

2 SUBDIVISION OF LAND IN TO TWO (2) LOTS AT 39-41 RAILWAY AVENUE, BEACONSFIELD

FILE REFERENCE INT2014429

RESPONSIBLE GENERAL MANAGER Peter Benazic

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RECOMMENDATION

That a Notice of Decision to Grant Planning Permit T190567 be issued for Subdivision of land in to two (2) lots at 39-41 Railway Avenue, Beaconsfield VIC 3807 subject to the conditions attached to this report.

Attachments

- | | | |
|---|---|---------|
| 1 | Locality Map | 1 Page |
| 2 | Assessed Plans of Subdivision | 3 Pages |
| 3 | Copy of Objections - Circulated to Councillors only | 5 Pages |

EXECUTIVE SUMMARY:

APPLICATION NO.:	T190567
APPLICANT:	Sue Chiamonte
LAND:	39-41 Railway Avenue, Beaconsfield VIC 3807
PROPOSAL:	Subdivision of land in to two (2) lots
PLANNING CONTROLS:	General Residential Zone – Schedule 1 No Overlay
NOTIFICATION & OBJECTIONS:	The application has been advertised by sending notices to the owners and occupiers of adjoining land and placing a sign on the site. Four (4) objections were received to date.
KEY PLANNING CONSIDERATIONS:	Residential Subdivision, Subdivision Design and Planning Policy Framework (PPF) and Municipal Planning Strategy (MPS)
RECOMMENDATION:	Approval

BACKGROUND:

No Planning Permit History.

SUBJECT SITE



The subject site is located on the western side of Railway Avenue Beaconsfield. It is rectangular in shape and has an area of approximately 871 square metres. It contains some vegetation around the dwelling.

Access to the site is provide via an existing crossover from Railway Avenue. Topography of the land is relatively flat and the site is not affected by any easements.

The site is currently developed for residential purposes and contains an existing dwelling. The surrounding properties are developed as follows:

- North: The property on the northern side is developed for residential purposes and contains an existing dwelling.
- South/West: The properties on the south and western sides are developed for residential purposes and contain medium density dwellings
- East: Access Road is located on the eastern side.

PROPOSAL

Subdivision:

The subject site is rectangular in shape and has an area of approximately 871 square metres. The application proposes to subdivide this land in to two allotments, Lot 1 and Lot 2 that are 406 square metres and 465 square metres consecutively.

The proposed Lot 2 contains the existing dwelling and access to the lot will be provided via a new crossover from Railway Avenue.

Proposed Lot 1 will be vacant and access is proposed via the existing crossover from Railway Avenue.

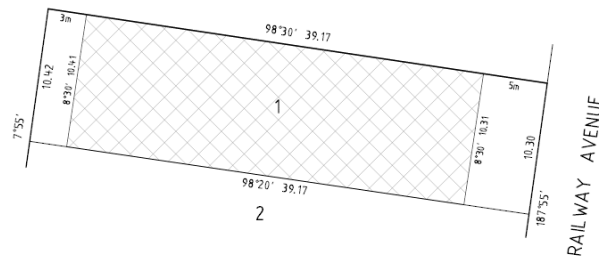
Vegetation Removal:

It is likely that the proposed subdivision will impact the existing vegetation on site. However, the site has no vegetation controls; therefore, a planning permit is not required for vegetation removal.

Earthworks:

No earthworks are proposed for the subdivision.

A building envelope is proposed on the vacant lot 1 as shown below: Conditions will be included in the planning permit issued, ensuring the building envelope complies with Clause 54 objectives and standards.



PLANNING SCHEME PROVISIONS

Planning Policy Framework (PPF)

The relevant clauses of the PPF are:

- 15.01-3S Subdivision Design
- 16.01-2S Location of residential development
- 16.01-3S Housing diversity

Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- 21.03-1 Housing

Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Clause 53 Public Open Space Contribution and Subdivision
- Clause 56 Residential Subdivision
- Clause 65 Decision Guidelines.
- Clause 66 Referral and Notice Provisions
- Clause 66.01 Subdivision Referrals

Cardinia Shire's Liveability Plan 2017-2029

This proposal has regard to Cardinia Shire's Liveability Plan 2017-2029, in particular:

- **Improved Social Cohesion** - this application assists in bringing people together by providing increasing housing diversity and housing options close to urban centres and transport.
- **Improved safety** - the future use of the vacant lot 1 will be able to accommodate for a mix of housing types that address any safety concerns, such as safe walking to onsite car parking spaces from developments and visibility of entrances.
- **Reduce obesity** – the subdivision will create an additional lot with close proximity to POS areas and provides connectivity to established community areas.

