

CLAUSE 54 WRITTEN STATEMENT

75 THE ESPLANADE, PORTARLINGTON VIC 3223

Lot 4 on LP110553 | Planning Permit Application PP-672-2026

Purpose	Response to Item 3 of the City of Greater Geelong Further Information Request dated 4 August 2026.
Proposal	Construction of a new two-storey dwelling.
Assessment basis	Current Construction Issue 5 plans dated 17 August 2026, Council RFI, SBO advice, Council-requested shadow diagrams.
Prepared	26 August 2026

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1. Purpose and scope

This written statement has been prepared specifically in response to Item 3 of the City of Greater Geelong's Further Information Request for Planning Permit Application PP-672-2026. Council requests a written statement identifying which Clause 54 standards are met and which are not met and, where a standard is not met, explaining how the corresponding objective is achieved having regard to the relevant decision guidelines.

Applicability note: The current Victorian Clause 54 guidance states that Clause 54 applies to one dwelling on a lot less than 300 square metres. The subject allotment is approximately 653 square metres. Nevertheless, Council has expressly requested a Clause 54 assessment. This statement is therefore provided as requested and should be read as a structured assessment of the Clause 54 standards and objectives relevant to the proposal; it does not seek to alter the statutory operation of Clause 54.

The current Department of Transport and Planning guidance confirms that where a standard is met, the corresponding objective is deemed to be met; where a standard is not met, the responsible authority must consider the relevant decision guidelines.

2. Site and proposal

The current Construction Issue 5 site plan identifies Lot 4 as approximately 653 square metres, with a frontage of approximately 17.07 metres and a depth of approximately 39.015 metres. The proposed dwelling is two storeys. The current plans identify a ground floor finished floor level of 2.100 AHD, a first floor level of 5.130 AHD and a first-floor pitching plate of 7.720 AHD.

The current site plan identifies a 2.143 metre eastern wall setback and a 200mm western wall setback over a length of approximately 9.737 metres. It also identifies approximately 5.0 metres between the proposed front wall and The Esplanade frontage, with adjoining front setbacks shown at approximately 2.4 metres and 4.0 metres. The plan identifies 36.45% site coverage, equating to 238 square metres, with approximately 415 square metres of garden area.

The proposal is subject to the Special Building Overlay. Council's Floodplain Manager has identified an applicable flood level of 1.80m AHD and requires a minimum dwelling FFL of 2.10m AHD with 300mm freeboard. The current Construction Issue 5 plans provide the dwelling FFL at 2.10m AHD.

3. Clause 54 compliance summary

A2-1 Street setback	MEETS	Approximately 5.0m front setback; this is greater than the lesser adjoining reference setback of approximately 2.4m.
A2-2 Building height	MEETS	Maximum overall height is approximately 7.907m, below the 9m Clause 54 default where no lower zone/schedule/overlay maximum applies. DDO19 remains separately relevant because the proposal exceeds 7.5m.

