

This material may be of assistance to you, but the State of Victoria and its employees together with Nillumbik Shire Council and its employees, do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or consequences which may arise from you relying on any information contained in this material.

© Nillumbik Shire Council 2018.

Map Width: 116 m

Date: Tuesday, 1 September 2020

Reproduced with permission from the Department of Environment, Land, Water & Planning.



Contains Vicmap information.  
© The State of Victoria, Department of Environment, Land, Water & Planning 2018.

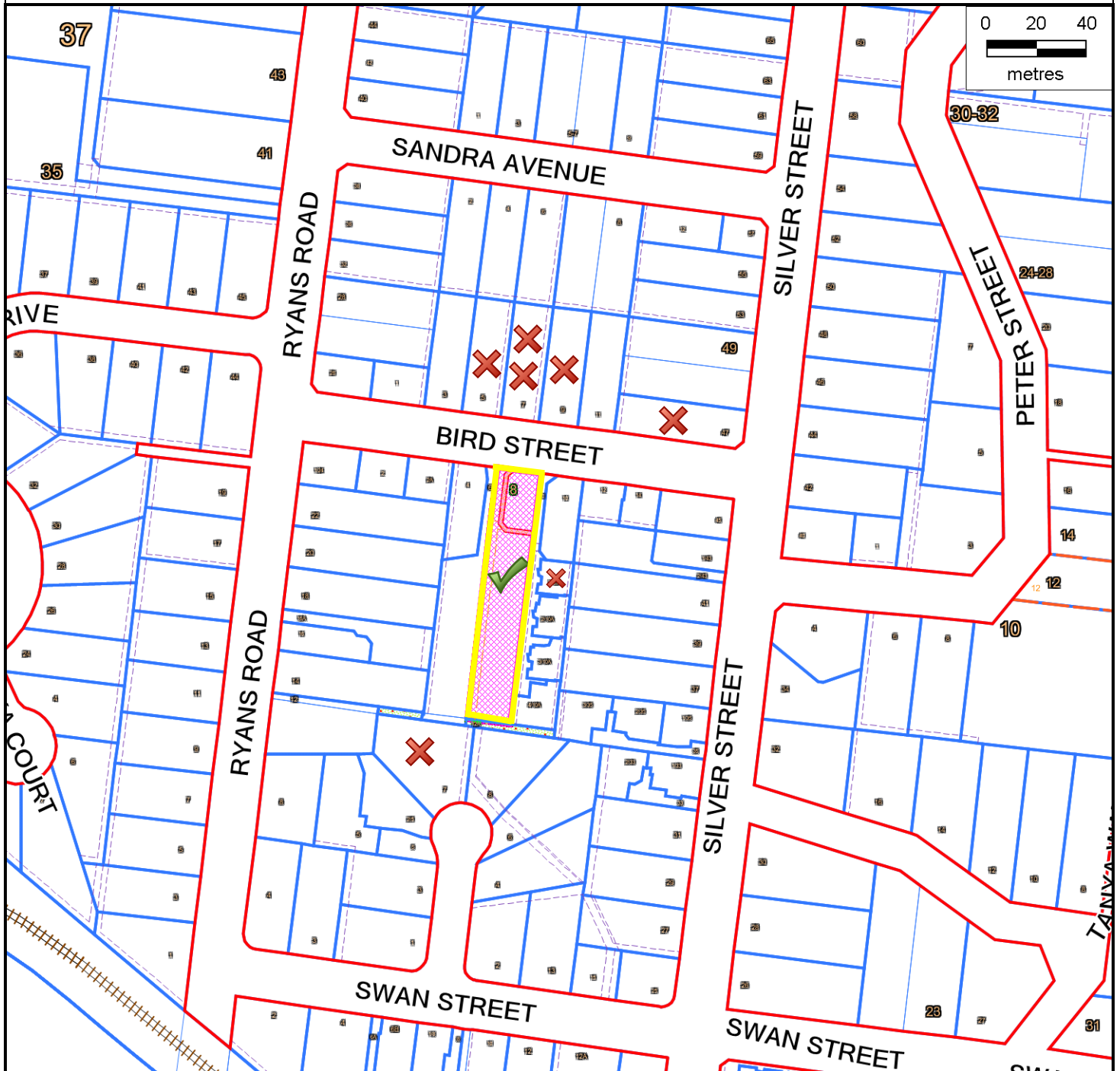
# Subject Site and Surrounds

Subject Site: 8 Bird Street, Eltham

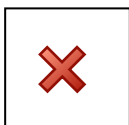
File Reference: B064/00/008P

Application Number: 218/2020/14P

Melway's Reference: 21H5



Subject Site



Objectors

Nearby Objectors: 7

Total: 9



This material may be of assistance to you, but the State of Victoria and its employees together with Nillumbik Shire Council and its employees, do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or consequences which may arise from you relying on any information contained in this material.



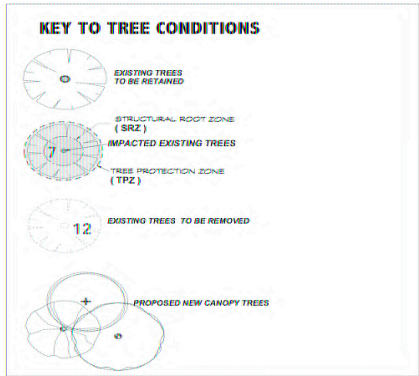
Contains Vicmap information.  
© The State of Victoria, Department of Environment, Land Water & Planning 2018.

Reproduced by permission of the Department of Environment, Land Water & Planning.

© Nillumbik Shire Council 2018

Map Width:	440.6 m
Produced By:	Planning and Building Services
Responsible Officer:	Briana Barnes
Date:	Tuesday, 1 September 2020





### SCHEDULE OF AREAS

**TOTAL SITE AREA 1733.0M<sup>2</sup>**

**No.8 - PROPOSED LOT 1 SITE AREA 332.0M<sup>2</sup>**  
**TOTAL HOUSE FLOOR AREA 143.35M<sup>2</sup> (43.18% Site Coverage)**

**SECLUDED PRIVATE OPEN SPACE**  
 (min. 3.00m in width dimension) = 88.00M<sup>2</sup>  
 OTHER PRIVATE OPEN SPACE = 19.00M<sup>2</sup>  
**TOTAL PRIVATE OPEN SPACE = 103.00M<sup>2</sup>**

**CARSPACES = 1 CAR (existing carport)**  
**PROVIDED = 1 CAR (open driveway)**  
**2 = TOTAL CARSPACES**

**No.8A - PROPOSED LOT 2 SITE AREA 1401.0M<sup>2</sup>**

### PROPERTY INFORMATION:

Address: 9 BIRD STREET ELTHAM 3085  
 Lot and Plan Number: Lot 1 TP514519  
 Standard Parcel Identifier (SPI): 1TP514519  
 Local Government (Council): NILLUMBIK  
 Council Property Number: 165656 Directory  
 Reference: Melway 21 H5

