

Planning Scheme Requirements

Application	YR-2022/430
Address of the land	727-729 Maroondah Highway, Coldstream
Proposal	Buildings and works to construct three warehouses to an existing winery and associated vegetation removal

YARRA RANGES PLANNING SCHEME

1.1 Zone

Clause 35.04 Green Wedge Zone (GWZ)

Purpose

- To implement the Municipal Planning Strategy and the Planning Policy Framework;
- To provide for the use of land for agriculture;
- To recognise, protect and conserve green wedge land for its agricultural, environmental, historic, landscape, recreational and tourism opportunities, and mineral and stone resources;
- To encourage use and development that is consistent with sustainable land management practices;
- To encourage sustainable farming activities and provide opportunity for a variety of productive agricultural uses;
- To protect, conserve and enhance the cultural heritage significance and the character of open rural and scenic non-urban landscapes; and
- To protect and enhance the biodiversity of the area.

Pursuant to the provisions of the zone, a planning permit is required for buildings and works associated with a Section 2 Use. The site is currently used as a winery which is a Section 2 use in the zone, as such the proposed buildings and works require a permit under the zone.

The use of the site for a winery is already established on the site. A winery is a non-nested land use under Clause 73.04-17 of the Scheme. The site contains several warehouse buildings, and the application proposes an addition to the warehouse associated with the winery on the land.

The decision guidelines under the zone are as follows:

General issues

- The Municipal Planning Strategy and the Planning Policy Framework;
- Any Regional Catchment Strategy and associated plan applying to the land;
- The capability of the land to accommodate the proposed use or development;
- How the use or development relates to rural land use, rural diversification, natural resource management, natural or cultural heritage management, recreation or tourism;
- Whether the site is suitable for the use or development and the compatibility of the proposal with adjoining land uses;
- Whether the use or development is essential to the health, safety or well-being of the State or area but is not appropriate to locate in an urban area because of the effect it may have on existing or proposed urban areas or the effect that existing or proposed urban areas may have on the proposed use or development; and

- The need to minimise adverse impacts on the character and appearance of the area or features of architectural, scientific or cultural heritage significance, or of natural scenic beauty

Rural issues

- The maintenance of agricultural production and the impact on the rural economy;
- The environmental capacity of the site to sustain the rural enterprise;
- The need to prepare an integrated land management plan;
- The impact on the existing and proposed rural infrastructure;
- The potential for the future expansion of the use or development and the impact of this on adjoining and nearby agriculture and other land uses; and
- The protection and retention of land for future sustainable agricultural activities.

Environmental issues

- The impact of the use or development on the flora and fauna on the site and its surrounds;
- The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area;
- How the use or development relates to sustainable land management and the need to prepare an integrated land management plan; and
- The location of on site effluent disposal areas to minimise impact of nutrient loads on waterways and native vegetation.

Design and siting issues

- The need to minimise any adverse impacts of siting, design, height, bulk, and colours and materials to be used, on landscape features, major roads and vistas;
- The location and design of existing and proposed infrastructure services which minimises the visual impact on the landscape; and
- The need to minimise adverse impacts on the character and appearance of the area or features of archaeological, historic or scientific significance or of natural scenic beauty or importance.

1.2 Overlay

Clause 42.01 Environmental Significance Overlay (ESO)

Purpose

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies;
- To identify areas where the development of land may be affected by environmental constraints; and
- To ensure that development is compatible with identified environmental values.

A permit is not required for the proposal under the overlay because the proposed works are not within part of the site affected by the overlay.

Clause 42.03 Significant Landscape Overlay – Schedule 4

Purpose

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies;
- To identify significant landscapes; and
- To conserve and enhance the character of significant landscapes.

The landscape character objectives to be achieved under the schedule to the Significant Landscape Overlay are as follows:

- Protect and enhance the environmental, scenic, visual, cultural and scientific values of the significant landscapes which have been identified in the Shire;
- Conserve the flora and fauna and associated ecological processes that contribute to the significance of the identified landscapes;
- Ensure that any new development is located and designed to avoid inappropriate visual intrusion or other detrimental effects on the key characteristics of the identified landscapes; and
- Protect the historic and cultural importance of the Puffing Billy Railway Line and the scenic corridor through which it passes.

The site is located within Schedule 4 - Upper Yarra River & Environs. The key elements of the significant landscape are identified as follows:

The Upper Yarra River and Environs landscape extends from the broad flood plains south of Yarra Glen and Healesville to the confined valley at the base of the Donna Buang Range near Warburton. The landscape also includes the upper reaches of the Yarra River east of Warburton and the forested valleys immediately upstream of the Upper Yarra Reservoir.

