
PLANNING PERMIT APPLICATION PL24/063

Amended Planning Report 15th January 2025

6 Cardigan Street Kirkstall



Aerial for subject property showing existing dwelling and sheds and surrounds Kirkstall 2024

INTRODUCTION

This Planning Report supports an amended Plan of Re-subdivision for 6 Cardigan St Kirkstall on behalf of property owners Tom Sheehan (Applicant) and Emily Hallam.

This Planning Report replaces an earlier report of 1 May for PL24/063 and incorporates responses to Council's S. 54 Request for Further Information paragraphs 3 and 6. The amended proposed plan provides for 2 new lots while reducing the total number of lots from eight to three. The report includes responses to Council's S. 54 request of 4/6/24.

The amended Application is for the reconfiguration of an eight-lot subdivision by reducing the number of lots to three, including two new lots.

Although two new lots will be created the number of lots will be reduced from eight to three as shown in the Plan of proposed re-subdivision. The existing dwelling will be contained within a single lot instead of crossing into four lots.

EXISTING CONDITIONS

The property consists of eight lots, each being 2023 m². The title plan attached shows an additional 2 lots which were sold before the client bought the property in 2022 (lots 9&10) and now contain dwellings, see photo above.

The clients reside in the existing dwelling with their three children where they have hens, run a few sheep, and grow fruit and vegetables. The existing dwelling occupies land on four of the current lots, 2,3,6 &7. The whole property has well established trees and gardens that supports a diverse mix of native birds and animals.

Power is currently supplied to the dwelling by an underground cable from Aire Street via an unregistered easement, shown in Attachment 7.

PROPOSAL

It is proposed to rationalize existing allotments at the above address by reducing the number of lots from 8 to 3, including two new lots (1 and 2) and an existing crown allotment. The existing dwelling, farm sheds and car port will be contained within the single central lot, shown as new lot 1. The size of the allotments will remain approximately 2023 m² while lot 1 which will contain the dwelling will be 12,217 m².

The proposal will regularize existing boundaries, eliminate the anomaly on title of a dwelling being placed across multiple lot boundaries and abolish an unregistered underground power supply.

RESPONSE TO THE PLANNING SCHEME & CONCLUSION

The subject property is located in the Township zone of the Moyne Planning Scheme where a permit is required to subdivide land (Clause 32.05-5).

The proposed re-subdivision, consists of the reconfiguration of five lots and the elimination of three lots, creating two new lots shown as lots 1 and 2 in the Plan of Re-subdivision.

Council has requested further information in relation to Application PL24/063 (4 June 2024) The Application has since been amended to provide for a two lot re subdivision.

Paragraph 3 of Council's letter requests *inter alia*:

Please provide an assessment of the relevant clauses in the Moyne Planning Scheme, including Clause 32.05-5 (except for Land Capability Assessment) and the standards related to Clause 56.

Assessments against the above clauses as relevant are set out below:

Clause 56.01-1 Subdivision site and context description. The site plan, feature survey, and aerial photograph show the site and context of the proposed re-subdivision. The site is flat with a slight southerly gradient. There is no inundation. The aerial photograph of the site included with the

Planning Report shows a well treed park like environment within an area of approximately 200m of the site with dwellings separated by an average of 50m-100m. A feature survey has also been prepared by Southern Surveying and is attached.

The two new lots provided for in the plan is an appropriate design response to the neighbourhood character of Kirkstall.

Clauses 56.03-5, 56.04-2, 56.04-3, 56.04-5 and 56.06-8 to 56.09-2 apply to a 2-lot subdivision (32.08-3):

56.03-5 Neighbourhood Character Objective

The proposed 2 lot re-subdivision will be consistent with the neighbourhood character of Kirkstall. The aerial photograph of the property and surrounds above, shows approximately 10 dwellings within 200m of the site. They are separated from between 50-100m, occupy similar sized allotments interspersed by large trees, established gardens and domestic yards.

56.04-2,3 Lot design

The design of the two new lots, (Lot 1 10,181m² and Lot 2 2036m²) is regular, consistent with the pattern of subdivision in the vicinity and includes space for a building envelope, effluent disposal, solar access, vehicle access and parking, as demonstrated by the Plan of proposed subdivision. Each new lot has direct street access. The location of the existing dwelling within a new single lot with boundaries approximately 50m distant is consistent with the pattern of neighbourhood development.

56.04-5 There is no common area proposed for the re-subdivision.

56.06-8 Accessibility and Mobility

The lots do not abut an arterial road. Each lot adjoins a neighbourhood street and includes frontages of 151.83m on Cardigan St (lot 1) and 40.24m on Aire St (lot2). The nearest public transport is situated at Koroit 5km away. There are no shops within walking distance and the hotel is situated 500 m away.

56.07 Water Management

There is no town water service in the township of Kirkstall. Rainwater collection and tank storage is the appropriate water service on site. The dwelling is serviced by two 35,000 Lt concrete tanks.

56.08 Site Management

The re-subdivision of two new lots will not entail any site disturbance.

56.09-2 Utilities

Electricity is supplied to the current dwelling on lot 1. via an underground easement from Aire St. Power is available to the boundary of proposed lot 2 from Aire St. Telecommunications is available either through Wi-Fi connections and or Satellite NBN connection is available through an appropriate supplier.

This is an application on behalf of an owner occupier young couple who are raising their family in Kirkstall. Moyne Shire Local Planning Policies point to the lack of growth away from the coastal strip in townships such as Kirkstall which I believe to be of general concern to Council.

It is submitted that the proposed Plan of Re-subdivision provides ordered boundaries and will achieve the following positive planning outcomes:

1. It brings the existing dwelling and car port within a single lot on title.
2. It will replace an existing unregistered easement for underground power supply with an easement on title which will be situated in a more suitable location on a property boundary.
3. It will reduce the number of lots from eight to three.

Accordingly, it is recommended that Council support this Planning Application.