**Planning Zone Summary**  
 Planning Zone: NEIGHBOURHOOD RESIDENTIAL ZONE (NR2)  
 NEIGHBOURHOOD RESIDENTIAL ZONE -  
 SCHEDULE 1 (NRZ1)  
 Planning Overlay: SIGNIFICANT LANDSCAPE OVERLAY (SLO)  
 SIGNIFICANT LANDSCAPE OVERLAY -  
 SCHEDULE 2 (SLS2)

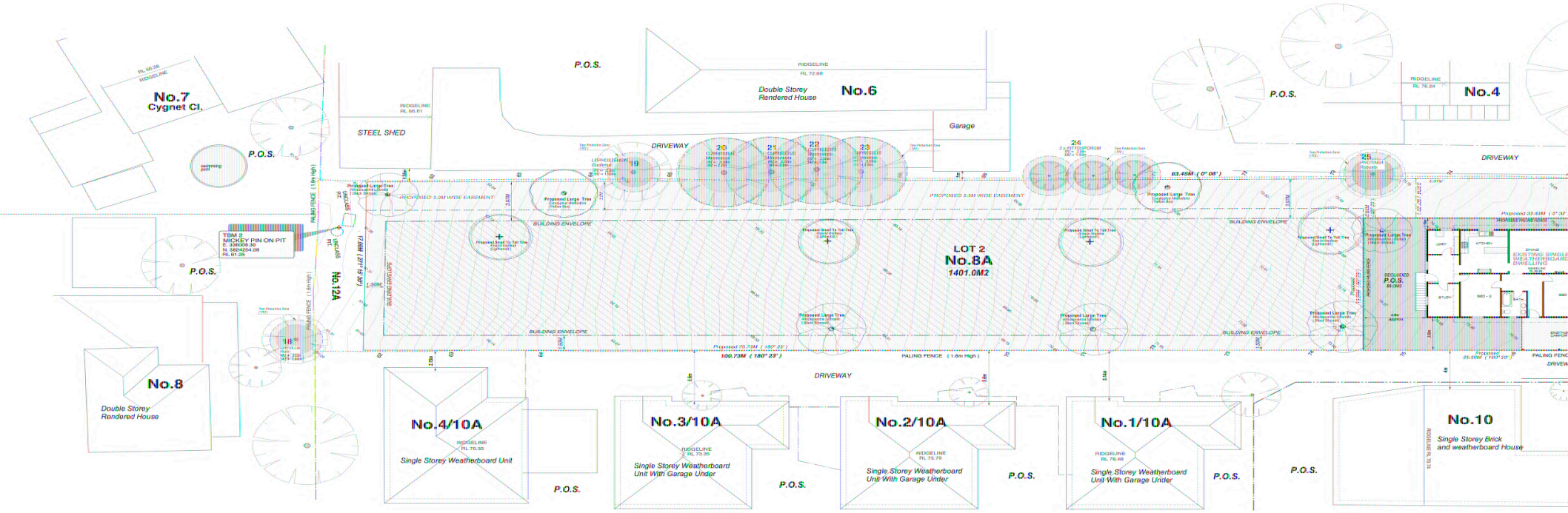
**Utilities**  
 Rural Water Corporation: Southern Rural Water  
 Melbourne Water Retailer: Yarra Valley Water  
 Melbourne Water: inside drainage boundary  
 Power Distributor: ALISNET  
 (Information about choosing an electricity retailer)

**This property is not in a designated bushfire prone area.**



**LOCALITY MAP**

Subject Site  
 No.8 BIRD S  
 (LOT 1 TP51



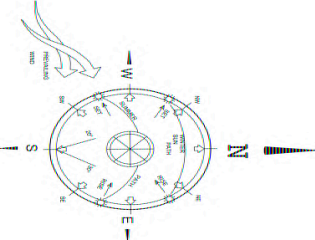
### SITE PLAN - Proposed Two Lot Subdivision Plan With Proposed Replanting Canopy Trees And Building Envelope

SCALE : 1 : 200  
 A1 size 1:200

**NOTES:**  
 FOR ARBOCULTURAL ASSESSMENT & REPORT  
 REFER TO LITS TALK ABOUT TREES  
 BY: MATTHEW BRANAGH Dated April 2020 (Version 1.2)

REFER TO PLAN OF SUBDIVISION (Provisional Plan)  
 PREPARED BY: MERIDIAN LAND SURVEYORS (Version 01)  
 Owen M Dabesteln

FOR FEATURE SURVEY (EXISTING SITE CONDITION)  
 REFER TO SURVEY ONE DRAWING DATED 4/4/2020



**ADVERTISED PLAN**

Plan: 1 of 6

Application No: 218/2020/14P

This copied document is made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document may not be used for any purpose which may breach any copyright.