The flood plain areas are generally cleared and used for broadscale grazing and have a broad open rural character which is dominated by the backdrop of mountains to the north and east. The flood plain contains numerous billabongs and other wetland features although many have been degraded by past clearing and farming practices.

The landscape area within this site generally excludes the townships.

The upper sections of the landscape east of Warburton include extensive areas of remnant vegetation with pockets of cleared farming land on the narrow river flats.

Much of this landscape is subject to flooding and is therefore unlikely to be subject to major development pressures. However, the open landscape character of the area makes it susceptible to visual intrusion from inappropriate development. The protection and enhancement of remnant vegetation and wetland features along the river are necessary to ensure the long term retention of the landscape values of this area.

The mountainous and forested areas upstream of the Upper Yarra Reservoir form part of the extensive water catchment for the reservoir which is closed to public access and unsuitable for any form of development.

This landscape is within a 'classified' National Trust Landscape and the views of the National Trust Australia (Victoria) are required.

Pursuant to the provisions of the schedule to the overlay a planning permit is required for the proposed buildings and works because a permit is required under the provisions of the zone.

The removal of vegetation on the site also requires a permit under the Schedule to the SLO that specifies that:

A permit is required to remove, destroy or lop any vegetation (whether exotic or native). This does not apply if a permit is not required under the schedule to Clause 51.03.

The 53 trees to be removed, although are planted species, require a permit under the clause as a permit is required for the removal of the trees under the Schedule to Clause 51.03 of the Scheme.

The decision guidelines under the overlay are as follows:

- The Municipal Planning Strategy and the Planning Policy Framework;
 - The statement of the nature and key elements of the landscape and the landscape character objective contained in a schedule to this overlay;
 - The conservation and enhancement of the landscape values of the area;
 - The need to remove, destroy or lop vegetation to create a defensible space to reduce the risk of bushfire to life and property;
 - The impact of the proposed buildings and works on the landscape due to height, bulk, colour, general appearance or the need to remove vegetation;
 - The extent to which the buildings and works are designed to enhance or promote the landscape character objectives of the area;
 - The impact of buildings and works on significant views; and
 - Any other matters specified in a schedule to the overlay, which are:
- Alternative location options and identification of the optimum siting location;
 - Whether the proposed siting and design of the building or works will:
 - Maintain the character and integrity of important viewlines;
 - Be able to be integrated with the topography and landscape features of the area;
 - Be of a form that does not dominate a ridgeline or skyline;
 - Require the minimum soil disturbance, excavation and risk of erosion;
 - Ensure a driveway access that is unobtrusive, with the length of access driveways minimised where possible;
 - Provide infrastructure and services such as drainage, water, electricity and reticulated sewerage that are unobtrusive and sensitive to the natural environment;
 - Retain significant vegetation, including mature exotic vegetation that contributes to the landscape character of the area, with no significant vegetation being removed solely for the purpose of providing a view;
 - Use subdued colours and non-reflective materials on external surfaces that complement the surrounding landscape; and
 - Provide landscaping to minimise the visual impact of buildings, structures and works on the immediate locality and on the area generally as it is viewed from a distance and include vegetation characteristic of the area in any replanting.
 - The views of the National Trust of Australia (Victoria) as the land is within a 'classified' National Trust Landscape.

Clause 44.01 Erosion Management Overlay (EMO)

Purpose

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies; and
- To protect areas prone to erosion, landslip or other land degradation processes, by minimising land disturbance and inappropriate development.

A permit is not required for the proposal under the overlay because the proposed works are not within part of the site affected by the overlay.

Clause 44.04 Land Subject to Inundation Overlay (LSIO)

Purpose

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies;
- To identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority;
- To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity;
- To reflect any declaration under Division 4 of Part 10 of the Water Act, 1989 where a declaration has been made; to protect water quality in accordance with the provisions of relevant State Environment Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria); and
- To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.

A permit is not required for the proposal under the overlay because the proposed works are not within part of the site affected by the overlay.

1.3 Planning Policy

PPF Clause 11 Settlement

This clause is relevant to this application as it contains objectives relating to activity centre networks, activity centre planning, housing choice and affordability, environment and water and green wedges.

