

Planning Application YR-2022/430 - 727-729 Maroondah Highway, Coldstream – Planning Report

APPLICATION DETAILS

Site Address	727-729 Maroondah Highway (Lots 1/8 TP414861 & Lot 1 TP159672), Coldstream
Application No.	YR-2022/430
Proposal	Buildings and works to construct three warehouses to an existing winery and associated vegetation removal
Existing Use	Winery
Applicant	JCA Land Consultants
Zone	Clause 35.04 - Green Wedge Zone (GWZ4)
Overlays	Clause 42.01 - Environmental Significance Overlay (ESO1-Z2) Clause 42.03 - Significant Landscape Overlay (SLO4) Clause 44.01 - Erosion Management Overlay Clause 44.04 - Land Subject to Inundation Overlay
Permit trigger/s	Clause 35.04-5 – Construction of buildings associated with a winery Clause 51.03 – Removal of vegetation and building and works greater than seven metres in height.
Objections	Nil
Encumbrances on Title (Covenants/Section 173 Agreements)	No
Reason for Council Decision	Cost of works
Ward	Ryrie

SUMMARY

The application seeks to expand wine storage and ageing capacity at Domaine Chandon Winery by constructing three warehouses. A planning permit is required for the building and works to construct under Clause 35.04 Green Wedge Zone and for building and works over seven metres under Clause 51.03.

A total of 53 trees are proposed to be removed to enable the construction of the warehouses. The trees were planted by the winery and the removal is exempt from provision of native vegetation offsets under Clause 52.17, however a permit is still required for the removal of vegetation under the Significant Landscape Overlay (SLO17) and Clause 51.03. The application proposes replacement planting of 106 trees onto the site.

The application does not seek to increase patron numbers, no changes to the hours of operation, or make any alteration to the existing sale and consumption of liquor at the site. No additional staff are proposed.

The application has been advertised and no objections have been received.

The proposal meets the requirements of the Green Wedge Zone, Significant Landscape Overlay and Clause 51.03 and is considered to be an appropriate planning outcome. It is recommended that a planning permit be issued, subject to a condition for replacement planting.

RECOMMENDATION

That Council resolve to approve Planning Application YR-2022/430 for Buildings and works to construct three warehouses to an existing winery and associated vegetation removal at 727-729 Maroondah Highway, Coldstream and issue a Planning Permit subject to the conditions in Attachment 1 to the report.

DISCLOSURE OF CONFLICT OF INTEREST

No officers and/or delegates acting on behalf of the Council through the Instrument of Delegation and involved in the preparation and/or authorisation of this report have any general or material conflict of interest as defined within the Local Government Act 2020.

CULTURAL HERITAGE SIGNIFICANCE

The application has been checked against the requirements of the *Aboriginal Heritage Act 2006* and *Aboriginal Heritage Regulations 2007 (Vic)* as to the need for a Cultural Heritage Management Plan (CHMP). It has been assessed that a CHMP is not required.

EXTRACTIVE INDUSTRY

The site is not located within 500 metres of extractive industry.

HUMAN RIGHTS CONSIDERATION

The application has been assessed in accordance with the requirements of the *Planning and Environment Act 1987* (including the Yarra Ranges Planning Scheme), reviewed by the State Government and which complies with the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

ENCUMBRANCES ON TITLE

There are no encumbrances on the Certificate of Title.

SITE LOCATION AND DESCRIPTION

The subject site is particularly described as 727-729 Maroondah Highway, Coldstream (Lots 1 to 8 on TP 414861Y and Lot 1 TP159672).

