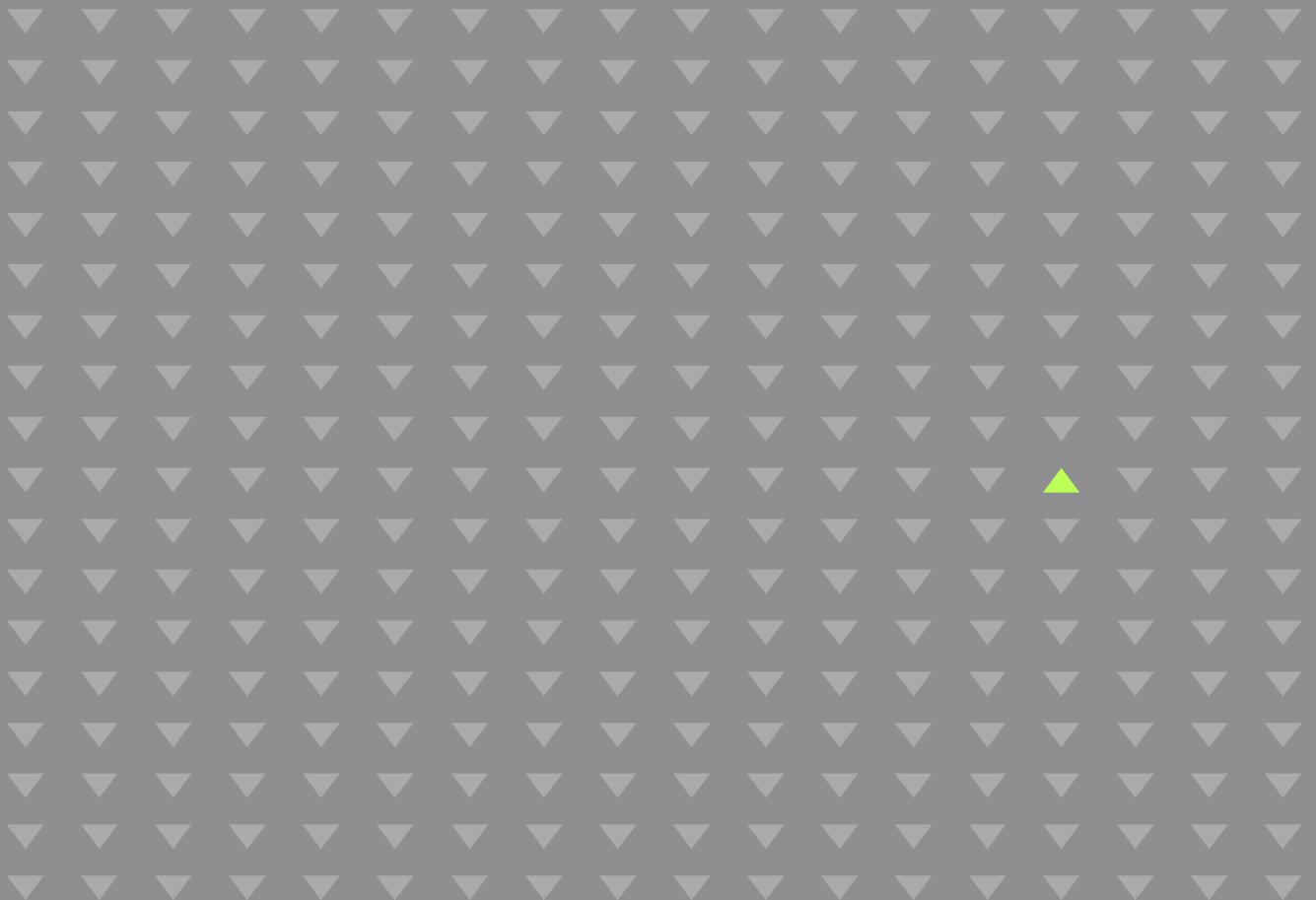




Urban Planning Collective

Planning submission

1A Gear Avenue, Mount Evelyn
September 2022



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1.0 INTRODUCTION

This Planning Submission has been prepared in support of a planning application at No.1A Gear Avenue, Mount Evelyn.

This report addresses a proposal for the use and development of the land for a 96-place childcare centre.

The subject site ('the site') is located within the Low Density Residential Zone (LDRZ) and is affected by the Significant Landscape Overlay – Schedule 22 (SLO22), the Bushfire Management Overlay – Schedule 2 (BMO2) and the Design and Development Overlay – Schedule 2 (DDO2).

Accordingly, a planning permit is required for the following:

- Use of the land as a child care centre under Clause 32.03 - 1;
- Buildings and works associated with a child care centre under Clause 32.03 -4;
- Construct a building or construct or carry out works under Clause 43.02 - 2;
- Construct a building or carry out works associated with an Education Centre under Clause 44.06 - 2; and
- Construct a building or construct or carry out works under Clause 42.03-2 and remove, destroy or lop any indigenous vegetation or substantial tree specified in Schedule 22 to Clause 42.03.

This Planning Submission describes the site, its broader urban context, as well as provides a description of the development proposal. It also provides a summary of the relevant planning controls and policies set out in Yarra Ranges Planning Scheme (the planning Scheme) and provides an assessment of the planning merits of the proposed development, against these policies and controls. This submission should be read in conjunction with the following material:

- Certificate of Title;
- A Metropolitan Planning Levy Certificate;
- Development plans prepared by Dovetail Developments;
- Bushfire Management Statement prepared by Terramatrix;
- Arboricultural Assessment and Report prepared by Tree Logic;
- Landscape Plan prepared by John Patrick Landscape Architects;
- Acoustic Report prepared by Renzo Tonin & Associates;
- Transport Impact Assessment prepared by Traffix Group;
- Water Sensitive Urban Design report prepared by Green Rate Sustainable Building Consultant; and
- Waste Management Plan prepared by Leigh Design.



2.0 URBAN CONTEXT ANALYSIS

The following summary and description of the site and its context is to be read in conjunction with the architectural and contextual documentation prepared by Dovetail Developments.

2.1 THE SITE

The site is located on the south-western side of 1A Gear Avenue, south of York Road.

