

## **ATTACHMENT 2 – Clause 54 Assessment Table**

### **Clause 54 – ONE DWELLING ON A LOT OR A SMALL SECOND DWELLING ON A LOT**

#### Requirements

A development must meet all of the applicable objectives contained in this clause.

If a development meets a standard:

- The corresponding objective is deemed to be met;
- The responsible authority is not required to consider the corresponding decision guidelines.

If a development does not meet a standard, the responsible authority must consider the applicable decision guidelines in determining whether the corresponding objective is met.

#### Exemptions

Despite any other provision of this planning scheme, in determining applications to which this clause applies, the responsible authority is exempt from and is not required to consider:

- The Municipal Planning Strategy and Planning Policy Framework, unless an applicable decision guideline specifies otherwise.
- The purpose or decision guidelines of the relevant zone, unless an applicable decision guideline specifies otherwise.
- The decision guidelines in Clause 65, unless an applicable decision guideline specifies otherwise.

If there is any inconsistency between the requirements of this clause and another provision of this planning scheme, this clause prevails.

An application to which this clause applies is exempt from the requirements of:

- Section 60(1)(b), (e), (f), (1A) and (1B) of the Act; and
- Section 84B(2)(b) to (j) of the Act.

#### **Important information regarding review rights for this application:**

The assessment of the application is limited to the objectives of Clause 54. If the applicable standards under clause 54.02-1, 54.02-2, 54.02-3, 54.02-4, 54.02-5, 54.02-6, 54.02-7, 54.04 and 54.05-2 have been complied with, third party review rights are not possible with the Victorian Civil and Administrative Tribunal under section 82(1) of the Act. Refer to the assessment of each clause regarding whether each standard has been met.

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### Important information regarding the operations of Clause 54:

The provisions contained within this assessment table apply only to an application lodged with Council on or after 8 September 2025. An application to amend a permit via Section 72 of the Act, where the original planning permit was applied for before 8 September 2025, will take benefit of the operations of Clause 54 prior to Planning Scheme Amendment VC282. These applications will not be exempt from:

- Section 60(1)(b), (e), (f), (1A) and (1B) of the Act; and
- Section 84B(2)(b) to (jb) of the Act.

### Clause 54.02 – Neighbourhood Character

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                    |                                                             |
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| <b>Clause 54.02-1: Street setback objective</b><br>To ensure that the setbacks of buildings from a street respond to the existing or preferred neighbourhood character and make efficient use of the site.                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                    |                                                             |
| Does the proposal comply with Standard A2-1 and is therefore deemed to comply with the objective?                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                       | <input checked="" type="checkbox"/> Yes                                                                                                                                                                                                                                                                                                            | <input type="checkbox"/> No                                 |
| If the proposal has not complied with Standard A2-1, has the objective been met?                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                       | <input checked="" type="checkbox"/> N/A                                                                                                                                                                                                                                                                                                            | <input type="checkbox"/> Yes<br><input type="checkbox"/> No |
| <b>Standard A2-1</b><br><br>Walls of buildings are set back from streets: <ul style="list-style-type: none"> <li>• At least the distance specified in a schedule to the zone if the distance specified in the schedule is less than the distance specified in Table A2-1; or</li> <li>• If no distance is specified in a schedule to the zone, the distance specified in Table A2-1.</li> </ul> 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. |                                                                                                                                                                       | <b>Note:</b> Clause 54.02-1 is relevant to the notice and review requirements within the applicable residential zone.<br><br><b>Assessment:</b><br><br>The proposal is deemed to comply as the existing street setback to Lytton Street is maintained, and the proposed first floor addition is set back in excess of 16 metres from the frontage. |                                                             |
| <b>Table A2-1 Street setback</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                    |                                                             |
| <b>Development context</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>Minimum setback from street</b>                                                                                                                                    | <b>Minimum setback from side street</b>                                                                                                                                                                                                                                                                                                            |                                                             |
| There is an existing building on both the abutting allotments facing the same street, and the site is not on a corner.                                                                                                                                                                                                                                                                                                                                                                                                                                 | The same distance as the lesser front wall setback of the existing buildings on the abutting allotments facing the front street or 6 metres, whichever is the lesser. | Not applicable                                                                                                                                                                                                                                                                                                                                     |                                                             |

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| There is an existing building on one abutting allotment facing the same street and no existing building on the other abutting allotment facing the same street, and the site is not on a corner | The same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 6 metres, whichever is the lesser.                                                                                                                                                                                                                                               | Not applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |  |
| There is no existing building on either of the abutting allotments facing the same street, and the site is not on a corner                                                                      | 6 metres for streets in a Transport Zone 2 and 4 metres for other streets.                                                                                                                                                                                                                                                                                                                                        | Not applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |  |
| The site is on a corner.                                                                                                                                                                        | <p>If there is a building on the abutting allotment facing the front street, the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 6 metres, whichever is the lesser.</p> <p>If there is no building on the abutting allotment facing the front street, 6 metres for streets in a Transport Zone 2 and 4 metres for other streets.</p> | <p>Front walls of new development fronting the side street of a corner site are setback at least the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 3 metres, whichever is the lesser.</p> <p>Side walls of new development on a corner site are setback the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 2 metres, whichever is the lesser.</p> |  |

|                                                                                                                                                                                |                                                                                                                                                 |                              |                             |
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| <b>Clause 54.02-2: Building height objective</b>                                                                                                                               |                                                                                                                                                 |                              |                             |
| To ensure that the height of buildings respond to the existing or preferred neighbourhood character.                                                                           |                                                                                                                                                 |                              |                             |
| Does the proposal comply with Standard A2-2 and is therefore deemed to comply with the objective?                                                                              | <input checked="" type="checkbox"/> Yes                                                                                                         | <input type="checkbox"/> No  |                             |
| If the proposal has not complied with Standard A2-2, has the objective been met?                                                                                               | <input checked="" type="checkbox"/> N/A                                                                                                         | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| <b>Standard A2-2</b><br><br>The maximum building height does not exceed the maximum height specified in the zone, schedule to the zone or an overlay that applies to the land. | <b>Note:</b> Clause 54.02-2 is relevant to the notice and review requirements within the applicable residential zone.<br><br><b>Assessment:</b> |                              |                             |

