

BURNHAM BEECHES, SHERBROOKE

SECTION 96A APPLICATION (SEPTEMBER 2016 UPDATE)

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1. INTRODUCTION

Urbis acts on behalf of 'Burnham Beeches Pty Ltd' in relation to this proposal at Burnham Beeches, 1 Sherbrooke Road, Sherbrooke. Further to recent discussions with Council, we submit this Section 96a Application and respectfully request Council's assistance to facilitate a Planning Scheme Amendment to allow our client's vision for the site to be realised.

Mr Shannon Bennett and Mr Adam Garrisson (Burnham Beeches Pty Ltd), have been working over a significant period of time to improve and develop this site which will be, upon completion, the premier food and accommodation destination within Australia, if not the world. This site is however burdened by highly restrictive planning controls that are a relic of a past proposal by previous land owners. This has made the redevelopment of the site a very challenging process.

Our client seeks for Council to amend the Yarra Ranges Planning Scheme to allow for a modified Schedule 2 to the Special Use Zone which will allow for greater flexibility and a more streamlined planning permit process in the future. In order to give Council and the community greater comfort around what the proposal will consist of, we also submit a full planning permit application for the redevelopment of a small portion of the land.

We seek to remove the existing site specific caps/restrictions that are imposed through the schedule to the zone. It is considered that the existing controls which tie patron numbers to specific uses are no longer relevant to the development envisaged for the site.

This report should be read in conjunction with the following documentation, which supports the Section 96a Application:

- The Architectural Drawings prepared by Woods Bagot (Cover Page dated 7 March 2016) - Appendix A
- The Transport Infrastructure Plan prepared by SALT3 (dated 6 September 2016) - Appendix B
- Infrastructure Report prepared by Diston Wastewater Technology (Version V4.1) – Appendix C
- Waste Water Treatment & Disposal Report prepared by Spiire Australia Pty Ltd (dated 17 December 2015) – Appendix D;
- Preliminary Assessment of Erosion Management Overlay prepared by Golder Associates (dated 24 February 2015 – Appendix E;
- Landscape Report by Oculus (September 2016) – Appendix F;
- Flora and Fauna Report (dated 11 March 2015) – Appendix G;
- Parks Victoria Access Agreement – Appendix H;
- Bushfire Management Statement prepared by Terra Matrix dated February 2016 – Appendix I;
- Update Schedule to Special Use Zone – Appendix J;
- Arborist Report – Appendix K; and
- Additional Woods Bagot Site Plan – Appendix L.

In order to prepare this report, the site and surrounds have been the subject of detailed investigations.

2. THE VISION

This proposed Section 96a Application is a key step in achieving our client's vision for the Burnham Beeches property:

'With a growing global awareness of sustainability the commitment to and production of organically farmed food (and everything associated with its production, harvesting and consumption) Burnham Beeches will be an exemplar of commitment, one that will resonate both locally and globally. Beyond the enjoyment of its fine food both visitors and guests will be encouraged to participate in various activities and educational programmes that will demonstrate and hopefully inculcate the value and benefit of sustainable/organic food production.'

The launch of Burnham Beeches will be one of Australia's greatest hospitality events and the site and all its activities will continue to be one of Victoria's main tourist destination assets.

Burnham Beeches will draw both international and local visitors to experience the best of Australian culture. In addition to all of its multi-various culinary experiences and activities Burnham Beeches will be an active platform and supporter of all forms of Australian culture, such as art, film and performance through an ongoing cultural programme and the promotion of special events.

Burnham Beeches will have a dynamic and ongoing impact on the local community, being a source of employment and pride, promoting our rich heritage and unique Australian food innovation.'



Picture 1 – Burnham Beeches

3. SUBJECT SITE AND SURROUNDS

3.1. THE SUBJECT SITE

Burnham Beeches is located at No. 1 Sherbrooke Road, Sherbrooke. The Burnham Beeches Mansion was constructed between 1930-33 as a rural retreat and farming estate for merchant and pharmaceuticals manufacturer Alfred Nicholas.

The site is irregular in shape with a total site area of 23 hectares. The property has a small frontage to Sherbrooke Road of approximately 120 metres. To the east of the subject site are the Alfred Nicholas Gardens and to the south is the Ferny Creek Recreational Reserve, both of which are operated by Parks Victoria. To the immediate north, west and north east of the site are a number of residential properties.

The site is occupied by a number of buildings including:

- Burnham Beeches Mansion;
- A caretaker's residence and other smaller residences;
- A piggery and adjoining silos;
- Calvery;
- A conservatory;
- A greenhouse; and
- Tennis Courts.

The site is accessed from Sherbrooke Road which connects the site to Mount Dandenong Tourist Road to the west and Monbulk Road to the east.

There is one active Planning Permit (YR-2004/2028/B) for the site which allows for the development of the land for a hotel and cafe/bakery.



Picture 2 – Aerial Photograph of the Burnham Beeches Site

4. HISTORY

Adam Garrisson and Shannon Bennett acquired the Burnham Beeches property in 2010. They quickly established a vision for the site and worked to lodge a planning application to obtain approval for the initial components of the restoration of this property which included substantially refurbishments to an old piggery building and the restoration of the Norris Building for a hotel. The piggery building is now fully operational.

The planning permit (YR -2004/2028/B) referred to above allows for:

'Use and development of the land for tourist accommodation in stages including: Stage 1 being licensed restaurant, bar, lounge, meeting/function rooms, part car parking and access ways, part intersection works at the Norris Building and associated Garden and Forest wings for 65 guest rooms, meeting/function rooms, tennis courts, park car parking and access ways, part intersection works at the Sherbrooke Road entrance, vegetation removal and landscaping works in accordance with the endorsed plans.'

