

Planning Scheme Requirements

Application	YR-2021/916
Address of the land	25 and 27 Songbird Avenue Chirnside Park
Proposal	Use and Development of a Childcare Centre
Responsible Officer	Max Loughbrough

Neighborhood Residential zone

Purpose

- 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; and
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

Significant Landscape Overlay

Purpose

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

Landscape character and objectives

Chirnside Park was originally a grazing area and is set against a rural backdrop of surrounding hills and paddocks. Housing was developed primarily in the 1970's and as a result, many mature trees of both native and exotic species exist within its established gardens and contribute significantly to the character of the area

Landscape character objectives to be achieved:

- To recognise and conserve the environmental and visual sensitivity of residential areas;
- To maintain vegetation as a dominant element of the landscape and encourage retention and regeneration of native vegetation;
- To ensure development is sensitive to the natural characteristics of the land including slope, terrain and any existing vegetation;
- To ensure setbacks are generous, consistent with nearby dwellings and allow sufficient space for mature plantings;
- To ensure site cover maintains the ambience and sense of spaciousness;
- To ensure that buildings and works retain an inconspicuous profile and do not dominate the landscape;
- To ensure that the health of existing trees is not jeopardised by new development;
- To maintain an absence of front fences and informal rural character with either open style front fencing or an absence of front fencing; and
- To protect and preserve the riparian areas along waterways.

Car Parking

Purpose

- To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework;
- To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality;
- To support sustainable transport alternatives to the motor car;
- To promote the efficient use of car parking spaces through the consolidation of car parking facilities;
- To ensure that car parking does not adversely affect the amenity of the locality; and
- To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.

Planning Policies

21.03 - VISION

The community's vision for the future of Yarra Ranges is expressed in Vision 2020- Community Plan which serves as a strategic framework for the municipality and guide to the future. It is based on the simple idea that if the community decide on where they are going, the chances are they will get there.

The Council Plan states:

The Shire of Yarra Ranges will be a vibrant and dynamic Shire based on strong local communities living in a place of great natural beauty. Our world class Shire will be sustained by a strong local economy and a rich social fabric that is consistent with and support its environmental values.

This vision will be achieved through the Shire's Sustainability Framework, which encompasses the concepts of both a sustainable community and a sustainable organisation and is underpinned by the following principles:

- Long term rather than short term actions;
- Strengthening communities;
- Developing local solutions in response to wider issues; and
- Working together.

The development of strategic land use policies and implementation of them through zones, overlays and associated policy guidance, will seek to deliver on the vision and sustainability principles expressed above.

Strategic Framework

Planning for Yarra Ranges is intrinsically linked to the Shire's geographic diversity. The high quality environmental setting and landscape backdrop of the Dandenong Ranges and Yarra Valley enhance the Shire's overall appeal and attractiveness. The character of individual areas is determined by the combination of key factors including lot size, road treatments, topography and vegetation cover.

The Planning Scheme recognises the importance of preserving these features by distinguishing areas for future development. The Strategic Framework Map delineates the outer metropolitan areas, foothills of the Dandenong Ranges and rural townships from the intensity of development anticipated in the more metropolitan areas of Yarra Ranges. The Shire's vast rural areas are identified for agriculture, conservation and recreation.

The objectives, and strategies in the Municipal Strategic Statement use the designations of metropolitan, foothills, rural towns and rural / green wedge to articulate Council's preference for guiding use and development to the most appropriate and sustainable locations.

Metropolitan Areas: Chirnside Park, Lilydale, Kilsyth and Mooroolbark

Metropolitan areas within Yarra Ranges vary from the Shire's first settlement, Lilydale (circa 1840) to the more contemporary centres of Chirnside Park, Kilsyth and Mooroolbark. Generally metropolitan areas are well served by shopping centres, community facilities and public transport and provide employment opportunities. The Shire's two major activity centres are identified as Chirnside Park and Lilydale.

The metropolitan areas are generally quite leafy with some areas of significant vegetation. Most metropolitan areas do not have significant environmental or topographical constraints; however some locations particularly those at the interface with rural areas can be

21.04 - LAND USE

Overview

The controls applied to land use in this section reflect the diversity of the Shire and ensure that specific polices are targeted to appropriate areas. Policies in this section delineate the Metropolitan, Foothills, Rural Township and Rural designations when applying policy for residential, commercial and industrial development as well as subdivision.