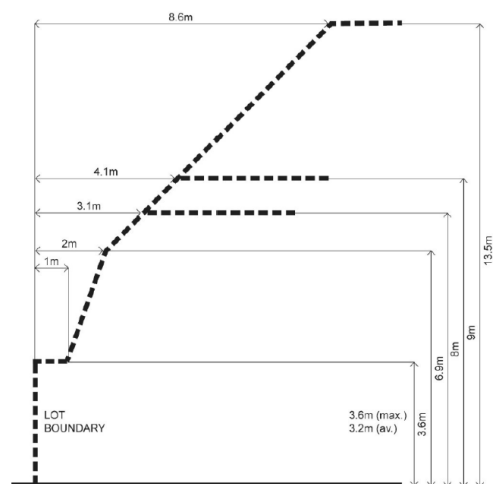
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| If no maximum height is specified in the zone, schedule to the zone or an overlay, the maximum building height does not exceed 9 metres, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building height does not exceed 10 metres. | The proposal is deemed to comply as the standard allows a maximum building height of 9m as specified in Clause 32.09-11 (Neighbourhood Residential Zone) and the proposed maximum building height is 7.1m. |
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| <b>Clause 54.02-3: Side and rear setbacks objective</b><br>To ensure that the height and setback of a building from a boundary responds to the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings or small second dwellings.                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                         |                                        |              |  |  |  |  |             |             |                  |                  |           |           |       |       |    |     |             |  |  |  |  |                |      |        |       |     |                                  |      |        |       |    |           |      |       |       |     |
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| Does the proposal comply with Standard A2-3 and is therefore deemed to comply with the objective?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |              |  |  |  |  |             |             |                  |                  |           |           |       |       |    |     |             |  |  |  |  |                |      |        |       |     |                                  |      |        |       |    |           |      |       |       |     |
| If the proposal has not complied with Standard A2-3, has the objective been met?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <input type="checkbox"/> N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |              |  |  |  |  |             |             |                  |                  |           |           |       |       |    |     |             |  |  |  |  |                |      |        |       |     |                                  |      |        |       |    |           |      |       |       |     |
| <b>Standard A2-3</b><br><br>A new building not on or within 200mm of a boundary is set back from side or rear boundaries at least 1 metres, 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.<br><br>Sunblinds, verandahs, porches, eaves, facias, 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 side and rear setbacks.<br><br>Landings that have 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 side and rear setbacks. | <b>Note:</b> Clause 54.02-3 is relevant to the notice and review requirements within the applicable residential zone.<br><br><b>Assessment:</b><br><br>The proposal is not deemed to comply as the application proposes side and rear setbacks which do not meet the standard, as detailed in the table below: <table border="1" data-bbox="721 890 1621 1236"> <thead> <tr> <th colspan="5">Ground Floor</th> </tr> <tr> <th>Orientation</th> <th>Wall height</th> <th>Proposed setback</th> <th>Required setback</th> <th>Compliant</th> </tr> </thead> <tbody> <tr> <td>East/rear</td> <td>3.22m</td> <td>5.49m</td> <td>1m</td> <td>Yes</td> </tr> <tr> <th colspan="5">First Floor</th> </tr> <tr> <td>North (Rumpus)</td> <td>6.3m</td> <td>1.843m</td> <td>1.81m</td> <td>Yes</td> </tr> <tr> <td>North (Study and Master Bedroom)</td> <td>7.1m</td> <td>1.043m</td> <td>2.19m</td> <td>No</td> </tr> <tr> <td>East/rear</td> <td>7.1m</td> <td>5.49m</td> <td>1.81m</td> <td>Yes</td> </tr> </tbody> </table> |                                         |                                        | Ground Floor |  |  |  |  | Orientation | Wall height | Proposed setback | Required setback | Compliant | East/rear | 3.22m | 5.49m | 1m | Yes | First Floor |  |  |  |  | North (Rumpus) | 6.3m | 1.843m | 1.81m | Yes | North (Study and Master Bedroom) | 7.1m | 1.043m | 2.19m | No | East/rear | 7.1m | 5.49m | 1.81m | Yes |
| Ground Floor                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                         |                                        |              |  |  |  |  |             |             |                  |                  |           |           |       |       |    |     |             |  |  |  |  |                |      |        |       |     |                                  |      |        |       |    |           |      |       |       |     |
| Orientation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Wall height                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Proposed setback                        | Required setback                       | Compliant    |  |  |  |  |             |             |                  |                  |           |           |       |       |    |     |             |  |  |  |  |                |      |        |       |     |                                  |      |        |       |    |           |      |       |       |     |
| East/rear                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 3.22m                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 5.49m                                   | 1m                                     | Yes          |  |  |  |  |             |             |                  |                  |           |           |       |       |    |     |             |  |  |  |  |                |      |        |       |     |                                  |      |        |       |    |           |      |       |       |     |
| First Floor                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                         |                                        |              |  |  |  |  |             |             |                  |                  |           |           |       |       |    |     |             |  |  |  |  |                |      |        |       |     |                                  |      |        |       |    |           |      |       |       |     |
| North (Rumpus)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 6.3m                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 1.843m                                  | 1.81m                                  | Yes          |  |  |  |  |             |             |                  |                  |           |           |       |       |    |     |             |  |  |  |  |                |      |        |       |     |                                  |      |        |       |    |           |      |       |       |     |
| North (Study and Master Bedroom)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 7.1m                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 1.043m                                  | 2.19m                                  | No           |  |  |  |  |             |             |                  |                  |           |           |       |       |    |     |             |  |  |  |  |                |      |        |       |     |                                  |      |        |       |    |           |      |       |       |     |
| East/rear                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 7.1m                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 5.49m                                   | 1.81m                                  | Yes          |  |  |  |  |             |             |                  |                  |           |           |       |       |    |     |             |  |  |  |  |                |      |        |       |     |                                  |      |        |       |    |           |      |       |       |     |
| Council must therefore have regard to the decision guidelines of Clause 54.02-3, which are: <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>                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                         |                                        |              |  |  |  |  |             |             |                  |                  |           |           |       |       |    |     |             |  |  |  |  |                |      |        |       |     |                                  |      |        |       |    |           |      |       |       |     |

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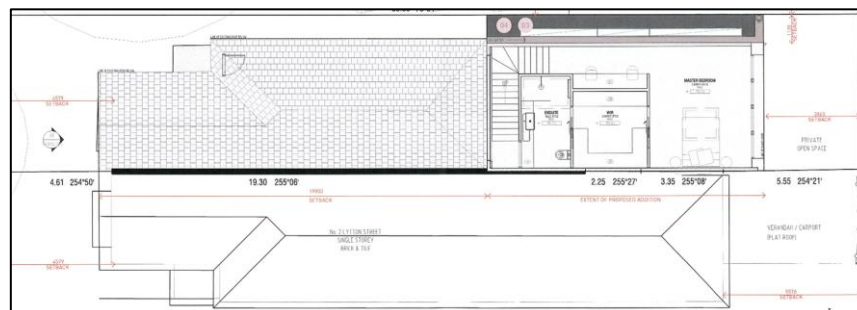
**Diagram A2-3 Side and rear setbacks**



- *The impact on the amenity of the habitable room windows and private open space of existing dwellings or small second dwellings.*
- *Whether the wall is opposite an existing or simultaneously constructed wall built to the boundary.*
- *Whether the wall abuts a side or rear lane.*
- *Whether a different setback in a rear yard affects the ability to retain or plant canopy trees.*

The proposal is considered to meet the objectives and decision guidelines. The variation is limited to a portion of the northern double-storey wall, extending approximately 10 metres in length, with the wall height gradually increasing from 6.3 metres to a maximum of 7.1 metres. While the variation to the standard is not insignificant, such outcomes are not uncommon on small and narrow lots within Lytton Street, where similar boundary wall conditions have been accepted.

For example, 1 Lytton Street, located nearby to the north of the subject site, features a double-storey rear addition built on or close to the boundary, approved under Planning Permit 494/2015. Aerial imagery confirms the approved extension has been constructed and now forms a nearby existing condition.



*Figure 1. Extract from the endorsed first floor plan of 1 Lytton Street, Elwood, illustrating a double-storey boundary wall approved along the southern boundary adjoining 2 Lytton Street and a 1.139 metre side building setback to the northern boundary*

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Figure 2. Extract of the endorsed north elevation of 1 Lytton Street, Elwood, illustrating a double-storey boundary wall with a height of approx. 7.7m with a setback of 1.139m (Source: Endorsed Plans, 1 April 2016)



Figure 3. Extract of the endorsed south elevation of 1 Lytton Street, Elwood, illustrating a double-storey boundary wall with a height of approx. 7.7m built on southern boundary (Source: Endorsed Plans, 1 April 2016)

In this context, the proposal is not considered out of character for the area and achieves an acceptable response to the relevant objectives. Furthermore, the variation is not located directly opposite any habitable room windows or secluded private open space of 2 Lytton Street, meaning amenity impacts to that dwelling will be appropriately limited. The submitted shadow diagrams demonstrate that the development does not result in unreasonable amenity impacts, with acceptable sunlight access retained to the private open space and existing windows of the adjoining property to the north.

It is important to note that the requirements contained within the Melbourne Water conditions will require the entirety of the proposed ground floor northern boundary wall of the extension to be setback no less than 0.5m. Whilst this aspect of the proposal is currently assessed against Standard A2-4 below as appropriate for a boundary wall, in meeting the requirements of the condition it will no longer be subject to the requirements of Standard A2-4. Whilst it is acknowledged that being setback 0.5m will technically vary the setback requirement of Standard A2-3 which stipulates a new building not on or within 200mm of a boundary is to be set back from

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|  | side or rear boundaries at least 1 metre, this is merely a technical non-compliance. The built form which would result from meeting the condition is an effective reduction in the extent of built form proposed. It is therefore considered acceptable. |
|  |                                                                                                                                                                                                                                                          |

| <b>Clause 54.02-4: Walls on boundaries objective</b><br>To ensure that the location, length and height of a wall on a boundary responds to the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings and small second dwellings.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                        |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|
| Does the proposal comply with Standard A2-4 and is therefore deemed to comply with the objective?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |  | <input type="checkbox"/> Yes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <input checked="" type="checkbox"/> No |
| If the proposal has not complied with Standard A2-4, has the objective been met?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |  | <input checked="" type="checkbox"/> Yes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <input type="checkbox"/> No            |
| <b>Standard A2-4</b><br><br>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 does not abut the boundary for a length that exceeds the greater of the following distances: <ul style="list-style-type: none"> <li>• 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or</li> <li>• The length of existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot.</li> </ul><br>A new wall or carport may fully abut a side or rear boundary where 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.<br><br>A building on a boundary includes a building set back up to 200mm from a boundary.<br><br>The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport |  | <b>Note:</b> Clause 54.02-4 is relevant to the notice and review requirements within the applicable residential zone.<br><br><b>Assessment:</b><br><br>The proposal is not deemed to comply as the application proposes walls-on-boundaries which do not meet the standard, as follows:<br><br><b>Allowable length:</b><br><br><u>North:</u> (35.07m-10m) *0.25m + 10m = 16.27m<br><u>South:</u> The length of existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot.<br><br><b>Proposed length (Complies):</b><br><br><u>North (complies):</u> <ul style="list-style-type: none"> <li>• Ground floor: 10.624m (&lt;16.27m)</li> <li>• First floor: 13.95m (&lt;16.27m)</li> </ul><br>It is important to note that the mandatory requirements contained within the Melbourne Water conditions will require the entirety of this proposed boundary wall to be setback from the northern boundary by no less than 0.5m. This is of no consequence for compliance with this standard as it is an effective reduction in the extent of built form proposed. |                                        |