- **Reduce financial vulnerability** – the subdivision proposal will allow for the creation of affordable housing close to transport and local jobs.

Zone

The land is subject to the **General Residential Zone –Schedule 1**

Overlays

The land is not subject to any overlays.

PLANNING PERMIT TRIGGERS

The proposal for the subdivision of land into two (2) lots requires a planning permit under the following clauses of the Cardinia Planning Scheme:

- Pursuant to Clause 32.08-3 of General Residential Zone, a permit is required for the subdivision of land in to two lots.

PUBLIC NOTIFICATION

The application has been advertised pursuant to Section 52 of the Planning and Environment Act 1987, by:

- Sending notices to the owners and occupiers of adjoining land.
- Placing one (1) sign on site facing **Railway Avenue**.

Council has received four (4) objections to date from the following addresses.

The key issues that were raised in the objections are:

- **Parking congestion** – No additional parking capacity on Railway Avenue.
- **Overshadowing and solar access** – Any future development will result in additional shadowing on neighbouring properties and sunlight to existing and future development.
- **Increased traffic congestion**– Additional vehicles as a result of any future development on the additional lot.
- **Vegetation Loss** - Vegetation loss as a result of any future development.

DISCUSSION

Planning Policy Framework (PPF) and Municipal Planning Strategy (MPS)

A number of state and local policies are relevant to this application that aim to ensure subdivision design achieves attractive and diverse neighbourhoods, and to encourage a diversity in housing to meet the needs of future and existing residents.

Clause 15.01-3S (Subdivision design) has an objective to ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods.

Clause 16.01-3S (Housing diversity) has an objective to provide for a range of housing types to meet diverse needs, which is met through a mix of housing types and adaptable internal dwelling design.

Clause 16.01-2S (Location of residential development) has an objective to locate new housing in designated locations that offer good access to jobs, services and transport. Strategies include increasing the proportion of new housing in designated locations within established urban areas and reduce the share of new dwellings in greenfield and dispersed development areas.

Clause 21.03-1 (Housing) provides local context to Clause 16, with an objective to encourage diversity in housing to meet the needs of existing and future residents.

The proposal is consistent with the PPF and MPS as it proposes a subdivision of a developed parcel that will result in infill development near public transport and local services. The vacant lot provides for smaller and affordable housing types, to meet with the diverse needs of the growing locality. The two (2) lots created through the subdivision have independent frontages and is consistent with the emerging subdivision pattern.

General Residential Zone – Schedule 1

The General Residential Zone seeks to encourage development that respects the neighbourhood character of the area and to provide a diversity of housing types and moderate housing growth in locations offering good access to services and transport.

Pursuant to Clause 32.08-2 of this zone, a permit is required to subdivide land. The decision guidelines of this zone cover a number of matters, such as the purpose of the zone, the pattern of subdivision and its effect on the spacing of buildings, and the objectives, standards and decision guidelines of Clause 56.

The proposal reinforces the established residential nature of the area through further urban infill. The area is well serviced by infrastructure and services to make efficient use of residential land. This proposal enables moderate housing growth with smaller allotments to facilitate affordable and various housing options in proximity to the urban centres off Old Princes Highway.

As discussed above, the lots created will be in excess of 400 metres squared each, which is acceptable proposal for the site. In addition, the Schedule 1 to this zone does not specify a minimum lot size for a two (2) lot subdivision. The garden area requirements of 25% does not apply for application for a subdivision that creates vacant land greater than 400 metres squared.

Furthermore, the tree removal required to accommodate the access and building envelope is considered acceptable as there are no overlay controls, which protect vegetation on the site. There is also no vegetation located within the road reservation.

Clause 53.01 - Public Open Space Contribution and Subdivision

A person who proposes to subdivide land must make a contribution to the council for public open space in an amount specified in Cardinia Planning Scheme. The schedule to the above mentioned clause requires an 8% contribution for land to be used for residential purposes. Clause 52.01 sets out a number of exemptions of when a contribution is not required to be made to the responsible authority. A two lot subdivision without the potential to be further subdivided is exempt.

