

1 TWO (2) LOT SUBDIVISION AND CREATION OF EASEMENT 7 HENRY STREET, KOO WEE RUP

FILE REFERENCE INT1634805

RESPONSIBLE GENERAL MANAGER Phil Walton

AUTHOR Narelle Bulleid

RECOMMENDATION

That a Notice of Decision to Grant Planning Permit T150734 be issued for Subdivision of land into two (2) lots and creation of an easement at 7 Henry Street, Koo Wee Rup subject to the conditions attached to this report.

Attachments

- | | | |
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| 1 | Locality plan | 1 Page |
| 2 | Subdivision plan | 2 Pages |
| 3 | Copies of objections, circulated to councillors only | 4 Pages |

EXECUTIVE SUMMARY

APPLICATION NO.:	T150734
APPLICANT:	Manjit S. Johal
LAND:	7 Henry Street, Koo Wee Rup
PROPOSAL:	Subdivision of land into two (2) lots and creation of an easement
PLANNING CONTROLS:	Neighbourhood Residential Zone Schedule 1 (NRZ1) Land Subject to Inundation Overlay (LSIO) Clause 52.02 Easements, Restrictions and Reserves Clause 56 Residential Subdivision
NOTIFICATION & OBJECTIONS:	The application has been advertised pursuant to Section 52 of the Planning and Environment Act 1987, by sending notices to adjoining land owners and occupiers and placing a sign on site. Four (4) objections have been received to date
KEY PLANNING CONSIDERATIONS:	Neighbourhood and township character, Impact on surrounding properties
RECOMMENDATION:	Notice of Decision to Grant a Permit

BACKGROUND:

There is no relevant planning permit history for the site.

SUBJECT SITE:

The site is located on the south side of Henry Street approximately 125 metres north-west of Rossiter Street in Koo Wee Rup. The site is generally rectangular in shape with a frontage of 20.16 metres and depth of 50.29 metres with an overall area of 1,013.84 square metres.

The site is relatively flat and is not currently burdened by any easements. The site is burdened by a restrictive covenant relating to no quarrying operations and removal of clay and gravel, this proposal will not breach this covenant.

The site is currently developed with a single dwelling setback 7.35 metres from the Henry Street frontage, 7.7 metres from the south-east boundary and 4.5 metres from the north-west boundary. The existing crossover is located on the east side of the site frontage leading to a carport and outbuildings located at the rear of the dwelling along the south east boundary of the site.

The main characteristics of the surrounding area are:

- *North:* Land to the north includes the Henry Street road-reserve, including a nature strip with established street tree located centrally within the site frontage, development further north is residential with a mixture of multi dwelling development and single dwellings.
- *South:* The land abutting the south boundary includes a drainage and sewerage easement that extends along the rear boundary of properties fronting Henry Street, properties further south include residential development fronting Gardiner Street, including both dwellings and multi dwelling development
- *East:* The land to the east includes a municipal reserve used for a children's playground and public open space with a number of trees located along the common boundary
- *West:* The property to the west is developed with a single dwelling located in the northern portion of the site with private open space located at the rear.

PROPOSAL:

The proposal is for a two (2) lot subdivision of the land and the creation of an easement, the following is a summary of the proposal:

- **Lot 1 :** Proposed lot 1 is generally rectangular in shape with a frontage of 16.16 metres to Henry Street with a depth of 32.4 metres and overall area of 523.58 square metres. The lot will contain the existing dwelling with the provision of a new crossover on the west side of the frontage providing access to a new carport located on the north west side of the dwelling in line with the façade of the dwelling.
- **Lot 2 :** Proposed lot 2 provides a battle-axe arrangement with a frontage of 4 metres to Henry Street, north west boundary 17.89 metres and south west (rear) boundary of 20.16 metres with an overall area of 490.26 square metres. The lot will include the new easement and will retain the existing driveway along the south east boundary of the site although will be vacant.
- **Easement:** The proposal includes the creation of a 1.8 metre drainage and sewerage easement along the south east boundary in the southern section of Lot 2. This easement is proposed to ensure to a drainage and sewerage connection in maintained between the easement abutting the rear boundary and lot 1.

