

### **3 TWO (2) LOT SUBDIVISION AT 17 MIKEY BOULEVARD, BEACONSFIELD**

FILE REFERENCE INT1691135

RESPONSIBLE GENERAL MANAGER Andrew Paxton

AUTHOR Cara Moody

#### **RECOMMENDATION**

That a Refusal to Grant Planning Permit T160549 be issued for Two (2) lot subdivision at 17 Mikey Boulevard, Beaconsfield VIC 3807 on the grounds detailed in this report

#### **Attachments**

1	Locality Plan	1 Page
2	Proposed plan of subdivision	4 Pages
3	Copies of objections circulated to councillors only	6 Pages

#### **EXECUTIVE SUMMARY:**

APPLICATION NO.:	T160549
APPLICANT:	M.J. Reddie Surveys Pty. Ltd.
LAND:	17 Mikey Boulevard, Beaconsfield VIC 3807
PROPOSAL:	Two (2) lot subdivision
PLANNING CONTROLS:	General Residential Zone
NOTIFICATION & OBJECTIONS:	The application was advertised and received five (5) objections and one (1) letter of support.
KEY PLANNING CONSIDERATIONS:	General Residential Zone Clause 56 Residential Subdivision
RECOMMENDATION:	Refusal

#### **BACKGROUND:**

There is no previous planning history for the site.

#### **SUBJECT SITE**

The site is located on the northern corner of Mikey Boulevard and Liam Court, near the peak of the ridgeline that the Berwick views estate is located on.

Three cross overs are located on the site, the first off Mikey Boulevard and the second and third off Liam Court.

The site currently contains an existing 2 storey dwelling and swimming pool.

The topography of the land slopes steeply down to the south west from the north east.

The main characteristics of the surrounding area are:

- North: Directly north of the site is 12 Liam Cct (1419sqm), which contains a two storey dwelling and swimming pool, north of this is a vacant lot (1545sqm). Further north of this are other large residential lots ranging in size from 970-2000sqm most containing dwellings, two are vacant. Beyond this is Hold Park Rd and then hobby farms on large rural/residential lots.
- East: Directly east of the site is Liam Cct with two lots existing, 19 Mikey Blvd (1652sqm) which contains a dwelling and 21 Liam Cct (1659sqm) which is vacant. Further east is another vacant lot (1993sqm) that backs onto a large agricultural property, before meeting O'Neil Road.
- South: Directly south of the site is the intersection of Liam Cct and Mikey Blvd. Opposite this are a few residential lots each with a dwelling 12 Mikey Blvd (1000sqm), 14 Mikey Blvd (1554sqm) and 16 Mikey Blvd (1580sqm). South of these is the Ridge Top Reserve and more residential developments within the Berwick views estate, each lot before reaching O'Neil Road and Janet Bowman Drive is over 1000sqm.
- West: Directly west of the site is 15 Mikey Blvd (1000sqm) which contains a dwelling. Further west of this down Mikey Blvd is Kalibrook Lane which contains 8 townhouses on 450sqm lots facing the Mikey Blvd Reserve. Next to these are 7 more planned townhouses on lots of 350sqm. These townhouses are surrounded by single dwelling lots ranging from 500-1000sqm.

## PROPOSAL

The applicant has proposed to subdivide the subject site into two lots (no common property).

- Lot 1 will have an area of 672sqm and contain the existing dwelling and two access points off Liam Court. This lot will be a diamond like shape, curving with the Liam Court along the eastern boundary. The frontage onto Liam Court will measure approximately 50m.
- Lot 2 will have an area of 482sqm and at current contains a garden bed and part of the existing driveway. This lot is proposed to be irregularly shaped (similar to a lopsided diamond) to accommodate the dwelling on lot 1. The lot will have a 24m frontage onto Mikey Boulevard with the access being 8.44m frontage onto Liam Court with a corner cut at 3.75m.