Council consider that both lots created have the potential to be subdivided further in the distant future, therefore has considered it appropriate to include a permit condition that allows for the option of paying now or deferring the payment. If deferment option is chosen by the owner, they will require to enter into an agreement with the Responsible Authority made pursuant to Section 173 of the Planning and Environment Act 1987.

Clause 56 - Residential Subdivision

The general purpose of Clause 56 – Residential Subdivisions, is to create liveable and sustainable neighbourhoods and urban places with character and identity, to achieve residential subdivision outcomes that appropriately respond to the site and its context, and to ensure residential subdivision design appropriately provides for policy implementation, liveable and sustainable communities, residential lot design, urban landscape, access and mobility management, integrated water management, site management, and utilities.

The General Residential Zone requires two lot subdivisions to meet the following objectives and standards contained within Clause 56:

- Clause 56.03-5 Neighbourhood character objective;
- Clause 56.04-2 Lot area and building envelopes objective;

- Clause 56.04-3 Solar orientation of lots objective, street orientation objective, common area objectives;
- Clause 56.04-5 Common area objectives;
- Clause 56.06-8 Lot access objectives;
- Clause 56.09-2 Electricity, telecommunications and gas objectives;

An analysis of the objectives and standards above has been undertaken and determined that the proposed subdivision is compliant with all relevant objectives and standards.

Clause 65 Decision Guidelines

The Application has been assessed against the Clause 65 Decision Guidelines, which requires Council to consider additional factors. These include the effect the proposal may have on the orderly planning of the area, the amenity of the area, proximity to public land, factors likely to contribute to land degradation, the quality of stormwater within and exiting the site, effects on native vegetation, potential hazards, the suitability of the land for subdivision and the existing use and possible future development of the land.

The Application proposes a two-lot subdivision in a suitable location that is consistent with the orderly planning of the area because it increases density in a location close to amenities and public transportation. The proposal allows for infill development contained in an established residential area. Considering that, no overlays are placed on the subject site it is considered that any vegetation removal as a result of future development is appropriate and will not cause degradation to the land in any meaningful way. Stormwater drainage impacts will be addressed via permit conditions.

Response to the Objections

Parking Congestion – The proposal does not allow for development as part of the application, however it is acknowledged that the parcel will be able to be developed without further planning consent. Any development on Lot 1 will require a building permit and therefore need to adhere to relevant building regulations around car parking. The issue raised regarding parking across driveways is unable to be addressed by planning department within this application. The suggestion by the neighbours for 4 hour parking restriction along Railway Avenue, would need to be discussed separate from this permit application as it will require appropriate council assessment of the roads current capacity and the suitability of any traffic controls.

Overshadowing and solar access – Any future development will be required to meet objectives and standards through the building permit process which address the amenity issues such as overshadowing on neighbouring properties and the solar access to windows.

Increased traffic congestion– The application at this stage is not assessing any of the future development that would occur. Council has considered the suitability of the location and size of the two lots and has come to the result that the existing road network would be able to accommodate for the intensification of the site.

Vegetation Loss – the level of impact the subdivision would have on the vegetation on site has been assessed in the context of any possible future development. It has been considered that by including conditions that require amended plans for a building envelope for Lot 1 that complies with Standard A10 and A11 of Clause 54 of the Cardinia Planning Scheme will result with an acceptable site outcome and reduce any unnecessary future vegetation loss.

CONCLUSION

The application has been assessed against the decision guidelines of all relevant clauses of the Cardinia Planning Scheme and the proposed subdivision is determined to be consistent with these requirements. As such, it is recommended that a Notice of Decision to Grant Planning Permit **T190567** be issued for

Subdivision of land in to two (2) lots at 39-41 Railway Avenue, Beaconsfield VIC 3807 subject to the following conditions.