The permit application sought to enable some initial uses to be constructed and operating to allow some cash flow from the business to fund the ultimate proposal.

Two Planning Scheme Amendment applications were lodged in 2014 and 2015. The first sought the Minister for Planning to intervene under the rationale that the redevelopment should be considered as a State Significant project. This Planning Scheme Amendment (PSA) was abandoned and a PSA was subsequently lodged with the Shire of Yarra Ranges in early 2015. This PSA included a vision document and Masterplan which outlined the vision for the site including the desire to include a number of dwellings/villas on the site.

The Planning Scheme Amendment request was considered by Council at a full Council meeting on 11 August 2015. Council resolved:

- (a) Provides in principle support for a planning scheme amendment for the redevelopment of the Burnham Beeches site at 1 Sherbrooke Road, Sherbrooke for tourism which would support the redevelopment of the Norris Building.*
- (b) Is not prepared to support an amendment with intense residential development on the balance of the site as per the proposed master plans.*
- (c) Is not prepared to seek authorisation from the Minister for Planning to prepare and exhibit the amendment as outlined in this report.*

In light of this feedback at the time from Council, this 2015 Planning Scheme Amendment application was abandoned by the landowners, Shannon Bennett and Adam Garrisson.

5. THE SECTION 96A PROPOSAL

5.1. INTRODUCTION

Section 96a of the *Planning & Environment Act 1987* allows for an application for planning permit to be lodged with Council at the same time as a Planning Scheme Amendment is requested. The permit and the Planning Scheme Amendment can be considered concurrently.

This Section 96a application includes a Planning Scheme Amendment to the Yarra Ranges Planning Scheme, specifically amending the Special Use Zone (Schedule 2) to remove the existing provisions for Burnham Beeches in this particular schedule and to include a new Schedule within this same zone that is specific to Burnham Beeches which allow the modified vision for the property to be facilitated.

The Planning Permit application component of this Section 96a application seeks one single planning permit for the land. In summary, the proposed development is as follows:

- **Piggery Café/bakery – 188 Patrons** (located within the existing piggery building – constructed & operational)
- **Hotel – 48 Rooms** (located within the Norris Building – Previously approved under Permit YR - 2004/2028/B)
- **Provedore – 60 Patrons** (located within the existing caretaker's house)
- **Restaurant – 140 Patrons** (located within the piggery building adjacent to the café/bakery)
- **Microbrewery – 120 Patrons** (Located to the south of the existing piggery building)
- **Calvery Accommodation – 2 suites** (Located to the north of the constructed western 1 car park)
- **Staff Accommodation – 2 Suites** (Located to the south eastern corner of the site, adjacent to the Alfred Nicholas Gardens)

We confirm that the dwellings and villas that were proposed in 2015 are no longer form part of this application.

The details of the proposal are outlined in the following sections:

5.1.1. Proposed Amendments to the Yarra Ranges Planning Scheme

The existing Special Use Zone (Schedule 2) which provides the planning controls for the property includes highly prescriptive limitations on specific uses and activities. These numbers which are specified in this Schedule are remnant controls from a previous failed proposal for the site by previous land owners. The restrictions included in this Schedule significantly limit the numbers that can be associated with hospitality activities and uses that are sought to be provided on the site. The current controls provide the following limitations:

- Guest accommodation not exceeding 110 suites and dwellings
- The number of restaurant seats limited to 120
- Bar and lounge areas to cater for a maximum of 52 people
- Function facilities that do not cater for more than 375 people

The owners of this site have a strong background in hospitality and the focus will very much be on providing a destination to enjoy some of the best food and drink that Victoria and indeed Australia has to offer. The existing caps on numbers as outlined above are unworkable to achieve the vision for the site

and therefore a Planning Scheme Amendment is required to be provided which would facilitate a broader array of hospitality orientated uses.

The existing schedule is proposed to be modified to remove the reference to Burnham Beeches. A separate Schedule has been drafted and is included at Appendix J of this planning submission.

5.1.2. Outline of Proposed Uses

Burnham Bakery & Piggery

The Burnham Bakery and Piggery Café were previously approved as part of Planning Permit YR-2004/2028/B with this permit being issued on 21 August 2013. The Burnham Bakery and Piggery Café is now constructed within half of the piggery building and is fully operational. It is considered appropriate that all of the buildings that will ultimately form part of the proposed development should fall under one planning permit and therefore the Burnham Bakery and Piggery Café are shown on the architectural drawings submitted to Council as part of this application.

It is proposed for the café to have a maximum capacity of 188 patrons.



Picture 3 – Burnham Bakery & Piggery

Hotel

Similarly to the Burnham Bakery and Piggery Café, the hotel component of the redevelopment has previously been approved by Planning Permit YR-2004/2028/B in August 2013. For completeness sake, it is included so that ultimately one overarching planning permit can cover the entire site.

The residential hotel is to be located within the original Burnham Beeches mansion located to the eastern end of the property. This building is proposed to be respectfully renovated in consultation with Heritage Victoria. Upon completion, the refurbishment works will incorporate Australia's first six-star hotel within this heritage mansion. When completed, the hotel will incorporate the following:

- 48 hotel rooms;
- Lobby;
- Restaurant;

- Bar and Lounge areas;
- Outdoor terraces;
- Club lounge and Library;
- Rooftop terrace and bar; and
- Swimming Pool, bowling alley, games room and small cinema.

