

Council Meeting

Agenda

Tuesday, 31 January 2023

Council Chamber - Civic Centre and via
Videoconference

Information for Councillors and the community

ACKNOWLEDGEMENT OF COUNTRY

We respectfully acknowledge the Traditional Owners, the Wurundjeri People, as the Custodians of this land. We also pay respect to all Aboriginal community Elders, past and present, who have resided in the area and have been an integral part of the history of this region.



COUNCIL VISION

Whether you live here or visit, you will see how much we care for country, how inclusive and connected our communities are, and how sustainable balanced growth makes this the best place in the world.

VALUE OF HISTORY

We acknowledge that history shapes our identities, engages us as citizens, creates inclusive communities, is part of our economic well-being, teaches us to think critically and creatively, inspires leaders and is the foundation of our future generations.

COUNCILLOR COMMITMENT

We'll be truthful, represent the community's needs, be positive and responsive and always strive to do better.

OUR COUNCILLORS

Billanook Ward: Tim Heenan
Chandler Ward: David Eastham
Chirnside Ward: Richard Higgins
Lyster Ward: Johanna Skelton
Melba Ward: Sophie Todorov

O'Shannassy Ward: Jim Child
Ryrie Ward: Fiona McAllister
Streeton Ward: Andrew Fullagar
Walling Ward: Len Cox

CHIEF EXECUTIVE OFFICER & DIRECTORS

Acting Chief Executive Officer, Kath McClusky
Director Communities, Jane Price
Director Corporate Services, Andrew Hilson

Acting Director Environment & Infrastructure,
Phil Murton
**Acting Director Planning Design &
Development,** Nathan Islip

GOVERNANCE RULES

All Council and Delegated Committee meetings are to be conducted in accordance with Council's Governance Rules, which can be viewed at: <https://www.yarraranges.vic.gov.au/Council/Corporate-documents/Policies-strategies/Governance-rules>

PUBLIC PARTICIPATION IN MEETINGS

Members of the community can participate in Council meetings in any of the following ways:

- making a verbal submission for up to 5 minutes on matters not listed on the agenda.
- submitting a question.
- speaking for up to 5 minutes to a specific item on the agenda. For planning applications and policy issues, the Chair will invite one person to speak on behalf of any objectors and one person to speak on behalf of the applicant. For other matters on the agenda, only one person will be invited to address Council, unless there are opposing views. At the discretion of the Chair, additional speakers may be invited for items of large interest.
- speaking for up to 5 minutes to a petition to be presented at a meeting.

For further information about how to participate in a Council meeting, please visit: <https://www.yarraranges.vic.gov.au/Council/Council-meetings/Submissions-questions-petitions-to-Council>

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In the case of an emergency during a meeting held at the Civic Centre, 15 Anderson Street, Lilydale, you should follow the directions given by staff and evacuate the building using the nearest available exit. You should congregate at the assembly point at Hardy Street car park.

CONTACT US

Post	PO Box 105, Anderson Street
Telephone	1300 368 333
Facsimile	(03) 9735 4249
Email	mail@yarraranges.vic.gov.au

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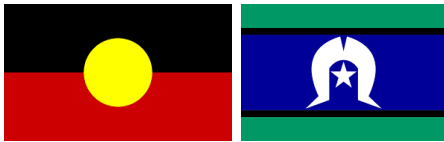
YARRA RANGES COUNCIL

**AGENDA FOR THE 573RD COUNCIL MEETING TO BE HELD ON TUESDAY
31 JANUARY 2023 COMMENCING AT 7.00PM IN COUNCIL CHAMBER, CIVIC
CENTRE, ANDERSON STREET, LILYDALE / VIA VIDEOCONFERENCE**

1. MEETING OPENED

2. ACKNOWLEDGEMENT OF COUNTRY

We respectfully acknowledge the Traditional Owners, the Wurundjeri People, as the Custodians of this land. We also pay respect to all Aboriginal community Elders, past and present, who have resided in the area and have been an integral part of the history of this region.



3. INTRODUCTION OF MEMBERS PRESENT

OUR COUNCILLORS

Billanook Ward: Tim Heenan
Chandler Ward: David Eastham
Chirnside Ward: Richard Higgins
Lyster Ward: Johanna Skelton
Melba Ward: Sophie Todorov
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Director Communities, Jane Price
Director Corporate Services, Andrew Hilson
Acting Director Environment & Infrastructure, Phil Murton
Acting Director Planning, Design & Development, Nathan Islip

4. APOLOGIES AND LEAVE OF ABSENCE

An apology for this meeting was received from Councillor Tim Heenan.

5. MAYORAL ANNOUNCEMENTS

6. CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the Council Meeting held Tuesday 13 December 2022, as circulated, be confirmed.

7. CONFLICTS OF INTEREST

In accordance with Chapter 7, Rule 4, of the Governance Rules developed by Council in accordance with section 60 of the Local Government Act 2020.

The Local Government Act 2020 defines two categories of conflict of interest:

- *a general conflict of interest, which is defined as "...a relevant person has a general conflict of interest in a matter if an impartial, fair-minded person would consider that the person's private interests could result in that person acting in a manner that is contrary to their public duty", and*
- *a material conflict of interest, which is defined as "...a relevant person has a material conflict of interest in respect of a matter if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter. The benefit may arise or the loss incurred (a) directly or indirectly; or (b) in a pecuniary or non-pecuniary form."*

In accordance with section 130 of the Local Government Act 2020, a conflict of interest must be disclosed in the manner required by the Governance Rules and the relevant person must exclude themselves from the decision-making process.

No Conflicts of Interest have been received prior to the Agenda being printed.

8. QUESTIONS AND SUBMISSIONS FROM THE PUBLIC

In accordance with Chapter 3, Rules 57 and 59, of the Governance Rules developed by Council in accordance with section 60 of the Local Government Act 2020.

A person may make a submission to Council on matters that are not listed on the Agenda. A submission may be on any matter except if it:

- (a) is considered malicious, defamatory, indecent, abusive, offensive, irrelevant, trivial, or objectionable in language or substance;
- (b) is substantially the same as a submission made to a Council meeting in the preceding 12 months;
- (c) relates to confidential information as defined under the Act;
- (d) relates to the personal hardship of any resident or ratepayer; or
- (e) relates to any other matter which the Council considers would prejudice the Council or any person.

QUESTIONS FROM THE PUBLIC

There were no Questions to Council received prior to the Agenda being printed.

SUBMISSIONS FROM THE PUBLIC

Healesville Interchurch Community Care Inc.

Alison Gommers, Executive Officer of Healesville Interchurch Community Care Inc, wishes to provide an update on services provided by the organisation in response to the evolving needs of their clientele.

9. PETITIONS

In accordance with Chapter 3, Rules 60, of the Governance Rules developed by Council in accordance with section 60 of the Local Government Act 2020.

A person may submit a petition to Council on matters that are not listed on the Agenda. Every petition or joint letter submitted to Council must:

- a) identify a 'Lead Petitioner' who Council can correspond with;
- b) be legible and in permanent writing;
- c) be clear and state on each page the matter and action sought from Council. Every page of a petition or joint letter must be a single page of paper and not be posted, stapled, pinned or otherwise affixed or attached to any piece of paper other than another page of the petition or joint letter;
- d) not be derogatory, defamatory or objectionable in language or nature;
- e) not relate to matters outside the powers of Council; and
- f) clearly state the names and addresses of at least seven (7) people who live, work, study or do business in the Municipal district.

There were no Petitions received prior to the Agenda being printed.

Planning Application - YR-2022/165 - 20 Stag Lane, Yarra Glen - Planning Report –

APPLICATION DETAILS

Site Address	20 Stag Lane, Yarra Glen
Application No.	YR-2022/165
Proposal	<p>Use of the land for:</p> <ul style="list-style-type: none"> • Rural Industry (Distillery), • Manufacturing Sales (cellar door), • Restaurant (café), • Function centre, <p>Licensed premises, Display of Business identification internally illuminated signs, and create a crossover covered by Heritage Overlay.</p>
Existing Use	Agricultural
Applicant	JCA Land Consultants
Zone	GWZ5 - Green Wedge Zone - Schedule 5
Overlays	HO171 - Heritage Overlay
Permit trigger/s	<p>Clause 32.04 Green Wedge Zone: A permit is required for the following Section 2 use:</p> <ul style="list-style-type: none"> • (Rural Industry) • Manufacturing sales (cellar door) • Restaurant (café) • Function Centre <p>Clause 43.01 Heritage Overlay (HO171) (Yarra Track - Yarra Glen-Healesville section): Buildings and works to create a crossover.</p> <p>Clause 52.05 Sign: A permit is required to construct or put up for display Business Identification signages (internally illuminated)</p> <p>Clause 52.27 License premises: Sale and consumption of liquor.</p>

Objections	Twelve (12) objections Five (5) support Submissions
Encumbrances on Title (Covenants/Section 173 Agreements)	No
Reason for Council Decision	More than 10 objections
Ward	Ryrie

SUMMARY

- The property owners have their gin distilled at 'Alchemy Distiller' (gin manufacture and a food and drinks premise) for the last 5 years, at 242 Maroondah Highway, Healesville. The property owners seek to relocate their current gin manufacturing operation to the subject site to capitalise on the rural setting and rural tourism environment experience with their manufacturing product.
- The site is approximately 36 hectares in size, with several existing agricultural outbuildings; two of which are sought to house the distillery making, manufacture sales (cellar door), and restaurant (café) / function centre.
- This proposal contributes to the Shire's strategic direction in offering tourism activities coupled with the agricultural activities occurring on the land, and activities where patrons are attracted to experience the Shire's rural landscape offerings. The proposed use complements the distinctive rural and green wedge character and integrates tourist related facilities.
- The proposed provides an important additional source of new employment and additional tourism opportunities for the Shire's growing and advocated tourism culture and identity in key areas of agricultural and environment. The proposed land uses are likely to generate an opportunity to exchange economic benefit from a variety of existing local rural economies, including other tourism related offerings.
- Anticipated traffic generated for this proposal is suitably managed by directing traffic to/from a new access point along Old Healesville Road and recommending conditions seeking road works to completed to effectively manage through traffic and turning in the site.
- The proposed car park area, located mid-way on site, and accessed from Old Healesville Road, via an internal accessway, are a sufficient distance away from the adjoining properties to minimise potential adverse impacts to the adjoining properties.
- The subject proposal, excluding the function centre, strongly aligns with Planning Policy objectives and the Zone purpose which, encourages tourism related activities within a rural environment that is associated with the agricultural use of the land.

- The proposed patron numbers and operation hours raise potential amenity impacts for the surrounding land uses. To minimise adverse impacts, particularly with noise impacts, a series of amenity and noise management conditions are recommended. These conditions include non-support for the function centre land use.
- The distillery is deemed to be a Rural Industry then the associated uses, restaurant, function centre, manufacturing sales, can be approved as they are in conjunction with the rural industry. It is not exclusively in “conjunction with” agriculture but can be in conjunction with other stated uses. The produce used in the processing does not need to be grown on the land in its entirety however, the rural industry must be the predominant use.
- The application proposes several land uses that have a genuine close relationship with each other. However, Council Officers are concerned with the function centre land use, and the potential for other land uses, to become the more dominant feature other than the rural industry. As such the proposal would be prohibited under the provisions of the planning scheme if this was the case.
- Whilst the rural industry operation and its associated onsite agriculture production are being established It is necessary to recommend conditions removing the function centre land use from the overall recommendation for approval.
- Land use compatibility between the proposed restaurant (cafe), gin product sales and rural industry, versus the existing surrounding rural residential lifestyle and agricultural landscape, is achieved through a series of recommended amenity permit conditions.
- The application was referred internally to the Strategic Planning department, Engineering (Traffic) department and Health department. General support was provided. Recommended conditions to resolve matters have been negotiated successfully with the applicant.
- Various conditions are recommended to support approval of this application and to negate concerns raised in the objections.
- Twelve (12) objections and five (5) support submissions were received. Key concerns raised include:
 - inappropriate uses for Green Wedge Zone;
 - incompatible with rural residential lifestyle;
 - noise pollution;
 - late operating hours;
 - too many patrons; and
 - traffic safety impacts
- Council Officers believe that the objections raised have been considered, and where appropriate, changes to the application or recommended conditions have addressed the concerns.

RECOMMENDATION

That Council resolve to approve Planning Application YR-2022/165 for Land used for Rural Industry (Distillery), Manufacturing Sales (cellar door), Restaurant (café), Licensed premises, display of internally illuminated Business identification signs and crossover creation on Old Healesville Road at 20 Stag Lane, Yarra Glen and issue a Notice of Decision to Grant a Permit subject to the conditions in Attachment 1 to the report.

DISCLOSURE OF CONFLICTS 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 direct or indirect conflict of interest as defined within the Local Government Act 1989

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 subject site is not located within 500 metres of land on which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.

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*.

DESCRIPTION OF SITE AND SURROUNDING AREAS

The subject site is located on the northern side of the Old Healesville Road, is an irregular shaped allotment with a total land size of 36.297 hectares. The topography of the land is undulating, with land falling inward from north and south directions to Dixons Creek which bisects the land in an east-west direction. The site contains pasture and a grassed private airfield, with three existing agricultural outbuildings positioned centrally on site.

An internal gravel accessway extends along the western boundary which accesses the outbuildings from Stag Lane. This internal accessway is buffered by mature landscaping that exists along the southern section of the western title boundary. See Figure 1 and Figure 2.

Surrounds

Surrounding area is typical Green Wedge Area, with mixed sized allotments, occupied by dwellings and other buildings, supporting a primary agricultural use of the land. Pastoral activities and vineyard dominated agricultural pursuits. See Figure 3

There are several wineries (both public and non-public access) and tourism venues in the area. Some notable public venues include: *Yarra Glen Chocolatier and Ice Creamery* is to the west, *Balgownie Estate* is to the north, *Denton View Hill Vineyard* is the south-east.

Immediately adjoining the subject site are:

- To the north a dwelling centrally located, approximately 800 metres from the subject site venue;
- To the north-east a dwelling is approximately 600 metres from the subject site venue;
- To the south the land comprises primarily a rural residential residence, with mature landscaping around the site approximately 372 metres from the subject site venue;
- To the south (Beyond Old Healesville Road) a dwelling is approximately 964 metres from the subject site venue;
- To the east a dwelling, approximately dwelling approximately 564 metres from the subject site venue; and
- To the west a dwelling and numerous outbuilding, approximately 335 metres from the subject site venue.



Figure 1 The southern section of the subject site and the adjoining dwellings.



Figure 2 – Stag Lane entrance to the site



Figure 3. Subject site and adjoining properties

PROPOSAL

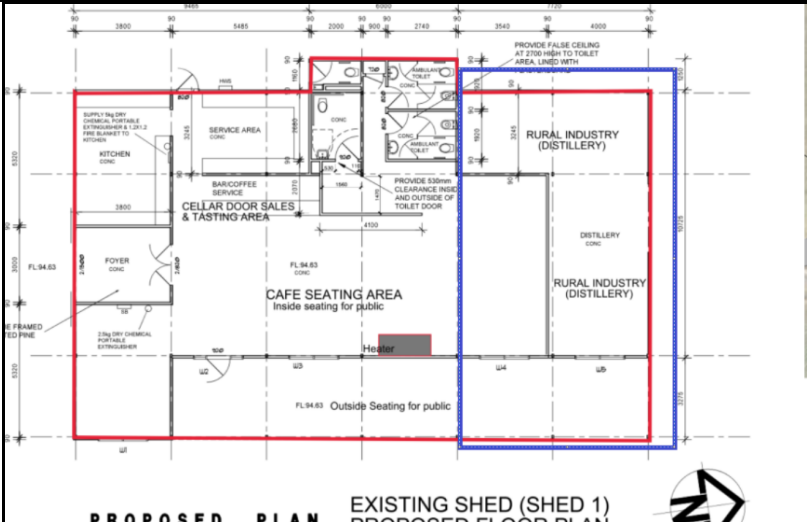
The proposal seeks approval for the following;

- to use the land for;
 - Rural Industry (Distillery);
 - Manufacturing Sales (cellar door);
 - Restaurant (café); and
 - Function centre
- Sale and consumption of liquor;
- the display of business identification signage, that is internally illuminated; and
- the construction of a crossover onto Old Healesville Road.

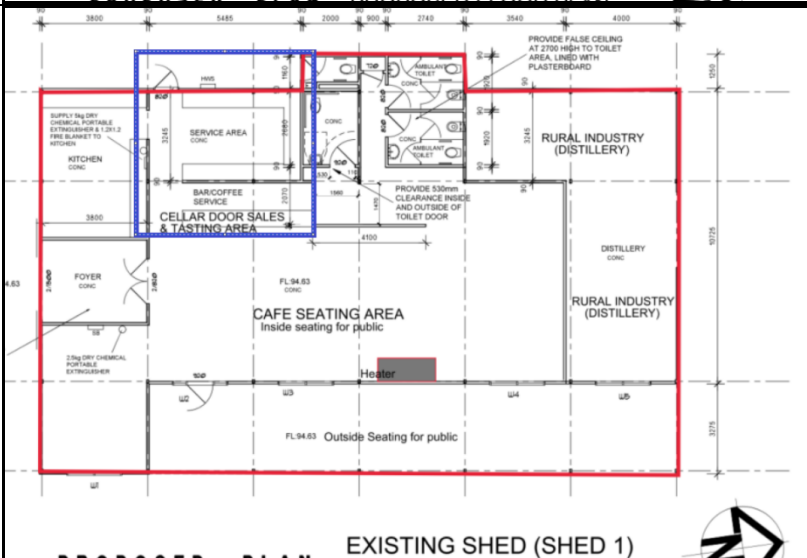
More specifically the proposal is:

<p>Utilise and expand the existing agricultural use to support the rural industry (distillery)</p>	
<p>Utilise and internally retro-fit two existing agricultural outbuildings to for the following land uses</p> <ul style="list-style-type: none"> • rural industry (distillery) making • selling manufactured liquor (cellar door) (undisclosed patrons numbers) • restaurant (café) for 100 patrons • function centre catering for 150 patrons 	

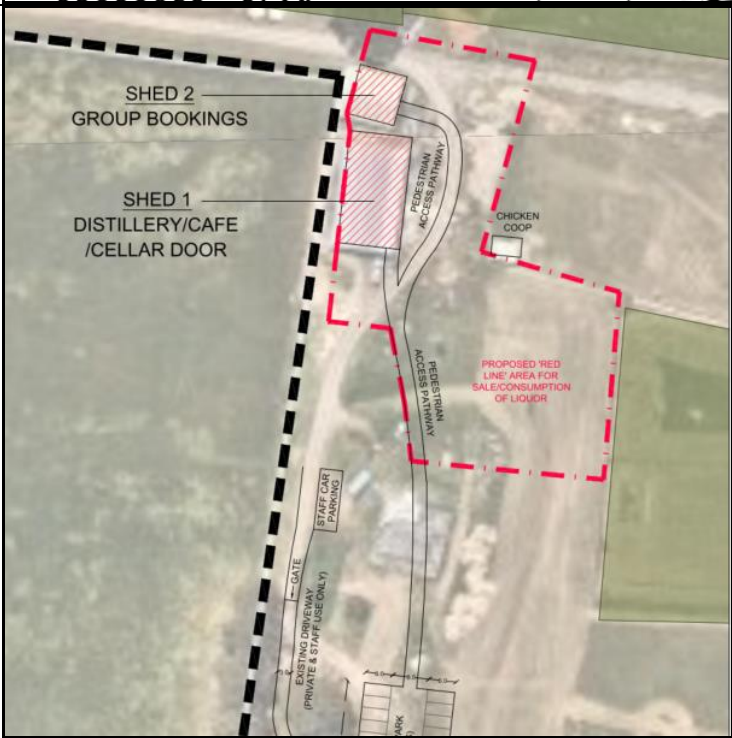
Blue highlighted area shows the distillery






Blue highlighted area shows the cellar door sales and tasting area

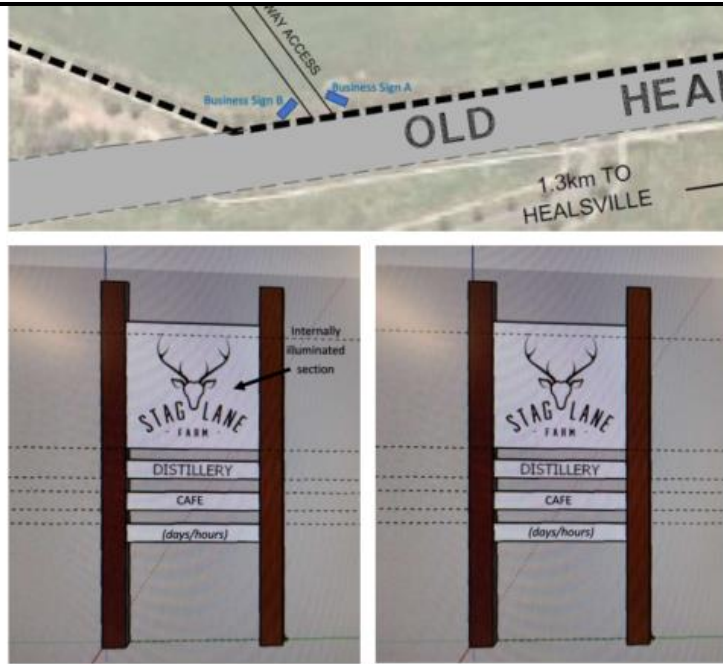


The Red Line Plan illustrating the area where the sale and consumption of liquor will occur.

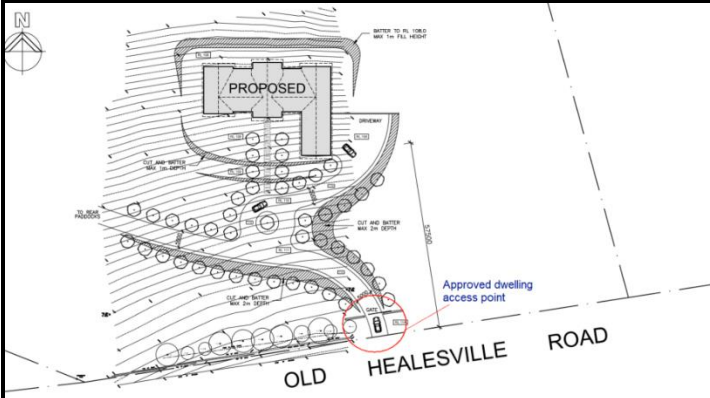


<p>Operating hours</p>	<p>Distillery (visible to public)/Restaurant (café) Daily: 9:30am to 5pm Function Centre Monday to Sunday: 9am to 11pm</p>
<p>Staff</p>	<p>Maximum of eight (8) staff members at any one time.</p>
<p>Forty (40) on-site carparking spaces, wrapped with a landscape buffer</p>	  <p>Looking south from proposed carpark area.</p>
<p>Construction of a new crossover along Old Healesville Road</p>	

2x Business Identification signage (internally illuminated) 4.0 metres high x 2 metres wide (including supporting structure), located one on either side of the crossover.



HISTORY

Permit no.	What the permit allows	Active or lapsed
YR-2021/307	<p>Use and Development of a dwelling, sited along the southern title boundary, Old Healesville Road, and access entrance at Old Healesville Road.</p> 	Permit is active, however development has yet to commence

PLANNING CONTROLS

Zoning:	Clause 35.04 Green Wedge Zone – Schedule 5
Overlay:	Clause 43.01 – Heritage Overlay – Schedule 171
Planning Policy:	<p>The following Planning provisions are relevant to this proposal:</p> <ul style="list-style-type: none"> ▪ Clause 02.03 Strategic direction identifies Green Wedge areas to support agriculture, rural industry, tourist-oriented businesses, or dwellings. Development to complements or enhances the primary values and characteristics of the Green Wedge. Tourism activities should protect biodiversity, agriculture and valued landscapes and create business opportunities that broaden the economic base of rural towns. • Clause 11.01-1L Green Wedge Tourism - seeks to provide for sustainable tourism in the Green Wedge where it avoids adverse impacts on productive agricultural land use on adjoining or nearby land and retain the predominant rural character of an area. Rural industry pursuits to have an agricultural association. • Clause 11.01-1L-04 Green Wedge (Non-agricultural use and development) - seeks to avoid adverse impacts on productive agricultural land use on adjoining or nearby land and seeks to avoid adverse impacts on the amenity of nearby residential development. Ensure direct access to a sealed or road adequate for the anticipated traffic levels • Clause 11.01-1L-04 Green Wedge (Rural industry) - seeks to discourage rural industry that is not associated with agriculture or rural activities. This clause encourages the screening and separation of buildings and vehicle access from adjoining residential uses. • Clause 11.03-5 Distinctive areas and landscapes seeks to recognise the unique features and special characteristics of these areas and landscapes and recognise the important role these

	<p>areas play in the state as tourist destinations.</p> <ul style="list-style-type: none"> • Clause 13.05-1S Noise - seeks to assist the management of noise effects on sensitive land uses. • Clause 13.07 Land use compatibility - seeks to ensure that use or development of land is compatible with adjoining and nearby land uses, and void locating incompatible uses in areas that may be impacted by adverse off-site. • Clause 14.01 Agricultural (Protection of agricultural land) - seeks the protection of agricultural land to avoid the permanent loss of agricultural land. • Clause 14.02-2S Water quality – seeks to protect reservoirs, water mains and local storage facilities from potential contamination. • Clause 15.03-1S Heritage conservation - seeks to ensure the conservation of places of heritage significance. • Clause 17 Economic Development - seeks to provide for a strong and innovative economy, where all sectors are critical to economic prosperity. • Clause 17.01 Employment - seeks to strengthen and diversify the economy, incorporating agriculture, tourism, commercial centres and industrial areas is facilitated through the Shire's proximity to metropolitan Melbourne, transport advantages, suitability for a range of agricultural enterprises, and significant landscapes and lifestyle offering. • Clause 17.04 Tourism in the Yarra Ranges Green Wedge - seeks sustainable tourism in the Green Wedge whereby avoid adverse impacts on the amenity of adjoining or nearby residential development and or farming operations, Treat and contain all effluent on the land, does not result in the significant loss of productive agricultural land and have direct access to a sealed or otherwise suitably constructed road that is adequate for the anticipated traffic levels.
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Clause 51.02:	<p>Function Centre Land Use</p> <ul style="list-style-type: none"> • Must be used in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery. • No more than 150 patrons may be present at any time <p>Restaurant (café) Land Use</p> <ul style="list-style-type: none"> • Must be used in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery. • No more than 150 patrons may be present at any time. If used in conjunction with Function centre, the total number of patrons present at any time must not exceed 150. <p>Manufacturing sales</p> <ul style="list-style-type: none"> • Must be an incidental part of Rural Industry
Clause 51.03:	Not applicable
Schedule to Clause 51.03:	Not applicable
Particular Provisions	<p>Clause 52.06 – Carparking Clause 52.05 – Signs Clause 52.27 – Licensed Premises Clause 64.02 – Land used in Conjunction with Another Use</p>
Other Requirements:	Clause 65 – Decision guidelines

PERMIT TRIGGERS

Clause	Permit Trigger
<p>Clause 35.04-1</p> <p>Green Wedge Zone</p>	<p>A permit is required for the following Section 2 uses:</p> <ul style="list-style-type: none"> • Rural Industry • Manufacturing sales (cellar door) • Restaurant (café) (must be in conjunction with rural industry) • Function Centre (must be in conjunction with rural industry)

Clause 43.01 Heritage Overlay (HO171) (Yarra Track - Yarra Glen-Healesville section)	A permit is required for buildings and works to create a crossover
Clause 52.27 License premises	A permit is required for the sale and consumption of liquor.
Clause 52.05 Signs	A permit is required to display a sign in Section 2, which includes a Business Identification signage (including internally illuminated types

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
YR Traffic Engineer	Support for the proposed carparking arrangement. Only one crossover along Old Healesville Road as proposed.	Any crossover installed to meet commercial design standards, and road works to create a road shoulder on other side of road for through traffic.
YR Strategic/Heritage Advice	Did not support the original proposed new crossover on heritage grounds. Supports the new accepted location for the joint crossover.	N/A
YR Heath Department	No objection. Council Officers are recommending the function centre be removed, and Restaurant (café) of a maximum of 100 patrons to be supported. This recommendation reduces the calculation to be 4900lt per day and requiring only Council approved septic system.	Council standard wastewater treatment condition and include a permit note regarding possible EPA licence requirements if the site reaches over 5000lt on any given day. Heath Department have been advised and concur.

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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

Number of Submissions:

Twelve (12) objections.

The main grounds of objections include the following

- inappropriate uses for Green Wedge Zone
- incompatible with rural residential lifestyle
- noise pollution
- late operating hours
- too many patrons
- traffic safety impacts

Five (5) supporting statements.

The main grounds of support include the following:

- Enhance Yarra Glen's reputation as a tourist destination
- Generate employment for the area, particularly for young people
- The new accessway along the Old Healesville Road is appropriate.
- Minimal impact to the surrounding landscape
- No amenity or interference with submitter's lifestyle
- Seeking to enjoy the tourist facility, especially the restaurant (café)
- General support for the property owners and their application proposal

ASSESSMENT OF KEY ISSUES

RURAL INDUSTRY (DISTILLARY)

The property owners have their gin distilled at 'Alchemy Distiller' (gin manufacture and a food and drinks premise) for the last 5 years, at 242 Maroondah Highway, Healesville. The property owners seek to relocate their current gin manufacturing operation to the subject site to capitalise on the rural setting and rural tourism environment experience with their manufacturing product. Having this business remain in the Shire strongly aligns with clauses 02.03 and 17.01, which encourage new employment and tourism opportunities in the Shire.

The proposed rural industry is aligned with the purpose of the Green Wedge Zone and the policy statements at clauses 02.03, 11.01-1L-04, 11.03-5S and 17.04. The proposed rural industry doesn't reduce the extent of the existing agricultural activity on the land and provides for a tourism opportunity in an appropriate location.

A Distillery activity can be comfortably classified as a rural industry as defined by the Planning Scheme. The Planning Scheme defines one element of Rural Industry as to *handle, treat, process, or pack agricultural produce*. Notably, *agricultural produce* need not be grown on the same site of the Rural Industry (distillery).

A distillery is an attractive, new age popularised business venture with capabilities to support other local and regional commercial businesses who also cater or take benefit from the same or similar local and visitor tourism clientele. Distilleries are becoming commonly found in both a rural and industrial context, and often are matched with a restaurant (café) or alike offering.

The proposed distillery activity is sited within an existing outbuilding (1) covering a third of the floor area of this outbuilding, adjacent to the proposed café. The proposed distillery production level is average in scale to match the supporting agricultural pursuits. The applicant envisages a good yield of producing 600,000 litres of gin production per year, with fruit citrus being the primary ingredient.

The subject site is already active with agricultural produce for the distillery use, with Citrus/Yuzu plant ingredients planted 5 years ago. The proposal demonstrates the expansion on the variety of produce ingredients to cater for a more self-sufficient and self-servicing gin production operation.

The applicant submits the volume and variety of agricultural produce grown on site meets their needs for their rural distillery. Furthermore, the produce grown seeks to be integrated with the café food offerings.

The proposal includes a patron experience of end-to-end processing/production of gin making from the internal distilling area and external areas within the orchards. Patrons can experience the distillery in action and see and learn about the growing of ingredients. Adding to the rural experience are chickens, lambs, cattle and alpacas on the site.

Notably, no operating hours for the Distillery production were provided. It is reasonable to not restrict the rural industry hours given the nature of the activity (distillery process) which is sited within the building. Furthermore, general machinery noise would not be dissimilar with what is generally expected for an agricultural activity within an agricultural area. Agricultural activity of growing, picking and harvesting of food produce does not require a planning permit under the Zone. Notwithstanding, the concerns raised by objectors on noise pollution, these concerns were directed at the patron activity rather than the distillery process/production.

RESTAURANT (CAFÉ)/FUNCTION CENTRE IN-CONJUNCTION WITH RURAL INDUSTRY

The Green Wedge Zone and Clause 51.02 both contain the same following requirement for a Restaurant (café) and Function Centre:

- Must be used in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery; and
- No more than 150 patrons may be present at any time. If used in conjunction with Restaurant the total number of patrons present at any time must not exceed 150.