CONDITIONS

1. Prior to the endorsement of plans, amended plans must be submitted to and approved by the Responsible Authority. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a. An amended building envelope for Lot 1 to comply with Standard A10 and A11 of Clause 54 of the Cardinia Planning Scheme;
 - b. The reference made to City of Casey replaced with Cardinia Shire Council;
2. The layout of the subdivision, and access as shown on the endorsed plan/s, may not be altered or modified without the prior written consent of the Responsible Authority.
3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
4. The owner of the land must enter into an agreement with:
 - a. A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - b. A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
5. Reticulated water supply, drainage, sewerage facilities and underground electricity, gas and telecommunication services and fibre optic cable conduits must be provided to each lot shown on the endorsed plan.
6. Within four (4) weeks of the registration of the plans at the Land Titles Office the following must be sent to the Responsible Authority:
 - a) A Certificate of Title for all land vested in the Responsible Authority on the plan of subdivision.
 - b) A clear copy of the Title Office approved Plan of Subdivision.
7. Prior to a Statement of Compliance being issued the permit holder must submit a suitable drainage plan for the Legal Point of Discharge to the satisfaction of the Responsible Authority.
8. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
 - a. A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
 - b. A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian

Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

9. Prior to the issue of a Statement of Compliance the following works must be completed in accordance with plans approved by and to the satisfaction of the Responsible Authority:
- a) Removal of any structure located on Lot 1.
 - b) Removal of any structure constructed over a boundary line.
 - c) Appropriate driveway access and drainage connection points must be provided to all lots to the satisfaction of the Responsible Authority.
 - d) All services, including drainage and/or sewerage, servicing any existing dwelling or building on the lot(s), must be relocated (if required) to the satisfaction of the Responsible Authority, to ensure that they do not cross the boundaries between the proposed lots.
 - e) A sum equivalent to 8 per cent of the site value of all the subject land in the subdivision must be paid to the Responsible Authority;
OR
In the event that this payment is to be deferred, the owner must enter into an agreement with the Responsible Authority made pursuant to Section 173 of the *Planning and Environment Act 1987*, and make the application to the Registrar of Titles to have the agreement registered on the title to the land under Section 181 of the Act, which provides for the following:
 - i. Before the issue of a Statement of Compliance for any further subdivision of the land (either Lot 1 or lot 2 Plan of Subdivision 832423 or as amended), a sum equivalent to 8 per cent of the site value of all the subject land in the subdivision must be paid to the Responsible Authority.

Expiry:

This permit will expire if:

- a. The subdivision is not commenced within two (2) years of the date of this permit; or
- b. The subdivision is not completed within five (5) years of the date of commencement.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within three (3) months afterwards.

Notes:

- The starting of the subdivision is regarded by Section 68(3A) of the Planning and Environment Act 1987 as the certification of a plan, and completion is regarded as the registration of the plan.
- A 'Vehicle Crossing Permit' must be obtained from the Responsible Authority prior to the commencement of any works associated with the proposed vehicle crossing.