Provedore

The provedore will be located within the existing caretaker's house which is located to the immediate east of the Burnham Bakery and Piggery Café, on the eastern side of the access drive that links to the original house. The provedore will include a retail element where items such as coffee and deli goods can be purchased to take away and there will also be capacity for up to 30 people both inside and outside (maximum capacity – 60 patrons) to enjoy food and beverages within the provedore.

The existing building will be partially altered by reducing the internal footprint slightly and providing some additional outdoor space under a veranda.

Restaurant

The balance of the existing piggery building that has not been utilised by the existing Burnham Bakery and Piggery Café will be utilised for a new 140 patron restaurant (inclusive of 30 outdoor seats). The remaining portion of the piggery will be refurbished with the same care and to the same high quality that the café and bakery have. The bulk of the refurbishments will be contained within the building however there will be some very minor works required to the building in order to bring it up to an acceptable standard.



Picture 4 – Type picture caption here.

Microbrewery

The microbrewery is proposed to be contained within a new purpose built two storey structure that will be located to the south of the silos that adjoin the piggery. The architectural language of this new building will be contemporary so as to define itself clearly from the other heritage buildings that are located on the site. Each level of the brewery building will have a floor area of approximately 260sqm in addition to the silos which will also be incorporated into this proposed use. The microbrewery is proposed to accommodate 90 indoor seats and up to 30 outdoor seats – a total of 120 patrons.



Picture 5 – Concept Image of the Microbrewery

Calvery

The existing calvery that is located on the subject site is proposed to be converted to a small staff accommodation suite. The suite would be used for purposes such as to accommodate a visiting international chef or similar. The existing structure will be slightly modified to bring it up to a modern standard and the roof is proposed to incorporate a green grass roof which will be a unique architectural outcome for the site and one which will blend this building into the existing natural environment.



Picture 6 – Concept image of the Calfery

Staff Accommodation (2 Suites)

A new staff accommodation building is proposed to be located to the south east corner of the site. This location has been selected to ensure that it is located far away from adjoining residential properties as well as the hotel accommodation. The building will provide accommodation for two people in separate suites. The building will be clad entirely in timber which will knit this structure into the green surroundings. Each suite will have a bedroom, bathroom, kitchenette and living room.



Picture 7 – Type picture caption here.

5.1.3. Vehicular Access and Car Parking

A total of 268 formalised car parking spaces are proposed which incorporates a total of 5 disabled spaces in addition to the 83 parking spaces that have been constructed to service the bakery/piggery. In cases of significant demand, a provision of further 100 spaces will be provided as overflow gravel car parking.

We confirm that Burnham Beeches Pty Ltd and Parks Victoria have agreed on the terms of using the Alfred Nicholas Memorial Gardens and this agreement is included at Appendix H. Vehicles are proposed to enter the Alfred Nicholas Memorial Gardens and enter the Burnham Beeches site adjacent to the mansion house. Vehicles will then exit the site via the Burnham Beeches driveway which connects the property to Sherbrooke Road. These arrangements will be the same for staff working at Burnham Beeches.

Access and egress for buses and service vehicles is to be provided via the Burnham Beeches driveway.

In terms of alternative access scenarios, the Salt3 report concludes the following:

Fire Risk Days:

SALT understands that the Alfred Nicholas Memorial Gardens is typically closed during fire risk days, as such staff and public vehicle access to Burnham Beeches may not be available via the Gardens on these days.

A review of the Country Fire Authority (CFA) history of total fire bans for the whole state of Victoria during the past 10 years (2006-2015) shows a maximum of 11 total fire ban days in any one year, with 7 of the 10 previous years recording less than 4 total fire ban days per year.

It is considered that the number of days that the Alfred Nicholas Gardens vehicle access will not be available is considered minimal. During these rare occasions, a possible interim access layout (shown in Appendix 4 of the SALT Report) can accommodate staff and public vehicle access via Burnham Beeches driveway.

A 'changeable' sign can be installed at the access which will display 'No Entry Authorised Vehicles Only' or similar, and can be changed to 'Entry' on fire risk days.

Parks Victoria Agreement

SALT understands that Burnham Beeches Pty Ltd currently has a 3-year agreement (with options to Extend) with Parks Victoria to use the existing Alfred Nicholas Memorial Gardens driveway to access the site.

Whilst it is envisaged that this agreement can be maintained with Parks Victoria, a concept design for a possible ultimate access layout to include a dedicated right turn lane has been prepared and attached in APPENDIX 5 of the Salt report

The concept design demonstrates that a suitable access arrangement can be provided to accommodate all vehicle access via the Burnham Beeches driveway, should the agreement for access via the Gardens not be continued with Parks Victoria.

For further details, please refer to Appendix B where the Transport Infrastructure Plan prepared by SALT3 is provided.

5.1.4. Waste Water Treatment & Disposal

There are two main options for waste water effluent management for Burnham Beeches:

1. These are either "on-site" treatment and disposal; or,
2. Disposal of all effluent off-site to the local water Authority for processing.

It is critical that a definite strategy is in place for the development to provide certainty for all stakeholders. The recommended strategy from Spiire Consultants is as follows:

1. Continue to store on-site all effluent currently generated by the Café and Bakery and dispose of it off-site by tanker until such time as the on-site treatment is operational.