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| <p>constructed on or within 1 metre of a side or rear boundary does 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.</p> | <p><u>South (complies):</u> The proposed maximum length matches the length of the existing boundary wall abutting the boundary on the adjoining lot to the south.</p> <p><b>Proposed heights (Variation):</b></p> <p><u>North (Complies):</u></p> <ul style="list-style-type: none"> <li>• The average height: 3.02m (&lt;allowable height of 3.2m)</li> <li>• The maximum height: 3.02m (&lt;allowable height of 3.6m)</li> </ul> <p><u>South (Variation):</u></p> <ul style="list-style-type: none"> <li>• The average height: Approx. 6.59m</li> <li>• The maximum height: 7.1m (&lt;allowable height of 3.6m)</li> </ul> <p>Council must therefore have regard to the decision guidelines of Clause 54.02-4, which are:</p> <ul style="list-style-type: none"> <li>• <i>Any relevant neighbourhood character objective, policy or statement set out in this scheme.</i></li> <li>• <i>The design response.</i></li> <li>• <i>The extent to which walls on boundaries are part of the neighbourhood character.</i></li> <li>• <i>The impact on the amenity of existing dwellings or small second dwellings.</i></li> <li>• <i>The opportunity to minimise the length of walls on boundaries by aligning a new wall on a boundary with an existing wall on a lot of an adjoining property.</i></li> <li>• <i>The orientation of the boundary that the wall is being built on.</i></li> <li>• <i>The width of the lot.</i></li> <li>• <i>The extent to which the slope and retaining walls or fences reduce the effective height of the wall.</i></li> <li>• <i>Whether the wall abuts a side or rear lane.</i></li> <li>• <i>The need to increase the wall height to screen a box gutter.</i></li> </ul> <p>The variation is limited to the height of the southern boundary wall. While the extent of the variation is acknowledged, the proposal is considered to meet the objectives and decision guidelines of Clause 54.02-4. Variations of this nature are not uncommon within the surrounding area.</p> <p>As discussed above, 4 Lytton Street includes an approved double-storey wall with a height of 6.8 metres above finished floor level constructed along the shared boundary. Similarly, 8 Lytton</p> |
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Street to the south features a double-storey addition approved under Planning Permit 723/2015, comprising a boundary wall of approximately 6.9 metres in height along the northern boundary. These examples demonstrate a consistent pattern of development within the street, where two-storey boundary walls have been accepted and form a part of the neighbourhood character.

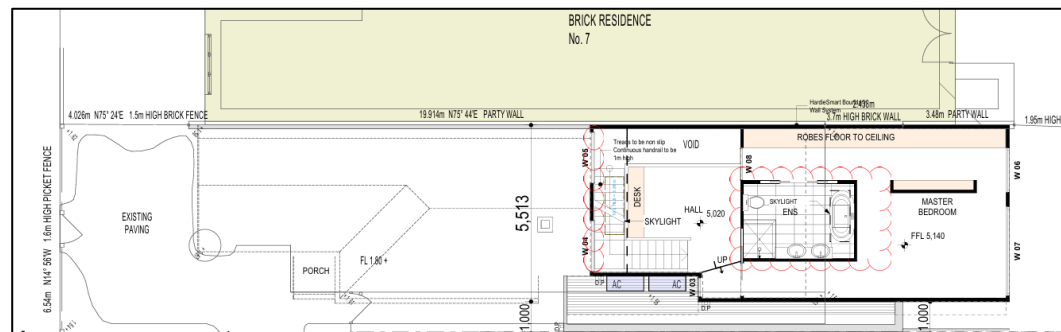


Figure 4. Extract of the endorsed first floor plan of 8 Lytton Street Elwood, illustrating a double storey boundary wall approved along the northern boundary abutting 7 Lytton Street (Source: Endorsed Plans, 8 March 2017)

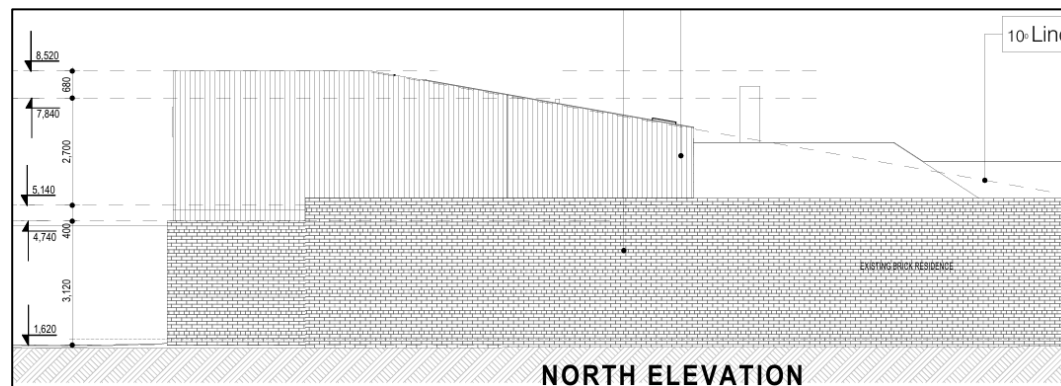


Figure 5. Extract of the endorsed north elevation of 8 Lytton Street, Elwood, illustrating a double-storey boundary wall approved along the northern boundary adjoining 7 Lytton Street, and featuring a similar articulated form and sloped roof profile

Given the narrow width of the site (6.38 metres), walls on boundaries are a typical and expected outcome to achieve functional and efficient design responses. In this context, the proposed wall height is not considered out of character and will not result in unreasonable visual bulk or

## ATTACHMENT 2 – Clause 54 Assessment Table

|  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|--|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | <p>amenity impacts, with the variation in height being opposite an existing boundary wall and located toward the rear of the site. Accordingly, the proposal is considered to satisfy the objectives of Clause 54.02-4.</p> <p>The proposed variation is also acceptable when considering expected amenity impacts to the approved development at 4 Lytton Street. It is acknowledged that the approved dwelling at 4 Lytton Street will have a courtyard part-way along the proposed boundary wall, and that the proposed boundary wall will extend approximately 0.4m past the boundary wall approved for 4 Lytton Street.</p> <p>Despite this, it is considered that the siting of approved courtyard is itself not ideal with respect to expected development outcomes along what is an existing boundary wall between 3 and 4 Lytton Street. Furthermore, the courtyard is not the primary area of secluded private open space for the approved dwelling, noting a rear yard and first-floor balcony are also approved in the design.</p> <p>Regarding the additional extent of boundary wall proposed to the rear of the development, reducing the wall on boundary by approximately 0.4m is not considered to result in any meaningful or appreciable improvement to external amenity outcome for 4 Lytton Street.</p> |
|--|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

| <b>Clause 54.02-5: Site coverage objective</b><br>To ensure that the site coverage responds to the existing or preferred neighbourhood character and responds to the features of the site.                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                        |                                         |                                        |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|----------------------------------------|
| Does the proposal comply with Standard A2-5 and is therefore deemed to comply with the objective?                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                        | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| If the proposal has not complied with Standard A2-5, has the objective been met?                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                        | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| <b>Standard A2-5</b><br><br>The site area covered by buildings does not exceed: <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, the percentage specified in Table A2-5.</li> </ul> | <p>Note: Clause 54.02-5 is relevant to the notice and review requirements within the applicable residential zone.</p> <p><b>Assessment:</b></p> <p>The proposal is not deemed to comply as the application proposes a site coverage of 63.44% (142.07 sqm), exceeding standard.</p> <p>Council must therefore have regard to the decision guidelines of Clause 54.02-5, which are:</p> |                                         |                                        |

## ATTACHMENT 2 – Clause 54 Assessment Table

If the maximum site coverage is specified in a schedule to a zone, it must be greater than the percentage specified in Table A2-5.

**Table A2-5 Site Coverage**

| Zone                                                                           | Area        |
|--------------------------------------------------------------------------------|-------------|
| Neighbourhood Residential Zone<br>Township Zone                                | 60 per cent |
| General Residential Zone                                                       | 65 per cent |
| Residential Growth Zone<br>Mixed Use Zone<br>Housing Choice and Transport Zone | 70 per cent |

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The existing site coverage and any constraints imposed by existing development or the features of the site.
- The site coverage of adjacent properties.
- The effect of the visual bulk of the building and whether this is acceptable in the neighbourhood.
- Whether a different area of site coverage affects the ability to retain or plant canopy trees.