T190567 - Site Locality Plan



91.4 0 45.72 91.4 Meters


1: 1,800

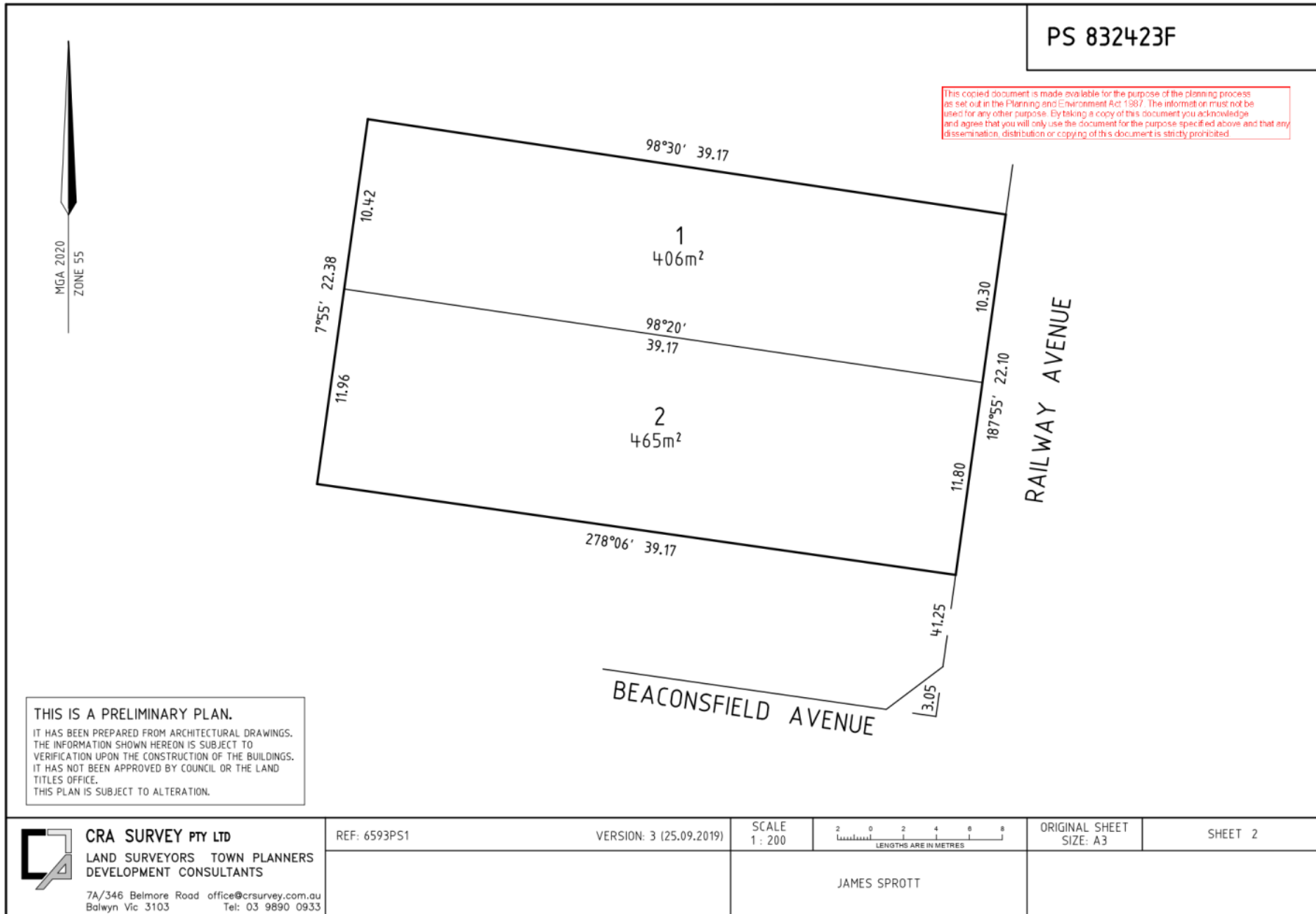
Data Source: State & Local Government. © CARDINIA SHIRE COUNCIL

13-Feb-2020

Notes



PLAN OF SUBDIVISION		EDITION 1	PS 832423F	
LOCATION OF LAND PARISH: PAKENHAM TOWNSHIP: - SECTION: A CROWN ALLOTMENT: - CROWN PORTION: 1 (PART) TITLE REFERENCE: VOL. 7990 FOL. 196 LAST PLAN REF: LOT 8 ON LP 26660 POSTAL ADDRESS : 39-41 RAILWAY AVENUE (at time of subdivision) BEACONSFIELD, 3807 MGA 94 CO-ORDINATES: E 356 805 ZONE 55 (of approx centre of land in plan) N 5 787 355 GDA 94		COUNCIL NAME: CARDINIA SHIRE COUNCIL <div style="border: 1px solid red; padding: 2px; color: red; font-size: small;"> This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited. </div>		
VESTING OF ROADS OR RESERVES		NOTATIONS		
IDENTIFIER	COUNCIL/BODY/PERSON			
NIL	NIL			
NOTATIONS				
DEPTH LIMITATION: DOES NOT APPLY				
SURVEY: THIS PLAN IS BASED ON SURVEY STAGING: THIS IS NOT A STAGED SUBDIVISION PLANNING PERMIT NO: THIS SURVEY HAS BEEN CONNECTED TO PERMANENT MARKS: PAKENHAM PM44 & PM45 IN PROCLAIMED SURVEY AREA NUMBER:				
EASEMENT INFORMATION				
LEGEND: A - APPURTENANT EASEMENT E - ENCUMBERING EASEMENT R - ENCUMBERING EASEMENT (ROAD)				
EASEMENTS PURSUANT TO SECTION 12(2) OF THE SUBDIVISION ACT 1988 APPLY TO THE LAND IN THIS PLAN				
EASEMENT REFERENCE	PURPOSE	WIDTH (METRES)	ORIGIN	LAND BENEFITED/IN FAVOUR OF
<div style="border: 1px solid black; padding: 5px; width: fit-content;"> THIS IS A PRELIMINARY PLAN. IT HAS BEEN PREPARED FROM ARCHITECTURAL DRAWINGS. THE INFORMATION SHOWN HEREON IS SUBJECT TO VERIFICATION UPON THE CONSTRUCTION OF THE BUILDINGS. IT HAS NOT BEEN APPROVED BY COUNCIL OR THE LAND TITLES OFFICE. THIS PLAN IS SUBJECT TO ALTERATION. </div>				
 CRA SURVEY PTY LTD LAND SURVEYORS TOWN PLANNERS DEVELOPMENT CONSULTANTS <small>7A/346 Belmore Road office@crsurvey.com.au Balwyn Vic 3103 Tel: 03 9890 0933</small>	REF: 6593PS1	VERSION: 3 (25.09.2019)	ORIGINAL SHEET SIZE: A3	SHEET 1 OF 3
	JAMES SPROTT			