## PLANNING SCHEME PROVISIONS

### State Planning Policy Framework (SPPF)

The relevant clauses of the SPPF are:

- Clause 11.02-1 Supply of urban land
- Clause 15.01-1 Urban design
- Clause 15.01-3 Neighbourhood and subdivision design
- Clause 15.01-5 Cultural identity and neighbourhood character

### Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- Clause 21.03-1 Housing

- Clause 21.06-1 Design and built form

**Relevant Particular/ General Provisions and relevant incorporated or reference documents**

The relevant provisions/ documents are:

- Clause 56 Residential Subdivision
- Clause 65 Decision Guidelines

**Zone**

The land is subject to the General Residential Zone Schedule 1 (GRZ1)

**Overlays**

The land is subject to no 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 32.08-2 of the General Residential Zone a planning permit is required to subdivide land.

**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 1 sign on the site

The notification has been carried out correctly, and Council has received 5 objections and 1 letter of support to date.

The key issues that were raised in the objections are:

- Compromises the existing character of the area.
- Capability of the land to accommodate a suitable dwelling (Overlooking, overshadowing, congestion).
- Traffic/Parking/Road capability concerns.
- Setting precedent in the area.
- Property value decreasing .

The letter of support suggested the subdivision would not be detrimental to the character of the area and that it would allow for further subdivision in the area to occur.

## REFERRALS

This application was not required to be referred.

## DISCUSSION

The General Residential Zone is in place 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. When assessing subdivisions the pattern of subdivision and its effect on the spacing of buildings needs to be considered.

The proposed subdivision creates lots of unfamiliar shape and sizes in the surrounding area, causing many concerns in regards to existing neighbourhood character. The subdivision would allow for the development of a dwelling on the second lot, which further affects neighbourhood character but also minimises spacing of buildings on a prominent ridgeline. As required under the zone a Clause 56 assessment has been undertaken.

### Clause 56 Assessment:

The proposed subdivision does not respect the existing neighbourhood character of the area; the existing character sees large homes built on lots over 1000sqm with generous setbacks between dwellings. There are smaller lots in the vicinity however they were established as part of the original subdivision and form unity with each other as townhouses. The proposed subdivision would look out of place and allow precedence to be set in the area to develop land for smaller dwellings. Given that the existing dwellings are all constructed as to comply with the expired design guidelines of the estate, small dwellings would alter the stature and nature of the area.

Lots between 300 and 500sqm should, if no development of the lot has been approved under the planning scheme, contain a rectangle that measures 10m by 15m. This has been achieved, however given the slope of the land dropping by 5m from the eastern peak to the western side, the appropriate siting and construction of a dwelling is questionable.

Lots between 300-500sqm are also proposed to have a building envelope that reaches the boundary in order to achieve 70% solar orientation, in this case locating the envelope on a boundary would affect the character of the area and therefore solar orientation is not achieved.

Lot access objectives have been achieved as there are existing crossovers in place. All integrated water management objectives have also been achieved, as well as utilities connection objectives. No discussion has taken place as to how the site will be managed prior to and during the construction period, however this could be managed with a condition on the permit if supported.

## Objectors

All objectors were concerned with how the proposed subdivision would affect the existing neighbourhood character. It was stated that the area is relatively quiet and the subdivision would affect the existing ambience of the neighbourhood. The area consists mainly of large two storey dwellings on parcels of land measuring 1000sqm to 2000sqm, therefore creating two lots of 672sqm and 482sqm is out of character.

Allowing this subdivision with the knowledge that a dwelling on the site would soon follow, creates a sense of inconsistency in the streetscape and reduces the open space between buildings in the area, which the neighbourhood is recognised for.

Another argument raised was the capability of the land to accommodate a dwelling, given not only the slope of the site but also the need to protect neighbouring properties from over shadowing and overlooking. To accommodate a liveable dwelling on the site, extreme earthworks would need to take place which would significantly reduce solar access to the dwelling or alternatively the dwelling would need to be multi storey which causes shadowing on neighbouring properties.

If any dwelling constructed on the proposed lot 2 was similar to the existing large dwellings that dominate the street scape, then there will be a sense of over congestion on such a small lot.