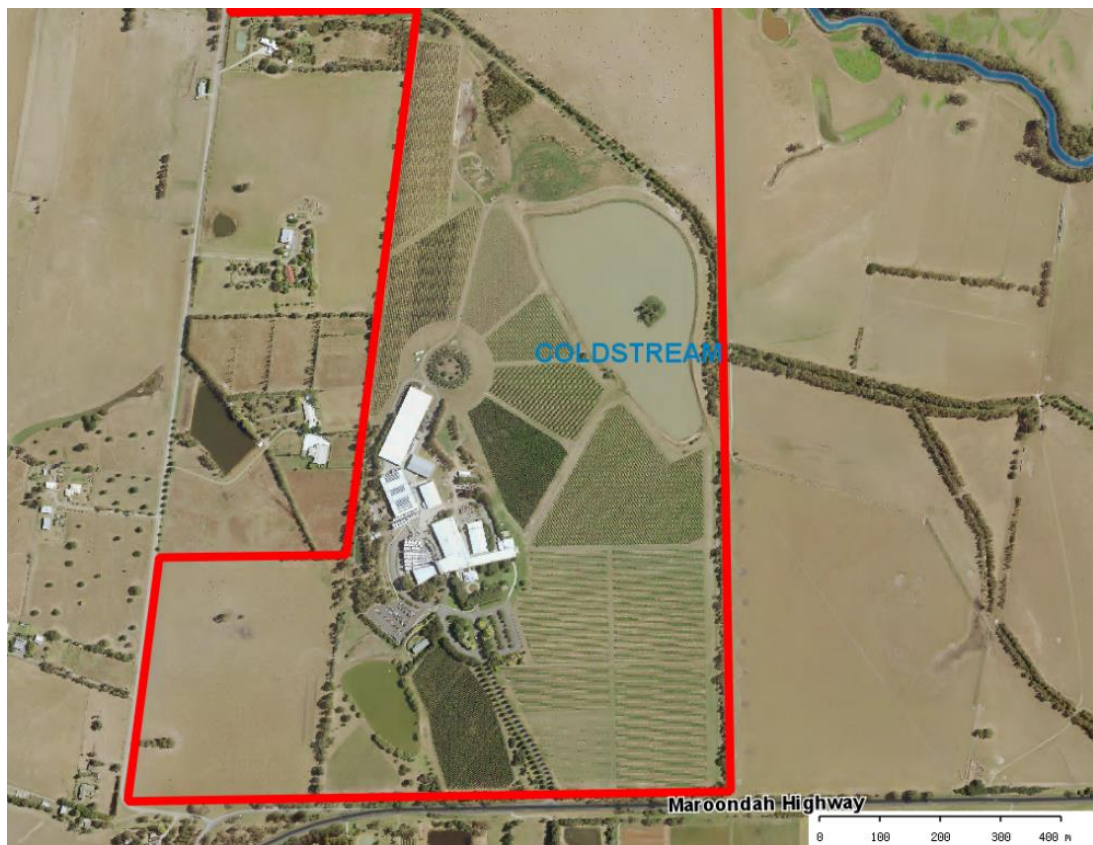


Figure 1 -Aerial Photo of Subject Site (January 2022)

The subject site is located on the northern side of Maroondah Highway in Coldstream. The land is an irregular shaped parcel that is bounded on the southern side by Maroondah Highway and on the northern side by the Yarra River. The site has a secondary frontage to Tarrawarra Road (Attachment 3).

The site has a frontage of approximately 997 metres, a depth of approximately 2.45 kilometres and a total area of 143.68 hectares.

The site is undulating and comprises a winery complex, cellar door sales, and restaurant with associated facilities. The site also contains approximately 45 hectares of vineyards and open grazing land. The site has established wetlands; and replanted along the boundary which interfaces with Yarra River.

Topographically, the southern half of the land has a slight slope with a fall of approximately 15 metres from the west to the east of the site. Most of the land has been cleared of significant vegetation except remnant vegetation to the west of the site and vegetation planted for landscaping purposes clustered around the developed area of the site

The buildings on the site are clustered mainly towards the south of the property. Development on the site includes several large warehouses used for winemaking/storage, a restaurant, function centre, offices, cellar door/café. Mature canopy trees surround this establishment in the form of landscaping. A dam is located centrally towards the east boundary.

The site has vehicle access from a central driveway running north from Maroondah Highway for a length of 400 metres. There is one main point of access from Maroondah Highway that provides for both winery and vineyard traffic as well as cellar door and restaurant patrons.

The current facilities on the site, which are to the south of the land are split into three zones, consisting of hospitality, winemaking and industrial, as follows:

Hospitality (front of house)

- Staff car park;
- Office building; and
- Green Point Room.

Wine making

- Wine tanks;
- Laboratory;
- Vineyard sheds; and
- Plants and services.

Industrial

- Ageing warehouse;
- Finished goods warehouse;

- Bottling Hall warehouse;
- Dry goods warehouse; and
- Shed.

A landscaped car park is provided for the public and visitors south-east of the winery complex. The existing car parking provision on the site consists of 98 car spaces nominated as staff parking and 84 visitor car spaces. There are a further 12 car spaces adjoining one of the warehouses.

The existing winery complex comprises several large sheds with a height of 7.69 metres for processing, warehouses, and tank farms. These are generally confined to the north of the visitor areas of the complex.

To the east and south of the winery complex are several portions of the main building devoted to the public realm which include the cellar door and restaurant on the east corner of the building overlooking the vineyards.

The area to be used for the additional warehousing sits parallel to the existing warehousing and currently includes a perimeter track and screen plantings as shown in Figure 2 below.



Figure 2 - Aerial Photo development area (January 2022)

SURROUNDING AREA

The land is located at the northern end of Coldstream, between Maroondah Highway to the south and the Yarra River to the north. The site and surrounding parcels are zoned Green Wedge - Schedule 4 (GWZ4). Most of these areas are cleared for grazing and other agricultural pursuits, including vines and fruit trees.

The subject site adjoins surrounding lot parcels zoned for the purpose of agriculture. Allotment sizes vary in size and configurations, however prominently order in the range of 98 hectares. Development consists of buildings to support agriculture operations.

The surrounding area is, predominantly utilised for the growing of crops or grazing of livestock. Land to the east includes larger Green Wedge lots which contain a dwelling associated with an agricultural uses. The nearest dwelling, to the west, is located over 80 metres from the proposed works. Land to the south, on the southern side of Maroondah Highway, are smaller parcels of Green Wedge Zoned land and are occupied by dwellings. Land to the west is a large rural holding and is used for agricultural purposes, this site does not contain a dwelling.

Access to lots in the area is commonly achieved through unsealed driveways to buildings and associated outbuildings. Vegetation is in the wider area sparse through the clearing of land for the purpose of agriculture. The Topography of the wider area is undulating which creates scenic vistas. There are examples of mature canopy tree coverage in proximity to water ways, dams and buildings. Outbuildings within the surrounding area are generally obscured from obvious view and sit within clustering of built form.

Most outbuildings are constructed of Colorbond or similar material and constructed in colours which are a muted and/or subdued tone.