PS 832423F

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CREATION OF RESTRICTION

UPON REGISTRATION OF THIS PLAN THE FOLLOWING RESTRICTIONS ARE TO BE CREATED:

RESTRICTION No.1:

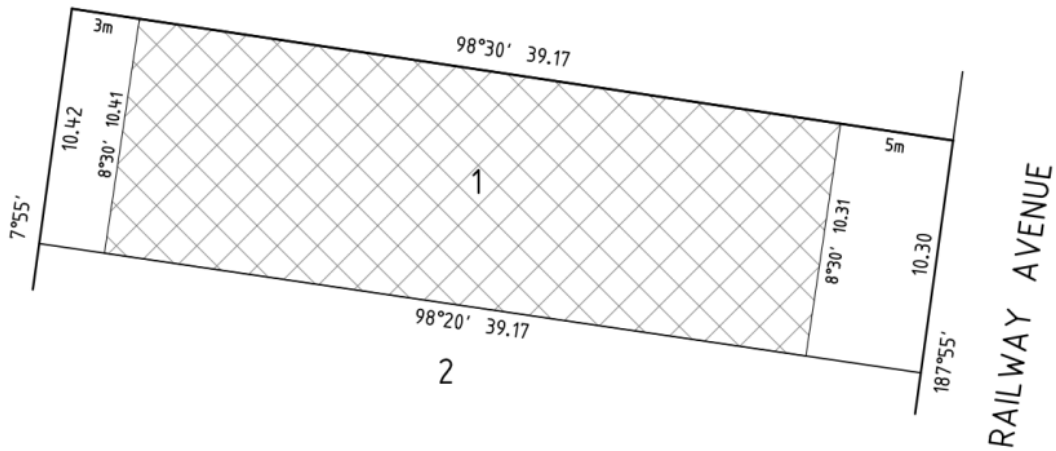
LAND TO BENEFIT: LOT 1 IN THIS PLAN OF SUBDIVISION
 LAND TO BE BURDENED: LOT 1 IN THIS PLAN OF SUBDIVISION

DESCRIPTION OF RESTRICTION:

THE REGISTERED PROPRIETOR OR PROPRIETORS OF LOT 1 IN THIS PLAN OF SUBDIVISION SHALL NOT:

- 1. CONSTRUCT ANY BUILDINGS (EXCLUDING FACIA, GUTTERS, EAVES, PORCHES & CHIMNEYS) OUTSIDE THE BUILDING ENVELOPE PROVIDED UNLESS APPROVED IN WRITING BY THE CASEY CITY COUNCIL.

THIS RESTRICTION SHALL CEASE TO HAVE EFFECT AFTER THE ISSUE OF A CERTIFICATE OF OCCUPANCY FOR THE BUILDING.



BUILDING ENVELOPE

THIS IS A PRELIMINARY PLAN.

IT HAS BEEN PREPARED FROM ARCHITECTURAL DRAWINGS. THE INFORMATION SHOWN HEREON IS SUBJECT TO VERIFICATION UPON THE CONSTRUCTION OF THE BUILDINGS. IT HAS NOT BEEN APPROVED BY COUNCIL OR THE LAND TITLES OFFICE. THIS PLAN IS SUBJECT TO ALTERATION.

REF: 6593PS1 VERSION: 3 (25.09.2019)



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ORIGINAL SHEET
 SIZE: A3

SHEET 3