

## **YARRA RANGES PLANNING SCHEME**

### **AMENDMENT C142**

## **PLANNING PERMIT APPLICATION YR-2016/105**

### **EXPLANATORY REPORT**

#### **Who is the planning authority?**

This amendment has been prepared by the Yarra Ranges Council, which is the planning authority for this amendment.

The Amendment has been made at the request of Burnham Beeches Pty Ltd.

#### **Land affected by the Amendment**

The Amendment applies to Burnham Beeches, located at 1 Sherbrooke Road, Sherbrooke (CP161674 PMonbulk).

The Amendment is a combined planning permit application and planning scheme amendment under section 96A of the Act.

The planning permit application applies to 1 Sherbrooke Road, Sherbrooke (CP161674 PMonbulk).

#### **What the amendment does**

The Amendment seeks to delete the Special Use Zone Schedule 2 (Major Tourist Facility) from 1 Sherbrooke Road, Sherbrooke. A new, stand alone schedule is proposed for this land, the Special Use Zone Schedule 11 (Burnham Beeches Residential Hotel and Resort). The new schedule will remove the restrictive limits on patron numbers at Burnham Beeches that currently apply, making this subject to a planning permit. It will also make some currently prohibited land uses allowable subject to a planning permit (i.e. cinema, education centre, exhibition centre, market, shop, brewery, etc), in order to provide appropriately for the future use and development of the land as a major tourist facility.

The Amendment proposes that the current exemption of the Special Use Zone Schedule 2 from the provisions of Clause 57 (Metropolitan Green Wedge Lane) be replicated in the new Special Use Zone Schedule 11.

The amendment also proposes to amend the Special Use Zone Schedule 2 to delete reference from 1 Sherbrooke Road, Sherbrooke.

#### **Planning Permit**

A concurrent planning permit application seeks to allow use and development of the land for a licensed residential hotel of 48 rooms (including ancillary bar and dining areas), two licenced restaurants (existing bakery/café and a new restaurant) in the piggery building, manufacturing sales (brewery) with associated licenced food and drink areas, a shop and licenced food and drink premises, staff accommodation (two buildings), and associated vegetation removal.

The planning permit is attached as a separate document to this Explanatory Report.

## **Strategic assessment of the Amendment**

### **Why is the Amendment required?**

The amendment is required in order to provide for the future development of a major tourist facility on the site. The amendment will remove restrictive limits on patron numbers that are currently within the Special Use Zone Schedule 2, and will also allow a broader range of land uses, subject to a planning permit, than those currently provided for.

### **How does the Amendment implement the objectives of planning in Victoria?**

The amendment will help to implement a number of objectives of planning in Victoria. In particular, it will:

- Provide for the economic and sustainable use and development of land;
- Assist in creating a pleasant recreational environment for Victorians and visitors to Victoria;
- Conserve and enhance buildings of architectural or historical interest;
- Facilitate appropriate development.

### **How does the Amendment address any environmental, social and economic effects?**

Wastewater and sewerage generated from future land uses will require the approval of the Environmental Protection Authority regarding treatment methods and required infrastructure. While parts of the land are environmentally significant, and parts subject to landslip risk, these areas are not currently proposed to accommodate development. Should this occur in the future, planning permission will be needed for buildings and works.

The amendment will facilitate the redevelopment of the Norris Hotel Building. This will restore and re-establish the viable use a state heritage listed building of architectural and historical value to Victoria.

The amendment will provide for more intensive commercial use of the land as a major tourist facility, which will generate employment opportunities in construction, hospitality and tourism. The development of the site will add to and strengthen the attraction of the Dandenong Ranges for tourism purposes.

### **Does the Amendment address relevant bushfire risk?**

The entire site is affected by the Bushfire Management Overlay (BMO). Any buildings and works proposed in association with accommodation, industry, retail and other relevant land uses, which would create new buildings or extend existing buildings by over 10 per cent, will therefore require a planning permit. A detailed assessment of bushfire risk and proposed management strategies will be needed, as well as referral of the application to the Country Fire Authority.

### **Does the Amendment comply with the requirements of any Minister's Direction applicable to the amendment?**

The Amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes.

#### *Ministerial Direction No. 9—Metropolitan Strategy*

The Amendment is consistent with the policies contained in *Plan Melbourne*:

- Direction 1.2 strengthen the competitiveness of Melbourne's employment land
- Direction 4.7 to respect our heritage as we build for the future

#### *Ministerial Direction No. 11—Strategic Assessment of Amendments*

The Amendment is consistent with this direction which ensures a comprehensive strategic evaluation of the planning scheme and the outcomes it produces.