The variation to site coverage is modest, amounting to approximately 3.44% (7.7sqm). Given the relatively small size of the site, a degree of variation is expected in order to achieve a functional and efficient design response.

A review of surrounding development demonstrates that higher site coverage levels are a common characteristic of the area. For instance, 4 Lytton Street has an existing site coverage of approximately 64%, and while the approved redevelopment reduces this to 59%, it nonetheless reflects a prevailing pattern of relatively high site coverage within the street.

| site areas                   |                         |                         |                         |
|------------------------------|-------------------------|-------------------------|-------------------------|
| site area: 225m <sup>2</sup> |                         |                         |                         |
| existing                     |                         | proposed                |                         |
| building site coverage:      | 143m <sup>2</sup> = 64% | building site coverage: | 132m <sup>2</sup> = 59% |
| permeability:                | 21m <sup>2</sup> = 9%   | permeability:           | 45m <sup>2</sup> = 20%  |
| hard surfaces:               | 61m <sup>2</sup> = 27%  | hard surfaces:          | 30m <sup>2</sup> = 30%  |

Figure 6. Extract from the endorsed design response of 4 Lytton Street (Source: Endorsed Plans, 14 April 2026)

In this context, the proposed site coverage is not considered excessive and responds appropriately to the constraints of the allotment. The built form remains consistent with the established neighbourhood character and does not result in unreasonable visual bulk. Furthermore, the design achieves an appropriate balance between building footprint and opportunities for open space and landscaping.

## ATTACHMENT 2 – Clause 54 Assessment Table

|  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|--|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | <p>While the minimum garden area requirement does not apply to the site, the proposal provides approximately 36.33% of the site (81.36sqm) as garden area, with permeable surfaces exceeding 20% of the site. The layout also includes a sufficiently sized secluded private open space to accommodate the planting of a canopy tree, in addition to the retention of an established landscaped front garden.</p> <p>Having regard to the decision guidelines of Clause 54.02-5, including the site context, design response, and the pattern of development in the surrounding area, the variation is considered acceptable and achieves the objectives of the standard.</p> <p>It is important to note that in meeting the northern boundary setback requirement of the Melbourne Water conditions the site coverage will be reduced to approx. 135sqm (60%), in line with the requirement of the standard.</p> |
|--|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

| <b>Clause 54.02-6: Tree canopy objectives</b><br>To provide tree canopy that responds to the neighbourhood character of the area and reduces the visual impact of buildings on the streetscape.<br>To preserve existing canopy cover and support the provision of new canopy cover.<br>To ensure new canopy trees are climate responsive, support biodiversity, wellbeing and amenity, and help reduce urban heat.                                                                                                                                                                                                                         |                              |                                         |                                        |                           |          |                                              |           |                                              |             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------------------------------------|----------------------------------------|---------------------------|----------|----------------------------------------------|-----------|----------------------------------------------|-------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| Does the proposal comply with Standard A2-6 and is therefore deemed to comply with the objective?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                              | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |                           |          |                                              |           |                                              |             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |  |
| If the proposal has not complied with Standard A2-6, has the objective been met?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <input type="checkbox"/> N/A | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |                           |          |                                              |           |                                              |             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |  |
| <b>Standard B2-7</b><br><br>Provide a minimum number of trees as specified in Table A2-6.<br><br><b>Table A2-6 Minimum tree requirement</b> <table><tr><th>Site area</th><th>Tree</th></tr><tr><td>100 square metres or less</td><td>One tree</td></tr><tr><td>Above 100 square metres to 200 square metres</td><td>Two trees</td></tr><tr><td>Above 200 square metres to 300 square metres</td><td>Three trees</td></tr></table><br>A tree must meet the following: <ul style="list-style-type: none"><li>• Reach a height of at least 6 metres at maturity.</li><li>• Achieve a canopy width of at least 4 metres at maturity.</li></ul> |                              | Site area                               | Tree                                   | 100 square metres or less | One tree | Above 100 square metres to 200 square metres | Two trees | Above 200 square metres to 300 square metres | Three trees | <b>Note:</b> Clause 54.02-6 is relevant to the notice and review requirements within the applicable residential zone.<br><br><b>Assessment:</b><br><br>The proposal does not comply with the standard, as it does not provide the required number of canopy trees. For a site with an area between 200sqm and 300sqm, three (3) canopy trees are required; however, the proposal provides for only one canopy tree within the rear secluded private open space (SPOS).<br><br>Council must therefore have regard to the decision guidelines of Clause 54.02-6, which are: <ul style="list-style-type: none"><li>• Any relevant neighbourhood character objective, policy or statement set out in this scheme.</li></ul> |  |
| Site area                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Tree                         |                                         |                                        |                           |          |                                              |           |                                              |             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |  |
| 100 square metres or less                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | One tree                     |                                         |                                        |                           |          |                                              |           |                                              |             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |  |
| Above 100 square metres to 200 square metres                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Two trees                    |                                         |                                        |                           |          |                                              |           |                                              |             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |  |
| Above 200 square metres to 300 square metres                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Three trees                  |                                         |                                        |                           |          |                                              |           |                                              |             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |  |

## ATTACHMENT 2 – Clause 54 Assessment Table

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|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>Planted in a minimum deep soil area of 12 square metres with a minimum plan dimension 2.5 metres or in a planter with a minimum volume of 12 cubic metres with a minimum depth of 0.8 metres of planter soil.</li> </ul> <p>Existing trees to be retained meet all of the following:</p> <ul style="list-style-type: none"> <li>Has a height of at least 5 metres,</li> <li>Has a trunk circumference of 0.5 metres or greater at 1.4 metres above ground level,</li> <li>Has a trunk that is located at least 4 metres from proposed buildings.</li> </ul> <p>Existing trees that are retained can be used to satisfy the tree canopy requirement.</p> <p>Any tree required to be planted under this standard must be of species to the satisfaction of the responsible authority, having regard to the location and relevant geographic factors.</p> | <ul style="list-style-type: none"> <li><i>The site context and design response.</i></li> <li><i>The extent to which the existing and proposed canopy trees contribute to a greener environment and reduce urban heat.</i></li> <li><i>Whether the growth characteristics of existing trees and proposed canopy trees will provide the required canopy cover.</i></li> <li><i>The suitability of the planting location, deep soil areas and planter soil volume for proposed canopy trees.</i></li> <li><i>Whether the species of canopy tree is suited to the soil conditions of the site.</i></li> <li><i>Whether an alternative combination of the canopy trees will provide the required canopy cover.</i></li> </ul> <p>Notwithstanding this, the variation is considered acceptable given the constrained size and narrow configuration of the site, and as the proposal is limited to extension works which are located to the rear of the site. Providing only one canopy tree within the rear setback is an acceptably commensurate response to the scale and scope of the proposal, the size constraints of the site, and the expectations for canopy trees set by the surrounding site context. A review of the surrounding streetscape along Lytton Street indicates a varied pattern of vegetation, with several properties accommodating only one or no canopy trees.</p> <p>Accordingly, the proposal is considered to achieve the objective of the standard by providing a reasonable level of landscaping that responds appropriately to site constraints while maintaining usable private open space.</p> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

| <b>Clause 54.02-7: Front fences objective</b><br>To encourage front fence design that responds to the existing or preferred neighbourhood character.                                                                                                                                                     |                                                                                                                                                 |                              |                             |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------------------------|
| Does the proposal comply with Standard A2-7 and is therefore deemed to comply with the objective?                                                                                                                                                                                                        | <input checked="" type="checkbox"/> N/A                                                                                                         | <input type="checkbox"/> No  |                             |
| If the proposal has not complied with Standard A2-7, has the objective been met?                                                                                                                                                                                                                         | <input checked="" type="checkbox"/> N/A                                                                                                         | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| <b>Standard A2-7</b><br><br>A front fence within 3 metres of a street is: <ul style="list-style-type: none"> <li>The maximum height specified in a schedule to the zone, or</li> <li>If no maximum height is specified in a schedule to the zone, the maximum height specified in Table A2-7.</li> </ul> | <b>Note:</b> Clause 54.02-7 is relevant to the notice and review requirements within the applicable residential zone.<br><br><b>Assessment:</b> |                              |                             |