The site is formally known as Crown Allotment 141D Parish of Wandin Yallock. The site is not affected by any easements, covenants or other restrictions.

The land currently comprises a single storey brick dwelling, with colorbond pitched roofing and several large trees. Vehicular access is provided via an informal gravel crossover to the existing carport and outbuildings to the south of the site.

The site has a street frontage to 1A Gear Avenue of approximately 46.08 metres, a depth of approximately 42.09 metres and a total site area of 13,88 square metres.

The site slopes up from the north to the south by approximately 3.8 metres, commensurate with the rise experienced along Gear Avenue from York Road which crests approximately at the southern end of the site.



Figure 1: Aerial Photography of the Subject Site and Surrounds (Source: Nearmap)



Figure 2: Street View of 1A Gear Avenue (Source: Google Street View)



Figure 3: Street View of 1A Gear Avenue (Source: Google Street View)



Figure 4: Street View of 1A Gear Avenue (Source: Google Street View)

2.2 ADJOINING PROPERTIES

The site has direct abuttal with three (3) properties, a brief description of the adjoining properties is described below.

2.2.1 North

No. 17 York Road, Mount Evelyn comprises the Mount Evelyn Police Station which is a single-storey building built along both the western and southern boundary. There is a corrugated sheet metal fence along the (southern) common boundary shared with the site (which also extends along part of No. 17 York Road's frontage to Gear Avenue).



Figure 5: Street View of 17 York Road, as viewed from Gear Avenue (Source: Google Street View)



Figure 6: Street View of 17 York Road, as viewed from York Road (Source: Google Street View)

2.2.2 West

No. 19 York Road, Mount Evelyn is vacant site (currently under construction as illustrated in Figure 1 above) with a Planning Permit approved to use and develop a single storey veterinary clinic. Beyond the proposed veterinary clinic, at No. 21 York Road, is the Mount Evelyn Fire Station.





Figure 7: Street View of 19 York Road, as viewed from York Road (Source: Google Street View)

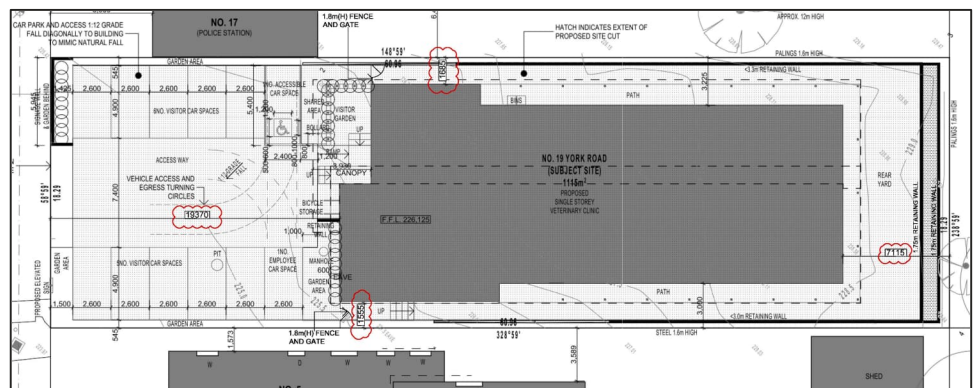


Figure 8: Extract of Endorsed Plans for Planning Permit YR-2014/957/2

2.2.3 South

No. 1 Gear Avenue comprises a single storey brick dwelling with hipped, tiled roof. The dwelling is set back a minimum of approx. 15 metres from the front title boundary, with the setback comprising the property’s driveway and landscaping. The dwelling has a wall located on the (northern) common boundary shared with the subject site for approx. 7 metres. The dwelling’s secluded private open space areas are provided to the rear of the dwelling.

Front fencing to the property is constructed of approx. 1.5-metre-high timber palings.





Figure 9: Street View of 1 Gear Avenue (Source: Google Street View)

2.2.4 East

To the North is Gear Avenue.

Opposite the site, across Gear Avenue, is the Warburton Rail Trail. There is dense screening vegetation in the intervening area between the rail trail and Gear Avenue. Further, we note that the rail trail / shared path is set at a much lower level than Gear Avenue (i.e. in other words, views of Gear Avenue are not possible whilst walking along the trail).



Figure 10: Street View of Warburton Rail Trail (Source: Google Street View)

2.3 THE SURROUNDING CONTEXT

The site is located within but at the southern extent of the Mount Evelyn Town Centre. To the south of the site (and the town centre), is an established low density residential area. The site is well located close to commercial/institutional uses including the Mount Evelyn Fire Station, Police Station and other commercial uses associated with the Town Centre. Built form is characterised by older detached dwellings, generally single storey in scale and predominantly constructed of brick and render in a highly vegetated and treed landscape.

The site is proximate to the following services and facilities:

- Mount Evelyn Town Centre comprising various commercial shops such as supermarkets, post office, banks, shops, medical centre and restaurants;
- Warburton Rail Trail (approximately 50 metres to the east) and Mount Evelyn Aqueduct Walk/Reserve (approximately 200 metres to the south); and
- Birmingham Primary School (approximately 1.5 metres to the north-west).
- Bus stop approximately 100 metres to the north-west along York Road servicing route 663 and 679, which provides public transport connections to Lilydale Train Station.

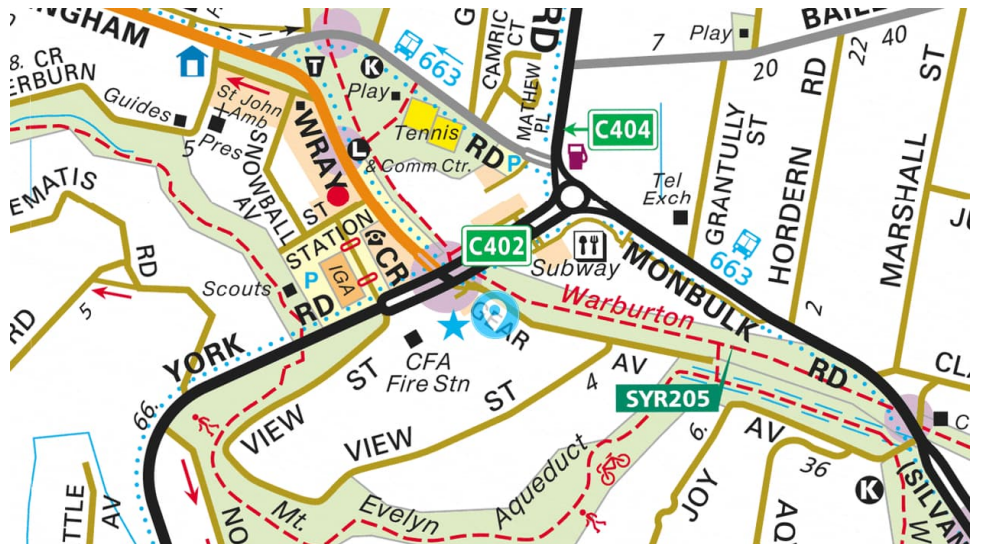


Figure 11: Locational Site Context Map (Source: Melways)