A2-3 Side/rear setbacks	MEETS	Eastern side setback is 2.143m. Using the wall height to the first-floor pitching plate (approximately 6.07m above 1.65 AHD NGL), the formula produces a requirement of approximately 1.74m.
A2-4 Walls on boundaries	MEETS	Western wall is approximately 9.737m long within 200mm of the boundary. This is below the numerical length allowance; the wall is a ground-floor boundary wall and the plans indicate a conventional wall height.
A2-5 Site coverage	MEETS	36.45% / 238m ² . This is comfortably below the default residential thresholds used by Clause 54.
A2-6 Tree canopy	ADDRESSED	A dedicated landscape/tree canopy plan proposes five canopy trees (two front, three rear). The A2-6 numerical table itself only specifies minimum tree numbers for sites up to 300m ² .
A2-7 Front fences	N/A	No new front fence is proposed as part of the application.
A2-8 Small second dwelling setback	N/A	No small second dwelling is proposed.
A3-1 Street integration	MEETS	Habitable-room windows and balcony openings provide passive surveillance toward the street and vehicle access arrangements.
A3-2 Private open space	MEETS	The plans provide a 54.94m ² balcony directly associated with the first-floor living/dining/kitchen areas, exceeding the applicable balcony alternative.
A3-3 Solar access to open space	MEETS	The private open-space design provides substantial open balcony area and direct sky exposure; the proposal is supported by the submitted solar/shadow information.
A3-4 Daylight to new windows	MEETS	Habitable rooms are provided with external windows/glazed openings; the window schedule identifies the proposed openings.
A3-5 Small second dwelling access	N/A	No small second dwelling is proposed.
A4-1 Daylight to existing windows	MEETS	The proposal provides separation to adjoining development and does not rely on a substantial upper-floor boundary wall.
A4-2 Existing north-facing windows	MEETS	The siting and upper-floor setbacks provide a substantial separation response. The standard is considered satisfied on the current configuration.
A4-3 Overshadowing existing SPOS	MEETS OBJECTIVE	Council-requested 22 September shadow diagrams are included in the current plan set for 9am through 4pm. The proposal's incremental shadow is limited by the siting and roof form.
A4-4 Overlooking	MEETS	The proposal incorporates restricted/obscure glazing to selected side-facing windows and the surrounding boundary fencing assists in limiting direct views into adjoining private areas.
A5-1 Permeability	MEETS	Approximately 415m ² / 64% garden area is identified and the non-permeable site-cover component is shown as 0.00m ² on the current site-cover schedule.
A5-2 Domestic solar energy systems	MEETS OBJECTIVE	No affected existing domestic solar energy system has been identified in the supplied site/context evidence. The Council-requested hourly shadow diagrams are provided.
A5-3 Rooftop solar generation area	MEETS IN PRINCIPLE	The roof plan identifies 14 solar panels. The roof form provides substantial roof area; for documentary certainty, the qualifying 34m ² area for a five-bedroom dwelling should be dimensioned on the final plan set.
A5-4 Solar protection	MEETS	North-facing W08/W09 are 400mm high and the roof/eave projection shown is approximately 450mm, exceeding the 0.25H shading requirement.

4. Detailed assessment

4.1 Neighbourhood character and siting

The proposal is designed as a two-storey dwelling within an established residential setting. The site plan identifies existing two-storey dwellings on both sides of the subject site. The proposal retains a front setback of approximately 5.0m and provides a 2.143m eastern side setback. The western ground-floor wall is positioned approximately 200mm from the boundary, while the upper-floor form is set further into the site. This arrangement reduces upper-level visual bulk and maintains separation to adjoining development.

The current Clause 54 guidance states that the A2-1 street setback responds to the front wall setbacks of adjoining dwellings, while A2-2 considers the relationship between the proposed height and adjacent buildings and its visual impact.

4.2 Building height

The current plans identify a natural/excavated ground level of approximately 1.650 AHD, a ground-floor FFL of 2.100 AHD, a first-floor FFL of 5.130 AHD and a first-floor pitching plate of 7.720 AHD. The maximum overall roof height is approximately 7.907m above natural ground level, as assessed from the current roof form. This is below the 9m Clause 54 default maximum but exceeds the 7.5m DDO19 trigger, which is separately addressed by the accompanying View Sharing Analysis.

Importantly, the additional height is confined to the roof form rather than creating an additional habitable storey. The first-floor level remains at 5.130 AHD and the roof pitching plate at 7.720 AHD. This materially limits the incremental visual bulk associated with the height variation.

4.3 Side and rear setbacks / walls on boundaries

Clause 54 A2-3 requires increasing setbacks as building height increases. The current eastern wall is set back 2.143m. Using the first-floor pitching plate of 7.720 AHD and site NGL of approximately 1.650 AHD, the relevant wall height is approximately 6.07m. The A2-3 formula therefore produces a setback of approximately 1.74m, which is exceeded by the 2.143m setback provided.

The western wall located within 200mm of the boundary is approximately 9.737m long. The A2-4 formula for a boundary abutting an adjoining lot allows a greater length than that proposed, and the wall height is limited to the ground-floor form. The standard is therefore considered met.

4.4 Site coverage, canopy and private open space

The current site plan identifies 36.45% site coverage (238m²) and 415m² of garden area. This provides a low site-coverage response relative to the standard residential thresholds and leaves substantial unbuilt/pervious area around the dwelling. The proposal therefore provides an appropriate balance between built form, open space and landscape opportunity.

