



veris

25 & 27 SONGBIRD AVENUE, CHIRNSIDE PARK

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# Town Planning Report

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The Use and Development of Land for a  
Child Care Centre and the removal of one  
Tree

11 March 2022

Name: 25 & 27 Songbird Avenue, Chirnside Park

Job Ref 303410

VRS-TMP-140\_3

DEVELOP  
WITH \_\_\_\_\_  
CONFIDENCE™

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# 1. Introduction

This report has been prepared on behalf of Upasana Bhatia, in support of an application for the use and development of the land for a childcare centre at 25-27 Songbird Avenue, Chirnside Park.

This report assesses the proposal against the Yarra Ranges Planning Scheme and provides justification in support of the proposal.

The subject site is located within both the Neighbourhood Residential Zone – Schedule 1 (NRZ1) and is affected by the Significant Landscape Overlay – Schedule 23 (SLO 23) under the Yarra Ranges Planning Scheme.

A planning permit is required to ‘use’ the land for a childcare centre, for buildings and works associated with that ‘use’.

This submission describes the site, broader urban context in which it is located, the development proposal, identifies the relevant planning controls and policies set out in the Yarra Ranges Planning Scheme and provides an assessment of the planning merits of the proposal against these policies and controls.

This submission should be read in conjunction with the following material enclosed to this report:

- Amended Plans by Point Architects (Rev. TP3);
- Childcare Needs Assessment prepared by Ethos Urban in November 2021.
- Traffic Engineering Pre-Application Advice (TEPA) prepared by Salt3 on 13<sup>th</sup> August 2021;
- Traffic Engineering Advice by Salt3 dated 24 January 2022;
- Traffic Engineering Advice by Salt3 dated 9 March 2022;
- Waste Management Plan by Salt3 Version: F02 dated 9 March 2022;
- Plan of Survey by Stacey Surveying dated 23 February 2022;
- Stormwater Management Plan, Civil Computation and Information by Intrax Housing (Rev. 01);
- Stormwater Management Plan and Information by Find The Pipes dated 25 January 2022;
- Landscape Plan by Bradbury Culina dated 9 March 2022;
- Arboricultural Impact Assessment by Future Tree Health dated 22 January 2022;
- Build Over Easement Approval dated 8 March 2022;
- Child Care Centre Maps & Walkability Plan by Veris dated 22 January 2022.

## 2. Pre-Application Meeting

A pre-application meeting took place via Teams on 24 June 2021 between the permit applicant and their representative (Veris Australia) and Yarra Ranges Shire Council.

At this meeting, a preliminary subdivision concept plan dated 7 June 2021, prepared by Point Architects and illustrated in Figure 1 below, was discussed.



FIGURE 1: PRELIMINARY CONCEPT PLAN (EXTRACT) BY POINT ARCHITECTS DATED 7/06/2021.

On 13 July 2021, the Council produced a Pre-Application Meeting Summary which included comments and concerns in respect to the proposal. As a result of this, the Proposal Plans were amended and a response was provided to Council on 18 August 2021, as described in greater detail below:

### **PROPOSED AMENDMENTS**

#### **Amended Plans**

The child care centre number of children has been reduced from 84 to 80 and the number of parking spaces reduced from 18 to 17 accordingly, so it still complies with Clause 52.06 of the Yarra Ranges Planning Scheme.

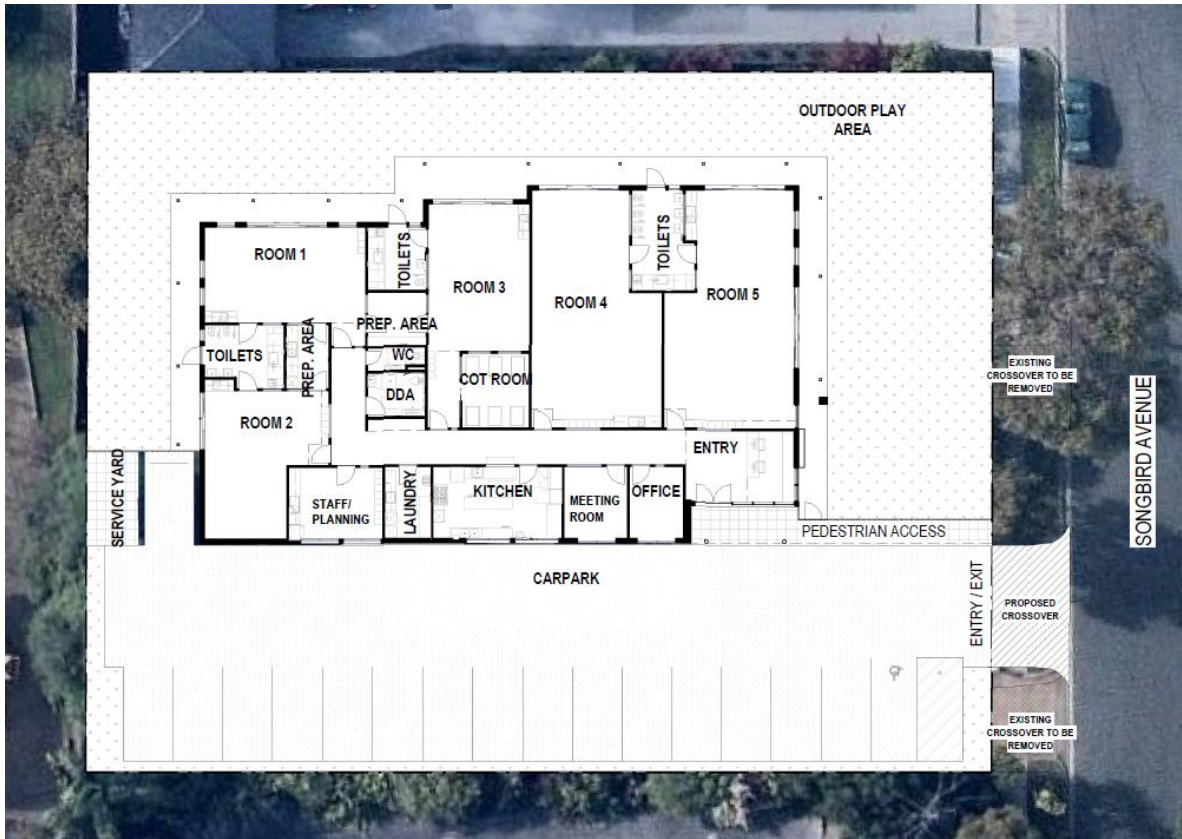


FIGURE 2: AMENDED CONCEPT PLAN (EXTRACT) BY POINT ARCHITECTS DATED 5/11/2021.

### Traffic Engineering Pre-Application Advice (TEPA)

The submitted TEPA includes a traffic and parking survey of the site (outside of Covid lockdown) and concludes that the proposed traffic movements can amply be supported by the site's existing road network and that street parking can easily cater for any excess parking demand generated by the proposal (technically unlikely given the proposal's compliance with Clause 52.06 of the Yarra Ranges Planning Scheme).