3.0 THE PROPOSAL

It is proposed to construct a double storey child care centre with at-grade car parking and associated landscaping.

3.1 PROPOSED USE

- The proposed child care centre will accommodate 96 child care places.
- The development will provide 705 square metres of outdoor play area across ground and first level (as required for 96 child care places).
- The proposed hours of operation will be Monday to Friday from 7.00AM to 7.00PM, which are typical operating hours for child care centres.
- A 2 metre high acoustic fence will be provided along the western and southern interfaces at ground level, as well as to the first level play area to mitigate any unreasonable noise impacts to neighbouring properties.

3.2 BUILDING DESIGN

- The proposed building is contemporary in style with a mix of flat and skillion roof forms. It is well articulated through the use of punctuations and proposed materials / finishes. Refer to Figure 12.



Figure 12: 3D Image of the Proposed Development viewed from Gear Avenue (Source: Dovetail Developments)

- The materials and colours schedule has a neutral palette and is varied with the use of face brickwork, light weight poly render cladding, timber-look cement sheet cladding and colorbond roofing.
- The minimum setbacks of the proposed development are:

1) Ground Level

Eastern (front) setback: 3.6m

Western (rear) setback: approx. 5.5m (where not constructed to boundary)

Northern (side) setback: approx. 18 metres

Southern (side) setback: 4.1 metres

2) First Level

Eastern (front) setback: 5.4m (to the building) and 4.3 metres (to the play area)

Western (rear) setback: 3 metres

Northern (side) setback: 3.7 metres



Southern (side) setback: 8.2 metres

- The proposed site coverage is 50.4% and the permeability of the site is 31%.
- The overall maximum height of the building is 8.325 metres from natural ground level.

A 1.8 metres high aluminium blade fence is provided along the street frontage. The fence is visually permeable (with more than 75% transparency) to allow through views between the street and the frontage.

3.3 TREE RETENTION AND LANDSCAPING

It is proposed to remove the following existing trees:

- Trees #3, #4, #5 and #6 located on-site
- Tree #7 located within the nature strip.

It is proposed to retain trees #1 and #2. Please refer to the Arboricultural Assessment prepared by Tree Logic for further detail.

The trees to be removed will be offset by two (2) new canopy trees, comprising 1 x Luscious Water Gum and 1 x Blackwood within the front setback. A variety of shrubs are also proposed within the front setback, side setback and rear setback. Please refer to the Landscape Plan prepared by John Patrick Landscape Architects for further detail.

3.4 CAR PARKING, ACCESS AND FACILITIES

Vehicle access to the site will be provided via a new 6.4 metre wide vehicular crossover from Gear Avenue. The existing informal crossover will be removed, and the nature strip reinstated.

The development provides 21 on-site car spaces for staff and parents, including 1 disabled car space. A total of 10 of the car spaces within the carpark are provided as tandem pairs (5 pairs), located along the southern side of the carpark aisle. The tandem spaces 16 to 20, along with spaces 9 and 21 are allocated specifically to staff, whilst the remaining car spaces can be utilised by parents during pick-ups and drop-offs, maximising the efficiency of the carpark.

An area for the storage of bins will be provided to the south of the car park (on the northern side of Room 1), and this area will be appropriately screened. Waste collection is proposed to be undertaken privately via a standard 6.4m low profile rear loading vehicle, with the vehicle to enter and exit the site from Gear Avenue in a forward direction.

Waste will be collected outside of operating hours when the carpark is empty, providing sufficient space to turn the truck around within the carpark.

Please refer to the accompanying Waste Management Plan prepared by Leigh Design for further detail.

The supply and distribution of parking is explained in further detail on the plans and in the Transport Impact Assessment prepared by Traffix Group, which accompanies this application.

4.1 ZONING

The site is located within the Low Density Residential Zone (LDRZ). Refer to Figure 13.

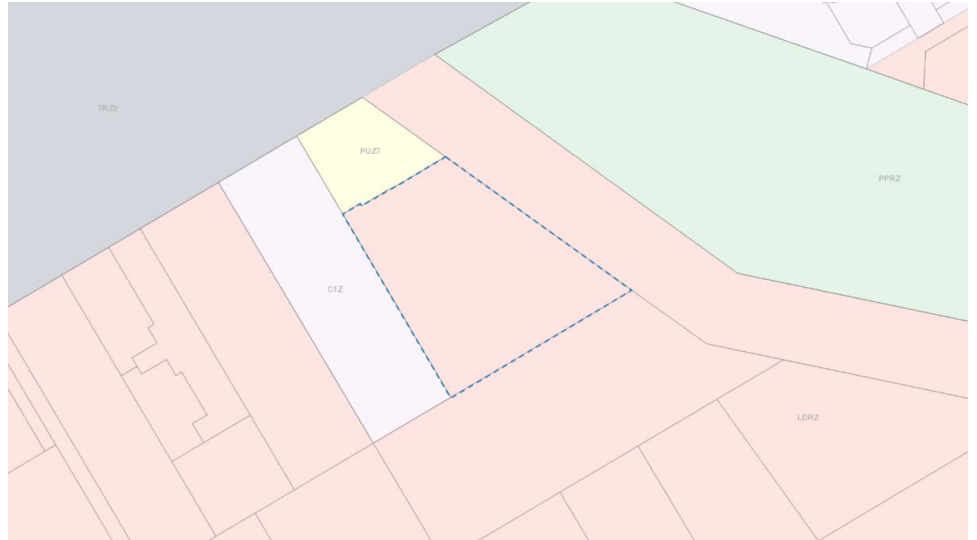


Figure 13: Zoning Map (Source: Vicplan)

The purpose of the Low Density Residential Zone is as follows:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater.*

Under Clause 32.03-1 and Clause 32.03-4, planning approval is required for the use and development of the land as a child care centre.