An objector brought up the blind corner that would develop if a dwelling was constructed on the corner of Liam Court and Mikey Boulevard, however this concern is invalid as drivers from Liam Court should be giving way to traffic on Mikey Blvd regardless. The capability of the road on Liam Court was also raised, as a portion of Liam Court is not a complete road and instead is a cement access lane; concern was raised that with increased traffic, this will require continual maintenance. Parking was another concern in regards to the site not being able to accommodate sufficient car parking therefore encouraging further street parking.

By allowing this subdivision in the area, we are allowing a precedent to be set allowing further small lots to be created amongst these large sites. One supporter has voiced that he would also like to subdivide his property which is located opposite the subject site.

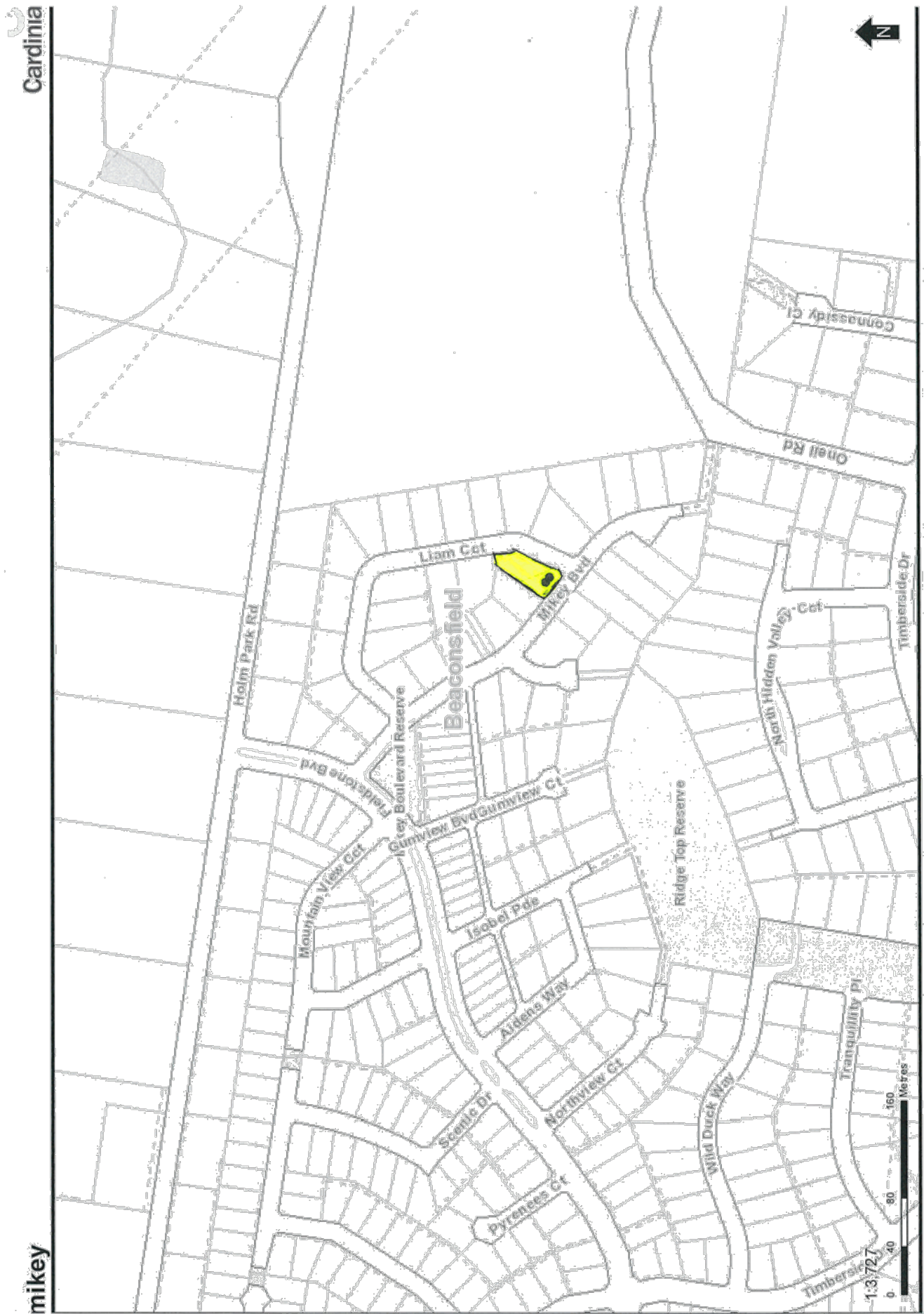
The site is a quiet area and creating smaller lots creates challenges for the existing infrastructure in regards to parking, access and capability of the existing infrastructure.