PLANNING SCHEME PROVISIONS:

State Planning Policy Framework (SPPF)

The relevant clauses of the SPPF are:

- Clause 11 Settlement
- Clause 13.02 Floodplains
- Clause 15.01-3 Neighbourhood and subdivision design
- Clause 16 Housing
- Clause 16.01-2 Location of Residential Development
- Clause 16.01-4 Housing Diversity
- Clause 16.01-5 Housing Affordability

Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- Clause 21.03 Settlement and Housing
- Clause 21.03-1 Housing
- Clause 21.03-3 Rural Townships
- Clause 21.06-1 Design and Built form
- Clause 21.07-7 Local Areas - Koo Wee Rup
- Clause 21.09-2 Catchment Management

Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Clause 52.01 Public Open Space Contribution and subdivision
- Clause 52.02 Easements, Restrictions and Reserves
- Clause 56 Residential Subdivision
- Clause 65 Decision guidelines

Zone

The land is subject to the Neighbourhood Residential Zone Schedule 1

Overlays

The land is subject to the following overlays:

- Land Subject to Inundation Overlay

PLANNING PERMIT TRIGGERS

The proposal for the subdivision of land requires a planning permit under the following clauses of the Cardinia Planning Scheme:

- Pursuant to Clause 32.09-2 of the Neighbourhood Residential Zone (NRZ) a planning permit is required to subdivide land. Schedule 1 does not include any specified minimum subdivision area.

- Pursuant to Clause 44.04-2 of the Land Subject to Inundation overlay (LSIO) a planning permit is required to subdivide land.
- Pursuant to Clause 52.02 a planning permit is required to create an easement.

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 (a) sign on site

The notification has been carried out correctly, and Council has received four (4) objections to date.

The key issues that were raised in the objections are:

- Neighbourhood character – the subdivision is inconsistent with the township character and the Kooweerup Township Strategy particularly Precinct 1 Established Residential Area.
- The subdivision is inconsistent with a number of design guidelines within the Koo Wee Rup Township Strategy including lots do not provide the minimum lot area or width. Noting that current percentage of 700 square metre blocks in the established areas is 50% less than the 70% in the strategy.
- Impact on the heritage in the area including the heritage values of the dwelling on the site.
- Impact on the nature of the adjoining park.
- Detrimental impacts on traffic and safety for the area

REFERRALS

Melbourne Water

The application was referred to Melbourne Water as a statutory had no objection to the proposal subject to conditions.

South East Water

The application was referred to South East Water for comment due to the proposed sewerage easement. South East Water had no objection to the proposal with no specified conditions.

DISCUSSION

State and Local Planning Policy Framework

The proposal is consistent with State and Local Planning Policy Frameworks. In particular, the application meets State policies that encourage residential development within the designated urban growth boundary, within a close proximity to commercial centres and along public transport routes. The subdivision will increase the supply of residential land within a small township and therefore increasing housing diversity and improving housing affordability whilst providing a subdivision layout that can integrate well with the surrounding neighbourhood and township character.

Clause 21.07-7 Koo Wee Rup seeks to:

- *Ensure that any proposed use or development within or around the Koo Wee Rup Township is generally consistent with the Koo Wee Rup Township Strategy (October 2015), including the Koo Wee Rup Framework Plan (Figure 18).*

The Township Strategy notes the site is located within the Established Residential Precinct 1 noted as established residential areas with small to medium lot sizes and older buildings. The subdivision achieves an appropriate balance between the need to provide a range of housing options to meet the needs of the community and the existing rural township character of the area. The proposed two lot subdivision results in lot areas and layout that is not uncharacteristic of the surrounds and provides for the retention of the existing dwelling with sufficient areas for the vacant lot that will ensure development on the site can ensure the township character is maintained.

Neighbourhood Residential Zone

A subdivision within the Neighbourhood Residential Zone is to be consistent with the purpose of the zone and the relevant objectives and standards of Clause 56 Subdivision of the Cardinia Planning Scheme for two lot subdivisions.

The proposed modest two lot subdivision is consistent with the objectives of this zone as it provides for limited increased residential development that is respectful of the surrounding neighbourhood character. Further the application has been assessed against the relevant clauses of Clause 56 and it is considered that the subdivision generally complies.

Land Subject to Inundation Overlay

The site is located within a Land Subject to Inundation Overlay, the subdivision has been referred to Melbourne Water whom had no objection to the proposal. Any development on the site would be subject to minimum floor levels in accordance with this overlay and it is considered that the subdivision will not detrimentally impact on the flood levels or flow velocity.

Public Open Space

A person who proposes to subdivide land must make a contribution to the Responsible Authority for public open space if the subdivision unless the proposal is a two lot subdivision which is unlikely to be further subdivided. It is considered that this lot is unlikely to be further subdivided as such the proposal is exempt from this contribution.

Creation of easement

The creation of a 1.8 metre wide easement along the south east boundary to provide drainage and sewerage services from the existing easement abutting the rear boundary and lot 1. This will enable the installation of services for all lots in the proposed subdivision. The application was referred to South East Water for comment with no objection to the proposal, as such this easement is considered reasonable, subject to future requirements of the servicing authorities.