2. Prior to the micro-brewery, provedore and restaurant coming on line, but as soon as practicable, fit out and commission the sewerage treatment plant, bio-filter disposal areas and all associated infrastructure necessary to treat the projected effluent volumes.
3. Prior to the Hotel redevelopment coming on line:
 - a. If no reticulated sewer is available, expand the on-site treatment facility, bio-filter disposal areas and all associated infrastructure necessary to treat the increased effluent volumes and potentially upgrade the facility to produce Class A recycled water for reuse within the site; or
 - b. If the Yarra Valley Water reticulated sewer is available, direct all excess flows to the gravity sewer.

For further details of the Spiire peer review statement, please refer to Appendix D.

5.1.5. Bushfire Management

A Bushfire Management Statement has been prepared by Terra Matrix Wildfire Management Services and is included at Appendix I of this report. This report includes the following:

- A *bushfire hazard landscape assessment* including a plan that describes the bushfire hazard of the general locality more than 150m from the site;
- A *bushfire hazard site assessment*, including a plan that describes the bushfire hazard within 150m of the site in accordance with the site assessment methodology of AS 3959-2009 Construction of buildings in bushfire-prone areas and Clause 44.06; and
- A bushfire management statement describing how the development responds to the bushfire risk and the requirements and objectives of Clauses 44.06 and 52.47 of the Yarra Ranges Planning Scheme.

The report also demonstrates how the proposed development can address bushfire risk as required by Ministerial Direction 11 Strategic Assessment of Amendments. Ministerial Direction No. 11 requires a comprehensive strategic evaluation of any planning scheme amendment and the outcomes it produces, including an evaluation and explanation of how the amendment addresses any relevant bushfire risk (Direction No. 11, 2013).

5.1.6. Landscaping

The landscaping concept for Burnham Beeches has been centred around the following overarching principles:

- Authenticity
- Harmony
- Considered Siting
- Diversity
- Sustainability
- Heritage; and
- Connectivity

The piggery and bakery is now finished with the landscape design including outdoor seating areas, lawn bowls and croquet pitches, a children's play area and a giant chess board. Rain gardens have been installed between the bakery and the lawn bowls pitch and also in the car park, to catch and treat storm water runoff and also provide a sustainable green edge to these hard surfaces

With respect to the other aspects of the proposal (specifically the Restaurant and Provedore) the garden beds around the entrance to the restaurant are to be retained. The boulder edging should be protected and shrubs should be lightly pruned to open up views from and to the restaurant entrance. Additional planting (as necessary) should be made up of plant species from garden beds with rhododendrons, camellias and azaleas featuring prominently.

The heritage gardens will retain their existing character as a tranquil setting which will complement the Norris building (hotel). Some light pruning of overhanging branches (under advice from a qualified arborist) and infill garden bed planting will return the garden to its former glory. Garden beds framing the front (western) face of the hotel are still largely intact but in need of refreshing through pruning, weed removal and replacement of some poor specimens. Pathways surrounding the house should be replaced with either asphalt or slate surfacing.

The lower heritage garden to the east of the building includes an open area of lush green lawn and shady seating areas for quiet contemplation. Seating will be oriented to take in views across the open lawn to the building, providing both prospect and refuge. This garden once connected through to the Alfred Nicholas Gardens by way of a large stair, access to which is currently blocked by a chain mesh fence at the property boundary. It is proposed that this important connection be reopened and the property boundary fence be removed altogether or replaced with a heritage style steel balustrade.

For further details, please refer to Appendix F where the Landscape Report prepared by Oculus Landscape Architects is provided.

6. EXISTING PLANNING SCHEME CONTROLS

6.1. ZONING

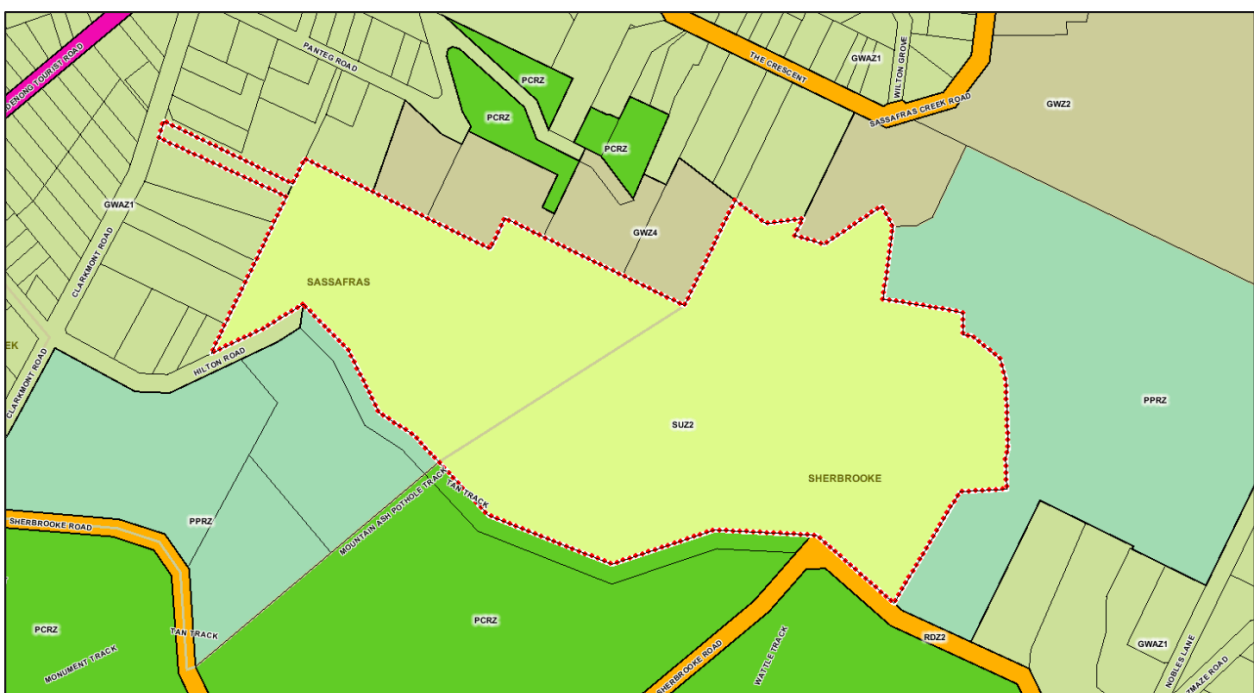
The majority of the site (inclusive of the land that this application relates to) is located within a Special Use Zone (Schedule 2 – Major Tourist Facility). Pursuant to 37.01 of the Yarra Ranges Planning Scheme, the purposes of the Special Use Zone are:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To recognise or provide for the use and development of land for specific purposes as identified in a schedule in this zone.

