

Planning Application Fact Sheet

Subdivision and multi-dwelling development (units or townhouses)



How many dwellings can I construct on my land?

Establishing how many dwellings can be constructed on land is one of the most common questions asked of planners. Unfortunately, there is no formula for calculating how many dwellings you can put on your land. Rather, it is determined by how well the proposed development meets the statutory requirements and whether it fits with the character of the local area.

There are two processes involved when wanting to develop and subdivide land for multi-dwelling development. These are:

- obtaining a permit for the development of the land for multi-dwelling development
- obtaining a permit to subdivide the land and certification

When do I need a planning permit?

A planning permit is always required to build more than one dwelling on a lot. An application will be assessed against Clause 55 of the Hobsons Bay Planning Scheme (sometimes called “ResCode”), which specifies the requirements for the construction of two or more dwellings on a lot. ResCode requires the design of a proposal (including the number of dwellings on a lot) to appropriately

respond to both the surrounding neighbourhood character and the particular features or constraints of the site. All applications must include neighbourhood and site descriptions which show the features or characteristics of the neighbourhood and the site, such as using a plan, photographs or other techniques.

What is Neighbourhood Character?

Neighbourhood Character is the combination of qualities that make an area unique, including:

- building heights
- front fences
- building materials
- landscaping (including street trees and private gardens)
- building siting such as front, side and rear setbacks
- walls on boundaries
- private open space
- building styles

For example, if you are proposing a double storey development in a predominantly single storey area, the upper level should be setback a sufficient distance so that it doesn't stick out within the street. Similarly, if there is a predominance of open backyards, single storey forms

should be incorporated to the rear to protect this valuable feature. [The Hobsons Bay Neighbourhood Character Study](#) helps identify the existing and preferred character of the area and includes design objectives for new development. You should consult this document to identify what's important to the area where your land is situated.

What else do I need to consider?

There are other elements of the planning system that may influence how the application is considered, such as a Heritage Overlay or a Design and Development Overlay. If you need to know what other controls apply to your land, you should speak to one of Council's planners or access the State Government's [VicPlan](#) website.

You will need a qualified planning consultant, such as a qualified architect or draftsman, as they are able to prepare all the necessary plans and supporting information. The Checklist for Multi-dwelling Development, available on Council's website, provides a list of all the required information to be submitted as part of your application.

For further information, please see the Practice Notes from the Department of Water, Environment, Land and Planning:

- [Planning Practice Note 16 - Making a planning application for one or more dwellings in a Residential Zone](#)
- [Planning Practice Note 43 - Understanding Neighbourhood Character](#)

What is the process to getting permission to subdivide?

Once you have a permit to develop land for multi-dwelling development, you can then apply to subdivide the land. The subdivision of land involves three main stages:

- 1. Planning permit application** – an assessment of the suitability of the land to be subdivided
- 2. Certification** – a certification of the plan by Council when the planning permit or planning scheme requirements have been met or arrangements have been made to meet those requirements
- 3. Statement of compliance** – a statement issued once all the requirements of the subdivision have been met (please note - a statement of compliance cannot be issued before a plan is certified and it must be obtained before a plan can be registered at the Titles Office)

One planning permit application can be issued for both development and subdivision of the land. However, the certification and statement of compliance must be applied for separately. There are detailed requirements for certification and statement of compliance and you should engage a licensed land surveyor to prepare the formal plan of subdivision.

Typically, Council will not allow land to be subdivided unless:

- there is an approved development planning permit for the land and the plan of subdivision conforms with this development
- works have begun in accordance with the approved development permit or a legal agreement has been entered into to ensure land is developed in accordance with the approved planning permit

For most developments of three or more dwellings, an Open Space Contribution is required to be paid prior to the release of the statement of compliance. The Open Space Contribution is a financial contribution paid to Council for the upkeep, and improvements, of public spaces within the area. The amount is usually five per cent of the value of the land based on a valuation taken at the time of the subdivision application.

If you would like to find out more or speak to one of Council's planners, please call 9932 1000 or email townplanning@hobsonsabay.vic.gov.au