

# Using the residential subdivision provisions Clause 56 – Residential subdivision

VPP PRACTICE NOTE

OCTOBER 2006

The planning requirements for residential subdivision are set out in Clause 56 of all planning schemes.

The residential subdivision provisions in Clause 56 express the Neighbourhood Principles contained in *Melbourne 2030 Planning for Sustainable Growth (DSE 2002)* and aim to achieve residential subdivision design that provides attractive, safe, livable and sustainable neighbourhoods.

This practice note provides information about:

- how Clause 56 operates
- the objectives to be met for each class of subdivision
- the subdivision site and context description
- the subdivision design response
- the transitional arrangements.

## When does Clause 56 apply?

All residential subdivision needs a planning permit.

The requirements of Clause 56 apply to an application to subdivide land in the Residential 1 Zone, Residential 2 Zone, Residential 3 Zone, Mixed Use Zone, Township Zone and any Comprehensive Development Zone or Priority Development Zone that provides for residential development. These provisions do not apply to the subdivision of land into lots each containing an existing dwelling or car parking space.

Each zone contains a table which sets out the objectives and standards of Clause 56 to be met for each class of residential subdivision.

A plan under a Development Plan Overlay or an Incorporated Plan Overlay that provides for residential development must meet the requirements of Clause 56 set out in the zone as appropriate.

## How does Clause 56 operate?

### Objectives and standards

Clause 56 sets out objectives that an application must meet. An objective expresses the desired outcome the residential subdivision must achieve.

One or more associated standards contain the requirements or measures that meet the objectives. Some standards must be met. However, if the responsible authority (normally council) is satisfied that an application for an alternative design solution meets the objective, the alternative design solution may be considered.

### Class of subdivision

Clause 56 identifies four classes of subdivision based on the number of lots in the subdivision. The four classes are:

1. 2 lots
2. 3–15 lots
3. 16–59 lots
4. 60 lots or more.

A subdivision application must meet all the objectives and standards allocated to its class of subdivision.

The objectives and standards allocated to each class of subdivision are specified in the zone.

A number of objectives and standards do not apply in the Township Zone including compact and walkable neighbourhoods, activity centres and public transport networks.

The objectives and standards allocated to each class of subdivision are proportionate to the size and complexity of the subdivision.

Proposals creating only two lots are required to meet basic objectives and standards for neighbourhood character, lot design, access and water supply. Subdivision proposals creating 60 lots or more need to meet these objectives and standards as well as objectives and standards relating to strategic land use form and development including compact and walkable neighbourhoods, activity centres and public transport networks.

The objectives and standards applying to each class of subdivision in each zone are set out in Appendix A and Appendix B.

Only those objectives and standards that are relevant to the class of subdivision as specified in the zone need to be addressed in the design response and considered as part of the assessment of the permit application.

### Certification of standards

This provision has been included to allow the Minister for Planning to authorise a future trial of certification. The appropriateness of certification in the planning system will be determined by the Minister following the trial.

### Timing of meeting standards

Some matters covered by the objectives and standards can occur after a permit for the subdivision has been issued, through a condition of the permit.

Considering some matters at a later date allows planning assessment to occur at an appropriate time in the design and construction process and can provide for faster, more cost-effective decision-making.

Standards that may be appropriate to be met as a condition of a permit include:

• Clause 56.05-1	Integrated urban landscape	Standard C12
• Clause 56.06-5	Walking and cycling network detail	Standard C18
• Clause 56.06-6	Public transport network detail	Standard C19
• Clause 56.06-7	Neighbourhood street network detail	Standard C20
• Clause 56.06-8	Lot access	Standard C21
• Clause 56.07-1	Drinking water supply	Standard C22
• Clause 56.07-2	Reused and recycled water	Standard C23
• Clause 56.07-3	Waste water management	Standard C24
• Clause 56.07-4	Urban run-off management	Standard C25
• Clause 56.08-1	Site management	Standard C26
• Clause 56.09-1	Shared trenching	Standard C27
• Clause 56.09-2	Electricity, telecommunications and gas	Standard C28
• Clause 56.09-3	Fire hydrants	Standard C29
• Clause 56.09-4	Public lighting	Standard C30

### Subdivision site and context description

An application for a residential subdivision must be accompanied by a subdivision site and context description. The site and context description provides information about the site and the surrounding area. It informs the applicant's design response and the council's assessment of the proposed subdivision.