4.2 OVERLAYS

4.2.1 Design and Development Overlay – Schedule 2 (DDO2)

The site is affected by the Design and Development Overlay – Schedule 2 (DDO2) which relates to the 'Mount Evelyn Town Centre'. Refer to Figure 14.



Figure 14: DDO2 Overlay Map
(Source: Vicplan)

The purpose of the DDO is as follows:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To identify areas which are affected by specific requirements relating to the design and built form of new development.*

Pursuant to Clause 43.02 -2, a planning permit is required to construct a building or construct or carry out works.

Schedule 2 of the DDO2 at Clause 1.0 provides the following General design objectives for whole town centre:

- *To reinforce and strengthen the distinctive character of the Mt Evelyn town centre.*
- *To maintain the pedestrian scale and fine grained rhythm of the streetscape of the existing shopping streets.*
- *To maintain the low rise character of the town centre.*
- *To protect key views from within the town centre to the Dandenong Ranges and surrounding areas.*
- *To protect the bushland character of the centre.*
- *To promote Wray Crescent and Station Street as the hub of the Mt Evelyn town centre and the main focus of pedestrian activity.*
- *To encourage a continuity of active frontages to Wray Crescent and Station Street.*
- *To ensure that development on the eastern side of Snowball Avenue is consistent with the residential character of the street.*
- *To ensure that buildings with visible roof form make a positive contribution to the character of the centre.*
- *To ensure that the design of buildings responds to the site slope.*

- *To encourage medium density residential development including shop top housing on sites within and adjoining the established commercial area.*

Schedule 2 of the DDO2 at clause 2.0 also provides the following buildings and works requirements:

- *Development should maintain a low rise character and should not exceed two storeys (up to 8 metres) above natural ground level. A third storey may be considered where it is setback or recessed.*
- *Development should not obscure views to the Dandenong Ranges (and maintain a view of middle distance vegetation within these views) from Outlook Park, the Warburton Trail and from the elevated northern end of Wray Crescent.*
- *Development should avoid visible expanses of flat roof and support a varied and interesting roof form.*
- *Plant and equipment of roofs should generally not be visible.*
- *Development should be stepped with slope so that changes in natural ground level do not result in built form with a visual bulk that undermines the low-rise and fine-grained character of the centre.*
- *Buildings should be constructed to the street frontage along Station Street and Wray Crescent except where a setback is required to enable retention of significant vegetation.*
- *Development should provide a stronger physical and pedestrian connection between the hub of the town centre in Wray Crescent and Station Street and sites to the rear of the town centre including the supermarket Development in the south - east corner of the town centre.*
- *Building canopies or awnings giving continuous all weather protection must be provided along the street frontage to Wray Crescent, Station Street, York Road and Birmingham Road .*
- *Development (including corner sites) should provide active frontages to Wray and Station Streets.*
- *Development on the east side of Snowball Avenue should respect the residential character of the street by the following:*
 - *Avoid the presentation of blank walls to the streetscape.*
 - *The use of landscaping, setbacks and building articulation to address the visual balance of the street.*
- *Development on public land should retain and extend indigenous vegetation and protect fauna habitat.*
- *Development on land adjoining the Warburton Trail or open space areas in Birmingham Road should be designed to protect the bushland character of the open spaces areas.*
- *Car parking and vehicle access ways within road reserves along York Road and Birmingham Road should retain and extend areas of indigenous vegetation.*



4.2.2 Significant Landscape Overlay – Schedule 2 (SLO22)

The site is affected by the Significant Landscape Overlay – Schedule 2 (SLO22). Refer to Figure 15.



Figure 15: SLO22 Overlay Map
(Source: Vicplan)

The purpose of the SLO is as follows:

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

Schedule 22 to the SLO at Clause 2.0 also provides landscape character objectives to be achieved, as follows:

- *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*
- *To protect and preserve the riparian areas along waterways.*

Pursuant to Schedule 22 to the SLO at Clause 3.0 a planning permit is required as follows:

- To remove, destroy or lop any indigenous vegetation or substantial tree, that does not meet the listed exemptions. A substantial tree is defined as having a diameter at breast height (DBH) greater than 0.16 metres 1.3 m above the ground. (Equivalent to a circumference of 0.5 metres at breast height).
- To construct a building or carry out works if all the following requirements are not met:
 - The height of any part of a building is no more than 7.5 metres above the natural surface of the ground directly below it
 - The total building footprint does not occupy more than 30% of the site and the total hard surface area (impervious surfaces) does not exceed 50% of the site
 - The buildings and works are at least 4 metres from the base of any substantial tree. Works may occur closer than 4 metres provided they do not alter the existing ground level or topography of the land
 - The buildings and works are at least 10 metres from a designated stream
 - The buildings and works are at least 10 metres from a designated open Melbourne Water drain.

4.2.3 Bushfire Management Overlay – Schedule 2 (BMO2)

The site is affected by the Bushfire Management Overlay – Schedule 2 (BMO2). Refer to Figure 16.



Figure 16: BMO2 Overlay Map
(Source: Vicplan)

The purpose of the BMO is as follows:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.*
- *To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.*
- *To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.*

Pursuant to Clause 44.06 – 2, a planning permit is required to construct a building or construct or carry out works associated with the use of land as an Education Centre (which includes a child care centre).

An application must meet the requirements of Clause 53.02 unless the application meets all of the requirements specified in a schedule to this overlay.

Schedule 2 to the BMO only applies to applications to construct or extend one dwelling on a lot, and is therefore not relevant to this application.