The township of Yarra Glen is approximately five kilometres north-west of the subject site and the Healesville township is located approximately 6.5 kilometres north-east of the subject site.

PROPOSAL

This application seeks to construct three warehouses associated with the existing winery use of the land and associated vegetation removal. The proposed warehouses are labelled as 13, 14 and 15, and the tree removals shown in red in Figure 3 below.



Figure 3 - Proposed layout

Refer to Attachment 4 for the full set of plans.

There are already six warehouses existing on site, totalling 1000 square metres each (labelled 9, 10 and 11 in Figure 3). The proposal will add a further three warehouses of 1,000 square metres each, mainly for the purposes of ageing produced wines. The three new warehouses will be arranged in a row, on the eastern side and parallel to the existing warehouses.

The three warehouses themselves will have concrete floors with accessways through openings on the eastern side to the perimeter access track. Each warehouse will have a dimension of 40 metres by 25 metres with a floor area of 1,000 square metres.

The walls of each warehouse will be constructed of Colorbond (Shale grey) and the roof will have a low pitch form with Colorbond covering (Surfmist) and will have a maximum

building height of 7.69 metres, measured from the natural ground level. The proposal is to match the existing warehouses in terms of style, scale, height, and colour.

There will be a constructed circuit track around the perimeter of the warehouses to provide vehicle access around the warehouses.

The applicant advised that the three proposed additional warehouses are required as additions to the existing facilities to further improve and accommodate production from the winery.

Staging

The applicant advised that the three additional warehouses will be in stages. Stage 1 involves the construction of warehouse 13 with an aim of completion of construction by end 2022. This will include the required tree removal and the re-establishment of the circulation track. Subsequently, warehouse 14 is forecast for completion in 2024 and warehouse 15 is forecasted for completion in 2026.

The applicant requested the expiry dates within any permit for the buildings and works to reflect the timeframes.

Tree Removal

The proposal requires the removal of a group of screening trees previously planted as part of the landscaping response to the previously approved buildings and works. Trees previously planted on the site have grown and now act as screening for the buildings on the site.

The Arborist report (Attachment 6) lists 63 trees on the subject site, of which 53 trees are to be removed to allow the buildings and works.

Trees 1 to 63 are located adjacent to the existing warehouses. The species of the trees include Swamp Gum, Manna Gum, Yellow Box and Blackwood. Council's arborist has confirmed that these 63 trees were planted rather than remnant.

All trees proposed for removal are semi-mature and range in value from Low to Moderate Retention value, none of the trees are rated as High Retention Value.

The trees require removal to accommodate the construction of the proposed three warehouses. Trees 1 – 53 are proposed to be removed, details of each tree can be seen in Figure 4, and Attachment 5.