In-conjunction test is set out in Clause 64.02 (Land use in-conjunction with another Use):

- There must be an essential association between the two uses; and
- The use must have a genuine, close and continuing functional relationship in its operation with the other use.

The rural industry is considered to be the primary land use to the proposal for its capability to be assessed under the Zone as a stand-alone land use. Whereas a restaurant (café) and a function centre land uses requires firstly to meet an in-conjunction test with a listed land use, which in this case is the rural industry land use. The restaurant (café) and function centre land uses should exhibit a secondary function characteristic to the primary rural industry land use.

The proposed restaurant (café) is determined to have an essential association and genuine, close and continuing functional relationship with the rural industry. This is concluded, having regard to the following observations:

- The restaurant (café) is located adjacent to the distillery within the same outbuilding and supports the public in their visitation to the distillery related on-site activities.
- A portion of the restaurant (café) food and drinks offerings will be derived from agricultural products that are also used for the distillery.
- The restaurant (café) operates strictly on daytime hours Thursday to Monday (inclusive) 9.30am – 5:00pm. These hours reasonably match those of the distillery most productive activities with staff active on site attending to the distillery processing and related gathering of agricultural produce for the distillery use. The restaurant (café) daytime hours also coincide with the ancillary activities of exploring the land's scenery and agricultural produce areas, assisting with gathering produce and learning about distillery making process from staff. Weekend daytime hours will also attract day trippers from Melbourne, supporting the Shire's visitor tourism economy.
- The dedicated building area for the restaurant (café) and outdoor area providing for a maximum of 100 patrons suitably align with the scale of distillery activities collectively. Notably, the submitted plans show approximately 4.2 hectares of land dedicated to the following agriculture to support the distillery: Truffiere/Oak Orchard, Lime Orchard, Yuzu Orchard and General vegetable garden/ botanicals. The remaining land is dedicated to grazing animals and not suitable variable for growing agricultural produce.
- The applicant has provided the following statement:

"The proposed uses are integral to the agricultural use of the land and the plantings on the site. The distillery will use the juniper fruit, yuzu and other botanicals from the property's plantings to produce Gin and other products (including truffles) to be offered for sale. The restaurant (café) and cellar door will provide the property's produce for sale in various forms and include a seating and dining for up to 100 patrons. The retail sales area includes

liquor consumption on premises and the café will also offer a selection of associated products as well as other alcoholic beverages...

With regards to the function centre land use operating in-conjunction with the rural industry, the proposal attributes fail to provide a genuine, close and continuing functional relationship, and an essential association with the rural industry. The following lists the reasons for this determination:

- The proposed hours of the function centre go beyond the operating hours of the distillery and restaurant, which demonstrates the limited association between the land uses.
- The restaurant (café) is complementary and supportive component to the rural industry distillery and its ancillary activities on offer to promote visitation and learn about gin making process. The function centre land use is essentially focused on closed private functions that largely seek to benefit from the location and consuming the manufactured product, rather having direct alignment or relationship with rural industry.
- The patron capacity of the two outbuildings is limited in size and there is a heavy reliance on outdoor seating and the lawn area within the proposed red line area to accommodate 150 patrons. This raises concerns with the potential scale of the function centre in comparison to the rural industry. The proposed operating hours of the function centre till 11pm also raises concerns with the potential for amenity impacts on adjoining properties, which is contrary to both the Green Wedge Zone and clauses 11.01-1L-04 and 17.04-1L.

MANUFACTURING SALES (CELLAR DOOR)

The proposed use is described as an incidental part of the rural industry. This use is sought to allow patrons to directly sample and purchase the manufactured gin from the designated area as shown on the submitted plans. The use is acceptable under the zone.

The Council Officer recommends the manufacturing sales (cellar door) patron numbers be capped as total number of patrons for all land uses, as opposed to a limitation being applied to individual land uses. Similarly with the operating hours, the operating hours should be applied for all of the proposed land uses. The following restrictions are proposed:

- *A maximum of 100 patrons on the land at any one time;*
- *Thursday to Monday (inclusive) 9.30am – 5:00pm;*
- *Public Holidays – 9:30am – 5:00pm; and*
- *Closed Christmas day and Good Friday.*

The patron visitation numbers and operation hours afforded for the manufacturing sales (cellar door) to purchase, taste and enjoy the makings of this rural industry is at a scale compatible with the industry use itself, and at a scale that is compatible with surrounding rural and semi-rural uses subject to securing patron and operation hours conditions.

Amenity (noise, patrons traffic)

There are two properties adjoining the subject site which are potentially impacted by this proposal (refer to Figure 4). The first property is 99 Old Healesville Road and this immediately adjoins the western boundary. The dwelling on this property is approximately 100 metres from the boundary with the subject site and approximately 335 metres from the proposed land uses. Vehicular access to this property is via Stag Lane.

The second property is at 123 Old Healesville Road and this is triangular shaped parcel of land to the immediate east of Stag Lane. The dwelling on this property is setback approximately 20 metres from the boundary with the subject site and approximately 370 metres from the proposed land uses.

It is important to note that the car park is located between the proposed land uses and the neighbouring dwellings. Whilst the distances are considered reasonable, noise does travel in an open landscape such as presented and for this reason other considerations such as patron numbers and hours of operation must be considered, alongside with having regard to ingress/egress.

Whilst this application is proposing a function centre, the function centre is not supported as discussed above. The deletion of the function centre use eliminates the need to discuss the amenity concerns associated with this use, which was proposed to operate till late at night.

The manufacturing sales (cellar door) and restaurant (café) operation hours are recommended to be Thursday to Monday 9.30am – 5:00pm consistent with the surrounding similar land use examples provided. The closing time of 5pm ensures that the amenity of the surrounding area is protected in the more sensitive evening hours.

Patron numbers have been determined that a maximum number 100 on site at any one time is acceptable in the context of the surrounding properties and in particular the separation distances to the adjoining dwellings.

A series of patron and noise management conditions are recommended as standard practice to any permit granted. Further, securing staff and patrons to only access Old Healesville Road in lieu of Stag Lane, away from residential dwelling frontages via a condition on permit is also recommended to any permit granted.

With the non-support for the function centre land use, coupled with all recommendations as stated above, these reasonably address the amenity concerns raised by the objectors and satisfy the policy statements at clauses 11.01-1L-04, 13.05-1S, 13.07 and 17.04.

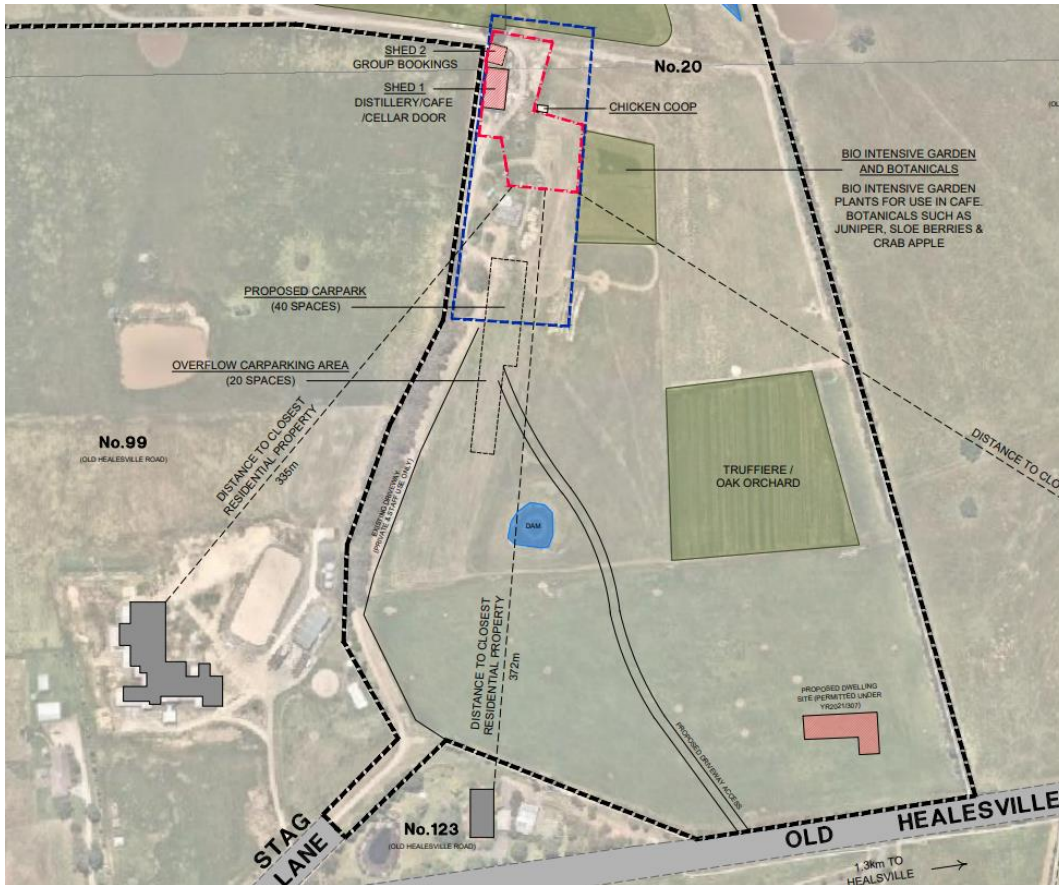


Figure 4. Site and surrounds taken from the application documentation.

CAR PARKING AND TRAFFIC

Clause 52.06 (Car Parking) is relevant to the consideration of this application. This clause seeks to ensure there is the provision of an appropriate number of car parking spaces, 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.

The site provides ample space for car parking that is suitably located adjacent to the patron venue via an accessway running through the southern half of the site to Old Healesville Road. The primary carparking area will comprise 40 spaces, as required under the Planning Scheme, for a patronage of 100 people. Further, an overflow, unsealed secondary carpark of 20 spaces, south of primary is offered for occasional use and this arrangement is supported.

Carparking for staff associated with the rural industry have sufficient space to park away from patron areas and a separate car park is shown for this purpose.

Amenity (landscaping)

The site already enjoys a landscape buffer of peppermint trees along the shared western common boundary that covers the section between western adjoining dwelling siting and the subject site carparking and outbuildings – proposed for the distillery. Peppermint trees provide a soft buffer, but not a complete visual screening at a pedestrian scale between properties.

The proposal seeks additional landscaping around the primary carparking area for visual concealment. This is a positive attribute to the application by providing a pedestrian scale vegetation buffer between the western adjoining residence and the most visually predominate aspect of the proposal in their view line. Visual landscaping buffers should appropriately be adopted to ensure adjoining residential use has reasonable level of residential amenity protection, as sought by the planning policies listed above. The recommend conditions to any permit granted will require more detail on landscaping plant species and impose a requirement for semi-mature height planting size when planted to immediately provide visual benefits.

SIGNS - BUSINESS IDENTIFICATION

The proposal seeks to install two signs on the either side of a new crossover sited an Old Healesville Road. The signs are single sided and of an internally illuminated type. Signs are mounted on a timber structure, adopting a business name 'Stag Lane Farm', with a picture of a Stag and ancillary business information. Muted timber dark brown and off-white tones are used. There is balance of imagery and slim lined wording with negative/background off-white space for an uncluttered appearance.

Positioning signage with the crossover would essentially signalise the site's vehicle entrance for these proposed uses.

The proposal signs do not detract or impose loss of amenity and rural landscape character, nor obstruct or impact any notable impacts on views and vistas by adopting an appropriate scale, height, siting and adopting detailing, imagery and an uncluttered presentation that marries in with the surrounding natural environment.

The proposal suitably aligns with Clause 52.05 Sign objectives and strategies. Conditions are included in the recommendation to this report requiring the internally illuminated signs to be switched off at 5.30pm, which is an appropriate response to the rural landscape that this site is within.

Notably with recommendations reduce operation to only daytime hours, would naturally limit the need for sign illumination, with less frequent use and concentrated during winter months.

CROSSOVER - OLD HEALESVILLE ROAD

The proposed crossover is to be located 26 metres from the south western title boundary along Old Healesville Road which is covered by Heritage Overlay HO171 applied (Yarra Track - Yarra Glen-Healesville section).[see *Figure 5 and 6*]

The applicant has agreed to pursue the one crossover/access for dual commercial and domestic use at the specific location proposed in this application. Council's previous approved access along Old Healesville Road for the Dwelling via Planning Permit YR-2021/307 is no longer relevant and the plans associated with this application will have to be amended to achieve consistency across the two approvals. The applicant has submitted plans for approval showing the location of the new joint crossover for permit YR-2021/307.

Notably, the immediate adjoining southwest property owner, closest to proposed crossover/access, provided a letter of support, explicitly mentioning support for the internal accessway and crossover/access.

Council's Engineering department support the joint/consolidated use of a single approved crossover for commercial and domestic uses along Old Healesville Road

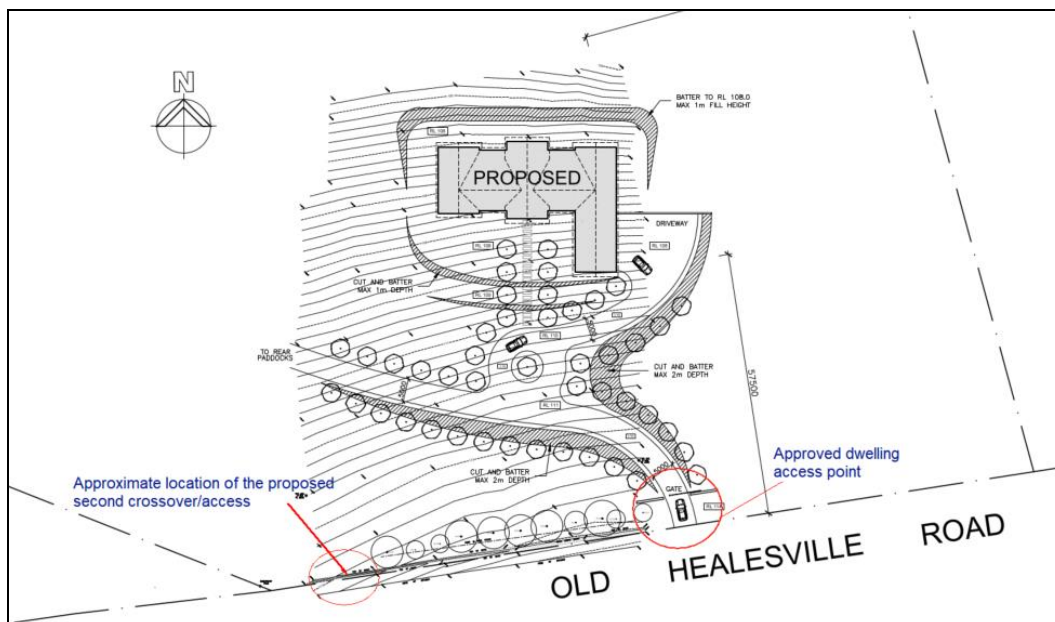
subject to a Council standard commercial crossover design standards been installed, in lieu of domestic crossover type.

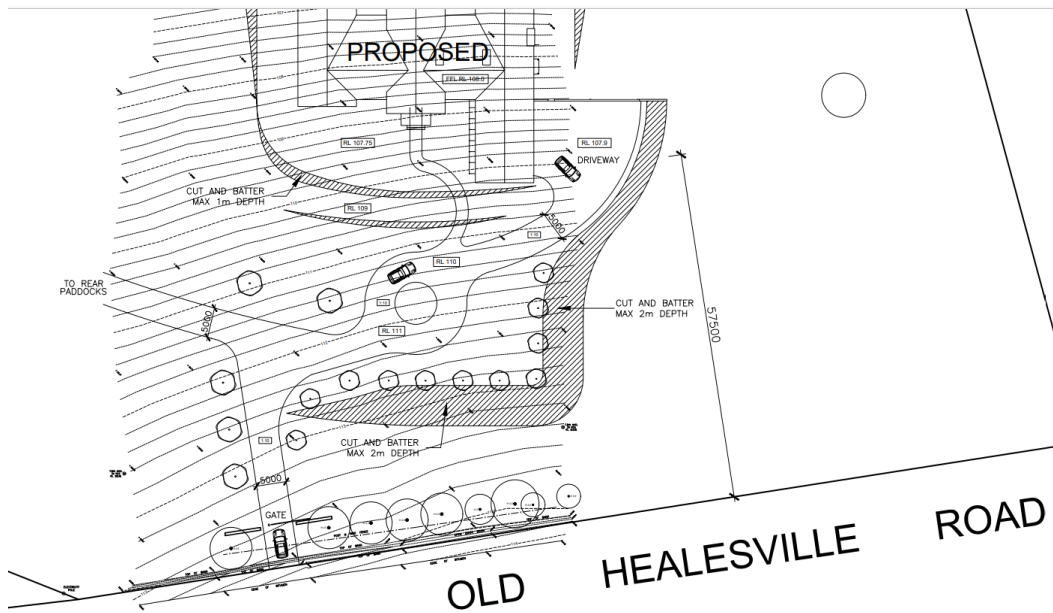
HO171 applied (Yarra Track - Yarra Glen-Healesville section) citation reads.

Old Healesville Road... extends for around eight kilometres from its departure from the Melba Highway out of Yarra Glen to where it joins the Healesville-Yarra Glen Road around five kilometres west of Healesville. Travelling from Yarra Glen, the double-lane sealed road passes grazing areas with homesteads, haystacks, crops and some fields of vines. There are plantings or regrowth along the fence lines of properties. The road commands excellent views of the valley, including the undulating hills and the foothills of the distant ranges which frame the views. It enables access to the Yarra Track Winery and is part of a network of routes to enable visitors to explore the wineries of the region.



(Figure 5 – proposed crossover location)





(Figure 6 – approved dwelling access YR-2021/307 and proposed agreed to joint access)

LICENSED PREMISES – SALE AND CONSUMPTION OF LIQUOR

The purpose of Clause 52.27 is to ensure that licensed premises are situated in appropriate locations and the impacts of the licensed premises on the amenity of the surrounding area is considered.

Based on the assessment, the proposed sale and consumption of liquor on site would not result in any adverse impacts on the surrounding area subject to conditions.

An assessment against the key decision guidelines under Clause 52.27 (Licensed Premises) is as follows:

- *The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.*

Yarra Glen is known for its wineries with restaurant (café) /function centre offerings, and associated sale and consumption liquor. The proposal is not dissimilar to a common winery albeit in this proposal focuses on gin making instead of wine making.

The proposal sits within the common activities and associated liquor licencing found within the surrounding area;

- *The impact of the hours of operation on the amenity of the surrounding area.*

As stated above, the report scribes concern with the proposed operating hours for liquor sale and consumption associated with restaurant (café) / function centre. As previously discussed, the function centre is not supported and the

recommendation in this report reflects this. Conditions to manage amenity are recommended, including a reduction in hours of operation;

- *The impact of the number of patrons on the amenity of the surrounding area.*

As discussed above, patron numbers are being reduced to 100 and this is well below what the Scheme allows. However, number of patrons is only acceptable when coupled with series of amenity conditions outlined above; and

- *The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.*

Pursuant to Practice Note 61, A cumulative impact assessment is necessary when the proposed license premise is open after 11pm and there be a cluster of more three (3) or more existing licence premises with 100 metre radius and fifteen (15) or more existing licence premises within 500 metre radius.

In this instance, Practice Note 61, criteria is not met to warrant a cumulative impact assessment. The proposal will not contribute a cluster nor contribute negatively to the amenity of the surrounding area, subject to amenity conditions.

Overall, recommend appropriate standard conditions for the sale and consumption of liquor, provision for a patron management plan, restrictions on the hours for sale and consumption.

Response to Objection Submitters concerns

The following is a response to the submissions made:

Objections	
Grounds of Objection	Council officer assessment
<p>Inappropriate use</p> <p>Function centre is not appropriate in a Green Wedge Zone</p>	<p>As discussed above, this report has addressed the Function Centre Land use as a concern of appropriateness and recommends refusal of the Land use.</p>
<p>Incompatible with rural residential lifestyle</p>	<p>It is considered that the proposed uses are compatible with the surrounding land uses. As such a number of conditions relating to reducing any amenity impacts have been included in the proposed conditions.</p>
<p>Amenity - Noise pollution impacts</p> <p>The combined number of patrons at 150 till 11pm with music outside will interfere with the quiet enjoyment of this area.</p>	<p>As discussed above:</p> <ul style="list-style-type: none"> • A series of general amenity conditions to manage day-to-day patron operations for the restaurant (café) and manufactory sales land uses.

	<ul style="list-style-type: none"> • Requiring all associated staff and patrons to use centralised internal accessway to Old Healesville Road instead of Stag Lane accessway. • Remove permission for a Function Centre land use and associated night-time hours.
<p>Amenity – General</p> <p>150 patrons - too many</p>	<p>This report recommends a reduction from 150 to 100 patrons, which will reduce the potential for amenity impacts, The proposed access being on Old Healesville Road as opposed to Stag Lane will also reduce potential amenity impacts.</p>
<p>The proposed land uses are too close to the nearest dwelling</p>	<p>A series of amenity conditions are recommended to minimise disturbance and achieve a balance of compatibility between the proposed use and surrounding rural residential character.</p>
<p>Headlights flashing into bedrooms</p>	<p>Conditions are recommended to direct all patrons and staff to use the internal accessway instead of Stag Lane. As vehicles won't be using Stag Lane, there should be no issues with headlights shining into adjacent properties.</p>
<p>Traffic</p> <p>Increase traffic and associated noise. Chocolatier already consistently causing issues with leaving & entering our property this will cause more issues</p>	<p>As discussed in the report Council recommends a single combined crossover from the Old Healesville Road to serve both commercial uses and previously approved Dwelling under another permit. A single combined crossover will assist with traffic management. Staff and Patrons are to use the Old Healesville Road access and not Stag Lane access.</p>
<p>Old Healesville Road is already a dangerous road, more traffic, more danger.</p>	<p>Council Engineering Department have recommended a number of traffic safety conditions that include road works to manage expected increase usage of Old Healesville Road.</p>

<p>Impact to Agricultural livestock</p> <p>Impact to livestock with excessive and continuous noise levels</p> <p>Impact to horse livelihood within increase activity.</p>	<p>A series of the amenity conditions are recommended to resolve compatibility between the proposed use and existing agricultural use.</p> <p>See details within the assessment section of this report for more discussion.</p>
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CONCLUSION

The use and development application has been assessed in accordance with Section 60(1) of ‘The Act’ and all relevant instruments and policies. The proposal is considered to be consistent with the objectives of planning policies and the relevant zone and overlay provisions of the Planning Scheme subject to conditions. As such, approval is recommended.

ATTACHMENTS

- 1 Appendix 1 - Permit Conditions
- 2 Appendix 2 - Planning Scheme Policies
- 3 Appendix 3 - Use and Development Drawings
- 4. Appendix 4 -Town Planning Report
- 5. Appendix 5 - Heritage Citation

Council Report –Conditions and Notes

Application	YR-2022/165
Address of the Land	20 Stag Lane, Yarra Glen (Land in Plan of Consolidation 364146C)
Proposal	Land used for Rural Industry Distillery), Manufacturing Sales (cellar door), Restaurant (café), Licensed premises, display of Business Identification signs (illuminated), and associated creation of crossover on Old Healesville Road

THE FOLLOWING CONDITIONS ARE PROPOSED FOR THIS APPLICATION:

1. Before the permitted development commences, and before the commencement of permitted uses, except for Rural Industry (Distillery), amended plans must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and form part of the permit. The plans must be drawn to scale, with dimensions, and be generally in accordance with submitted advertised plans (*JCA Land Consultants, Ref - Job 25296; and Plans prepared by Andrew Ramage Designs*) but modified to show:
 - a. Remove from all relevant plans, all references of a Function Centre Land use;
 - b. Indicative building floor plans and elevations of the existing Outbuilding 2;
 - c. Nominated carparking area labelled 'overflow parking';
 - d. A landscape plan demonstrating a purposeful vegetation screening buffer around the primary carparking area accordance with Condition 3;
 - e. A Patron Management Plan in accordance with Condition 5;
 - f. Any modifications to vehicle access along Old Healesville Road and internal accessway in accordance with Conditions 27-32, with a notation stating "only one crossover permitted to Old Healesville Road site frontage";
 - g. Internal accessway shown to align with the permitted vehicle crossing alignment;
 - h. Functional layout of the vehicle crossing with left and right turning/passing lanes incorporating/extending the sealed apron/shoulder at the permitted vehicle crossing; and
 - i. Any lighting details of the car parking area, accessway and around the buildings.

All of the above must be to the satisfaction of the Responsible Authority.

2. The use and development of any land as shown on the endorsed plans must not be altered or modified without the written consent of the Responsible Authority.
3. Before the development commences, a landscape plan must be submitted to and approved by the responsible authority. The plan must show the proposed screening vegetation and landscape planting around nominated the primary carparking area, and the buildings to be used. The plan must be prepared by an appropriately qualified landscape professional, and include a planting schedule detailing botanical names, common names, pot size, mature size and total quantities of each plant, with

Council Report –Conditions and Notes

pot size when planted explicitly detailing a semi-mature size associated with species to the satisfaction of the Responsible Authority.

4. Before the approved uses commence, except for Rural Industry, the landscaping works shown on the endorsed plans must be carried out, completed and thereafter maintained to the satisfaction of the Responsible Authority.
5. Before the use commences, a Patron Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and form part of the permit. The plan must include details of:
 - i. Staffing, other measures designed to ensure the orderly arrival and departure of patrons.
 - ii. Stipulate staff and patrons associated with Manufactured Sales (cellar door) and Restaurant (café) are to enter and exit through internal accessway leading to Old Healesville Road only.
 - iii. The location and details of internal signage to be used to encourage responsible off-site patron behaviour as patrons are leaving the premises.
 - iv. The training of staff in managing patron behaviour.
 - v. Staff communication arrangements.
 - vi. Measures to control noise emissions from the premises and carparking area, including patrons noise.

The provisions, recommendations and requirements of the endorsed Patron Management Plan must be implemented and thereafter complied with to the satisfaction of the responsible authority.

Operational requirements

6. Land uses permitted to operate between the following hours:
 - I. *Restaurant (café) & Manufactured Sales (cellar door)*
 - Thursday to Monday - 9.30am to 5:00pm;
 - Public holidays - 9.30am to 5:00pm; and
 - Closed Good Friday and Christmas Day
 - II. *Sale and consumption of liquor*
 - Thursday to Monday - 9.30am to 5:00pm;
 - Public holidays - 9.30am to 5:00pm; and
 - Except for Good Friday and Christmas Day
7. A maximum of one-hundred (100) patrons associated with the combined land uses Manufactured Sales (cellar door) and Restaurant (café) is allowed on-site at any one time to the satisfaction of the Responsible Authority.
8. A maximum of one-hundred (100) patrons are to be served or to be consuming liquor allowed on-site at any one time to the satisfaction of the Responsible Authority.
9. No pre-recorded or amplified music played outside the permitted buildings at any time shown the endorsed plans.

Council Report –Conditions and Notes

10. No live music and live entertainment played at any time on site to the satisfaction of the Responsible Authority.
11. All staff, patrons and commercial delivery vehicles associated with the approved uses must only enter and exit the site via Old Healesville Road crossover.
12. Bottles and other waste to be only removed from within the premises between the hours of 8am and 6pm. to the satisfaction of the Responsible Authority.
13. Sale and consumption of liquor to be within the Red-Line area as shown on the endorsed plans.
14. Noise levels emanating from the premises must not exceed those required to be met under Environment Protection Regulations under the *Environment Protection Act 2017* to the satisfaction of the Responsible Authority.
15. The uses must be managed so that the amenity of the area is not detrimentally affected, through the:
 - i. transport of materials, goods or commodities to or from the land
 - ii. appearance of any building, works or materials
 - iii. emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
 - iv. presence of vermin
 - v. others as appropriate

All to the satisfaction of the Responsible Authority

16. Any external lighting installed must be located, designed, directed, shielded and baffled to the satisfaction of the responsible authority.
17. The external lighting of the buildings and car parking areas must only be operation with an associated approved land uses and switched off or reduced to the minimum number of lights required by no later than 6pm to the satisfaction of the Responsible Authority.
18. Prior to the commence of land uses Manufactured Sales (cellar door) and Restaurant (café), the internal accessway and crossover shown on the endorsed must be constructed to the satisfaction of the Responsible Authority.
19. A minimum of 50% of produce required for Restaurant (café) food sales must be grown on the land to the satisfaction of the Responsible Authority.
20. The car parking spaces, vehicular access ways and drainage approved by this permit are to be maintained and must not be obstructed or made inaccessible to the satisfaction of the Responsible Authority.
21. The loading and unloading of vehicles and the delivery and pick up of goods must be carried out at all times within the site boundaries to the satisfaction of the Responsible Authority.

Signage

22. The location and details of the sign(s), and any supporting structure, as shown on the endorsed plans, must not be altered without the written consent of the responsible authority.

Council Report –Conditions and Notes

23. The approved internally illuminated signage must not be illuminated after 6pm to the satisfaction of the responsible authority
24. The illuminated signage must not:
 - a. incorporate any flashing or intermittent light.
 - b. be animated in part or whole.
 - c. contain any flashing light.All to the satisfaction of the responsible authority.
25. The signage lighting must be designed, baffled and located to the satisfaction of the responsible authority.
26. The signage must be constructed and maintained to the satisfaction of the responsible authority.

Traffic Engineering Conditions

27. Only one vehicle crossing is permitted onto Old Healesville Road, unless with the prior written consent of Council.
28. Prior to the commencement of works required by this permit, engineering construction plans showing all internal works, including access ways, parking, footpaths, drainage, and all works on Council land (road reserve), including roads, drainage, together with a processing fee of \$500 must be submitted to, and approved by, the Responsible Authority. Civil works must then be constructed in accordance with these approved engineering plans.
29. Prior to the approval of engineering construction plans an inspection/surveillance fee to the value of \$2000 of the estimated cost of all Council works required by this permit, must be paid to the Responsible Authority.
30. Prior to the approval of engineering construction plans, a maintenance bond to the value of \$5000 for Council works as required by this permit, must be paid to the Responsible Authority.
31. Prior to the commencement of permitted uses, except for Rural Industry (Distillery) use, a left and a right turning lane must be constructed in Old Healesville Road at the entrance of the site to the satisfaction of the Responsible Authority.
32. Prior to the commencement of the permitted uses, except for Rural Industry (Distillery) use, a vehicle crossing with a nominal 6.1 metre piped culvert sealed vehicle crossing with approved endwalls in accordance with Standard Drawing SD/C4, must be constructed in Old Healesville Road to serve the development and all Council assets, including the nature-strip, reinstated to the satisfaction of the Responsible Authority.
33. Prior to the commencement of permitted uses, except for Rural Industry (Distillery) use, the primary car parking spaces and vehicular access ways shown on the endorsed plan must be fully constructed with gravel, delineated and/or signed drained incorporating Water Sensitive Urban Design elements to the satisfaction of the Responsible Authority.
34. Once completed to the satisfaction of the responsible authority, the works on Council land and at the access point into the site as required by this permit must be

Council Report –Conditions and Notes

maintained in good condition and repair by the developer for a period of three months from the date of practical completion to the satisfaction of the Responsible Authority.

35. Prior to an Off Maintenance inspection and subsequent return of the maintenance bond, “As Constructed” plans of all Council works, together with a video survey record of the full length of all Council piped drainage, must be submitted to and approved by the Responsible Authority.
36. Before the permitted uses commence, except for Rural industry (Distillery), the construction of all civil works within the site, within the road reserve as required by Condition 28, and all internal/external signs must be fully completed and subsequently inspected and approved by a suitably experienced Civil Engineer at the arrangement and expense of the owner/developer. This person must supply written certification that the works have been constructed in accordance with this permit and to relevant standards to the satisfaction of the Responsible Authority.
37. All vehicles must enter and exit the site in a forward direction.

Health Conditions

38. All sewage and sullage wastewater from the proposed uses must be discharged into an approved on-site wastewater treatment system to the satisfaction of the Responsible Authority.

