

Written Report: Clause 55 of the Moyne Planning Scheme 46 William Street Port Fairy

Reference to:

- Clause 55: Of the Moyne Shire Planning Scheme, one dwelling on a lot.
- ResCode B Standards

55

TWO OR MORE DWELLINGS ON A LOT AND RESIDENTIAL BUILDINGS

Purpose

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.

Application

Provisions in this clause apply to an application to:

- Construct a dwelling if there is at least one dwelling existing on the lot,
- Construct two or more dwellings on a lot,
- Extend a dwelling if there are two or more dwellings on the lot,
- Construct or extend a dwelling on common property, or
- Construct or extend a residential building,

in the Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Mixed Use Zone or Township Zone.

The provisions of this clause apply to an application specified above, in the manner set out in the following table.

Application type	Application clauses
To construct or extend a dwelling (other than a dwelling in or forming part of an apartment development), or To construct or extend a residential building	All of Clause 55 except Clause 55.07-1 to 55.07-15 (inclusive).

Written Report: Clause 55 of the Moyne Planning Scheme

46 William Street Port Fairy

55.01

NEIGHBOURHOOD AND SITE DESCRIPTION AND DESIGN RESPONSE

55.01-1

Neighbourhood and site description

The subject site is located at number 46 William Street Port Fairy. This 991m² allotment contains a 1923 weatherboard cottage with an iron roof and detached shed. This site is located on the west side of William Street and is within the GRZ1 and DDO10 area of the Moyne Planning Scheme maps.

The subject site is reasonable flat with some well established mature trees.

William street consists mainly of single story dwellings with pitched corrugated iron roofs.

William Street is a grand avenue of Norfolk Island Pines.

The property to the south (No 44) is of similar construction being weatherboard cottage with a corrugated iron hip roof.

The first property to the north (48) contains a renovated bluestone building with a newly built weatherboard front extension with a corrugated iron roof.

The second property to the north (48A) contains a brick veneer house with a corrugated iron roof.

The property to the west is single storey weatherboard, with a corrugated iron roof and detached garage.

Additional information can be found on the architectural drawing set.

55.01-2

Design response

The property is centrally located to all the facilities and features that Port Fairy has to offer, including schools, shops, hospital and beaches.

The newly proposed dwelling on lot 2 will not be seen from the street.

Proposed external wall cladding will be painted horizontal timber.

Roof style will be 5° pitch providing little visual impact on the adjoining properties.

The proposed new dwelling will consist of 1 bedroom, kitchen, bathroom/laundry/toilet, living area and deck area.

Written Report: Clause 55 of the Moyne Planning Scheme

46 William Street Port Fairy

54.02

NEIGHBOURHOOD CHARACTER & INFRASTRUCTURE

55.02-1 Neighbourhood character objective

To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.

To ensure that the design responds to the features of the site and the surrounding area.

Standard B1

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.

Response

This proposal is respectful and appropriate response to the neighbourhood character and surrounding area.

Please ref to neighbourhood and site description and design response above.

Complies with standard B1.

55.02-2 Residential policy objectives

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.

Standard B2

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.

Response

This proposed development is of medium density and will be able to take full advantage of the local infrastructure.

Complies with standard B2.

55.02-3 Dwelling diversity objective

To encourage a range of dwelling sizes and types in developments of ten or more dwellings.

Standard B3

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.

Response

The above objectives have been met, please ref to architectural drawings.

Complies with standard B3.

Written Report: Clause 55 of the Moyne Planning Scheme

46 William Street Port Fairy

55.02-4 Infrastructure objectives

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.

Standard B4

Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas, if available.

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.

Response

All the above services are available for this development.

Complies with standard B4.

55.02-5 Integration with the street objective

To integrate the layout of development with the street.

Standard B5

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.

Response

Lot 1 will maintain the existing.

Complies with standard B4.

55.03

SITE LAYOUT AND BUILDING MASSING

55.03-1 Street setback objective

To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.

Standard B3

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 A1.

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.

Response

The dwelling on Lot 1 will be fully retained with no works proposed.

Complies with standard B3.

Written Report: Clause 55 of the Moyne Planning Scheme

46 William Street Port Fairy

55.03-2 Building height objective

To ensure that the height of buildings respects the existing or preferred neighbourhood character.