4.3 PARTICULAR PROVISIONS

The following particular provisions are relevant to the proposal:

4.3.1 Clause 52.06 – Car Parking

The purposes of this Clause are:

- *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.*
- *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.*

Table 1 at Clause 52.06-5 specifies the following car parking rates applicable to this application:



Use	Rate	Statutory Requirement	Proposed
Child Care Centre	0.22 space to each child	21	21

Table 1: Applicable Clause 52.06 Car Parking Rates

The proposed number of car parking spaces is consistent with the statutory car parking rate required.

4.3.2 Clause 53.18 – Stormwater Management in Urban Development

The purpose of this Clause is to ensure that stormwater in urban development, including retention and reuse, is managed to mitigate the impacts of stormwater on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits.

The enclosed Water Sensitive Urban Design report prepared by Green Rate Sustainable Building Consultant contains details regarding the proposed stormwater management strategy.

4.3.3 Clause 53.02 – Bushfire Planning

The purposes of this Clause are:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.*
- *To ensure that the location, design and construction of development appropriately responds to the bushfire hazard.*
- *To ensure development is only permitted where the risk to life, property and community infrastructure from bushfire can be reduced to an acceptable level.*
- *To specify location, design and construction measures for a single dwelling that reduces the bushfire risk to life and property to an acceptable level.*

An application must meet the requirements of Clause 53.02 and the enclosed Bushfire Management Statement prepared by Terramatrix provides these details.

4.3.4 Clause 65 – Decision Guidelines

This Clause simply states that because a permit can be granted does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.

Those decision guidelines the responsible authority must have regard to are listed at Clause 65.01.



4.4 SUMMARY OF PERMIT TRIGGERS

A planning permit is required pursuant to the Yarra Ranges Planning Scheme for:

- Use of the land as a child care centre under Clause 32.03 01;
- Buildings and works associated with a child care centre under Clause 32.03 -4;
- Construct a building or construct or carry out works under Clause 43.02 02;
- Construct a building or carry out works associated with an Education Centre under Clause 44.06 – 2; and
- Construct a building or construct or carry out works under Clause 42.03-2 and remove, destroy or lop any indigenous vegetation or substantial tree specified in Schedule 22 to Clause 42.03.



5.1 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.

Of greatest relevance to the proposal are the following objectives:

- **Settlement at Clause 11.01-S** seeks to facilitate sustainable development that takes full advantage of existing settlement patterns, and investment in transport communication, water and sewerage and social facilities.
- **Built Environment and Heritage at Clause 15** acknowledges the significant value the built form environment plays in the social, cultural, economic and social wellbeing of communities. Planning should ensure that all new land use and development appropriately responds to its context. In addition, planning should achieve high quality urban design and architecture which:
 - *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.*
- **Urban design – Metropolitan Melbourne at 15.01-1R** seeks to create a distinctive liveable city with quality design and amenity.
- **Business at Clause 17.02-1S** seeks to encourage development which meets the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.
- **Transport at Clause 18** seeks to ensure an integrated and sustainable transport system that provides access to social and economic opportunities, facilitates economic prosperity, contributes to environmental sustainability, coordinates reliable movements of people and goods, and is safe.
- **Education Facilities at Clause 19.02-2S** seeks to assist the integration of education and early childhood facilities with local communities. The policy seeks to locate child care centres in areas that maximise public transport and safe walking and cycling routes.



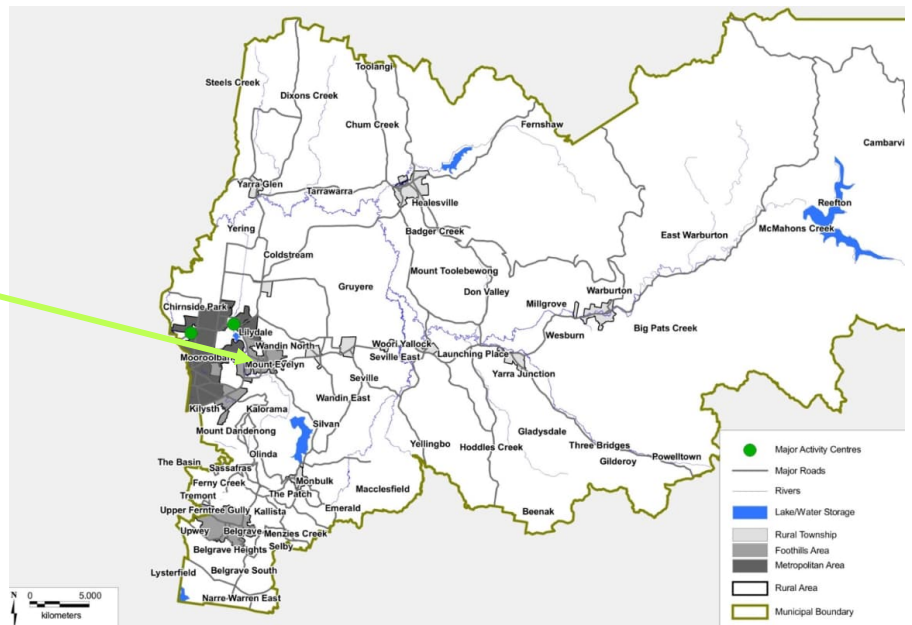
5.2 LOCAL PLANNING POLICY FRAMEWORK

In addition to broader metropolitan policy challenges and objectives, the Municipal Strategic Statement (MSS) identifies the important local 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 overall planning imperatives.

The following provisions are relevant to this proposal:

- **Vision at Clause 21.03** identifies the site located within the Foothills Area.

Subject site



- **Settlement at Clause 21.05** sets out the following, as relevant, strategies to establish sustainable and attractive townships:
 - Enhance the economic viability, safety and efficiency of the towns.
 - Encourage activities which reinforce the character and function of each centre while catering for local and visitor needs.
 - Set strategic directions for future development and changes in land use.
 - Encourage small business and their use by local communities.
 - Promote good design and a high quality level of amenity which helps to define and enhance the individual character of each town.
 - Consider and respond to needs for infrastructure.
 - Provide for quality retail, commercial and community facilities which cater for consumer needs.
 - Provide adequate design and services that allow rapid and effective response by emergency services.
 - Retain compact townships with their distinct village-like character and environmental features.



