Delegate Report



Appendix 1: Clause 55 Assessment

NEIGHBOURHOOD CHARACTER AND INFRASTRUCTURE					
Clause 55.02.1 Neighbourhood character objectives	Met?	Standard B1	Met?	Comments	
To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character. To ensure that development responds to the features of the site and the surrounding area.	Yes	The design response must be appropriate to the neighbourhood and the site. The proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site.	Yes	Complies For the reasons discussed throughout the assessment, the application is considered to be consistent with policies relating to residential land development and urban consolidation.	
Clause 55.02-2 Residential policy objectives	Met?	Standard B2	Met?	Comments	

To ensure that residential development is provided in accordance with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework. To support medium densities in areas where development can take advantage of public transport and community infrastructure and services.	Yes	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.	Yes	Complies
Clause 55.02-3 Dwelling diversity objective	Met?	Standard B3	Met?	Comments
To encourage a range of dwelling sizes and types in developments of ten or more dwellings.	N/A	 Developments of ten or more dwellings should provide a range of dwelling sizes and types, including: Dwellings with a different number of bedrooms. At least one dwelling that contains a kitchen, bath or shower, and a toilet and wash basin at ground floor level. 	N/A	N/A
Clause 55.02-4 Infrastructure objectives	Met?	Standard B4	Met?	Comments

To ensure development is provided with appropriate utility services and infrastructure. To ensure development does not unreasonably overload the capacity of utility services and infrastructure.	Yes	Development should be connected to reticulated services, including reticulated sewerage, drainage and electricity, if available. Connection to a reticulated gas service is optional. Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads. In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure.	Yes	Complies The site has access to utility services. The proposed development would cause a nominally higher demand on utility services, which is anticipated for a site within Mansfield township.
Clause 55.02-5 Integration with the street objective	Met?	Standard B5	Met?	Comments
To integrate the layout of development with the street	Yes	Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility. Development should be oriented to front existing and proposed streets. High fencing in front of dwellings should be avoided if practicable. Development next to existing public open space should be laid out to complement the open space.	Yes	Complies The new development would be generally oriented to face Chenery Street and would utilise existing access provided to that frontage and facilitate any necessary upgrades to that access. New front fencing is proposed, although this would be generally consistent with existing fencing on the site.

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SITE LAYOUT AND BUILDING MASSING				
Clause 55.03-1 Street setback objective	Met?	Standard B6	Met?	Comments
To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.Yes	Yes	 Walls of buildings should be set back from streets: At least the distance specified in a schedule to the zone, or If no distance is specified in a schedule to the zone, the distance specified in Table B1. 	Yes	Complies The existing street setback (4.49 m) is maintained and not further encroached upon.
		Porches, pergolas and verandahs that are less than 3.6 metres high and eaves may encroach not more than 2.5 metres into the setbacks of this standard.		
		Table B1: There is an existing building on both the abutting allotments facing the same street, and the site is not on a corner –		
		Minimum setback from front street		
		The average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 9 metres, whichever is the lesser.		
Clause 55.03-2 Building height objective	Met?	Standard B7	Met?	Comments

To ensure that the height of buildings respects the existing or preferred neighbourhood character.	Yes	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.	Yes	Complies Overall maximum building height would be 7.78 m.
Clause 55.03-3 Site coverage objective	Met?	Standard B8	Met?	Comments
To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.	Yes	 The site area covered by buildings should not exceed: The maximum site coverage specified in a schedule to the zone, or If no maximum site coverage is specified in a schedule to the 	Yes	Complies Site coverage 470 m ² / 48 % (approx.)
		zone, 60 per cent.		