SILVER



PHOTO 1

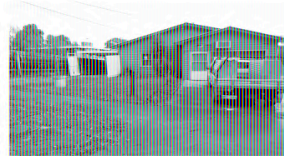


PHOTO 2



PHOTO 3



PHOTO 4



PHOTO 5

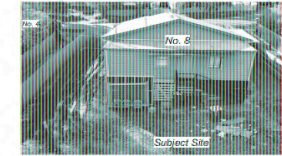


PHOTO 6

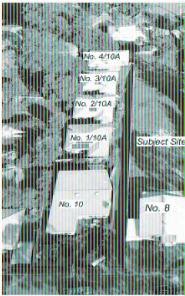


PHOTO 14 BIRD'S EYE VIEW



PHOTO 7



PHOTO 8

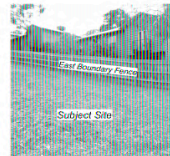


PHOTO 9



PHOTO 10



PHOTO 11

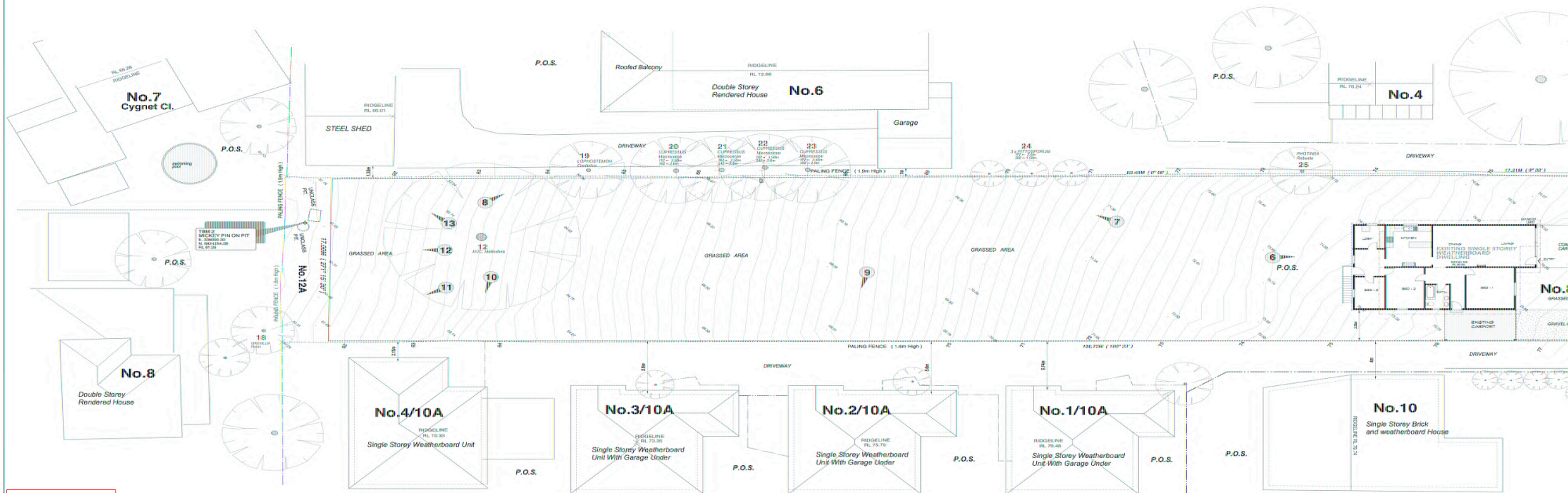


PHOTO 12



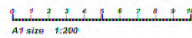
PHOTO 13

## PHOTO LOG



### SITE PLAN - Existing Conditions Plan

SCALE : 1 : 200



At size 1:200

#### SCHEDULE OF AREAS

TOTAL SITE AREA 1733.0M2  
TOTAL HOUSE FLOOR AREA 143.35M2

EXISTING CARSPACES = 1 CAR (existing carport)  
1 CAR (open driveway)  
2 = TOTAL CARSPACES

#### NOTE:

FOR ARBORICULTURAL ASSESSMENT & REPORT  
REFER TO LET'S TALK ABOUT TREES  
BY: MATTHEW BRANAGH Dated April 2020 (Version 1.2)



ADVERTISED PLAN

Plan 2 of 6

Application No: 219/2020/14P

This copied document is made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document may not be used for any purpose which may breach any copyright.

SILVER STREET

# PLAN OF SUBDIVISION

**EDITION 1**

**PS 840251 N**

## LOCATION OF LAND

Parish: Nillumbik  
 Township: -----  
 Section: 4  
 Crown Allotment: -----  
 Crown Portion: 13 (Part)

Title References: Vol 3905 Fol 957

Last Plan Reference: TP 514519 D (Lot 1)

Postal Address: 8 Bird Street  
 ELTHAM 3095

MGA2020 Co-ords: E 336020 GDA2020  
 N 5824300 Zone 55

COUNCIL NAME: Shire of Nillumbik



**ADVERTISED PLAN**  
 Plan: 3 of 6  
 Application No: 218/2020/14P

This copied document is made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document may not be used for any purpose which may breach any copyright.

## VESTING OF ROADS AND/OR RESERVES

## NOTATIONS

Identifier	Council/Body/Person	Staging
NIL	NIL	This <del>is</del> /is not a staged subdivision Planning permit No.
Depth Limitation: Does not apply		Survey: This plan is / <del>is not</del> based on survey This survey has been connected to Permanent Mark No(s): in Proclaimed Survey Area No: -----

## EASEMENT INFORMATION

**Legend:** A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)

Easements and rights implied by Section 12(2) of the Subdivision Act 1988 apply to all the land in this plan.

Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited / In Favour Of
E-1	DRAINAGE AND SEWERAGE	SEE DIAG	THIS PLAN	LOT 1 ON THIS PLAN

### MERIDIAN LAND SURVEYORS

PROVIDERS OF SPATIAL DATA SOLUTIONS  
 2B/266 BOLTON ST, ELTHAM 3095  
 Ph: (03) 9439 0070  
 www.meridiansurvey.com.au