- *Prevent the intrusion of uses that would fragment the form and layout, and that are not complementary to the role and function, of the centre.*
 - *Cluster land uses that complement the role and function of the centre.*
 - *Encourage land uses that will maintain and enhance the viability of the centre.*
 - *Contain and consolidate existing commercial centres to improve the centre's convenience to users and minimise any impacts or intrusions into adjoining residential areas or natural environments.*
- **Built form at Clause 21.06** at objective 2 – Town Centre Design seeks to provide well designed and integrated commercial centres that provide a range of retail and business facilities and associated community services that meet the needs of the local residents and the tourists visiting the municipality. Objective 2 includes the following strategies:
 - *Design new development to reinforce valued built form characteristics of the town centre.*
 - *Create attractive streets and other places that are safe, encourage pedestrian activity and enhance the overall amenity and identity of the centre.*
 - *Retain existing architecturally, historically or culturally significant buildings.*
 - *Create attractive entries and a sense of identity for each town centre.*
 - *Provide safe and efficient traffic circulation and car parking within each town centre.*
 - *Design and landscape new development to respect the amenity of adjoining residential areas.*

Implementation of **Clause 21.06** includes applying the Design and Development Overlay for Mount Evelyn to ensure development reinforces and strengthens the distinctive character of the Mt Evelyn town centre.

- **Landscape at Clause 21.07** seeks to retain and protect the scenic landscapes, rural and green wedge character and special environmental features of the Shire.

Implementation of **Clause 21.07** includes providing scenic landscape areas that have been classified or recorded by the National Trust within a Significant Landscape Overlay.

- **Community infrastructure at Clause 21.11** seeks to improve access to a well-planned range of Shire-based community services that meet the current and future needs of residents. Includes strategies to:
 - *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.

- *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.*
- **Discretionary uses residential and industrial zones at Clause 22.01** includes the following objectives for residential zones:
 - *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.*
 - *Prevent the establishment of commercial uses which would be more suitably located in a commercial centre or industrial area.*

It is policy, as relevant, 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.*
 - *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.*
- **Vegetation Protection at Clause 22.05** applies to proposals if a permit is required to remove vegetation. 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.

6.0 PLANNING CONSIDERATIONS

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

Having regard to these decision guidelines, the key planning considerations raised by the proposed development are:

- Is the proposal consistent with the Planning Policy Framework?
- Is the proposed land use appropriate to the Low Density Residential Zone?
- Will the proposal avoid unreasonable off-site amenity impacts?
- Does the proposal respond to the decision guidelines of the Design and Development Overlay – Schedule 2?
- Does the proposal respond to the decision guidelines of the Significant Landscape Overlay – Schedule 22?
- Is the proposed development appropriate to the Bushfire Management Overlay?
- Is the proposed car parking and access arrangements safe and efficient for vehicles and pedestrians?

These matters are considered in further detail in the following sections of this report.

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 Local Planning Policy Framework of the Yarra Ranges Planning Scheme.

The support for the proposed use and development at the State and local planning policy level is evidenced by the following observations:

- The proposed child care centre is well-located in an area that takes advantage of existing settlement patterns and infrastructure (Clause 11.01-1S);
- The proposed child care centre will serve local community needs in an existing commercial centre with convenient access to existing residences, educational facilities and employment areas (Clause 17.02-1S, 19.02-2S and 21.01);
- The proposal will provide a high-quality design that is safe, functional and responds positively to its context (Clause 15.01-1R 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 (Clause 22.06).

- There are extensive opportunities for meaningful landscape around the perimeter of the site which will make an improved contribution to the streetscape (Clause 22.05).
- Sufficient on-site car parking, safe access and appropriately designed accessways are provided (Clause 22.06).
- The subject site’s size and dimensions will comfortably accommodate a child care centre and its required play areas without having a detrimental effect on the residential amenity of the surrounding area (Clause 22.01). The proposal’s consistency with Clause 22.01 (Discretionary Uses Residential and Industrial Areas) is assessed in the table below.

Clause 22.01 (Discretionary Uses Residential and Industrial Areas) Assessment

<i>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.</i>	Complies. The site, whilst zoned Low Density Residential Zone, is located within a commercial centre, being the Mount Evelyn Town Centre.
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<i>Any proposed non-residential land use:</i>	Complies.
<ul style="list-style-type: none"> • <i>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.</i> • <i>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 are</i> • <i>Be provided with setbacks from common boundaries with adjoining residential uses that ensure the protection of residential amenity and, where</i> 	<p>The proposed childcare centre is located:</p> <ul style="list-style-type: none"> • in close proximity to (one site removed from) York Road, a major road, zoned Transport Zone 2. It is also within the Mount Evelyn town centre and close to public transport. • the proposed development will be two (2) storey in its scale which responds to the character of the Mount Evelyn Town Centre and has been deliberately designed to include setbacks, landscaping and material articulation so as to minimise visual bulk.



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.*
- the proposed development provides setbacks to common boundaries with the adjoining residential property to the south (minimum 4.3m at ground and minimum 8.5m at first floor) to establish landscaping and screening buffers that ensure the protection of residential amenity.
- the proposed child care centre is not anticipated to unreasonably impact on traffic and pedestrian movements in the surrounding area. Please refer to the Transport Engineering Assessment prepared by Traffix Group. Car parking will be provided on-site in accordance with the requirements of Clause 52.06.

Table 2: Assessment against clause 22.01 Discretionary Uses Residential and Industrial Areas

6.2 IS THE PROPOSED LAND USE APPROPRIATE TO THE LOW DENSITY RESIDENTIAL ZONE?

The decision guidelines in the Low Density Residential Zone require consideration of the Municipal Planning Strategy and the Planning Policy Framework, which has been dealt with at section 6.1 above.

Whilst the zone purposes do not specifically call for non-residential uses, a child care centre is a Section 2 permissible use. We further note that one of the purposes of the zone is to provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater. In this regard, it is understood that the site can easily be connected to the reticulated sewerage system.

Overall, it is considered that the proposal would not compromise and / or is not contrary to the purposes or decision guidelines of the zone.

6.3 WILL THE PROPOSAL AVOID UNREASONABLE OFF-SITE AMENITY IMPACTS?

It is submitted that the proposed development has been designed to ensure unreasonable impacts on the amenity of nearby dwellings are avoided. It is noted that although Clause 55 (ResCode) does not 'technically' apply to this planning permit application, the proposed development has been designed to consider its objectives and complies with its recommended requirements along the eastern interface.

