

# Clause 55 Assessment in support of three (3) single storey dwellings at No. 116 Bentinck Street, Wallan

Accompanying Report to Support a Planning Permit Application

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# 1. Introduction

This report supports the application for the use and development of the property known as No. 116 Bentinck Street, Wallan.

The following sections of this report will provide further clarification of the nature of the proposed development including:

- Existing site details;
- Development concept
- Detailed assessment against the provisions of Clause 55 of the Mitchell Planning Scheme.

In summary it is considered that the proposed development meets the regulatory requirements of the Mitchell Planning Scheme and should be approved under delegated authority available to the officers of the municipality.

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## 2. Subject Site

### 2.1 Location

The site (approx 649 square metres combined sites) is located on the eastern side of Stanley Street in Wallan. Located one site in from the corner of King Street and Bentinck Street, the site is mostly rectangular in shape. The frontage of just 13.6 meters. Depths along the Northern and Southern boundaries of approximately 46.8 meters. There is no easement on the site and the rear boundary is 13.72



Figure 1 Locality Map

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The site at present has no major topographical features with no vegetation features throughout the site. There is an existing dwelling at 81 King Street; however it is setback quite far away from the subject site and separated by a large private open space. The allotment represents a development opportunity and is one of the many lots of adequate size within this established but growing residential estate to accommodate such a development.

Land abutting to the south of the site is occupied by vacant sites; both of which have approval for similar unit developments from the relevant authority.

Dwelling styles within this established residential estate vary in design and built form, however a common feature is their size being generally single storey brick or weatherboard dwellings which typify the character of this area. There are, however, a growing number of unit type developments in both the immediate vicinity as well as in the general neighbourhood at large (please refer to plans provided)

Looking into site / dwelling from Stanley Street – existing dwelling at 24 shown not connected



Looking into rear of subject site behind existing dwelling, rear fence to be demolished



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## 2.2 Development Proposal

Approval is sought to construct three (3) single storey dwellings erected along the site with a common driveway from Bentinck Street servicing the three dwellings. There are no existing dwellings or structures on the site to be demolished.

The internal layout of the dwellings will provide the following features:

1. Open living, meals and kitchen area with solar access and connections to private open spaces.
2. Single lock up garages with either connections through to dwellings to allow easy transfer through to living areas or rear access through private open space within close proximity of rear entrances.
3. Reasonably sized sleeping quarters with close proximity access to bathroom and wc facilities as required.
4. Single storey design which is typical of the area.

Full details of the internal layout of the buildings including dimensions are provided on the submitted plans.

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## 3. Response to Clause 55 of the Mitchell Shire Planning Scheme

### 3.1 Zoning and Overlays

The subject site is in a 'General Residential Zone' (GRZ1) of the Mitchell Council. Notable purposes of this zone are:

- To encourage development that respects the neighbourhood character of the area.
- To implement neighbourhood character policy and adopted neighbourhood character guidelines.
- To provide a diversity of housing types and moderate housing growth in locations offering good access to services and transport.

It is felt by the designers that the design and form of the proposal fits well into these. Traditional shapes (such as hipped roofs, etc.) have been incorporated into this more contemporary interpretation in order to respect the existing character of the area. The site is very well placed in consideration of community services and transport and, through the proposal, should meet the purpose of providing a moderately more dense housing form.

### 3.2 State Planning Policy Framework

The proposed development respects and fits well within the objectives of the state planning policy framework which are:

- To provide for the fair, orderly, economic and sustainable use and development of land
- To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity
- To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria
- To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value
- To protect public utilities and other assets and enable the orderly provision and coordination of public utilities and other facilities for the benefit of the community
- To facilitate development in accordance with the objectives set out in the points above
- To balance the present and future interests of all Victorians

### 3.2 Municipal Strategic Statement

The proposed development by and large meets the objectives as set out under the four themes of Land use, Built form, Open space and Natural environment and infrastructure and transportation. It does so by:

- Providing a diverse type of housing type and style which caters for increasingly changing needs of households.
- Providing redevelopment of the deteriorating housing type on the subject site.
- Providing a subdivision that allows for a higher density type of living to cater for the diversity of the greater community.
- Exceeding the minimum compliance with the requirements of Clauses 54 and 55.
- Incorporates space for the long term viability and safe retention of canopy trees.
- Providing accommodation for both the short and long term increase in projected population density

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- Providing medium density housing close to activity centres
  - Positively contributing to the preferred neighbourhood character of an area close to activity centres