PPF Clause 12 Environmental and Landscape Values

This clause is relevant to this application as it contains objectives which seek to assist with protection and conservation of Victoria's biodiversity, to protect and conserve environmentally sensitive areas and to maintain and enhance the natural landscape character of the Yarra River corridor in which the topography, waterway, banks and tree canopy are dominant features providing a highly valued, secluded, natural environment for the enjoyment of the public.

It also seeks to ensure that permitted clearing of native vegetation results in no net loss in the contribution made by native vegetation to Victoria's biodiversity by applying the Apply the risk-based approach to managing native vegetation as set out in *Permitted clearing of native vegetation – Biodiversity assessment guidelines* (Department of Environment and Primary Industries, September 2013). These are:

- Avoid the removal of native vegetation that makes a significant contribution to Victoria's biodiversity;
- Minimise impacts on Victoria's biodiversity; and
- Where native vegetation is permitted to be removed, ensure that an offset is provided in a manner that makes a contribution to Victoria's biodiversity that is equivalent to the contribution made by the native vegetation to be removed.

PPF Clause 14 Natural Resource Management

This clause is of relevance to this application as it seeks to protect productive farmland which is of strategic significance in the local or regional context and to encourage sustainable agricultural land use.

PPF Clause 15 Built Environment and Heritage

This clause is of relevance as it seeks to ensure the design of subdivisions achieves attractive, liveable, walkable, cyclable, diverse and sustainable neighbourhoods, to recognise and protect cultural identity, neighbourhood character and a sense of place, to ensure the conservation of places of heritage significance and to ensure the protection and conservation of places of Aboriginal cultural heritage significance.

Clause 15.01-1S - Urban design

The objective is to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity. Strategies include:

- Require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate;
- Ensure development contributes to community and cultural life by improving the quality of living and working environments, facilitating accessibility and providing for inclusiveness;
- Ensure the interface between the private and public realm protects and enhances personal safety;
- Ensure development supports public realm amenity and safe access to walking and cycling environments and public transport;
- Ensure that the design and location of publicly accessible private spaces, including car parking areas, forecourts and walkways, is of a high standard, creates a safe environment for users and enables easy and efficient use;
- Ensure that development provides landscaping that supports the amenity, attractiveness and safety of the public realm;
- Ensure that development, including signs, minimises detrimental impacts on amenity, on the natural and built environment and on the safety and efficiency of roads; and
- Promote good urban design along and abutting transport corridors.

Clause 15.01-2S – Building design

The objective is to achieve building design outcomes that contribute positively to the local context and enhance the public realm. Strategies include:

- Require a comprehensive site analysis as the starting point of the design process;
- Ensure the site analysis provides the basis for the consideration of height, scale and massing of new development;
- Ensure development responds and contributes to the strategic and cultural context of its location;
- Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment;
- Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm;
- Ensure buildings and their interface with the public realm support personal safety, perceptions of safety and property security;
- Ensure development is designed to protect and enhance valued landmarks, views and vistas;
- Ensure development provides landscaping that responds to its site context, enhances the built form and creates safe and attractive spaces; and
- Encourage development to retain existing vegetation.

PPF - Clause 15.01-6S – Design for rural areas

The objective is to ensure development respects valued areas of rural character. The strategies are as follows:

- Ensure that the siting, scale and appearance of development protects and enhances rural character;
- Protect the visual amenity of valued rural landscapes and character areas along township approaches and sensitive tourist routes by ensuring new development is sympathetically located; and
- Site and design development to minimise visual impacts on surrounding natural scenery and landscape features including ridgelines, hill tops, waterways, lakes and wetlands.

PPF - Clause 17.01-1S – Diversified economy

It has the objective to strengthen and diversify the economy. Relevant strategies are:

- Facilitate growth in a range of employment sectors, including health, education, retail, tourism, knowledge industries and professional and technical services based on the emerging and existing strengths of each region; and
- Improve access to jobs closer to where people live.

PPF Clause 17.02-1S - Business

This clause is of relevance as it seeks to encourage development which meet 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 and 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.

Clause 17.04-1S - Facilitating tourism

The overall use of the site is a winery which is a tourist facility in the Yarra Valley.