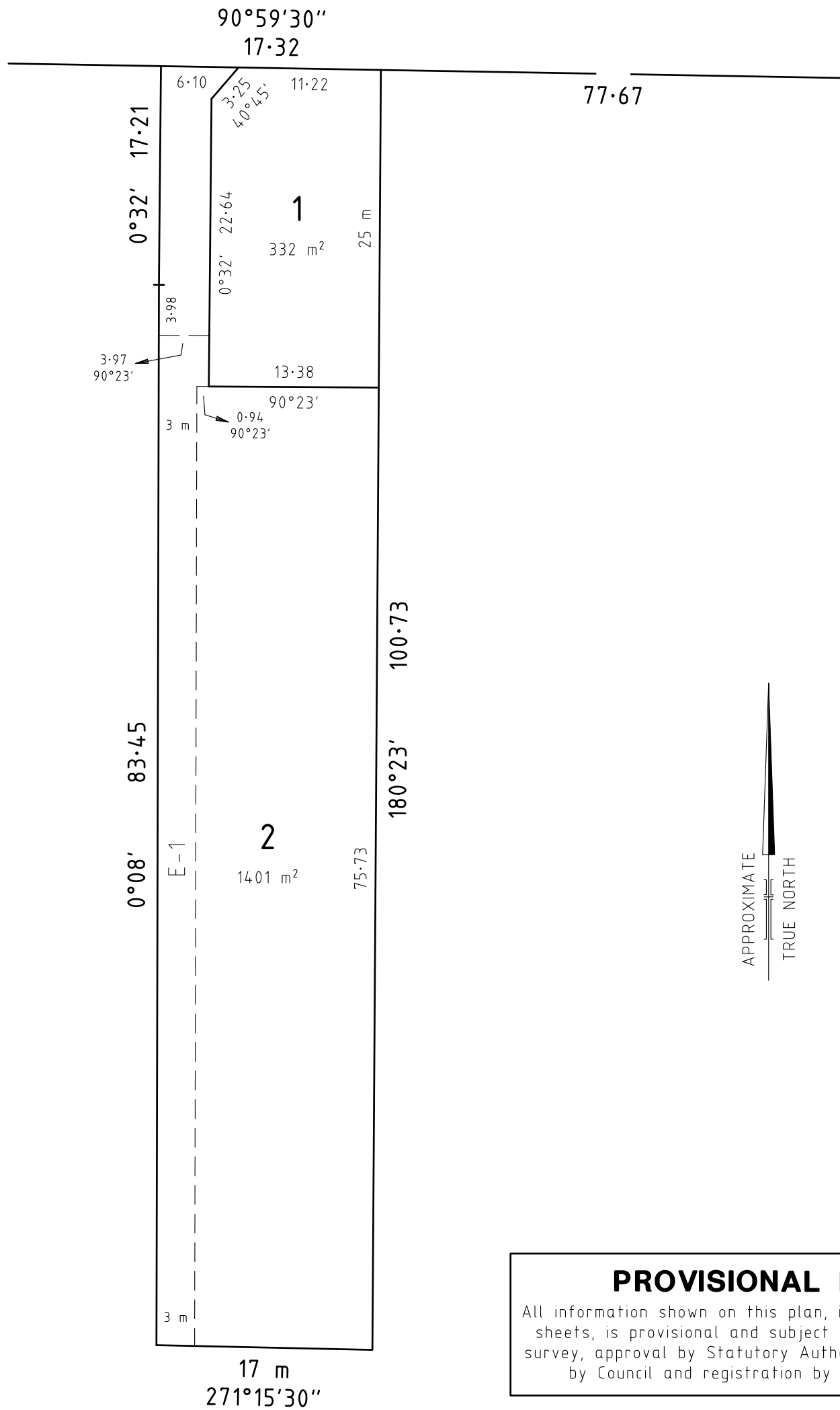
Surveyors Ref: E 5252

Owen M. Dabelstein Version 02

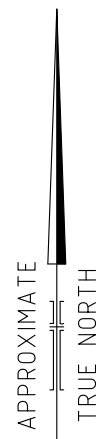
Original sheet size: A3

Sheet 1 of 2

BIRD STREET



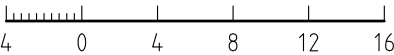
SILVER STREET



  
**ADVERTISED PLAN**  
 Plan: 4 of 6  
 Application No: 218/2020/14P  
 This copied document is made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document may not be used for any purpose which may breach any copyright.

**PROVISIONAL PLAN**

All information shown on this plan, including subsequent sheets, is provisional and subject to confirmation by survey, approval by Statutory Authorities, certification by Council and registration by Land Registry.

<p><b>MERIDIAN LAND SURVEYORS</b>          PROVIDERS OF SPATIAL DATA SOLUTIONS          2B/266 BOLTON ST, ELTHAM 3095          Ph: (03) 9439 0070          www.meridiansurvey.com.au</p>	Scale 1:400		Lengths: Metres	Original sheet size: A3	Sheet 2
	Owen M. Dabelstein    Version 02				

## **Submission to Nillumbik Shire Council**

This document consists of 17 pages

# **Two (2) Lot Subdivision at 8 Bird Street, Eltham**

**Prepared on behalf of Fotini Georgakopoulos**

**July 2020**

Mosaic Project Services Pty Ltd

Telephone:

Email:

Mosaic Project Services Pty Ltd

PO Box 5150

SOUTH MELBOURNE VIC 3205

## Contents

1. Introduction .....	2
2. History of Application .....	3
3. The Requirements for a Planning Permit.....	3
4. The Site and Surrounds .....	4
4.1 Formal Description.....	4
4.2 Size .....	4
4.3 Site & Topography .....	4
4.4 Access.....	4
4.5 Vegetation.....	4
4.6 Existing Services .....	5
4.7 History of Building.....	5
4.8 Location & Context .....	5
5. The Proposal .....	8
6. The Provisions of the Planning Scheme .....	8
6.1 State Planning Policy Framework (SPPF) .....	8
6.2 Local Planning Policy Framework (LPPF).....	9
6.3 Zone .....	11
6.4 Overlays .....	12
6.5 Particular Provisions .....	12
7. Conclusion.....	16
8. Attachments.....	17

---

## 1. Introduction

This revised submission is made on behalf of Ms Fotini Georgakopoulos in support of a Planning Permit application seeking approval for the subdivision of the land into two (2) lots to create a vacant allotment to the rear of an existing dwelling. The existing dwellings will be retained on front lot, no other building works are proposed at this time apart from a driveway for the rear lot. One existing crossing will be removed, the other upgraded.

The site is located within the Neighbourhood Residential Zone – Schedule 1 (NRZ1). The proposed subdivision has been assessed against the relevant planning scheme provisions and satisfies all the necessary requirements for Council’s consideration and support in this regard.



The site is located within the Significant Landscape Overlay – Schedule 2 (SLO2). The proposed subdivision has been assessed against the relevant planning scheme provisions and satisfies all the necessary requirements for Council’s consideration and support in this regard.

Details of the site and its surrounds are provided in Section 4, details of the proposal are provided in Section 5, an assessment of the development in relation to the provisions of the Nillumbik Planning Scheme is provided in Section 6, including the assessment against Clause 56 of the Planning Scheme.

The following documents must be read in conjunction with this report and are provided as part of the application:

- Site Analysis Plan
- Proposed Plan of Subdivision
- Copy of Title.
- Architectural schematic for a possible redevelopment of the rear lot.
- Tree Health Assessment

## 2. History of Application

This is a modified application made by the applicant in response to the Council’s request for more information, dated 16<sup>th</sup> June 2020. The proposed subdivision has been amended in response to the Councils requests.

Changes in design:

1. Lot 1 increased in size to 332.0 m2
2. Old central driveway removed – road verge will be grassed to Council requirements
3. Crossovers designed to merge with neighbouring crossovers
4. Two off-street carparks provided
5. One new street tree and three other trees proposed for Lot 1.
6. Maximum building envelope shown on Lot 2
7. Indicative major tree plantings shown for Lot 2.

The applicant Fotini Georgakopoulos is now the owner of the land.

## 3. The Requirements for a Planning Permit

Provision	Clause	Trigger
Neighbourhood Residential Zone (NRZ1)	32.09-2	- Subdivision

Any subdivision of land within the Neighbourhood Residential Zone must meet the requirements of the Zone, and other relevant provisions under the Planning Scheme, including Clause 56.

## 4. The Site and Surrounds

### 4.1 Formal Description

The site is located at 8 Bird Street, Eltham. The site has a formal description of **Lot 1** on plan **TP514519D**.

### 4.2 Size

The subject site is 1733m<sup>2</sup> and is of a rectangular shape.

### 4.3 Site & Topography

The land is an established garden with a small dwelling. The land slopes gently from the road towards the rear, with gentle cross fall from East (high) to West. There are no significant trees affecting this subdivision. A small number of trees were cleared under the provisions of clause 52.48 and for safety reasons prior to this application.

The removal of Tree 12 for safety reasons has been approved under Planning Permit - 253/2020/VS02.

### 4.4 Access

The site is currently accessed via two crossovers from Bird Street Eltham. The road is not fully sealed. An extension of the driveway continues from the property to the sealed road.

### 4.5 Vegetation

There are no significant trees on the lot, or in close proximity to the lot.

The following trees were removed prior to this application for the reasons defined below, we understand permits were not required for these removals under the provisions of 52.48 of the *Victoria Planning Provisions*.

