

# Using the Residential Subdivision Provisions of Clause 56

Planning Practice Note 40

December 2022

The planning requirements for residential subdivision are set out in clause 56 of all planning schemes. The provisions in clause 56 aim to achieve residential subdivision design that responds to the site context and produces liveable 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

## 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 Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Mixed Use Zone or 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 that 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.

## 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

Residential zones identify four classes of subdivision based on the number of lots in the subdivision. The four classes are: 2 lots, 3–15 lots, 16–59 lots and 60 lots or more.

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

The objectives and standards applying to each class of subdivision in each zone are summarised in Table A and Table B below.

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



**Table A - Clause 56 provisions applying to each class of subdivision**

<b>Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Mixed Use Zone or Township Zone and any Comprehensive Development Zone or Priority Development Zone that provides for residential development</b>				
	<b>2 lots</b>	<b>3 – 15 lots</b>	<b>16 – 59 lots</b>	<b>60 lots +</b>
C1 Strategic implementation			✓	✓
C2 Compact & walkable neighbourhoods				✓
C3 Activity centre				✓
C4 Planning for community facilities				✓
C5 Built environment			✓	✓
C6 Neighbourhood character	✓	✓		
C7 Lot diversity and distribution		✓	✓	✓
C8 Lot area & building envelopes	✓	✓	✓	✓
C9 Solar orientation to lots	✓	✓	✓	✓
C10 Street orientation		✓	✓	✓
C11 Common area	✓	✓	✓	✓
C12 Integrated urban landscape		✓	✓	✓
C13 Public open space			✓	✓
C14 Integrated mobility				✓
C15 Walking & cycling network		✓	✓	✓
C16 Public transport network				✓
C17 Neighbourhood street network		✓	✓	✓
C18 Walking & cycling network detail		✓	✓	✓
C19 Public transport network detail			✓	✓
C20 Neighbourhood street network detail		✓	✓	✓
C21 Lot access	✓	✓	✓	✓
C22 Drinking water supply	✓	✓	✓	✓
C23 Reused & recycled water	✓	✓	✓	✓
C24 Waste water management	✓	✓	✓	✓
C25 Urban run-off management	✓	✓	✓	✓
C26 Site management	✓	✓	✓	✓
C27 Shared trenching	✓	✓	✓	✓
C28 Electricity telecommunications & gas	✓	✓	✓	✓
C29 Fire hydrants		✓	✓	✓
C30 Public lighting		✓	✓	✓



**Table B - Clause 56 provisions applying to each class of subdivision**

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



### Timing of meeting standards

Some matters covered by the objectives and standards can be addressed through permit conditions and met after a permit for the subdivision has been issued.

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 permit condition 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, and design response

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

All subdivisions need to provide basic site information including site size, existing natural and cultural features, views and existing buildings as set out in clause 56.01-1 (Subdivision Site and Context Description). Additional information is required for larger subdivisions.

The council may waive or reduce the requirement for a subdivision site and context description and design response if it considers that the information is not needed. 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 58 – Apartment developments.

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.

### Additional information

Other residential subdivision practice notes are:

- *Using the Integrated Water Management Provisions of Clause 56*
- *Using the Site Management Provisions of Clause 56.*



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