### PRE-APPLICATION MEETING SUMMARY RESPONSE

- **Neighbourhood Character and Front Setback:** *However, it is noted that the proposal seeks all off-street car parking within the front setback. Whilst this may not be an uncommon outcome for child care centres, it results in a significant proportion of the frontage being occupied by parking and hard surfaces. This runs contrary to the character of the surrounding residential area, which is predominantly occupied by open, landscaped frontages. The applicant has flagged vegetation buffers as a means of preserving this character. However, it would take significant measures for Council to reconsider its position regarding character. This is magnified by the fact the proposal would occupy two lots and therefore impact on the character and landscape amenity of two frontages within an established residential street.*
  - The proposed building maintains generous setbacks to all boundaries and it is single storey, adequately responding to the low density residential character of the area;

- The car parking area has been relocated from the site's front to its western side. This substantially increases landscaping opportunities at the site's front providing a positive response to the neighbourhood residential character. In addition, the crossover and accessway location along the site's western side ensures the retention of the large street tree located at the site's front. Direct pedestrian access from Songbird Avenue will now be provided without pedestrians having to share space with cars;
- **Clause 22.01 – Discretionary Uses Residential and Industrial Zones: The clause denotes that any non-residential use should have a clear need in the community, and be one or more of the following:**
  - clustered in commercial centres
  - near public transit
  - located on a main road

**It also should not transform the design of the surrounding area, should be consistent with setbacks and sufficient screening to protect amenity, and should provide sufficient off-street parking with access off main roads to minimise disruption due to traffic AND**
- **Strategic Context: Whilst there is limited Planning scheme guidance regarding the specific and preferred locations of child care centres, Council does hold concerns that this proposed location sits within an established residential area and a significant distance from major transport facilities.**
  - Council acknowledges that the proposed childcare centre would abut Chirnside Park Primary School, which could be considered as a similar and complimentary community facility. Council notes potential advantages for potential co-location of facilities. However, there is still a significant distance between the child care centre and main access to the primary school, which may negate some of the strategic advantage.
  - Any application would need to include a strong and detailed analysis on how the proposed location within a predominantly residential area would result in a net community benefit.

**Similarly, the presence of Kimberly Drive Reserve and the Chirnside Park Community Hub indicate a moderate intention in a strategic sense to focus the community of the area on this district.**
- There is a demonstrated need for the proposed use as it would provide for local employment opportunities and would enable parents to return to work. Attached to this report is a Childcare Needs Assessment prepared by Ethos Urban in November 2021. This report provides reliable data on the supply and demand of child care centres in the site's catchment area (current and future) demonstrating there is a substantial shortfall of child care centres and high demand for the proposed one. Furthermore, this report also mentions the child care centre's strategic advantage of being located at the subject site and discusses the ample range of benefits the centre will bring to Chirnside Park.
- The subject site is located within relative proximity to a public transport network (Bus Route 677 'Lilydale Station – Chirnside Park') along Edward Road, at approximately 415 metres east of the site. As outlined in the attached TEPA, there will be opportunities for parents of existing Primary School students to drop children off at the Primary School to also use the child care centre via multi-purpose trips.
- The subject site adjoins a non-residential use (Chirnside Park Primary School), it is highly accessible as discussed in the attached TEPA. Also, it does adjoin main community centre (the Chirnside Park Primary School to the north and the Chirnside Park Community Hub, located west of Kimberley Drive). In addition, we understand a new Community Sporting Pavilion at Kimberley Reserve will also be available also in proximity to the site.

- Although the proposal is not situated on a main road per se, the attached TEPA demonstrates the road classification and capacity of Songbird Avenue and Kimberley Drive can generously accommodate additional traffic generated by the proposal.
- The residential character of the area is not proposed to be transformed nor it would be compromised in any way. A child care centre is a community facility consistent with the following NRZ purpose: *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.* Furthermore, its single storey built form and residential roof form design resembles, respects and adequately responds to the residential neighbourhood character of the area.

□ **Traffic and Parking Traffic and Parking:**

- **Council still holds concerns about the potential increased volume of traffic flow through what appears to be a street where the main traffic expectations would align more with normal residential traffic than that of a child care centre.**
- **There is a concern that the proposed childcare centre may not be suitable for a land use that tends to cause high volumes of traffic at certain points of the day. As per Clause 22.01, while on-site parking is provided (compliant with requirements of Clause 52.06), Songbird Avenue is potentially not a large enough street to accommodate the increased traffic flow demands.**
- **If the applicant wishes to pursue a planning application, a detailed traffic impact assessment and analysis would be required.**
- **Council acknowledges the proximity of Chirnside Park Primary School located on Kimberly Drive to the west, which may result in different commuter patterns along these streets than what is normally expected. However, this can only be confirmed through detailed traffic reports.**

- The proposal would be self-sufficient in respect to car parking requirements, complying with the parking provision and design requirements of Clause 52.06 of the planning scheme. In addition, the attached TEPA demonstrates the road classification and capacity of Songbird Avenue and Kimberley Drive can generously accommodate additional traffic generated by the proposal.
- Street parking can easily cater for any excess parking demand generated by the proposal (technically unlikely given the proposal's compliance with Clause 52.06 of the Yarra Ranges Planning Scheme); and
- As discussed in the attached TEPA, the separation distance between the proposed child care centre and the Primary School is approximately 140m which is a 1.7 minute walk. The proposal would therefore benefit from the strategic advantage of being co-located with the Primary School. Furthermore, there would be opportunities to install a gate on the northern fence in consultation with the school to create direct access and allowing children to visit the school.

On 3/09/2021 and 17/09/2021, Adam Rossimel (Yarra Ranges Shire Council Team Leader A – Statutory Planning) emailed Veris supporting the application 'in-principle' and advising the following:

Neighbourhood Character Response:

- *As per our discussion earlier today, Council believes that that revised plans offer an improved design response compared with those presented at the pre-application meeting. In particular, the revised location of the car parking area provides a more character appropriate response to the streetscape, and therefore goes a fair way in addressing one of the main concerns raised during the pre-application meeting.*

Strategic Context:

- *As discussed in the original pre-application meeting, the subject site sits within an established residential neighbourhood, but does abut an existing education facility, and remains in relatively close proximity to other community facilities, such as the parkland to the west. Some strategic context advantaged may be gained from such proximities, however this would need to be assessed as part of a full review of any lodged application, inclusive of views from the community.*

Traffic:

- *The proposed development appears to meet the statutory parking requirements under Clause 52.06, and it appears vehicles can enter and exit the site in a forward motion with minimal disruption. This is something which should be further clarified and addressed as part of any planning application.*
- *The traffic report suggests the surrounding street network could accommodate the increased activity (especially during peak times) relating to the proposed use. This provides a good level of certainty of traffic impacts and activity for the proposal.*



### 3. Subject Site and Surrounds

#### **Subject Site:**

##### *General Description*

The subject site is set across two (2) lots located on the north side of Songbird Avenue near the corner of Glendale Drive, in Chirnside Park, and it is otherwise identified as 25 and 27 Songbird Avenue.

Occupying the site are one (1) single storey brick dwelling and one (1) double storey brick dwelling, both with pitched tiled roofs and a number of outbuilding located at their rear private open space. A large gumtree is located on the nature strip fronting 25 Songbird Avenue.

Both sites are generally rectangular in shape with an overall frontage to Songbird Avenue of 34.7m and an overall site area of 1,729sqm.

##### *Topography*

The subject site's topography can be described as relatively flat, gently sloping down in an east-west direction, falling approximately 1 metre across a distance of 37 metres.

##### *Formal Description*

The subject sites are formally identified:

- In title search Volume 08918 Folio 333 as Lot 1833 LP089233 (25 Songbird Avenue); and
- In title search Volume 08918 Folio 334 as Lot 1834 LP089233 (27 Songbird Avenue).

##### *Agreements, Restrictions or Covenants*

There are no agreements, restrictions or covenants registered on the subject site's titles which would impede or interfere with the proposal.

##### *Easements*

A 2.4m wide easement runs along the northernmost side of the subject site's lots, where only a small extent of pavement works are required and which would not compromise the easement and associated infrastructure functionality.

#### **Immediate site surrounds:**

North - No.66 Kimberly Drive: Chirnside Park Primary School, comprising two (2) main buildings in addition to two (2) outdoor courts and outdoor play areas. The site, overall, comprises various canopy trees in and around the lot, including the subject site shared boundary.

South- No.1 Glendale Drive: Comprising a single storey brick dwelling with vehicle crossover off Songbird Avenue and a number of canopy trees to both Glendale Drive and Songbird Avenue.