The objective is 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 strategies include:

- Encourage the development of a range of well-designed and sited tourist facilities, including integrated resorts, motel accommodation and smaller scale operations such as host farm, bed and breakfast and retail opportunities; and
- Seek to ensure that tourism facilities have access to suitable transport and be compatible with and build upon the assets and qualities of surrounding urban or rural activities and cultural and natural attractions

MSS Clause 21.04 - Land Use

Unlike most of the other municipalities within metropolitan Melbourne, the Shire of Yarra Ranges performs both an urban and a rural role. Within the Shire there are opportunities for a range of lifestyle choices and residential environments. The high quality environmental setting or backdrop enhances the overall appeal and attractiveness of both the urban areas and small townships scattered throughout the municipality. The character of individual areas is determined by the combination of a number of key factors including lot size, road treatments, topography, and vegetation cover.

The policy provides desired outcomes for residential uses in the Metropolitan Residential Areas, Foothills Residential Areas, Rural Townships, including Dandenong Ranges Townships as well as Rural Living Areas and Rural Areas. The MSS requires development to recognise and protect the distinctive characteristics and environmental features of these areas. In the rural areas of the Shire, the application of policy is based on the zone.

The subject site is located in a rural area (Green Wedge Zone) and these areas are identified as being important given they:

- Contain areas of highly productive agricultural land used for intensive flower, berry and fruit crops, cattle grazing and vineyards which continue to be of major significance to the Shire's economy;
- Play an important role in protecting the water quality in the Shire, retaining native vegetation and riparian vegetation along watercourses, protecting wildlife habitat and maintaining ecological processes;
- Provide a range of rural and green wedge lifestyle opportunities; and
- Contain some of the most visually attractive landscapes in the Shire comprising an intricate mix of open valleys, rolling foothills, steep forested land and majestic mountain ranges.

21.04-2 - Commercial

Objective 4 - Tourism

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.

Strategies include:

- Promote small low intensity tourist accommodation and tourist facilities that reinforce established heritage characteristics, relate to agricultural production on the land or provide facilities related to outdoor recreation in areas of natural beauty; and
- Encourage tourist accommodation and other tourist facilities in town centres, where it is consistent with the established built form/character of the town or is related to rural and green wedge activities and natural features in the surrounding area.

Objective 5 – Tourism in Green Wedge Areas

To provide for low impact tourist facilities which complement the distinctive rural and green wedge character and natural features of the Shire.

Strategies include:

- To reinforce the linkages between agricultural production (including horticulture) and tourism, while protecting the landscape amenity of the Shire's rural and green wedge areas;
- Provide for integrated tourist retail facilities in rural and green wedge areas, where these activities will reinforce the predominant use of the area for agricultural production and maintain the rural and green wedge character of the area;
- Encourage the provision of visitor accommodation and other tourist facilities to be consolidated within established townships, where a range of supporting services and facilities are available;
- Provide for tourist facilities in rural and green wedge areas only where any development associated with the use is designed to be visually unobtrusive and to complement or reinforce the established rural and green wedge character of the area;
- Encourage tourism that recognises the intrinsic value of existing natural vegetation and its value as a refuge or habitat for wildlife;
- Promote the recreation and tourism activities and facilities in the Upper Yarra Valley to increase its attractiveness as an alternative to the Dandenong Ranges;

It is policy that:

- Commercial uses not encourage the fragmentation of farming land, or introduce activities which may conflict with the present or future operations of surrounding farms and other agricultural activities;
- Not lead to the transformation of a rural or green wedge area into a quasi-commercial area; and
- 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.

MSS 21.06 Built Form

This clause recognises that Yarra Ranges includes areas of widely recognised natural beauty with landscapes that offer some of the most attractive scenery in the State. Its towns, villages and rural areas each have their own visual identity which is valued by residents and visitors. It is important that new development respects and maintains these valued characteristics. Good design in the built environment is not simply limited to aesthetically pleasing design. It encourages a sense of local identity and seeks to improve people's experience of a space or locality. It contributes to creating places that people want to be in. The creation of a more sustainable urban form that consolidates development in existing town centres has many environmental and social benefits. It reduces car dependency, makes more efficient use of community infrastructure and adds life and vitality to town centres.

Objective 1 – Siting and Design seeks to promote proper siting and good design in the construction of all buildings and in the carrying out of works.

Objective 6 – Buildings in Residential, Rural Living and Rural Areas seeks to ensure that any development reflects the environmental and physical form of the surrounding neighbourhood.

MSS 21.07 Landscape

This clause seeks to recognise that the rural areas of Council contain some of the most visually attractive landscapes in Council comprising an intricate mix of open valleys, rolling foothills, steep forested land and majestic mountain ranges.

The objectives of this clause are to retain and protect the scenic landscapes, rural and green wedge character and special environmental features of Council.