Objectors Concerns

- *Neighbourhood & Township character*

The subdivision is inconsistent with the township character and the Kooweerup Township Strategy particularly Precinct 1 Established Residential Area. The objectors noted that the subdivision is inconsistent with a number of design guidelines within the Koo Wee Rup Township Strategy including lots do not provide the minimum lot area or width. Noting that current percentage of 700 square metre blocks in the established areas is 50% less than the 70% in the strategy.

When considering township character and the impact the proposal will have on the streetscape it can be considered that the a review of Henry Street between Moody Street and Rossiter Road does not extensive numbers of properties with lots less than 700 square metres. This area of Henry Street includes forty two (42) properties with nine (9) of the properties with lots less than 700 square metres, equating to 21% of the streetscape with lots under the desired area, below the 30% maximum anticipated by the Township Strategy. Although the lot will create one lot with a minimum frontage less than the guidelines it is considered that the

subdivision has been designed to ensure that the existing dwelling is maintained and that the Henry Street streetscape is not detrimentally impacted.

Further the location of the lot at the south east end of the street near other multi dwelling developments will ensure that the nature of Henry Street is not substantially altered and will achieve the objectives of Clause 21.07-7 and the Koo Wee Rup Township Strategy. Although the Koo Wee Rup Township Strategy is an incorporated document in the scheme and the noted minimum lot sizes and lot widths are not statutory requirements and have not been incorporated into the Neighbourhood Residential zone schedule, as such are considered guidelines, as established under previous applications at VCAT.

The proposal is a modest two lot subdivision with both lots around 500 square metres, with the retention of the existing dwelling will ensure that the township character is not detrimentally impacted upon as such it is considered that the proposal is consistent with the Local Planning Policy Framework in that the subdivision is generally consistent with the Koo Wee Rup Township Strategy.

- *Heritage*

The objectors expressed concerns with the impact on the heritage in the area including the heritage values of the dwelling on the site. The proposed subdivision has provided for a lot area which will ensure the retention of the existing dwelling on the site and will result in a modest carport located in line with the façade of the dwelling and will not detrimentally impact on the character and more particularly the heritage character of the area.

- *Public Open Space*

The objectors noted concerns with the impact on the nature of the adjoining park, with Council investing money into this park to provide an upgrade for the community. The proposed subdivision will result in the removal of a structure located on the common boundary and although the subdivision will result in an additional dwelling on the site it is not considered that this will detrimentally impact the functioning or general enjoyment of the public open space given the location of established vegetation along the common boundary.

- *Detrimental impacts on traffic and safety for the area*

The objectors raised concerns that the proposal will result in increased traffic resulting in detrimental impacts for the surrounds and will impact on traffic safety for the area given the location of the site near a dangerous bend.

The proposal will retain the existing crossover with the proposed crossover located away from the bend on the road, as such the proposal is not considered to detrimentally impact on traffic safety for the area. Further the provision of one additional dwelling on the site will not significantly increase traffic and the established street network can suitably accommodate the additional movements without detrimentally impacting on adjoining properties. The application has been referred to Council's Engineering Department with no objections to the proposal in terms of both traffic safety and impacts on traffic in the residential area.

CONCLUSION

The proposed application is consistent with State and Local Planning Policy, and the zone and overlay provisions that apply to the site. The application has been assessed against the relevant policy and it has been determined that the application satisfactorily complies with the vision for the area.

CONDITIONS

1. The layout of the subdivision, and access as shown on the endorsed plans, may not be altered or modified without the prior written consent of the Responsible Authority.
2. Before the Statement of Compliance is issued under the *Subdivision Act 1988* for the subdivision the

permit holder must:

- a. Demonstrate to Council that the location of all services and buildings, including drainage and sewerage servicing Lot1 have been relocated (if required) to the satisfaction of the Responsible Authority to ensure that they do not cross the boundaries between the proposed lots.
- b. Removal of all existing structures on Lot 2.
- c. Provide a residential standard concrete vehicle crossing for Lot 1.
- d. Provide drainage connection points for both proposed lots.

to the satisfaction of the Responsible Authority.

3. Before the Statement of Compliance is issued, appropriate driveway access and drainage connection points must be provided to all lots to the satisfaction of the Responsible Authority.
4. Before the Statement of Compliance is issued, outfall drainage for the subdivision must be designed and constructed to a satisfactory point of discharge in accordance with plans and specifications approved by the Responsible Authority.
5. Lots within the subdivision must be provided with reticulated water and sewerage, gas, underground power and telecommunications connections to the satisfaction of the Responsible Authority.
6. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the approved plan in accordance with the authority's requirements and relevant legislation at the time.
7. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
8. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.
9. 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
 - c. 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.
10. 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.