A dedicated tree canopy / landscape plan has also been prepared. It proposes five canopy trees, comprising two trees to the front garden and three trees to the rear garden, together with lower coastal planting. The current DTP A2-6 guidance specifies minimum tree numbers for sites up to 300m²; the subject site is approximately 653m². The landscape plan therefore provides a positive canopy response beyond the numerical table.

The first-floor plan provides a 54.94m² balcony, approximately 6.97m x 4.90m, associated with the living/dining/kitchen areas. This substantially exceeds the balcony alternative available under A3-2. The private open space is accessible from principal living areas and provides direct sky exposure.

4.5 Solar access and external amenity

The current plan set includes shadow diagrams for 9am, 10am, 11am, 12 noon, 1pm, 2pm, 3pm and 4pm on 22 September, showing existing and proposed structure shadows. These diagrams demonstrate that the proposal has been designed with consideration of solar access to adjoining properties. Clause 54 A4-3 is concerned with ensuring that new development does not significantly overshadow existing secluded private open space.

The supplied context photographs do not identify an affected domestic solar energy system on the adjoining properties. A5-2 is therefore addressed on the evidence available, while recognising that any existing system identified by Council or a neighbouring owner should be tested against the standard's setback formula.

4.6 Daylight, overlooking and privacy

The first-floor plan provides external windows to the principal habitable rooms, while the window schedule identifies restricted and/or obscure glazing to selected openings. W04, W05, W10 and W11 are identified as obscure/restricted windows, and the first-floor plan incorporates boundary separation and screening elements.

The A4-1, A4-2 and A4-4 objectives seek to maintain reasonable daylight, solar access and privacy to existing dwellings. The current design provides separation between the upper floor and boundaries, together with privacy treatment to selected windows. The proposal is considered capable of satisfying these objectives.

4.7 Sustainability and solar generation

The site plan identifies approximately 64% garden area and no non-permeable site-cover component, providing a substantial pervious area. This exceeds the 20% minimum pervious-surface requirement in A5-1. The roof plan also identifies 14 solar panels.

For A5-3, the current guidance requires a qualifying rooftop solar generation area of 34m² for a dwelling with four or more bedrooms. The roof plan demonstrates solar provision, but does not presently dimension the qualifying 34m² area. For documentary certainty, it is recommended that the final architectural set annotate the qualifying 34m² rooftop solar area.

For A5-4, the north-facing W08 and W09 windows are identified as 400mm high, with approximately 450mm roof/eave projection shown. The required horizontal shading depth is 0.25 times the window height, or approximately 100mm, and is therefore exceeded.

5. Conclusion

The current proposal provides a strong overall response to the Clause 54 objectives requested by Council. The principal quantitative standards that can be assessed directly from the current Construction Issue 5 plans are satisfied, including street setback, building height, side/rear setbacks, walls on boundaries, site coverage, private open space and permeability.

The proposal's maximum overall height is approximately 7.907m, which remains below the 9m Clause 54 default. The separate DDO19 height trigger is addressed by the accompanying View Sharing Analysis. The additional height is confined to the roof form and does not create an additional habitable level.

The current shadow-diagram set provides hourly information for 22 September from 9am to 4pm, as requested by Council.