The amount of information required about the surrounding area varies according to the class of subdivision. Information provision is proportionate with the size and complexity of the proposed residential subdivision.

The council may waive or reduce the requirement for a subdivision site and context description if it considers that the information is not relevant to the evaluation of the application. This would normally be the case where a permit has previously been granted for the development involving an assessment under:

- Clause 54 – one dwelling on a lot
- Clause 55 – two or more dwellings on a lot and residential buildings
- Clause 52.35 – Urban context report and design response for residential development of four or more storeys.

All subdivisions need to provide basic site information including site size, existing natural and cultural features, views and existing buildings. For subdivision applications of 3 lots or more, information about the surrounding area is required including the pattern of subdivision, existing land uses and existing buildings on adjacent lots. Additional context information such as the direction and distances to local shops, community facilities and public transport routes and stops is required for a subdivision of 60 lots or more.

Information about significant cultural features and natural features including trees and other significant vegetation and drainage lines is also required. These features are important as they may contribute to creation of local character and identity. The proximity of fire threats is also important for regional areas and metropolitan growth areas.

### **Satisfactory subdivision site and context description**

Council must decide if the subdivision site and context description is satisfactory and inform the applicant in writing before requiring notice of the application to be given or assessing the application further.

### **Subdivision design response**

An application must be accompanied by a subdivision design response. The subdivision design response provides the applicant's rationale for the proposed subdivision design by explaining how the subdivision design:

- derives from the subdivision site and context description
- responds to any features of the site and its context identified in a local planning policy or a Neighbourhood Character Overlay
- responds to any relevant policy, strategy, structure plan or development plan approved under the relevant planning scheme
- meets the relevant objectives of Clause 56.

The subdivision design response must include correctly scaled plans showing the subdivision in the context of the surrounding area.

The council may exercise its discretion to waive or reduce the requirement for a subdivision design response if it considers that the information is not relevant (see dots points listed above) to the evaluation of the subdivision application. This would normally be the case where a permit has previously been granted for the development involving an assessment under:

- Clause 54 – one dwelling on a lot
- Clause 55 – two or more dwellings on a lot and residential buildings
- Clause 52.35 – Urban context report and design response for residential development of four or more storeys.

An application for subdivision of 60 or more lots must also include a plan that meets the requirements of Standard C2. This includes information about activity centres, community facilities, lot diversity and distribution, the walking, cycling, public transport and neighbourhood street networks, street walking distances around public transport stops, proposed uses of the site, natural features of the site, the water management system and staging of the subdivision.

In regional Victoria an activity centre may be a well-located local shopping facility that offers a range of goods and services and is serviced by public transport or has potential for a future bus service linking to larger activity centres, schools, medical services and train services.

### **Transitional arrangements**

Planning permit applications for subdivisions submitted with councils prior to 9 October 2006 will be considered against the requirements of Clause 56 that applied immediately before 9 October 2006.

A proposal that has a valid planning permit at the commencement date will not be affected; however future changes will need to comply with the new requirements.

### **Additional information**

Other Clause 56 Residential Subdivision practice notes are:

- *Using the access and mobility management provisions of Clause 56, October 2006*
- *Using the integrated water management provisions of Clause 56, October 2006*
- *Using the site management provisions of Clause 56, October 2006.*

## Appendix A

Residential 1 Zone, Residential 2 Zone, Residential 3 Zone, Mixed Use Zone, Comprehensive Development Zone & Priority Development Zone			
2 lots	3-15 lots	16-59 lots	60 lots or more
		C1 Strategic implementation	C1 Strategic implementation
			C2 Compact & walkable neighbourhoods
			C3 Activity centre
			C4 Planning for community facilities
		C5 Built environment	C5 Built environment
C6 Neighbourhood character	C6 Neighbourhood character		
	C7 Lot diversity and distribution	C7 Lot diversity and distribution	C7 Lot diversity and distribution
C8 Lot area & building envelopes	C8 Lot area & building envelopes	C8 Lot area & building envelopes	C8 Lot area & building envelopes
C9 Solar orientation to lots	C9 Solar orientation to lots	C9 Solar orientation to lots	C9 Solar orientation to lots
	C10 Street orientation	C10 Street orientation	C10 Street orientation
C11 Common area	C11 Common area	C11 Common area	C11 Common area
	C12 Integrated urban landscape	C12 Integrated urban landscape	C12 Integrated urban landscape
		C13 Public open space	C13 Public open space
			C14 Integrated mobility
	C15 Walking & cycling network	C15 Walking & cycling network	C15 Walking & cycling network
			C16 Public transport network
	C17 Neighbourhood street network	C17 Neighbourhood street network	C17 Neighbourhood street network
	C18 Walking & cycling network detail	C18 Walking & cycling network detail	C18 Walking & cycling network detail