Tree #	Species	Condition	Reason for Removal
4	<i>Cotoneaster Sp.</i>	Under 4 m	Exotic. Exempt - close to building
5	<i>Pittosporum Undulatum</i> <i>Varigautum</i>	Removed by previous owner	Not known. Exempt - close to building.
6	<i>Eucalyptus camaldulensis</i>	Fair overall condition	Exempt - close to fence.
7	<i>Photinea robusta</i>	Fair/Poor	Exotic. Exempt - close to fence
8	<i>Coprosma repens</i>	Weed species	Exempt - close to fence and house.
9	<i>Pinus radiata</i>	Removal recommended	Exotic. Exempt - close to building.
10	<i>Eucalyptus melliodora</i>	Poor	Exempt - close to fence.
11	<i>Eucalyptus melliodora</i>	Poor	Exempt - close to fence.
13	<i>Not Known</i>	Dead stump	N/A
14	<i>Not Known</i>	Dead stump	N/A
15	<i>Not Known</i>	Dead stump	N/A
16	<i>Not Known</i>	Dead stump	N/A

The assessment of these trees is contained in the attached Arborist’s report prepared by ‘Let’s Talk About Trees’.

The removal of Tree 12 was not exempt under the legislation and was the subject of a separate planning application.

#### 4.6 Existing Services

The subject site has access to all existing reticulated services (Power, Phone, Gas, Water and Sewage). The site is connected to the nearby commercial centre of Eltham via the Diamond Street bridge over Diamond Creek. The site has access to public transport with bus stops along Main Road located and the Eltham Train Station within 1km.

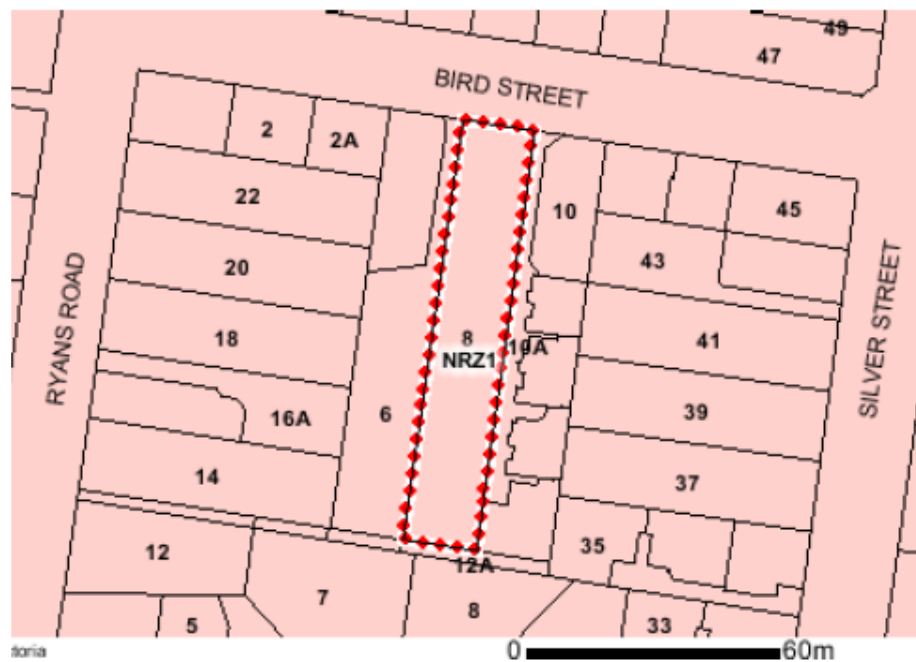
#### 4.7 History of Building

The existing dwelling was the local neighbourhood ‘milk bar’ (with dwelling attached) for many years. The large concrete apron in front of the existing dwelling was for customer parking. While the milk bar has been closed for a number of years, we feel retaining this structure contributes to the neighbourhood character and history.

#### 4.8 Location & Context

The commercial facilities and services of Eltham are located approximately 700m East of the site, including supermarkets, schools, medical services, post office and banks. There are many public parks and recreational reserves within a kilometre of the site including Eltham Central Park, Alistair Knox Park and the Diamond Creek Trail.

**Figure 1: Site location and zoning NRZ1 & SLO2.**



Planning Report  
8 Bird Street, Eltham



- Refer to Attachments for Site Analysis Plan
- Refer to Attachments for Copy of Title

**Figure 2: Aerial views of subject site and adjoining land use and development**





## 5. The Proposal

The proposal includes subdividing the land into a total of two (2) lots. No new building works are planned at this time other than cosmetic renovations to the existing house (Lot 1), and the construction of the driveway to access Lot 2.

The proposed plan of subdivision (see Attachments) shows the proposed layout of the new lots. The proposed lot details are:

	Lot area	Dwelling footprint	POS
Lot 1	332 m <sup>2</sup> (previously 316 m <sup>2</sup> )	Existing Bldg.	N/A
Lot 2	1401 m <sup>2</sup>	N/A	N/A

Total site area: 1733m<sup>2</sup>

Lot 2 will be accessed via a new crossover and separate driveway from Bird Street.

Lot 1 will be accessed via the existing driveway to the existing carport. This driveway will be resurfaced to match the proposed new driveway. Both drives will be blended into the existing neighbouring driveways of either side of the property.

All lots are over 300m<sup>2</sup>, and therefore the subdivision would result in lots for which a planning permit for a dwelling is not required under the zone provisions provided the requirements of Schedule 2 to the Significant Landscape Overlay are met and no trees are to be removed. Trees removed prior to this application are defined in Section 4.5 above.

- Refer to Attachments, Proposed Plan of Subdivision

## 6. The Provisions of the Planning Scheme

### 6.1 State Planning Policy Framework (SPPF)

The following State Planning Policy Framework clauses are believed relevant to this proposal:

- Clause 11 – Settlement (including 11.04 Metropolitan Melbourne)
- Clause 12 – Environmental and Landscape Values
- Clause 15 – Built Environment and Heritage
- Clause 16 – Housing.

#### Responding to the State Planning Policy Framework (SPPF)

The proposed subdivision of the subject site accords with the SPPF. It will contribute to the variety of available lot sizes thereby responding to the changing needs of the growing metropolitan population. It utilises a property in an existing urban area of Eltham to create two separate lots, helping reduce pressure to expand the footprint of greater Melbourne.

The subject site is well-connected to existing infrastructure and services, and is located close to existing amenities and employment centres. The site is located in close proximity to Main Road a key thoroughfare for vehicular travel through Eltham and has good access to the Eltham Train Station.

This proposal is deemed appropriate with regards to conserving the environmental values of the site, as no significant trees will be removed under this proposal, thus minimising the impact on the natural environment, and Victoria's biodiversity.

The proposed subdivision responds to policy that encourages urban infill. It will create residential lots with orientation that enables the retention of the limited existing vegetation on adjacent plots and increases the utilisation of existing infrastructure, in line with objectives of the SPPF. It also better utilises residential land by redeveloping an existing lot and facilitates a greater density of residential development.