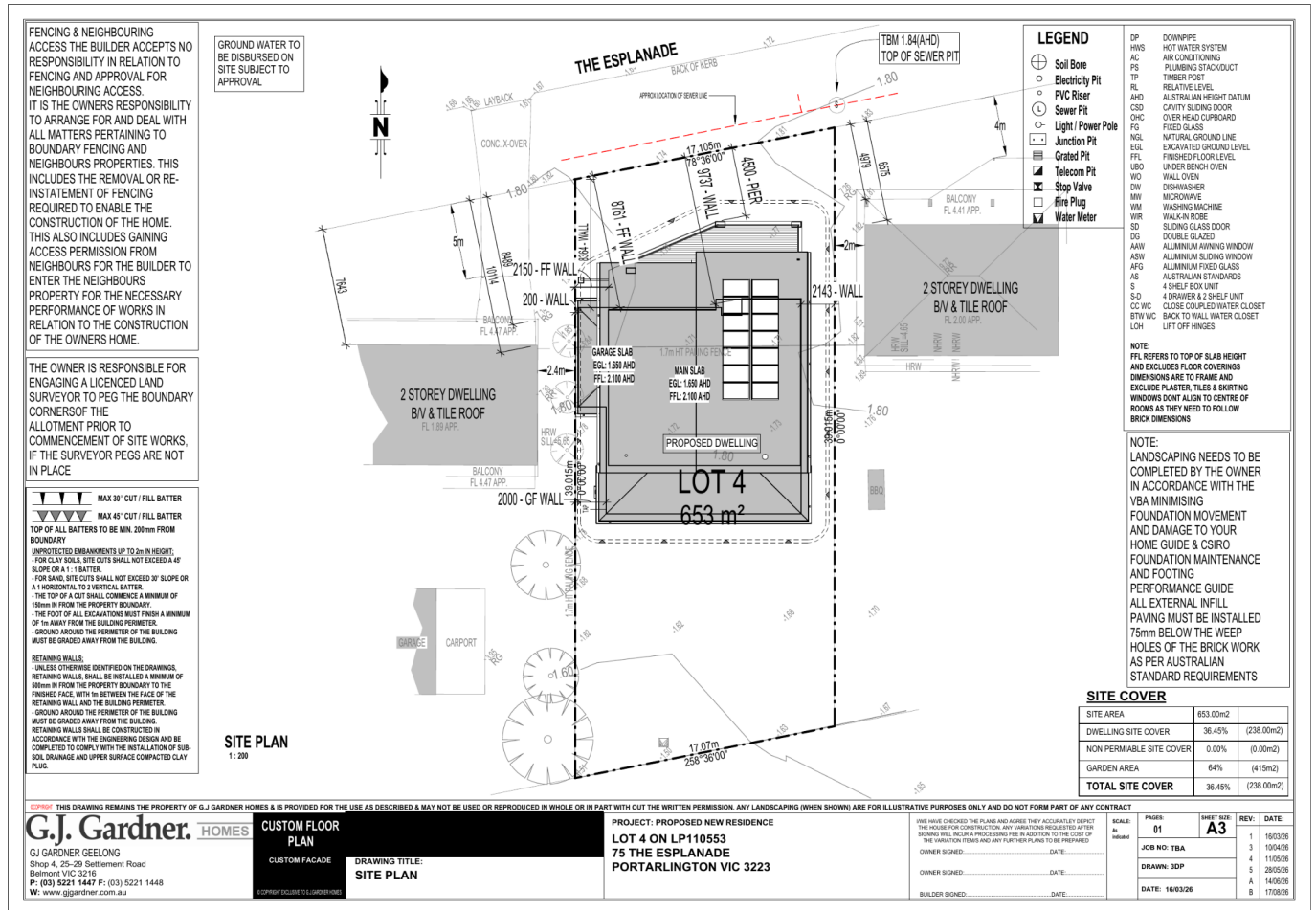
Recommended final documentation items: (1) retain clear front-wall setback dimensions on the amended plan set; (2) retain the dedicated tree canopy / landscape plan; (3) annotate the qualifying 34m² rooftop solar generation area for A5-3; and (4) retain the hourly 22 September shadow diagrams and, if Council identifies an existing neighbouring solar energy system, confirm the A5-2 setback against that system.

On the information presently available, no Clause 54 standard is identified as requiring a merits-based departure. Where the documentation is presently descriptive rather than dimensioned, the recommended annotations above are documentation refinements intended to make the compliance position explicit for Council's assessment.

6. Supporting documents

- City of Greater Geelong, Further Information Request, PP-672-2026, dated 4 August 2026.
- City of Greater Geelong Civil Infrastructure / SBO referral response for PP-672-2026.
- G.J. Gardner Homes, Construction Issue 5, 75 The Esplanade, Portarlington, revised 17 August 2026.
- Department of Transport and Planning, One dwelling and small second dwelling guidelines – Clause 54, Version 1, September 2025.
- Department of Transport and Planning, One dwelling or small second dwelling on a lot – Written Statement checklist.

Appendix A – Site plan



Current Construction Issue 5 site plan. Source: G.J. Gardner Homes.