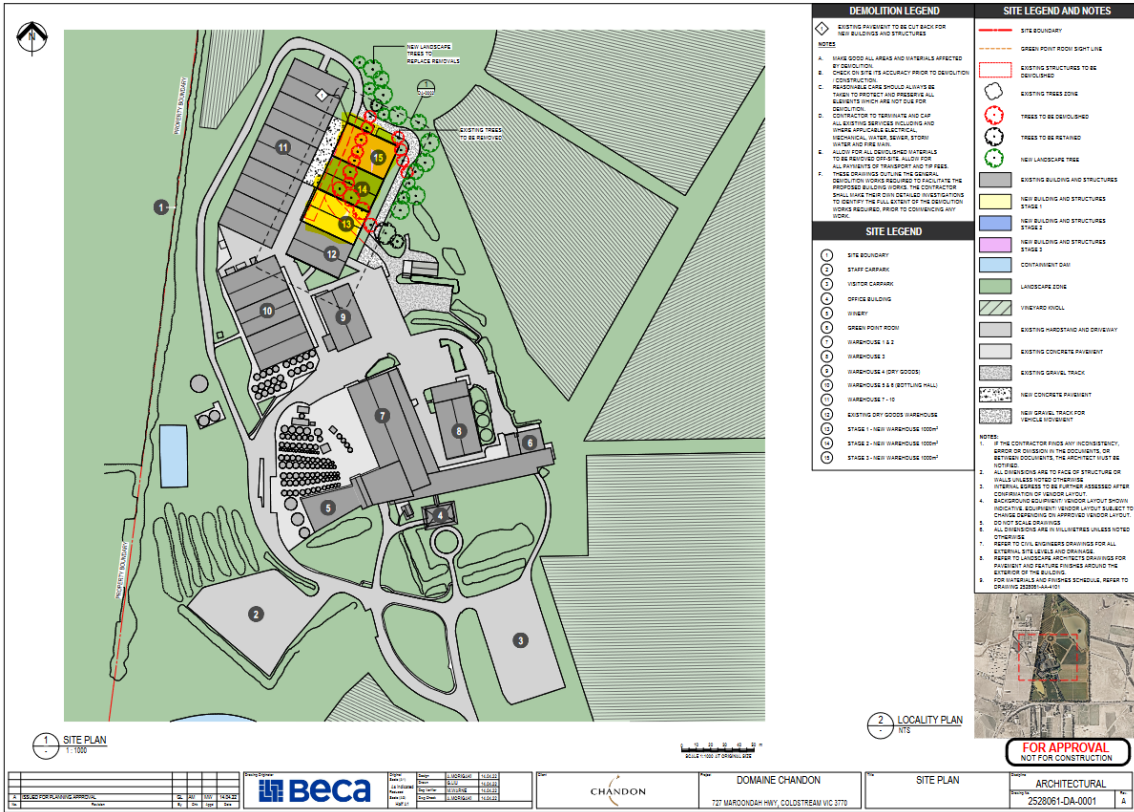


Figure 4 - Proposed Site Plan

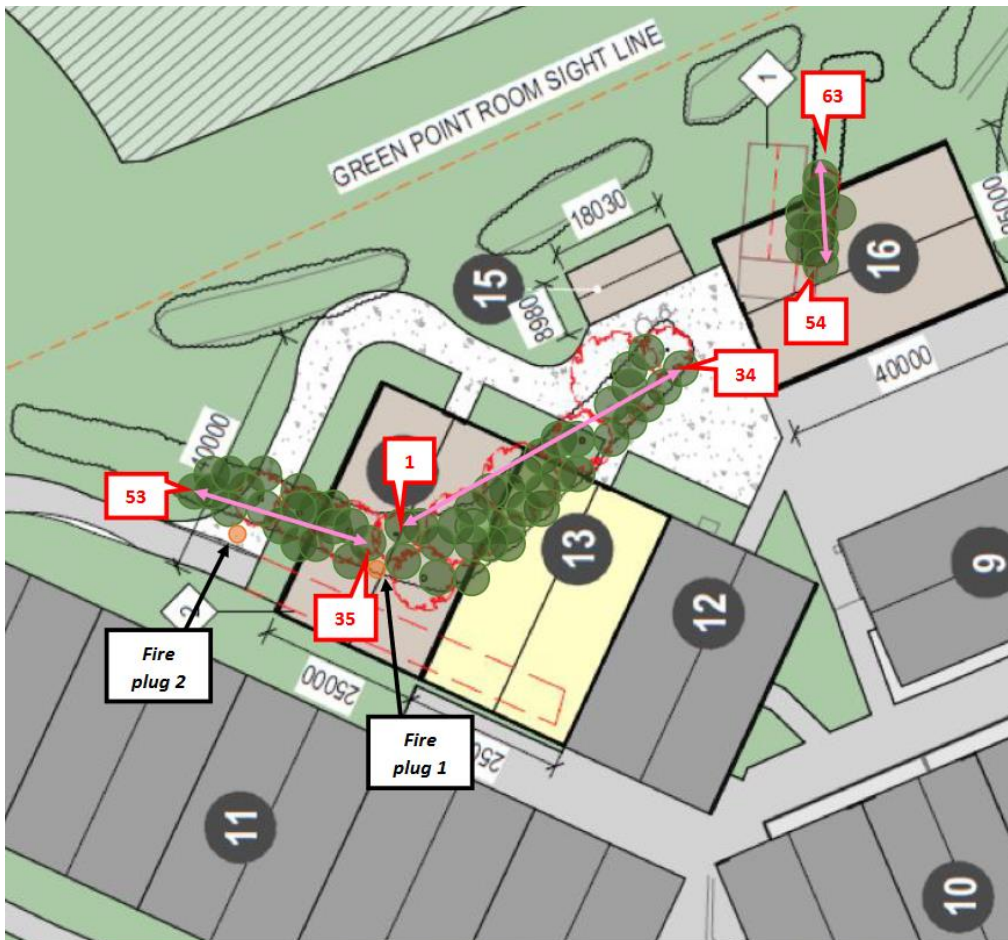


Figure 5 - Proposed Tree Removal

HISTORY

<p>Application Number and Decision Date</p>	<ul style="list-style-type: none"> • Permit YR-2003/1926 dated 10 February 2004 allowed the Construction of warehouse building for existing winery with associated tree removal; • Permit YR-2005/714 dated 16 June 2005 was for the - Construction of roofline between existing warehouses; • Planning Permit YR-2006/193 issued on 5 June 2006 allowed the Construction of three (3) warehouses in association with existing winery and associated tree removal; • Planning Permit YR-2006/1585 dated 21 December 2006 allowed the Construction of addition to winery (tank farm) and removal of trees (23); • Permit YR-2006/1581 dated 24 January 2007 allowed Tree removal in association with internal roadworks; • Planning Permit YR-2007/1617 was issued on 14 November 2008 for Construction of addition to winery (three warehouses). The permit had been amended several times under the secondary consent provision of the permit; • Planning Permit YR-2011/848 was issued on 28 September 2011 for the construction of an outbuilding on the land; • Planning Permit YR-2012/15 issued on 30 January 2012 allowed a shed on the land; • Planning Permit YR-2014/896 for alteration to existing warehouse on 28/11/2014; • Planning Permit YR-2016/114 was issued on 30/03/2016 for a Removal of Trees on the land; and • Planning Permit YR-2018/454 was issued on 2 November 2018 allowed buildings and works for the internal alteration of existing warehouse and ancillary office with construction of extension to existing deck.
<p>VCAT History</p>	<ul style="list-style-type: none"> • None
<p>Other History</p>	<ul style="list-style-type: none"> • None