## ATTACHMENT 2 – Clause 54 Assessment Table

| <table><tr><th>Street Context</th><th>Maximum front fence height</th></tr><tr><td>Streets in a Transport Zone 2</td><td>2 metres</td></tr><tr><td>Other streets</td><td>1.5 metres</td></tr></table> |                            | Street Context | Maximum front fence height | Streets in a Transport Zone 2 | 2 metres | Other streets | 1.5 metres | Not applicable as no new front fence is proposed under this application. |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|----------------|----------------------------|-------------------------------|----------|---------------|------------|--------------------------------------------------------------------------|
| Street Context                                                                                                                                                                                       | Maximum front fence height |                |                            |                               |          |               |            |                                                                          |
| Streets in a Transport Zone 2                                                                                                                                                                        | 2 metres                   |                |                            |                               |          |               |            |                                                                          |
| Other streets                                                                                                                                                                                        | 1.5 metres                 |                |                            |                               |          |               |            |                                                                          |

### Clause 54.03 – Liveability

|                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                         |                              |                             |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------------------------|
| <b>Clause 54.03-1: Street integration objective</b><br>To integrate the layout of development with the street to support the safety and amenity of residents.                                                                                                                                                                         |                                                                                                                                                                                                                                         |                              |                             |
| Does the proposal comply with Standard A3-1 and is therefore deemed to comply with the objective?                                                                                                                                                                                                                                     | <input checked="" type="checkbox"/> Yes                                                                                                                                                                                                 | <input type="checkbox"/> No  |                             |
| If the proposal has not complied with Standard A3-1, has the objective been met?                                                                                                                                                                                                                                                      | <input checked="" type="checkbox"/> N/A                                                                                                                                                                                                 | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| <b>Standard A3-1</b><br><br>Where a development fronts a street, a vehicle accessway or abuts public open space, passive surveillance is provided by a direct view from a balcony or a habitable room window to each street, vehicle accessway and public open space.<br><br>This standard does not apply to a small second dwelling. | <b>Assessment:</b><br><br>The proposal is deemed to comply as no alterations are proposed to the front two rooms, and the existing west-facing ground floor bedroom window will continue to provide passive surveillance to the street. |                              |                             |

|                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                           |                              |                             |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------------------------|
| <b>Clause 54.03-2: Private open space objective</b><br>To provide adequate private open space for the reasonable recreation and service needs of residents.                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                           |                              |                             |
| Does the proposal comply with Standard A3-2 and is therefore deemed to comply with the objective?                                                                                                                                                                                                                                           | <input checked="" type="checkbox"/> Yes                                                                                                                                                                                                                                                                   | <input type="checkbox"/> No  |                             |
| If the proposal has not complied with Standard A3-2, has the objective been met?                                                                                                                                                                                                                                                            | <input checked="" type="checkbox"/> N/A                                                                                                                                                                                                                                                                   | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| <b>Standard A3-2</b><br><br>A dwelling or small second dwelling has private open space of an area and dimensions specified in a schedule to the zone.<br><br>If no area or dimension is specified in a schedule to the zone, a dwelling has private open space with direct access from a living area, dining area or kitchen consisting of: | <b>Assessment:</b><br><br>The proposal is deemed to comply as it provides a total private open space area of 81.88sqm (being 33.8% of the site area), including a secluded private open space (SPOS) of 34.41sqm with a minimum dimension of 5.39 metres, which exceeds the requirements of the standard. |                              |                             |

## ATTACHMENT 2 – Clause 54 Assessment Table

- An area of 20 per cent of the area of the lot, but not less than 25 square metres. At least one part of the private open space consists of secluded private open space with a minimum area of 25 square metres and a minimum dimension of 3 metres width; or
- A balcony with at least the area and dimensions specified in Table A3-2; or
- An area on a roof of at least 10 square metres, with a minimum dimension of 2 metres width.

If the area and dimensions of the private open space or secluded private open space is specified in a schedule to the zone;

- The area and dimensions specified for private open space and secluded private open space must be less than the area and dimensions specified in this standard, and
- The area and dimensions specified for a balcony or an area on a roof must be less than the area and dimensions specified in this standard.

A small second dwelling has a secluded private open space consisting of an area of 8 square metres with a minimum dimension of 1.6 metres and convenient access from a living area, dining area or kitchen.

If a cooling or heating unit is located in the secluded private open space or private open space the required area is increased by 1.5 square metres.

Where ground level private open space is provided an area for clothes drying is provided.

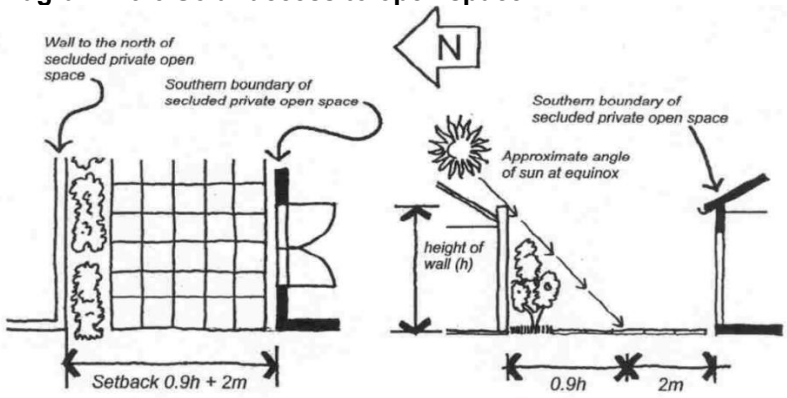
**Table A3-2 Private open space for a balcony**

| Orientation of dwelling                                  | Dwelling type      | Minimum area     | Minimum dimension |
|----------------------------------------------------------|--------------------|------------------|-------------------|
| North (between 20 degrees west to north 30 degrees east) | All                | 8 square metres  | 1.7 metres        |
| South (between south 30 degrees 20 degrees east)         | All                | 8 square metres  | 1.2 metres        |
| Any other orientation                                    | 1 bedroom dwelling | 8 square metres  | 1.8 metres        |
|                                                          | 2 bedroom dwelling | 8 square metres  | 2 metres          |
|                                                          | 3 bedroom dwelling | 12 square metres | 2.4 metres        |

### Clause 54.03-3: Solar access to open space objective

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

## ATTACHMENT 2 – Clause 54 Assessment Table

|                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                  |                                                             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| Does the proposal comply with Standard A3-3 and is therefore deemed to comply with the objective?                                                                                                                                                                                                                                                                                                                                 | <input checked="" type="checkbox"/> Yes                                                                                                                                                                                                          | <input type="checkbox"/> No                                 |
| If the proposal has not complied with Standard A3-3, has the objective been met?                                                                                                                                                                                                                                                                                                                                                  | <input checked="" type="checkbox"/> N/A                                                                                                                                                                                                          | <input type="checkbox"/> Yes<br><input type="checkbox"/> No |
| <p><b>Standard A3-3</b></p> <p>The southern boundary of secluded private open space is set back from any wall on the north of the space at least <math>(2 + 0.9h)</math> metres, where 'h' is the height of the wall.</p> <p><b>Diagram A3-3 Solar access to open space</b></p>  <p>This standard does not apply to a small second dwelling.</p> | <p><b>Assessment:</b></p> <p>The proposal is deemed to comply as the northern side of the proposed secluded private open space (SPOS) is not encumbered by any built form which would require a greater SPOS depth than the 6.381m provided.</p> |                                                             |

|                                                                                                   |                              |                                                                                                                                                                                           |                                        |
|---------------------------------------------------------------------------------------------------|------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|
| Clause 54.03-4: Daylight to new windows objectives                                                |                              |                                                                                                                                                                                           |                                        |
| To allow adequate daylight into new habitable room windows.                                       |                              |                                                                                                                                                                                           |                                        |
| Does the proposal comply with Standard A3-4 and is therefore deemed to comply with the objective? |                              | <input type="checkbox"/> Yes                                                                                                                                                              | <input checked="" type="checkbox"/> No |
| If the proposal has not complied with Standard A3-4, has the objective been met?                  | <input type="checkbox"/> N/A | <input checked="" type="checkbox"/> Yes                                                                                                                                                   | <input type="checkbox"/> No            |
| <b>Standard A3-4</b>                                                                              |                              | <b>Assessment:</b>                                                                                                                                                                        |                                        |
| A window in an external wall of the building is provided to all habitable rooms.                  |                              | The proposal is not deemed to comply. Four new habitable room windows are proposed, and the variation solely relates to the east-facing kitchen/living door and north-facing dining door. |                                        |
| Habitable rooms in a dwelling have a window that faces:                                           |                              |                                                                                                                                                                                           |                                        |