East- No.23 Songbird Avenue: Comprising a single- storey brick dwelling with a driveway along the western boundary.

West - No.29 Songbird Avenue: Comprising a single- storey brick dwelling, located to the centre of the land and orientated in a north-to-south alignment. The dwelling is mostly hidden/obscured from street view by vegetation on site, including canopy trees.

#### **Wider site surrounds:**

Land further north of the Primary School comprises homes set on much larger blocks and on mostly cleared land.

The surrounding land to the east, south and west is residential housing comprising a mixture of single and two-storey modern dwellings, with pitched roofs and on standard sized blocks.

Located west of the subject site and on land abutting Kimberly Drive Reserve is the Cire Early Learning Centre. The Reserve has two (2) recreational ovals with associated at-grade car parking, outdoor play area and an outdoor basketball court.

Contextually, the subject site is 550m north of Chirnside Park Shopping Centre, 400m west of Edward Road and 900m north of Maroondah Highway. Direct access to the Shopping Centre is facilitated along Kimberly Drive.

Tree vegetation is also a noticeable attribute of the locality, with elements of both lineal planting and natural vegetation evident.

Other notable features of the wider locality is Oxley Christian College, Chirnside Park Country Club and Yarra Valley Equestrian Centre.

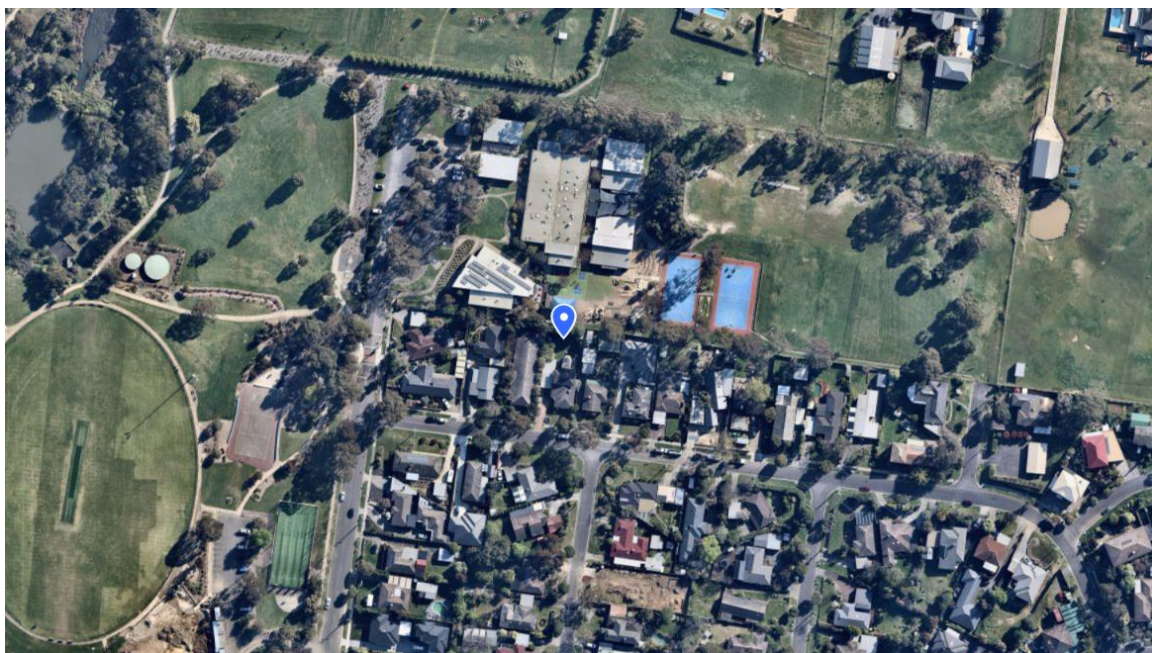


FIGURE 3: AERIAL PHOTOGRAPH. SOURCE: NEARMAP OCTOBER 2021.

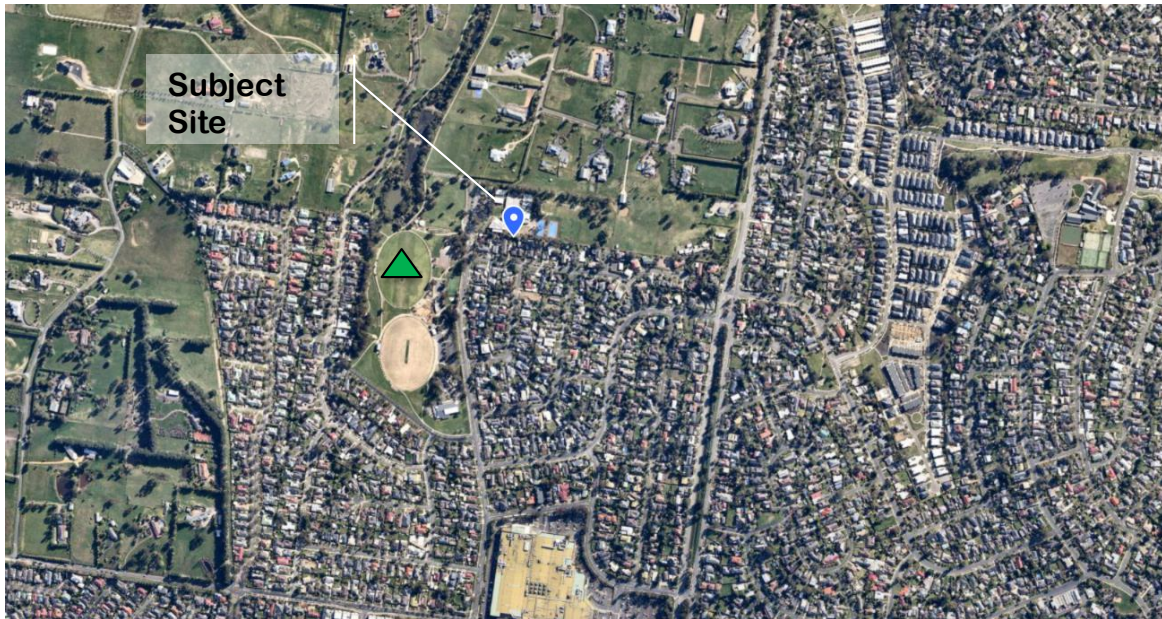


FIGURE 4: AERIAL PHOTOGRAPH. SOURCE: NEARMAP OCTOBER 2021.