Objective 1- Commercial development

- To promote the future growth and prosperity of the Shire. Strategies Encourage business development, tourism and agricultural industries, which recognise and reinforce the rural and green wedge character and outstanding natural assets of the Shire;
- Provide clear advice about the preferred forms of business development, to reinforce the predominantly rural and green wedge character and image of the Shire;
- Initiate zoning and performance based provisions which promote environmentally sensitive management practices and ensure a high standard of infrastructure;
- Minimise off-site impacts to the amenity of local communities, and satisfy other relevant planning criteria for such activities;
- Protect surrounding residential and rural and green wedge areas from adverse visual and amenity impacts of business encroachment; and
- Consider the inclusion of residential options in commercial development proposals within housing consolidation areas.

Policy

It is policy that:

- Commercial centres are the preferred location for retail, business and community services and encroachment of these uses into other areas be discouraged;
- Any proposed land use reinforces and enhances the established role of the centre;
- The proposed use be located on a site that can provide adequate car parking without compromising the character and appearance of the built and natural environments; and
- Traffic generated by a proposed use be able to be accommodated without compromising the functioning of the centre or detracting from the residential amenity of the surrounding area.

21.06 - BUILT FORM – OBJECTIVES, STRATEGIES AND IMPLEMENTATION

Key Issues

Yarra Ranges includes areas of widely recognised natural beauty with landscapes that offer some of the most attractive scenery in the State.

Its towns, villages and rural areas each have their own visual identity which is valued by residents and visitors. It is important that new development respects and maintains these valued characteristics.

Good design in the built environment is not simply limited to aesthetically pleasing design. It encourages a sense of local identity and seeks to improve people's experience of a space or locality. It contributes to creating places that people want to be in.

The creation of a more sustainable urban form that consolidates development in existing town centres has many environmental and social benefits. It reduces car dependency, makes more efficient use of community infrastructure and adds life and vitality to town centres.

The planning and design of new development in Yarra Ranges will be guided by the following 5 sustainable design principles:

- Sense of Place – New development must add to the character and identity of distinct localities in Yarra Ranges;
- Protection of Environments – New development must respect and protect sensitive environments, significant landscapes and cultural and natural heritage;
- Design Quality – New development must be of high design quality;
- Sustainable Urban Form – New development must contribute to environmentally sustainable forms of urban and rural development; and
- Sustainable Building Design – New development must incorporate best practice in ecologically sustainable building design.

Objective 1 – Siting and Design

To promote proper siting and good design in the construction of all buildings and in the carrying out of works.

Strategies

- Encourage the siting and design of development to respond to the characteristics of the site and surrounding area;
- Develop urban design themes for townships, based on their special character, role and function, and ensure that new development reinforces and consolidates those themes;
- Implement performance based controls which promote good design in all types of building construction to ensure that each proposal takes account of the site and its surroundings;
- Provide public information and advice on urban design issues, where required; and
- Promote the construction of buildings that incorporate energy conservation principles.

Objective 6 – Buildings in Residential, Rural Living and Rural Areas

Ensure that any development reflects the environmental and physical form of the surrounding neighbourhood.

Strategies

- Maintain the existing low density of residential development in the rural areas and protect the rural character and environmental and visual qualities of the surrounding area;
- Protect and enhance the residential character and neighbourhood amenity of residential, rural living and rural residential areas to ensure that new development is compatible with the scale and bulk of nearby buildings;

- Ensure that all development is sensitively designed and sited, having regard to the natural physical features of the land, including slope, the presence of existing vegetation and view lines; and
- Building setbacks, height, site coverage and design enable the efficient use of the site, while also recognising the amenity of the surrounding residents, and the residential and environmental character of the area.