## ATTACHMENT 2 – Clause 54 Assessment Table

|                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <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 verandah 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>which open onto a covered deck rather than to the sky or a light court.</p> <p>Council must therefore have regard to the decision guidelines of Clause 54.03-4, which are:</p> <ul style="list-style-type: none"> <li>• <i>The design response.</i></li> <li>• <i>The extent to which habitable rooms are provided with reasonable daylight access through the number, size, location and orientation of windows.</i></li> <li>• <i>The useability and amenity of the dwelling based on the layout, siting, size and orientation of habitable rooms.</i></li> <li>• <i>Whether there are other windows in the habitable room which have access to daylight.</i></li> </ul> <p>The variation is neglectable and considered acceptable as the kitchen/living door and dining door are not the sole source of daylight to this area. The adjoining living room window complies with the standard as it is directly open to sky and ensures sufficient daylight is available to the ground floor open plan kitchen, living and meals area.</p> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

### Clause 54.04 – External Amenity

|                                                                                                                                   |                              |                                                                                                                       |                                        |
|-----------------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------------------------------------------------------------------------------------------------------------------|----------------------------------------|
| <b>Clause 54.04-1: Daylight to existing windows objective</b><br>To allow adequate daylight into existing habitable room windows. |                              |                                                                                                                       |                                        |
| Does the proposal comply with Standard A4-1 and is therefore deemed to comply with the objective?                                 |                              | <input type="checkbox"/> Yes                                                                                          | <input checked="" type="checkbox"/> No |
| If the proposal has not complied with Standard A4-1, has the objective been met?                                                  | <input type="checkbox"/> N/A | <input checked="" type="checkbox"/> Yes                                                                               | <input type="checkbox"/> No            |
| <b>Standard A4-1</b>                                                                                                              |                              | <b>Note:</b> Clause 54.04-1 is relevant to the notice and review requirements within the applicable residential zone. |                                        |

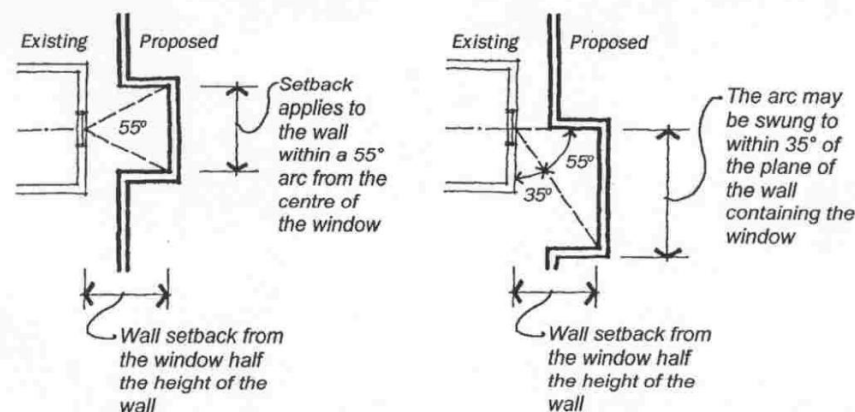
## ATTACHMENT 2 – Clause 54 Assessment Table

Buildings opposite an existing habitable room window 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 are 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.

**Diagram A4-1 Daylight to existing windows**



### Assessment:

There are three existing habitable room windows relevant to this standard, all located to the north of the site at 2 Lytton Street and set back 1.35m from its boundary. The westernmost (front) window will not be impacted by the proposed development.

However, the second and easternmost windows will be affected, as they will face a boundary wall of 3.02 metres in height, as well as a double-storey wall varying between approximately 5.6 metres and 6.2 metres in height.

The proposal is not deemed to comply in its current form, as demonstrated in the table below:

| Existing window        | 3m <sup>2</sup> light court | Wall height | Setback from window     | Setback required | Compliant |
|------------------------|-----------------------------|-------------|-------------------------|------------------|-----------|
| Ground floor           |                             |             |                         |                  |           |
| 2 <sup>nd</sup> window | ✓                           | 3.02m       | 1.35m                   | <b>1.51m</b>     | ✗         |
| Easternmost window     | ✓                           | 3.02m       | 1.35m                   | <b>1.51m</b>     | ✗         |
| First floor            |                             |             |                         |                  |           |
| 2 <sup>nd</sup> window | ✓                           | 5.7m        | 3.193m (1.35m + 1.843m) | <b>2.85m</b>     | ✓         |
| Easternmost window     | ✓                           | 6.2m        | 3.193m                  | <b>3.1m</b>      | ✓         |

Council must therefore have regard to the Decision Guidelines of Clause 54.04-1, which are:

- The design response.
- The extent to which the existing dwelling or small second dwelling has provided for reasonable daylight access to its habitable rooms through the siting and orientation of its habitable room windows.

## ATTACHMENT 2 – Clause 54 Assessment Table

- *The impact on the amenity of existing dwellings or small second dwellings*

It is important to note that the requirements contained within the Melbourne Water conditions will require the entirety of the proposed ground floor northern boundary wall of the extension to be setback no less than 0.5m. The proposal will fully comply with the standards, subject to the implementation of the Melbourne Water permit conditions, as demonstrated in the table below.

| Existing window        | 3m <sup>2</sup> light court | Wall height | Setback from window                       | Setback required | Compliant |
|------------------------|-----------------------------|-------------|-------------------------------------------|------------------|-----------|
| Ground floor           |                             |             |                                           |                  |           |
| 2 <sup>nd</sup> window | ✓                           | 3.02m       | 1.85m<br>(1.35m existing + required 0.5m) | <b>1.51m</b>     | ✓         |
| Easternmost window     | ✓                           | 3.02m       | 1.85m<br>(1.35m existing + required 0.5m) | <b>1.51m</b>     | ✓         |

With respect to the approved development for 4 Lytton Street, the approved design for that site will have a concertina set of doors serving as habitable room windows to provide daylight access to the ground floor kitchen/living area which require consideration under this standard.

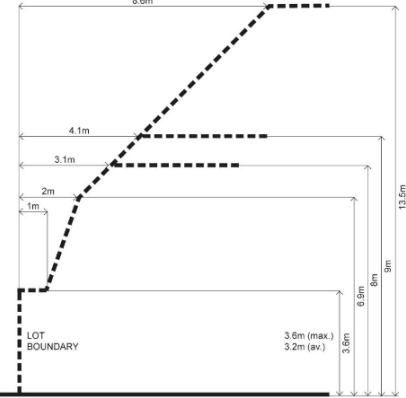
The application proposes a wall on boundary to a height of 6.9 metres. The affected concertina doors are setback only 2 metres from the proposed wall, with the standard requiring a setback of 3.45 metres. While the variation of 1.45 metres to the standard is not insignificant, as noted earlier in this report, the location of the courtyard from which the concertina doors obtain daylight access is itself not ideal with respect to expected development outcomes along what is an existing boundary wall between 3 and 4 Lytton Street. Furthermore, the kitchen/living room does not rely on the courtyard alone for its daylight access, with an east-facing window

## ATTACHMENT 2 – Clause 54 Assessment Table

|  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|--|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | <p>almost the width of the lot providing for ample daylight access. The proposal is considered acceptable in light of this.</p> <p>It is acknowledged that objector has raised concerns that the proposal would adversely affect daylight access to the approved first-floor windows and balcony at 4 Lytton Street. However, these windows are either non-habitable room windows (first floor ensuite) which are not protected by this standard, or are windows which are not opposite the proposal, meaning they are also not protected by this standard. Similarly, the approved balcony at 4 Lytton Street is not protected by this standard.</p> |
|--|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

| <b>Clause 54.04-2: Existing north-facing windows objective</b><br>To allow adequate solar access to existing north-facing habitable room windows.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                              |                             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------------------------|
| Does the proposal comply with Standard A4-2 and is therefore deemed to comply with the objective?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <input checked="" type="checkbox"/> Yes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <input type="checkbox"/> No  |                             |
| If the proposal has not complied with Standard A4-2, has the objective been met?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <input checked="" type="checkbox"/> N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| <b>Standard A4-2</b><br><br>Where a north-facing habitable room window of a neighbouring dwelling or small second dwelling is within 3 metres of a boundary on an abutting lot, a new building is to be set back from the boundary by at least 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. This setback is to be provided for a distance of at least 3 metres from the edge of each side of the window.<br><br>For this standard a north-facing window is a window with an axis perpendicular to its surface oriented from north 20 degrees west to north 30 degrees east.<br><br><b>Diagram A4-2 North-facing windows</b> | <p><b>Note:</b> Clause 54.04-2 is relevant to the notice and review requirements within the applicable residential zone.</p> <p><b>Assessment:</b></p> <p>The proposal is deemed to comply as there are no existing north-facing habitable room windows that are within 3m of a boundary on an abutting lot.</p> <p>It is acknowledged that an objection has been received raising concerns with the impact of the proposal on the approved ground floor north-facing concertina door to the kitchen, and the first-floor north-facing window to the ensuite (shown below). These windows would be on the south side of a wall which is on the boundary to a height of 6.9 metres.</p> |                              |                             |