**Kimberly Drive Reserve** 

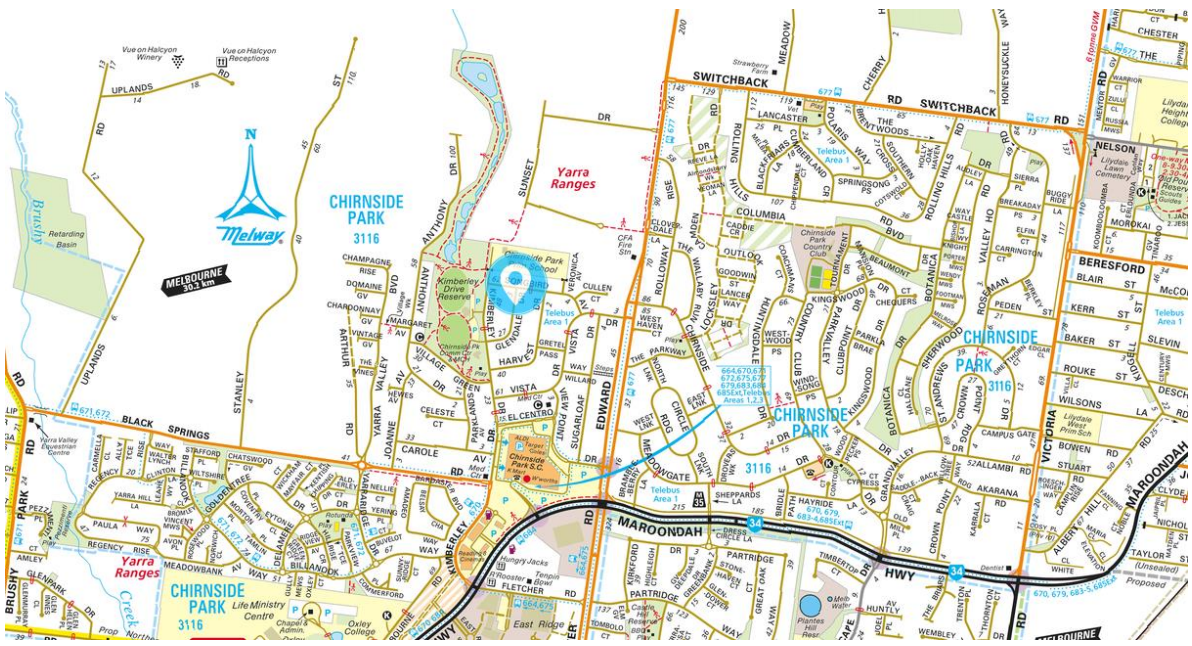


FIGURE 5: MELWAYS ONLINE. SOURCE: MELWAY ONLINE, OCTOBER 2021.

## 4. Proposal

Planning permit approval is sought for the use and development of the land for the purpose of a childcare centre and for the removal of one (1) tree.

### **Use:**

The proposed childcare centre use is to accommodate a maximum of 80 children. It is to be supported by a maximum of 15 staff comprising of 13 educators, 1 administration officer and 1 kitchen support officer.

It is proposed to operate Monday to Friday from 6:30am to 6:30pm, which is standard for child care centre operations.

### **Development:**

The proposed child care centre development consists of the construction of a building and the carrying out of works to allow for parking and access to this building.

The proposed building is to be single storey and it is centrally located within the subject site. Its accessway and car parking area is located on its western side, allowing for softscape/landscaping areas around the full perimeter of the subject site.

The proposed building would comprise:

- Five (5) playrooms, ranging in size from 39sqm to 72sqm and one (1) Cot room;
- Office, meeting room, kitchen, laundry and Staff/ planning room set to western building edge;
- Two (2) preparation area rooms;
- Three (3) main toilet rooms, one (1) disabled toilet and standalone WC;
- A total outdoor play area of 566sqm;
- Car parking for seventeen (17) spaces including one (1) disabled car space with new vehicle crossover located near the south-western corner of the site. Two (2) existing crossovers are to be removed in lieu of the proposed works;
- Pedestrian access path abutting car park, that connects Songbird Avenue pedestrians to the proposed building's entry point; and
- Building design allows for the safe and direct transfer of children from the car to building entry.

### **Building Design:**

- The materials and colours schedule are varied with the use of brick and timber look cladding, rendered finishes, metal roof sheeting, clear glazing with butter colour finishes to the walls.
- The proposed building is positioned centrally to the site, with the minimum setbacks as follows:
  - Northern setback of 5.9m (School site setback)
  - Southern setback of 10.2m (Street setback);
  - Eastern setback of 6.2m;

- Western setback of 11.7m
- The proposed building site coverage is approximately 31.2%;
- The proposed development has a permeability rate of 35.4%;
- The proposed building's maximum height is approximately 6.1 metres above ground level.

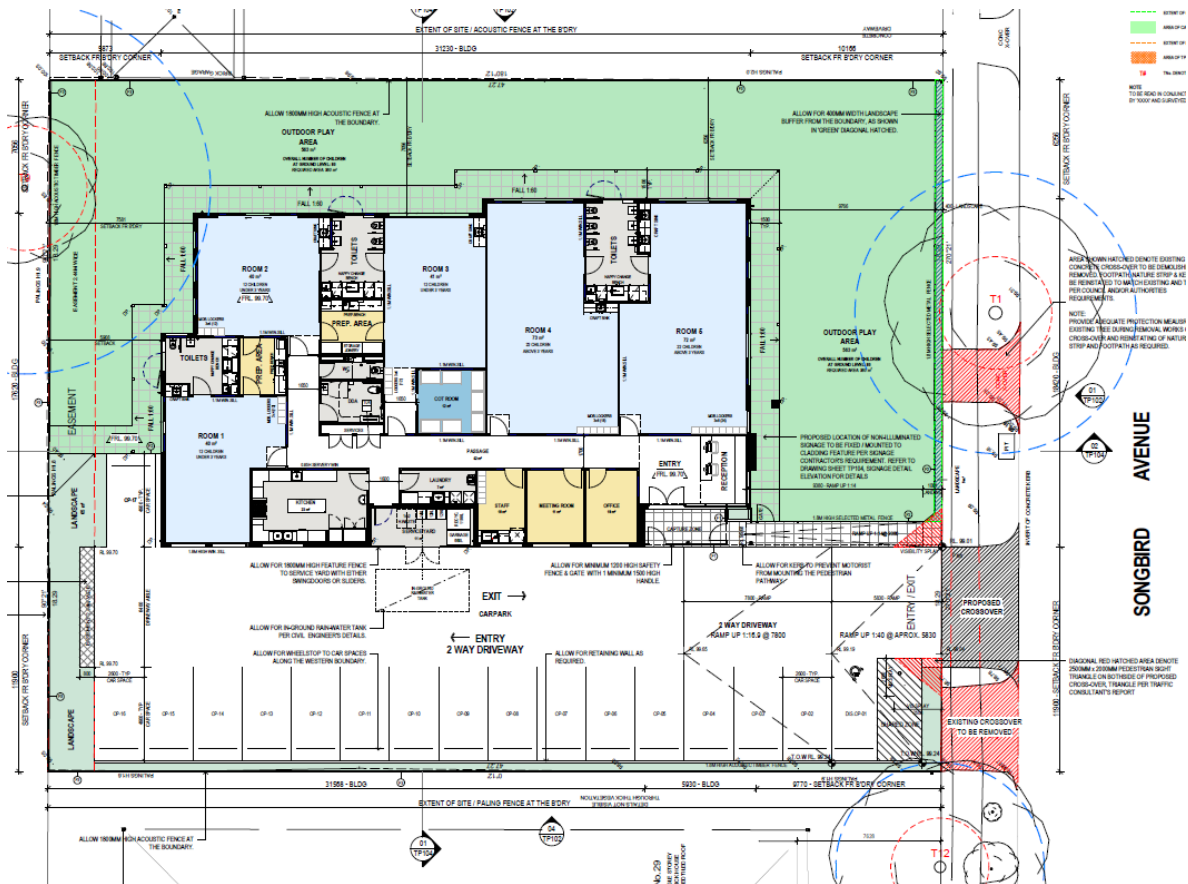


FIGURE 6: PROPOSED DEVELOPMENT FLOOR PLAN. SOURCE: POINT ARCHITECTS (REV: TP3)

### Car Parking:

The proposal provides 17 car parking spaces including one disabled car space at at-grade level on western side of the subject site. This proposed car parking area is to be accessed via a single accessway off Songbird Avenue, located near the south-western corner of the subject site.

The proposed car parking area includes an accessway reversing area extension (at its northern end) ensuring drivers can reverse into it and manoeuvre their vehicles to exit the site in a forward gear when using bays 16 & 17 (northernmost bays).

### Waste Collection:

All waste bins are to be stored on site in the service yard provided on the western side of the building. This service yard is to be conveniently accessible by staff members but at the same time has been located away from public views and neighbours and is to be enclosed and maintained in a manner that ensures no odour emanates from it.

### **Landscaping:**

The proposed development allows for ample softscape areas which will be capable of hosting substantial landscaping works including the planting of canopy trees within outdoor playing areas, on the northern, southern and eastern sides of the proposed building.

The proposed car parking area has also been placed to allow for perimeter landscaping works along its northern, southern, eastern and western sides, softening its interface with adjoining properties.