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Clause 55: Two or More Dwellings on a Lot and Residential Buildings		
B1	Neighbourhood Character	<p>It is considered that the proposed development is in line with future developments within the (preferred) neighbourhood character of this residential area.</p> <p>The key elements of neighbourhood character that come to light in this location are:</p> <ol style="list-style-type: none"> <li>1. The new and contemporary dwelling styles that are coming to exist in the street and locality so far.</li> <li>2. The predominately single storey built forms of those that do exist nearby.</li> <li>3. The focus given to orientating dwellings so as to maximise the northerly aspect of the site.</li> <li>4. The sense of spacing provided at the rear or side of dwellings to preserve secluded private open spaces.</li> <li>5. Visual separation between the existing dwelling where possible to provide a sense of greenery and allow for areas of appropriate landscaping.</li> </ol> <p>It is considered that the proposed development will fit comfortably within the developing streetscape and preserve these character elements.</p> <p><b>Complies</b></p>
B2	Residential Policy	<p>The proposed development site is well located in relation to existing and proposed infrastructure. Shopping centres, education facilities and public transport is available within 500M of the site along the Northern Highway and Queen Street.</p> <p>The proposed development also offers diversity in housing choice and energy efficient design emphasised by the orientation of the dwellings which maximise solar access to living areas and open spaces.</p> <p>It is noted by the designers that in accordance with the policy objectives of Mitchell Shire, the ideal location of this development allows it's future residents to take advantage of public transport and community infrastructure and services; therefore should be wholly supported by the relevant authorities.</p> <p><b>Complies</b></p>
B3	Dwelling Diversity	<p>Standard B3 refers to 10 or more dwellings however it is considered that the proposal achieves the desired market demand for dwellings in this location.</p> <p><b>Not Applicable</b></p>
B4	Infrastructure	<p>It is noted that the site does not adjoin waterways, floodplains and wetland areas.</p> <p>The proposal will not overload the existing available infrastructure.</p> <p><b>Complies</b></p>
B5	Integration with the Street	<p>The proposed development provides for adequate pedestrian and vehicle links throughout.</p>

		All dwellings are readily identified from the relevant street frontage and no front fences are proposed.  <b>Complies</b>
B6	Street Setback	The proposal complies with the standard.  <b>Complies</b>
B7	Building Height	The proposal complies with the standard.  <b>Complies</b>
B8	Site Coverage	The proposal complies with the standard.  <b>Complies</b>
B9	Permeability	The proposal complies with the standard.  <b>Complies</b>
B10	Energy Efficiency	All available living areas and private open space will have adequate solar access.  <b>To comply (as per energy rating)</b>
B11	Open Space	No communal open space is proposed.  <b>Not applicable</b>
B12	Safety	All dwellings will have safe and secure access and will not be obscured by fencing or established landscaping. As aforementioned, an important component of the individual floor plan designs of the proposed development is for some sense of connection / access from the garages directly to the house or via private open space.  <b>Complies</b>
B13	Landscaping	Opportunities for detailed and meaningful landscaping can be achieved and plans for its proposal are to be outlined in a future submission to council.  <b>Complies</b>
B14	Access	The width of the existing driveway shown on the plans provided is satisfactory to meet standard driveways of Mitchell Shire with adequate sight lines proposed to ensure safe ingress and egress. In addition to this, a visual splay where possible will be provided in accordance with the requirements of Mitchell council in order to maintain the safety of pedestrians also.  <b>Complies</b>
B15	Parking Location	Parking spaces are well connected to the proposed dwellings to ensure security and safety.  <b>Complies</b>
B16	Parking Provision	The proposed development offers one covered car space per dwelling. The car spaces and garage dimensions meet the standards. No visitor car spaces have been provided onsite for the residents, however it's felt by the designers that the provision of on street parking to Bentinck Street should be sufficient.  <b>Complies</b>
B17	Side and Rear Setbacks	The proposed setbacks satisfy the standards by allowing for a higher than necessary side setbacks. This will ensure that landscaping can be provided