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.

Response

The new dwelling will have a maximum parapet height of 3m and 1m from the boundary. Complies with standard B7.

55.03-3 Site coverage objective

To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.

Standard B8

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 zone, 60 per cent.

Response

Building garages and decks: 34%

All permeable surfaces: 44%

Ref to proposed landscape plan for details.

Complies with standard B8.

55.03-4 Permeability & stormwater management objectives

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.

Standard B9

The site area covered by pervious surfaces should be at least:

- The minimum area specified in a schedule to the zone; or
- If no minimum area is specified in a schedule to the zone, 20 per cent 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.

Response

Total permeable surface: 56%

Ref to proposed stormwater plan for details.

Complies with standard B9.

Written Report: Clause 55 of the Moyne Planning Scheme

46 William Street Port Fairy

55.03-5 Energy efficiency objectives

To achieve and protect energy efficient dwellings.

To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.

B10 Standard

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 dwelling, if practicable.

Dwellings should be designed so that solar access to north-facing windows is maximised.

Response

The proposed new dwelling will have the main living area facing north with a northerly orientated deck area.

There will be no solar reduction impacts on adjoining/existing dwellings.

Complies with standard B10.

55.03-6 Open space objective

To integrate the layout of development with any public and communal open space provided in or adjacent to the development.

Standard B11

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.

Response

The above objectives have been met, please ref to architectural drawings site plan & landscape plan.

Complies with standard B11.

Written Report: Clause 55 of the Moyne Planning Scheme

46 William Street Port Fairy

55.03-7 Safety objective

To ensure the layout of development provides for the safety and security of residents and property.

Standard B12

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.

Response

The above objectives have been met, please ref to architectural drawings site plan & landscape plan.

Complies with standard B12.

55.03-8 Landscaping objectives

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.

Standard B13

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.

Response

The above objectives have been met, please ref to architectural drawings landscape plan.

Complies with standard B13.

55.03-9 Access objective

To ensure the number and design of vehicle crossovers respects the neighbourhood character.

Standard B14

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 Road Zone should be minimised.

Developments must provide for access for service, emergency and delivery vehicles.

Response

The existing 3m crossover is to remain.

No new crossovers are proposed.

Complies with standard B14.

Written Report: Clause 55 of the Moyne Planning Scheme

46 William Street Port Fairy

55.03-10 Parking location objectives

To provide convenient parking for resident and visitor vehicles.
To protect residents from vehicular noise within developments.

Standard B15

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.

Response

*Convenient and secure parking facilities are proposed for this development, please ref to architectural drawings for details
Complies with standard B15.*

55.04

AMENITY IMPACTS

54.04-1 Side and rear setbacks objective

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.

Standard B17

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.

Response

*Side and rear setback are proposed to be 1m given the restraints regarding the site.
Partially complies with B17.*

55.04-2 Walls on boundaries objective

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.

Standard B18

A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of a lot should not abut the boundary:

- For a length more than the distance specified in a schedule to the zone; or
- If no distance is specified in a schedule to the zone, for a length of more than:
 - 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or
 - Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports, whichever is the greater.

Written Report: Clause 55 of the Moyne Planning Scheme

46 William Street Port Fairy

A new wall or carport may fully abut a side or rear boundary where the slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.

A building on a boundary includes a building set back up to 200mm from a boundary.

The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.

Response

Not applicable, as no new walls on the boundary are proposed for this project.

Complies with standard B18.

55.04-3 Daylight to existing windows objective

To allow adequate daylight into existing habitable room windows.

Standard B19

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.

Response

There are no existing habitable room windows less than 9m from the proposed new dwelling.

Complies with standard B19.

55.04-4 North-facing windows objective

To allow adequate solar access to existing north-facing habitable room windows.

Standard B20

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 metre 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.

Response

There are no north facing existing habitable room windows on the adjoining properties within 3m of the boundary which will be impacted by the newly proposed dwelling.

Complies with standard B20.

Written Report: Clause 55 of the Moyne Planning Scheme

46 William Street Port Fairy

55.04-5

Overshadowing open space objective

To ensure buildings do not unreasonably overshadow existing secluded private open space.

Standard B21

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.

Response

There will be very minimal overshadowing on the two adjoining properties as the proposed height of the new dwelling will be under 3m.

