGY EFFICIENCY OBJECTIVES</p> <p>To achieve and protect energy efficient dwellings and residential buildings.</p> <p>To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.</p>	<p>✓ <b>Complies</b> –The dwellings are orientated to the north with substantial glazing along the northern building frontage to provide substantial solar access through to the open plan living areas and bedrooms . Given the orientation of the lot and consistent with the development of the other lots along Franzel avenue solar access to the private open space to the south of the lot is limited at different times of the day as illustrated in the shadow diagrams.</p>



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<p><b>55.03-6</b> OPEN SPACE OBJECTIVE</p> <p>To integrate the layout of development with any public and communal open space provided in or adjacent to the development.</p>	<p><b>Complies</b> – No public or communal open space is proposed as a part of this development.</p> <p>As advised the design includes generous front setbacks that will complement the adjacent Portarlington Foreshore landscape.</p>
<p><b>55.03-7</b> SAFETY OBJECTIVE</p> <p>To ensure the layout of development provides for the safety and security of residents and property.</p>	<p>✓ <b>Complies</b> – The proposed dwellings have been designed to ensure safety and security of the residents and property. The entrances of the dwellings are clearly identifiable from the street.</p> <p>In addition, the development has been designed to ensure the private open space is secluded and not accessible to the public.</p>
<p><b>55.03-8</b> LANDSCAPING OBJECTIVES</p> <p>To encourage development that respects the landscape character of the neighbourhood.</p> <p>To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.</p> <p>To provide appropriate landscaping.</p> <p>To encourage the retention of mature vegetation on the site.</p>	<p>✓ <b>Complies</b> – Appropriate landscaping will be provided as part of the development. Please refer to the Landscape Plan.</p>



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<p><b>55.03-9</b> ACCESS OBJECTIVE</p> <p>To ensure the number and design of vehicle crossovers respects the neighbourhood character.</p> <p>Standard B14</p> <p>The width of accessways or car spaces should not exceed:</p> <ul style="list-style-type: none"> <li>• 33 per cent 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>✓ <b>Complies</b> – The development proposes a single crossover to service both dwellings. The width of the crossover and driveway does not exceed 33% of the lot frontage.</p>
<p><b>55.03-10</b> PARKING LOCATION OBJECTIVES</p> <p>To provide convenient parking for resident and visitor vehicles. To protect residents from vehicular noise within developments.</p>	<p>✓ <b>Complies</b> – The dwellings have been designed to accord with parking location objectives.</p> <p>Each dwelling will contain a double garage at the rear, with parking opportunities for off street carparking.</p>
<p><b>55.04-1</b> SIDE AND REAR SETBACKS OBJECTIVE</p> <p>To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.</p>	<p>✓ <b>Complies</b> – The dwellings have been designed in accordance with the side and rear setback objectives. There are no preferred neighbourhood character limits however the dwelling side setbacks consist of 5.6metres along the eastern boundary and 2 metres along the western boundary.</p>



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<p><b>55.04-2</b> WALLS ON BOUNDARIES OBJECTIVE</p> <p>To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.</p>	<p>✓ <b>Complies</b> – NA, no walls on boundaries are proposed.</p>
<p><b>55.04-3</b> DAYLIGHT TO EXISTING WINDOWS OBJECTIVE</p> <p>To allow adequate daylight into existing habitable room windows.</p>	<p>✓ <b>Complies</b> – NA setbacks are considered sufficient.</p>
<p><b>55.04-4</b> NORTH-FACING WINDOWS OBJECTIVE</p> <p>To allow adequate solar access to existing north-facing habitable room windows.</p>	<p>✓ <b>Complies</b> – It is considered appropriate solar access to existing north-facing habitable room windows are not impacted.</p>
<p><b>55.04-5</b> OVERSHADOWING OPEN SPACE OBJECTIVE</p> <p>To ensure buildings do not significantly overshadow existing secluded private open space.</p>	<p>✓ <b>Complies</b> – The dwellings have been designed in accordance with the provisions of Standard B21 as shown in the attached plans. Over shadowing diagrams are provided.</p>