Amenity considerations are detailed as follows:

6.3.1 Visual Bulk

- The two (2) storey scale of the development is consistent with the character of the surrounding area.
- The building will be well-articulated through building expression as well as a mix of building materials including face brickwork, lightweight poly render cladding, timber-look cement sheet cladding and Colorbond roofing. The proposed styling and materials references the existing character context of the area which comprises masonry and render predominantly.
- The proposed development will exceed the recommended requirements of Clause 55's Standard B17 (side and rear setbacks), as demonstrated in Figures 72 below.



EAST ELEVATION

Figure 17: Excerpt of the east elevation showing compliance with Standard B17 (Source: Dovetail Developments)

- One section of wall is proposed to be constructed along the western boundary for a length of 11.405 metres and a maximum height of approx. 4.2 metres. This complies with the maximum boundary wall length of 18.2 metres specified with Standard B18 (walls on boundaries) however this does not comply with the maximum wall height. The non-compliance with the maximum wall height is reasonable given the siting of the wall adjacent the non-sensitive interface to the west.

6.3.2 Daylight and solar access to existing windows

The proposed building has a setback of at least 3 metres from all adjoining habitable room windows. The proposal will not unreasonably reduce daylight to existing windows of any adjoining dwellings and meets the recommended requirement of Standard B19 (daylight to existing windows).

6.3.3 Overlooking

Overlooking to adjoining habitable room windows and secluded private open space will be appropriately managed through boundary fencing and potential views from the upper level play area will be mitigated by 2 metre high obscured balustrading.

6.3.4 Overshadowing

Based on the shadow diagrams, there will be some additional shadow impact to the adjoining western property (No. 19 York Road) between 9AM and 11AM. It is noted that this property is vacant site with a Planning Permit approved to use and develop a single storey veterinary clinic. As such the proposal will meet Standard B21 (overshadowing open space) as there is no secluded private open space area affected.

All other additional overshadowing impacts will be contained within the site itself.

6.3.5 Noise Impacts

A 2 metre high acoustic paling fence is proposed along the southern boundary at ground level where there is an interface between the proposed play area and existing dwelling. The play area at first level will also have a 2 metres high acoustic balustrade. The acoustic fence and balustrade will assist with ameliorating any noise impacts. Please refer to the enclosed Acoustic Report prepared by Renzo Tonin & Associates.

Nevertheless, it is noted that VCAT has regularly determined that noise from child care centres is not considered to have an unreasonable amenity impact on adjoining residential properties. In *M & C Pyle Superannuation Fund v Wangaratta RCC* [2005] VCAT 2160 (17 October 2005), the Tribunal member stated:

“use of the outdoor areas by small children at a child care centre is generally regulated. These areas are not used for extended periods of time. In such circumstances the occasional noise from children playing, which is not an uncommon sound in any residential area, is not considered to result in an unreasonable impact upon the amenity of a residential area”

6.4 DOES THE PROPOSAL RESPOND TO THE DESIGN AND DEVELOPMENT OVERLAY – SCHEUDLE 2?

The subject site is located within but on the edge of the Mount Evelyn Town Centre with commercial/institutional uses located to the north, including the Mount Evelyn Police station, CFA Fire Station and an approved veterinary centre and animal boarding facility. To the south of the site is an established low density residential area.

The existing commercial / institutional buildings and residential built form is characterised by older detached dwellings/buildings generally single storey in scale and predominantly constructed of brick and render.



It is submitted that the proposed development complements the built form in the surrounding area through:

- its two storey scale;
- setbacks which are able to accommodate existing and proposed canopy tree planting, and includes a limited extent of wall on boundary;
- utilisation of materials / finishes commonly found in the area including face brickwork, lightweight poly render cladding and timber-look cladding; and
- contemporary built form that utilises flat and skillion roofs for articulation which references the mix of hipped and flat roofs in the surrounding area.

An assessment against the buildings and works requirements included in the DDO2 is provided below.

Schedule 2 to Clause 43.02 (Mount Evelyn Town Centre)	Assessment
<i>Development should maintain a low rise character and should not exceed two storeys (up to 8 metres) above natural ground level. A third storey may be considered where it is setback or recessed.</i>	Complies. The proposed development consists of two (2) storeys and a maximum 8.325 metres in height.
<i>Development should not obscure views to the Dandenong Ranges (and maintain a view of middle distance vegetation within these views) from Outlook Park, the Warburton Trail and from the elevated northern end of Wray Crescent.</i>	Complies. The proposed development has been designed to protect the bushland character of the Warburton Trail which is located opposite the site (but at a much lower level). The Warburton Trail contains dense screening vegetation along the south-western boundary, with views to the site screened and filtered.
<i>Development should avoid visible expanses of flat roof and support a varied and interesting roof form.</i>	Complies. The proposed development consists of contemporary built form that utilises flat and skillion roofs for articulation which references the mix of



	hipped and flat roofs in the surrounding area.
<i>Plant and equipment of roofs should generally not be visible.</i>	Complies. The proposed development does not include plant and equipment on the roof.
<i>Development should be stepped with slope so that changes in natural ground level do not result in built form with a visual bulk that undermines the low-rise and fine-grained character of the centre.</i>	Complies. The proposed development will be two (2) storey scale which responds to the character of the Mount Evelyn Town Centre and has been deliberately designed to include setbacks, landscaping and material articulation so as to minimise visual bulk.
<i>Buildings should be constructed to the street frontage along Station Street and Wray Crescent except where a setback is required to enable retention of significant vegetation.</i>	N/A
<i>Development should provide a stronger physical and pedestrian connection between the hub of the town centre in Wray Crescent and Station Street and sites to the rear of the town centre including the supermarket Development in the south - east corner of the town centre.</i>	Complies. The proposed development provides pedestrian access to the site.
<i>Building canopies or awnings giving continuous all weather protection must be provided along the street frontage to Wray Crescent, Station Street, York Road and Birmingham Road .</i>	N/A
<i>Development (including corner sites) should provide active frontages to Wray and Station Streets.</i>	N/A
<i>Development on the east side of Snowball Avenue should respect the</i>	N/A



residential character of the street by the following:

- Avoid the presentation of blank walls to the streetscape.