### **How does the Amendment support or implement the State Planning Policy Framework and any adopted State policy?**

The amendment proposal finds support in the following clauses of the State Planning Policy Framework:

- 11.04-5 Environment and water
- 11.04-7 Green wedges
- 12.01-2 Native vegetation management
- 12.01-4 Environmentally sensitive areas
- 12.04-2 Landscapes
- 13.05-1 Bushfire planning strategies and principles
- 15.01-5 Cultural identity and neighbourhood character
- 15.03-1 Heritage conservation
- 17.03-1 Facilitating tourism

The key statements emerging from these policies are:

- To protect natural assets and better plan water and waste management systems
- To protect areas of environmental, landscape and scenic value
- To ensure that permitted clearing of native vegetation results in no net loss in the contribution made by native vegetation to Victoria's biodiversity
- To protect and conserve environmentally sensitive areas
- To protect landscapes and significant open spaces that contribute to character, identity and sustainable environments
- To prioritise the protection of human life over other policy considerations in planning and decision-making in areas at risk from bushfire
- Ensure development responds to its context and reinforces special characteristics of local environment and place by emphasising the underlying natural landscape character, the heritage values and built form that reflect community identity, and the values, needs and aspirations of the community
- To ensure the conservation of places of heritage significance
- To encourage tourism development to maximise the employment and long-term economic, social and cultural benefits of developing the State as a competitive domestic and international tourist destination
- To plan for the provision of water supply, sewerage and drainage services that efficiently and effectively meet State and community needs and protect the environment

The amendment also finds support in clause 16.14 of the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan, where clause 16.14 states that land proposed

for use as major tourist facilities must be within (among other things) a Rural Policy Area and included in a zone that specifically provides for that use. Burnham Beeches satisfies both requirements, being located in a Rural Landscape 1 Policy Area and the Special Use Zone (which provides specifically for major tourist facilities).

### **How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?**

The amendment proposal finds support in the following clauses of the Local Planning Policy Framework:

- 21.04-2 Commercial—objectives, strategies, policy and implementation (Objectives 1, 4 and 5)
- 21.06 Built form –objectives, strategies and implementation (Objectives 1 and 5)
- 21.06-1 Heritage (Objective 1)
- 21.07 Landscape—objectives, strategies and implementation (Objective 1)
- 21.09-1 Biodiversity (Objective 2)
- 21.09-2 Environmental hazards
- 22.05 Vegetation protection

The key statements emerging from these policies are:

- Encourage business development, tourism and agricultural industries, which recognise and reinforce the rural and green wedge character and outstanding natural assets of the Shire
- To recognise and facilitate the development of appropriate tourism opportunities, especially those that integrate with and promote the agricultural, environmental and conservation attributes of the Shire
- To provide for low impact tourist facilities which complement the distinctive rural and green wedge character and natural features of the Shire
- To promote proper siting and good design in the construction of all buildings and in the carrying out of works
- That development of new tourist facilities be compatible and integrated with surrounding land uses and the natural and built environments
- To protect and conserve the Shire's cultural heritage
- To retain and protect the scenic landscapes, rural and green wedge character and special environmental features of the Shire
- To protect and enhance the Shire's rich biodiversity
- To ensure that the use of land and development takes account of physical development constraints such as flood, fire and landslip, and to control development in these areas
- To ensure that consideration is given to the effect of removal of vegetation when assessing proposals to use and develop land

## **Does the Amendment make proper use of the Victoria Planning Provisions?**

The amendment makes appropriate use of the Victorian Planning Provisions by creating a new, stand alone schedule to the Special Use Zone to govern the future use and development of the land.

## **How does the Amendment address the views of any relevant agency?**

All relevant government agencies will be notified of the amendment and will be given an opportunity to make submissions about the amendment.

## **Does the Amendment address relevant requirements of the Transport Integration Act 2010?**

The amendment is not expected to have any significant impacts on the transport system.

## **Resource and administrative costs**

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

The application of a new schedule to the Special Use Zone to the subject land is not expected to have any adverse impacts on the resources or administrative costs of Council.

## **Where you may inspect this Amendment**

The amendment is available for public inspection, free of charge at the following Yarra Ranges Community Links:

**Lilydale** – 15 Anderson Street, Lilydale

**Monbulk** - 21 Main Road, Monbulk

**Healesville** – 110 River Street, Healesville

**Upwey** - 40 Main Street, Upwey

**Yarra Junction** - Warburton Highway/Hoddle Street, Yarra Junction

Our Community Links are open Monday to Friday 9am to 5pm (Lilydale open at 8.30am) and Saturday 9am to 12pm.

The amendment can also be inspected free of charge at the Department of Transport, Planning and Local Infrastructure web site at [www.delwp.vic.gov.au/public-inspection](http://www.delwp.vic.gov.au/public-inspection) and Yarra Ranges Council web site at [www.yarraranges.vic.gov.au](http://www.yarraranges.vic.gov.au) by searching “Amendment C142”.

## **Submissions**

Any person who may be affected by the amendment or by the granting of the permit may make a submission to the planning authority.

The closing date for submissions is **22 November 2016**. A submission must be sent to the Manager Strategic Planning, Yarra Ranges Council, PO Box 105, Lilydale VIC 3140.

Any submissions about the amendment must:

- Be made in writing, giving the submitter’s name, address and, if practicable, a phone number for contact during office hours.
- Set out the views on the amendment that the submitter wishes to put before Council and indicate what changes (if any) the submitter wishes made to the amendment.
- State whether the person/s making the submission/s wishes to be heard in support of their submission.

## **Panel hearing dates**

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: 20 February 2017
- panel hearing: 20 March 2017