The Schedule to this overlay provides specific controls for the subject site including the following restriction:

A permit may be granted only if the total guest accommodation does not exceed 110 suites and dwellings, the number of restaurant seats does not exceed 120, the bar/lounge area does not cater for more than 52 people and function facilities do not cater for more than 375 people.

We are of the opinion that the method of imposing restrictions on specific land uses is not practical and does not allow for a sufficient level of flexibility to allow for the Burnham Beeches estate to be developed.



6.2. OVERLAYS

The land is affected by a Bushfire Management Overlay (BMO) pursuant to Clause 44.06 of the Yarra Ranges Planning Scheme. The relevant purposes of the BMO are as follows:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To assist to strengthen community resilience to bushfire.

- *To identify areas where the bushfire hazard requires specified bushfire protection measures for subdivision and buildings and works to be implemented.*
- *To ensure that the location, design and construction of development considers the need to implement bushfire protection measures.*
- *To ensure development does not proceed unless the risk to life and property from bushfire can be reduced to an acceptable level.*

A portion of the land (inclusive of the land where the piggery building is located) is affected by a Heritage Overlay (HO5) pursuant to Clause 43.01 of the Yarra Ranges Planning Scheme. The relevant purposes of the Heritage Overlay are as follows:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To conserve and enhance heritage places of natural or cultural significance.*
- *To conserve and enhance those elements which contribute to the significance of heritage places.*
- *To ensure that development does not adversely affect the significance of heritage places.*
- *To conserve specifically identified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.*

The entire Burnham Beeches Site is affected by a Significant Landscape Overlay (SLO) pursuant to Clause 42.03 of the Yarra Ranges Planning Scheme. The relevant purposes of the Significant Landscape Overlay are as follows:

- 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.
- To conserve and enhance the character of significant landscapes.

A small portion of the Burnham Beeches site is affected by an Environmental Significance Overlay (ESO) pursuant to Clause 42.01 of the Yarra Ranges Planning Scheme although we note that this overlay does not affect the piggery building or the land immediately adjacent to this building.

7. PROPOSED PLANNING SCHEME AMENDMENT

7.1. CHANGES TO ZONE

We request that the Schedule 2 (Major Tourist Facility) to the Special Use Zone of the Yarra Ranges Planning Scheme is amended to remove the Burnham Beeches property. A new Schedule, specific to Burnham Beeches, should be inserted into the Special Use Zone.

Please refer to Appendix J for the proposed version of this Schedule.

8. ASSESSMENT OF AMENDMENT

8.1. WHY IS THE AMENDMENT REQUIRED?

The amendment will remove the existing highly restrictive limits/caps within Schedule 2 of the Special Use Zone that were introduced to align with a previous proposal for the site. A new Schedule for the Special Use Zone that is specific to Burnham Beeches proposal is sought to be introduced into the Yarra Ranges Planning Scheme.

We are of the view that a flexible approach should be undertaken which removes references to specific numbers and allow permit applications to be lodged and then assessed on their merit and appropriateness for this site.

8.2. HOW DOES THE AMENDMENT IMPLEMENT THE OBJECTIVES OF PLANNING IN VICTORIA?

Key objectives of planning in Victoria outlined in Section 4(1)(a) of the Planning and Environment Act 1987 are to

- (a) 'to provide for the fair, orderly, economic, and sustainable use and development of land'; and*
- (b) 'to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria'.*

The development of the site for 1 Sherbrooke Road, Sherbrooke will facilitate orderly, economic and sustainable use and development of land, and will implement the objectives of planning in Victoria. Specifically the development will:

- Create a Major Tourist Facility within the Yarra Ranges, one that will be of a truly World Class standard.
- Allow for the renovation and reuse of a significant heritage building within Victoria which is currently in a state of decay.
- Provide exceptional architecture which will incorporate best practice ESD and urban design outcomes.
- Clustering of variety of hospitality and tourist uses within the Shire of Yarra Ranges to further promote regional Victoria and to utilise land efficiently.
- Provide a significant number of permanent hospitality jobs in addition to construction jobs which will boost employment within this region.

8.3. HOW DOES THE AMENDMENT ADDRESS THE ENVIRONMENTAL EFFECTS AND ANY RELEVANT SOCIAL AND ECONOMIC EFFECTS?

Social and Economic

This amendment will facilitate a tourism and hospitality use that will be unrivalled in the state of Victoria. Amending the Yarra Ranges Planning Scheme to allow for a wider variety of planning applications to be considered on this site will assist in:

- Providing a significant investment and the generation of employment in the construction, hospitality and tourism industries anticipated to be in excess of 200 ongoing permanent and part time hospitality jobs in addition to over 100 local construction jobs.