It is policy that:

- Any development proposal demonstrates that the proposed buildings and works will not compromise the landscape and environmental qualities of the surrounding area, or substantially change the natural land form;
- All development be designed and sited to:
 - Have regard to the built form and to maintain design consistency with surrounding development and avoid detriment to the local environment;
 - Recognise the land capability of the site in terms of slope, land subsidence potential, viewlines, enhancement of landscape values, protection of water resources, retention of indigenous flora and fauna and associated wildlife habitats and other local amenity considerations, and so as to be unobtrusive in the surrounding landscape;
 - Avoid the removal of remnant vegetation, particularly healthy trees above five metres in height, and to minimise the disturbance to the root zone of such vegetation; and
 - Avoid prominent ridgelines, hill tops and other visually exposed sites.

- In the rural landscape areas, protect and enhance the environmental and landscape values particularly those derived from remnant indigenous vegetation;
- The external surfaces, including roofs, of all buildings, except within Metropolitan Residential Areas as identified in plans showing Residential Areas, be treated with non-reflective materials and subdued colours to reduce the visual impact of the development on the surrounding area. This is particularly necessary where any development is proposed to be located on a visually prominent site;
- On the completion of any development, the site be landscaped to protect and enhance the residential amenity, landscape character and any environmental features of the area;
- The landscaping be planted within 12 months of the practical completion of the development or works and then be maintained to the satisfaction of the responsible authority;
- In all areas outside the Urban Growth Boundary and in localities in residential zones which contain a tree canopy cover of mostly remnant vegetation, preference be given to landscaping using predominantly indigenous vegetation appropriate to the site, including upper, middle and lower storey plant species; and
- All roads, including internal access tracks, be located, designed and constructed in a manner compatible with surrounding landscape values and character and which minimises soil erosion.

MSS 21.09 Environment

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

Objective 1 – Biodiversity seeks to protect and conserve the environmental characteristics of the Shire which are of local, regional, state and national significance.

Strategies to achieve this objective are as follows:

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

Objective 2 – Vegetation seeks to protect and enhance the Shire's rich biodiversity.

Strategies to achieve this objective are as follows:

- Identify and ensure effective management of sites of natural significance having regard to the role of remnant vegetation in the landscape value and visual amenity of Council;

- Ensure proper maintenance practices and controls on vegetation clearance are applied to the use and development of land;
- Design buildings and works associated with tourism development to avoid the removal of established trees or indigenous vegetation;
- Manage all land in the Rural Conservation Zone in a way that ensures the protection of its environmental values and provides for the long term protection and enhancement of any remnant vegetation, particularly if that vegetation contains habitat for plants or animals which are rare or endangered in Council or if the vegetation provides a wildlife corridor link between other areas of remnant vegetation; and
- In the Rural Conservation Zone ensure that the use of the land for agriculture does not lead to the loss of indigenous vegetation or detract from other environmental features of the area.

LPPF 22.05 Vegetation

The protection and enhancement of Council'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 Council. 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.

The objectives of this policy are to: Recognise the importance of remnant vegetation in providing wildlife habitat and corridors for wildlife movement, as a source of genetic diversity, as a place for recreation and as an important feature of the special landscape character of Council.

- Ensure that consideration is given to the effect of the removal of vegetation when assessing proposals to use and develop land;
- Protect and enhance the long-term viability of all remnant vegetation, whether in a bushland, rural, green wedge or urban environment, especially if the vegetation is generally undisturbed;
- Ensure the conservation of remnant vegetation to sustain and enhance natural ecosystems for both plants and animals;
- Ensure that agricultural and land management practices protect and provide for the long-term maintenance of remnant vegetation;
- Ensure that the clearing of remnant vegetation will not have any adverse effect on landscape values, wildlife habitat and wildlife corridors or lead to land degradation through soil erosion or loss of water quality;
- Protect and maintain vegetation communities and species of botanical significance, ensuring none are unnecessarily removed, threatened or destroyed;
- Conserve and protect the habitat of native fauna, especially species which are threatened or endangered;
- Recognise the importance of riparian vegetation to the protection of water quality within streams and wetlands and to the wildlife habitat values of these areas;
- Recognise the values of roadside vegetation and other linear reserves for retaining native vegetation, particularly if it is indigenous to the area within which it is growing and maintaining and enhancing their value as movement corridors for wildlife;
- Recognise the landscape importance of mature plantings of exotic trees in rural, green wedge or farming areas and in the urban built environment and the contribution that the vegetation makes in defining the character of the area;
- Recognise the importance of vegetation in assisting soil stability in areas of high landslip risk and ensure that the effects of vegetation removal in these areas are kept to a minimum;
- Promote re-vegetation with native species, that are indigenous to the area within which they are to be used, as a means to increase and enhance areas of remnant bushland in Council and to assist in the sound management of land; and
- Recognise that there is sufficient cleared land within the rural and green wedge areas of Council to provide for future agricultural, including farming, activities.