Complies with B21.

55.04-6 Overlooking objective

To limit views into existing secluded private open space and habitable room windows.

Standard B22

A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space and habitable room windows 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, or
- Have sill heights of at least 1.7 metres above floor level, or
- Have obscure glazing in any part of the window below 1.7 metres above floor level, or
- 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 operable 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.

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.

Response

The two west facing windows of the newly proposed dwelling will have a minimum sill height of 1.7 metres.

Complies with standard B22.

Written Report: Clause 55 of the Moyne Planning Scheme

46 William Street Port Fairy

55.04-7 Internal views objective

To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development.

Standard B23

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.

Response

*The existing and proposed dwellings are single story construction.
Complies with B23.*

55.04-8 Noise impacts objectives

To contain noise sources in developments that may affect existing dwellings.

To protect residents from external noise.

Standard B24

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.

Response

*Any new mechanical plant will be installed with careful consideration of adjoining neighbours.
Complies with B24.*

55.05

ON-SITE AMENITY AND FACILITIES

55.05-1 Accessibility objective

To encourage the consideration of the needs of people with limited mobility in the design of developments.

Standard B25

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.

Response

The existing and proposed new dwelling will have easy access for people with limited mobility as FFL above ground will be a maximum of 300mm.

Complies with B25.

55.05-2 Dwelling entry objective

To provide each dwelling or residential building with its own sense of identity.

Standard B26

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.

Response

Lot 1 will maintain the existing, including verandah.

Lot 2 will not be visible from the street, the intention is for this small dwelling to be private.

Complies with B26.

Written Report: Clause 55 of the Moyne Planning Scheme

46 William Street Port Fairy

55.05-3

Daylight to new windows objective

To allow adequate daylight into new habitable room windows.

Standard B27

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.

Response

These objectives have been met. Please ref to architectural drawings.

Complies with B27.

55.05-4

Private open space objective

To provide adequate private open space for the reasonable recreation and service needs of residents.

Standard B28

A dwelling or residential 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.

Response

Lot 1: The existing dwelling will retain a minimum 40m² of POS to the living room and approximately 85m² POS to the rear of the dwelling.

Lot 2: The newly proposed dwelling will have approximately 150m² of private open space with direct access from a living room.

Complies with standard B28.

Written Report: Clause 55 of the Moyne Planning Scheme

46 William Street Port Fairy

55.05-5

Solar access to open space objective

To allow solar access into the secluded private open space of new dwellings and residential buildings.

Standard B29

The private open space should be located on the north side of the dwelling or residential building, if practicable.

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.

Response

Both dwellings will retain adequate solar access to their SPOS as they are well orientated to the north.

Complies with standard B29.

55.05-6

Storage objective

To provide adequate storage facilities for each dwelling.

Standard B30

Each dwelling should have convenient access to at least 6 cubic metres of externally accessible, secure storage space.

Response

Lot 1 will be provided with secure storage under the proposed new carport.

Lot 2 will have the existing shed as a secure storage area.

Complies with B30.

55.06

DETAILED DESIGN

55.06-1

Design detail objective

To encourage design detail that respects the existing or preferred neighbourhood character.

Standard B31

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.

Response

Lot 1 will retain the existing dwelling.

Lot 2 is not visible from the street and proposed to be of minimal bulk and mass clad in painted weatherboards.

Complies with standard B31.

Written Report: Clause 55 of the Moyne Planning Scheme

46 William Street Port Fairy

55.06-2

Front fences objective

To encourage front fence design that respects the existing or preferred neighbourhood character.

Standard B32

The design of front fences should complement the design of the dwelling and any front fences on adjoining properties.

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 B2.

Response

The existing is to be maintained.

Complies with standard B32.

55.06-3

Common property objectives

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.

Standard B33

Developments should clearly delineate public, communal and private areas.

Common property, where provided, should be functional and capable of efficient management.

Response

Public, communal and private areas have been designed with functional and efficient management strategies.

Complies with standard B33.

55.06-4

Site services objectives

To ensure that site services can be installed and easily maintained.

To ensure that site facilities are accessible, adequate and attractive.

Standard B34

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.

Response

Wheelie bin enclosure allocated including enclosure.

Mailboxes allocated.

Please ref site plan proposed

Complies with standard B34.