- The use of landscaping, setbacks and building articulation to address the visual balance of the street.

Development on public land should retain and extend indigenous vegetation and protect fauna habitat. N/A

Development on land adjoining the Warburton Trail or open space areas in Birmingham Road should be designed to protect the bushland character of the open spaces areas. Complies. The proposed development has been designed to protect the bushland character of the Warburton Trail which is located opposite the site (but at a much lower level).

The Warburton Trail contains dense screening vegetation along the south-western boundary, with views to the site screened and filtered.

Car parking and vehicle access ways within road reserves along York Road and Birmingham Road should retain and extend areas of indigenous vegetation. N/A

Table 3: Assessment against Schedule 2 to Clause 43.02 (Mount Evelyn Town Centre)

6.5 DOES THE PROPOSAL RESPOND TO THE SIGNIFICANT LANDSCAPE OVERLAY – SCHEDULE 22?

Vegetation removal:

It is proposed to remove existing trees on-site #3, #4, #5, and #6, to remove existing nature strip tree #7 and to retain existing trees #1 and #2. All trees to be removed require a permit under the SLO22 because they are either indigenous or a substantial tree, as defined under the SLO22.



The existing site conditions requires some level of vegetation removal to facilitate any re-development of the site, given both the existing tree location on the site and the defensible space requirements of the BMO. The proposed development limits the extent of vegetation removal to that which is necessary.

The extent of removal ensures that vegetation is maintained as a dominant element of the landscape through the retention of trees #1 and #2 and through the provision of replacement planting.

Further, the removal of the existing nature strip tree #7 to facilitate the relocated crossover is required to address safety concerns regarding the existing crossover location (and we note that the Council was broadly supportive of this at the pre-application stage, and noting that the tree has a low arboricultural rating and ULE of only 6-10 years).

Buildings and works:

The proposed development includes setbacks from the side and front boundaries to be able to accommodate replacement planting, and further provides a building two (2) storey in scale which is well-articulated through building expression as well as a mix of building materials. As such, the proposed development ensures that buildings and works retain an inconspicuous profile and do not dominate the landscape

6.6 IS THE PROPOSED DEVELOPMENT APPROPRIATE TO THE BUSHFIRE MANAGEMENT OVERLAY?

A Bushfire Management Statement has been prepared by Terramatrix which outlines how the development meets the requirements of Clause 44.06. The report makes the following conclusions:

- *The proposed development of childcare centre at 1A Gear Avenue, Mount Evelyn VIC 3796 was assessed for compliance with Clause 44.06 and Clause 53.02 of the Yarra Ranges Planning Scheme. The site is in the Low Density Residential Zone (LDRZ). Accordingly, this report followed the BMO pathway 2 to demonstrate how the development responds to the relevant objectives of Clause 53.02-4 (Yarra Ranges Planning Scheme, 2020).*
- *The development is exposed to Modified vegetation to the east.*
- *The proposed siting maximises the setback from the classified vegetation as far as is practicable, resulting in an 18m fuel free setback. The development can provide defensible space to the property boundary in all directions, commensurate with the proposed BAL-29 construction standard in response to Modified vegetation.*
- *All vegetation within the defensible space on the property, will be managed in accordance with Table 6 to Clause 53.02-5 as detailed in Appendix A of this report.*
- *Water supply and access will meet BMO requirements, including a tank of 10,000L with compliant fire authority access and fittings.*



- *As the landscape risk is not extreme, the bushfire protection measures detailed in this report can be deemed to provide acceptable safety, as they comply with BMO requirements. Accordingly, it is considered that the objective of Clause 13.02-15 Bushfire Planning, which is to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life (Yarra Ranges Planning Scheme, 2018c), has also been met.*

6.7 IS THE PROPOSED CAR PARKING AND ACCESS ARRANGEMENTS SAFE AND EFFICIENT FOR VEHICLES AND PEDESTRIANS?

A detailed Traffic Impact Assessment prepared by Traffix Group accompanies this application. The report makes the following conclusions:

- *the proposed development has a statutory car parking requirement of 21 car spaces under Clause 52.06-5,*
- *the provision and allocation of 21 car spaces accords with the statutory requirements of Clause 52.06 and a car parking reduction is not required,*
- *bicycle parking is not required under Clause 52.34 for the proposed childcare centre and no formal bicycle spaces have been provided,*
- *the layout of the on-site parking areas is acceptable and accords with the relevant requirements of Clause 52.06-9, AS2890.1-2004 (where relevant) and AS2890.6-2009 (where relevant),*
- *vehicle access is provided by a two-way crossover which will provide for convenient vehicle movements to and from the carpark,*
- *the current sight distance at the proposed crossover is acceptable for a number of reasons (slower speeds recorded along Gear Avenue when compared to the posted speed limit of the road and the low level of traffic which travels along Gear Avenue), when comparing with the Australian Standards and Austroads Guide.*
- *traffic associated with the development will be moderate, spread across the peak periods and will be accommodated by the surrounding road connections,*
- *waste collection will occur on-site, outside of peak operating hours and does not pose any significant traffic engineering issues, and*
- *there are no traffic engineering reasons why a planning permit for the proposed childcare development at 1A Gear Avenue, Mount Evelyn, should be refused.*



7.0 CONCLUSION

In summary, it is submitted that the application proposes an appropriate form of development for the site for the following reasons:

- The proposed development is consistent with the purposes of the Low Density Residential Zoning of the land;
- The proposed development is consistent with the relevant Planning Policy Framework concerning design and built form, neighbourhood character and the environment and non-residential uses in residential areas;
- The proposal responds positively to the DDO2 and SLO22 requirements, with a well-designed building of a two storey scale which respects the residential character of the street through the use of landscaping, setbacks and building articulation to address the visual balance of the street;
- The proposal meets the application requirements of the BMO and responds to the relevant objective of Clause 53.02;
- Appropriate provision for car parking is provided on site; and
- The development will not result in any unreasonable amenity impacts on neighbouring properties.

For the above reasons, it is considered that the proposed development responds appropriately to the relevant planning controls and policies and is, accordingly, worthy of a planning permit.