### **Fencing:**

The proposal includes 1.8m high acoustic fences along the north, east and western boundaries of the subject site, protecting the amenity of surrounding properties in respect to noise and overlooking impacts.

A 1.8m high visually permeable metal fence is proposed along part of the subject site's southern boundary, defining outdoor playing areas for the children whilst allowing a visual interface between the centre and Songbird Avenue. An 400mm landscape strip has been allowed along the southern boundary (street frontage) to further enhance the proposal's interface with the public domain.

### **Proposed Tree Removal:**

The proposed child care centre use and development require the removal of a Japanese Maple (*Acer Palmatum*) located on the south-eastern corner of a building. This tree has a diameter at breast height of 0.27m and has a low retention value, as identified in the submitted Arboricultural Impact Assessment.



FIGURE 7: JAPANESE MAPLE PROPOSED TO BE REMOVED. SOURCE: AIA BY FUTURE TREE HEALTH (15 JANUARY 2022)

## 5. Yarra Ranges Planning Scheme

### PLANNING POLICY FRAMEWORK

The Planning Policy Framework (PPF) is outlined in Clauses 10-19 of the Planning Scheme and is required to be taken into account in deciding this application. It contains a range of policies that, according to Clause 10 of the Scheme, are expected to be integrated, relevant to the issues to be determined and, where conflicting objectives are identified, these are balanced in favour of net community benefit and sustainable development:

- **Settlement at Clause 11** seeks to anticipate and respond to the needs of existing and future communities through provision of zoned and services land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.
- **Built Environment and Heritage at Clause 15** seeks to recognise the role of urban design, building design, heritage and energy and resource efficiency in delivering liveable and sustainable cities, towns and neighbourhoods. Planning should promote excellence in the built environment and create places that:
  - Makes a positive contribution to local character and creates a sense of place;
  - Enhances liveability, amenity and safety of the public realm;
  - Reflects the cultural identity of the community; and
  - Minimises the detrimental impact on neighbouring properties.
- **Building design at Clause 15.01-2S** seeks to achieve building design outcomes that contribute positively to the local context and enhance the public realm.
- **Energy and resource efficiency at Clause 15.02-1S** seeks to encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions.
- **Infrastructure at Clause 19** seeks to recognise social needs by providing land for a range of accessible community resources, such as education, cultural, health and community support (mental health, aged care, disability, youth and family services) facilities.
- **Education facilities at Clause 19.02-2S** seeks to assist in the integration of education and early childhood facilities with local and regional communities.

### LOCAL PLANNING POLICY FRAMEWORK

In addition to broader state planning policies and objectives, the Municipal Strategic Statement (MSS) identifies key issues and policy objectives to address the challenges faced by Yarra Ranges, in relation to managing future land use and development within the municipality to achieve sustainable outcomes. These local policy objectives sit within the context of the achievement of the planning policy framework and metropolitan planning imperatives.

The MSS also provides the strategic framework to guide use and development of land within the Yarra Ranges Municipality to address these key issues.

The following local planning provisions are relevant to this proposal:

- **Clause 21.03 Vision** acknowledges Yarra Ranges is in a transition and they need to ensure planning for the future takes into account population growth and demographic

change and linking transport to employment, housing and education. It recognizes Chimside Park as a contemporary metropolitan area with a leafy character that is well serviced and accessible to shopping centres, community facilities and public transport.

- **Clause 21.04 Land Use** identifies the subject site to be within a Restricted Change Area specifically requiring to ensure development preserves and enhances the character of established residential areas. Beyond this, clause 21.04 does not explicitly restrict residential development at the subject site.
- **Clause 21.06 Built Form – Objectives, Strategies and Implementation** promotes good design which assists in creating safe, sustainable, attractive built form which improve people's experience and quality of life.
- **Clause 21.11 Community Infrastructure – Objectives, Strategies and Implementation** acknowledges the importance of improving access to community services which meet the current and future needs of residents. In particular, a strategy to achieve this is to encourage community services in convenient locations such as 'community hubs' which provide integrated community services and facilities such as child care centres. Further, it is policy to establish community facilities in established areas where convenient access is available to other services and public transport.
- **Clause 22.01 Discretionary Uses Residential and Industrial Zones** allows for non-residential operations within residential areas in cases where they meet the needs of local populations, where the residential amenity of neighbours is protected and where such non-residential buildings are compatible with the visual, environmental and landscape qualities of their host neighbourhood.

## **ZONE**

### **NEIGHBOURHOOD RESIDENTIAL ZONE SCHEDULE 1**

The site is located within the Neighbourhood Residential Zone (Schedule 1) pursuant to Yarra Ranges Planning Scheme. The purpose of the zone is to:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To recognise areas of predominantly single and double storey residential development.*
- *To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

Pursuant to clause 32.09-2 of the Yarra Ranges Planning Scheme, a planning permit is required to use the land for the purpose of a child care centre (A use not specified in Sections 1 or 3 of this sub-clause).

Pursuant to clause 32.09-9 of the Yarra Ranges Planning Scheme, a planning permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.09-2.

## **OVERLAYS**

### **SIGNIFICANT LANDSCAPE OVERLAY SCHEDULE 23 (SLO23)**



The site is affected by the Significant Landscape Overlay Schedule 23 (SLO23) to the Yarra Ranges Planning Scheme. The purpose of the overlay is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To identify significant landscapes.*
- *To conserve and enhance the character of significant landscapes.*

Pursuant to clause 42.03-2 a permit is required to remove vegetation and to construct a building or construct or carry out works. This does not apply if a schedule to this overlay specifically states that a permit is not required.

The SLO23 schedule exempts building and works from requiring a permit because:

- The proposed building and works are not located within 10 metres from a designated stream; and
- The proposed building and works are not located within 10 metres from a designated Melbourne Water drain.

A planning permit is required to remove a Japanese Maple (*Acer Palmatum*) located on the south-eastern corner of the subject site, given the SLO23 defines it as a substantial tree, given its diameter at breast height exceeds 0.26m.

## **PARTICULAR PROVISIONS**

### **CLAUSE 52.06 CAR PARKING**

Clause 52.06 Car Parking of the Yarra Ranges Planning Scheme is relevant consideration of this application.

Pursuant to Clause 52.06-2 a new use must not commence until the required car parking spaces required in Clause 52.06-5 are provided on site.

The table at Clause 52.06-5 nominates a statutory car parking rate of 0.22 spaces for each child applicable to a child care centre use.

Based on 80 children the required number of car parking spaces is 17. The childcare centre will be allocated 17 car parking spaces on site, therefore meeting the requirements.

## **GENERAL PROVISIONS**

Clause 65 Decision Guidelines are relevant in the consideration of this application. Before deciding on an application, the Responsible Authority must also consider the Decision Guidelines of Clause 65.02, in addition to the State and Local Planning Policy Frameworks.

An assessment against these policies is provided in Section 6 of this report.

## 6. Planning Assessment

The Decision Guidelines of the Yarra Ranges Planning Scheme require the responsible authority to decide whether a proposal will produce acceptable outcomes in terms of the decision guidelines of Clause 65 of the planning scheme.

This section of the submission provides an assessment of the proposal having regard to these decision guidelines and the specific planning considerations relevant to the proposed use and development of the land.

### 6.1 Is the proposal supported by the Planning Policy Framework?

It is submitted that the proposed development complies with the Planning Policy Framework and the Local Planning Policy Framework of the Yarra Ranges Planning Scheme.