Policy

It is policy that when considering buildings and works in the Neighbourhood Residential Zone, Low Density Residential Zone, Green Wedge A Zone and Rural Living Zone:

- Building setbacks, height, site coverage and design enable the efficient use of the site, while recognising the amenity of the surrounding residents, and the residential and environmental character of the area;
- The development be set back a reasonable distance from common boundaries with adjoining residential properties, to ensure protection of residential amenity and, where appropriate, provide for the establishment of an effective landscape buffer;
- The setback distance be sufficient to ensure that; and
 - There will be no adverse impact on adjoining properties;
 - Daylight to adjoining habitable rooms will not be significantly reduced;
 - Buildings will not significantly overshadow neighbouring secluded private open spaces or main living areas;
 - Windows of buildings will not directly overlook habitable room windows of adjoining properties;
 - The development will not increase the impact of the proposal on surrounding land uses; and
 - There will be no increase in the impact of the development on existing remnant vegetation.
- Building setbacks from road frontages;
 - Generally reflect the development setbacks on adjoining properties;
 - Have regard to the need to avoid the removal of vegetation;
 - Be consistent with the overall character of development within the locality; and
 - If frontage of the site is to a minor road, any building be set back at least 7.5 metres from that frontage, and if frontage is to a main road, the building be set back at least 10 metres from that frontage.

Objective 7 – Neighbourhood Character – Residential Areas

To recognise and protect the distinctive characteristics and environmental features of the residential areas throughout Yarra Ranges.

Strategies

- Encourage higher density housing that retains and/or upgrades existing housing, and enhances the overall character of the area;
- Ensure that subdivision and development in residential areas addresses the landscape elements and landscape character objectives of the corresponding Significant Landscape Overlay and/or design objectives of the Design and Development Overlay;
- Ensure subdivision and development complements the existing site features such as slope, terrain, substantial trees and remnant vegetation;
- Retain extensive tree canopy cover and native vegetation and ensure that opportunities are available to establish and preserve substantial trees within residential areas;
- Encourage single dwellings as the predominant form of housing in residential areas designated for least change (Residential Framework Map); and
- Protect and enhance the rural residential areas to ensure new development is compatible with the scale and bulk of nearby buildings.

21.07 LANDSCAPE – OBJECTIVES, STRATEGIES AND IMPLEMENTATION

Key Issues

- High environmental and landscape qualities of many of the agricultural areas must be protected from intrusive and poorly designed development and non-sustainable land use; and
- Vegetation including both remnant and mature exotic planting are important features of the Shire's scenic landscapes and contributes to the unique character of rural, townships and many residential areas

Objective 1 – Scenic Landscapes

- To retain and protect the scenic landscapes, rural and green wedge character and special environmental features of the Shire; and
- Protect the important open landscape elements and wine growing activities of the Yarra Valley Plains from visual and urban intrusions.

Policy

It is policy that:

- Any development proposal demonstrate that the proposed buildings and works will not compromise the landscape and environmental qualities of the surrounding area, or substantially change the natural land form;
- All development be designed and sited to;
 - Have regard to the built form and to maintain design consistency with surrounding development and avoid detriment to the local environment;
 - Recognise the land capability of the site in terms of slope, land subsidence potential, viewlines, enhancement of landscape values, protection of water resources, retention of indigenous flora and fauna and associated wildlife habitats and other local amenity considerations, and so as to be unobtrusive in the surrounding landscape;
 - Avoid the removal of remnant vegetation, particularly healthy trees above five metres in height, and to minimise the disturbance to the root zone of such vegetation; and
 - Avoid prominent ridgelines, hill tops and other visually exposed sites.
- On the completion of any development, the site be landscaped to protect and enhance the residential amenity, landscape character and any environmental features of the area; and
- The landscaping be planted within 12 months of the practical completion of the development or works and then be maintained to the satisfaction of the responsible authority.

21.09 - ENVIRONMENT – OBJECTIVES, STRATEGIES AND IMPLEMENTATION

Key Issues

- The Dandenong Ranges and the Upper Yarra Valley are environmentally sensitive areas with significant recreational value and should be protected from development which would diminish their environmental conservation or recreational values. (VPP Clause 11.04-6);
- The retention and rehabilitation of remnant vegetation is fundamental to retaining the vast range of wildlife habitats throughout the Shire;
- The Shire's prime objective is protection and enhancement of its rich biodiversity. Remnant vegetation is one of the most significant natural resources of the Shire;
- These areas are sensitive to indiscriminate and incremental clearing which can result in intrusion of weeds and the loss of habitat; and
- Vegetation including both remnant and mature exotic planting are important features of the Shire's scenic landscapes and contributes to the unique character of rural, townships and many residential areas.