Permit Expiry

39. This permit will expire if one of the following circumstances applies:
 - a. The development is not started within two years of the date of this permit
 - b. The development is not completed within four years of the date of this permit
 - c. The use does not start within one year of the completion of the development
 - d. The use is discontinued for a period of two years.

This permit for the permitted business identification signage will expire:

- a. 15 years after the date of this permit.

The owner or the occupier of land to which a permit applies, or another person with the written consent of the owner, may ask the responsible authority for an extension of time for a permit where:

- a use or development allowed by the permit has not yet started and the application is made either before the permit expires or within six months of the expiry date; or
- development allowed by the permit has lawfully started and the application is made within 12 months after the permit expires

NOTES:

- Prior to the commencement of any works affecting or involving Council roads or drains, Asset Protection and/or Road Reserve/Easement Works permit(s) are required. An application for a permit can be made at the Yarra Ranges Council Community Links and must include a copy of this planning permit, endorsed site plan, and approved civil engineering plan. Please call 1300 368 333 for further advice.

Council Report –Conditions and Notes

- An application must be made to the Shire of Yarra Ranges Health Department for Registration of a Food Premises under the provisions of the Food Act 1984.
- If the minimum wastewater for the land uses is calculated to be over 5000 litres on any given day, this requires an EPA Licence for wastewater treatment. This permit is not an EPA works approval or licence. The permit holder must ensure that any obligations or duties that arise under the *Environment Protection Act 2017* are met. This may include obtaining a works approval or licence.
- Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues (Publication 1826, Environment Protection Authority, May 2021).

02.03 Strategic directions

Settlement

The dispersed settlement pattern in Yarra Ranges, including many relatively small rural towns located in the Green Wedge, creates challenges in meeting community expectations about the range of accessible services and facilities.

There are opportunities for more intensive development within and adjoining activity centres to provide additional housing and employment generating uses.

The redevelopment of urban areas and key redevelopment sites including the Chirnside Park Activity Centre, the former Cave Hill Quarry and the former Swinburne University, will expand the diversity of housing, education, recreation and employment opportunities in Yarra Ranges.

The location of the Urban Growth Boundary has largely prevented urban expansion into the productive agricultural areas and rural landscapes of the Green Wedge. However, there are ongoing latent pressures to change the current Urban Growth Boundary to expand urban development into some adjoining Green Wedge areas.

The Green Wedge areas will continue to support a diverse mosaic of agricultural activities, rural lifestyle opportunities, tourism and bushland areas. New developments, subdivisions, and land use changes, will continue to be managed in a way that protects and enhances the primary Green Wedge values of supporting sustainable farming, retaining a healthy biodiversity and protecting valued landscapes

Table 1 below describes the key characteristics of the green wedge area.

Table 1- Green wedge land use and settlement

Category	Characteristics
Productive Agricultural Areas	<p>Areas where:</p> <p>Lots are generally greater than 4 hectares in intensively cultivated areas, or 10 hectares in other areas</p> <p>Most lots are cleared and sown with pasture grasses or managed for horticulture</p> <p>Most lots are currently used for agriculture or have realistic potential to be used for horticulture, livestock grazing or other forms of productive agriculture.</p>
Rural Landscape Areas	<p>Areas where:</p> <p>Lot sizes are generally greater than 2 hectares</p> <p>Most lots have been at least partially cleared of indigenous vegetation</p> <p>Most lots are used for residential purposes in a rural environment</p> <p>Very few lots are used for productive agriculture (meaning lots of more than 4 hectares that are used for horticultural production or lots of more than 10 hectares that are predominantly cleared and sown with pasture grasses).</p>

Rural Residential Areas

Areas where:

Lots sizes are generally between 0.1 hectares and 2 hectares

Most lots are used for residential purposes in a heavily treed environment

Very few lots are used for productive agriculture (meaning lots of more than 4 hectares that are used for horticultural production or lots of more than 10 hectares that are predominantly cleared and sown with pasture grasses)

Many of the existing lots have been created by the consolidation of smaller lots under subdivision restructure and tenement requirements of previous planning schemes.

These areas are mostly concentrated in the Dandenong Ranges although pockets exist in other localities.

Large landholdings and relatively lower land values in Green Wedge areas can attract uses that are seeking to relocate from urban areas. Some of these land uses can create potential conflicts with agriculture and rural amenity.

Additional urban housing development outside of the established Urban Growth Boundary would lead to unsustainable outcomes such as high infrastructure costs and adverse impacts on the environment, landscape and agricultural practices. Speculation about changes to the Urban Growth Boundary can also undermine the confidence and investment decisions of agricultural producers, tourism industry providers and rural lifestyle residents in the Green Wedge.

Council's strategic directions for settlement are to:

Contain urban development and urban renewal within the urban growth boundary.

Support a mix of housing, business opportunities and community infrastructure within the suburbs and larger rural towns.

Protect the Green Wedge by ensuring use and development complements or enhances the primary values and characteristics of the Green Wedge.

Minimise residential subdivision in the green wedge.

Limit the use of rural land in the green wedge to agriculture, rural industry, tourist-oriented businesses or dwellings.

Activity centres

Yarra Ranges' network of activity centres (shown in Table 2 below and on the Economic Activity Plan at 02.04-3) plays an important role in providing a range of services and employment opportunities and a complementary range of housing types, commercial services and community infrastructure.

Table 2 - Yarra Ranges Activity Centre Hierarchy

Activity Centre Type	Role
Major Activity Centres Chirnside Park and Lilydale	These centres provide a large, diverse and intensive mix of retail, commercial, entertainment, cultural and other uses.

	<p>They have strong public transport links, serve a large regional-sized catchment, and are priority locations for future private and public sector development.</p> <p>Land within and adjoining these centres is the preferred location for additional and more diverse residential development.</p>
<p>Large Neighbourhood Activity Centres</p> <p>Belgrave, Healesville, Kilsyth, Monbulk, Mooroolbark, Mount Evelyn, Seville, Yarra Glen, Yarra Junction</p>	<p>Smaller in floor space terms than Major Activities Centres, these centres have a retail mix that is focussed on convenience and grocery shopping. They also provide a range of community services to the surrounding communities.</p> <p>Some of these centres, which serve a catchment that extends into the rural hinterland, perform a significant role in the provision of community and civic services, with some also providing a range of facilities and services for tourists.</p> <p>Land within and adjoining these centres is generally an appropriate location for additional housing.</p>
<p>Small Neighbourhood Activity Centres</p> <p>Coldstream, Montrose, Mount Dandenong, Olinda, Sassafra, Tecoma., Upwey, Wandin North, Warburton, Woori Yallock.</p>	<p>These centres have a more limited role in providing convenience retailing and community facilities for an immediate surrounding catchment.</p> <p>Usually, they have a small supermarket as the main anchor tenant. In some cases, they also serve a tourist market.</p>
<p>Local Activity Centres</p> <p>Examples include:</p> <p>Colby Drive - Belgrave South, Monbulk Road Silvan and Switchback Road - Chirnside Park</p>	<p>Local Activity Centres consist of a small group of shops that typically serve a local walk-in catchment and provide for the daily convenience and 'top up' needs of local residents and passing motorists.</p> <p>Some of these centres contain a limited number of community facilities and other uses.</p>

The existing activity centre network located in the suburban areas of the municipality, offers sufficient opportunities to meet projected future retail requirements in established centres that are accessible to residents.

The creation of a sustainable urban form that consolidates development around a network of activity centres also has environmental and social benefits including reducing car dependency, efficient use of community infrastructure, and reducing the need for urban development in rural areas.

Council's strategic directions for activity centres are to:

Locate retail, commercial, entertainment, community services and facilities and other intensive employment generating activities within established activity centres.

Accommodate additional retail and office floor space within larger activity centres.

Discourage activity centre functions in out of centre locations.

Support housing within and adjoining activity centres.

Support well-designed and integrated activity centres that service the needs of local residents and visitors and contribute to a sense of local identity.

Environmental and landscape values

Biodiversity

The natural environment, dominated by hills and trees, will continue to be the most defining characteristic of Yarra Ranges.

Yarra Ranges retains extensive areas of forested land together with a complex network of fragmented remnants of indigenous vegetation and waterways that provide habitats for a rich biodiversity. Remnant scattered trees and vegetation on private land also provide habitat and connectivity to the areas of public reserves that exist in Yarra Ranges. A significant proportion of indigenous vegetation especially within the foothills and valleys of Yarra Ranges was cleared as part of past land management practices.

The patchwork of fragmented bushland remnants throughout the settled areas of Yarra Ranges is susceptible to incremental vegetation removal, weed and pest animal invasion. Loss of vegetation from the landscape leads to nutrient loss, soil erosion, silting and pollution of waterways which can contribute to reduced agricultural production. Further fragmentation of bushland remnants also undermines their long-term viability as wildlife habitat.

River corridors, catchments and waterways

The waterways within the Yarra River and Dandenong Creek catchments are important environmental and water supply assets of the region although they suffer from degradation due to past and ongoing land management practices.

The Yarra River and its associated wetlands are important for wildlife habitat, as a landscape feature, a source of drinking water and as a recreational resource.

Remnant vegetation along waterways plays an important role in protecting in stream habitat and water quality. Responsible land and water management will help to protect drinking water quality and enhance the value of Yarra Ranges' bushland remnants and waterways as wildlife habitats, water resources and for recreation.

Land use and development within the catchment areas of the Yarra River may have an adverse impact on water quality within Yarra Ranges waterways.

Council's strategic directions for environment are to:

Avoid the incremental loss and further fragmentation of large intact remnant patches of indigenous vegetation.

Sustainably manage habitat areas and improve connections between them.

Offset unavoidable vegetation removal by revegetation or land management measures that achieve a net increase in key biodiversity assets.

Protect biodiversity assets on public land and areas that are accessible to the public.

Avoid the removal of indigenous vegetation or significant earthworks within riparian environments that will impact on water quality and habitat value of waterways.

Environmental risks and amenity

The combination of Yarra Ranges' natural topography, its urban fringe location and projected climate changes has resulted in many communities being exposed to environmental hazards including bushfire, landslip, flooding and soil contamination. Priority should be given to the protection of human life in the management of areas that are affected by environmental hazards.

By recognising and planning for the risks associated with projected climate changes, the adverse effects of water scarcity, bushfire, flood and landslip events will be minimised.

Many communities especially in the Dandenong Ranges are not serviced by reticulated sewerage which also has adverse impacts on the local environment and waterway network.

Council's strategic directions for environmental risks are to:

Discourage additional dwellings, subdivision and other sensitive land uses in bushfire prone areas and where the required defensible space would necessitate significant removal of high-quality indigenous vegetation.

Locate and design development to minimise the potential risk from flooding.

Protect the storage capacity of flood pondage areas.

Locate and design development within areas of landslip risk to minimise the potential risk to life and property.

Amenity

The residential zones in Yarra Ranges permit a range of non-residential business uses that meet local community needs.

Lower land values in residential neighbourhoods can attract commercial activities that can adversely affect the amenity of residential neighbourhoods through car parking and traffic and undermine the role of activity centres.

Council's strategic direction for amenity is to:

Provide opportunities in residential zones for non-residential land uses that respond to local community needs and retain the residential character of the area.

Natural resource management

The relatively reliable rainfall and favourable soil conditions in many parts of Yarra Ranges Green Wedge have traditionally supported a strong agricultural sector.

Agriculture in Yarra Ranges will continue to evolve in response to changes in economic and climate conditions. The areas of potentially productive agricultural land will need to be managed to retain long term opportunities.

The extent of the stone resource within these quarries is finite and confined by environmental constraints and other land use priorities on nearby and adjoining land.

Council's strategic directions for natural resource management are to:

Discourage additional dwellings and land fragmentation in productive agricultural areas that would have an adverse impact on farming operations or significantly reduce the extent of land available for productive agricultural use.

Support development of existing extractive industry resources while protecting environmentally sensitive areas.

Built environment and heritage

Scenic landscapes are a key contributor to the identity of Yarra Ranges and unsympathetically designed new development can detract from these landscapes.

The identity and rural town character of many Yarra Ranges settlements is enhanced by their location in a rural landscape setting and distinct separation from other urban areas. The quality and presentation of buildings and public places in Yarra Ranges' activity centres also plays a significant role in creating a sense of place for local communities.

Much of the building stock in Yarra Ranges comprises modest buildings constructed before the introduction of environmentally sustainable design concepts.

The future built form of development will adopt environmentally sustainable design principles, be accessible to people of all abilities, respect heritage places and will reinforce the valued characteristics of their surroundings.

Yarra Ranges' diversity of heritage buildings and places reflect its origins and contributes to its identity. There is a need to protect the important elements of this heritage to nurture greater community awareness and appreciation of Yarra Ranges' past.

Council's strategic directions for the built environment and heritage are to:

Protect and respect sensitive environments, significant landscapes and cultural and natural heritage.

Incorporate best practice environmental design to contribute to sustainable building form.

Encourage development that contributes to a sense of place and adds to the character and identity of the distinct localities in Yarra Ranges.

Economic development

Yarra Ranges has a narrow economic base with a limited range of higher-level employment opportunities. Many residents travel outside the municipality for jobs and high-order services, including tertiary education and regional shopping centres.

Much of the local employment is in sectors such as manufacturing and retailing which have limited long term prospects for job growth. There are a significant number of home based businesses in Yarra Ranges.

A number of large manufacturing businesses operate in Yarra Ranges, however recent expansion in industrial floorspace has been in smaller scale units that accommodate businesses catering for more localised markets.

There are limited opportunities within the Urban Growth Boundary for further industrial development however many existing industrial areas contain under-developed sites that offer potential for more intensive industrial use.

Yarra Ranges includes local industry sectors that support the growth of social enterprises. Opportunities exist for the development of local business incubator sites to support local business ideas and agribusiness.

The Green Wedge contains extensive areas of productive agricultural land which support a strong agricultural sector.

Processing of sustainable timber resources provides significant local employment and economic activity in some of Yarra Ranges' rural towns.

Council's strategic directions for economic development are to:

Consolidate retail and office-based businesses in activity centres.

Provide for new businesses in accessible locations that broadens the economic base and range of employment opportunities in Yarra Ranges.

Retain a broad range of industrial based employment and support efficient use of industrial land.

Manage industrial areas to provide opportunities for future changes and innovation within the local employment sector.

Support the timber industry that adds value to the timber resources that are available in Yarra Ranges.

Accommodate, rural industries and other infrastructure that support the ongoing use of rural land for agriculture in the Green Wedge.

Tourism

The Green Wedge areas contain tourist destinations including wine growing areas, national parks, State forests, recreational trails, golf courses and well-known attractions such as the Puffing Billy Railway, the Dandenong Ranges, Warburton and Healesville Wildlife Sanctuary.

The Green Wedge also includes a variety of businesses linked to tourist related activities including visitor accommodation, wineries, restaurants and cafes.

Many tourist related businesses have a direct association with their setting especially in the wine growing regions and areas of forestry activity.

The Green Wedge and its proximity to the metropolitan region will attract ongoing interest in providing tourism and hospitality services. This sector will provide new economic opportunities in the region. However, it needs to be managed to protect the primary values and characteristics of the Green Wedge.

Council's strategic directions for tourism are to:

Support commercial land uses associated with tourist activities to create business opportunities that broaden the economic base of rural towns.

Encourage tourism activity that supports overnight stays and a diversity of tourist experiences.

Support tourism development in the green wedge that protects biodiversity, agriculture and valued landscapes.

11.01-1L Green Wedge

Policy application

This policy applies to use and development in the Green Wedge, Rural Conservation and Green Wedge A zones which includes the three broad categories of Green Wedge land defined in Table 1 to Clause 02.03-1.

General strategies

Protect the green wedge by ensuring use and development complements or enhances the primary values of the Green Wedge:

- Maintaining a healthy biodiversity.
- Protecting valued rural landscapes.
- Supporting sustainable agriculture.

Design development to have direct access to a suitably constructed road that can accommodate the level of traffic likely to be generated by the proposed use.

Integrate development into the rural landscape and avoid the removal of significant vegetation.

Non-agricultural use and development

Strategies

Locate development for education centres, golf course or places of worship and outdoor recreation facilities on sites adjoining the Urban Growth Boundary to provide a transition between urban and rural activities.

Locate, site and design development for golf courses, education centres, places of worship or other non-agricultural, tourist or dwelling use to:

- Avoid adverse impacts on productive agricultural land use on adjoining or nearby land.
- Retain the predominant rural character of an area.
- Appear as an unobtrusive element in the rural landscape.
- Be located on a site large enough to provide a rural landscape setting for the proposed development.
- Avoid adverse impacts on the amenity of nearby residential development.
- Retain any significant habitat for indigenous flora and fauna on the site and make sustainable improvements to the quality of that habitat.
- Treat and contain all effluent on the site.
- Have direct access to a sealed or road adequate for the anticipated traffic levels.
- Avoid fire and flood prone locations where vehicle access during bushfire and flood events would be unsafe.
- Avoid sites with landslip risk.

Policy guidelines

Consider as relevant:

- Locating outdoor recreation facilities on a site with direct access to a sealed road within a Road Zone Category 1 or 2 to provide safe and efficient access for traffic.
- Locating places of worship on a site with:
 - An area of at least 10 hectares.
 - Direct access to a sealed road within a Road Zone Category 1 that is able to provide safe and efficient access for traffic.
 - Farming activities conducted on the same or adjoining land.

- Locating an education centre on a site with:
 - An area of at least 20 hectares.
 - Direct access to a sealed road within a Road Zone Category 1 that is able to provide safe and efficient access for traffic.
 - Farming activities conducted on the same or adjoining land.

Rural industry

Strategies

Discourage rural industry that is not associated with agriculture or rural activities.

Support rural industries that maintain the use of the land for agriculture, including:

- The service, repair or supply of equipment or materials used in agricultural production.
- The storage, packing and, processing of primary produce.

Ensure any rural industry development does not adversely affect the amenity of the surrounding area or generate any adverse offsite emissions.

Ensure rural industry does not adversely impact on the amenity of existing residential development on nearby land.

Locate development for a rural industry within or adjoining an area of productive agricultural activity.

Screen and separate buildings and vehicle access from adjoining residential uses, waterways and sensitive environmental features or land uses.

Ensure all effluent can be satisfactorily treated and disposed of on site.

Primary produce sales

Strategies

Provide for the sale and consumption of primary produce, including processed goods made substantially from the primary produce in conjunction with agricultural production carried out on the land.

Design and scale development of primary produce sale buildings to maintain the overall appearance of the land as a farm.

13.07-1S Land use compatibility

01/07/2021
VC203

Objective

To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.

Strategies

- Ensure that use or development of land is compatible with adjoining and nearby land uses.
- Avoid locating incompatible uses in areas that may be impacted by adverse off-site impacts from commercial, industrial and other uses.
- Avoid or otherwise minimise adverse off-site impacts from commercial, industrial and other uses through land use separation, siting, building design and operational measures.
- Protect existing commercial, industrial and other uses from encroachment by use or development that would compromise the ability of those uses to function safely and effectively.

Policy documents

Consider as relevant:

- *Recommended separation distances for industrial residual air emissions* (Publication 1518, Environment Protection Authority, March 2013).

14.01-2L Sustainable agriculture

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Policy application

This policy applies to land in the Green Wedge, Rural Conservation and Green Wedge A zones.

Objective

To provide a secure, long term future for productive and sustainable agriculture that remains adaptable to the evolving needs of agriculture.

Strategies

Retain agricultural production as the predominant land use on cleared land in established farming areas where there are no over-riding environmental values that impose a greater priority.

Encourage intensive horticulture where intensive farming is characteristic of the local landscape and where abundant water supply is readily available.

Protect water resources that are potentially available for agricultural use and maximise opportunities to use recycled wastewater for agricultural purposes.

Allow buildings and structures required for the sustainable operation of productive agricultural enterprises.

Protect and restore soil condition, reduce the threats of erosion and salinity.

15.03-1L Heritage

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Policy application

This policy applies to all land affected by the Heritage Overlay.

Strategies

General

Integrate development with surrounding heritage buildings and streetscape.

Discourage changes to the principal facade or principal visible roof form.

Avoid development that dominates a precinct.

Ensure development of non-contributory buildings are responsive to abutting significant and contributory buildings and the streetscape.

Discourage the painting or rendering of unpainted surfaces.

Residential

Maintain the rhythm of spacing between dwellings and side setbacks.

Maintain the consistency of contributory and significant building front setbacks.

Locate garages, carport and sheds behind the front facade of a heritage dwelling.

Design garages, carport and sheds to have roof forms and materials that complement a heritage dwelling, if visible from the street.

Retain and conserve fences and gates that are a feature of a significant or contributory heritage place.

Support fences that complement the style and period of the heritage place.

Discourage fencing that obscures views to the front facade of a heritage place.

Commercial

Support development that adopts a contemporary interpretation of traditional forms.

Maintain the prominence, architectural integrity and character of significant and contributory heritage buildings.

Avoid development that exceeds the height of adjoining contributory or significant buildings.

Support development that reflects the setbacks and appearance of contributory and significant heritage buildings.

Retain retail shop fronts, doors and windows.

Discourage the painting of heritage buildings in corporate colours.

Discourage the installation of new windows and doors in the front facade or side street areas that are visible to the public realm.

Discourage the replacement of original timber window frames with alternative materials such as aluminium.

Alterations and additions

Discourage alterations or additions that obscure, alter or remove original features and details that contribute to the significance of the heritage place.

Design alterations and additions to be compatible with the architectural treatments prevalent in the heritage place.

Support additions at the rear or side where they are less visible from the street and can be distinguished from the original building.

Site upper level additions behind the principal visible roof so they are less visible from the street.

Design new development to be distinguishable from the original fabric of a significant building.

Encourage the removal of non-contributory elements that are intrusive to the heritage significance of the place.

Encourage the use of traditional construction materials.

Signs

Discourage signs that will obscure or detract from the architectural features or heritage significance of a heritage place or precinct.

Support signs that complement the historic character of a heritage place.

17.04-1L Tourism in the Yarra Ranges Green Wedge

Policy application

This policy applies to development for tourism in the Yarra Ranges Green Wedge (land outside the Urban Growth Boundary).

Objective

To provide for sustainable tourism in the Green Wedge.

Strategies

Support tourist development that will:

- Not result in the significant loss of productive agricultural land.
- Retain the predominant rural character of the area.
- Be located on a site large enough to provide a rural landscape setting for the proposed development.
- Avoid adverse impacts on the amenity of adjoining or nearby residential development and or farming operations.
- Minimise the threat to flora and fauna habitat by managing public access and visitor numbers.
- Treat and contain all effluent on the land.
- Have direct access to a sealed or otherwise suitably constructed road that is adequate for the anticipated traffic levels.
- Provide visitor accommodation, restaurants, cafes and function centres in established towns.

Discourage tourist development on sites that are subject to significant environmental hazards including:

- Fire and flood prone locations where vehicle access during bushfire and flood events would be unsafe.
- Sites with landslip risk.

Markets

Support use of land for a market only where it is:

- Predominantly for the sale of locally grown produce or goods made substantially from primary produce.
- Located on a site that is used for an established tourist business.
- Using existing infrastructure on a site for car parking, access areas and visitor amenities.

Place of assembly - outdoor entertainment

Support use of land for outdoor entertainment events that cater for fee paying audiences where:

- The scale of the event avoids adverse impacts on the amenity of the surrounding area.
- Direct access is provided to a sealed road within a Road Zone to provide safe and efficient access for traffic associated with the event.
- The land is and can continue to be used for agricultural purposes when events are not being conducted.

Host farm

Support host farms where it can be demonstrated a substantive farming activity is conducted on the site and the accommodation will be ancillary to the agricultural use.

Accommodation

Locate backpacker accommodation within or adjoining town centres with access to areas of productive agriculture.

Provide for seasonal farmworker accommodation on farm land where the work occurs or on nearby properties.

Rural towns

Locate tourism development:

- Within or adjoining the established town centre.
- On sites that are large enough to avoid adverse impacts on the amenity of residential or other sensitive land uses on adjoining or nearby land.

Support development that contributes to the built form character of the area.

Support development that protects and enhances significant environmental features.

Productive agricultural areas

Locate tourist development in Productive Agricultural Areas (as defined in Table 1 to Clause 02.03-1) with:

- Farming activities conducted on a site or adjoining land.
- Other tourist facilities on a site.

Encourage development in Productive Agricultural Areas to maintain the overall appearance of land as a farming property and directly support agriculture.

Rural landscape areas

Locate tourist development in Rural Landscape Areas (as defined in Table 1 to Clause 02.03-1) on land that contains or adjoins mostly uncleared bushland.

Support development that provides opportunities to interact with the natural environment on the land or adjoining land.

Support development that improves management of natural systems.

Retain any significant natural environmental features on the land.

Encourage development in Rural Landscape Areas to be unobtrusive in the landscape.

Rural residential areas

Support tourism development in Rural Residential Areas (as defined in Table 1 to Clause 02.03-1) that:

- Provides for the ongoing use and adaptation of established tourist businesses.

- Comprise new visitor accommodation facilities within unobtrusive structures that retain the visual dominance of vegetation.
- Utilises existing buildings for accommodation.
- Avoids development that will impact on the rural residential amenity of an area.

Discourage tourism development in Rural Residential Areas that does not meet the above.

Clause 34.04 GREEN WEDGE ZONE

Shown on the planning scheme map as **GWZ** with a number (if shown).

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.

To protect and enhance the biodiversity of the area.

Use of land for a dwelling

A lot used for a dwelling must meet the following requirements:

- Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.
- The dwelling must be connected to reticulated sewerage, if available. If reticulated sewerage is not available, all wastewater from the dwelling must be treated and retained within the lot in accordance with the requirements of the Environment Protection Regulations under the Environment Protection Act 2017 for an on-site wastewater management system.
- The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.
- The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.

Buildings and works

A permit is required to construct or carry out any of the following:

- A building or works associated with a use in Section 2 of Clause 35.04-1. This does not apply to:
 - An alteration or extension to an existing dwelling with a floor area of no more than the area specified in a schedule to this zone or, if no area is specified, 50 square metres.
 - An alteration or extension to an existing building used for agriculture with a floor area of no more than the area specified in a schedule to this zone or, if no area is specified, 100 square metres. The building must not be used to keep, board, breed or train animals.
 - A rainwater tank.
- Earthworks specified in a schedule to this zone, if on land specified in a schedule.
- A building which is within any of the following setbacks:
 - 100 metres from a Transport Zone 2 or land in a Public Acquisition Overlay if the Head, Transport for Victoria is the acquiring authority and the purpose of the acquisition is for a road.
 - 40 metres from a Transport Zone 3 or land in a Public Acquisition Overlay for a road if the Head, Transport for Victoria is not the acquiring authority.
 - 20 metres from any other road.
 - 5 metres from any other boundary.
 - 100 metres from a dwelling not in the same ownership.
 - 100 metres from a waterway, wetlands or designated flood plain.
- Permanent or fixed feeding infrastructure for season or supplementary feeding for grazing animal production constructed within 100 metres of:
 - A waterway, wetland or designated flood plain.
 - A dwelling not in the same ownership.
 - A residential or urban growth zone.
- A building or works associated with accommodation located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990 .

Decision guidelines

Before deciding on an application to use or subdivide land, lease or license a portion of a lot for a period of more than 10 years if the portion is to be leased or licensed for the purpose of Accommodation, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

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.
- 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.
- The potential for accommodation to be adversely affected by vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation if it is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.

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.
- 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.
- 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.
- 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.

- The need to locate and design buildings used for accommodation to avoid or reduce the impact from vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation if it is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990 .

Clause 43.01 HERITAGE OVERLAY

Shown on the planning scheme map as **HO** with a number (if shown).

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

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 specified 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.

Scope

The requirements of this overlay apply to heritage places specified in the schedule to this overlay. A heritage place includes both the listed heritage item and its associated land. Heritage places may also be shown on the planning scheme map.

Statements of significance

The schedule to this overlay must specify a statement of significance for each heritage place included in the schedule after the commencement of Amendment VC148. This does not apply to:

- A heritage place included in the schedule to this overlay by an amendment prepared or authorised by the Minister under section 8(1)(b) or section 8A(4) of the Act before or within three months after the commencement of Amendment VC148.
- A registered heritage place included in the Victorian Heritage Register established under Part 3 of the Heritage Act 2017 .
- A heritage place included in the schedule to this overlay on an interim basis.

Heritage design guidelines

The schedule to this overlay may specify heritage design guidelines for any heritage place included in the schedule. A heritage design guideline must not contain any mandatory requirements.

Application requirements

An application must be accompanied by any information specified in the schedule to this overlay.

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.
- Any applicable statement of significance (whether or not specified in the schedule to this overlay), heritage study and any applicable conservation policy.
- Any applicable heritage design guideline specified in the schedule to this overlay.
- Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place.
- Whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place.
- Whether the demolition, removal or external alteration will adversely affect the significance of the heritage place.
- Whether the proposed works will adversely affect the significance, character or appearance of the heritage place.
- Whether the proposed subdivision will adversely affect the significance of the heritage place.
- Whether the proposed subdivision may result in development which will adversely affect the significance, character or appearance of the heritage place.
- Whether the proposed sign will adversely affect the significance, character or appearance of the heritage place.
- Whether the lopping or development will adversely affect the health, appearance or significance of the tree.
- Whether the location, style, size, colour and materials of the proposed solar energy system will adversely affect the significance, character or appearance of the heritage place.

Use of a heritage place

A permit may be granted to use a heritage place (including a heritage place which is included in the Victorian Heritage Register) for a use which would otherwise be prohibited if all of the following apply:

- The schedule to this overlay specifies the heritage place as one where prohibited uses may be permitted.
- The use will not adversely affect the significance of the heritage place.
- The benefits obtained from the use can be demonstrably applied towards the conservation of the heritage place.

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider the effect of the use on the amenity of the area.

Clause 52.05-9 SIGNS

7 Purpose

To regulate the development of land for signs and associated structures.

To ensure signs are compatible with the amenity and visual appearance of an area, including the existing or desired future character.

To ensure signs do not contribute to excessive visual clutter or visual disorder.

To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.

Requirements

Sign categories

Clauses 52.05-11 to 52.05-14 specify categories of sign control. The zone provisions specify which category of sign control applies to the zone.

Each category is divided into three sections.

If a sign can be interpreted in more than one way, the most restrictive requirement must be met.

Section 1

A sign in Section 1 of the category may be constructed or put up for display without a permit, but all the conditions opposite the sign must be met. If the conditions are not met, the sign is in Section 2.

Some overlays require a permit for Section 1 signs.

Section 2

A permit is required to construct or put up for display a sign in Section 2.

This does not apply to a sign specified in Clause 52.05-10.

All the conditions opposite the sign must be met. If the conditions are not met, the sign is prohibited.

Section 3

A sign in Section 3 is prohibited and must not be constructed or put up for display.

Referral of applications

An application to construct or put up for display an animated or electronic sign within 60 metres of a freeway or arterial road declared under the Road Management Act 2004 must be referred in accordance with section 55 of the Act to the referral authority specified in Clause 66.03 or a schedule to that clause.

Expiry of permits

A permit for a sign other than a major promotion sign expires on the date specified in the permit. If no date is specified, the expiry date is 15 years from the date of issue of the permit.

Application requirements

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

All signs

- The character of the area including:
 - The sensitivity of the area in terms of the natural environment, heritage values, waterways and open space, rural landscape or residential character.
 - The compatibility of the proposed sign with the existing or desired future character of the area in which it is proposed to be located.
 - The cumulative impact of signs on the character of an area or route, including the need to avoid visual disorder or clutter of signs.
 - The consistency with any identifiable outdoor advertising theme in the area.
- Impacts on views and vistas:
 - The potential to obscure or compromise important views from the public realm.
 - The potential to dominate the skyline.
 - The potential to impact on the quality of significant public views.
 - The potential to impede views to existing signs.
- The relationship to the streetscape, setting or landscape:
 - The proportion, scale and form of the proposed sign relative to the streetscape, setting or landscape.
 - The position of the sign, including the extent to which it protrudes above existing buildings or landscape and natural elements.
 - The ability to screen unsightly built or other elements.