PLANNING CONTROLS

Zoning:	Clause 35.04 - Green Wedge Zone (GWZ4)
Overlay:	Clause 42.01 – Environmental Significance Overlay (ESO1-Z2) Clause 42.04 – Significant Landscape Overlay (SLO4) Clause 44.01 – Erosion Management Overlay Clause 44.04 – Land Subject to Inundation Overlay
Start Planning Policy:	Clause 11 – Settlement Clause 12 - Environmental and Landscape Values Clause 14 – Natural Resource Management Clause 15 – Built Environment and Heritage Clause 15.01-1S – Urban Design Clause 15.01-2S – Building Design Clause 15.01-6S – Design for Rural Areas Clause 17.01-1S – Diversified Economy Clause 17.02-1S – Business Clause 17.04-1S – Facilitating Tourism
Local Planning Policy:	Clause 21.04 – Land Use Clause 21.06 – Built Form Clause 21.07 – Landscape Clause 21.09 – Environment Clause 22.05 – Vegetation
Clause 51.03:	Applies
Schedule to Clause 51.03:	Applies
Particular Provisions	Clause 51.03 – Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan
Other Requirements:	Clause 65 – Decision guidelines

For further information on the planning controls refer to Attachment 2.

PERMIT TRIGGERS

Zoning

Under the Green Wedge Zone, a permit is required for buildings and works associated with a winery. A winery is a 'permit required' use in this zone, and the land use is long established.

Overlays

Under the Significant Landscape Overlay schedule 4, a permit is required to construct a building and to carry out works because a permit is required under the applicable zone. A permit is also required to remove vegetation.

Clause 51.03

Under the Schedule to Clause 51.03 a permit is required to construct a building in the Green Wedge Zone with a height more than seven metres, and to remove vegetation.

CONSULTATION

Internal Referrals

This application was referred to various business units or individuals within Council for advice on particular matters. The following is a summary of the relevant advice:

Department	Summary of Response	Conditions required
Arborist	Support removal of trees 1-53, subject to conditions.	Replacement planting (106 trees) and protection of trees to be retained.

External Referrals

No external referrals were required.

Public Notification and Consultation

Notification of the application was undertaken by:

- Mailing notices to owners and occupiers of adjoining and/or nearby properties
- Placing the proposal on Council's website for a minimum of 14 days

Other – Notice was given on 16 June 2022.

Number of Objections:

No objections have been received.

ASSESSMENT/ KEY ISSUES

The proposal has been assessed to comply with the applicable Zone and Overlay provisions, the State and Local Planning Policy requirements, Particular Provisions and Decision Guidelines of the planning scheme. The proposed buildings and works to construct three warehouses and vegetation removal are considered to be a satisfactory planning response.

As the Winery use is already established on the site, it is considered that the main issues for consideration in the assessment of the application is the appropriateness of the proposed built form of the three warehouses in the context of the state and local policies, purpose and decision guidelines of the Green Wedge Zone and the requirements of the Significant Landscape Overlay Schedule 4. Also relevant in the consideration of the proposal are the amenity impacts of the proposal on the surrounding sites and the appropriateness of the proposed vegetation removal.

The proposal is located outside the areas of the site affected by the Land Subject to Inundation Overlay, Erosion Management Overlay and Environmental Significance Overlay.

Permit Triggers

A planning permit is required for construction of the proposed buildings and works under the Green Wedge Zone, the Significant Landscape Overlay and the Schedule to Clause 51.03. A planning permit is also required for vegetation removal under the Significant Landscape Overlay and the Schedule to Clause 51.03.

Policy State, Regional and Local

The policies in the Planning Policy Framework (PPF) and Municipal Strategic Statement (MSS) that are relevant to the proposal are the policies on rural land use, agriculture, rural productivity, environmental risks, and tourism. The state policies on agriculture and rural land use encourage sustainable agricultural land use to ensure agricultural and productive rural land use activities are to be managed to maintain the long-term sustainable use and management of existing natural resources.

The proposal is well located in accordance with the Upper Yarra River and Dandenong Ranges Regional Strategy Plan as the winery will continue to create employment within the area, helping to create a sustainable economic community.

As required by Clause 11.01-1R (Green Wedges – Metropolitan Melbourne) and 11.03-5S (Distinctive areas and landscapes), the proposal is sympathetic to the existing landscape due to the clustering of the buildings and large boundary setbacks, whilst encouraging business growth of the existing use that will enhance the values of the area for tourism opportunities.

The site includes extensive landscaping that supports and enhances the biodiversity, environment and landscape of the site and surrounding area as required by Clause 12 (Environmental and Landscape Values). The proposal will not be detrimental to the rural and landscape character of the rural area despite the removal of the 53 trees from the site. The row of trees is located centrally within the site adjacent to large buildings.

Removal of these trees will not be visible beyond the site or in the wider landscape. Replacement planting at a rate of two trees for every tree removed will be required as a condition of approval. The applicant is aware of this replacement planting requirement and have supplied indicative screen planting to the east of the warehouses which is shown on the site plan in Attachment 4. The replacement planting will ensure the landscape value of the trees being removed is replaced and will also ensure that in future the cluster of warehouse buildings on the site will have minimal impact on the landscape values of the area. (Clause 12.05-1S).

The proposed development will not have any impact on the key environmental attributes of the site, namely the Yarra River environs. The applicant advised that significant work has been undertaken in association with relevant authorities, including Melbourne Water, to improve the site's wetlands and other environmental assets (Clause 12.03). The proposed buildings are setback one kilometre from the Yarra River and 500 metres from the creek that traverses the site. The location of the creek can be seen north of the vines and dam on the aerial photo in Attachment 3.