Biodiversity Objective 1 – Areas of Environmental Significance

- To protect and conserve the environmental characteristics of the Shire which are of local, regional, state and national significance;
- Strategies Prevent the incremental loss of remnant vegetation on both private and public land and ensure the proper consideration of the environmental effects of proposals to remove vegetation;
- Protect, rehabilitate and extend viable wildlife habitats, including the flora and fauna values of public land, and the integrity of habitat corridor links through the Shire;
- Control, and eventually eradicate, noxious and environmental weeds, and reduce the presence of vermin and pest animals, on Council controlled land and assist private landowners to achieve the same outcomes;
- Manage public access and visitor numbers to recreational and leisure areas where increased human activity will threaten the conservation values of such areas; and
- Ensure that the use of the land, construction of buildings and the carrying out of works are of a type, scale and design which do not adversely impact on the natural environment

Objective 2 - Vegetation

Permission for the removal of vegetation is required under the provisions of Clause 51.03 and 52.17 of this planning scheme as well as under the ESO and SLO.

To protect and enhance the Shire's rich biodiversity.

Strategies

- Identify and ensure effective management of sites of natural significance having regard to the role of remnant vegetation in the landscape value and visual amenity of the Shire; and
- Ensure proper maintenance practices and controls on vegetation clearance are applied to the use and development of land.

Sustainability

Objective 1 – Sustainable Building Design

To ensure that the use of land, the construction of buildings and the carrying out of works are of a type, scale and design which do not adversely impact on the natural environment and take account of physical development constraints.

Strategies

- Ensure that new and upgraded infrastructure is of an appropriate design and standard to prevent environmental degradation;
- Encourage energy efficient design in new development and in the provision of infrastructure. Facilitate sustainable land use and development; and

- All internal roads and access tracks be located, designed, constructed and landscaped to maintain and enhance the landscape character of the area and to minimise soil erosion and loss of residential amenity to adjoining or nearby residential properties.

21.11 - COMMUNITY INFRASTRUCTURE – OBJECTIVES, STRATEGIES AND IMPLEMENTATION

Objective 1 – Community Services

To improve access to a well-planned range of Shire-based community services that meet the current and future needs of residents.

Strategies

- Encourage the provision of community services in convenient locations to meet the needs of the urban and rural and green wedge communities. This may include the acting on the outcomes of a 'Community Hubs' policy that seeks to identify strategic locations for the provision of 'hubs' that provide integrated community services and facilities, such as those for children, aged, family and other community services; and
- Provide for the consolidation of community facilities within established township centres where convenient access is available to other facilities such as public transport and shops.

22.01 - DISCRETIONARY USES RESIDENTIAL AND INDUSTRIAL ZONES

RESIDENTIAL ZONES

Objectives

- 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;
- 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; and
- Prevent the establishment of commercial uses which would be more suitably located in a commercial centre or industrial area.

Policy

It is policy that:

- 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;
- 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; and
 - 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.

22.05 - VEGETATION PROTECTION

This local planning policy applies to proposals if a permit is required to remove vegetation.

Permission for the removal of vegetation is required under the provisions of Clause 51.03 of this planning scheme. The provisions of the Environmental Significance Overlay and Significant Landscape Overlay also require permission for the removal of vegetation. Each of these provisions contain exemptions from permit requirements in certain circumstances.

Policy basis

The protection and enhancement of the Shire's rich biodiversity is a prime objective of this planning scheme. The retention and rehabilitation of remnant vegetation is fundamental to retaining the vast range of wildlife habitats throughout the Shire. The Environment strategies identified in Clause 21.07 of the Municipal Strategic Statement identify the need to protect significant vegetation through appropriate controls and policies.

Remnant vegetation is one of the most significant natural resources of the Shire. It is widely recognised that clearing of remnant vegetation is a major factor in land degradation, leading to reduced agricultural production, nutrient loss, soil erosion, and silting and pollution of waterways.

The loss of areas of remnant vegetation also leads to the decline of natural ecological systems through the loss of wildlife habitat and depletion of the genetic diversity in plants and animals.