- The ability to reduce the number of signs by rationalising or simplifying signs.
- The ability to include landscaping to reduce the visual impact of parts of the sign structure.
- The relationship to the site and building:
 - The scale and form of the sign relative to the scale, proportion and any other significant characteristics of the host site and host building.
 - The extent to which the sign displays innovation relative to the host site and host building.
 - The extent to which the sign requires the removal of vegetation or includes new landscaping.
- The impact of structures associated with the sign:
 - The extent to which associated structures integrate with the sign.
 - The potential of associated structures to impact any important or significant features of the building, site, streetscape, setting or landscape, views and vistas or area.
- The impact of any illumination:
 - The impact of glare and illumination on the safety of pedestrians and vehicles.
 - The impact of illumination on the amenity of nearby residents and the amenity of the area.
 - The potential to control illumination temporally or in terms of intensity.
- The impact of any logo box associated with the sign:
 - The extent to which the logo box forms an integral part of the sign through its position, lighting and any structures used to attach the logo box to the sign.
 - The suitability of the size of the logo box in relation to its identification purpose and the size of the sign.
- The need for identification and the opportunities for adequate identification on the site or locality.
- The impact on road safety. A sign is a safety hazard if the sign:
 - Obstructs a driver's line of sight at an intersection, curve or point of egress from an adjacent property.
 - Obstructs a driver's view of a traffic control device, or is likely to create a confusing or dominating background that may reduce the clarity or effectiveness of a traffic control device.
 - Could dazzle or distract drivers due to its size, design or colouring, or it being illuminated, reflective, animated or flashing.
 - Is at a location where particular concentration is required, such as a high pedestrian volume intersection.
 - Is likely to be mistaken for a traffic control device, because it contains red, green or yellow lighting, or has red circles, octagons, crosses, triangles or arrows.
 - Requires close study from a moving or stationary vehicle in a location where the vehicle would be unprotected from passing traffic.
 - Invites drivers to turn where there is fast moving traffic or the sign is so close to the turning point that there is no time to signal and turn safely.
 - Is within 100 metres of a rural railway crossing.
 - Has insufficient clearance from vehicles on the carriageway.
 - Could mislead drivers or be mistaken as an instruction to drivers.

Major promotion signs

- The effect of the proposed major promotion sign on:
 - Significant streetscapes, buildings and skylines.
 - The visual appearance of a significant view corridor, viewline, gateway location or landmark site identified in a framework plan or local policy.
 - Residential areas and heritage places.
 - Open space and waterways.
- When determining the effect of a proposed major promotion sign, the following locational principles must be taken into account:
 - Major promotion signs are encouraged in commercial and industrial locations in a manner that complements or enhances the character of the area.
 - Major promotion signs are discouraged along forest and tourist roads, scenic routes or landscaped sections of freeways.
 - Major promotion signs are discouraged within open space reserves or corridors and around waterways.
 - Major promotion signs are discouraged where they will form a dominant visual element from residential areas, within a heritage place or where they will obstruct significant viewlines.
 - In areas with a strong built form character, major promotion signs are encouraged only where they are not a dominant element in the streetscape and except for transparent feature signs (such as neon signs), are discouraged from being erected on the roof of a building.

All signs

A permit for a sign that includes an expiry date must include a condition that provides that on expiry of the permit the sign and structures built specifically to support and illuminate it must be removed.

Major promotion signs

A permit for a major promotion sign must include conditions that specify:

- That the sign must not:
 - Dazzle or distract drivers due to its colouring.
 - Be able to be mistaken for a traffic signal because it has, for example, red circles, octagons, crosses or triangles.
 - Be able to be mistaken as an instruction to drivers.
- An expiry date that is 15 years from the date the permit is issued unless otherwise specified in this clause. This does not apply to a permit for major promotion sign for a special event or temporary building shrouding.

A permit for a major promotion sign may specify an expiry date other than 15 years, but the date must not be less than 10 years or more than 25 years from the date the permit is issued. Before deciding to alter the specified expiry date of 15 years, the responsible authority must consider, as appropriate:

- The purpose of the sign.
- The existing or desired character of the area.

- The Municipal Planning Strategy and the Planning Policy Framework in terms of the extent to which the proposed sign is consistent with any relevant policy direction and the extent to which the area may be expected to change over time.
- The extent to which the signage is physically and visually integrated into the architecture of the building.

Category 3 - High amenity areas

Medium limitation

Purpose

To ensure that signs in high-amenity areas are orderly, of good design and do not detract from the appearance of the building on which a sign is displayed or the surrounding area.

Section 1 - Permit not required	
Sign	Condition
Bed and breakfast sign	Only one to each premises.
Home based business sign	The display area must not exceed 0.2 sqm.
Direction sign	None specified

Section 2 - Permit required	
Sign	Condition
Above-verandah sign	None specified
Business identification sign	
Electronic sign	The display area must not exceed 3 sqm.
Floodlit sign	None specified
High-wall sign	Must be a business logo or street number.
Internally illuminated sign	None specified
Pole sign	
Promotion sign	The display area must not exceed 3 sqm.
Reflective sign	None specified

Section 3 - Prohibited	
Sign	
Any sign not in Sections 1 or 2	

Clause 52.27 LICENSED PREMISES

Purpose

To ensure that licensed premises are situated in appropriate locations.

To ensure that the impact of the licensed premises on the amenity of the surrounding area is considered.

Scope

These provisions apply to premises licensed, or to be licensed, under the Liquor Control Reform Act 1998 .

Permit required

A permit is required to use land to sell or consume liquor if any of the following apply:

- A licence is required under the Liquor Control Reform Act 1998 .
- A different licence or category of licence is required from that which is in force.
- The hours of trading allowed under a licence are to be extended.
- The number of patrons allowed under a licence is to be increased.
- The area that liquor is allowed to be consumed or supplied under a licence is to be increased.

This does not apply:

- To a limited licence.
- To a licence to manufacture liquor.
- If the schedule to this clause specifies that a permit is not required to use land to sell or consume liquor under a particular type of licence.
- To a variation that reduces the hours of trading allowed under a licence.
- To a variation that reduces the number of patrons allowed under a licence.
- To a variation that reduces the area within which liquor is allowed to be consumed or supplied under a licence.
- To a variation of licence at the initiative of the Victorian Commission for Gambling and Liquor Regulation, pursuant to Section 58 of the Liquor Control Reform Act 1998 .
- To a variation of licence for a variation prescribed in Part 6, Regulation 31 of the Liquor Control Reform Regulations 2009.
- If a different licence or category of licence is required solely as a result of changes to licence categories.
- To a licence to sell only packaged liquor for consumption elsewhere issued before 8 April 2011.

The schedule to this clause may specify that a permit may not be granted to use land to sell or consume liquor under a particular type of licence.

Referral of applications

An application must be referred and notice of the application must be given in accordance with Clause 66 of this scheme.

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

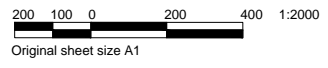
- The Municipal Planning Strategy and the Planning Policy Framework.
- The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.
- The impact of the hours of operation on the amenity of the surrounding area.
- The impact of the number of patrons on the amenity of the surrounding area.
- The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.

SYMBOL	DESCRIPTION
	FOR INSERT AREA PLAN SEE SHEET 2
	GARDEN & ORCHARD SPACE



Page 72

ADVERTISED



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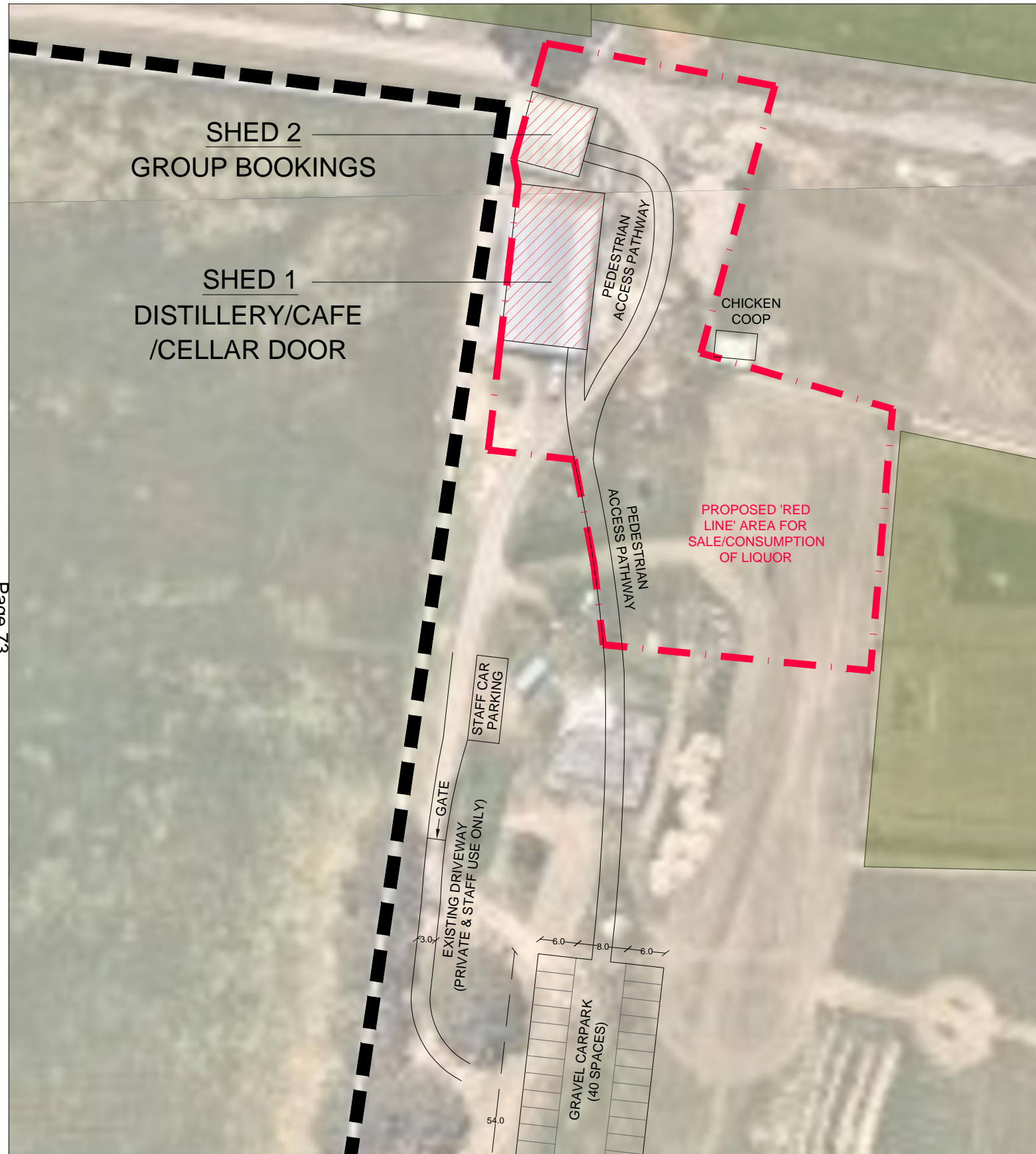


DRAWN: C.MOGILEVSKA
 SCALE: 1:2000 @ A1

Client : PAUL REEVES Municipality : YARRA RANGES

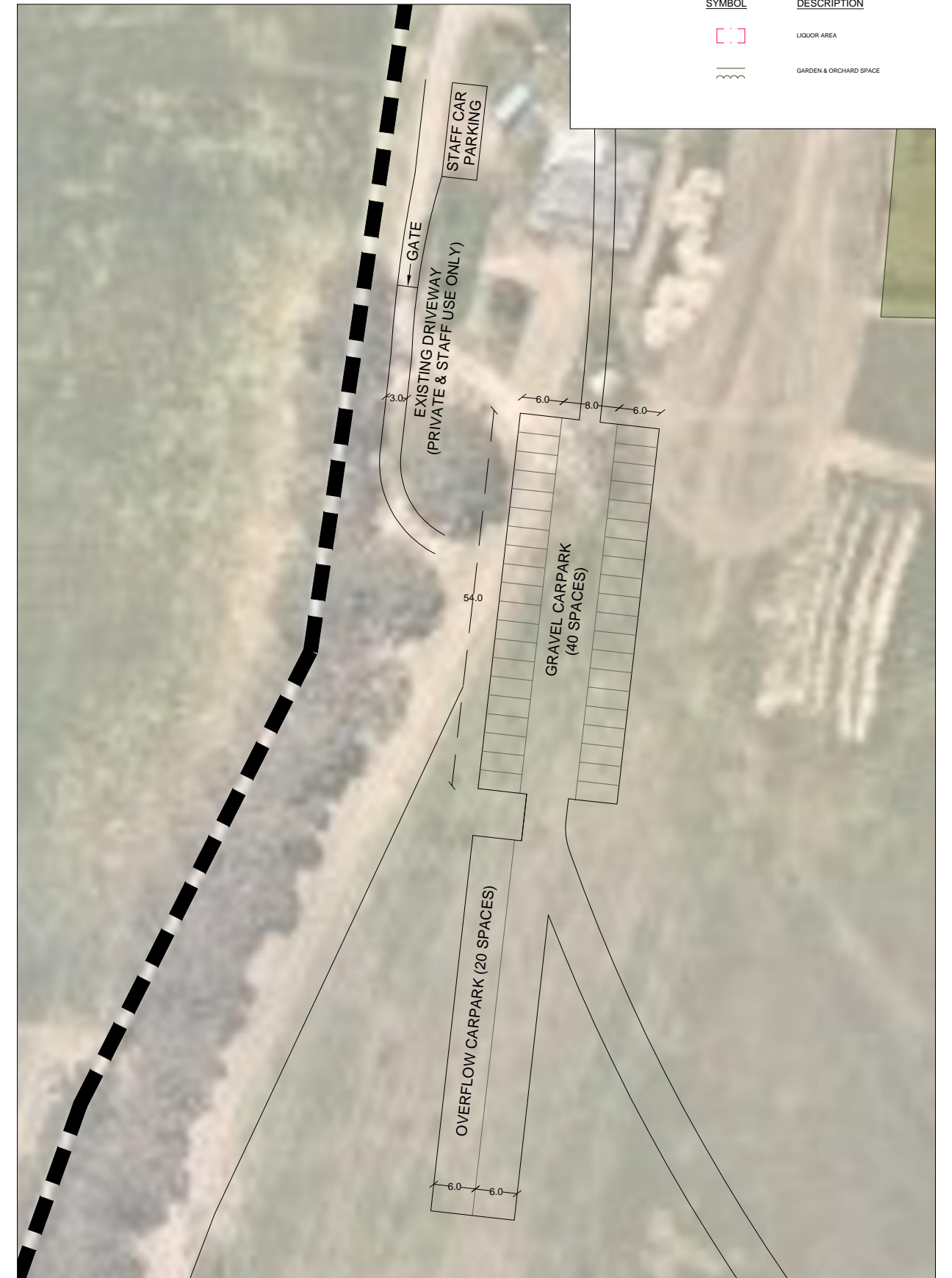
**SITE PLAN LAYOUT
 STAG LANE
 YARRA GLEN**

DWG: 2529614TP1D
 Job No: 25296
 Sheet: 1 OF 3

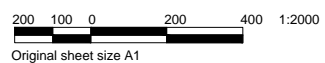


FOR CONTINUATION SEE DIAGRAM TO THE RIGHT

FOR CONTINUATION SEE DIAGRAM TO THE LEFT



SYMBOL	DESCRIPTION
	LIQUOR AREA
	GARDEN & ORCHARD SPACE



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SCALE: 1:400 @ A1

Client : PAUL REEVES

Municipality : YARRA RANGES

PROPOSED DISTILLERY, CAFE, FUNCTIONS & CARPARK AREA
STAG LANE
YARRA GLEN

DWG: 2529614TP1D

Job No: 25296

Sheet: 2 OF 3

SHED 2
GROUP BOOKINGS

SHED 1
DISTILLERY/CAFE
/CELLAR DOOR

COOLWYN GLOSS
MAGNOLIA

STRAIGHT &
NARROW LILYPILLY

PEDESTRIAN
ACCESS PATHWAY

CHICKEN
COOP

HERB
GARDEN

LAVENDER
HEDGE

STRAIGHT &
NARROW LILYPILLY

FRUIT
TREES

SLOE BERRIES

DAMASK ROSES
TO PERIMETER OF
FENCED AREA

VEGETABLE
GARDEN PLOTS

LAWN AREA

PEDESTRIAN
ACCESS PATHWAY

STAFF CAR
PARKING

EXISTING DRIVEWAY
(PRIVATE & STAFF USE ONLY)

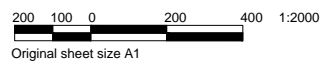
GATE

EXISTING
PEPPERMINT GUM
TREES

GRAVEL CARPARK
(40 SPACES)

JUNIPER PLANTINGS
(TRADITIONAL JUNIPER AND
NATIVE JUNIPER 'BOOBIALLA')

VEGETABLE
GARDEN PLOTS



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FARM LAYOUT PLANTING PLAN
STAG LANE
YARRA GLEN

DWG: 2529614TP1D

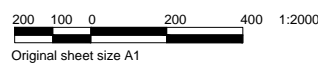
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Sheet: 3 OF 3

SYMBOL	DESCRIPTION
	FOR INSERT AREA PLAN SEE SHEET 2
	GARDEN & ORCHARD SPACE



Page 75



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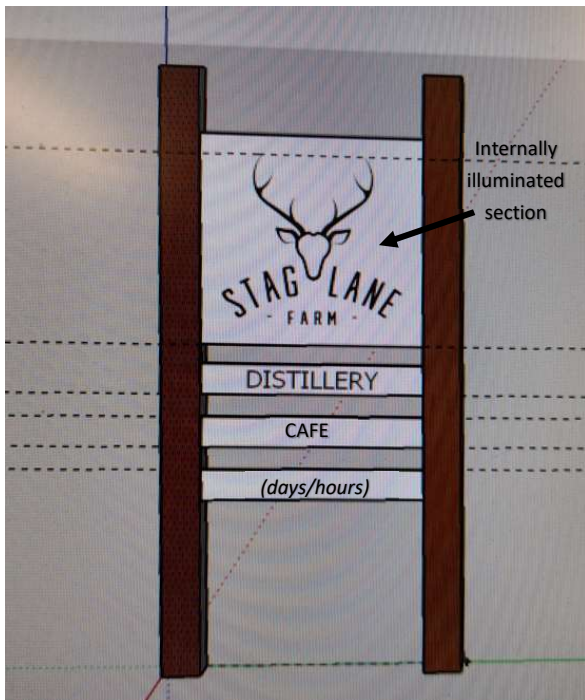
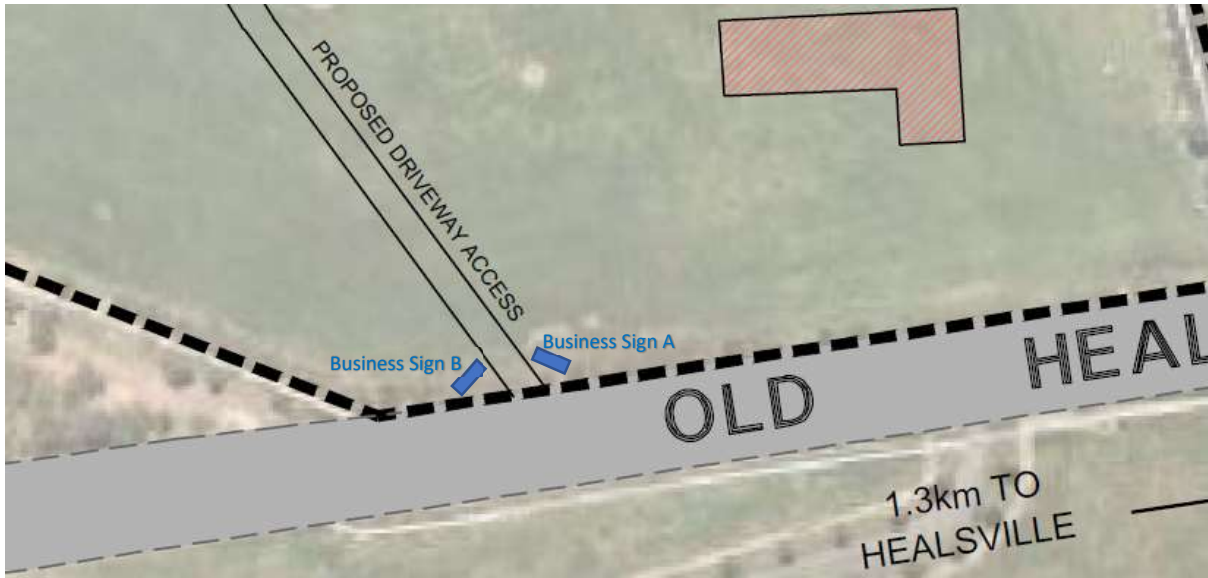
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Client : PAUL REEVES Municipality : YARRA RANGES

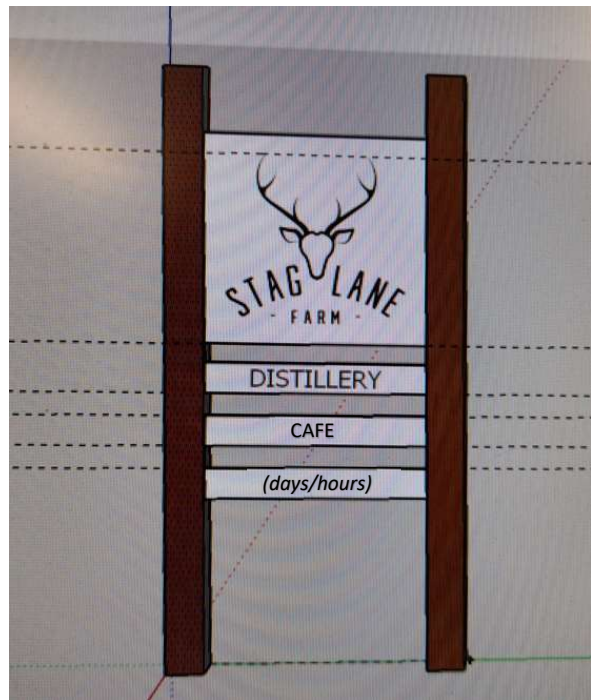
**SITE PLAN LAYOUT
 STAG LANE
 YARRA GLEN**

DWG: 2529614TP1D
 Job No: 25296
 Sheet: 1 OF 3

DATE	APPD



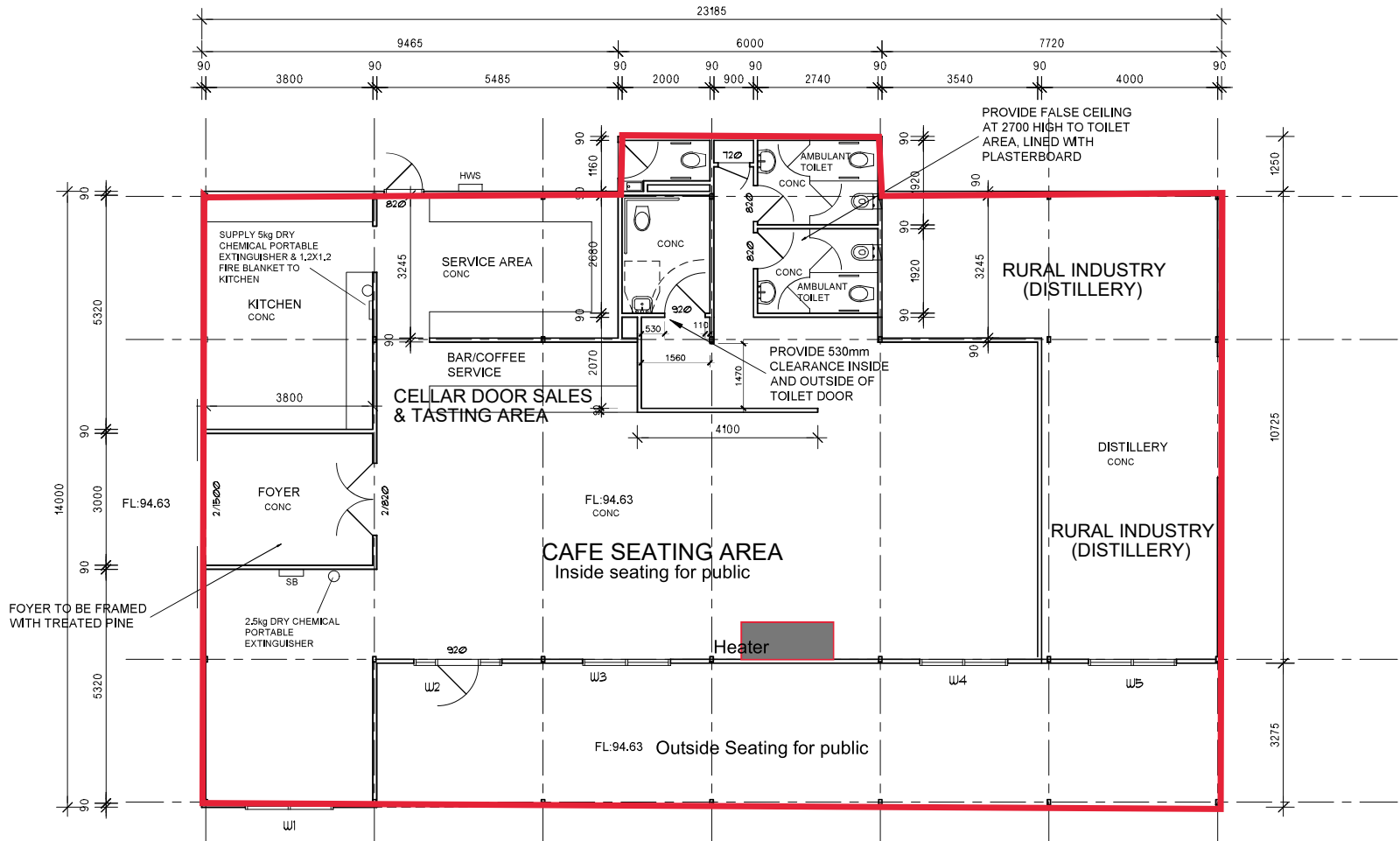
Proposed Business Sign A
(internally illuminated top panel)



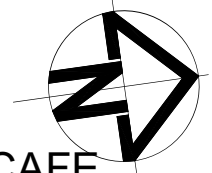
Proposed Business Sign B

(both signs will be the same dimensions and materials - 2 timber posts 200mm x 220mm / Corten steel laser cut with Stag Lane Farm logo on top panel / White Perspex behind (Approx. 4m high x 2m wide, including posts))

**Proposed Business Identification Signage at entry from Old Healesville Rd
(20 Stag Lane Yarra Glen, JCA REF 25296)**



PROPOSED PLAN EXISTING SHED (SHED 1) **PROPOSED FLOOR PLAN**
SCALE 1:100 **DISTILLERY, CELLAR DOOR SALES, CAFE**



AMENDMENTS:

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 email: aramage11@bigpond.com

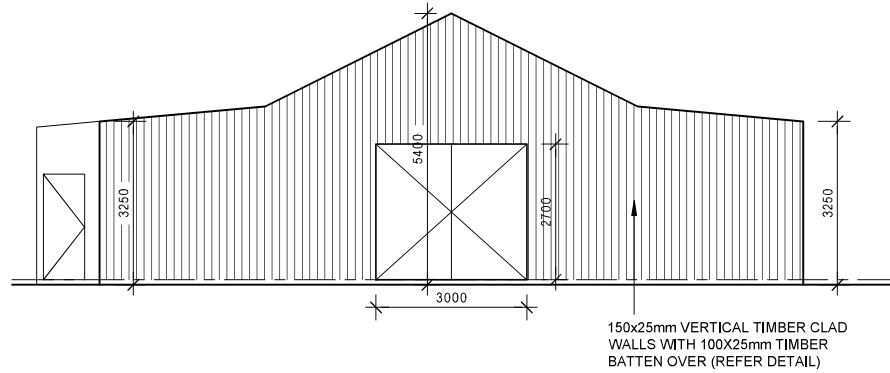
PROJECT :
 20 STAG LANE,
 YARRA GLEN

CLIENT :
 MR. & MRS. REEVES

DRAWING TITLE :
 PROPOSED PLAN

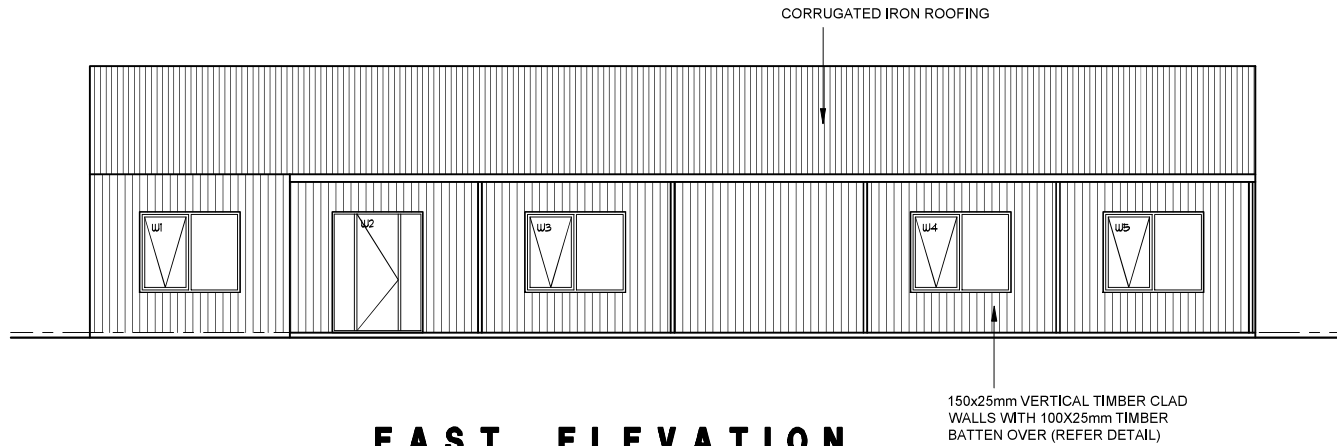
DATE : 15/11/2021 CODE : DP-1609

SCALE:
 AS SHOWN JOB No :



SOUTH ELEVATION
SCALE 1:100

WINDOW SCHEDULE		
No	SIZE	TYPE
W1	1600x2000	ALUMINIUM AWNING
W2	2400x1800	ALUMINIUM DOOR
W3	1600x2000	ALUMINIUM AWNING
W4	1600x2000	ALUMINIUM AWNING
W5	1600x2000	ALUMINIUM AWNING



EAST ELEVATION
SCALE 1:100

EXISTING SHED (SHED 1) ELEVATIONS

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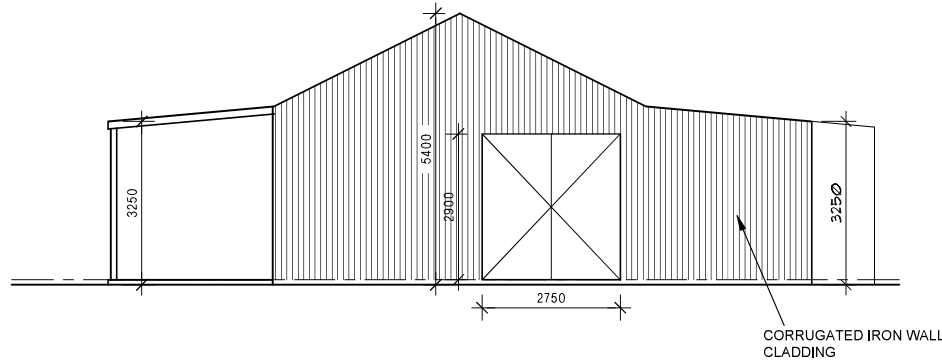
PROJECT :
20 STAG LANE, YARRA GLEN