The support for the proposed use and development is evidenced by the following observations:

- The proposed childcare centre is well-located in an area that takes advantage of existing settlement patterns, transport and infrastructure (Clauses 11, 21.03, 21.04, 21.11 and 22.01);
- The proposal will provide a high-quality design that is safe, functional and responds positively to its context (Clauses 15, and 21.06);
- The design, height, setbacks and appearance of the proposed buildings and works is compatible with the character of the area, will sit comfortably within the streetscape and enhance the site's relationship with the public realm (Clauses 15, 21.06 and 22.01);
- The proposed childcare centre will serve local community needs in an appropriate location, given its proximity to residences and other non-residential land uses. There are several examples of non-residential uses in residential areas which have received planning approval, such as a medical centre at 1 Parklands Avenue, Chirnside Park (Neighbourhood Residential Zone), a child care centre at 11 & 15 Kimberley Drive, Chirnside Park (General Residential Zone), etc. Relevant cases of child care centres in a similar context have been previously supported by Council and include Cire Early Learning (33 Kimberley Drive, Chirnside Park) and Bright Kids Early Learning (18 Wilsons Lane, Lilydale), as illustrated in the Child Care Centre & Walkability Maps, submitted in support of this application. The proposed child care centre use is commercial but has a fundamental community service aspect that will bring a wide range of benefits to Chirnside Park (Clauses 11, 19.02, 21.03, 21.04, 21.11 and 22.01);
- The subject site's dimension and area will comfortably accommodate a childcare centre and its required play areas without having a detrimental effect on the residential amenity of the surrounding area (Clauses 15, 21.06 and 22.01);
- The proposal will be consistent with residential scale, height and building form of the surrounding area, being double storey in built form (maximum height of approximately 6.1 metres above ground level) and takes into consideration the site context (Clauses 15, 21.06 and 22.01).
- The proposal has been designed to allow for the adequate management of stormwater flows, servicing and waste management (Clauses 15.02-1S, 21.06).
- The proposed child care centre will provide a community service required for areas seeing population growth, additionally the centres locates an employment opportunity close to public transport and will link an education facility close to existing residents at a location which is becoming an educational and community hub (Clauses 11, 21.03, 21.04, 21.11 and 22.01).

### 6.2 Is the proposal consistent with Clause 22.01 'Discretionary Uses Residential and Industrial Zones'?

The proposal adequately responds to the objectives and policies of Clause 22.01:

- **Objective:** Provide limited and controlled opportunities for non-residential uses that meet the needs of the local residential community, protect the residential amenity of the area and are compatible with the visual, environmental and landscape qualities of the neighbourhood;
- **Policy:** There be a demonstrated need for any proposed non-residential use which seeks to locate in a residential area, rather than within a commercial centre.

Although the proposed use is non-residential, it is a community facility which would cater for the need of its residential context. It will mainly service the Chirnside Park locality but would also supply child care centre places for residents of peripheral areas who also demand this service.

Generally, the proposed use would satisfy the child care needs of the local community, would generally provide for local employment opportunities and would enable parents to return to work, providing important social and economic benefits to Chirnside Park and broader Yarra Ranges Municipality. As the centre would enable many parents to re-enter employment when their children are young, this would support the provision of additional income to households, fostering their wellbeing, enabling parents to interact with other parents and the local community, enabling them to save, invest and contribute towards their superannuation fund, enabling people to buy local goods and services, and contributing towards the Government services provision via additional tax revenue.

There is a demonstrated need for the proposed use as amply discussed in the attached Child Care Needs Assessment by Ethos Urban dated November 2021. Specifically, this report provides a supply and demand assessment which identifies 240 child care places required within the subject site's catchment\* area by 2026. The report identifies this figure to represent an undersupply of 55 child care places in the site's catchment, which the proposed child care centre will directly supply and meet.

*\*Please refer to Section 2.1 of the Child Care Needs Assessment by Ethos Urban dated November 2021 for the definition of catchment.*

Beyond the above, the permit applicant advises there already is a child care centre operator commitment to operate for 15 years at the proposed centre from the date it is made available to them.

The local residential amenity of the area will be specifically protected by the proposal by way of:

- Restricting the use to reasonable operating hours, being from Monday to Friday from 6:30am to 6:30pm and noting the proposed outdoor playing areas would only be used between the hours of 8:30am – 6:30pm, minimising any potential amenity impacts by reason of noise. The proposed hours of operation are standard for child care centres and which occur when most neighbouring households are at work or school. The proposed centre would not operate at times when people expect to enjoy a high level of amenity at their place of residence such as evenings and on weekends. At 6:30am, the centre would open and host only a small number of children and staff, gradually building up to maximum expected numbers which normally occur later in the day;
- Proposing 1.8m high acoustic fences along the north, east and western boundaries of the subject site, protecting the amenity of surrounding properties in respect to potential noise and overlooking impacts.
- Ensuring parking is sufficient and access and egress to the site is safe and efficient. The proposal provides 17 car parking spaces including one disabled car space at at-grade level on western side of the subject site, satisfying the requirements of Clause 52.06 of the Yarra Ranges Planning Scheme. This proposed car parking area is to be accessed via a single accessway off Songbird Avenue, located near the south-western corner of the subject site. The proposed car parking area includes an accessway

reversing area extension (at its northern end) ensuring drivers can reverse into it and manoeuvre their vehicles to exit the site in a forward gear. Importantly, there is an existing 'No Stopping' parking on the southern side of Songbird Avenue that applies during school times. This ensures that simultaneous two-way traffic flow is possible in order to practically eliminate congestion on Songbird Avenue.

- The proposed childcare centre will have a negligible adverse impact on traffic conditions of the area and the local road network is amply capable of sustaining traffic generated by the proposal. Please refer to the attached traffic reports by Salt3 submitted in support of the application.

The visual, environmental and landscape qualities of the neighbourhood will be protected and enhanced by way of:

- Retaining an existing establish street tree (Spotted Gum, identified as Tree 1 in the submitted Arborist Report by Future Tree Health dated 22 January 2022). This tree has a high retention value, good health and structure, a height of 18 metres, a spread of 6 metres, and a useable life span of 50 plus years. This tree will continue to positively contribute to the leafy residential character, environmental and landscape quality of the area.
- In terms of the proposal's *Integration with the Street*, the proposed building satisfies this Rescode objective and Standard B5 as it provides adequate access for vehicles and pedestrians from Songbird Avenue, enhancing local accessibility. In addition, the proposed building fronts and adequately interfaces with this street via the provision of an attractive and activated facades, visually permeable fencing and substantial landscaping.
- Proposing landscaping works which, as illustrated and defined in the submitted Landscape Plans will protect and enhance the leafy residential character, environmental and landscape quality of the area.
- In terms of *Side and Rear Setbacks*, the proposed building satisfies this Rescode objective and Standard B17. The proposed development generous setbacks previously defined would cancel any potential impacts upon neighbouring residential land to the north, east and west of the site. Setbacks of 6.2m to the east, 11.7m to the west and Northern setback of 5.9m (School site setback) would amply exceed minimum side and rear boundary standards
- In terms of the proposal's *Street Setback*, the proposed building satisfies this Rescode objective and Standard B6, as its 10.1m front setback is evidently greater than the front setback of residential buildings on properties abutting the subject site.
- In terms of *Site Coverage*, the proposed building has a site coverage of 31.2% and therefore satisfies the Rescode Standard B8 which requires a building not to exceed 60% of site coverage.
- In terms of *Permeability*, The proposed development has a permeability rate of 35.4% and therefore satisfies the Rescode Standard B9 which requires a permeability rate greater than 20%.
- The proposed 1.8 metre high front fence is consistent with front fences found in the subject site's immediate locality, such as 31, 33 Songbird Avenue (west of the site) and 17, 19 Songbird Avenue and 2 Harvest Drive (east of the site), as illustrated in the images overleaf:



FIGURE 8: 33 SONGBIRD AVENUE FRONT FENCE.



FIGURE 9: 31 SONGBIRD AVENUE FRONT FENCE.