Remnant vegetation areas are sensitive to disturbance through indiscriminate and incremental clearing which can result in the intrusion of environmental weeds and the loss of habitat for plants and animals. Remnant vegetation also provides a source of seeds and other propagation material for revegetation of degraded areas with native plant species which are indigenous to the area within which they are to be used.

Vegetation, including both remnant vegetation and plantings of mature exotic species, are also important features of the Shire's scenic landscapes and contribute to the unique character of rural and green wedge areas, townships and many residential areas. It is also necessary to recognise the needs of fire hazard management and of integrating approved fire management practices with the protection of remnant vegetation, particularly in areas covered by an Environmental Significance Overlay.

Objectives

The objectives of this policy are to:

- Recognise the importance of remnant vegetation in providing wildlife habitat and corridors for wildlife movement, as a source of genetic diversity, as a place for recreation and as an important feature of the special landscape character of the Shire;
- Ensure that consideration is given to the effect of the removal of vegetation when assessing proposals to use and develop land. Protect and enhance the long term viability of all remnant vegetation, whether in a bushland, rural, green wedge or urban environment, especially if the vegetation is generally undisturbed;
- Ensure the conservation of remnant vegetation to sustain and enhance natural ecosystems for both plants and animals;
- Ensure that agricultural and land management practices protect and provide for the long term maintenance of remnant vegetation;
- Ensure that the clearing of remnant vegetation will not have any adverse effect on landscape values, wildlife habitat and wildlife corridors or lead to land degradation through soil erosion or loss of water quality;
- Protect and maintain vegetation communities and species of botanical significance, ensuring none are unnecessarily removed, threatened or destroyed;

- Conserve and protect the habitat of native fauna, especially species which are threatened or endangered;
- Recognise the importance of riparian vegetation to the protection of water quality within streams and wetlands and to the wildlife habitat values of these areas;
- Recognise the values of roadside vegetation and other linear reserves for retaining native vegetation, particularly if it is indigenous to the area within which it is growing, and maintaining and enhancing their value as movement corridors for wildlife;
- Recognise the landscape importance of mature plantings of exotic trees in rural, green wedge or farming areas and in the urban built environment and the contribution that the vegetation makes in defining the character of the area;
- Recognise the importance of vegetation in assisting soil stability in areas of high landslip risk and ensure that the effects of vegetation removal in these areas are kept to a minimum;
- Promote re-vegetation with native species, that are indigenous to the area within which they are to be used, as a means to increase and enhance areas of remnant bushland in the Shire and to assist in the sound management of land; and
- Recognise that there is sufficient cleared land within the rural and green wedge areas of the Shire to provide for future agricultural, including farming, activities.

Policy

It is policy that:

- Applications to remove mature trees or remnant vegetation demonstrate the need to remove such vegetation;
- If it is proposed to remove vegetation to allow an approved use or development, and in order to conserve vegetation, consideration be given to whether there is any alternative location for the proposed buildings or works to avoid or minimise disturbance to the vegetation; and
- Preference be given to proposals which demonstrate that a net environmental gain will be achieved by allowing limited vegetation removal whilst providing for the long term protection and enhancement of other remnant vegetation on the site or within the immediate area.

Vegetation protection within areas being considered for inclusion in an Environmental Significance Overlay

In addition to the other provisions of this local planning policy, the following policy applies to:

- Land in the Mt Evelyn area that is generally bounded by Swansea Road, Old Gippsland Road, the outer boundary of residential zoned land east of Mt Evelyn and Olinda Creek; and
- Any other land in the Shire that is the subject of further investigation to decide whether an Environmental Significance Overlay should be applied to the land.

It is policy that if remnant vegetation is proposed to be removed, appropriate consideration be given to the:

- Quality of the vegetation in terms of its diversity of species, level of disturbance and viability;
- Significance of the vegetation in terms of the rarity of its plant communities and of the individual plant or animal species occurring within the site;
- Likely effect of the removal of the vegetation on the fauna of the area and its value as a refuge, habitat or movement corridor for wildlife;
- Effect of the removal of the vegetation on the maintenance of water quality, and the prevention of soil erosion and land degradation;
- Potential of any native vegetation on the land to be enhanced or extended to increase its conservation value as a wildlife habitat or corridor link; and
- Future use of the land and whether planting, replanting, fencing or other treatment should be undertaken on any part of the land.