The siting of the three additional warehouses has been clustered with the existing buildings to ensure the agricultural and productive rural land use activities on the land are more effectively managed to maintain the long-term sustainable use and management of existing natural resources. No grape vines are proposed to be removed as a result of this proposal. (Clause 14.01-2S).

The additional winery buildings have been sited to have substantial setbacks to the site boundaries, with a minimum setback of 86 metres to the west boundary, and will not have any detrimental impact on the surrounding sites. The building is also of good architectural design (Clause 15 – Built Environment).

Clause 17.03 to tourism with the objective 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. The Local Planning Policy Framework clearly acknowledges that tourism is an important component of economic development in the region. The local planning policies clearly contemplate and provide for tourism opportunities associated with existing agricultural activities including wineries. Such opportunities include the addition to the existing winery to meet market conditions and demand. In this regard, the addition to the winery will be in accordance with the thrust of the planning policy framework in supporting and further developing agricultural-related tourism.

The proposed built form of the warehouses responds to the character of the site and protects nearby uses in terms of visual intrusion and amenity. Some of the other attributes of the proposal are: minimisation of earthworks; protection of view lines; integration with the existing built form character; avoidance of off-site impacts; and minimisation of impact on significant vegetation. Elevation plans of the warehouses can be viewed at Attachment 4.

The proposal will result in some vegetation to be removed, none of the vegetation to be lost is significant vegetation which contributes to the scenic landscapes of the area. The trees proposed to be removed have all been planted by the owners for the purposes of screen planting and are to be replaced. The proposal will also protect the residential amenity of the surrounding rural area from potentially adverse effects of the proposal by

locating the buildings where they will be screened by existing buildings. Clustering of the warehouses with the existing buildings and the large setbacks of the warehouses to the site boundaries minimise the visual impact of these new buildings. Replacement planting of 106 new trees to the east and north of the warehouses will provide significant softening and screening of the development (Clause 21.07- Landscape).

The additional warehousing will expand the capacity of the existing warehouses on the site to increase the capacity for storing, ageing, delivery and dispatch of goods, which will assist the winery operations on the site to grow which will result in growth in both the winery's economic and tourism growth for itself and the wider valley region.

Green Wedge Zone

The three proposed warehouses are in a row with each warehouse having a floor area of 1,000 square metres, clustered to the existing warehouses on the site. The area to be used for the additional warehousing sits parallel to the existing warehousing and currently includes a perimeter track and planted screen plantings. These are to be removed to allow for the warehouse construction. The full set of plans can be seen in Attachment 4.

The proposed expansion will increase the capacity of the winery whilst keeping the additions within the established building areas already occupied.

A proposed circuit track around the perimeter of the buildings provides effective management of trucks and other vehicles within a minimal footprint created by the processing buildings on the site.

There is no net increase in staff as there is no increase in the production facilities of the winery and the additional warehouse capacity will merely extend the production run. The proposed intensity of the winery can easily be accommodated on the site and will not have any detrimental impact on the amenity of the surrounding sites.

The number of patrons in the winery will be unchanged. In this regard, the intensity of the existing operations will be unchanged.

The land with an area of approximately 143.6 hectares has the capacity to accommodate the proposed development without detrimental impact on the green wedge land on the surrounding sites and without any adverse impact on the character and appearance of the area.

The proposal will not be detrimental to the use and development of the surrounding sites, most of which contain agricultural uses. It will also not be detrimental to the amenity of the dwellings in the surrounding area as the intensity of the already established winery will be mainly unchanged. The warehouses provide additional storage and ageing capacity for the winery, but they will not be used for any manufacturing processes and there will be no increase in production facilities.

In terms of the environmental impact of the proposal, there will be no detrimental impact on flora and fauna as the building is located on an already cleared part of the site. The trees to be removed were planted in about 2016. Further assessment of the tree removal is found below.

The proposed warehouses do not directly impact on sustainable land management practices; however, they will place more storage areas within the production areas of the site and will continue to clearly demarcate work and landscape areas within the site and enhance the existing quarantine controls required across the site. The works will not significantly alter the existing character of the land. The siting of existing and proposed buildings within the winery complex are within the capacity of the land and infrastructure to accommodate.

View lines to nearby properties are substantially protected. Screen planting will be provided alongside the buildings to diminish the visual impact and protect internal view lines. Overall, the warehouse development will positively contribute to land management practices on the site.

The proposed works have no impact on agricultural production from the land. There will be no reduction in any vineyard areas because of this expansion.

Effluent treatment within the site is handled within a highly efficient treatment system that achieves full recyclability of waste products. This system will not be impacted by the proposed buildings.

Because of the large size of the site (143.88 hectares) there is ample room for stormwater from the new warehouses to be dispersed across the agricultural land without impacting on adjoining properties. A condition will require that stormwater must be directed away from the Yarra River and other waterways within the site.

The proposed buildings and works provide an enhanced agricultural and environmental outcome for the site in terms of:

- providing additional facilities to meet its increased demand for product;
- better managing its processing facilities;
- protecting production areas by providing greater functionality;
- minimising visual bulk and intrusion by confining works to existing production areas; and
- conserving scenic values by minimising impacts on screen planting and views.