To reduce the impact of increased stormwater run-off on the drainage system. To facilitate on-site stormwater infiltration. To encourage stormwater management that maximises the retention and reuse of stormwater.	Yes	 The site area covered by the pervious surfaces should be at least: The minimum area specified in a schedule to the zone, or If no minimum is specified in a schedule to the zone, 20 percent of the site. The stormwater management system should be designed to: Meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999). Contribute to cooling, improving local habitat and providing attractive and enjoyable spaces. 	Yes	Complies Permeability 49% (approx.) Stormwater to be managed in accordance with the requirements of Council's Engineering unit and/or the relevant water and drainage authority.
Clause 55.03-5 Energy efficiency objectives	Met?	Standard B10	Met?	Comments

To achieve and protect energy efficient dwellings and residential buildings. To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.	Yes	 Buildings should be: Oriented to make appropriate use of solar energy. Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced. Sited and designed to ensure that the performance of existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone are not unreasonably reduced. The existing rooftop solar energy system must exist at the date the application is lodged. Living areas and private open space should be located on the north side of the development, if practicable. Developments should be designed so that solar access to north-facing windows is maximised. 	No	Does not wholly comply Dwelling 2 does not fully maximise on the northerly aspect. Whilst Dwelling 3 has north-facing windows to the bedrooms and bathrooms along that side and maximises easterly and westerly solar gains, Dwelling 2 does not. The development is sufficiently sited that sufficient solar gains and energy efficiency can be achieved, subject to a condition of permit requiring an improved response for Dwelling 2 (such as a combination of north-facing window(s) in the kitchenette area and solar tubes.
Clause 55.03-6 Open space objective	Met?	Standard B11	Met?	Comments
To integrate the layout of development with any public and communal open space provided in or adjacent to the development.	N/A	 If any public or communal open space is provided on site, it should: Be substantially fronted by dwellings, where appropriate. Provide outlook for as many dwellings as practicable. Be designed to protect any natural features on the site. Be accessible and useable. 	N/A	N/A

MANSFIELD SHIRE COUNCIL | DELEGATE REPORT

Clause 55.03-7 Safety objective	Met?	Standard B12	Met?	Comments
To ensure the layout of development provides for the safety and security of residents and property.	Yes	Entrances to dwellings and residential buildings should not be obscured or isolated from the street and internal accessways. Planting which creates unsafe spaces along streets and accessways should be avoided. Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways. Private spaces within developments should be protected from inappropriate use as public thoroughfares.	Yes	Complies Each dwelling would benefit from their own pedestrian access. Entrances to Dwellings 2 and 3 are partially obscured from the street, however, there is sufficient passive surveillance opportunities afforded by the design of the internal accessway and car parking areas.
Clause 55.03-8 Landscaping objectives	Met?	Standard B13	Met?	Comments

To encourage development that respects the landscape character of the neighbourhood. To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance. To provide appropriate landscaping. To encourage the retention of mature vegetation on the site.	Yes	 The landscape layout and design should: Protect any predominant landscape features of the neighbourhood. Take into account the soil type and drainage patterns of the site. Allow for intended vegetation growth and structural protection of buildings. In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals. Provide a safe, attractive and functional environment for residents. Development should provide for the retention or planting of trees, where these are part of the character of the neighbourhood. Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made. The landscape design should specify landscape themes, vegetation (location and species), paving and lighting. Development should meet any additional landscape requirements specified in a schedule to the zone. 	No	Complies There would be sufficient room for landscaping onsite to satisfy this objective. A Landscaping Plan has been provided which sufficiently demonstrates an appropriate response for the site and surrounds.
Clause 55.03-9 Access objective	Met?	Standard B14	Met?	Comments

To ensure the number and design of vehicle crossovers respects the neighbourhood character.	Yes	 The width of accessways or car spaces should not exceed: 33 per cent of the street frontage, or if the width of the street frontage is less than 20 metres, 40 per cent of the street frontage. No more than one single-width crossover should be provided for each dwelling fronting a street. The location of crossovers should maximise the retention of on-street car parking spaces. The number of access points to a road in a Transport Zone 2 or a Transport Zone 3 should be minimised. Developments must provide for access for service, emergency and delivery vehicles. 	Yes	Complies There are no changes to existing crossovers, which remain compliant with this requirement. The number of access points to Chenery Street (zoned in the TRZ2) would be minimised. The design of the access and car parking areas accords with the design standards for car parking prescribed at Clause 52.06-9 of the Scheme and therefore meets access requirements, including for emergency and delivery vehicles.
Clause 55.03-10 Parking location objectives	Met?	Standard B15	Met?	Comments