CLIENT :
MR. & MRS. REEVES

DRAWING TITLE :
ELEVATIONS SHED 1

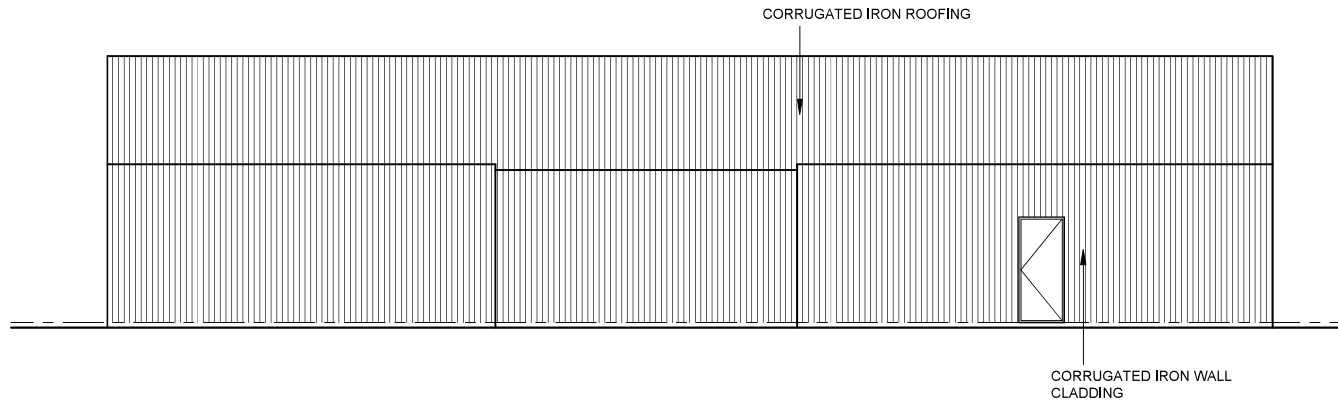
DATE : 15/11/2021 CODE : DP-1609

SCALE:
AS SHOWN JOB No :



NORTH ELEVATION

SCALE 1:100



WEST ELEVATION

SCALE 1:100

**EXISTING SHED (SHED 1)
ELEVATIONS**

AMENDMENTS:

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**ANDREW RAMAGE
DESIGNS**

19 DIRLTON CRES, PARK ORCHARDS 3114
PH: 0418 178 194
email: aramage11@bigpond.com

PROJECT :
**20 STAG LANE,
YARRA GLEN**

CLIENT :
MR. & MRS. REEVES

DRAWING TITLE :
ELEVATIONS SHED 1

DATE : 15/11/2021 CODE : DP-1609

SCALE:
AS SHOWN JOB No :

Planning Report

**Address of Land:
20 Stag Lane, Yarra Glen**

**Planning Application for:
Gin Distillery (Rural Industry) and Tourist Facility -
Restaurant (Café), Function Centre, and
Cellar Door (Manufacturing & Primary Produce Sales),
including Licensed Premises and associated
Carparking, Business Signage & associated Works**



**Application to: Yarra Ranges Council
Report Prepared By: JCA LAND CONSULTANTS**

**Date of Report: 15 July 2022
JCA Ref: 25296**

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5. SUMMARY / CONCLUSION

1. Executive Summary

Proposal:	Gin Distillery and Tourist Facility - Restaurant, Function Centre, Cellar Door & associated car parking and signage
Address:	20 Stag Lane, Yarra Glen
Title:	Vol. 11630 Fol. 117
Parcel:	Plan of Consolidation PC 364146C
Area:	35.59 ha (87.94 acres)
Melway:	267 J9
Zone:	Green Wedge Zone (GWZ5) (No overlays)

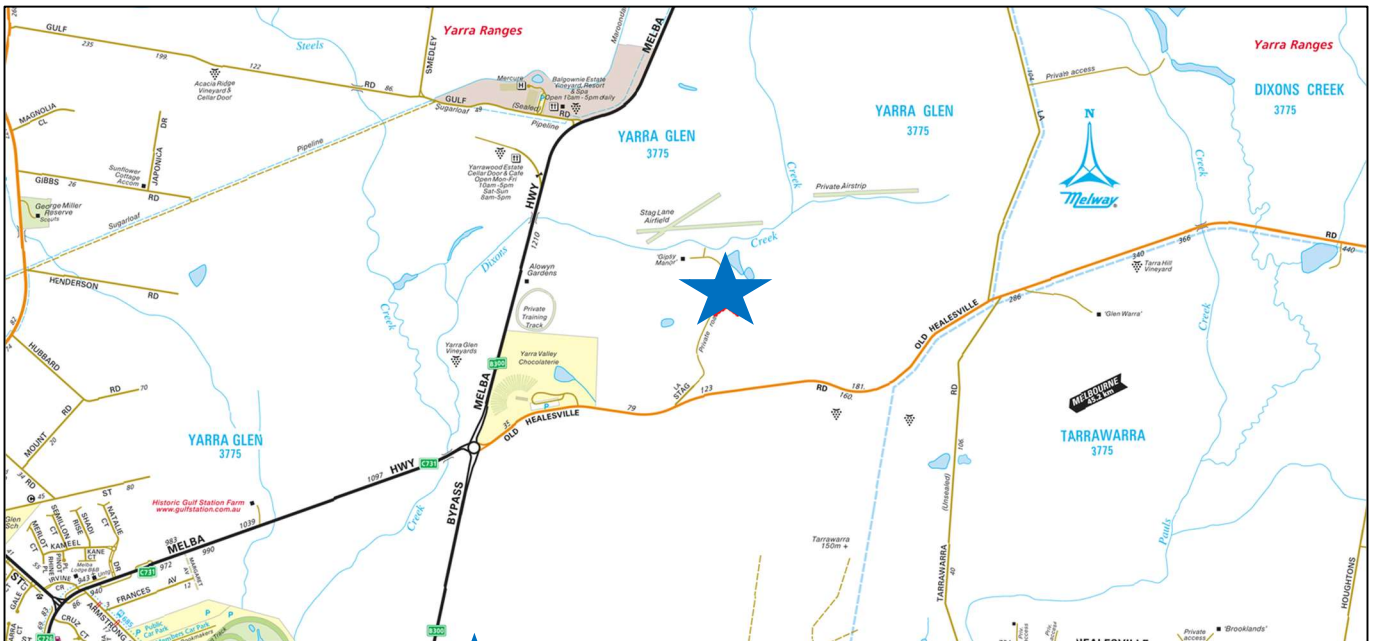
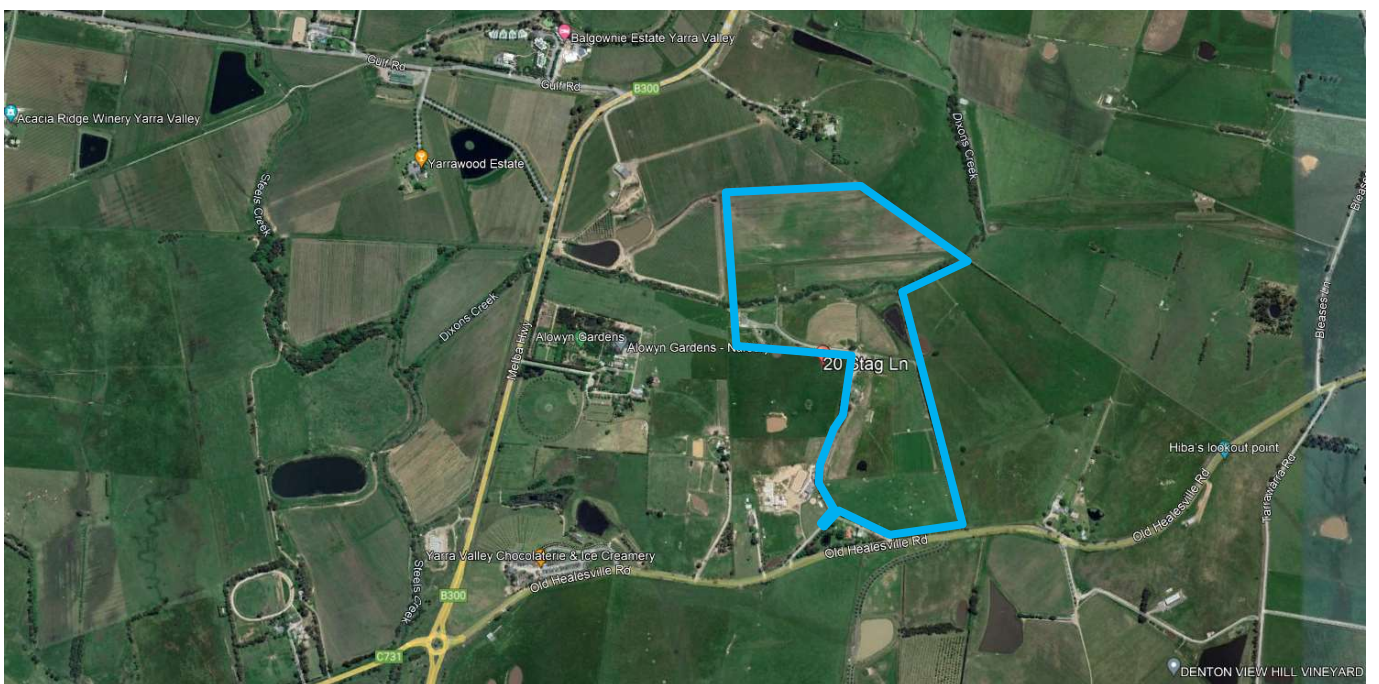


Figure 1.1: Site Context Map  Indicates subject site Source: Melway Online Maps



1.1 Introduction & Background

This report provides information in support of a planning application for a proposed Gin Distillery and Tourist Facility at 20 Stag Lane, Yarra Glen to complement the owners' agricultural pursuits in accordance with the Yarra Ranges Planning Scheme. The proposed distillery (rural industry), café and function centre are to be located within existing farm sheds. No additional buildings are proposed. The application is therefore primarily for a use permit and for the construction of works associated with the accessway and carpark.

The farm property, now known as '*Stag Lane Farm*', was purchased by the current owners/residents in May 2018 and the owners have undertaken various plantings of gin ingredient botanicals across the property since purchasing.

Plantings include as juniper, citrus (750+ plants - limes and yuzu), sloe berries, crab apples, lilly pilly, finger limes, damask rose (rose oil) as well as a truffiere field (truffle under 300 oak tree plantings), hops, other herbs (eg rosemary, sage) and seasonal vegetables, fruit trees in bio-intensive gardens, leptospermum (manuka) and the balance of the land is used for livestock and the residents' house site (approved under Planning Permit YR-2021/307 issued in September 2021).



Figure 1.2: Citrus / Yuzu plantings Photo taken November 2021

The gin product, under the label, *Mary Monica*, has been produced/manufactured to date in the commercial area of Healesville at *Alchemy Distillers*. The gin has been sold on-line and at markets since inception some 5 years ago and now the owners wish to move all operations to their farm property in Yarra Glen. It is of great importance to the owners to commence distillation of their gin product on their farm property as a priority.

1.2 Proposal Summary

The proposed distillery and Tourist Facility includes proposed uses that are integral to the agricultural use of the land and the plantings on the site. The distillery will use the fruit and botanicals grown on the land from the property's plantings to produce gin. The restaurant (café) and cellar door will provide the property's produce for sale in various forms. Permission is also sought for a Function Centre to hold small weddings and private functions. The restaurant (café) and cellar door will provide for a total of 100 patrons (or 150 patrons for functions) to be present at any time, the maximum allowed under the Green Wedge zone provisions.

Extracts from our client's Business plan are included below, which outlines the overall intentions for the farm and business as a whole.:

Extracts from Mary Monica Gin Business Plan (April 2021):

Executive Summary

Our property is an 88 acre, Truffiere and Citrus farm in the Yarra Valley, nestled between vineyards and overlooking majestic views of the Kinglake hills. Our planned Family orientated distillery business will produce a craft, small batch Gin using ingredients picked straight from our orchards and herb/vegetable gardens as well as sourced botanicals either foraged or bought in.

This is unique in the marketplace, where we combine eco-tourism, learning experiences and a gin distillery with café. This is all based on regenerative farming practises that repair and care for the soil, ensuring we give more back than we take from the land. Our way of sequestering carbon back to the soil and reduce our carbon footprint in the world.

Our visitors are not restricted to just Gin as the experience. They will be able to see more than a distillery in action. A destination where they can see and learn about our orchards, different botanicals, our hop trellises and even our truffiere. With chickens, lambs, cattle and Alpacas that play a part in managing the farm creating a holistic approach in our business model.

Our income streams include:

- Distillery - Gin sales and tours and drinks*
- Café - food and coffee*
- Produce store - gift sales including branded items and farm made spreads and jams.*
- Event space*
- Experiences such as cooking, truffle hunting and horticulture.*

Gin will be sold through the Cellar Door, Wholesale and Online.

The farm is already purchased and the orchards and truffiere have been planted. Our financing for the distillery is in place with capital reserves already allocated for the erection of the distillery and purchase of the Still. (financing for the distillery is in place with capital reserves already allocated for the existing shed conversion to a distillery).

Our experience is wide and varied. Paul Reeves was born into the hotel industry with his father and grandfather both hoteliers. Paul's Great Grandmother, Mary Monica, who the Gin is named after, was a hotelier herself during the depression years and beyond. Paul along with his wife Gayle both owned and operated Hotels, Motels, restaurant and caravan park over a 30 plus year period. Their son James (the head distiller) has been involved in Hospitality in the family business as well as for others. And lastly their daughter Abbey with many years in travel, inbound tourism, event planning and cooking skills brings another aspect to the operation of our business.

(Since the original business plan was written, they now hold a limited renewable licence and have an ATO manufacturers licence and presently gypsy distil at Alchemy in Healesville. Their team currently sells this product at markets and online. It is estimated that after Council planning approval is in place, with three weeks for set up and trials and testing on the still they would be ready for full production).

Strategy

Our reason for developing the Gin Distillery grew from the talents and experience of our family as a whole. With an extensive hospitality background, our son's creative ability and passion in distilling as well as our daughter's love of horticulture and the land.

It made sense that a venue on a farm property would be a perfect location for a project such as this. Even though we are a small family business we have the experience and knowledge to manage such a venture should the business grow to a level beyond our first few year's expectations.

In the Yarra Valley where we are situated there are no other Gin Distilleries on a farm setting. We chose our location because firstly the size of the property allows us to operate a business from the farm, as long as we grow produce that we use in our sales. We can operate a cellar door and other income streams from the products from the farm.

The other reason for the location is we already enjoy a high volume of passing cars that travel past our front gate. This traffic is a high percentage of tourists. Largely due to our neighbour, "The Chocolaterie".

Location: *Our property is already owned and we are currently building the structure that will house the Distillery. The Location has a high volume of tourism traffic to supply the distillery with cellar door sales. Located 3 doors from Yarra Glen, Chocolaterie (award winning tourism property) surrounded by award winning wineries. Within ½ hour from Melbourne Suburbs and about 1 hour from Melbourne CBD.*

Sales: *Currently selling well at local markets with an average of 30 bottles a week, at each market, as an indication of the acceptance of our gin. We plan to increase the markets but to also use them to promote the farm and the cellar door.*

Production Strategy: *Our production will be greatly influenced by our citrus orchard yield. We will have 750+ trees planted by spring (already planted Yuzu and Tahitian limes, 3 and 5 years old respectively). We distil within 24 hours of picking our fruit to give our unique flavours. The qty produce will far exceed our initial requirements with an estimate of about 600 to 800 thousand pieces of fruit per year. This would be enough for approximately 600,000 litres of gin that are our citrus based Gin. We envisage we will have quite a surplus of fruit which we will use for other products made on site.*

Our business overview subject to Council planning and approval:

The development of our distillery business will be the cornerstone of our vision. Our farm was purchased with this in mind. The introduction into the farm of raw products for our distillation's was planned from the outset. The orchards, the vines and gardens will all produce fruits, herbs and berries that we can use in everything we do. Our business model is to let people experience more than just a distillery producing a final product. We want to share the experience of what happens prior to the end product. To see natural ingredients before they are harvested and how we process them prior to distilling. Using the by products for saleable produce so wastage is kept to a minimum.

This is where we see a café that produces foods flavoured with produce from the farm and the bi-products of the distillation. We can extend what we produce for the distillery to the table and even further to produce a range of condiments for the home table or for restaurants.

With the venue we can incorporate cooking schools, farming and gardening workshops, Truffle days in our truffiere. So not just focusing on alcohol as the core but rather an accompaniment to an enjoyable afternoon or day out.

Our exposure to the public will be almost immediate. We are situated on a main tourist road from Yarra Glen to Healesville and next door to the very popular Chocolaterie. There are already hundreds of cars pass by our front gate every hour on busy days. This location is one of our best marketing avenues.

We have already been selling their Oriental and Yuzu Gin at markets for over 2 years and will continue to do so. We have built up a following and have repeat customers at each market. Once our venue is open, we will continue to do markets and directly promote the location to patrons each week.

From their Mary Monica website (<https://www.marymonica.com.au/>) - the About Us page describes their business as:

With at least five generations of hoteliers in our family we knew what we wanted in a gin! To get the quality and especially the freshness of botanicals we needed, we have to grow our key ingredients ourselves. We also didn't want to skimp on the expensive elements of our recipe. Our key botanicals are picked fresh in season and distilled within 24 hrs. Timing is everything. This means that when the season batch is sold, we do not produce until the next fruit is on the trees.

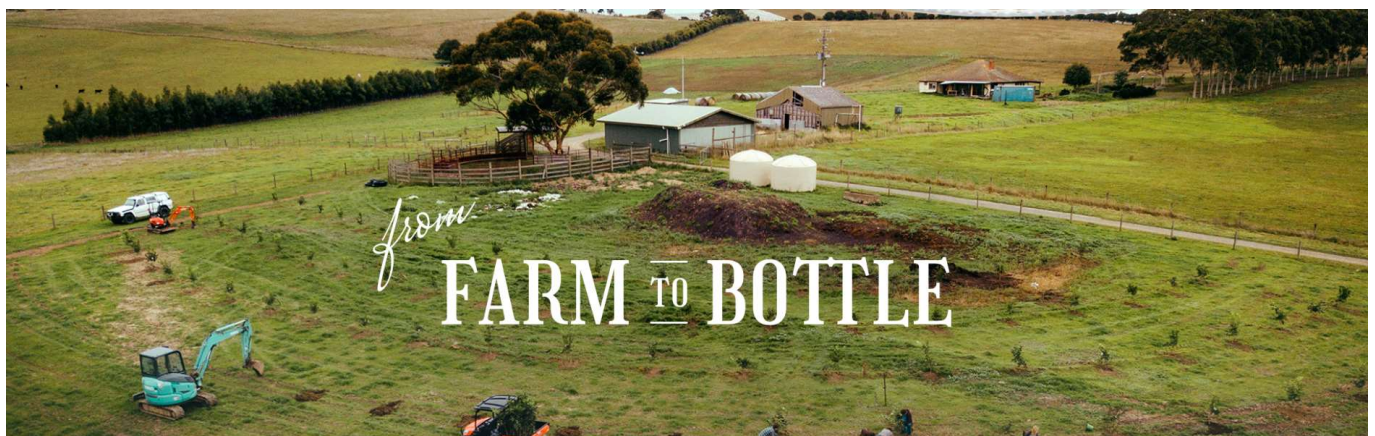


Figure 1.3: Mary Monica website photo (2020)

This report aims to outline the necessary permits to be obtained from Council to allow our clients to achieve their business goals. Moreover, the report has been prepared to demonstrate that the proposed uses, and works are in line with the relevant provisions of the Green Wedge Zone - Schedule 5, as well as the purposes of the relevant State and Local Planning Policy.

1.3 Planning Summary

A planning permit is sought from Yarra Ranges Council for use and development of the land for Rural Industry and a proposed Tourist Facility incorporating the following:

- Gin Distillery (Rural Industry - making of gin) - in existing farm shed (Shed 1)
- Restaurant (Café) - in & around existing farm shed (Shed 1)
- Function Centre - Small weddings and private functions - in & around existing farm sheds (Shed 1 & 2)
- Manufacturing Sales & Primary Produce Sales - Gin & produce sales
- Sale and consumption of alcohol (Licensed Premises) - in & around existing farm sheds (Shed 1 & 2)
- Buildings and works - for new Accessway and Car Parking Area/s
- Works in a Heritage Overlay (access to Old Healesville Road - 'Yarra Track')
- Associated signage

2. Land Description

2.1 Locality



Figure 2.1 Aerial photo of locality Subject site red pointer Source: Google Earth Pro

The land is located at the north-east end of Stag Lane, with a partial frontage to Old Healesville Road at the east end, on the north side of the road. Stag Lane is a formed gravel road, while Old Healesville Road is a two-way sealed road with gravel or grassed verges.

The site is located within the rural areas east of the Yarra Glen township (3.4km). The site forms part of the Dixons Creek catchment area and the creek itself bisects the property. Within the catchment the area is in the lower reaches being just 3km from its junction with the Yarra River.

The area is dominated by pastoral holdings (including cattle & horses), vineyards and some specialty land uses. These latter uses include: the Yara Valley Chocolaterie & Ice Creamery (500m west) and Alowyn Gardens - nursery and café (570m west). The area is largely cleared for grazing and viticulture activities and smaller developed sites have generally been replanted with additional ornamental and landscape vegetation.

The site forms part of a broadacre rural precinct, zoned Green Wedge, that continues from the urban fringe of Yarra Glen and extends through the cleared valleys to nearby areas such as Dixons Creek and Tarrawarra.

**PLANNING REPORT: 20 STAG LANE YARRA GLEN
PROPOSAL: GIN DISTILLERY, CAFÉ, FUNCTION CENTRE, CELLAR DOOR**

Some Examples of Nearby Wineries / Distilleries and Tourist Facilities

Facility Name	Address	Offering:	Patrons	Car Spaces	Permitted Days / hours of operation
<i>Alowyn Gardens</i>	1210 Melba Hwy Yarra Glen	Outdoor Recreation Facility, Restricted Place of Assembly	No patron number limit	83	Daily 10am-5pm
<i>Yarrowood</i>	1275 Melba Hwy Yarra Glen	Winery (cellar door), restaurant/cafe			Daily 10am-5pm
<i>Pettavel Winery (Proposed)</i>	1157 Melba Hwy Yarra Glen	Winery and Restaurant	150	86	Daily 10am-5pm (cellar door) 10am-3pm (restaurant) Not open yet
<i>Yarra Valley Chocolaterie & Ice Creamery</i>	35 Old Healesville Rd, Yarra Glen	Chocolaterie and Cafe	180	264	Daily 9am-5pm
<i>Stefani Estate</i>	711 & 735 Old Healesville Rd Healesville	Winery (cellar door) & accommodation	50	25	Daily 10am-5pm
<i>Zonzo Estate</i>	957 Yarra Glen Rd Yarra Glen	Winery (cellar door), restaurant/cafe, licensed premises, function centre	150	102	Allowed Daily 8am-1am (currently café open 12noon to 3pm Wed to Fri, 11am to 3pm on weekends)
<i>Four Pillars</i>	1 Lilydale Rd Healesville (commercial zone)	Distillery, shop, function centre, food & drink premises and liquor consumption/sales	200	21 (including on-street)	Primarily daily 10am-9pm
<i>Balgownie Estate</i>	1309 Melba Hwy Yarra Glen	Winery (cellar door), restaurant, spa, functions, accommodation			Daily
<i>Immerse</i>	1548 Melba Hwy Dixons Creek	Winery (cellar door), restaurant, functions, accommodation			
<i>Mandala</i>	1568 Melba Hwy Dixons Creek	Winery (cellar door), restaurant, functions			

2.2 Site Development

The land comprises an irregular rural land parcel accessed from Stag Lane, located from partly across Dixons Creek south to old Healesville Road. The overall site is bounded on all sides (including opposite) by adjoining rural properties and is well fenced. There are large parcels of similar size to the subject land (30-70ha) to the east and northeast. The remaining abutments are to smaller rural holdings (25-45ha) north & west and an excised dwelling (2.3ha) to the Old Healesville Road & Stag Lane side of the land.




The land contains various buildings, including an old derelict house (in the process of being removed/demolished), various sheds (including hangar shed, farm office, staff room & storage) and other smaller farm buildings. A planning permit was issued for a replacement dwelling approved under Planning Permit YR-2021/307 issued in September 2021).

The total area is 35.59 hectares (88 acres). The land is contained in certificate of title Vol. 11630 Fol. 117 and described as Plan of Consolidation PC364146C. The key features of the site are indicated on the following aerial photo.



Figure 2.2 Aerial photo of site & surrounds

Source: Nearmap Nov 2021

-  Subject site
-  Distillery, restaurant, cellar door, function centre, car parking area
-  Nearest neighbouring dwellings

**PLANNING REPORT: 20 STAG LANE YARRA GLEN
 PROPOSAL: GIN DISTILLERY, CAFÉ, FUNCTION CENTRE, CELLAR DOOR**

The land is undulating and generally falls from the north and south boundary to Dixons Creek which bisects the land in an east-west direction separating the land into a northern third containing pasture and a grassed private airfield. The southern two-thirds contains all the remaining development on the land with this land bisected by an electricity easement. This easement dog-legs across the land between the old (derelict) house and the shedding, where the existing farm shed is located. All the existing shedding is outside and north of this easement. It also crosses the southwest corner of the middle third, below the hangar.

The site is also bisected by shared, overhead electricity lines that are contained within the electricity easement (E-1) on the land (see Title Plan below, Figure 2.3). There are no other encumbrances on the title in the form of covenants, restrictions, or section 173 agreements.

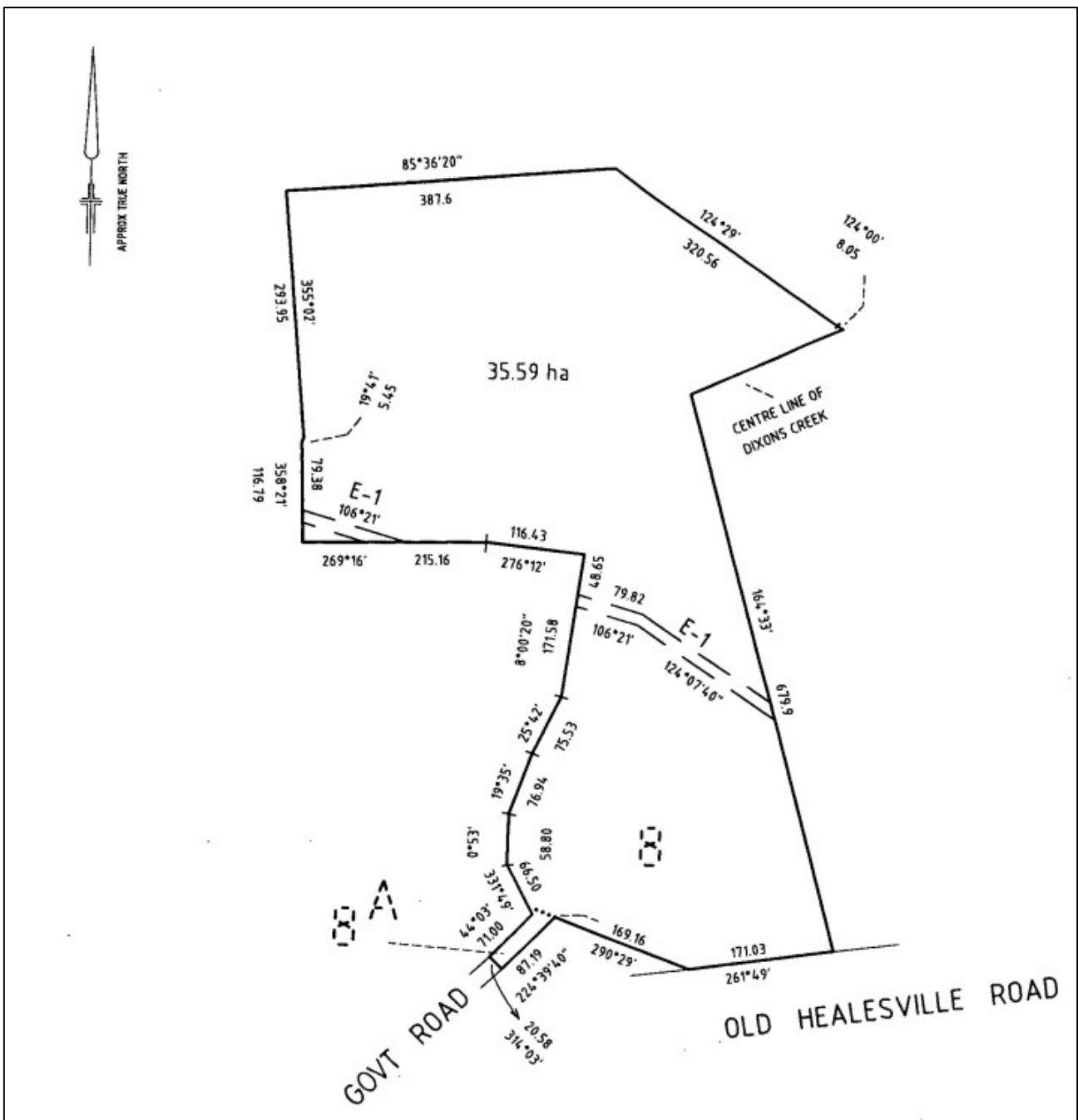


Figure 2.3: Title Plan

Source: Certificate of Title Search May 2021

Existing agriculture and plantings on the property include:

- juniper,
- citrus (limes and yuzu),
- sloe berries,
- crab apples,
- lilly pilly,
- finger limes,
- damask rose (rose oil),
- oak tree plantings (truffiere field),
- leptospermum (manuka),
- hops,
- lavender,
- herbs (eg rosemary, sage), and
- seasonal vegetables and fruit trees in bio-intensive garden beds.

Refer to plan 'Farm Plantings Plan' (Sheet 3 JCA plans).

The balance of the land is used for livestock and the residents' dwelling.

All nearby dwellings in the area are at least 380m from the distillery shed and 250m from the proposed car parking area.

The distillery, café and function centre are proposed in existing farm sheds (indicated as Shed 1 and 2 on the JCA plans) alongside the west boundary of the neck of land near the northern internal corner.

Details of the development and location within the property are included in section 3 (Proposal) of this report.