FIGURE 10: 17 SONGBIRD AVENUE FRONT FENCE. [REDACTED]

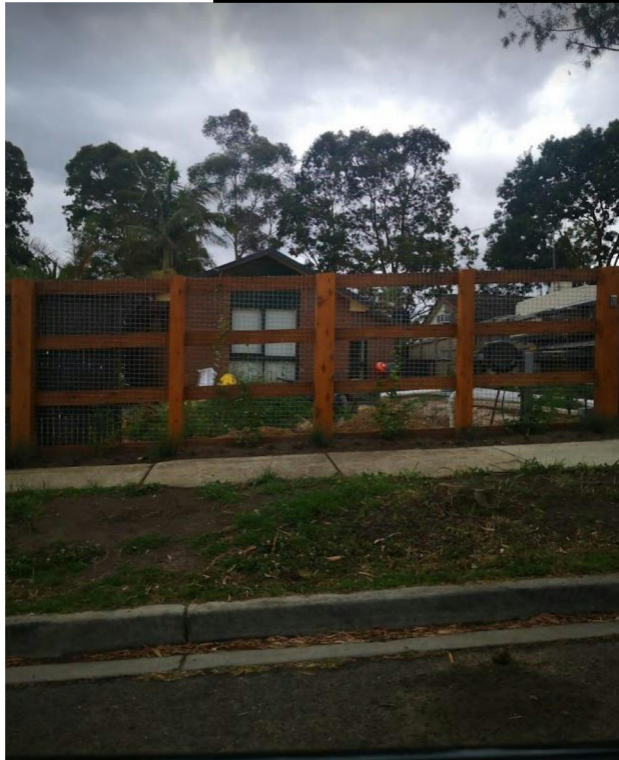


FIGURE 11: 19 SONGBIRD AVENUE FRONT FENCE. [REDACTED]



FIGURE 12: 2 HARVEST DRIVE FRONT FENCE. [REDACTED]

Notwithstanding the above, the proposed development front fencing:

- Will be visually permeable, enabling views to the centre and future landscaping works from the public domain; and
- Will be recessed 400mm north from the street setback to create a landscaping strip emphasizing landscape feature planting along the site's frontage.
- **Objective:** *Ensure that non residential uses are of a scale and intensity that will not detract from the environmental features and amenity of the residential neighbourhood;*

The residential character of both Songbird Avenue and wider area will not be transformed as a result of the development. The proposed development design and scale are consistent with established development of its local area as it consists of a single storey building well - back from the street and property boundaries, also creating ample landscaping opportunities which have been capitalised on via the submitted attached Landscape Plan. The proposed development allows for ample softscape areas which will be capable of hosting substantial landscaping works including the planting of canopy trees within outdoor playing areas, on the northern, southern and eastern sides of the proposed building. The proposed car parking area has also been placed to allow for perimeter landscaping opportunities along its northern, southern, eastern and western sides, softening its interface with adjoining properties

The proposed building will have a maximum height of approximately 6.1 metres above ground level which is below the maximum building height of 9 metres for dwellings and residential buildings, as prescribed in the NRZ. The proposed single storey building includes a non-reflective colorbond metal sheet and pitched roof design which is consistent with the local built form of the neighbourhood. The proposed building includes an adequate level of articulation and fenestration which resemble a residential building constructed and finished with high quality brick, timber and painted colorbond cladding materials which also resemble a residential design.

In this context, the proposed building height, setbacks and appearance is thoroughly compatible with the character of the area and will sit comfortably within the streetscape.

Importantly, the great majority of *substantial vegetation* as defined in the Significant Landscape Overlay – Schedule 23 (SLO23), being Trees 1, 9 and 12 (as defined in the attached Arborist Report) will be retained, with the exception of Tree 2. We note this tree is non native to Australia and that its structure and health are classified as *average* and only having a ‘low’ arboricultural value. In context, the proposal will allow a generous provision of landscaping works which will establish including canopy trees, which will enhance the leafy residential character of the area.

- **Objective:** *Prevent the establishment of commercial uses which would be more suitably located in a commercial centre or industrial area;*
- **Policy:** *Any proposed non-residential land use:*
  - *Be clustered in or adjoining a commercial centre, close to public transport or situated on a main road and not contribute to ribbon commercial development along main or tourist roads.*
  - *Be compatible with the surrounding neighbourhood, not lead to the transformation of a residential area into a quasi-commercial area and be of a scale and design that respects the environmental and built elements of the area.*
  - *Be provided with setbacks from common boundaries with adjoining residential uses that ensure the protection of residential amenity and, where appropriate, provide for the establishment of effective landscaping and screening buffers.*
  - *Provide sufficient off-street car parking, with traffic access being located on or near a main road so as to minimise the need for cars to travel through local residential streets.*

Although a childcare centre is a commercial use, it is also a community facility and thus, its establishment in a residential area is consistent with the following NRZ purpose: *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.* Specifically, the proposed child care centre is an educational facility that caters to the needs of the surrounding and broader community of Chirnside. The proposed development is conveniently located to a range of other services and facilities. In support of this application, we submit plans illustrating other child care centres established in similar residential contexts and a walkability plan illustrating the subject site’s relative close proximity to public transport, other networks and facilities.

The subject site is close to other non-residential uses, these being a primary school, a large park, New Community Sporting Pavilion and a Community Centre, as discussed in Section 3 of this report. There will be opportunities for multiple purpose trips by local users of these facilities.

The subject site sits within an established residential neighbourhood but does adjoin an existing education facility (Chirnside Primary School), and remains in relatively close proximity to other community facilities, such as the parkland, community centre and a new sporting facility to the west. The Primary school’s playground is located directly north of the subject site which not only defines an existing educational use (outdoor recreation) in the area but which also creates potential opportunities for sharing such facility with children attending the proposed centre.

The proposal provides 17 car parking spaces including one disabled car space at at-grade level on western side of the subject site, satisfying the requirements of Clause 52.06 of the Yarra Ranges Planning Scheme.

According to Page 108 of the Chirnside Park Urban Design Masterplan (Sep 2010), *Kimberley Reserve will continue to be a major active recreational open space. The projected population increase within the activity centre will increase the demand for the recreational facilities in the reserve continue to be a major.* This emphasizes the role and importance of Kimberley Reserve for the local community acknowledging growth and the future needs of residents.



As identified in the attached TEPA and in accordance with Clause 56.06 – Access and Mobility Management of the Yarra Ranges Planning Scheme, Songbird Avenue is classified as an ‘Access Street – Level 2’ and Kimberly Drive a ‘Collector Street – Level 1’, both amply capable of hosting traffic associated with the proposed child care centre. The TEPA also identifies opportunities for parents of existing Primary School students to drop children off at the Primary School to also use the childcare centre via multi-purpose trips. According to Page 108 of the Chirnside Park Urban Design Masterplan (Sep 2010), *Streetscaping works will be required to reinforce Kimberley Drive as the ‘main street’ of Chirnside Park and provide a consistent character along Kimberley Drive and Fletcher Road from Black Springs Road to Manchester Road.* This statement supports and reinforces the role of Kimberley Drive as a ‘main street’, further supporting our position regarding the subject site’s high level of accessibility to host a child care centre.

The subject site adjoins a non-residential use (Chirnside Park Primary School), it is highly accessible as discussed in the attached TEPA. Also, it does adjoin main community centre (the Chirnside Park Primary School to the north and the Chirnside Park Community Hub, located west of Kimberley Drive). In addition, we understand a new Community Sporting Pavilion at Kimberley Reserve will also be available also in proximity to the site.

The subject site is located within relative proximity to a public transport network (Bus Route 677 ‘Lilydale Station - Chirnside Park’) along Edward Road, at approximately 415 metres east of the site.

With consideration to the above arguments, we submit the proposed use is appropriate at the subject site given its community/educational quality, given the site’s abuttal to the Chirnside Primary School and other non-residential/community facilities, the site’s high accessibility via roads capable of hosting traffic associated with the proposal and local public transport alternatives to users and pre-application discussions with Yarra Ranges Shire Council.