**Residential 1 Zone, Residential 2 Zone, Residential 3 Zone, Mixed Use Zone,  
Comprehensive Development Zone & Priority Development Zone**

2 lots	3-15 lots	16-59 lots	60 lots or more
		C19 Public transport network detail	C19 Public transport network detail
	C20 Neighbourhood street network detail	C20 Neighbourhood street network detail	C20 Neighbourhood street network detail
C21 Lot access	C21 Lot access	C21 Lot access	C21 Lot access
C22 Drinking water supply	C22 Drinking water supply	C22 Drinking water supply	C22 Drinking water supply
C23 Reused & recycled water	C23 Reused & recycled water	C23 Reused & recycled water	C23 Reused & recycled water
C24 Waste water management	C24 Waste water management	C24 Waste water management	C24 Waste water management
C25 Urban run-off management	C25 Urban run-off management	C25 Urban run-off management	C25 Urban run-off management
C26 Site management	C26 Site management	C26 Site management	C26 Site management
C27 Shared trenching	C27 Shared trenching	C27 Shared trenching	C27 Shared trenching
C28 Electricity, telecommunications & gas	C28 Electricity, telecommunications & gas	C28 Electricity, telecommunications & gas	C28 Electricity, telecommunications & gas
	C29 Fire hydrants	C29 Fire hydrants	C29 Fire hydrants
	C30 Public lighting	C30 Public lighting	C30 Public lighting

## Appendix B

Township Zone		
2 lots	3-15 lots	16 lots or more
		C1 Strategic implementation
C6 Neighbourhood character	C6 Neighbourhood character	
C8 Lot area & building envelopes	C8 Lot area & building envelopes	C8 Lot area & building envelopes
C9 Solar orientation	C9 Solar orientation	C9 Solar orientation
	C10 Street orientation	C10 Street orientation
C11 Common area	C11 Common area	C11 Common area
	C12 Integrated urban landscape	C12 Integrated urban landscape
		C13 Public open space
	C15 Walking & cycling network	C15 Walking & cycling network
	C17 Neighbourhood street network	C17 Neighbourhood street network
	C18 Walking & cycling network detail	C18 Walking & cycling network detail
	C20 Neighbourhood street network detail	C20 Neighbourhood street network detail
C21 Lot access	C21 Lot access	C21 Lot access
C22 Drinking water supply	C22 Drinking water supply	C22 Drinking water supply
C23 Reused & recycled water	C23 Reused & recycled water	C23 Reused & recycled water
C24 Waste water management	C24 Waste water management	C24 Waste water management
C25 Urban run-off management	C25 Urban run-off management	C25 Urban run-off management
C26 Site management	C26 Site management	C26 Site management
C27 Shared trenching	C27 Shared trenching	C27 Shared trenching
C28 Electricity, telecommunications & gas	C28 Electricity, telecommunications & gas	C28 Electricity, telecommunications & gas
	C29 Fire hydrants	C29 Fire hydrants
	C30 Public lighting	C30 Public lighting

## Contact information

The Department of Sustainability and Environment has published a number of practice notes that provide practical advice on planning matters.

For copies of practice notes, visit the DSE web site at [www.dse.vic.gov.au/planning](http://www.dse.vic.gov.au/planning)

## DSE Planning Information Centre

To view or purchase planning schemes and a range of planning publications:

- Ground Floor, 8 Nicholson Street, East Melbourne, Vic 3002, Tel 03 9637 8151
- e-mail: [planning.info@dse.vic.gov.au](mailto:planning.info@dse.vic.gov.au)

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