3. PROPOSAL

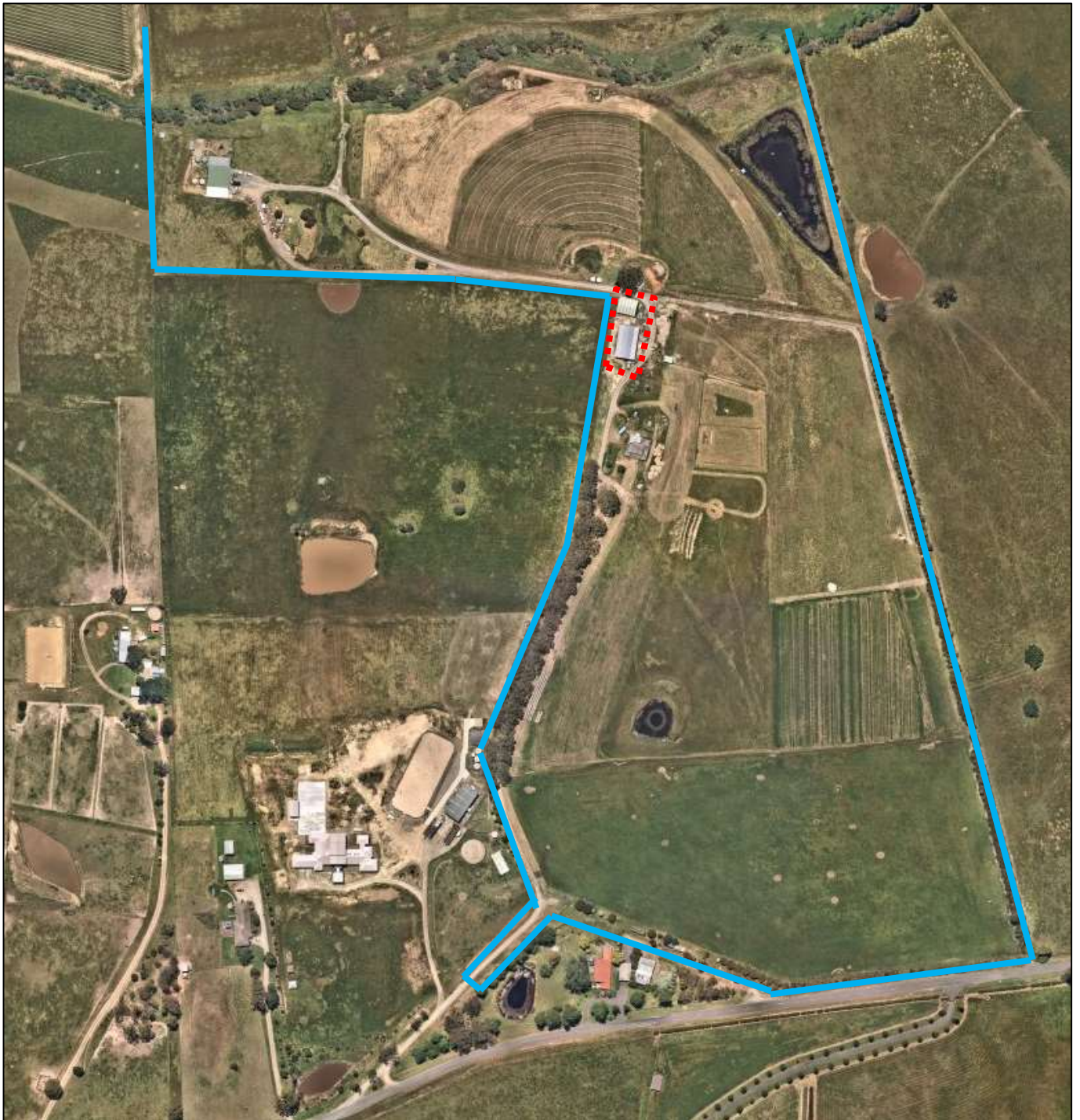


Figure 3.1 Aerial photograph of site indicating proposed Gin Distillery & other uses
Source: Nearmap (Nov 2021)



Application site



Proposed Distillery/Restaurant/Functions in & around existing sheds

3.1 - Proposed Land Uses

A variety of uses are proposed on the property (within & around existing building/s, notated as Sheds 1 & 2), some of which require a planning permit. In summary, the proposed uses are:

- Gin Distillery - *Rural Industry*
- Café - *Restaurant*
- Cellar Door and Produce Sales - *Manufacturing Sales & Primary Produce Sales*
- Small weddings and private functions - *Function Centre*

The proposed uses, in particular the proposed Gin Distillery (rural industry), are integral to the agricultural use of the land and the plantings on the site. The distillery will use the Juniper fruit, yuzu, and other botanicals from the property’s plantings to produce Gin and other products (including truffles) to be offered for sale. The restaurant (café) and cellar door will provide the property’s produce for sale in various forms and include a seating and dining area for up to 100 patrons. The retail sales area includes liquor consumption on premises and the café will also offer a selection of associated products as well as other alcoholic beverages, including a choice of local Yarra Valley wines, ciders, beers and liqueurs. This distillery seeks to offer high quality craft spirits for on-site hospitality, external hospitality and retail uses.




Figure 3.2 Site Plan – proposed distillery, café, functions in existing sheds
Source: extract of the JCA plans - Plan (Sheet 1 of 3)

Existing Sheds



Figure 3.3 Existing Buildings to be used for distillery, café and functions

 (denoted with dashed blue outline)

 proposed car parking area

Source: JCA photo (December 2021)



Figure 3.4 Existing Buildings (Shed 1 left / Shed 2 right) Source: client photo (April 2022)

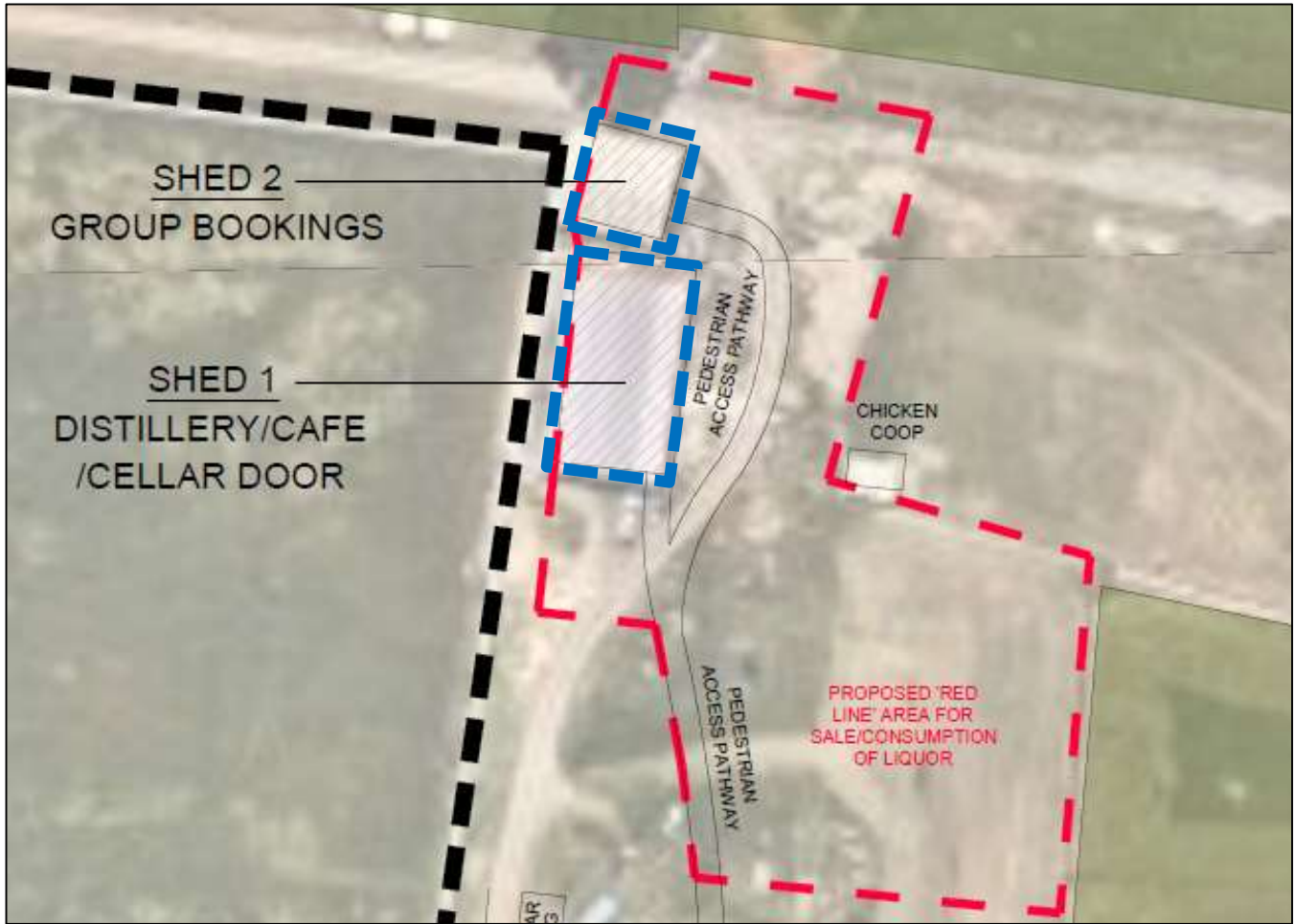


Figure 3.5 Existing Buildings (denoted with dashed blue outlines) 
Source: extract of the JCA plans (Sheet 2 of 3)

Two (2) existing sheds (Sheds 1 & 2) are proposed to be used for the gin distillery, café, cellar door sales and functions (see above extract of the Site Plan, existing sheds denoted with dashed blue outlines and photo above).

The main building (Shed 1) consists of a single level shed constructed about 2 years ago, of some 316m², with sectioned off areas for a kitchen, service area, foyer, inside seating, outside seating, bar and coffee service, the distillery itself and a distillery storage area. Refer to floor plan (by Andrew Ramage) submitted with the application. The shed is simple and unobtrusive in its design and surrounding landscaped elements (proposed and existing) soften its physical presence. The shed will be used as the company headquarters, production & distribution point for all its activities, including tastings, sales and food & beverage service.

The existing smaller shed (Shed 2) to the north, has been on site for several years, and will be used for private functions, weddings, group bookings or similar – this building is approximately 130m² in size.

Gin Distillery

The distillery equipment and industry area itself is proposed to take up a relatively small portion of the shed's north and partly western side (Shed 1). The distillery is the main attraction of the proposal and will provide gin products to be sold on and off the property. It is submitted that the distillery can be considered a Rural Industry use under the planning scheme.

Although we are also seeking planning permission for the café, cellar door sales and function centre uses as part of our application we respectfully request that any permit issued allows the use of the land for the Gin Distillery (Rural Industry - making of gin) in existing farm shed (Shed 1) to be facilitated and allowed to commence without the need for meeting other requirements and conditions only relevant to the Tourist Facility uses, as it is vital for the owners to move their gin distilling operations to the land as soon as possible. Similarly to other Council permits, separate conditions can be applied to the rural industry use, for example, Time Limits to commence use of the land for the gin distillery component, which will effectively give the applicants the ability to act on part of the permit only whilst meeting other requirements such as Condition 1 amended plans, engineering plans for the carpark, and all other plans and reports required to satisfy the permit for the other uses and development. If this cannot be achieved our clients reserve the right to seek a separate permit for the Gin Distillery (rural industry) use only. It is hoped that further discussions between applicant and Council planners can be facilitated on this matter in order to negotiate these details, so agreement can be reached on suitable permit conditions that deal separately with the rural industry component.

Restaurant / Café

A café/restaurant serving food and beverages is also proposed within and around Shed 1. The restaurant is proposed to accommodate 100 patrons. This involves a kitchen area at the southwest corner of the shed and an attached service area and bar. Patrons of the café can make use of the inside and outside seating area. Food from the café will be partially supported by the produce from the land and surrounding properties. A courtyard/outdoor seating area is proposed on the eastern side of the building (Shed 1) where patrons can comfortably and discreetly take in the surrounding plantations and farmland while enjoying a beverage or light refreshment. The proposed red line plan incorporates the grassed area surrounding the existing shed/s to the east, allowing patrons to casually enjoy a beverage while taking in the bio intensive garden and botanicals plantations and views of the farm property.

Cellar Door and Produce Sales

Part of the proposed on-site activities (in and around the proposed red-line area of Shed 1) include manufacturing sales (primarily gin from the distillery) and primary produce sales from the farm (truffles and other farm products). Allowing patrons to take home produce and manufactured goods allows the business to operate fluidly and help to realise the productive potential of the property. A liquor licence will be needed sell take away alcohol products.

Small Weddings, Group Bookings and Private Functions

Given the property's scenic location and impressive facilities, small weddings, group bookings and other private functions will be offered as an appropriate way to support the company's holistic business model. Sheds 1 and 2 and surrounds are to be offered for function bookings. A planning permit is required for function centre use of land in the Green Wedge Zone.

It is intended that when functions, large group or private bookings are offered, patron numbers will be limited to a maximum number of 150 people on site at a time – at any time that functions are fully patronised (ie 150 guests) the restaurant will be closed to other visitors and the 'public' and at these times advertising signage and website will advise that the facility is '*Closed for Private Function*'. Small functions will be offered at the same time as normal restaurant operating times on the understanding that the maximum capacity of the site and patron numbers will be limited as a result eg use of the land for a function of 50 guests, therefore restaurant only able to seat 100 people concurrently.

Proposed Licensed Premises - *Red-Line* Area (Liquor Licence Application)

The land owners also seek permission to use the land for sale and consumption of alcohol and the associated liquor licence will allow the serving and consumption of liquor on the premises and for manufacturing sales to patrons (within the 'patron area' of the proposed designated 'red line' licensed area/s in and around Sheds 1 and 2).

The liquor for sale and consumption will be that which is produced on the premises by the gin distillery, as well as other alcoholic beverages, including a choice of local Yarra Valley wines, ciders, beers and liqueurs.

It is proposed to license the internal area of the premises within the 2 existing sheds, the larger distillery/restaurant building (Shed 1) as well as the smaller shed (Shed 2) that will be used for weddings, functions or larger group bookings. An external area for patrons is also proposed adjacent to these sheds which would allow for a total capacity of up to 150 persons/patrons, as per the building capacity statement, as well as the limit of 150 persons under the zone requirements for the proposed uses.

(NOTE: The proposed licensed area is delineated on the plans with a 'red line'; refer to site plans, building capacity statement and floor plan for the area/s to be used by patrons).

Proposed Patron Numbers and Location of Licensed Area Service

The proposed gin distillery (cellar door sales) and restaurant (café) uses seek up to 100 patrons (or 150 for functions) to be present at the premises at any one time, as allowed under the conditions of these Section 2 uses in the Green Wedge zone.

Council permission is also sought to allow the preparation of light meals and limited menu items in association with and complementary to the permitted use.

Staff Numbers

Initially the facility will be staffed by the owners' family, with a maximum number of 7-8 staff anticipated.

Proposed Days / Hours of Operation

The proposed days and hours of operation will be as follows:

Restaurant (café) / Distillery (cellar door):

Open Daily: 9.30am – 5pm

Function centre:

Available for bookings: Monday 9am – 5pm and Wednesday to Sunday: 9am – 11pm

Similar operating days and hours of operation are authorised at other restaurants and wineries in the Yarra Valley area in the vicinity.

3.2 – Proposed Buildings and Works

Buildings and works are also required in association with the above proposed uses. The proposed buildings and works include:

- A new access driveway from Old Healesville Road to the car parking area/s
- Construction of a car park
- Landscaping
- Signage

Car Park

For the purpose of calculating the appropriate amount of car parking required under Clause 52.06-5 of the planning scheme, the uses which most closely align with proposal are Restaurant and Function Centre. For these uses a total of 0.4 car parking spaces must be provided for each patron. Given that the distillery/restaurant is proposed to accommodate 100 patrons, the need for a total of 40 car spaces would be generated.

A gravel car park with 40 car spaces is proposed, with a flattened grassed area of 20 car spaces next to it to account for overflow parking associated with the function centre use at capacity when the restaurant and functions are offered at the same time. This carparking area is proposed in a reasonably flat area and will be constructed generally at natural ground level without the need for substantial excavation or earthworks. Storm water runoff can be directed to surrounding grassed areas.

See further discussion about car parking under Clause 52.06 at section 4.5 of this report.

Proposed Access

Old Healesville Road is proposed to be used as the new access for patrons and the public access to the proposed tourist facility and associated car parking area. Vehicles will enter the car parking area from the south. Please refer to the JCA Site Plan (Sheet 1) for access road details. The new accessway will wind along the contours and around the eastern side of the small dam, well away from the neighbours and property boundary, and the new access will be drained with a dust-retardant gravel surface to minimize dust, thereby minimising impacts on neighbours.

Advice and requirements from Council’s Engineering Department will guide the location and requirements for roadworks in the vicinity of the new access to the site. Early consultation with Council’s Engineering Department (Traffic and Transport section) and preliminary advice suggests that the new access from Old Healesville would require a slip lane and shoulder widening similar to the diagram shown below, and the construction of this new treatment and the cost of these works would be borne by the developer/owners.

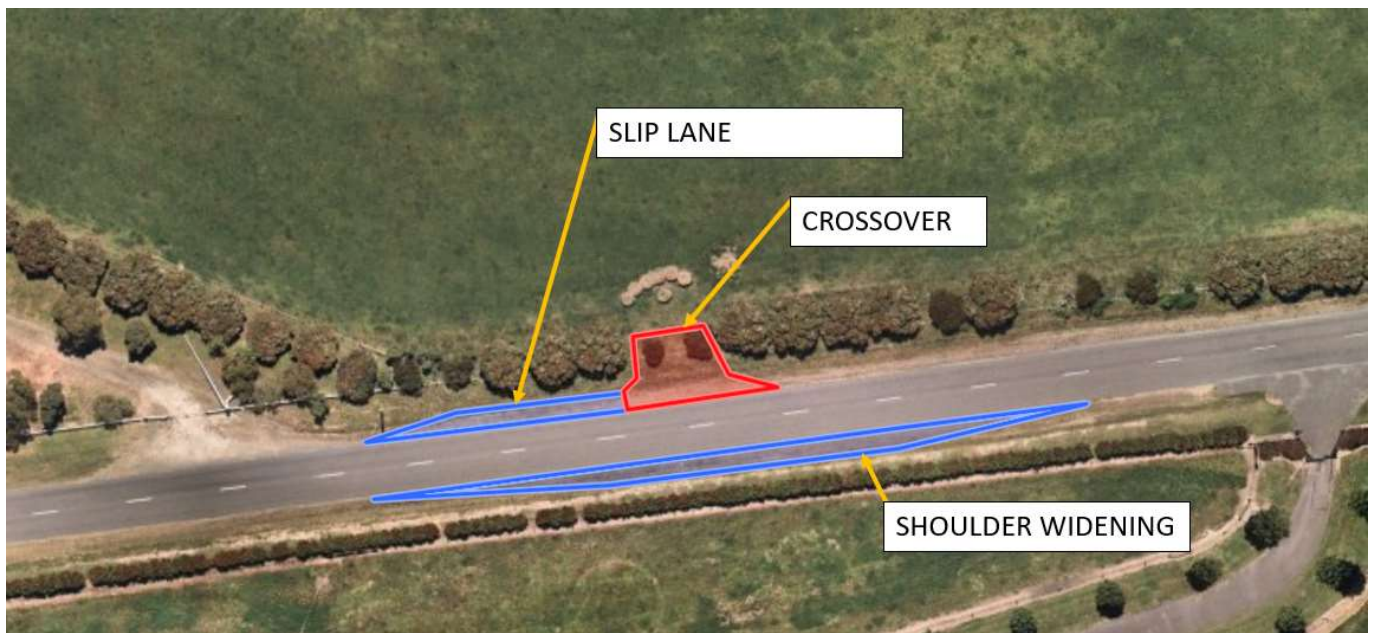


Figure 3.6: Likely roadworks at proposed Old Healesville Road entry



Figure 3.7: Approximate location of proposed Old Healesville Road entry

Existing Access

The treed Stag Lane driveway along the property's western boundary will be retained as a private driveway for staff/owners use only. The existing gum trees along the side of the existing driveway will be retained forming an attractive landscaped border to the property along the western side – these trees will also act as a natural screen between the car park to the western neighbours and additional supplementary planting can be added. See photo below at Figure 3.8.



Figure 3.8: Photos of gum trees along existing private driveway on western side of site
View towards the south-west from location of proposed car parking area
Source: client photos (April 2022)

Signage

Under the Green Wedge Zone – Schedule 5, business identification signage must accord with category 3 of Clause 52.05. Under this clause a permit is required for business identification signage and signs should be of a good design that does not detract from the appearance of the surrounding area. Business signage identifying '*Stag Lane Farm*' will be provided at the property entry. Details of this signage, including location, size, materials and sign content, will be provided later in the planning process.

Under the Green Wedge Zone – Schedule 5, directional signage must accord with category 3 of Clause 52.05. Directional signage will likely be necessary to accommodate and direct the higher flow of traffic associated with the proposed uses, although Direction Signs do not require a permit. It is expected that direction signage will be located in the vicinity of the proposed 'public' entry to Old Healesville Road. Advice and requirements from Council's Engineering Department will guide the location and type of directional traffic signage.

Landscape Elements

The site has already been planted with various aromatic plant species across the property specific to the distillation process and the owners continue to add further plantings (see Planting Plan). The existing driveway and area to the south-west of the proposed car parking area is also lined with gum trees on either side which will be retained and form an attractive, landscaped screen along the western boundary near the proposed the car parking area. The property will continue to sit within the open, rural and predominantly cleared landscape of the Yarra Valley, with properties in this area containing scattered trees, vineyards and open, grazed paddocks.

The areas surrounding the proposed gin distillery and restaurant (café), as well as around the car parking area/s and accessway/s will be landscaped and it is anticipated that any permit issued will be conditional on the submission of a detailed landscape plan incorporating a combination of complementary native and exotic species which aims to complement the existing plantings of gin botanicals and gardens to provide an enhanced air around the site and sensory point of connection to the tasting experiences enjoyed inside the shed premises. Not only will the proposed landscaping improve the customer experience of the distillery / café, it will also have positive benefits for the surrounding neighbours and environs through softening building forms and adding to the rural farmland landscape setting.

It is noted that given the site is not designated for its environmental significance under an overlay (SLO), there should be no particular reason in this case for any requirements for a percentage of the planting to be indigenous species.

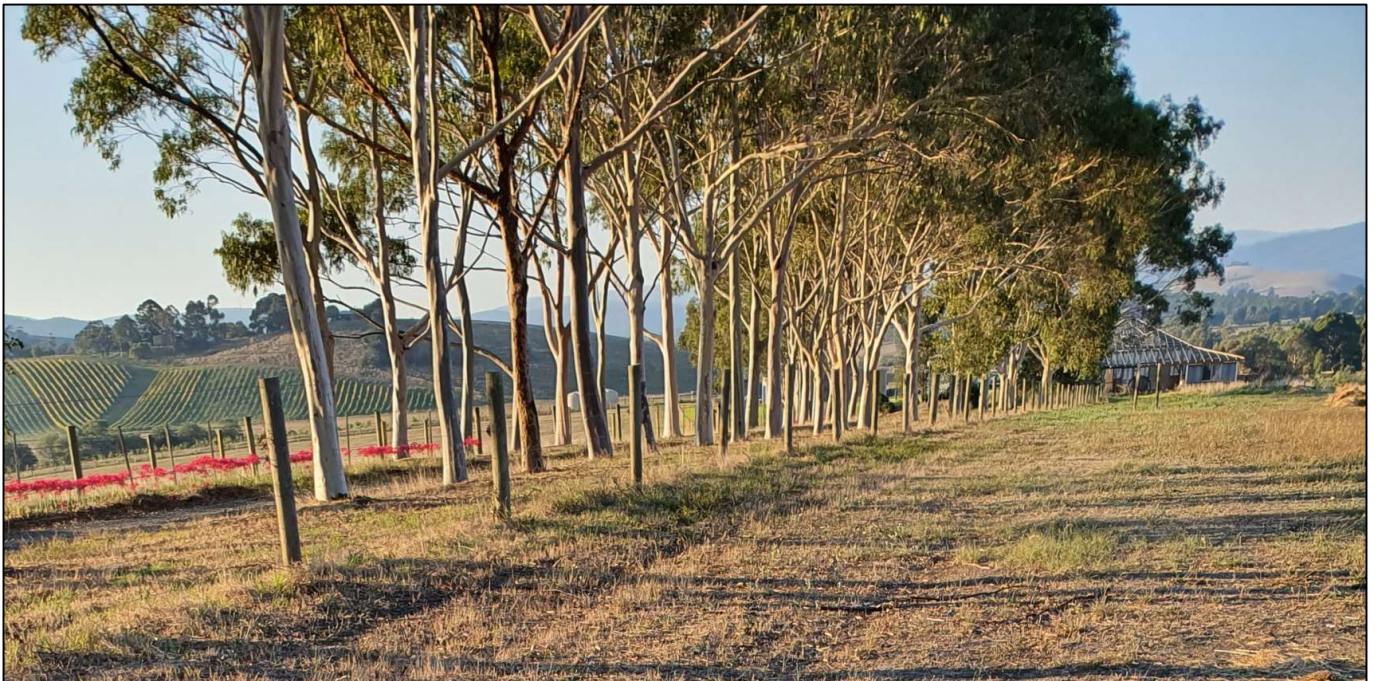


Figure 3.9: Photos of gum trees along existing driveway Source: client photos (April 2022)

4. PLANNING CONTEXT

4.1 Planning Policy Framework (State & Regional policies)

Clause 11.03-5S Distinctive areas and landscapes is particularly relevant to this application in its description of how such areas should be managed to enhance these areas into the future. Key strategies applicable to the subject land include:

- *Recognise the unique features and special characteristics of these areas and landscapes.*
- *Recognise the important role these areas play in the state as tourist destinations.*
- *Support use and development where it enhances the valued characteristics of these areas.*
- *Protect areas that are important for food production.*

Clause 13 Environmental risks and Amenity include the relevant subclauses, 13.05 Noise and 13.07 Amenity, Human Health and safety.

Clause 13.05-1S, Noise abatement: includes the following strategy - *Ensure that development is not prejudiced and community amenity and human health is not adversely impacted by noise emissions, using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area.*

Clause 13.07- 1S, Land use compatibility: includes the following strategies -

- *Ensure that use or development of land is compatible with adjoining and nearby land uses.*
- *Avoid locating incompatible uses in areas that may be impacted by adverse off-site impacts from commercial, industrial and other uses.*
- *Avoid or otherwise minimise adverse off-site impacts from commercial, industrial and other uses through land use separation, siting, building design and operational measures.*
- *Protect existing commercial, industrial and other uses from encroachment by use or development that would compromise the ability of those uses to function safely and effectively.*

Clause 14.01-1R Protection of agricultural land - Metropolitan Melbourne is relevant to the subject site in its strategy to - *Protect agricultural land in Metropolitan Melbourne's green wedges and peri-urban areas to avoid the permanent loss of agricultural land in those locations.*

Clause 15 Built Environment and Heritage (15.01 Built Environment) is relevant, particularly Clause 15.01-6S Design for rural areas in its objective of ensuring that - *development respects valued areas of rural character.* Listed strategies to achieve this objective include to:

- *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.*
- *Site and design development to minimise visual impacts on surrounding natural scenery and landscape features including ridgelines, hill tops, waterways, lakes and wetlands.*

Clause 17 Economic Development is relevant to the use of the land. This includes Clause 17.01-1S Diversified Economy, with listed strategies including:

- *Protect and strengthen existing and planned employment areas and plan for new employment areas.*
- *Facilitate regional, cross-border and inter-regional relationships to harness emerging economic opportunities.*
- *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.*
- *Support rural economies to grow and diversify.*

Clause 17.04 Tourism is highly relevant to the proposed uses of the subject land, as this is the key economic stimulant to businesses in the surrounding area. The objective of the clause is to - *encourage tourism development to maximise the economic, social and cultural benefits of developing the state as a competitive domestic and international tourist destination.* Key strategies to achieve this objective, relevant to the proposal include:

- *Encourage the development of a range of well-designed and sited tourist facilities, including integrated resorts, accommodation, host farm, bed and breakfast and retail opportunities.*
- *Seek to ensure that tourism facilities have access to suitable transport.*
- *Promote tourism facilities that preserve, are compatible with and build on the assets and qualities of surrounding activities and attractions.*
- *Create innovative tourism experiences.*

Clause 19 Infrastructure is relevant to this application as it contains objectives relating to the provision of infrastructure services including renewable energy, community facilities, distribution of social and cultural infrastructure, development infrastructure, water supply, sewerage and drainage, stormwater, and telecommunications.

It is submitted that the proposed land uses and associated works are highly responsive to the above-mentioned state and regional policies. The proposal is highly sympathetic to the distinctive landscape of the property and its environs. The farm land is already being used in a productive and sustainable manner, for the purposes of creating primary produce associated with distilling activities (currently gin is made off-site). The proposed uses are directly associated with the surrounding agricultural land and therefore contribute to its protection.

The proposal is respectful and complementary to the surrounding rural environment. From an economic, local business and tourism perspective, the proposal is highly beneficial to the local area. The location of the proposed distillery and café have a benefit for economies of agglomeration, as there are a number of similar agricultural and tourism-based businesses in the immediate area. It is submitted that the proposal will enhance the tourism network of the local area, while being respectful of the surrounding agricultural landscape.

4.2 Local Planning Policy Framework

Municipal Strategic Statement (MSS) and Local Planning Policy Framework (LPPF)

The following clauses of the MSS and LPPF are considered particularly relevant:

- 21.02 Municipal Profile
- 21.03 Vision
- 21.04 Land Use
- 21.06 Built Form
- 21.07 Landscape
- 21.09 Environment
- 21.10 Infrastructure
- 22.05 Vegetation Protection

Clause 21.02 Municipal Profile

The Shire balances a mix of urban and rural communities. Around 70% of the Shire's population live in the urban areas of the municipality (approximately 3% of its landmass). The rest is distributed throughout the remaining areas. There are over 55 suburbs, townships, small communities and rural areas within the Shire, making it one of the most diverse municipalities in the State.

Of relevance to the proposed facilities, the following extract is mentioned:

Yarra Ranges has a diverse economy of around 10,000 businesses, which employ over 35,000 people. Manufacturing continues to represent the single most valuable sector of the economy, with construction, property and business services, retail trade and agricultural and other key sectors. 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

Clause 21.03-1 provides the Strategic Framework for Yarra Ranges -

Planning is intrinsically linked to the Shire's geographic diversity. The high quality environmental setting and landscape backdrop of the Dandenong Ranges and Yarra Valley enhance the Shire's overall appeal and attractiveness. The character of individual areas is determined by the combination of key factors including lot size, road treatments, topography and vegetation cover. The Planning Scheme recognises the importance of preserving these features by distinguishing areas for future development. The Strategic Framework Map delineates the outer metropolitan areas, foothills of the Dandenong Ranges and rural townships from the intensity of development anticipated in the more metropolitan areas of Yarra Ranges.

The objectives, and strategies in the Municipal Strategic Statement use the designations of metropolitan, foothills, rural towns and rural / green wedge to articulate Council's preference for guiding use and development to the most appropriate and sustainable locations.

Rural Areas:

The rural or green wedge areas are categorised for development primarily through the application of the zones.

Green Wedge Zone:

The northern, central and south-eastern parts of the Shire are predominately farming areas including intensive and broad scale farming activities, forestry, and tourism and recreation activities. These areas:

- Contain 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 of the Shire, retaining native vegetation and riparian vegetation along watercourses, protecting wildlife habitat and maintaining ecological processes.
- 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.
- Provide limited rural and green wedge lifestyle opportunities.

Clause 21.04 Land Use

The controls applied to land use policy reflect the diversity of the Shire and ensure that specific policies are targeted to appropriate areas. Policies delineate the Metropolitan, Foothills, Rural Township and Rural designations when applying policy for residential, commercial and industrial development.

Commercial

It is noted as a Key Issue in Clause 21.04-2 that Tourism contributes significantly to the economy of the Shire and as such it is a strategy to:

- *Encourage business development, tourism and agricultural industries, which recognise and reinforce the rural and green wedge character and outstanding natural assets of the Shire.*
- *Facilitate use and development of business opportunities in the priority industry sectors of food growing and processing; floriculture, viticulture and winemaking, and timber production and processing.*

It is a policy of the scheme that the preferred locations for restaurants include:

- *Where the restaurant will be associated with a visitor accommodation facility or other tourist facility providing for more than 30 people.*
- *Where the restaurant will be associated with an established vineyard and winery which is producing wines from grapes or fruit grown predominantly on the site.*

- *Restaurants have direct access to a sealed road or formed gravel road which is capable of accommodating anticipated traffic levels without causing any adverse effect on local residential amenity.*
- *Restaurants be designed and sited to protect the amenity of residents and the visual and environmental qualities of the area, and to achieve the primary purpose of the zone within which the land is situated.*

The scheme includes the following relevant objectives and strategies:

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

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.

Encourage processing and related tourist and retail activities linked with the viticulture and winemaking sector to locate in townships in the main growing areas such as Yarra Glen, Healesville, Lilydale, Woori Yallock and Seville.

Policy

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.*

Encourage tourism and recreation uses that:

- *Are compatible with conservation objectives.*
- *Minimise adverse impacts on the amenity of local residents.*
- *Relate to their immediate environment, particularly the natural environment.*
- *Enhance the predominately rural and green wedge character of the Shire. Major tourist facilities be located:*
- *in established townships on sites which can provide convenient access to a full range of retail, community and other support services.*
- *in rural areas on sites where the proposed facility will be associated with an agricultural activity being carried out on the land.*

(Major facilities are defined as occupying a site of more than 2 hectares or which provide for more than 50 visitors at one time)

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 relevant to the proposal include:

- 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.*
- Encourage visitor accommodation in rural and green wedge areas that does not detract from the amenity of the locality and will not conflict with the ongoing use of the land or nearby rural and green wedge land for farming purposes.*

Policy relevant to the proposal includes:

- Preferred sites for commercial and other non residential uses in the Green Wedge A Zone have direct access to a sealed road, and be clustered within or adjoining an established commercial or industrial area where the proposed use will be compatible with other uses in the locality.*
- 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.*

Clause 21.06 Built Form

The key issues for Built Form in the Yarra Ranges Shire are:

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.