## ATTACHMENT 2 – Clause 54 Assessment Table

|                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|-----------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | <p>With respect to the concertina door to the kitchen, and more broadly the siting of the approved courtyard of 4 Lytton Street, it is not reasonable to expect this interface to be protected under this standard. The courtyard is poorly sited opposite an existing boundary wall with the subject site, and results in an outcome which inappropriately leverages maintenance of its amenity off forcing greater setbacks upon redevelopment at 3 Lytton Street. Furthermore, the ensuite overhang above the courtyard has been designed to limit vertical sky access to approximately 1 metre, thereby reducing direct daylight. In addition, the approved ground floor layout includes an additional east-facing living room window, meaning the kitchen window is not the sole source of light to this area.</p> <p>Regarding the first-floor ensuite window, this window is to a non-habitable room and is therefore not protected by this standard.</p> |
|-----------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

| <b>Clause 54.04-3: Overshadowing secluded open space objective</b><br>To ensure buildings do not significantly overshadow existing secluded private open space.                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                              |                                         |                                        |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|----------------------------------------|
| Does the proposal comply with Standard A4-3 and is therefore deemed to comply with the objective?                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                              | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| If the proposal has not complied with Standard A4-3, has the objective been met?                                                                                                                                                                                                                            | <input type="checkbox"/> N/A                                                                                                                                                                                                                                                                                                                                                                                                 | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| <b>Standard A4-3</b><br><br>The area of secluded private open space that is not overshadowed by the new development is greater than 50 per cent, or 25 square metres with a minimum dimension of 3 metres, whichever is the lesser area, for a minimum of five hours between 9 am and 3 pm on 22 September. | <b>Note:</b> Clause 54.04-3 is relevant to the notice and review requirements within the applicable residential zone.<br><br><b>Assessment:</b><br><br>The adjoining property to the south at 4 Lytton Street is the only property which will be affected by proposed shadowing conditions, with all other proposed shadows required to be assessed under this standard falling to the road reserve to the rear of the site. |                                         |                                        |

## ATTACHMENT 2 – Clause 54 Assessment Table

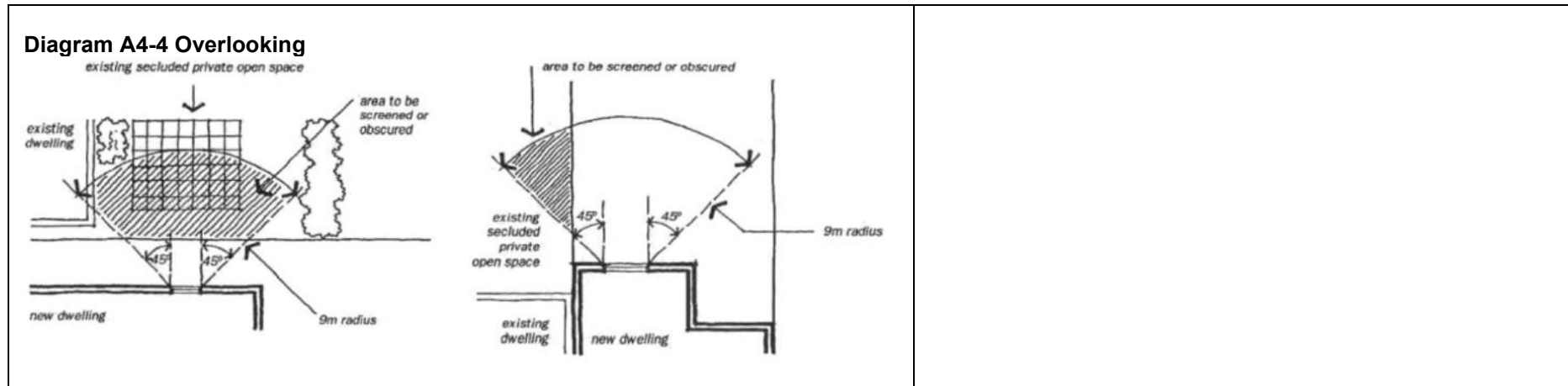
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|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>If existing sunlight to the secluded private open space of an existing dwelling or small second dwelling is less than the requirements of this standard, the amount of sunlight will not be further reduced.</p> | <p>It is important to acknowledge that the overshadowing diagrams submitted with the application do not accurately plot all existing shadows to the SPOS at the rear of 4 Lytton Street as they have not accounted for the existing fencing to the rear of that property, or shadows cast by the dwelling at 4 Lytton Street upon its own SPOS. Given this, it is understood that the SPOS to the rear of 4 Lytton Street would not currently receive the required amount of sunlight to meet this standard. The standard stipulates that in such circumstances, the amount of sunlight should not be further reduced. The proposal will reduce this sunlight access.</p> <p>Despite this, the extent of proposed overshadowing is considered acceptable noting that during the earlier hours of the day proposed shadows will fall to shadows cast by the existing built form on that site, and it is only later in the afternoon at 2pm and 3pm that shadows are cast to the broader area of SPOS.</p> <p>With respect to the approved design at 4 Lytton Street, the proposal would result in additional overshadowing to both the approved the first-floor balcony and rear SPOS area.</p> <p>While overshadowing diagrams have not been submitted showing impacts to the approval for 4 Lytton Street, an indication of the impact to the approved first-floor balcony can be seen through reviewing shadow renders prepared in response to Standard A5-2 (these are excerpted within the body of this report). The location of the first-floor balcony sits just to the rear of the chimney within the pitched roof of 4 Lytton Street. As those renders show, shadows cast to the balcony, given its elevated position, will likely be limited to the northern edge of the balcony. This is acceptable in this context given the balcony is located directly abutting the northern boundary and is relying heavily on the adjoining property for its protection of amenity.</p> <p>Likewise, it is acknowledged that the proposal will result in additional overshadowing of the approved rear SPOS area for 4 Lytton Street. However, given the extent of shadows cast by that approved development upon itself in the afternoon hours of the day, the additional overshadowing which will result from this proposal is considered acceptable.</p> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                                                                                                      |                              |                                                                                                                       |                                        |
|--------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------------------------------------------------------------------------------------------------------------------|----------------------------------------|
| <b>Clause 54.04-4: Overlooking objective</b><br>To limit views into existing secluded private open space and habitable room windows. |                              |                                                                                                                       |                                        |
| Does the proposal comply with Standard A4-4 and is therefore deemed to comply with the objective?                                    |                              | <input type="checkbox"/> Yes                                                                                          | <input checked="" type="checkbox"/> No |
| If the proposal has not complied with Standard A4-4, has the objective been met?                                                     | <input type="checkbox"/> N/A | <input checked="" type="checkbox"/> Yes                                                                               | <input type="checkbox"/> No            |
| <b>Standard A4-4</b>                                                                                                                 |                              | <b>Note:</b> Clause 54.04-4 is relevant to the notice and review requirements within the applicable residential zone. |                                        |

## ATTACHMENT 2 – Clause 54 Assessment Table

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>In Clause 54.04-4 a habitable room does not include a bedroom.</p> <p>A habitable room window, balcony, podium, terrace, deck or patio is located and designed to avoid direct views into the secluded private open space of an existing dwelling or small second dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio. Views are 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.</p> <p>A habitable room window, balcony, terrace, deck or patio that is located with a direct view into a habitable room window of an existing dwelling or small second dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio:</p> <ul style="list-style-type: none"> <li>• Is offset a minimum of 1.5 metres from the edge of one window to the edge of the other; or</li> <li>• Has sill heights of at least 1.7 metres above floor level; or</li> <li>• Has fixed, obscure glazing in any part of the window below 1.7 metre above floor level; or</li> <li>• Has permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent; or</li> <li>• Has fixed elements that prevent the direct view, such as horizontal ledges or vertical fins.</li> </ul> <p>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.</p> <p>Screens used to obscure a view are:</p> <ul style="list-style-type: none"> <li>• Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels.</li> <li>• Permanent, fixed and durable.</li> <li>• Designed and coloured to blend in with the development.</li> </ul> <p>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.</p> | <p><b>Assessment:</b></p> <p>The proposal is not deemed to comply in its current form; however, subject to the recommended conditions, the proposal will achieve compliance with the relevant standard, as detailed below.</p> <p>The north-facing dining door opens onto a deck and is directly opposite an existing 1.55-metre-high paling fence, which does not achieve the required 1.8-metre-high visual barrier in accordance with the standard.</p> <p>Accordingly, a condition is recommended to provide an appropriate visual screen along the northern side of the covered deck to limit overlooking in accordance with the standard.</p> <p>It is noted that the first floor west-facing study window may allow views to the three south-facing habitable room windows of 2 Lytton Street opposite. However, as the proposed study window is offset from the edge of these windows by greater than 1.5 metres, and in the case of the nearest window it is located outside of the 45 degree overlooking arc, compliance with the standard is achieved.</p> <p>It is also acknowledged that views may be achieved to adjoining secluded private open space from the east-facing windows of the first-floor master bedroom. For the purposes of assessment of a proposal under Clause 54.04-4, a habitable room does not include a bedroom. Any views from a bedroom window therefore comply with the standard, and it is not acceptable to impose additional screening to this window.</p> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

## ATTACHMENT 2 – Clause 54 Assessment Table



### Clause 55.05 – Sustainability

#### Clause 54.05-1: Permeability objectives

To reduce the impact of increased stormwater run-off on the drainage system and downstream waterways.