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<p><b>55.04-6</b> OVERLOOKING OBJECTIVE</p> <p>To limit views into existing secluded private open space and habitable room windows.</p>	<p>✓ <b>Complies</b> – The attached architectural plans demonstrate compliance with Clause 55.04-6 with the use of a fence at ground level and vertical screen windows as noted within the plans. A vertical screen is proposed along the bedroom window of eastern boundary of Unit .</p> <p>In addition, the increased rooftop terrace area does not create any overlooking issues as indicated in TP15 view lines to 5 Turner Court as views south are well over nine metres from this increased area.</p>
<p><b>55.04-7</b> INTERNAL VIEWS OBJECTIVE</p> <p>To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development.</p> <p>Standard B23</p> <p>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> – The dwellings have been designed to ensure views are limited into secluded private open space and habitable room windows within the development. The proposed balconies are located along the front of the dwellings orientated to the north. A vertical screen is proposed along the eastern boundary of Unit 1 to prevent overlooking access into the No. 8 Franzel Avenue. Also as mentioned the increased rooftop terrace area does not create any overlooking issues as indicated in TP15 view lines to 5 Turner Court as views south are well over nine metres from this increased area to the balcony and private open space of 5 Turner Court. The increased rooftop terrace also will not result in any inappropriate overlooking in properties located to the east and west.</p>
<p><b>55.04-8</b> NOISE IMPACTS OBJECTIVES</p> <p>To contain noise sources in developments that may affect existing dwellings.</p> <p>To protect residents from external noise.</p>	<p>✓ <b>Complies</b> – The site is located within an established residential area with all properties surrounding the site at containing existing dwellings. Thus, there will be no noise impacts.</p>
<p><b>55.05-1</b> ACCESSIBILITY OBJECTIVE</p> <p>To encourage the consideration of the needs of people with limited mobility in the design of developments.</p> <p>Standard B25</p> <p>The dwelling entries of the ground floor of</p>	<p>✓ <b>Complies</b> – The dwellings have been designed with ground floor facilities and ground floor access.</p>



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<p> dwellings and residential buildings should be accessible or able to be easily made accessible to people with limited mobility.</p>	
<p><b>55.05-2</b> DWELLING ENTRY OBJECTIVE</p> <p>To provide each dwelling or residential building with its own sense of identity.</p> <p>Standard B26 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> – The proposed entry points to each dwelling are visible from the street frontage and easily identifiable.</p>
<p><b>55.05-3</b> DAYLIGHT TO NEW WINDOWS OBJECTIVE</p> <p>To allow adequate daylight into new habitable room windows.</p> <p>Standard B27 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 veranda 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>Decision guidelines</p>	<p>✓ <b>Complies</b> – All habitable rooms have been designed to face an outdoor space taking into account access to daylight.</p>