The planning and design of new development in Yarra Ranges will be guided by the following 5 sustainable design principles:

- Sense of Place – New development must add to the character and identity of distinct localities in Yarra Ranges.*
- Protection of Environments – New development must respect and protect sensitive environments, significant landscapes and cultural and natural heritage.*
- Design Quality – New development must be of high design quality.*
- Sustainable Urban Form – New development must contribute to environmentally sustainable forms of urban and rural development.*
- Sustainable Building Design – New development must incorporate best practice in ecologically sustainable building design.*

The following Objective is considered relevant to the proposal: Objective 6 – Buildings in Residential, Rural Living and Rural Areas

- *Ensure that any development reflects the environmental and physical form of the surrounding neighbourhood.*
- *Protect the rural character and environmental and visual qualities of the surrounding area.*
- *Ensure that all development is sensitively designed and sited, having regard to the natural physical features of the land, including slope, the presence of existing vegetation and view lines.*
- *Building setbacks, height, site coverage and design enable the efficient use of the site, while also recognising the amenity of the surrounding residents, and the residential and environmental character of the area.*

Clause 21.07 – Landscape

Although the property is not located within a Significant Landscape Overlay, we consider the following Objective and associated Strategies are relevant to the proposal:

Objective 1 – Scenic Landscapes

To retain and protect the scenic landscapes, rural and green wedge character and special environmental features of the Shire.

Relevant Strategies:

- *Protect and enhance environmental and landscape values, particularly those derived from remnant vegetation.*
- *Ensure, where appropriate, that external surfaces, including roofs, are treated with non-reflective materials and subdued colours to reduce the visual impact of the development on the surrounding area.*

Local landscape policy, relevant to an application for this site, includes the following

- *Any development proposal 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.*
- *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.*
 - *Avoid prominent ridgelines, hill tops and other visually exposed sites.*

Clause 21.09 Environment

Although the property is not affected by an Environmental Significance Overlay, the following objectives are considered relevant to the proposal:

Biodiversity:

Objective 2 - Vegetation - To protect and enhance the Shire's rich biodiversity

Objective 3 - Catchment - To ensure land use and development is assessed in the context of its potential effect on the wider catchment

Sustainability:

Objective 1 - Sustainable Building Design - To ensure that the use of land, the 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 and take account of physical development constraints.

Objective 2 - Sustainable Agriculture - To promote ... land management practices within the non-urban and green wedge areas of the Shire.

Clause 21.10 Infrastructure

The following objectives/strategies are considered relevant to the proposal:

Transport:

To integrate land use planning with transport planning throughout the Shire.

Ensure heavy traffic users travel along designated routes where design capacity is adequate and local amenity impacts are minimal.

Utilities:

To provide utilities that maintain the environmental qualities of the Shire. The provision of utility services required for any development, including drainage, sewerage, water, electricity, gas, telephone, roads and driveway access, be undertaken in the manner least likely to disturb remnant vegetation and the natural features of the land.

Clause 22.05 Vegetation Protection

Although no trees or vegetation are affected by this proposal, we consider this policy is relevant to the proposal. The basis of this policy, relevant to this proposal is as follows:

The protection and enhancement of the Shire's rich biodiversity is a prime objective of the Yarra Ranges Planning Scheme. The retention and rehabilitation of remnant vegetation is fundamental to retaining the vast range of wildlife habitats throughout the Shire. The environment strategies identified in Clause 21.07 of the Municipal Strategic Statement identify the need to protect significant vegetation through appropriate controls and policies.

It is policy that:

- *Applications to remove mature trees or remnant vegetation demonstrate the need to remove such vegetation.*
- *If it is proposed to remove vegetation to allow an approved use or development, and in order to conserve vegetation, consideration be given to whether there is any alternative location for the proposed buildings or works to avoid or minimise disturbance to the vegetation.*
- *Preference be given to proposals which demonstrate that a net environmental gain will be achieved by allowing limited vegetation removal whilst providing for the long term protection and enhancement of other remnant vegetation on the site or within the immediate area.*

Clause 22.05 also lists the species of vegetation deemed to be environmental weeds within the Shire of Yarra Ranges, and therefore exempt from permit requirements under the Significant Landscape Overlay (SLO) provisions.

No vegetation or tree removal is required for the proposed use and development.



Proposed Amendment C148

Whilst not yet approved by the Minister of Planning, Amendment C148 has been through an independent panel review and an adoption version has been approved by the Yarra Ranges Council. Of relevance to this application the amendment proposes two clauses that have a direct policy implication to agriculture and Tourism. A summary of the relevant Key issues objectives and policies is provided below:

Proposed Clause 21.03-3 Agriculture

Key issues

- *The Yarra Ranges Green Wedge is an important agricultural resource due to its proximity to the Melbourne metropolitan area, the extent of its productive agricultural land area and the agricultural infrastructure that supports it.*
- *Agriculture remains a significant industry in Yarra Ranges with approximately 30,000 hectares of land being used for farming purposes. Additional cleared areas retain potential for future productive agricultural use.*
- *Livestock grazing especially for beef cattle breeding and fattening is the dominant agricultural activity in the areas of cleared pastures.*
- *Horticultural activities including nursery plant production, floriculture, wine grape growing and orcharding have become an increasingly important part of the mix of agricultural activities.*
- *Projected climate changes are likely to result in greater demand for agricultural land in areas such as the Yarra Valley that have more reliable access to water.*
- *Agricultural economics are dynamic and the resource of potentially productive agricultural land needs to be able to adapt to changing market conditions and production techniques.*
- *High agricultural land values reduce the opportunities to assemble large land holdings and tend to result in more intensive forms of agriculture.*
- *Leasehold arrangements are likely to become an increasingly significant way of assembling productive agricultural land parcels.*
- *The scenic attributes of the Green Wedge will continue to attract strong interest from people seeking a rural residential lifestyle and commercial interest in businesses catering for tourists.*
- *The demand from people seeking a rural residential lifestyle has potential to further erode the resource of productive agricultural land.*
- *The pressures for more commercial and residential development in the Green Wedge need to be managed so they do not undermine the role of agriculture in the Yarra Ranges Green Wedge.*

Objective

To provide a secure, long term future for productive and sustainable agriculture within the Green Wedge.

Strategies

- 1.1 *Retain agricultural production as the predominant land use on cleared land in established farming areas where there are no over-riding environmental values that impose a greater priority.*
- 1.2 *Manage the resource of productive agricultural land for the long term so that it remains adaptable to the evolving needs of agricultural enterprises.*
- 1.3 *Encourage intensive horticulture in locations where intensive farming is a characteristic of the local landscape and environmental and amenity impacts are addressed.*
- 1.4 *Provide for intensive horticulture in other locations where abundant water supply is readily available and where environmental and amenity impacts are addressed.*
- 1.5 *Provide for the sale and consumption of primary produce, including processed goods made substantially from the primary produce, in conjunction with agricultural production carried out on the land.*
- 1.6 *Ensure that intensive animal husbandry operations are only established on sites that are large enough to contain all adverse off site effects.*
- 1.7 *Discourage land uses that would conflict with ongoing farming activities in Productive Agricultural Areas.*
- 1.8 *Support arrangements where agricultural producers lease adjoining or nearby land in order to extend areas of productive agriculture.*
- 1.9 *Protect water resources that are potentially available for agricultural use.*
- 1.10 *Maximise opportunities to use recycled waste water for agricultural purposes.*

Implementation

The strategies for Agriculture will be implemented through the planning scheme by:

Policy guidelines –

Applying the Green Wedge A Zone to areas that are predominantly used for rural residential purposes. Applying the Rural Conservation Zone to rural areas that predominantly contain areas of privately owned bushland.

Applying subdivision controls through Schedules to the Green Wedge zones to minimise the further fragmentation of productive agricultural land and other rural areas. Local policy Applying the policy in Clause 22.02 Dwellings in Green Wedge Areas, to minimise potential conflicts between agricultural and residential activities.

Proposed Clause 21.03-5 Tourism in the Green Wedge

Key issues

- *The Yarra Ranges Green Wedge contains many tourist destinations including its winegrowing areas, national parks, recreational trails, golf courses and well known attractions such as the Puffing Billy Railway and the Healesville Wildlife Sanctuary.*
- *Tourism is an important industry in Yarra Ranges encompassing a wide range of businesses including visitor accommodation, restaurants, wineries and tour operators.*
- *Commercial land uses associated with tourist activities can create business opportunities that broaden the economic base of rural towns.*
- *Tourism related businesses are a significant source of local employment in Yarra Ranges with many of these jobs being located in Green Wedge areas.*

- *Most of Yarra Ranges' tourism businesses are located in Green Wedge areas where the combination of scenic landscapes, rich biodiversity and abundant agricultural produce attract many visitors.*
- *The economic benefits from tourism activity in Yarra Ranges could be increased if a higher proportion of visitors were for overnight stays rather than day trips.*
- *The maintenance of a sustainable tourism industry in Yarra Ranges will require a diversity of tourist experiences.*
- *Some forms of tourist facilities can have adverse impacts on other Green Wedge values.*
- *The development of further tourism related businesses in the Green Wedge will need to support the primary values of protecting biodiversity, agriculture and valued landscapes.*

Objective

To provide for a variety of sustainable tourist oriented businesses that reinforce the primary values of the Yarra Ranges Green Wedge and contribute to the local economy.

Strategies - Tourism in rural areas

- 1.1.1 *Provide for tourist oriented businesses such as visitor accommodation, restaurants, cafes and function centres to locate on sites in productive agricultural areas or in rural landscape areas if they will operate in conjunction with either:
productive agriculture on the land, and or*
- 1.1.2 *the improved management of natural systems on the land.*
- 1.2 *Discourage additional tourist oriented businesses in rural residential areas.*
- 1.3 *Provide for on farm seasonal accommodation for people assisting with fruit picking and other agricultural work carried out on the land and nearby properties.*
- 1.4 *Discourage tourist oriented businesses on sites that are subject to significant environmental hazards. Implementation The strategies for Tourism in the Green Wedge will be implemented through the planning scheme by:*

Policy guidelines – Tourist businesses

General guidelines - Applications to use land in Green Wedge areas for tourist related businesses such as visitor accommodation, restaurants, cafes and function centres must demonstrate that the proposal will:

- *not result in the significant loss of productive agricultural land*
- *retain the predominant rural character of the area*
- *be located on a site that is large enough to provide a rural landscape setting for the proposed development*
- *avoid adverse impacts on the amenity of nearby residents*
- *avoid adverse impacts on adjoining or nearby farming operations*
- *manage public access and visitor numbers so that the increased human activity will not threaten any flora and fauna habitat on the land or adjoining land*
- *enable all effluent generated by the facility to be treated and contained on the land*
- *have direct access to a sealed road, or that the available road access is adequate for the anticipated traffic levels*
- *avoid fire prone locations where vehicle access during bushfire events would be unsafe*
- *avoid flood prone locations where vehicle access during flood events would be unsafe*
- *avoid sites that are unsuitable for development because of landslip risk.*

Productive agricultural areas

Any application for a tourist oriented business in productive agricultural areas must demonstrate that the proposal will:

- be operated in conjunction with farming activities conducted on the land or adjoining land*
- be integrated with any other tourist facilities on the land*
- maintain the overall appearance of the land as a farming property in a rural landscape.*

Rural landscape areas

Any application for a tourist oriented business in rural landscape areas must be on a site that comprises, or adjoins, mostly uncleared bushland.

The proposal must demonstrate that it will:

- offer opportunities to interact with the natural environment on the land or adjoining land*
- retain any significant natural environmental features on the site appear as an unobtrusive element in a predominantly rural landscape.*

Rural residential areas

Any application for a tourist oriented business in rural residential areas must demonstrate that the proposal will either:

- provide for the ongoing use and adaptation of established tourist oriented businesses on the land, or*
- comprise new visitor accommodation facilities within unobtrusive structures that retain the visual dominance of vegetation over building structures.*

Accommodation facilities that utilize existing buildings are preferred.

- will not impact on the rural residential amenity of the area. Any other tourist oriented businesses are discouraged in rural residential areas.*

The Panel in its report (dated 16 October 2018) noted in its discussion regarding tourist uses in the green wedge zones:

Tourist facilities have been a recognised use with the Shire for many years, in fact such uses are acknowledged and encouraged in the Regional Plan. Tourist facilities will often have a direct nexus with the rural setting, the high value landscape being a drawcard for tourists and visitors to the region. These attributes are recognised in the drafting of Clause 21.03. The Panel considered that well designed tourist facilities can be established without compromising the objectives of the green wedge or the broader landscape and environmental values in the Shire.

4.3 Zone

The site is within the Green Wedge Zone, schedule 5 within the Yarra Ranges Planning Scheme. The objectives and purpose of the Green Wedge Zone are:

- *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.*
- *To protect and enhance the biodiversity of the area.*



Figure 4.1: Location and Zone Context Plan Subject site shown in red & black outline
Source: Online planning scheme maps

Proposed Land Uses

Under Clause 35.01-1, Tables of Uses, the existing use of the land for Agriculture is a Section 1 (permit not required) use in the Green Wedge Zone (GWZ).

A permit is required for a use in Section 2 of the table to Clause 35.04-1. The following uses are Section 2 uses (either because they are specified in Section 2 or do not meet the conditions specified for the use under Section 1) and therefore a permit is required for the change of use of existing buildings proposed to be used for the following purposes:

- *Rural Industry* (Gin Distillery)
- *Restaurant* (Café)
- *Manufacturing Sales* (cellar door)
- *Primary Produce Sales* (see below)
- *Function Centre*
(see conditions for each in table below)

Primary Produce Sales is a Section 1 use in the zone, subject to the following conditions:

- *Must not be within 100 metres of a dwelling in separate ownership.*
- *The area used for the display and sale of primary produce must not exceed 50 square metres.*

Use	Condition
<i>Function Centre</i>	<i>Must be used in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery. The number of patrons present at any time must not exceed the number specified in a schedule to the zone or 150 patrons, whichever is the lesser. The lot on which the use is conducted must be at least the minimum subdivision area specified in a schedule to this zone. If no area is specified, the lot must be at least 40 hectares.</i>
<i>Manufacturing Sales</i>	<i>Must be an incidental part of Rural industry.</i>
<i>Restaurant</i>	<i>Must be used in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery. The number of patrons present must not exceed the number specified in a schedule to the zone or 150 patrons, whichever is the lesser. If used in conjunction with Function centre, the total number of patrons present at any time must not exceed the number specified in a schedule to the zone or 150 patrons, whichever is the lesser. The lot on which the use is conducted must be at least the minimum subdivision area specified in a schedule to this zone. If no area is specified, the lot must be at least 40 hectares.</i>
<i>Rural Industry</i>	<i>(No conditions)</i>

Schedule 5 to Clause 35.04 Green Wedge Zone

Under the Yarra Ranges Planning Scheme, Schedule 5 to the Green Wedge Zone, specifies further subdivision and other requirements, including:

- Function centre (number of patrons) - None specified
- Restaurant (number of patrons) - None specified
- Minimum area for which no permit is required to alter or extend an existing building used for agriculture (square metres) - None specified

Land Use Terms

The definitions of the proposed uses under Clause 73.03 of the Planning Scheme are as follows:

Rural Industry - *Land used to: a) handle, treat, process, or pack agricultural produce; b) service or repair plant, or equipment, used in agriculture; or c) manufacture mud bricks.*

Restaurant - *Land used to prepare and sell food and drink, for consumption on the premises. It may include: a) entertainment and dancing; and b) the supply of liquor other than in association with the serving of meals, provided that tables and chairs are set out for at least 75% of patrons present on the premises at any one time. It does not include the sale of packaged liquor. (Restaurant is nested under Food and Drink Premises)*

Manufacturing Sales - *Land used, as an incidental part of Retail premises an industry, to retail goods made materially different on the land by that industry.*

Primary produce sales - *Land used to display and sell primary produce, grown on the land or adjacent land. It may include processed goods made substantially from the primary produce.*

Function Centre - *Land used, by arrangement, to cater for conferences, private functions, and in which food and drink may be served. It may include entertainment and dancing.*

Of note, although we are not applying for a Winery, the proposed Gin Distillery and associated uses are very similar to a Winery. Winery is defined as - *Land used to display, and sell by retail, vineyard products, in association with the growing of grape vines and the manufacture of the vineyard products. It may include the preparation and sale of food and drink for consumption on the premises.*

Buildings and Works – Clause 35.04-2 (Access and Carpark)

A permit is required to construct or carry out a building or works associated with a use in Section 2 of Clause 35.04-1. The proposed distillery, restaurant and function centre are within existing buildings on site, so no permit is needed for the construction of any buildings, however the proposed driveway/access, carparking area and associated works including waste water management systems will require planning permission. An on-site wastewater management and Land Capability Assessment Report is provided to Council with our application.

Rural Industry and Manufacturing Sales - Gin Distillery

It is submitted that within the surrounding context, a gin distillery on this rural/agricultural property is a land use that is highly responsive to the purposes of the Green Wedge Zone. Similarly to the many surrounding wineries, produce from the farm will be used in the onsite manufacturing of gin, thereby making effective and sustainable use of the productive land. The distillery is complementary to the variety of surrounding agricultural uses, and provides enhanced tourism and recreational opportunities within the Yarra Ranges Shire.

Café/Restaurant

The proposed café/restaurant land use is considered integral to the holistic experience of the gin distilling business. As required by the provisions of the Green Wedge Zone, the proposed restaurant is directly used in conjunction with both agriculture and rural industry. The proposed restaurant is of a type which is considered to be respectful and exemplary to the purposes of the zone, as the restaurant does not impose on productive agricultural land, rather it provides an economic avenue for the land to be used into the future in a sustainable matter.

Function Centre

A permit is sought to use the land for a Function Centre, which must be used in conjunction with the Rural Industry land use. This would allow the distillery/restaurant to be used for conferences, private functions and small weddings. The Function Centre land use term is included in the Place of Assembly land use term. The allowable activities underneath this land use term are considered appropriate on this property, within the context of the greater business operation. It is submitted that the property has the facilities to hold functions in a way that is respectful of the surrounding properties and environs.

Signage

The zone is considered a high amenity area for signage. A permit is required for a business identification sign. It is submitted that the proposed business identification signage will be of a design, built form and scale that is respectful of the surrounding character, heritage values, natural environment, and surrounding views.

Full details of proposed business identification signage, including scaled drawings, colour/text/artwork will be provided later in the application process. Note subject site is covered by Green Wedge Zone, carried by Category 3.

Car Park and Access

Access and Car Parking is integral to the operation of this business. A gravel car park with 40 car spaces is proposed, with a level grassed area of 20 car spaces next to it to account for overflow parking associated with the limited occasions where full-capacity operation of the function centre occurs. For more details of the access and car parking arrangements, please refer to the JCA plans including Site Plan and Insert/Car Parking Plan.

Clause 35.04-6 - Relevant Decision Guidelines

The following are the relevant decision guidelines included in the zone to assist in the assessment of a permit application.

Before deciding on an application to...construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

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.*
- 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.*
- 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.*
- *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.*
- *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.*

4.4 Overlay Provisions

The application site is not affected by any planning overlays.

Other Overlays in the Vicinity / Heritage Overlay (HO171, 'Yarra Track' Old Healesville Rd)



Figure 4.2: Other Overlays affecting land in the vicinity Source: Planning Property Report
..... Subject site shown in red outline

Other overlays in the vicinity that do not directly affect this land, include the Heritage Overlay (HO171) - 'Yarra Track' - affecting Old Healesville Road (Yarra Glen to Healesville section) the road abuttal to the south of the subject property.

Under Clause 43.01 the relevant purposes of the Heritage Overlay are:

- 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.

Under the provisions of the Heritage Overlay (Clause 43.01-1), a permit is required to (among other things) construct or carry out works, including roadworks which change the appearance of a heritage place and to construct or display a sign.

Planning permission is therefore also sought by this application to undertake works associated with the proposed access from Old Healesville Road and to display signage adjacent to the proposed entry to the site.

The following is an extract from the Victorian Heritage Database Report for *Yarra Track* (Yarra Glen-Healesville section):

Heritage Overlay Number: HO171

Statement of Significance:

The Yarra Track is probably of State, as well as regional significance, as a major early transport route that shaped settlement patterns along its route and was critical to the economy of the isolated mining settlements it served. The physical evidence that remains includes surviving features and current road alignments that follow the route of the track.

Description

The Yarra Track is associated with the Woods Point gold diggings in the 1860s. There are a number of sections - many outside the Yarra Ranges Shire. Some well known sections within the Shire are the Old Healesville Road, Breakneck Road and the former Hit or Miss Bridge.

... The second portion of the Yarra Track surveyed is a sealed road in excellent condition known as the Old Healesville Road. It extends for around eight kilometres from its departure from the Melba Highway out of Yarra Glen to where it joins the Healesville-Yarra Glen Road around five kilometres west of Healesville.

Travelling from Yarra Glen, the double-lane sealed road passes grazing areas with homesteads, haystacks, crops and some fields of vines. There are plantings or regrowth along the fencelines of properties. The road commands excellent views of the valley, including the undulating hills and the foothills of the distant ranges which frame the view. It enables access to the Yarra Track Winery and is part of a network of routes to enable visitors to explore the wineries of the region.

There are additional sections of the Yarra Track which were not inspected during the present study. Historic sites along the track have been identified by Peter Evans (1999) but occur in sections of the track east of the surveyed area. A number of the hotel sites along the Track are separately listed in the database for this study.

The Hit or Miss Bridge (now demolished) was identified by the community submissions. It was located on Yarra Glen Road at Donovan's Lane.

(underlining added for emphasis)



Figure 4.3: Location and Overlay Context Plan Subject site shown in red & black outline
 Source: Online planning scheme maps

The site is partly within an Aboriginal Cultural Heritage Sensitivity Area however as this application is limited to use of the site within existing farm sheds there is an exemption for requiring a Cultural Heritage Management Plan (CHMP). New works on site, such as the proposed car park, are limited to the areas well away from Dixons Creek and outside of the area of aboriginal sensitivity. In accordance with the AAV CHMP on-line tool, a Cultural Heritage Management Plan is not required for this development. The site is located within a Designated Bushfire Prone Area (DBPA) under the building provisions.

4.5 Particular, General and Operational Provisions

Clause 51.02 Metropolitan Green Wedge Land: Core Planning Provisions

The key purposes of this provision are:

- *To protect metropolitan green wedge land from uses and development that would diminish its agricultural, environmental, cultural heritage, conservation, landscape natural resource or recreation values.*
- *To protect productive agricultural land from incompatible uses and development.*
- *To ensure that the scale of use is compatible with the non-urban character of metropolitan green wedge land.*

These provisions apply to land in Metropolitan Melbourne that is outside an Urban Growth Boundary and affects rural-zoned land within the municipality.

It is noted that Clause 51.02 stipulates additional planning controls over certain land uses that may be permissible within certain zones located in the Metropolitan area outside of the Urban Growth Area in this case applicable to Green Wedge land located in the Yarra Ranges municipality. These provisions therefore apply to this property.

Under Clause 51.02-2 (Use of land) a use listed in the table to this clause is prohibited. This does not apply if a condition opposite the use is met. Relevant extracts from the Table to Clause 51.02-2 are below:

Use	Condition
Function Centre	<i>Must be used in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery. No more than 150 patrons may be present at any time. If used in conjunction with Restaurant, the total number of patrons present at any time must not exceed 150.</i>
Manufacturing Sales	<i>Must be an incidental part of Rural industry.</i>
Restaurant	<i>Must be used in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery. No more than 150 patrons may be present at any time. If used in conjunction with Function centre, the total number of patrons present at any time must not exceed 150.</i>

We also note that Clause 64.02 states: *If a provision of this scheme provides that a use of land must be used 'in conjunction with' another use of the land: there must be an essential association between the two uses; and the use must have a genuine, close and continuing functional relationship in its operation with the other use.*

Specifically the proposed uses of this land for Restaurant, Function Centre and Manufacturing Sales may be permitted provided they occur in conjunction with Agriculture and/or Rural Industry, and provided there are no more than 150 patrons.

Clause 51.03 – Upper Yarra Valley & Dandenong Ranges (Regional Strategy Plan)

The Upper Yarra Valley Dandenong Ranges Regional Strategy Plan (RSP) aims (among other things), as relevant to this application, to 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 to 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.

Under Clause 51.03, a permit is required to:

- *Construct a building or construct or carry out works. This does not apply if the schedule to this clause specifically states that a permit is not required.*
- *Remove, destroy or lop any vegetation. This does not apply if the schedule to this clause specifically states that a permit is not required.*

Any permit issued must meet the requirements of the schedule to this clause.

Use of land - The use of land must meet the requirements of the schedule to this clause.

Part 1.0 of the Schedule to Clause 51.03 states:

The Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan aims to:

- *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.*
- *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.*

The schedule to Clause 51.03, at sub-clause 2.0, specifies provisions relating to construction of buildings and works, including works near protected vegetation – there is no proposal in this application to either construct new buildings or remove any vegetation or undertake any works near protected vegetation. The proposed car park and the works associated with upgrading the existing accessway will not impact the existing trees in the vicinity of these works.

The schedule to Clause 51.03, specifies provisions relating to the use of land under sub-clause, Part 3 - including the use of land for Restaurant, Retail Premises and Place of Assembly, given the site is zoned Green Wedge Zone (GWZ5).

Restaurant

In a Green Wedge Zone ... *a restaurant must be associated with tourist accommodation, tourist facility or established winery.*

Retail premises

In a Green Wedge Zone ... *a retail premises (other than a restaurant) must be associated with an agricultural activity being carried out on the land or provide recreation or tourist facilities in association with tourist accommodation.*

Place of Assembly (ie Function Centre)

In a Green Wedge Zone ... *a place of assembly must be associated with an agricultural activity being carried out on the land or provide recreation or tourist facilities in association with tourist accommodation.*

In this case, the agricultural use and the proposed gin distillery is very similar to a vineyard and Winery, the agricultural use is already well-established, and the associated proposed uses of café (*restaurant*), produce sales (*retail premises*) and function centre (*place of assembly*) are considered to be an integrated Tourist Facility and tourist destination.

In a similar way to a winery, the distilling of gin combines the fruits grown on the site through a distillation process, instead of the fermentation process of grapes. The botanicals are essential to creating the characteristic flavours of each gin variety. In some cases, additional fruit and spices etc. not grown on the site are introduced to the distilling process to provide balance and variety to the different styles of gins. The property has been established in order to supply a significant amount of the key botanicals used during their process. Mary Monica's point of difference is the distilling of citrus, herbs etc within 24 hours of picking. Hence the fruit and distilling process being on the one farm forms a major benefit to the process.

The fundamental requirement of the *Mary Monica* distillery is therefore to have the necessary associated processing procedure on the same site to convert the freshly harvested seasonal fruit to the Gin beverage in a timely fashion.

The distillery itself is of interest to the public in the same way a winery is of interest. Various types of Gin can be produced and tastings offer the public an opportunity to understand the distilling process and the resultant favours. Combining foods with different styles of Gin to enhance a dining experience is a natural progression of the Gin tasting experience. The property also provides opportunities to experience the working farm and the production line for Gin bottling linked with fruit harvesting.

Overall the Gin distillery and cellar door will provide an experience similar to that of other wineries in the Yarra Valley without the associated grape vines. Instead of the viticulture component, the agricultural component of Stag Lane Farm is made up of a variety of fruit trees and other botanical plantings required for the unique gin recipes of Mary Monica Gin.

In conjunction with the distillery and cellar door it is proposed to include a sales area with a restaurant/café. This allows the further sales of fruit based food items along with the Gin sales. Visitors to the site are then provided with a Tourist destination where the agricultural process can be viewed, the products tasted and consumed in a formal setting.

It is already well established that this area of the Yarra Valley is picturesque in its own right. Several tourist facilities are already located in the area for this very reason, namely, the Chocolaterie, Alowyn Gardens, Stefani Estate, Yarrowood, Immerse and Balgownie Estate, to name a few. The Stag Lane Farm distillery is proposed to provide an alternative destination for visitors to connect with the landscape and existing agriculture in a meaningful way. It is suggested that this site which, shares the natural beauty of the area, is ideally positioned for the proposed major tourist facility.

The combination of the location and the proposed facilities give the property a natural appeal for functions, either in the form of large group bookings or weddings. There is a clear and established connection between the scenic beauty of the Yarra Valley and wedding functions. The application includes the capacity for functions to be offered concurrently with the other uses within the limitation of a total of 150 patrons on site at a time. The function centre use does not involve the need to construct additional buildings or carparking infrastructure but is to be used in conjunction with the restaurant use.

Clause 52.05 Signs

The purpose of Clause 52.05, relating to Signs, is:

- *To regulate the development of land for signs and associated structures.*
- *To ensure signs are compatible with the amenity and visual appearance of an area, including the existing or desired future character.*
- *To ensure signs do not contribute to excessive visual clutter or visual disorder.*
- *To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.*

Clauses 52.05-11 to 52.05-14 specify categories of sign control. The zone provisions specify which category of sign control applies to the zone. Category 3 sign control, applies to High amenity areas, and is applicable to the Green Wedge Zone.

The purpose of Category 3 is to ensure that signs in high-amenity areas are orderly, of good design and do not detract from the appearance of the building on which a sign is displayed or the surrounding area.

In the Green Wedge Zone, business identification signage must accord with Category 3 of Clause 52.05 and under this clause a permit is required for business identification signage. Signs should be of a good design that does not detract from the appearance of the surrounding area.

Under Category 3 of Clause 52.05, direction signs do not require a permit.

Clause 52.06 Car Parking

The proposed carpark has been designed to meet the requirements of Clause 52.06 and provide 40 car spaces of appropriate size and aisle widths. Additional carparking will be available in the form of overflow area (suitable for an additional 20 cars) adjacent to the formed car park. A staff car parking area will be available to the north of the main car parking area off the existing gated private driveway and not accessible to patrons (the public).

The design of the carpark will allow all vehicles to enter and exit in a forward direction and provides a separation between patrons, staff and delivery vehicles.

The construction of the carpark is to be a gravel surface 'at grade' requiring the minimal of earth works to form the level parking area/s.

Clause 52.17 Native Vegetation

There is no native vegetation (ie plants indigenous to Victoria) proposed to be removed from the land as part of this application. Works associated with the new access from Old Healesville Road will only involve the removal of a few small trees/shrubs planted in a row across the property frontage to Old Healesville Road, and therefore the requirement to obtain a permit does not apply to planted vegetation under Clause 52.17-7 (Table of Exemptions).

Clause 64.02 Land Used In Conjunction With Another Use

If a provision of this scheme provides that a use of land must be used 'in conjunction with' another use of the land: there must be an essential association between the two uses; and the use must have a genuine, close and continuing functional relationship in its operation with the other use.

The proposal is a holistic approach to Gin Distilling where fruit for the Gin is grown on the site, harvested and processed. Gin is produced and provided for consumers for tasting along with other fruit based products.

Patrons can engage in the farming and distilling processes and buy the produced products. Food and other beverages are also offered to the visitors of the site with specialty products based on the farm produce and local produce from the Yarra Valley area.

As can be seen from the details in this report the proposed uses are genuine, close and continuing and form the functional basis of the business plan for the owners. A business plan that has drawn on the examples of similar scaled wineries in the district. Whilst it can be said that Gin distillation can be undertaken without the need for fruit grown on the site, this fact is what makes this proposal different from most other Gin distilleries currently in the Yarra Valley. The direct connection with the produce grown on the land is a key principle for the success of the business plan.

Clause 52.27 Licensed Premises / Liquor Licensing

In recognition of the fact that Victorian wineries, breweries and distilleries produce some of the finest quality wines, beers and spirits in the world and the important part they play in the state's tourism and hospitality industries, the Victorian Government introduced changes to liquor licensing legislation (2018) to better suit the way these businesses operate.