1.4 Particular Provisions

52.06 CAR PARKING

Provision: 52.06 Car Parking

The purpose of this clause is:

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

Table 1 at Clause 52.06-5 sets out the car parking requirement that applies to a use listed in the Table.

The use of the land is a winery. For a winery, 0.4 car space is required for every patron. For a warehouse, the car parking requirement is 2 for each premises plus 1.5 per 100sqm of net floor area.

The proposal does not seek a reduction in the car parking requirement of the Scheme. It is noted that the classification of the use of the land is a Winery for which car parking is calculated based on the number of patrons. The changes to the established use of the land relate to warehouse/storage spaces that are ancillary to the main winery uses and are not separate uses of their own. In this instance, the proposal will not generate any additional car parking spaces based on the requirements of Clause 52.06 of the Scheme if the number of patrons to the winery is not increased. The number of patrons to the existing winery will not be impacted by the proposal.

Clause 52.17 – Native Vegetation

The purpose of this clause is to ensure permitted clearing of native vegetation results in no net loss in the contribution made by native vegetation to Victoria's biodiversity. This is achieved through avoiding the removal of native vegetation that makes a significant contribution to Victoria's biodiversity and minimise impacts on Victoria's biodiversity from the removal of native vegetation.

A permit is required to remove, destroy or lop native vegetation, including dead native vegetation. This does not apply:

- If the table to Clause 52.17-7 specifically states that a permit is not required.
- To the removal, destruction or lopping of native vegetation specified in the schedule to this clause.

The table at Clause 52.17 indicates that a permit is not required for the following:

- Native vegetation that is to be removed, destroyed or lopped that was either planted or grown as a result of direct seeding; and
- This exemption does not apply to native vegetation planted or managed with public funding for the purpose of land protection or enhancing biodiversity unless the removal, destruction or lopping of the native vegetation is in accordance with written permission of the agency (or its successor) that provided the funding;

Whilst most of the trees to be removed are native trees, the applicant advised that the trees were planted in 2016. In this regard, a permit is not required to remove the trees under the clause and off-set requirements are not applicable.

Clause 52.29 – Land Adjacent to the Principal Road Network

The land adjoins Maroondah Highway, which is a road in a Transport Zone 2. The purpose is as follows:

- To ensure appropriate access to the Principal Road Network or land planned to form part of the Principal Road Network; and
- To ensure appropriate subdivision of land adjacent to Principal Road Network or land planned to form part of the Principal Road Network.

The existing access of the subject site from Maroondah Highway will be unchanged. In this regard, a permit is not required for the proposal under the clause.

Clause 51.03- Upper Yarra Valley & Dandenong Ranges Regional Strategy Plan

The purpose of the clause is to facilitate consistency between the Yarra Ranges Planning Scheme and the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan in accordance with Section 46F of the Planning and Environment Act 1987. The use of land must meet the requirements of the schedule to this clause.

The aims of the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan are as follows:

- Contain urban development to a level compatible with conservation of the Region's rich environmental features and with its high standards of amenity;
- Define, in a positive manner, boundaries and principles upon which containment is to be handled, including specific policies which deal with the transition between the Region and metropolitan Melbourne;
- Establish policies to promote a sustainable community in economic, social and environmental terms;
- Ensure that rural land in the Region is protected and maintained for agricultural and rural activities and that rural landscapes are protected and maintained; and
- Achieve a balance between protection of natural environmental values and amenity, while developing a comprehensive economic and social infrastructure to adequately meet the current and future needs of residents and visitors.

Pursuant to Clause 51.03-1, a permit is required to construct a building or construct or carry out works relating to the proposal because the site is within a Green Wedge Zone and the height of the buildings will slightly exceed 7 metres. The proposed warehouse buildings will have an overall height of 7.69 metres.

Also, a permit is required for the proposed buildings and works as the works will be within 2 metres of vegetation that will require a permit under the clause.

A permit is required to remove 53 trees from the site based on the requirements of the schedule to the clause. Whilst the trees are planted species, they are more than 5 metres in height and require a permit under the clause.