Objectors were also concerned about the potential of the subdivision to reduce their property values. This is a concern that cannot be considered under the Planning & Environment Act or the Planning Scheme.

## CONCLUSION

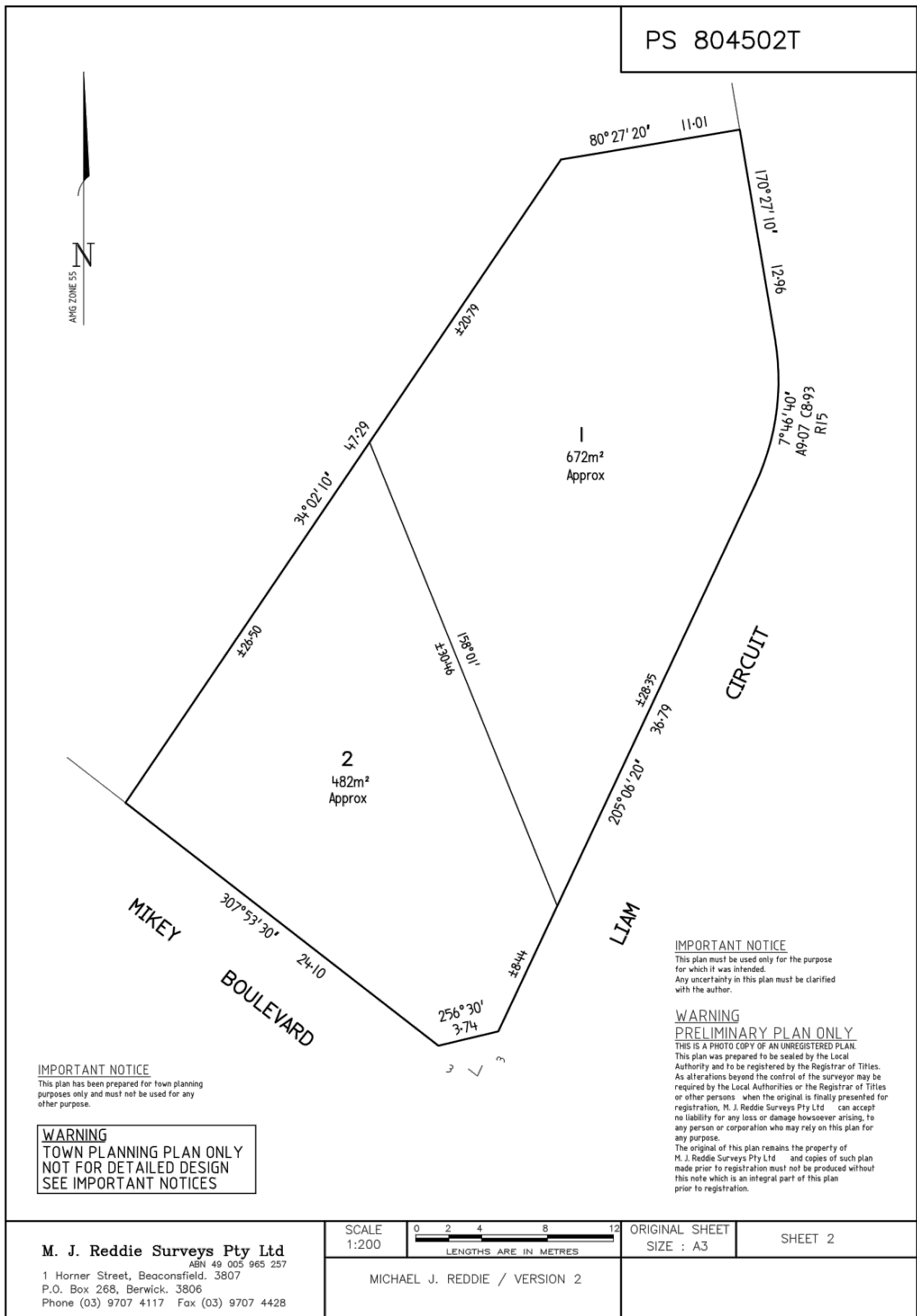
It is considered that the application is inconsistent with the requirements of the Cardinia Planning Scheme and it is therefore recommended that the two (2) lot subdivision at 17 Mikey Boulevard, Beaconsfield VIC 3807 be refused on the following grounds:

5. The proposal is not consistent with the purpose of the General Residential Zone (Clause 32.08) in terms of respecting the neighbourhood character
6. The proposal does not meet the following objectives of Clause 55 of the Cardinia Shire Planning Scheme:
  - c) Clause 55.02-1 – Neighbourhood Character objective.
  - d) Clause 56.04-2 Lot area and building envelopes objective
7. The proposal is contrary to the Local Planning Policy Framework - 21.03-1 Housing and Clause 21.06-1 Design and built form
8. The proposal is contrary to Clause 65.02 - Approval of an application to subdivide land





<b>PLAN OF SUBDIVISION</b>			<b>EDITION</b>	<b>PS 804502T</b>
<p style="text-align: center;"><b>LOCATION OF LAND</b></p> <p>PARISH: PAKENHAM</p> <p>TOWNSHIP:</p> <p>SECTION:</p> <p>CROWN ALLOTMENT: 34 (PART) &amp; 53 (PART)</p> <p>CROWN PORTION: 54 (PART)</p> <p>TITLE REFERENCES: VOL 10724 FOL 480</p> <p>LAST PLAN REFERENCE/S: LOT 1642 ON PS 507847N</p> <p>POSTAL ADDRESS: 17 MIKEY BOULEVARD (At time of subdivision) BEACONSFIELD 3807</p> <p>MGA CO-ORDINATES E 358 082 ZONE: (of approx centre of land N 5 788 294 GDA 94 in plan) ZONE: 55</p>			<p style="text-align: center;"><b>NOTATIONS</b></p> <p>DEPTH LIMITATION: Does not apply</p> <p>THIS IS A SPEAR PLAN</p> <div style="border: 1px solid black; padding: 5px; margin-top: 20px; text-align: center;"> <b>WARNING</b>  <b>TOWN PLANNING PLAN ONLY</b>  <b>NOT FOR DETAILED DESIGN</b>  <b>SEE IMPORTANT NOTICES</b> </div>	
<b>VESTING OF ROADS AND/OR RESERVES</b>				
IDENTIFIER	COUNCIL/BODY/PERSON			
NIL	NIL			
<b>NOTATIONS</b>			<div style="border: 1px solid black; padding: 5px; margin-top: 20px; text-align: center;"> <b>WARNING</b>  <b>TOWN PLANNING PLAN ONLY</b>  <b>NOT FOR DETAILED DESIGN</b>  <b>SEE IMPORTANT NOTICES</b> </div>	
<p><b>SURVEY:</b> This plan is/is-not based on survey.</p> <p><b>STAGING:</b> This is/is not a staged subdivision</p> <p>Planning Permit No.</p> <p>This survey has been connected to permanent marks No (s).</p> <p>In Proclaimed Survey Area No.</p>				
<b>EASEMENT INFORMATION</b>				
LEGEND A-Appurtenant Easement E-Encumbering Easement R-Encumbering Easement (Road)				
Section 12(2) of the Subdivision Act 1988 applies to the whole of this plan				
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
		<p><u>IMPORTANT NOTICE</u> This plan must be used only for the purpose for which it was intended. Any uncertainty in this plan must be clarified with the author.</p> <p><u>IMPORTANT NOTICE</u> This plan has been prepared for town planning purposes only and must not be used for any other purpose.</p>		<p><u>WARNING</u>  <u>PRELIMINARY PLAN ONLY</u>            THIS IS A PHOTO COPY OF AN UNREGISTERED PLAN.            This plan was prepared to be sealed by the Local Authority and to be registered by the Registrar of Titles. As alterations beyond the control of the surveyor may be required by the Local Authorities or the Registrar of Titles or other persons when the original is finally presented for registration, M. J. Reddie Surveys Pty Ltd can accept no liability for any loss or damage howsoever arising, to any person or corporation who may rely on this plan for any purpose.            The original of this plan remains the property of M. J. Reddie Surveys Pty Ltd and copies of such plan made prior to registration must not be produced without this note which is an integral part of this plan prior to registration.</p>
<b>M. J. Reddie Surveys Pty Ltd</b> <small>ABN 49 005 965 257</small> 1 Horner Street, Beaconsfield. 3807 P.O. Box 268, Berwick. 3806 Phone (03) 9707 4117 Fax (03) 9707 4428		REF: 16-07-29	FILE: KMH165	ORIGINAL SHEET SIZE: A3
		SHEET 1 OF 3		
		MICHAEL J. REDDIE / VERSION 2		