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To provide convenient parking for resident and visitor vehicles. To protect residents from vehicular noise within developments.	Yes	 Car parking facilities should: Be reasonably close and convenient to dwellings and residential buildings. Be secure. Be well ventilated if enclosed. Shared accessways or car parks of other dwellings and residential buildings 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. 	Yes	Complies Car parking spaces are conveniently located and sufficient to meet the needs of the occupier(s) of the dwellings. Shared accessways and car parks of other dwellings would be located at least 1.5 m from the window(s) of habitable rooms (Dwelling 1).
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AMENITY IMPACTS					
Clause 55.04-1 Side and rear setbacks objective	Met?	Standard B17	Met?	Comments	
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.	Yes	 A new building not on or within 200mm of a boundary should be set back from side or rear boundaries: At least the distance specified in a schedule to the zone, or If no distance is specified in a schedule to the zone, 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres. Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5 metres into the setbacks of this standard. Landings having an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard. 	Yes	Complies Minimum side setback (north) = 1.77 m. Proposed = 2.33 m. Minimum rear setback (east) = 1.79 m. Proposed = 2.68 m (cooling unit encroaches by 0.5 m) Minimum side setback (south) = 1.75 m. Proposed = 1.75 m. Proposed = 1.75 m. Note: Carport structures are on or within 200 mm of southern (side) property boundary (discussed further in next section).	
Clause 55.04-2 Walls on boundaries objective	Met?	Standard B18	Met?	Comments	

To allow adequate daylight into existing habitable room windows.	Yes	Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot. Walls or carports more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window. Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.	Yes	Complies Sufficient light courts are maintained to existing habitable room windows. Note: no new development is proposed in proximity to existing development on abutting land.
Clause 55.04-4 North facing windows objective	Met?	Standard B20	Met?	Comments
To allow adequate solar access to existing north- facing habitable room windows.	N/A	If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, a building should be setback from the boundary 1 metre, plus 0.6 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window. A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.	N/A	N/A No new development is proposed in proximity to existing development on abutting land. These measures cannot be applied retroactively to the existing dwelling structure/building on the site.
Clause 55.04-5 Overshadowing open space objective	Met?	Standard B21	Met?	Comments

To ensure buildings do not significantly overshadow existing secluded private open space.	Yes	Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September. If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.	Yes	Complies The proposed development would not unreasonably overshadow existing SPOS, as demonstrated by the shadow diagrams provided, and applying the considerations of Planning Practice Note 27.
Clause 55.04-6 Overlooking objective	Met?	Standard B22	Met?	Comments

To limit views into existing secluded private open space and habitable room windows. A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level.

A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio should be either:

- Offset a minimum of 1.5 metres from the edge of one window to the edge of the other.
- Have sill heights of at least 1.7 metres above floor level.
- Have fixed, obscure glazing in any part of the window below 1.7 metre above floor level.
- Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent.

Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard.

Screens used to obscure a view should be:

- Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels.
- Permanent, fixed and durable.
- Designed and coloured to blend in with the development.

Complies

There is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio on the ground floor is less than 0.8 metres above ground level at the boundary.

Regarding the upper (first floor) level, the north and south elevations meet the standard. The east elevation does not apply as there is no existing dwelling on this lot (vacant).

		This standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary.		
Clause 55.04-7 Internal views objective	Met?	Standard B23	Met?	Comments
To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development.	Yes	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.	Yes	Complies
Clause 55.04-8 Noise impacts objectives	Met?	Standard B24	Met?	Comments
To contain noise sources in developments that may affect existing dwellings. To protect residents from external noise.	Yes	Noise sources, such as mechanical plant, should not be located near bedrooms of immediately adjacent existing dwellings. Noise sensitive rooms and secluded private open spaces of new dwellings and residential buildings should take account of noise sources on immediately adjacent properties. Dwellings and residential buildings close to busy roads, railway lines or industry should be designed to limit noise levels in habitable rooms.	Yes	Complies Note: the use of land for a dwelling is not considered to impose any noise impacts beyond reasonable expectations.