## 6.2 Local Planning Policy Framework (LPPF)

The following State Planning Policy Framework clauses are believed relevant to this proposal:

- Clause 11 – Settlement (including 11.04 Metropolitan Melbourne)
- Clause 12 – Environmental and Landscape Values
- Clause 15 – Built Environment and Heritage
- Clause 16 – Housing.

### Clause 21 – Municipal Strategic Statement (MSS)

*Clause 21.05-1 – Settlement and Housing.* Objectives are:

- To provide for a range of housing types to meet the projected increase in the number and type of households within the municipality, while respecting the neighbourhood character, and protecting the natural and cultural heritage values of the locality.
- To contain urban development and maintain non-urban breaks between existing urban areas and townships, and between townships.
- To consolidate and sustain existing urban areas and to protect and enhance urban streetscapes, townships and landscapes in the Shire.
- To maintain and enhance the character of urban and township areas

### Clause 21 – Municipal Strategic Statement (MSS)

*Clause 22.01 Medium Density Housing Policy.*

The objective of this clause is to identify appropriate locations for medium density housing, with consideration for efficient land and infrastructure use to be balanced with consideration for the existing character of an area. Locations considered most suited to medium density development are those with appropriate infrastructure in close proximity to public transport scheduled stops, commercial areas, public open space and other community facilities.

*Clause 22.12 Neighbourhood Character Policy.*

The subject site is identified at Clause 22.12-6 Semi Bush Precincts, and located in area SB3 on Map 2. The statement desired future character includes:

*Development is sited so that buildings nestle into the landform and are partly obscured from view by the topography or tree canopy. Development responds to sloping landforms and creates minimal disturbance.*

*Hillsides of residential development when viewed from a distance appear to be tree covered. In typical streetscapes, substantial indigenous or native trees dominate the skyline*

*and are common in gardens. Garden planting is mostly indigenous or native, and flows uninterrupted to the edge of the roadway. There is little or no physical evidence of the boundary between private and public property at the front of the house, and no solid front fences. The only fencing is around rear gardens, and this is often open (eg. post and wire).*

*Driveways and car storage areas are confined to a small portion of the land area. Garages and carports are hidden from view.*

*The public domain includes a dominance of indigenous or native vegetation, although there are some locations where exotics occur. Roadways minimise impacts on the landscape by retaining unsealed surfaces or on sealed roads using roll over kerbs and channels to prevent erosion and protect properties from storm water.*

Responses to the design objectives of Clause 22.12 are to be considered as part of the planning permit application assessment:

<b>22.12-3 All Precincts</b>	
<b>Design Objective</b>	<b>Design Response</b>
To maintain the existing vegetation including canopy trees.	The site is a garden with very limited existing native vegetation. There are no canopy trees.
To minimise site erosion, the detrimental effects of excavation and the landscape impact of development.	Only minor changes in the landform are required for this subdivision.
To ensure buildings do not dominate the streetscape.	No changes to the existing buildings are proposed.
To ensure that car parking areas, garages and carports do not dominate sites when viewed from the street.	The front block remains unchanged with a carport beside the existing dwelling (2 car spaces). The existing concrete apron in front of the dwelling will be removed and the area landscaped. All car access for the rear block will be via an internal driveway and will not be visible from Bird Street.
To maintain and enhance the continuous flow of the garden settings and the openness of the front boundary treatment.	No changes to the existing dwellings are proposed other than the removal of the existing concrete apron and landscaping.
<b>22.12-6 Semi Bush Precinct</b>	
<b>Design Objective</b>	<b>Design Response</b>
To maintain the indigenous vegetation including canopy trees and understorey planting and encourage the replanting of indigenous plants.	The site is a garden with no existing native vegetation.
To minimise site disturbance and impact on the landform and vegetation.	No significant changes to the landform are required.
To minimise excavation for car access, impact on bush setting and visibility of access driveway and car storage facilities.	No excavations are required to install the driveway.
To maintain and enhance the continuous flow of the landscape and vegetation and the bush character of the front garden vegetation.	No front fencing is proposed for this subdivision. No changes to the existing dwelling and garden



	are proposed other than the removal of the existing concrete apron and landscaping.
--	---

### Responding to the Local Planning Policy Framework (LPPF)

The planning policies identified encourage residential development, and the strength of encouragement for medium density housing is greater the closer the site is located to an activity centre or other commercial and community facilities, and reduces the further the site is located from necessary urban infrastructure.

The subject site is located an easy 600m walk away from Main Road and is within 1km of the Eltham Activity Centre and Eltham train station. The site is therefore ideally situated to achieve the residential development encouraged for higher density housing in existing urban areas.

Nonetheless, medium density is a relative concept, and proposed lots will all be over 300m<sup>2</sup> which would not be considered 'medium density' for standard urban locations.

Under State and local policies that encourage infill housing, but require respect for existing urban character patterns, the proposed subdivision represents an acceptable use of land that will promote efficient use of services whilst retaining a sense of place in keeping with the surrounding area. This proposed subdivision is identical in its intent to the neighbouring block.

A response to the decision guidelines at Clause 22.12 has been provided as part of the Clause 56 assessment.

### 6.3 Zone

The site is included within the Neighbourhood Residential Zone – Schedule 1 (NRZ1) under the Nillumbik Planning Scheme. The proposed subdivision requires a permit.

The Neighbourhood Residential Zone includes the following stated purposes:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To recognise areas of predominantly single and double storey residential development.*
- *To limit opportunities for increased residential development.*
- *To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.*
- *To implement neighbourhood character policy and adopted neighbourhood character guidelines.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

### Addressing the Decision Guidelines

The proposed subdivision of the site supports the content of the State and Local Planning Policy Frameworks including local policies as described in Section 6.1 and 6.2. The site is surrounded by a variety of lot sizes and dwelling styles. The site is identified as a Bush Garden Precinct under the local Neighbourhood Character Policy (22.12), and the proposed subdivision meets the applicable objectives and design responses. The driveway has also been

designed to follow the topography of the site, minimising gradients and any impact on existing vegetation.

Refer to Section 6.5 for Clause 56 assessments.

## 6.4 Overlays

### Clause 42.03 - Significant Landscape Overlay (Schedule 3)

The subject site is subject to the SLO2, a permit is not required for subdividing land.

A separate permit has been obtained for the removal of Tree 12.

The design and siting of the proposed subdivision and development has carefully considered the Nillumbik Siting and Design Guidelines, and successfully meets these objectives and recommendations.

## 6.5 Particular Provisions

### Clause 56 Assessment

This is an application for a two-lot subdivision in Neighbourhood Residential Zone – Schedule 1, which requires the following objectives to be met.