### **6.3 Is the proposed land use appropriate in the Neighbourhood Residential Zone (NRZ)?**

The purposes of the NRZ acknowledge the potential role non-residential uses in residential zones can play in terms of serving “local community needs in appropriate locations”. In this respect, the zone provisions are structured to contemplate potential scenarios where a non-residential use is appropriate.

The proposed use is considered to satisfy the decision guidelines for non-residential use and development in the NRZ, as follows:

- The proposed childcare centre is compatible with residential uses. It will not prejudice or preclude the ongoing use of nearby land in the NRZ for residential use as it is set back a reasonable distance to the street and separated by an acoustic fence to other residential properties, ensuring their amenity is protected.
- The proposed use will directly service local community needs, as it will enable parents to drop their children at the centre and return to work, supporting the local employment market.
- The design, height, setbacks and appearance of the proposed buildings and works is compatible with the character of the area and will sit comfortably within the streetscape.
- The proposed building will have a maximum height of approximately 6.1 metres above ground level which is below the maximum building height of 9 metres for dwellings and residential buildings, as prescribed in the NRZ.
- The proposed development is generally consistent with the provisions of Rescode (Clause 55), which is not technically relevant to the proposal given it applies to multi-dwelling developments but which are referred to as a tool to demonstrate the proposal’s response to neighbourhood character and local amenity protection. Sections 6.4 and 6.5 below provides a more detailed

response of the proposal to relevant Clause 55 standards and objectives.

- The proposal will not result in any unreasonable amenity impacts on neighbouring properties.
- Sufficient and suitably designed on-site car parking and safe access are provided.
- The site is located in an area with relatively good public transport accessibility and in close proximity to another educational facility being the Chirnside Park Primary School as well as other existing and future community facilities.

#### **6.4 Is the proposal appropriate to the existing and preferred neighbourhood character?**

Although Clause 55 of the Yarra Ranges Planning Scheme (Rescode) does not apply to the proposal, being non residential in nature, general alignment with its key provisions demonstrates the proposal would not detrimentally impact upon its residential context and that it adequately responds to its neighbourhood character.

##### ***Integration with the Street***

The proposed building satisfies this Rescode objective and Standard B5 as it provides adequate access for vehicles and pedestrians from Songbird Avenue, enhancing local accessibility. In addition, the proposed building fronts and adequately interfaces with this street via the provision of an attractive and activated facades, visually permeable fencing and future landscaping.

##### ***Street Setback***

The proposed building satisfies this Rescode objective and Standard B6, as it is greater than the front setback of residential buildings on properties abutting the subject site.

##### ***Site Coverage***

The proposed building has a site coverage of 31.2% and therefore satisfies the Rescode Standard B8 which requires a building not to exceed 60% of site coverage.

##### ***Permeability***

The proposed building has a permeability rate of 35.4% and therefore satisfies the Rescode Standard B9 which requires a permeability rate greater than 20%.

#### **6.5 Will the proposal have any unreasonable off-site amenity impacts?**

As discussed in Section 3 of this report, the subject site has a direct residential abuttal to its east and west. The proposal includes the erection of an acoustic fence along such residential abutting boundaries ensuring noise generated by vehicles accessing the parking area and children is reduced to a reasonable standard protecting the amenity of neighbours.

It is generally submitted that the proposed development has been designed to ensure unreasonable impacts on the amenity of nearby dwellings are avoided.

Amenity considerations are detailed as follows:

##### ***Visual bulk***

The partnership of building setback distances and the low-profile nature of the roof pitch coupled with a fine grain design using attractive but sober materials and colours results in an overall reduction of visual bulk and associated amenity impacts. In addition, the ample use of softscape areas and perimeter strips would further contribute to soften the appearance of buildings when viewed for neighbouring properties and Songbird Avenue.

##### ***Overshadowing***

The proposed building satisfies this Rescode objective and Standard B21.

Overshadowing is measured at the September equinox in accordance with clause 55. Given the proposed building's single storey scale and its generous setbacks to all property boundaries, it is evident no overshadowing to adjoining buildings and private yards will take place.

### ***Overlooking***

The proposed building satisfies this Rescode objective and Standard B22.

1.8 metre high solid fences are to cancel any overlooking potential onto adjoining habitable room windows and private open spaces.

### ***Side and Rear Setbacks***

The proposed building satisfies this Rescode objective and Standard B17.

The proposed development generous setbacks previously defined would cancel any potential impacts upon neighbouring residential land to the north and west of the site. Setbacks of 6.2m to the east and 11.7m to the west would amply exceed minimum side and rear boundary standards.

### ***Daylight and Solar Access to Existing Windows***

The proposed building satisfies this Rescode objective and Standard B19.

There are no north facing windows which would be affected by the proposed development.

The proposed development generous setbacks previously defined would cancel any potential solar access blockage to existing windows on neighbouring residential land to the east and west of the site.

## **6.6 Is the proposed tree removal consistent with the provisions of the Significant Landscape Overlay – Schedule 23 (SLO23)?**

The proposed tree removal is necessary and considered to be consistent with the SLO23 provisions for the following reasons:

- It is an exotic tree non-native to Australia or Victoria;
- Its 0.27m diameter at breast height (DBH) only exceeds SLO23 DBH defining the tree as substantial by 0.01m;
- Its 0.27m DBH is elevated due to its multiple stemmed nature and thus a technical definition which is otherwise defined by the submitted Arboricultural Impact Assessment as non-substantial and having a low retention value;
- Its removal is well offset by the proposal's landscaping works which would include the planting of several canopy trees, thus resulting in a landscape and amenity net gain, making a significant contribution to the neighbourhood character of the area which is dominated by natural elements and not built form;

## 7. Conclusion

As outlined in this town planning report, the proposed childcare centre and associated tree removal is considered to be appropriate for the subject site and responds favourably when considered against State and Local planning policies of the Yarra Ranges Planning Scheme.

In this context, we submit it should be supported via the issuing of a planning permit for the following reasons:

- The proposed development appropriately responds to the sensitive residential use of surrounding land and is compliant with the objectives of the Neighbourhood Residential Zone (NRZ), the scheme Planning and Local Planning Policy Frameworks;
- The proposed child care centre is an essential land use within a residential community where there is a clear need for this facility, consistent with the NRZ provisions, as demonstrated in this report and the attached Child Care Needs Assessment by Ethos Urban dated November 2021.
- The proposal does not negatively impact the subject site's residential properties amenity by reason of noise, traffic, waste management, visual appearance and scale, setbacks or any aspect of its operation;
- Relevant cases of child care centres in a similar context have been previously supported by Council and include Cire Early Learning (33 Kimberley Drive, Chimside Park) and Bright Kids Early Learning (18 Wilsons Lane, Lilydale), as illustrated in the Child Care Centre & Walkability Maps, submitted in support of this application.
- The proposal incorporates a contemporary design response that is well articulated, aesthetically pleasing and responsive to its context when considering its siting, setbacks and selection of materials and colours;
- The proposed tree to be removed has a low retention value and its removal will be adequately offset by the proposal's generous provision of landscaping works which would substantially improve existing landscaping conditions of the subject site and its neighbourhood;
- The proposed development responds favourably when assessed against the Yarra Ranges Planning Scheme Local Planning Policy Framework, particularly in respect to responsiveness to the site's local residential neighbourhood character, management of potential amenity impacts and access to local residents who live, send their children to the Chimside Park Primary School and who use or will use nearby existing and future community facilities.
- An adequate provision has been made for car parking, vehicular and pedestrian access allowing for the safe and convenient access and circulation of users of the proposed facility, in accordance with Clause 52.06 of the Yarra Ranges Planning Scheme.

- The proposed child care centre will have a negligible adverse impact on traffic conditions of the area and the local road network is amply capable of sustaining traffic generated by the proposal.