- Being the catalyst for further tourism in this region of Victoria, encouraging further investment and development.

Environmental

There are not considered to be any significant environmental effects resulting from the proposed amendment. Ongoing consultation has been undertaken with the EPA and CFA, in addition to the project consultants who have provided input on issues concerning waste treatment, bushfires, flora and fauna assessment and land slip.

8.4. DOES THE AMENDMENT ADDRESS RELEVANT BUSHFIRE RISK?

Yes, please refer to the Bushfire Management Statement at Appendix I of this submission which details how the bushfire risk associated with this proposal has been assessed and considered.

8.5. DOES THE AMENDMENT COMPLY WITH THE REQUIREMENTS OF ANY MINISTER'S DIRECTION APPLICABLE TO THE AMENDMENT?

The amendment is consistent with the Ministerial Direction 11 on the Form and Content of Planning Schemes under section 7(5) of the Act and the Strategic Assessment Guidelines.

8.6. HOW DOES THE AMENDMENT SUPPORT OR IMPLEMENT THE STATE PLANNING POLICY FRAMEWORK AND ANY ADOPTED STATE POLICY?

The State Planning Policy Framework sets out the specific out specific policies relating to environmental, social and economic factors. The sections of the SPPF relevant to this consideration of this proposed amendment are:

- Clause 11 – Settlement
- Clause 15 – Built Environment and Heritage
- Clause 17 – Economic Development

The key requirements emerging from these policies can be summarised as follows:

- Amongst other things, planning is to anticipate and respond to the needs of existing and future communities through the provision of zoned and serviced land for employment and commercial facilities.
- Planning is to recognise the need and contribute towards a high standard of urban design and amenity, prevention of pollution to land, water and air and protect environmentally sensitive areas and natural resources.
- The objective of 'Urban Growth' is to ensure that there is a sufficient supply of land available for commercial, retail, recreational and other community uses.
- Within Melbourne's hinterland, it is a strategy to site and design new development to minimise risk to life, property, the natural environment and community infrastructure from natural hazards such as bushfire and flooding.
- In terms of regional planning and its associated strategies and principles, it is a key strategy to encourage high quality urban design and architectural design which respects the heritage character and identity of existing settlements.

- State planning policy seeks to ensure the conservation of places of heritage significance and to encourage appropriate development that respects places with identified heritage values and creates a worthy legacy for future generations.
- With respect to economic development, planning is to contribute to the economic well-being of communities and the State as a whole by supporting and fostering economic growth and development by providing land, facilitating decisions, and resolving land use conflicts, so that each district may build on its strengths and achieve its economic potential.
- It is policy 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.
- It is a state government strategy to 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.

8.7. HOW DOES THE AMENDMENT SUPPORT OR IMPLEMENT THE LOCAL PLANNING POLICY FRAMEWORK, AND SPECIFICALLY THE MUNICIPAL STRATEGIC STATEMENT?

The MSS for the Shire of Yarra Ranges seeks to outline the broad strategic vision for the future of the municipality, identifying key land use challenges and providing a framework to guide the development of land. Key areas where this amendment will align with the MSS are as follows:

- Clause 21.02 (Municipal Profile) identifies that the Shire and in particular the Yarra Valley is gaining local and international recognition as a fine food and wine producing area. Each year, over 2.2 million tourists visit the area, including the wineries of the Yarra Valley and townships and gardens of the Dandenong Ranges.
- Clause 21.03 (Vision) identifies the Council Plan as follows:

The Shire of Yarra Ranges will be a vibrant and dynamic Shire based on strong local communities living in a place of great natural beauty. Our world class Shire will be sustained by a strong local economy and a rich social fabric that is consistent with and support its environmental values.
- Clause 21.04-2 (Commercial – Objectives, Strategies, Policy and Implementation) identifies relevant key issues as follows:
 - *Tourism contributes significantly to the economy of the Shire.*
 - *There is growing demand for eating and overnight accommodation facilities in the Yarra Valley.*
 - *The challenge is to achieve (and maintain) a delicate balance between tourism, the environment and protecting the amenity of the existing residents.*
- Clause 21.04 also identifies key objectives relevant to tourism. Council seek:
 - *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.*
- It is policy that tourism and recreation proposals demonstrate that they are consistent with at least one of the following:

- *They promote the established heritage or rural village character of the township in which they are to be located.*
- *They are related to the promotion and sale of agricultural products from the land on which they are to be sited or from land in the surrounding area.*
- *They provide facilities to enable visitors to experience outdoor recreation activities in areas of natural beauty and which are in keeping with the maintenance of agricultural and rural pursuits, visual and environmental qualities and residential amenity.*
- Clause 21.06 (Built Form Objectives, Strategies and Implementation) outlines a number of objectives and strategies in relation to the ‘Design and Development of Tourism and Recreation Facilities’). The key relevant policies relating to building and works of tourist facilities are outlined as follows:
 - *Development be visually and physically integrated on the site without loss of amenity or degradation to the environment.*
 - *Demonstrate that the proposed buildings and works will not compromise the landscape and environmental qualities of the surrounding area, or substantially change the natural land form.*

Buildings and works be sensitively sited and designed to:

- *Maintain the scenic quality and character of the area, particularly existing view lines and vistas.*
- *Protect any environmental features, including remnant vegetation and wildlife habitats, and the landscape character and land form of the area.*
- *Integrate with and complement any established image, streetscape or built form character of the area.*
- *Avoid any on-site and off-site impacts, including traffic, parking, noise disturbance, odour and fumes.*
- *All internal roads and access tracks be located, designed, constructed and landscaped to maintain and enhance the landscape character of the area and to minimise soil erosion and loss of residential amenity to adjoining or nearby residential properties.*
- Clause 21.06-1 (heritage) identifies a number of strategies to protect and conserve the Shire’s cultural heritage including the following:
 - *Recognise the contribution that buildings and sites of heritage and cultural significance play in nurturing greater community awareness and appreciation of the Shire’s past.*
 - *Identify and conserve sites of heritage and cultural significance.*
 - *Ensure that proposals to demolish, extend or alter sites of heritage and cultural significance give thorough consideration to the importance of the site and the effect the proposed development will have on its heritage values.*
 - *If redevelopment is proposed on sites containing buildings and places of aesthetic, architectural and historic importance or special cultural value, any original structures, wherever practicable, be retained and restored and any new development be integrated with the character of the original style of the building.*

8.8. DOES THE AMENDMENT MAKE PROPER USE OF THE VICTORIAN PLANNING PROVISIONS?

The amendment makes proper use of the Victorian Planning Provisions by amending Schedule 2 to remove references to Burnham Beeches and to create a new Schedule to the Special Use Zone that deals specifically within this site at Clause 37.01 of the Yarra Ranges Planning Scheme.

8.9. HOW DOES THE AMENDMENT ADDRESS THE VIEWS OF ANY RELEVANT AGENCY?

Consultation regarding the proposed amendments to Clause 37.01 of the Yarra Ranges has been undertaken with the CFA, EPA and Heritage Victoria.

8.10. DOES THE AMENDMENT ADDRESS RELEVANT REQUIREMENTS OF THE TRANSPORT INTEGRATION ACT 2010?

Any requirements of the Department of Transport, Planning and Local Infrastructure will be included on any future permit for this site.

8.11. WHAT IMPACT WILL THE NEW PLANNING PROVISIONS HAVE ON THE RESOURCE AND ADMINISTRATIVE COSTS OF THE RESPONSIBLE AUTHORITY?

The amendment will not impose any impact on the administrative costs of the responsible authority.

9. OTHER PLANNING CONSIDERATIONS

9.1. GENERAL LAND USES

This Section 96a application is a significantly scaled back proposal in comparison to the scheme that was put forward to Council in 2015. During the 2015 Planning Scheme Amendment process and through a series of public consultation events, it was apparent that there was a clear desire for the dwellings / villas that were proposed to be removed from redevelopment vision for Burnham Beeches. As a direct response to this clear feedback, this Section 96a application does not include the dwellings / villas that were originally part of the Burnham Beeches vision.

This Section 96a application is now considered to be entirely appropriate as it only seeks a single planning permit for the following uses and activities:

- **Piggery Café/bakery – 188 Patrons** (located within the existing piggery – constructed & operational)
- **Hotel – 48 Rooms** (located within the Norris Building)
- **Provedore – 60 Patrons** (located within the existing caretakers house)
- **Restaurant – 60 Patrons** (located within the piggery building adjacent to the café/bakery)
- **Microbrewery – 120 Patrons** (Located to the south of the existing piggery building)
- **Calvery – 2 suites** (Located to the north of the constructed western 1 car park)
- **Staff Accommodation – 2 Suites** (Located to the south eastern corner of the site, adjacent to the Alfred Nicholas Gardens)

9.2. CAR PARKING, TRAFFIC AND ACCESS

SALT3 traffic engineers have been engaged to prepared a Transport Infrastructure Plan for this Section 96a Application. The key findings of this report are as follows:

- Vehicle access via the Alfred Nicholas Memorial Gardens has been approved by Council previously and will occur via the Alfred Nicholas Memorial Gardens with 'exit only' at the existing Burnham Beeches driveway on Sherbrooke Road. Activation of this access arrangement is to coincide with the operation of the restaurant, microbrewery and provedore.
- Bus and service vehicles will enter and exit the site via the existing Burnham Beeches driveway on Sherbrooke Road. These movements are expected to be infrequent;
- The proposed car parking provision is considered to be appropriate for the typical and ultimate peak parking demand anticipated for the site;
- The proposed internal access arrangement for buses is considered appropriate; and
- The additional anticipated traffic generation by the development is not expected to impact on the efficiency of the surrounding road network.

Please refer to the Transport Infrastructure Plan at Appendix B

9.3. LANDSCAPE

The landscape design response seeks to further improve this exceptional property by enhancing the current experience (rather than wholesale changes) including improving and tending to the established gardens that make Burnham Beeches truly distinctive.

As a result of the size of the property, the current functions and the future uses and activities proposed will allow for a diverse landscape character to be created. The heritage aspects of the property and the relationship with the adjoining Alfred Nicholas Gardens underpin the design principles that the landscape architects have formulated and this is considered to be an appropriate outcome for Burnham Beeches.

Please refer to the Landscape Architecture package prepared by Oculus which can be found at Appendix F.

9.4. WASTE WATER TREATMENT & DISPOSAL

The Overview and Position Summary Report prepared by Diston Wastewater Technology confirms that the wastewater from the Bakery and Piggery café (in addition to future proposed uses such as a restaurant, microbrewery and provedore) can be treated and retained on the site in accordance with the EPA and Shire of Yarra Ranges requirements.