Clause 56 Assessment	
Standard / Clause	Response
Clause 56.01-1 (Subdivision site and context description)	<ul style="list-style-type: none"> <li>• <b>The objectives are met.</b></li> <li>• <b>The standards are met.</b></li> </ul> <p>Refer to Section 4 of this report for the Site and Context Description and Attachment 1 – Site Analysis Plan for the neighbourhood and site description.</p>
Clause 56.01-2 (Subdivision design response)	<ul style="list-style-type: none"> <li>• <b>The objectives are met.</b></li> <li>• <b>The standards are met.</b></li> </ul> <p>Refer to Section 5 of this report for the Proposal and the Design Response Plan and Proposed Plan of Subdivision (Attachments). Due to the slope of the land on the subject site, any dwellings constructed on new lot 2 would be screened from the road reserve and are not considered to adversely affect the existing neighbourhood character of the area. The existing character of the site viewed from Bird Street and from the rear to Cygnet Close would remain virtually unchanged after construction of any new dwelling on the property.</p>
Standard C6 (Clause 56.03-5), Neighbourhood character objective	<ul style="list-style-type: none"> <li>• <b>The objectives are met.</b></li> <li>• <b>The standards are met.</b></li> </ul> <p>The site is not located within a neighbourhood character overlay, however is subject to the design objectives and design responses of the Semi Bush Precincts of Clause 22.12-6. Refer to Section 6.2 for a response to this provision.</p> <p>The subdivision will increase diversity and density of lot sizes in a manner appropriate to this zone and neighbourhood character of the area and is integrated with the surrounding urban</p>

	<p>environment. The Plan of Proposed Subdivision and Subdivision Site and Context Description shows the immediately adjoining lot structure, existing dwelling types and locations.</p> <p>It is considered that the subdivision proposed by this application integrates with the surrounding neighbourhood character and neighbouring properties are not considered to be adversely affected.</p>
Standard C7 (Clause 56.04-1), Lot diversity and distribution objectives	<ul style="list-style-type: none"> <li>• <b>The objectives are met.</b></li> <li>• <b>The standards are met.</b></li> </ul> <p>In line with local planning policies, the proposed subdivision increases density within the existing urban growth boundary and urban footprint of Eltham. The subdivision will create further variety in lot sizes. Eltham Train Station is approximately 1km from the site which also contains a bus bay.</p>
Standard C8 (Clause 56.04-2), Lot area and building envelopes objective	<ul style="list-style-type: none"> <li>• <b>The objectives are met.</b></li> <li>• <b>The standards are met.</b></li> </ul> <p>The proposed subdivision creates a vacant allotment to the rear of an existing dwelling. Lot 1 in the proposed subdivision contains an existing dwelling with an area of 332 m2. Lot 2 is vacant and has an area of 1401m2. Both lots contain very little significant vegetation (refer to attached plans and Arboriculture Report prepared by Matthew Branagh). Appropriate design and siting of a new dwelling on lot 2 would allow the new dwelling to have very little to no impact on the existing vegetation. It is intended that the existing dwelling on lot 1 will remain in place upon completion of the subdivision. Lot 2 (vacant lot) is of a generous size for an allotment designed for the purpose of new development. The size and shape of the lot enables the appropriate siting and construction a dwelling, solar access, private open space, vehicle access and parking, water management, easements and the retention of site features. As the proposed subdivision Lot 2 is over 500m2, building envelope requirements under Standard C8 are not considered to apply. Each of the proposed allotments shown on the attached plans can easily contain a rectangle significantly in excess of 10 metres by 12 metres.</p>
Standard C9 (Clause 56.04-3), Solar orientation of lots objective	<ul style="list-style-type: none"> <li>• <b>The objectives are met.</b></li> <li>• <b>The standards are met.</b></li> </ul> <p>The new lots enable good solar exposure. Regarding lot 2, this area is very generous in size easily allowing for the appropriate design of unit development and the necessary requirements for solar access. Considering the likely dwelling size and the relationship of each lot to the street, Standard C9 can be satisfied due to the dimensions of the lots being adequate to protect solar access to each lot.</p>
Standard C10 (Clause 56.04-4) Street orientation objective	<ul style="list-style-type: none"> <li>• <b>The objectives are met.</b></li> <li>• <b>The standards are met.</b></li> </ul> <p>This subdivision has adopted an appropriate design response with orientation towards the street network where achievable. The rear lots face the common property driveway.</p>
Standard C11 (Clause 56.04-5), Common area objectives	<ul style="list-style-type: none"> <li>• <b>The objectives are met.</b></li> <li>• <b>The standards are met.</b></li> </ul> <p>This subdivision does not propose to include any Common Property areas.</p>

	<p>In the future, there may be an area of common property driveway to service the four potential lots. The driveways have been designed to provide convenient access for pedestrians and motor vehicles. The driveways have been designed to enable motor vehicles to enter and exit the site in a forward direction.</p>
Standard C12 (Clause 56.05-1), Integrated urban landscape objectives	<ul style="list-style-type: none"> <li>• <b>The objectives are met.</b></li> <li>• <b>The standards are met.</b></li> </ul> <p>The proposed subdivision will contribute to the existing neighbourhood character of the area.</p>
Standard C15 (Clause 56.06-2), Walking and cycling network objectives	<ul style="list-style-type: none"> <li>• <b>The objectives are met.</b></li> <li>• <b>The standards are met.</b></li> </ul> <p>This proposal does not create a new street network that requires a large-scale walking and cycling network. The proposed development does provide easy access to the existing walking and cycling network of the surrounding neighbourhood via the common property and footpaths. This existing network links to the activity centre of Eltham.</p>
Standard C17 (Clause 56.06-4), Neighbourhood street network objective	<ul style="list-style-type: none"> <li>• <b>The objectives are met.</b></li> <li>• <b>The standards are met.</b></li> </ul> <p>This proposal does not create an extensive subdivision that requires a large-scale street network. The proposed development provides easy access to the existing walking, cycling, road and transport networks of the surrounding neighbourhood.</p>
Standard C18 (Clause 56.06-5), Walking and cycling network detail objectives	<ul style="list-style-type: none"> <li>• <b>The objectives are met.</b></li> <li>• <b>The standards are met.</b></li> </ul> <p>This proposal does not create an extensive subdivision that requires a large-scale walking and cycling network. The proposed development provides easy access to the existing walking, cycling and transport networks of the surrounding neighbourhood.</p>
Standard C20 (Clause 56.06-7), Neighbourhood street network detail objective	<ul style="list-style-type: none"> <li>• <b>The objectives are met.</b></li> <li>• <b>The standards are met.</b></li> </ul> <p>This proposal does not create an extensive subdivision that requires a large-scale street network. No new verges are created in this proposal.</p>
Standard C21 (Clause 56.06-8), Lot access objective	<ul style="list-style-type: none"> <li>• <b>The objectives are met.</b></li> <li>• <b>The standards are met.</b></li> </ul> <p>The location of the existing vehicular crossings currently servicing the existing dwelling and property will be relocated and reinstate nature strip as shown on the Plan of Proposed Subdivision and Subdivision Site and Context Description.</p> <p>New additional crossing will be required to be constructed to enable access to Bird Street. The location of the new vehicular crossings are considered to provide safe access from both lots in the proposed subdivision to Bird Street. The design of the new bitumen crossover to lot 1 and 2 are considered to meet the requirements of the relevant road authority. Both bitumen crossings are consistent with other properties to the west and east along Bird Street.</p>
Standard C22 (Clause 56.07-1), Drinking water supply objectives	<ul style="list-style-type: none"> <li>• <b>The objectives are met.</b></li> <li>• <b>The standards are met.</b></li> </ul>