PS 804502T

CREATION OF RESTRICTION

ON REGISTRATION OF THIS PLAN THE FOLLOWING RESTRICTION IS CREATED:

LAND TO BENEFIT: LOT 1 ON THIS PLANLAND TO BE BURDENED: LOT 2 ON THIS PLANDESCRIPTION OF RESTRICTION:

1. THE REGISTERED PROPRIETOR OR PROPRIETORS FOR THE TIME BEING OF LOT 2 ON THIS PLAN OF SUBDIVISION SHALL NOT:
  - A. CONSTRUCT ANY DWELLING OR GARAGE OUTSIDE THE AREA SHOWN HATCHED ON THE PLAN IN THE SCHEDULE HEREUNDER

SCHEDULEIMPORTANT NOTICE

This plan must be used only for the purpose for which it was intended.  
Any uncertainty in this plan must be clarified with the author.

WARNINGPRELIMINARY PLAN ONLY

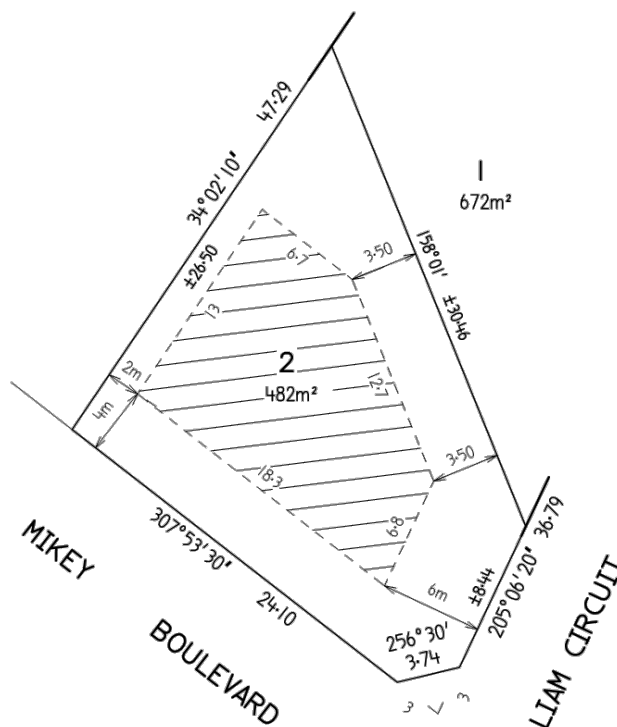
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SHEET 3

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