Melbourne Water

11. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's

drains or waterways.

12. Prior to Certification, the Plan of Subdivision must be referred to Melbourne Water in accordance with Section 8 of the Subdivision Act 1988.

Expiry of permit:

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 in accordance with Section 69 of the *Planning and Environment Act 1987*.

Permit Note:

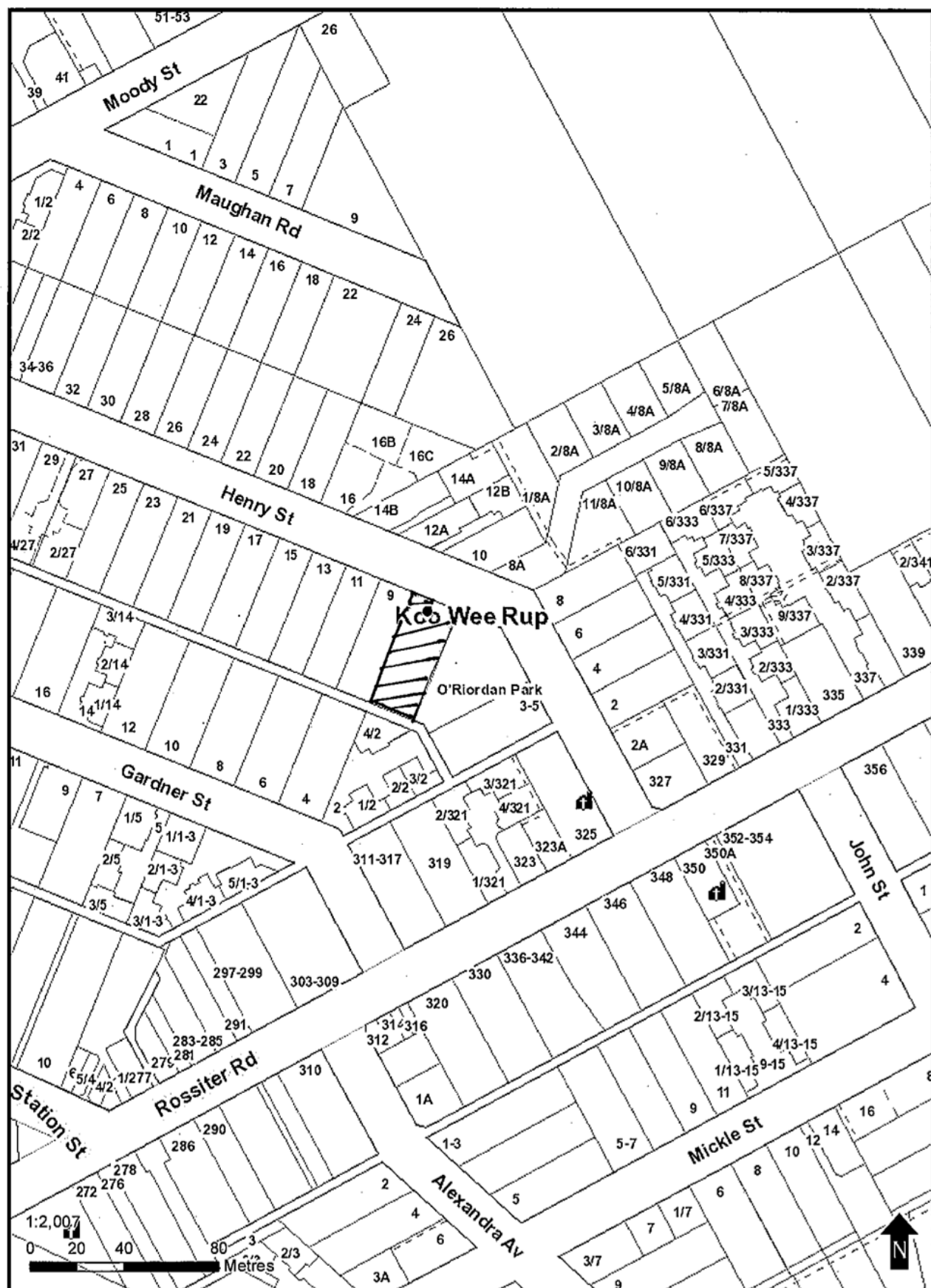
The starting of the subdivision is regarded by Section 68(3A) of the Planning and Environment Act 1987 as the certification of a plan, and completion is regarded as the registration of the plan.

A 'Vehicle Crossing Permit' must be obtained from Council prior to the commencement of any works associated with the proposed vehicle crossing.

Melbourne Water Permit Note:

If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on 9679 7517, quoting Melbourne Water's reference 268318.

7 Henry St KooWeeRup



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