	<p>The newly created allotment will be connected to the existing town water supply, which is of a suitable standard for drinking. A reticulated water supply is located on the north side of the road reserve (Bird Street) adjacent to the site. The existing connection for lot 1 can be maintained. Lot 2 can be provided with appropriate drinking water facilities and connections in accordance with the requirements of the relevant water authority. Connection works will be undertaken in accordance with the relevant authority's standards and conditions.</p>
<p>Standard C23 (Clause 56.07-2), Reused and recycled water objective</p>	<ul style="list-style-type: none"> <li>• <b>The objectives are met.</b></li> <li>• <b>The standards are met.</b></li> </ul> <p>No secondary reticulated water (recycled) supply is known to be available to this site. New dwellings are encouraged to install rainwater tanks to minimise the use of drinkable water.</p>
<p>Standard C24 (Clause 56.07-3), Waste water management objective</p>	<ul style="list-style-type: none"> <li>• <b>The objectives are met.</b></li> <li>• <b>The standards are met.</b></li> </ul> <p>The newly created allotments will have the capacity to be connected to the existing reticulated sewerage system. An existing sewerage main is located within an existing easement inside the southern boundary of the property. A sewer branch intended to serve the existing dwelling is a proposed easement located within the western side boundary of the property. The existing dwelling is not yet connected to this branch. The existing dwelling currently disposes of effluent on site. The sewerage main will be constructed at the developer's expense.</p> <p>The intention is that this sewer will service the proposed allotments. The sewerage main was constructed along the entire length of the western boundary to allow for No.8 to connect in the future. The connection of the existing dwelling to the future sewerage system will greatly improve the quality of the surface run-off water from the site in the future. This will certainly improve the environment in the immediate vicinity. All properties can be provided with connections to the reticulated sewerage system utilizing existing infrastructure in accordance with the requirements of the relevant water authority.</p>
<p>Standard C25 (Clause 56.07-4), Urban run-off management objectives</p>	<ul style="list-style-type: none"> <li>• <b>The objectives are met.</b></li> <li>• <b>The standards are met.</b></li> </ul> <p>A drainage pit is already located in the southern corner of the property.</p> <p>All properties can be provided with connections to the existing underground drainage system utilizing existing infrastructure in accordance with the requirements of the Nillumbik Shire Council.</p>
<p>Standard C26 (56.08-1), Site management objectives</p>	<ul style="list-style-type: none"> <li>• <b>The objectives are met.</b></li> <li>• <b>The standards are met.</b></li> </ul> <p>The site will be managed during the construction phase in accordance with Council's requirements. However, it is unlikely that any major construction will be required in relation to this subdivision.</p> <p>Minor works will be required to provide the relevant services to lot 2. These works are likely to be required to provide water and electricity to the lots from Bird Street. Minor works may also be required at the rear of the site to provide sewerage and drainage outlets to each lot. While unlikely to be a problem, sediment and</p>

	<p>run-off could be controlled with baffles and any dust could be minimised with spraying water during trenching.</p> <p>Any trees (in the vicinity of works) marked for retention could be appropriately fenced off and signed in the usual manner.</p>
Standard C27 (56.09-1), Shared trenching objectives	<ul style="list-style-type: none"> <li>• <b>The objectives are met.</b></li> <li>• <b>The standards are met.</b></li> </ul> <p>Trenching for the supply of water, gas, electricity and telecommunications to lot 1 should not be required as the dwelling is already connected to these services. Any required trenching for lot 2 will be predominantly along the driveway to allow the connection of the required services to any new dwelling from Bird Street. The width of the driveway allows for the trenching to be undertaken beside the pavement of the driveway. It is envisaged that shared trenching may not be possible or beneficial in each case as each dwelling in this development will likely connect to the relevant services at a different point. Shared trenching may be possible at the rear of the site when each lot connects to the drainage and sewerage points at the southern end of the property.</p>
Standard C28 (56.09-2), Electricity, telecommunications and gas objectives	<ul style="list-style-type: none"> <li>• <b>The objectives are met.</b></li> <li>• <b>The standards are met.</b></li> </ul> <p>The new allotment will be connected to the Victorian Electricity grid, telecommunications network and natural gas supply. These connections will be from existing infrastructure in proximity to the site and to the satisfaction of the responsible authorities. It is anticipated that the electricity supply company may require the installation of an underground pit at the front of the site adjacent to lot 2 in Bird Street to provide for future electricity supply in the normal manner.</p> <p>Each lot has the ability to further investigate the potential generation and use of electricity from renewable sources with the aim of reducing greenhouse gas emissions.</p>
Standard C29 (56.09-3), Fire hydrants objective	<ul style="list-style-type: none"> <li>• <b>The objectives are met.</b></li> <li>• <b>The standards are met.</b></li> </ul> <p>The site has access to Eltham’s fire suppressant system.</p>
Standard C30 (56.09-4), Public lighting objective	<ul style="list-style-type: none"> <li>• <b>The objectives are met.</b></li> <li>• <b>The standards are met.</b></li> </ul> <p>This proposal does not create a large subdivision that requires public street lighting, and there is adequate existing lighting along Diamond Street.</p>

## 7. Conclusion

The proposed subdivision is within an area of Eltham identified for residential development under the Planning Scheme.

The subject land has convenient access to a range of community and physical infrastructure and is within a 1km easy walk of Eltham’s Activity Centre Zone.

It is considered the proposed subdivision is designed in a manner that supports the objectives of urban growth and consolidation as stated in the State and Local policies of the Planning

Scheme, whilst remaining consistent the provisions of the Neighbourhood Residential Zone. The subject site can be easily serviced with minimal impact on existing infrastructure and provides for greater housing choices in an area which has good access to recreation, services, shopping and employment.

It is considered that this proposal meets all Planning Scheme objectives and complies with Council's strategies for the area. The proposal is commended to Council and, on behalf of our client, we look forward to a positive outcome for this application.

## **8. Attachments**

- 1. Site Analysis Plan**
- 2. Proposed Plan of Subdivision**
- 3. Copy of Title**
- 4. Schematic design for landscaping and proposed minor improvements to Lot 1**
- 5. Arborist's Report Tree Health Assessment**