ONSITE AMENITY AND FACILITIES

Clause 55.05-1 Accessibility objective

Met? Standard B25

Met? Comments

To encourage the consideration of the needs of people with limited mobility in the design of developments.	Yes	The dwelling entries of the ground floor of dwellings and residential buildings should be accessible or able to be easily made accessible to people with limited mobility.	Yes	Complies Dwelling 1 would require 1-2 steps. Dwelling 2 would not require any steps. Dwelling 3 is solely confined to the first floor.
Clause 55.05-2 Dwelling entry objective	Met?	Standard B26	Met?	Comments
To provide each dwelling or residential building with its own sense of identity.	Yes	 Entries to dwellings and residential buildings should: Be visible and easily identifiable from streets and other public areas. Provide shelter, a sense of personal address and a transitional space around the entry. 	Yes	Complies Each dwelling would have their own separate access and entry.
Clause 55.05-3 Daylight	Met?	Standard B27	Met?	Comments
to new windows objective				
to new windows	Yes	 A window in a habitable room should be located to face: 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 A verandah provided it is open for at least one third of its perimeter, or A carport provided it has two or more open sides and is open for at least one third of its perimeter. 	Yes	Complies Sufficient light courts are afforded.

To provide adequate private open space for the reasonable recreation and service needs of residents.	Yes	A dwelling or residential building should have private open space of an area and dimensions specified in a schedule to the zone. If no area or dimensions are specified in a schedule to the zone, a dwelling or residential building should have private open space consisting of: • An area of 40 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 25 square metres, a minimum dimension of 3 metres and convenient access from a living room, or • A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room, or • A roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room. The balcony requirements in Clause 55.05-4 do not apply to an apartment development.	Yes	Complies Dwelling 1 POS = 227 m^2 SPOS = 36 m^2 Dwelling 2 POS = 58 m^2 SPOS = 34 m^2 Dwelling 3 POS = 33 m^2 SPOS = 18 m^2 Balcony = 8 m^2
Clause 55.05-5 Solar access to open space objective	Met?	Standard B29	Met?	Comments
To allow solar access into the secluded private open space of new dwellings and residential buildings.	No	The private open space should be located on the north side of the dwelling or residential building, if appropriate. The southern boundary of secluded private open space should be set back from any wall on the north of the space at least (2 + 0.9h) metres, where 'h' is the height of the wall.	No	Complies POS is located with northerly aspects where appropriate.

Clause 55.05-6 Storage objective	Met?	Standard B30	Met?	Comments
To provide adequate storage facilities for each dwelling.	Yes	Each dwelling should have convenient access to at least 6 cubic metres of externally accessible, secure storage space.	Yes	Complies A storage shed with a minimum dimension of 6 m ³ is provided to each dwelling.

DETAILED DESIGN					
Clause 55.06-1 Design detail objective	Met?	Standard B31	Met?	Comments	
To encourage design detail that respects the existing or preferred neighbourhood character.	Yes	 The design of buildings, including: Facade articulation and detailing, Window and door proportions, Roof form, and Verandahs, eaves and parapets, should respect the existing or preferred neighbourhood character. Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character. 	Yes	Complies The proposed development lends to existing infill development within the township. It is considered that the dwellings would not pose any substantiative change in the character of the area beyond what is reasonably expected in the zone and location.	
Clause 55.06-2 Front fences objective	Met?	Standard B32	Met?	Comments	
To encourage front fence design that respects the existing or preferred neighbourhood character.	Yes	 A front fence within 3 metres of a street should not exceed: The maximum height specified in a schedule to the zone, or If no maximum height is specified in a schedule to the zone, the maximum height specified in Table B3. 	Yes	Complies	

Clause 55.06-3 Common property objectives	Met?	Standard B33	Met?	Comments
To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained. To avoid future management difficulties in areas of common ownership.	Yes	Developments should clearly delineate public, communal and private areas. Common property, where provided, should be functional and capable of efficient management.	Yes	Complies There are no common areas proposed. Private areas are clearly delineated by the existing dwelling and new internal fencing proposed. Common property would be functional and capable of efficient management.
Clause 55.06-4 Site services objectives	Met?	Standard B34	Met?	Comments
To ensure that site services can be installed and easily maintained. To ensure that site facilities are accessible, adequate and attractive.	Yes	The design and layout of dwellings and residential buildings should provide sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically. Bin and recycling enclosures, mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development. Bin and recycling enclosures should be located for convenient access by residents. Mailboxes should be provided and located for convenient access as required by Australia Post.	Yes	Complies