To facilitate on-site stormwater infiltration.

To contribute to urban cooling.

Does the proposal comply with Standard A5-1 and is therefore deemed to comply with the objective?

☒ Yes

☐ No

If the proposal has not complied with Standard A5-1, has the objective been met?

☒ N/A

☐ Yes

☐ No

#### Standard A5-1

The site area covered by the pervious surfaces is at least 20 percent of the site.

#### Assessment:

The proposal is deemed to comply as the application proposes 36.56% (81.88 sqm) of the site be covered by pervious surfaces, meeting the standard.

#### Clause 54.05-2: Overshadowing domestic solar energy systems objective

To ensure that the height and setback of a building from a boundary allows reasonable solar access to existing domestic solar energy systems on the roofs of buildings.

## ATTACHMENT 2 – Clause 54 Assessment Table

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                        |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|
| Does the proposal comply with Standard A5-2 and is therefore deemed to comply with the objective?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <input type="checkbox"/> Yes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <input checked="" type="checkbox"/> No                                 |
| If the proposal has not complied with Standard A5-2, has the objective been met?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <input type="checkbox"/> N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No |
| <p><b>Standard A5-2</b></p> <p>Any part of a new building that will reduce the sunlight at any time between 9am and 4 pm on 22 September to an existing domestic solar energy system on the roof of a building on an adjoining lot be set back from the boundary to that lot by at least 1 metre at 3.6 metres above ground level, plus 0.3 metres for every metre of building height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.</p> <p>This standard applies to an existing building in a Township Zone, General Residential Zone or Neighbourhood Residential Zone.</p> <p>In Clause 54.05-2 domestic solar energy system means a domestic solar energy system that existed at the date the application was lodged.</p> | <p><b>Note:</b> Clause 54.05-2 is relevant to the notice and review requirements within the applicable residential zone.</p> <p><b>Assessment:</b></p> <p>The proposal does not comply with Standard A5-2, as a minor reduction in sunlight will occur to the existing domestic solar energy system located on the northern roof of 4 Lytton Street at 9:00am, and the affecting part of the proposed built form does not meet the setback requirements of the standard.</p> <p>Council must therefore have regard to the decision guidelines of Clause 54.05-2, which are:</p> <ul style="list-style-type: none"> <li>• <i>Whether the domestic solar energy system has been sited to optimise efficiency and protection from overshadowing.</i></li> </ul> <p>Given the constrained urban context and the established pattern of development, some degree of additional overshadowing is likely when redevelopment occurs.</p> <p>The affected solar energy system is generally appropriately located, however would benefit from being sited slightly higher on the roof form to provide greater protection from development to the north. In considering this, and that the proposed shadows to the system are minor and do not affect the full set of the panels (as shown on TP09 of the submitted plans), the extent of proposed shadows is acceptable. Furthermore, it would be open to the</p> |                                                                        |

## ATTACHMENT 2 – Clause 54 Assessment Table

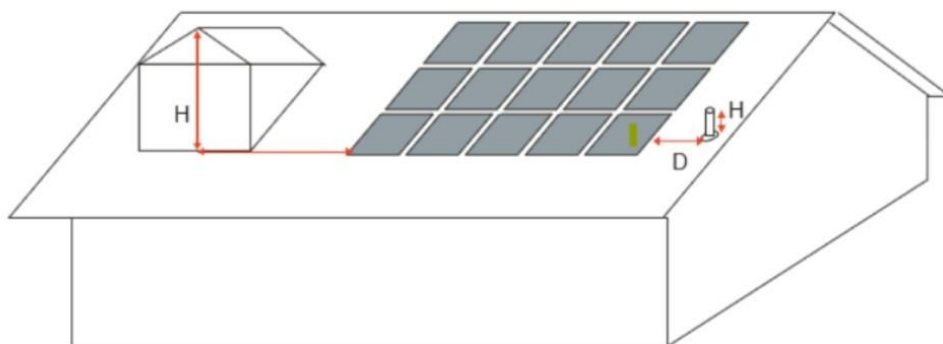
|  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|--|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | <p>owners of the affected property to relocate the affected panels to better mitigate the shadow impacts.</p> <p>Accordingly, while the proposal does not meet the strict requirements of the standard, it is considered to satisfy the objective.</p> <p>With respect to the approved development for 4 Lytton Street, given the elevated portion of roof the panels will be located on is commensurate in height to the proposed extension for 3 Lytton Street, overshadowing to the panels is not of concern. Furthermore, if overshadowing were to occur, relocating the panels closer to the southern edge of the roof would provide a greater distance from the development at 3 Lytton Street and mitigate these impacts.</p> |
|--|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

| <b>Clause 54.05-3: Rooftop solar energy generation area objective</b><br>To support the future installation of appropriately sited rooftop solar energy systems for a dwelling.                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                         |                                                             |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|-------------------------------------------------------------|
| Does the proposal comply with Standard A5-3 and is therefore deemed to comply with the objective?                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No                                 |
| If the proposal has not complied with Standard A5-3, has the objective been met?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <input checked="" type="checkbox"/> N/A | <input type="checkbox"/> Yes<br><input type="checkbox"/> No |
| <b>Standard A5-3</b><br><br>In Clause 54.05-3 rooftop solar energy area means an area provided on the roof of a dwelling to enable the future installation of a solar energy system.<br><br>An area on the roof is capable of siting a rooftop solar energy area for each dwelling which: <ul style="list-style-type: none"> <li>• Has a minimum dimension of 1.7 metres.</li> <li>• Has a minimum area in accordance with Table A5-3.</li> <li>• Is oriented to the north, west or east.</li> <li>• Is positioned on the top two thirds of a pitched roof.</li> </ul> | <b>Assessment:</b><br><br>The proposal is deemed to comply as the application proposes a rooftop solar energy area which meets the standard, as follows: <ul style="list-style-type: none"> <li>• Minimum dimension of 4.5m (&lt;required 1.7m)</li> <li>• Minimum area of 35.46 sqm (&gt;26sqm)</li> <li>• Oriented and angled to the north and west (complies)</li> <li>• It is positioned on the top two thirds of the sloped roof panel</li> <li>• Is free from obstructions (complies)</li> </ul> |                                         |                                                             |

## ATTACHMENT 2 – Clause 54 Assessment Table

- Can be a contiguous area or multiple smaller areas.
- Is free of obstructions on the roof of the dwelling within twice the height of each obstruction (H), measured horizontally (D) from the centre point of the base of the obstruction to the nearest point of the rooftop solar energy area.

**Diagram A5-3 Allowable distance between obstructions and the rooftop solar energy area**



Obstructions located south of all points of the rooftop solar energy area are not subject to the horizontal distance requirements.

**Table A5-3 Minimum rooftop solar energy generation area**

| Number of bedrooms         | Minimum roof area |
|----------------------------|-------------------|
| 1 bedroom dwelling         | 15 square metres  |
| 2 or 3 bedroom dwelling    | 26 square metres  |
| 4 or more bedroom dwelling | 34 square metres  |

This standard does not apply to a small second dwelling.

### Clause 54.05-4: Solar protection to new north-facing windows objective

To encourage external shading of north facing windows to minimise summer heat gain.

Does the proposal comply with Standard A5-3 and is therefore deemed to comply with the objective?

☒ Yes

☐ No

## ATTACHMENT 2 – Clause 54 Assessment Table

|                                                                                                                                                                                                                                                          |                                                                                                         |                              |                             |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|------------------------------|-----------------------------|
| If the proposal has not complied with Standard A5-3, has the objective been met?                                                                                                                                                                         | <input checked="" type="checkbox"/> N/A                                                                 | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| <b>Standard A5-4</b><br><br>North facing windows are shaded by eaves, fixed horizontal shading devices or fixed awnings with a minimum horizontal depth of 0.25 times the window height.<br><br>This standard does not apply to a small second dwelling. | <b>Assessment:</b><br><br>The proposal is deemed to comply as no new north-facing windows are proposed. |                              |                             |