Siting and design of the proposed buildings and works

The proposed additional warehouses will have a minimal impact on the rural character of the area because of the substantial setbacks to the site boundaries and being clustered with the existing buildings on the site. They will also support the established agricultural activity (winery) on the subject site.

The proposal will not be detrimental to the rural and landscape character of the rural area. The proposed additional buildings will not have any detrimental impact on the surrounding sites and are also of good architectural design, with a maximum building height of 7.69 metres, which is modest and consistent with the existing buildings on the site.

The loss of vegetation associated with this proposal will have a negligible impact on the flora and fauna of the site. The tree removal is within an area of the site that is used for winery infrastructure and is also behind the main building frontage, substantially removed from the public realms of the vineyard, and heavily landscaped forward of the proposed development area with mature tree heights greater than the height of the proposed buildings.

Avoiding the proposed tree removal by locating the warehouses elsewhere on the site would be counterproductive. Locating the warehouses away from the existing buildings would lose the benefits of clustering the warehouses with the existing buildings. It would also potentially lead to a loss of grape vines or the need to develop in a part of the site that is affected by the Land Subject to Inundation Overlay, which would not be supported.

Clustering of the buildings is important. This clustering of the warehouses with the existing buildings means that the warehouses are not visible from the public areas of the winery. It also minimises the visual impact of the warehouses because they are seen together with the existing buildings and partly screened by those existing buildings. Clustering also reduces the hard surface area resulting from the development because it minimises the length of new access tracks around the warehouses.

Significant Landscape Overlay (SLO4)

The proposal is consistent with the purpose and relevant decision guidelines of the Significant Landscape Overlay (SLO4) for the following reasons:

- The proposed works are confined to three new warehouses to be used as part of the existing winery and are framed by existing buildings and landscape elements such as: landscape screens, and indigenous tree screens to adjoining properties;
- The proposed works will have a negligible impact on the rural character and environmental elements of the area, and replacement planting will be required as condition of any approval;
- The warehouse buildings are to be integrated within a minor sloping portion of the site. The works will require minimal soil disturbance and have little risk from erosion; and
- Works proposed in this development are visually consistent with existing warehousing and building heights. There will be little or no visual intrusion from the proposed works and additional landscaping to enhance the screen planting will be undertaken with the project.

A condition of approval will require the use of locally indigenous plants for replanting. This replanting will be required to the east and north of the warehouses to soften their appearance in the landscape.

Tree removal

An arborist report (Attachment 6) was submitted with the application that identified 63 trees on the development area of the site, out of which 53 are proposed for removal to facilitate the construction of the buildings and associated perimeter track.

The trees (shown in Figure 6 below) are located adjacent to the existing warehouses, were planted in about 2016, comprising species selected with approval from Melbourne Water, given their proximity to the Yarra River including Swamp Gum, Manna Gum, Yellow Box and Blackwood. All trees are semi-mature and range in value from Low to Moderate Retention value. None are rated as High Retention Value.



Figure 6 - Trees 35-53 to be removed (right to left)

Trees 1-34 are a double row of trees planted south-east to north-west in the area of proposed warehouses 13 and 14 and the adjoining access track. These trees cannot be retained with the proposal. Trees 35-53 are a double row of trees planted south to north in the area of proposed warehouses 14 and 15 and adjoining access track, continuing from the end of the row of trees 1-34. These trees cannot be retained with the proposal.

Trees 54–63 to the east of the proposed warehouses will not be affected by the proposal; they will remain viable.

A condition of approval will require that replacement planting must be conducted within the first planting season (May to September) following the completion of each stage of the development to the satisfaction of the Responsible Authority. The trees must be chosen from the Yarra Ranges Council's Vegetation Community No. 83.

To ensure that the land is not stripped of all vegetation at once and that a staggered approach of vegetation removal and replanting is to occur, a conditional requirement will be for a staged tree removal and placement planting plan. The condition will require tree removal to be done in a minimum of two stages, therefore reducing the landscape impact of the tree removal on the site, while also ensuring that screen planting is retained till that area is ready of development. This staged approach will also ensure

that replanting is done once the nearby warehouse is construction, thus it will get vegetation back onto the site quickly to ensure landscape screening is retained. A landscape plan will also be required as a condition of the permit. The plan will be required to address the location and tree species of the planting, the plan will need to address the area around the development. condition of approval will also require the provision of tree protection fencing for the trees to be retained.

The owners of the site have demonstrated a considerable interest and commitment to enhancing the environmental attributes of the site through tree planting, wetland development, riverside stabilisation, and floodplain management. The replacement planting of indigenous trees throughout the site are greater than the landscaping removal required for the proposed works. Additional planting is proposed along the east side of the new warehouses as a landscape screen.

Amenity Impacts

The new warehouses will be constructed away from the visitor areas adjacent to existing sheds. An existing access track and rows of planted trees will be removed to accommodate the new buildings.

The new warehouses will be constructed with Surfmist Colorbond roofs and Shale Grey walls to match the existing sheds on site. This is considered reasonable because they will be screened to the west and south by existing buildings and the large setbacks to other boundaries mean that they will not be visible beyond the site. Photos of the existing warehouses can be found at Attachment 8 and the elevation plans can be found at Attachment 4. Replanting of trees around the new buildings will further soften their appearance in the landscape.