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<p>Before deciding on an application, the responsible authority must consider:</p> <ul style="list-style-type: none"> <li>• The design response.</li> <li>• Whether there are other windows in the habitable room which have access to daylight.</li> </ul>	
<p><b>55.05-4</b> PRIVATE OPEN SPACE OBJECTIVE</p> <p>To provide adequate private open space for the reasonable recreation and service needs of residents.</p>	<p><b>Variation Required</b> – A variation is required under this standard which has arose from developing the garages to the rear of both dwellings. This has resulted in improvements to the dwelling frontage and reduction of one crossover which improves the amenity of the dwelling and lot frontage when viewed from the public realm.</p> <p>Therefore, some of the private open space area at the rear of the dwelling is required for gravel driveways to each garage. Whilst its function as a driveway is not considered to constitute private open space it still contributes to the large open area at the rear of the dwellings and is more desirable than having garages at the front of each lot.</p> <p>Other private open space areas include the following:</p> <ul style="list-style-type: none"> <li>• Private open space on ground level of 35m2 on the eastern side of unit 2 plus 52.5 m2 of deck and landscaped area to the southeast corner providing a secluded alfresco area for family entertainment</li> <li>• The folding doors to the garages are motorised and allow for the garage and deck area to be utilised as indoor /outdoor entertainment areas</li> <li>• Private open space on ground level of 32.2m2 on the western side of unit 1 plus 69 m2 of deck and landscaped area to the southwest corner providing a private secluded alfresco area for family entertainment</li> <li>• Balconies of 8m X 3m north facing directly accessed from first floor north facing living areas with bay views across public open space</li> <li>• Roof top terraces of 60m2 for unit 1 and 75m2 for unit 2 provided with stair access from living areas</li> </ul> <p>In addition the recreational needs of the future residents of these dwellings will be well serviced by the location of this site adjoining the Portarlington reserve which provides convenient access to walking paths and to the</p>



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	Portarlington beach.
<p><b>55.05-5</b> SOLAR ACCESS TO OPEN SPACE OBJECTIVE</p> <p>To allow solar access into the secluded private open space of new dwellings and residential buildings.</p>	<p><b>Variation</b> – A variation is required in this instance as a result on the north-south orientation of the lot and thus the construction of a dwelling essentially restricts solar access to the rear of the lot at certain times during the day where there is private open space.</p> <p>The dwellings locations are appropriate as other lots along Frazel Avenue are similarly developed and thus relocating additional private open space on the eastern and western boundaries of the lot may likely impact the adjoining dwelling and will not compliment the rhythm of the development along Franzel Avenue.</p> <p>Direct solar access form the north is available along the northern frontage balconies and the roof top terraces.</p>
<p><b>55.05-6</b> STORAGE OBJECTIVE</p>	<p>✓ <b>Complies</b> – Each dwelling contains storage facilities.</p>



<p><b>55.06-1</b> DESIGN DETAIL OBJECTIVE</p> <p>To encourage design detail that respects the existing or preferred neighbourhood character.</p> <p>Standard B31</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>• Verandas, 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> – The dwellings have been designed to accord with Standard B31 as they display façade articulation with the use of varying external finishes including concrete, brick render, substantial glazing and balconies. As advised there are no overall existing or preferred neighbourhood character provisions or design elements that consistently prevail at this location.</p> <p>It is considered that the dwellings design provides an architecturally pleasing streetscape which creates visual interest.</p> <p>In addition, the dwellings are considered to respect the neighbourhood coastal character with the use of muted and natural colours and finishes.</p> <p>The garages have also been designed to assimilate with the dwelling design and broader landscapes of this area and have been relocated to the rear of the dwellings to improve the visual amenity of the northern frontage of the dwellings.</p>
<p><b>55.06-2</b> FRONT FENCES OBJECTIVE</p> <p>To encourage front fence design that respects the existing or preferred neighbourhood character.</p>	<p>✓ <b>Complies</b> – No front fence is proposed which generally accords with the other dwellings along Franzel Ave and complements the adjacent open landscape of the Portarlington Foreshore landscape.</p>
<p><b>55.06-3</b> COMMON PROPERTY OBJECTIVES</p> <p>To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.</p> <p>To avoid future management difficulties in areas of common ownership.</p>	<p><b>N/A</b> - The site does not propose any common property as part of the development.</p>



C O N S U L T I N G

<p><b>55.06-4</b> SITE SERVICES OBJECTIVES</p> <p>To ensure that site services can be installed and easily maintained.</p> <p>To ensure that site facilities are accessible, adequate and attractive.</p>	<p>✓ <b>Complies</b> – Appropriate mailboxes will be provided which blend into the development. In addition, there is suitable area for bin storage as required. Refer to amended plans.</p>
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