For the uses and activities that are yet to be constructed, Spiire Consultants have been engaged to provide a peer review of the Diston Report and to provide a specific strategy that can be followed for the Burnham Beeches Property. As outlined in section 5.1.4, waste water is proposed to be dealt with as follows:

- Continue to store on-site all effluent currently generated by the Café and Bakery and dispose of it off-site by tanker until such time as the on-site treatment is operational.
- Prior to the microbrewery, provedore and restaurant coming on line, but as soon as practicable, fit out and commission the sewerage treatment plant, bio-filter disposal areas and all associated infrastructure necessary to treat the projected effluent volumes.
- Prior to the Hotel redevelopment coming on line:
 - If no reticulated sewer is available, expand the on-site treatment facility, bio-filter disposal areas and all associated infrastructure necessary to treat the increased effluent volumes and potentially upgrade the facility to produce Class A recycled water for reuse within the site; or
 - If the Yarra Valley Water reticulated sewer is available, direct all excess flows to the gravity sewer.

It is considered that the abovementioned strategy for waste water treatment and disposal is an appropriate solution. Each component of the proposal has been considered and there is a sound method for treatment from the existing scenario through to the completion of the final activities and uses on the site.

For further details of the Spiire peer review statement, please refer to Appendix D.

9.5. BUSHFIRE MANAGEMENT & CFA ENGAGEMENT

Over the course of the past few years, our client has been in regular contact with the CFA in order to ensure that the various development proposals have been appropriate from a bushfire emergency perspective. The CFA provided in principle support for the previous proposal that included a number of dwellings in addition to the other uses that this Section 96a Application seeks approval for. It is our understanding that the CFA would be supportive of this application due to the only major difference being that dwellings have now been deleted.

The project's Bushfire Consultant has engaged with the CFA and is expecting a formal response in relation to this proposed shortly.

A Bushfire Management Statement has been prepared by Terra Matrix Wildfire Management Services and is included at Appendix I of this report.

9.6. HERITAGE

Heritage Victoria has been involved heavily from the beginning of the process given the heritage significance of the Burnham Beeches Mansion and the heritage overlay which impacts on a small portion of the subject site.

Heritage Victoria has previously provided support (and a Heritage Permit) for the restoration of the Norris building and piggery.

9.7. GEOTECHNICAL ANALYSIS

Golder Associates were previously engaged to investigate matters including assessing the impact that the previously proposed dwellings/villas (which we confirm are not proposed now) could have on slope stability in addition to identifying any constraints there may be to the proposed development associated with the Erosion Management Overlay (which affects part of the site).

The findings of the report confirm that Golder Associates do not identify any landslide or slope stability hazards that would adversely affect the proposed vision for the site. We note that there are no proposed buildings on the areas which Golder Associates have identified as having a slope of greater than 20%.

Please refer to the Preliminary Assessment of Erosion Management Overlay prepared by Golder Associates which can be found at Appendix E.

9.8. FLORA & FAUNA

In order to understand the native vegetation and fauna habitats that might be present on the site a Preliminary Native Vegetation Assessment has been prepared by Brett Lane & Associates.

It is noted that the fauna habitat value is considered to be low due to past land uses of the site and the consequential removal of most of the indigenous habitat with the exception of the forest component which is located along the northern boundary of the Burnham Beeches property. This portion of the site is likely to provide a habitat for a range of common indigenous and introduced mammals. This forest component is now proposed to be disturbed in anyway as part of this proposal for the site.

Due to the majority of uses and activities being located within existing buildings on the site, it is considered that there will be no disruptions to the flora and fauna that exists on the site.

Please refer to the Preliminary Native Vegetation Assessment prepared by Brett Lane & Associates which can be found at Appendix G.

10. CONCLUSION

This Section 96a Application is a vastly scaled back proposal in comparison to the abandoned Planning Scheme Amendment which sought to locate a number of additional dwellings and villas on the subject site. This proposal really does present as the 'last chance' for the Burnham Beeches property.

We confirm that this Section 96a application does not seek planning approval to construct villas / dwellings on the subject site.

This submission seeks to amend Schedule 2 (Major Tourist Facility) to the Special Use Zone of the Yarra Ranges Planning Scheme and to propose a new Schedule, specific to Burnham Beeches that would be included in the Special Use Zone. This Planning Scheme Amendment seeks to move away from a restrictive numbers / patron caps assessment that has limited the ability to redevelopment the Burnham Beeches property to a planning control that allows a proposal to be assessed on its merits.

This Planning Scheme Amendment also includes a full planning permit application with supporting documentation which would allow for the property to be redeveloped and in return achieving the vision for the land owners.

The key benefits of this Section 96a Application are summarised below:

- This project will create an exceptional tourist facility within the Shire of Yarra Ranges, one that will be of a truly World Class standard.
- The provision of a significant investment in the Shire of Yarra Ranges and employment in the construction, hospitality and tourism industries anticipated to be in excess of 200 ongoing permanent and part time hospitality jobs in addition to over 100 local construction jobs.
- The amendment to the Planning Scheme will allow for the renovation and reuse of a highly significant heritage building within Victoria which is currently in a state of extreme decay.
- The envisaged development will provide exceptional architectural outcomes which will incorporate best practice ESD and urban design outcomes.
- The clustering of variety of hospitality and tourist uses within the Shire of Yarra Ranges will further promote tourism in regional Victoria and Australia.

It is for the abovementioned reasons that we feel this Section 96a Application is appropriate and will in turn ensure that Burnham Beeches can be brought back to its former glory.

Urbis Pty Ltd.

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