		down both 'sides' of the subject site and reduce any impact on the amenity of adjoining properties.  <b>Complies</b>
B18	Walls on Boundary	All walls on boundaries proposed are within the allowable limits.  <b>Complies</b>
B19	Daylight to Existing Windows	Adequate separation has been provided between the habitable room windows of the existing dwellings surrounding and proposed dwellings to allow adequate daylight into existing habitable room windows.  <b>Complies</b>
B20	North Facing Windows	North facing windows are not restricted by nearby buildings or lot boundaries.  <b>Complies</b>
B21	Overshadowing Open Space	Sun studies provided have demonstrated that there will not be any significant detrimental effect on any of the adjoining private open spaces.  <b>Complies</b>
B22	Overlooking	The single storey nature of the proposed development, and with little topographical variation to the site, ensures that there will be no overlooking issues.  <b>Compliance.</b>
B23	Internal Views	The single storey nature of the proposed development ensures that there will be no issues in regards to internal views.  <b>Complies</b>
B24	Noise Impacts	No exceptional noise sources have been identified that warrant a change in building design.  <b>Complies</b>
B25	Accessibility	The proposed relatively levelled nature of the site, upon completion in accordance with the relevant traffic standards, will ensure convenient and safe access for residents and visitors. Particular attention has been taken in the design stage to find an equilibrium between: aesthetic appeal, cost effectiveness, and site practicalities.  <b>Complies.</b>
B26	Dwelling Entry	All dwellings will have separate entries visible from the relevant streets.  <b>Complies</b>
B27	Daylight to New Windows	Proposed habitable room windows will have ample space to receive adequate daylight.  <b>Complies</b>
B28	Private Open Space	Each dwelling will have decent amounts of secluded private open space which have very useable layouts. Each dwelling will have family rooms which adjoin these open space areas allowing for convenient access. While some of the private open spaces are slightly smaller than the desired amount, the bulk of the private open spaces provided consist of a main section that meets the 25M2 min. Considering the proximity of the dwellings to large public recreational spaces, as well as the fact

		<p>that the dwellings consist of only two bedrooms each, it is felt by the designers that this should be adequate for the residents and deemed acceptable by the relevant authority.</p> <p>These are:  UNIT 1: 31.15 M2  UNIT 2: 45.90 M2  UNIT 3: 34.55 M2</p> <p><b>Complies</b></p>
B29	Solar Access to Open Space	<p>Secluded private open space is located to the North of all dwellings where possible which ensure they will receive high levels of solar access. These secluded open spaces have a great orientation and will receive more than adequate solar access given the large spaces and setbacks.</p> <p><b>Complies</b></p>
B30	Storage	<p>Provision for a dedicated storage facility is available for each dwelling which will meet the required standards.</p> <p><b>Complies.</b></p>
B31	Design Detail	<p>It is considered that the proposed development respects the established and future neighbourhood character. All aspects of the design including façade articulation, window and door proportions and roof form have been addressed in the design response and are considered to be satisfactory.</p> <p><b>Complies</b></p>
B32	Front Fences	<p>No front fences are proposed.</p>
B33	Common Property	<p>No common areas apply in this instance.</p> <p><b>Not applicable</b></p>
B34	Site Services	<p>Bin enclosures and mail box facilities are defined on the plan.</p> <p><b>Complies</b></p>

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## 5. Response to Clause 22.09

The proposed development meets the objectives as set out under Clause 22.09 of the Mitchell Shire planning scheme in the following ways; by:

- Providing a diverse type of housing type in an appropriate location to meet the existing *and* future needs of the municipality's changing population.
- Providing a residential development of a high quality and standard which allows for meaningful on site landscaping
- Providing a contemporary design to make a positive contribution to the existing neighbourhood streetscape
- Providing varied forms of housing / density in an appropriate residential location.
- Providing a development that takes into account its interface with the residential development on adjoining sites and responds in a positive manner to the individual circumstances of the site itself.

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## 6. Response to Clause 32.08-4

The proposed development meets the objectives as set out under Clause 32.08-4 of the Mitchell Shire planning scheme in the following ways; by:

- Providing min. 30% of the total site area as garden area as defined in the Mitchell Planning Scheme.

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## 7. Conclusion

With a detailed assessment undertaken of the proposed development under Clause 55, the following conclusions can be drawn on this proposal.

- *The proposed single storey design is respectful of the varied existing neighbourhood character (as well as that visible under construction in the greater area) and designed in a manner so that building heights and articulation will provide adequate spacing between the site and the adjoining properties.*
- *The proposed development is well located in relation to existing public transport networks, shops and community facilities, making it a desirable location for medium density housing encouraged by State Planning Policy.*

It is submitted for all of the above reasons that this application for three (3) single storey dwellings at No 116 Bentinck Street should be supported by the Mitchell Shire with the delegation available to the officers of the municipality.

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