Apart from the visual impact in relation to the proposed tree removal, once complete, the extension to the existing buildings will not produce any other amenity impacts to the site or surrounding properties.

As described above, the warehouses are appropriately located to cluster with other buildings, to avoid removal of grape vines, and to limit visual impact beyond the site boundaries.

The surrounding area has a broad open rural character with a backdrop of heavily treed mountains and ranges. The open landscape character would not be detrimentally impacted by the proposal.

There will be no off-site impacts from the proposed development. The key issue is the visual impact of the works which will be remote from the properties to the east side, heavily screened by existing vegetation to all sides, and integrated within the existing production areas.

Bushfire Risk

The subject site is not located in the Bushfire Management Overlay although it is within a designated Bushfire Prone area. The closest land affected by the Bushfire Management Overlay is located 2.5 kilometres to the southeast of the site.

The proposed warehouses will not be used for accommodation purposes. The number of staff and patrons on the site is not increasing, and patrons will not have access to the warehouses. This means that there is no increased risk to life from bushfire as a result of this application. As a precaution the application proposes a fire access road around the warehouses to enable emergency vehicles direct access to the buildings in the event of an emergency.

Staging of proposal

The proposal will be constructed in three stages and the applicant has requested for the expiry of each stage as follows:

Stage One involves the construction of warehouse 13 with an aim of completion of construction and commencing use by end 2022. This will include all proposed tree removal and the re-establishment of the circulation track.

Stage Two is for Warehouse 14 that is forecast for completion in 2024, and Stage Three is for Warehouse 15 that is forecast for completion in 2026.

In view of the above and the complexity of the proposal, a condition of approval will require that the proposal commence within two years of the date of the permit and be completed within six years from the date of the permit, which will be 2028. The applicant anticipated the completion of the last stage by 2026.

Planning Scheme Amendment C148 (Seriously Entertained)

Council considered the recommendations made by an independent planning panel at its meeting on 26 March 2019 and resolved to adopt the amendment.

In summary, the amendment:

- Introduces a new Municipal Strategic Statement that provides clearer strategic direction and decision-making guidance on a wide range of land use and development issues;
- Introduces new local planning policies for: Dwellings in Green Wedge Areas, Major Retail Developments and Environmentally Sustainable Development;
- Revises vegetation and building controls for rural areas – New Significant landscape Overlays;
- Modifies environmental controls to identify important biodiversity habitats and provide targeted controls to protect these areas. New Environmental Significance Overlay;
- Introduces a five per cent public open space contribution with development through the Schedule to Clause 53.01; and
- The Amendment will require associated changes to the *Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan (Amendment 122)*.

Planning Scheme Amendment C148 proposes to delete the existing Environmental Significance Overlay (ESO1) and Significant Landscape Overlay (SLO4) from the subject site. In addition, C148 proposes to remove various permit triggers including seven metre building height in the Green Wedge Zone and vegetation removal from the schedule to Clause 51.03.

New overlay controls will be added to the site to replace the controls being deleted. These will be in the form of a new Environmental Significance Overlay (ESO1) and a new Significant Landscape Overlay (SLO2). The Environmental Significance Overlay Schedule 1 will only affect the areas abutting the Yarra River and the creek on site. It will not affect the proposed development area.

The Significant Landscape Overlay Schedule 2 will affect the whole of the subject site. Under this overlay a permit is required to remove native vegetation and to remove substantial trees; construct a building more than 100 square metres in area or more than seven metres in height; or construct a fence other than a fence that is open weave wire less than 1.8 metres in height.

Exemptions from permits apply to removal of dead vegetation; removal of weed species; and planted windrows woodlots or landscaping consist with a property management plan prepared to the satisfaction of the Responsible Authority. The proposed tree removal does not comply with these exemptions – none of the trees are dead and none are weed species. Although the trees have been planted, they do not consist of planting undertaken in accordance with a property management plan.

Therefore, the Significant Landscape Overlay will trigger a permit for the proposal in terms of building floor area, building height and removal of trees.

Schedule 2 to the Significant Landscape Overlay applies to the Open Valley Landscape. It seeks to retain a broad open landscape where buildings are inconsequential elements, where the siting and design of buildings responds to the setting and where buildings are clustered well away from roads to maintain the existing pattern of development. It is considered that then proposal achieves all of these.

It also seeks to retain patches of trees. While a number of trees are proposed to be removed from the same area of the site, these trees are planted and are generally not visible in the sider landscape due to adjoining buildings and distance to buildings. Conditions to require replacement planting will replace the small loss of canopy vegetation, and this is considered to be a reasonable response to facilitate the development, whilst ensuring a long-term approach to achieve no substantial loss of vegetation.

CONCLUSION

The development application has been assessed in accordance with Section 60(1) of the Planning and Environment Act 1987 and all relevant instruments and policies. The proposal is considered to be consistent with the objectives of state planning policies, local planning policies and the relevant zone and overlay provisions of the Yarra Ranges Planning Scheme.

As such, approval is recommended subject to conditions (Attachment 1).

ATTACHMENTS

1. Attachment 1 – Conditions and Notes
2. Attachment 2 – Planning Scheme Requirements
3. Attachment 3 – Aerial Photo
4. Attachment 4 – Set of Plans
5. Attachment 5 – Tree Removal Table
6. Attachment 6 - Arborist Report
7. Attachment 7 – Planning Report
8. Attachment 8 – Site Photos