It is noted that the former Victorian Commission for Gambling & Liquor Regulation (VCGLR) has changed to the Victorian Gambling & Casino Control Commission (VGCCC) as of January 2022. The VGCCC retains all the powers and responsibilities of the former VCGLR until liquor regulation transfers to the Department of Justice and Community Safety later this year.

A *Producer's Licence* will be required from the VGCCC and this licence type will authorise the licensee to supply:

- *the licensee's own product to any other licensee at any time and at any place (wholesale)*
- *the licensee's own product to the public from the licensed premises for both on and off-premises consumption*
- *any liquor, including the licensee's own product, from the licensed premises for on-premises consumption*
- *the licensee's own product to a person who makes an off-premises request (for example, orders by way of email, telephone, facsimile transmission, internet or other electronic communication)*
- *the licensee's own product from an additional retail premises or consumption away from the licensed premises.*

When a liquor licence issues, it is for a defined area where liquor can be supplied and/or consumed. This is shown by a red-line drawn on a plan of the premises. This plan needs to be submitted to VGCCC as part of the liquor licensing application process.

The land owners already hold liquor and other licences for Manufacturing, Home Delivery, to operate at markets and to sell online. They currently hold a limited renewable licence associated with their *gypsy distil* at Alchemy Distillery in Healesville (where the gin is currently being made) and they already sell their product at local markets in and around Melbourne and also online via their website.

As well as the various uses that require a permit under the zone, the application also seeks planning permission for *Licensed Premises*, under the provisions and requirements of Clause 52.27 of the planning scheme, to produce, serve and sell alcohol on the land.

The purposes of Clause 52.27 are:

- *To ensure that licensed premises are situated in appropriate locations.*
- *To ensure that the impact of the licensed premises on the amenity of the surrounding area is considered.*

Scope - These provisions apply to premises licensed, or to be licensed, under the Liquor Control Reform Act 1998.

Permit required - A permit is required to use land to sell or consume liquor if any of the following apply:

- *A licence is required under the Liquor Control Reform Act 1998.*
- *A different licence or category of licence is required from that which is in force.*
- *The hours of trading allowed under a licence are to be extended.*
- *The number of patrons allowed under a licence is to be increased.*
- *The area that liquor is allowed to be consumed or supplied under a licence is to be increased.*

The schedule to Clause 52.27 may specify that a permit may not be granted to use land to sell or consume liquor under a particular type of licence. The schedule to Clause 52.27 under the Yarra Ranges Planning Scheme does not specify any additional requirements.

Referral of applications - An application must be referred and notice of the application must be given in accordance with Clause 66 of the scheme.

Decision guidelines - Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.*
- *The impact of the hours of operation on the amenity of the surrounding area.*
- *The impact of the number of patrons on the amenity of the surrounding area.*
- *The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.*

It is considered that the proposed use and associated liquor licence is consistent with the relevant planning policies of the Yarra Ranges Planning Scheme and it is intended that the proposed tourist facility will be a well-managed licensed premises by experienced liquor business owners and the proposed land use will make a positive and complementary contribution to this rural tourist area. The rural industry and tourist facility activities that are proposed here will promote and expand both the agricultural and tourism industries and local economy of the Yarra Valley region and Yarra Ranges Shire. The proposed liquor licence is associated with an agricultural property, proposing to operate under a Producer's Liquor Licence, a licence type generally considered as low risk given the proposed operating hours, and off-site impacts will be minimised.

The proposed licensed premises on this site will not create a cluster or cumulative impact of licensed venues. A cumulative impact assessment is not considered necessary as the proposed operating hours do not extend past 11pm, although given the rural-residential houses nearby, potential amenity issues from the proposed licensed premises should be considered. Under the Liquor Control Reform Act 1998 amenity is described as - *the quality that the area has of being pleasant and agreeable*. In deciding whether to grant a planning permit for the proposed licensed premises, the following should and have been considered - noise impacts, hours of operation, compatibility with surrounding land uses, and any potential cumulative impact of the additional licensed premises.

In regard to cumulative impacts, there are no existing licensed premises within 500 metres of this proposed licensed Tourist Facility. The proposed licensed premises is suitably separated from neighbours to ensure that the tourist facility will not prejudice this rural neighbourhood or community amenity, and human health will not be adversely impacted by noise impacts. Amenity impacts are further addressed in Section 4.7 below.

The proposed days and hours of operation are consistent with policy that discourages trading hours beyond 11pm associated with on-premises / producer liquor licensed venues. The application site is located within a Green Wedge Zone between Yarra Glen and Healesville, on a well-touristed main road and surrounding land uses include a number of agricultural, touristed and rural-residential uses.

It is considered that the proposed liquor licensing of this facility will not have a significant or adverse impact on the amenity of the area, and the proposed licensed premises is well-setback, over 300 metres, from the closest neighbouring residences.

4.6 Summary of Permit Triggers

Under the Yarra Ranges Planning Scheme, the permit triggers for the proposed use and development are:

- Clause 35.04-1 - Green Wedge Zone - Use of land for Rural Industry - Gin Distillery / making of gin
- Clause 35.04-1 - Green Wedge Zone - Use of land for a Restaurant - Café
- Clause 35.04-1 - Green Wedge Zone - Use of land for Manufacturing Sales/Primary Produce Sales - Gin & produce sales
- Clause 35.04-1 - Green Wedge Zone - Use of land for a Function Centre - Small weddings and private functions
- Clause 35.04-5 - Green Wedge Zone - Buildings and works: Access and Car Park
- Clause 43.01-1 - Heritage Overlay - carry out works (access to 'Yarra Track' / Old Healesville Road) and construct/display signage
- Clause 52.27 - Licensed Premises (to produce, serve and sell alcohol)

No permit triggers are applicable under the schedule to Clause 51.03 - Upper Yarra Valley & Dandenong Ranges (Regional Strategy Plan).

4.7 Other planning controls or considerations

Management of Amenity Issues

In response to the strategies listed in Clause 13 of the planning scheme the following design elements of the proposal have been suggested.

The potential for Amenity issues is limited to visual amenity and noise emissions generated by the proposed uses.

Visual Amenity issues:

Visual amenity issues are potentially the result of the proposed carparking and vehicle access arrangements and to a lesser extent the outdoor seating areas. The buildings are existing and of themselves do not create amenity issues, and additional landscaping elements can be used to screen views into the site. Visual amenity issues to adjoining properties are limited by the distances from the existing adjoining residences and the existing boundary plantings which include mature canopy tree plantings. The relevant separation distances are shown below.



Figure 4.4: Separation distances to neighbouring houses Source: JCA plans

It is proposed that supplementary screen planting and complementary landscaping can be incorporated into the design of landscaped and carpark areas to further screen the carpark and access driveway and to provide a visual and physical separation around the red-line areas where liquor will be consumed. Supplementary plantings can be added to the existing mature boundary plantings to provide additional effectiveness as a visual barrier.

Outdoor seating areas can also be appropriately landscaped to provide screening to the adjoining property whilst proposing landscaping suitable to the broadacre, open rural landscape character, highlighting the impressive valley views.

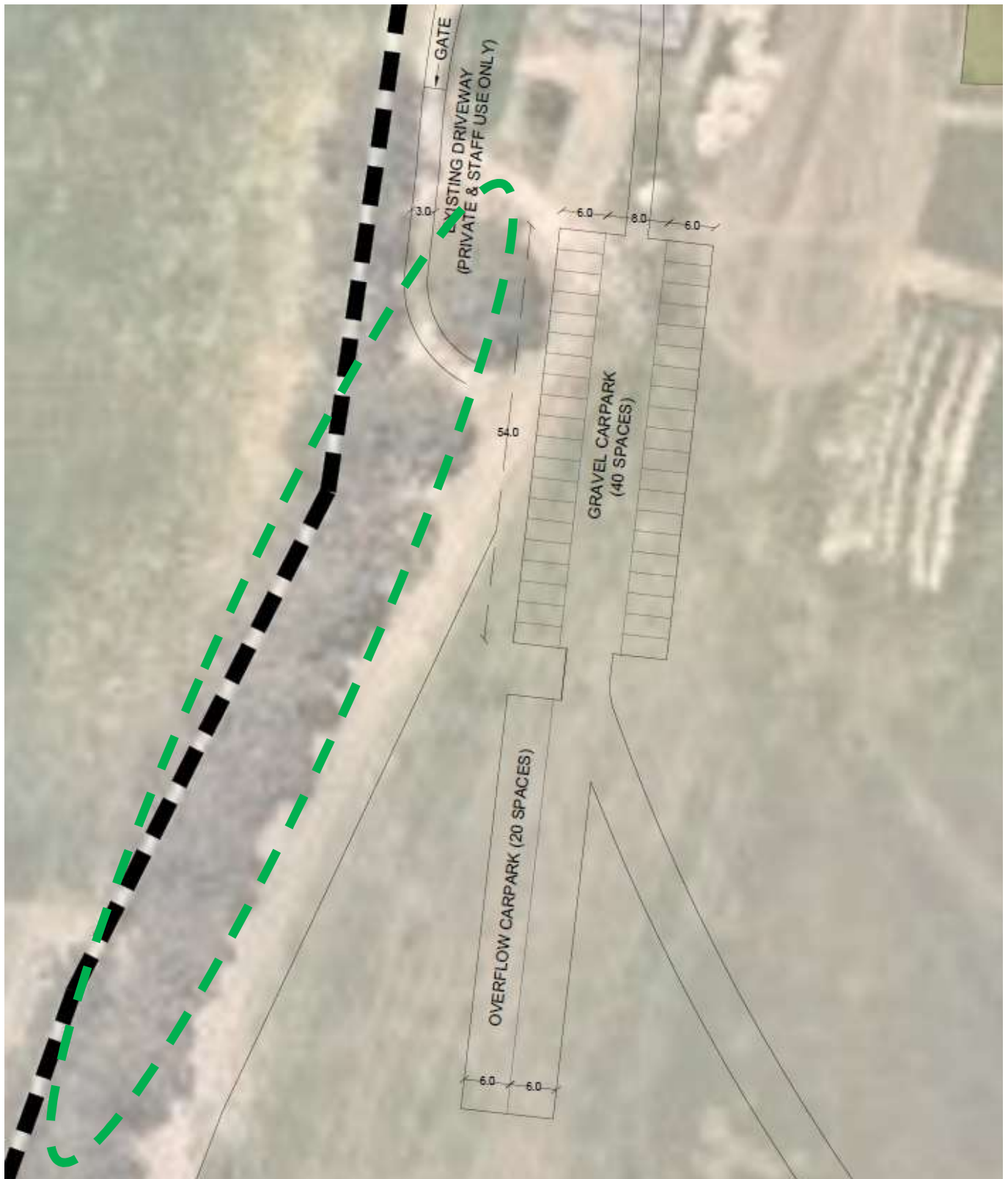



Figure 4.5: Existing boundary plantings next to proposed carpark Source: JCA plans

 Existing boundary planting

Noise Amenity issues:

Noise is likely to be generated from the vehicles entering and leaving the site and from any gathering of patrons and music. Noise sources are to be mitigated using the following:

- Vehicle speed within the property can be controlled to low speeds to reduce noise generation.
- The orientation of live and amplified music is critical to sound carrying longer distances. The focus of music is to be directed away from the adjoining properties and the existing buildings are to be used as a physical shield between the music source and the adjoining residences.
- Hours and days of operation, with trading ceasing by 11pm on Wednesdays to Sundays and by 5pm on other days.

The proposed land uses are suitably separated from neighbours to ensure that the tourist facility will not prejudice this rural neighbourhood or community amenity, and human health will not be adversely impacted by noise impacts.

Management of Patron Behaviour

The applicant agrees to provide and adhere to a Patron Management Plan for the proposed licensed area allowing the consumption of alcohol on the premises within the nominated 'red line' areas forming part of the proposed liquor licence. It is anticipated that a patron management plan will be a conditional requirement of any permit. The management plan will outline the intended management of patrons in relation to the following key areas:

- The location where alcohol is permitted to be consumed within the 'red line' area, which is within both buildings (designated for restaurant, distillery/cellar door sales and function centre uses) and within the adjacent outdoors area to the east of the 2 sheds.
- Signage for the responsible serving of alcohol and patron behaviour; as required by the Victorian Gambling and Casino Control Commission (VGCCC).
- The permitted hours of operation (for alcohol consumption).
- The permitted patron number limits.
- The management of patrons within these areas.
- The methods proposed to deal with any excessive noise or behaviour from visiting patrons on the premises.
- A specified complaint handling, implementation and monitoring procedure.
- Security arrangements for staff and patrons.
- The handling of rubbish related to the consumption of alcohol and food products.
- External lighting location and pedestrian safety management.

Council Health Approvals

It is anticipated that any permit issued will be conditional on Food Premises registration normal to any proposed food premises and would be dealt with prior to opening.

Waste Management Plan

It is anticipated that a Waste Management Plan will be required as a permit condition and the principles of waste management are to be put place as they apply to any tourist facility offering dining experiences. Namely, waste must be managed such that it is stored appropriately to avoid windblown debris, offensive smells and removed from the site at appropriate intervals and recycling will also encouraged / required by this waste plan.

Covid-19 and Outdoor Patron Area

With the challenges being faced by the restrictions on small businesses, particularly in the hospitality industry, as a result of covid-related density & capacity limits (per square metre), there has been a direct government response in supporting (at least temporarily) the use of outdoor areas adjacent to these premises for dining/drinking, in outdoor/footpath areas etc. It is anticipated that even after capacity limits are removed, there will be ongoing density requirements for some time into the foreseeable future (patrons per square metre eg 1 person per each sqm). This is part of the rationale for our client seeking the Council's support and associated liquor licensing to allow the adjacent outdoor areas around the buildings (distillery/café/functions) to be used for ongoing outdoor liquor/food consumption.

Title

There are no encumbrances on title such as covenants, restrictions, or section 173 agreements.

Bushfire

The property is in a designated bushfire prone area. Special bushfire construction requirements apply. The property is not affected by a Bushfire Management Overlay (BMO).

Other Permit Conditions

It is anticipated that any permit to be issued will be subject to other expected conditions, including & summarised as follows:

- Allow maximum of 100 patrons in the restaurant and 150 patrons for limited occasions for functions
- Limit the operating days and hours of the facility and sale & consumption of liquor
- Allow the playing of live music within limited hours
- Noise levels to comply with the requirements of the State Environment Protection Policies (Control of Music Noise from Public Premises) No. N-2
- Allow the sale & consumption of limited other alcoholic beverages to patrons, beyond that produced on site
- Alcohol only consumed within red-line area on endorsed plan/s
- Landscape Plan, for the area surrounding the proposed gin distillery and café, as well as around the car parking area/s and accessway/s
- Waste Management Plan
- Patron Management Plan
- Council Health approvals (Food Premises registration)

5. SUMMARY / CONCLUSION

The site has a demonstrated capacity for the proposal and does not fragment agricultural land nor adversely impact agricultural activities on the site or those adjoining the property.

In relation to the State, regional and local planning policies both current and proposed, the proposed is a direct response to the policy support for tourist businesses to be located on suitable green wedge sites where the potential impacts are effectively controlled.

The proposed land uses and development will be beneficial for the local economy, attracting business to the Yarra Ranges region from greater Melbourne, interstate and overseas. It is stated in the Yarra Ranges municipal profile that over 2.2 million tourists visit the area each year. The addition of a distillery, restaurant, function centre and associated licensed premises in this part of Yarra Glen provides further opportunity to promote and harness tourism and economic growth in a way that is respectful of surrounding rural & agricultural activities, the local landscape, surrounding environs and overall character of the Yarra Ranges Shire.

The outlined uses of land can be carried out in a way that complement the predominantly agricultural use of the surrounding green wedge zone. The site has existing plantations of botanicals and fruit trees, the produce of which can be sold on site under the allowable activities of the proposed land uses.

The proposed land uses are confined to the existing sheds and surrounds and these sheds, new accessway and the car parking area are at suitable distances from neighbours. The proposed facility is compatible and complementary to nearby rural land uses, which includes rural residences and other tourist facilities and a variety of agricultural/farming pursuits centring on the wine/viticulture industry, with some farmland still used for grazing.

The site has ample space for car parking for the number of visitors likely to be permitted under the allowable land uses of the zone. The recommended uses can be undertaken with minimal impact on the natural beauty and visual identity of the region. The proposed uses are considered to be complementary to the character of the Yarra Ranges Shire and would help to strengthen the natural and cultural vibrancy of the surrounding area.

This report has demonstrated that the proposed uses are to be carried out in conjunction with each other and are genuine, close and continuing. Each relies on the other for functionality as all are based on the agricultural use of the site for the growing and harvesting of fruit suitable for Gin production. This is what makes this proposal different from all other Gin distilleries currently in the Yarra Valley. The direct connection with the produce grown on the land is a key principle for the success of the proposal and its associated uses.

Council's support is sought for the proposed Gin Distillery (Rural Industry) and Tourist Facility – Restaurant, Cellar Door (Manufacturing Sales & Primary Produce Sales), and Function Centre and associated Carparking, Business Signage & associated Works.

Yarra Track (Yarra Glen-Healesville section)



Yarra Track



Yarra Track

Location

Healesville (area) VIC - Property No R71630, R71741

Municipality

YARRA RANGES SHIRE

Level of significance

Included in Heritage Overlay

Heritage Overlay Numbers

HO171

Heritage Listing

Yarra Ranges Shire

Statement of Significance

Last updated on - July 5, 2000

The Yarra Track is probably of State, as well as regional significance, as a major early transport route that shaped settlement patterns along its route and was critical to the economy of the isolated mining settlements it served. The physical evidence that remains includes surviving features and current road alignments that follow the route of the track.

HeritageStudy/Consultant	Yarra Ranges - Shire of Yarra Ranges Heritage Study, Context Pty Ltd, 2000;
Other Names	Breakneck Road, Old Healesville Road,
Hermes Number	115991
Property Number	

Physical Description 1

The Yarra Track is associated with the Woods Point gold diggings in the 1860s. There are a number of sections - many outside the Yarra Ranges Shire. Some well known sections within the Shire are the Old Healesville Road, Breakneck Road and the former Hit or Miss Bridge.

The section of the original route of the Yarra Track known as Breakneck Road was viewed from its Yarra Glen end. It runs from Skyline Road in the Christmas Hills down the ridge to where it joins up with King Street in Yarra Glen. The road travelling east down from the ridge into Yarra Glen, is a very steep and eroded dirt track and was unable to be accessed due to its steep and poor condition. Gently winding, it passes cleared grazing land and remnant and regrowth bush, including eucalypts and casuarinas, before crossing the Maroondah Aqueduct. Once in the valley, the road is sealed and joins up with King Street. This track is known as The Breakneck and also Ryries Track.

The second portion of the Yarra Track surveyed is a sealed road in excellent condition known as the Old Healesville Road. It extends for around eight kilometres from its departure from the Melba Highway out of Yarra Glen to where it joins the Healesville-Yarra Glen Road around five kilometres west of Healesville. Travelling from Yarra Glen, the double-lane sealed road passes grazing areas with homesteads, haystacks, crops and some fields of vines. There are plantings or regrowth along the fencelines of properties. The road commands excellent views of the valley, including the undulating hills and the foothills of the distant ranges which frame the view. It enables access to the Yarra Track Winery and is part of a network of routes to enable visitors to explore the wineries of the region.

There are additional sections of the Yarra Track which were not inspected during the present study. Historic sites along the track have been identified by Peter Evans (1999) but occur in sections of the track east of the surveyed area. A number of the hotel sites along the Track are separately listed in the database for this study. The Hit or Miss Bridge (now demolished) was identified by the community submissions. It was located on Yarra Glen Road at Donovan's Lane.

Physical Conditions

Varies

Integrity

Evidence of stages

This place/object may be included in the Victorian Heritage Register pursuant to the Heritage Act 2017. Check the Victorian Heritage Database, selecting 'Heritage Victoria' as the place source.

For further details about Heritage Overlay places, contact the relevant local council or go to Planning Schemes Online <http://planningschemes.dpcd.vic.gov.au/>

HEALTH & WELLBEING ADVISORY COMMITTEE

Report Author: Executive Officer Health & Wellbeing

Responsible Officer: Director Communities

Ward(s) affected: (All Wards);

The author(s) of this report and the Responsible Officer consider that the report complies with the overarching governance principles and supporting principles set out in the Local Government Act 2020.

CONFIDENTIALITY

This item is to be considered at a Council meeting that is open to the public.

SUMMARY

This report recommends appointments to the new Community Health & Wellbeing Advisory Committee (HWAC) committee to Council. It allows for community voice and a consultative process for a wide range of activities and initiatives, as well as advice to support Council's decision making and monitors the achievement of objectives of the Municipal Health and Wellbeing Plan.

The Health & Wellbeing Advisory Committee is appointed by Council for a 4 year term. The process for recruiting a new advisory committee has been conducted and recommendations are presented in this report for Council endorsement.

RECOMMENDATION

That Council endorse the recommended appointments to the 2022-2026 Health & Wellbeing Advisory Committee.

RELATED COUNCIL DECISIONS

- Health and Wellbeing Advisory Committee Terms of Reference.
- Yarra Ranges Health and Wellbeing Plan 2021 – 2025.

DISCUSSION

Purpose and Background

An expression of interest seeking interested community members was advertised through Council's website, social media, local media and through communications to the broader sector and other relevant local and peak community organisations.

The recruitment process involved written applications (17 received) followed by shortlisting candidates for interview (9 interviewees). Interviews were conducted by a panel including a Councillor and Council's Executive Officer Health & Wellbeing, and Indigenous Participation Plan Project Officer. Upon completion of a first round of interviews, seven successful candidates were recommended.

While a significant number of applications were initially received for the committee, the panel noted the lack of applications from diverse community members including young people under 35 years, CALD community members, Indigenous community members, LGBTIQ+ community members, people with young families, sporting clubs and other hard to reach communities. Therefore, the panel undertook a second round of active recruitment to fulfil the five vacant places available on the committee.

A second recruitment round included advertisement through Council's internal and external partners, network meetings and promotion through e-mail and word of mouth. A further six expressions of interest were received, followed by shortlisting candidates for interview with a further five successful candidates recommended for the proposed committee of 12.

Options considered

Council is presented with a group of proposed representatives (12) who:

- Represent diversity of gender (5 men, 7 women), ages 16–75yrs, lived experience with mental illness, person living with a disability and chronic health conditions and unpaid carers. Youth, Culturally and Linguistically Diverse and LGBTIQ+ community members are also representative in this group;
- Represent nine townships across the Yarra Ranges including Chirnside Park 3116, Lilydale 3140, Montrose 3765, Mt Toolebewong 3777, Chum Creek 3777, Olinda 3788, Sherbrooke 3789, Silvan 3795 and Mt Evelyn 3796; and
- Bring the skills and expertise of multiple sectors including urban farming, health, education, National Disability Insurance Scheme, volunteer groups, local business owners and various other community services.

The new HWAC includes one former member of a Yarra Ranges Council advisory group, with the majority having experience with advisory groups outside of Council and at least half are new members with no prior committee experience. This provides a balance of experience and fresh perspective to this important advisory committee. The proposed HWAC members and the experience they bring are noted in Attachment One.

It is the intention for the role and influence of the HWAC to:

- Represent community voice to Council about health and wellbeing in the Yarra Ranges;
- Assist in the consultative process and provide feedback on Council's processes and policies;
- Support Council's decision making and monitor the achievement of objectives under the Health and Wellbeing Plan; and
- Support the development of new plans

The HWAC continues to be a critical advisory committee for council officers to gain insight and input into processes, projects, plans and strategies. This work will continue and strengthen with the new HWAC.

Recommended option and justification

That Council endorse the recommended appointments to the HWAC listed in Attachment One.

FINANCIAL ANALYSIS

The expenditure associated with the operation of the Health and Wellbeing Advisory Committee is met through the approved operational budget. This includes the costs of advertising the Advisory Committee recruitment and ongoing operational expenditure.

APPLICABLE PLANS AND POLICIES

This report contributes to the following strategic objectives:

- The Council Plan: Connected and Healthy Communities; and
- Yarra Ranges Health and Wellbeing Plan 2021 – 2025.

The Committee will also be a key advisor for the development of Yarra Ranges Council's upcoming Disability Action Plan (2023).

RELEVANT LAW

The proposed representatives align with the requirements of the Gender Equality Act 2020 in ensuring diverse representation.

SUSTAINABILITY IMPLICATIONS

There are no environmental impacts arising from the recommendations in this report.

Economic Implications

There are no economic implications arising from the recommendations in this report.

Social Implications

The social impacts of the HWAC include:

- Our community having a voice and being heard;
- Representing community on important local issues;
- Influencing projects to include the needs and aspirations of people living in the Yarra Ranges; and
- Engaging with other people with a shared commitment to improving access and inclusion for all.

Environmental Implications

There are no environmental implications for this recommendation.

COMMUNITY ENGAGEMENT

Not applicable.

COLLABORATION, INNOVATION AND CONTINUOUS IMPROVEMENT

No collaboration with other Councils, Governments or statutory bodies was sought.

RISK ASSESSMENT

The Risk: To attain a Committee that is diverse and representative of the community. This includes but is not exclusive to Aboriginality, gender, sex, sexual orientation, gender identity, culture, nationality, refugee or asylum seeker background, migration or visa status, language, religion, ability, age, mental health, socioeconomic status, housing status, and geographic location.

Options Considered: The recruitment process undertaken has ensured Council recruits a balanced representation of people living in the Yarra Ranges who can provide advice to Council across a diverse range health and wellbeing issues relevant to Council's role and responsibilities. The Terms of Reference (Attachment Two) bring clarity to the role and responsibilities of the Committee, its members and those who support it.

CONFLICTS 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*.

ATTACHMENTS TO THE REPORT

1. Proposed Health & Wellbeing Advisory Committee members 2022-2026
2. Health & Wellbeing Advisory Committee Terms of Reference

Proposed Health & Wellbeing Advisory Committee Members:

Name
Andrew Bond
Belinda Gillam Derry
Ellise Rickard
Heide Renner
Jo Hunt
Jolyon Scobie
Karen Pomeranz
Kham Lian
Lindsey Booth
Mark Doubleday
Melinda Jeffrey
Sam Suke



Health & Wellbeing Advisory Committee Terms of Reference

Version:	1.1
Adopted by Council:	
Responsible Officer:	Executive Officer Health & Wellbeing
Department:	Community Wellbeing
Contact Officer:	Executive Officer Health & Wellbeing

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1. Introduction

- 1.1 Council's Health and Wellbeing Plan (the Plan) sets out the strategic direction for improving health and wellbeing for all residents across the municipality. It reflects Council's commitment to promoting health and wellbeing, addressing issues, and tackling the social determinants of health.
- 1.2 The Plan covers the broad roles and responsibilities of Council as an organisation, a service provider and local government in upholding the rights of all members of the Yarra Ranges community to have the opportunity to maximise their health and wellbeing.

2. Purpose

- 2.1 The Health and Wellbeing Advisory Committee (the Committee) has been established by Council for the purpose of:
 - (a) being a voice to Council for people with an interest in community health and wellbeing in Yarra Ranges;
 - (b) assisting Council in the consultative process and providing feedback on Council processes and policies, and supporting Council's decision making; and
 - (c) monitoring the achievement of objectives under the Health and Wellbeing Plan, and supporting the four-yearly development of new Plans.
- 2.2 The Committee does not have authority to make decisions on behalf of Council, nor does it have delegated authority to act or to incur expenditure on behalf of Council.
- 2.3 The Committee must at all times recognise that the primary responsibility for management of Council's operations is controlled by the Chief Executive Officer and that the Committee, at all times, is an advisory committee to Council.

3. Mission Statement

- 3.1 The Committee will provide advice on health and wellbeing within the community to help inform Council work.

4. Committee Structure

- 4.1 The Committee will include the Executive Officer Health & Wellbeing, additional Council officers, and up to twelve community representatives, together with one councillor appointed by Council.

5. Nomination, selection & appointment of members

- 5.1 Expressions of interest from individuals will be sought via Council's website, social media, local media and by communications to Council's broad network of community groups and local organisations
- 5.2 Applications will be considered against selection criteria and short-listed applicants will be interviewed by a selection panel. Committee members will be appointed by the Executive Officer Health & Wellbeing after a report is taken to a Council meeting for determination
- 5.3 In recruiting members, we strive to attain a Committee that is diverse and representative of the community. This includes but is not exclusive to Aboriginality, gender, sex, sexual orientation, gender identity, culture, nationality, refugee or asylum seeker background, migration or visa status, language, religion, ability, age, mental health, socioeconomic status, housing status, and geographic location.
- 5.4 Members should:
- (a) live or work in the Yarra Ranges;
 - (b) have a personal interest in health and wellbeing;
 - (c) be able to commit to attending the regular meetings of the Committee; and
 - (d) have a passion for working with Council to improve community health and wellbeing.

Term of Appointment

- 5.5 Individuals will be appointed for a four-year term and may reapply to be appointed to the Committee on the expiry of their first four-year term but no person should serve more than two consecutive terms, unless exceptional circumstances are identified by Council.
- 5.6 Councillors are appointed to the Committee by Council for a four-year term. Notwithstanding the term of appointment, Council will consider and reaffirm this on an annual basis, while reserving the right to change its appointed representative at any time.
- 5.7 All appointments required to be made to the Committee will be submitted in a report by the Executive Officer Health & Wellbeing to a Council meeting for determination.

6. Induction

- 6.1 A workshop will be held to enable Committee members to be inducted into their role. This will provide information on:
- (a) the role of the Committee;
 - (b) the role of Council and Councillors;
 - (c) Council processes;
 - (d) Councils Health & Wellbeing Plan

7. Vacancies

- 7.1 A position is deemed vacant if a member fails to attend four consecutive meetings without being granted a leave of absence by the Committee.
- 7.2 Where a member decides to relinquish their membership before the end of their term of appointment, they must submit their resignation in writing, addressed to the Executive Officer Health & Wellbeing.
- 7.3 Council will seek to fill a vacancy that may occur before the end of a four-year term of appointment, with the exception of a vacancy that occurs within two months of the end of the term of appointment.
- 7.4 All recommendations regarding the filling of vacancies will be submitted in a report by the Executive Officer Health & Wellbeing to a Council meeting for determination.

8. Co-opted members and specialist advice

- 8.1 The Committee may invite suitably skilled persons to join the Committee as a co-opted member for a specified purpose and period of time.
- 8.2 Individuals and groups may be invited to attend meetings of the Committee for the purpose of providing specialist advice or for seeking input from the Committee. Any such individual or group must not be involved in decision making processes and must not vote on any matter.

9. Chairperson

- 9.1 The Chairperson will be a councillor, appointed by Council.
- 9.2 The Chairperson will be the public face of the Committee and will lead advice and reports to the Council and other bodies on behalf of the Committee.
- 9.3 The Committee may appoint a Deputy Chairperson, whose role would be to perform the duties of the Chairperson if the Chairperson is absent or unable to perform their duties at a meeting of the Committee.

10. Meetings

- 10.1 At least six meetings of the Committee will be held per year, with these to be held at an accessible venue in the Yarra Ranges or via video conference (to be determined by the Executive Officer Health & Wellbeing).
- 10.2 Meetings may be cancelled, or additional meetings may be convened, by the Executive Officer Community Partnerships & Wellbeing or Health Planner.
- 10.3 If apologies are received from a significant number of the members of the Committee, meetings may be cancelled and rescheduled (if feasible).
- 10.4 Members are asked to check their email on the morning of the meeting to receive any notice of cancellation.
- 10.5 Meetings of the Committee are defined as “Informal Meetings of Councillors” under Chapter 8, Rule 1 of Council’s Governance Rules if at least one Councillor is present. The Executive Officer Health & Wellbeing or suitable Council Officer must forward a record of an Informal Meeting of Councillors to Council’s Governance Team within 7 days of a meeting to enable this to be tabled at the next convenient Council meeting and recorded in the Minutes of that Council meeting.

11. Conduct of Committee Members

- 11.1 When acting in their capacity as a member of the Committee, all members will refrain from discriminating, harassing or bullying other people and using offensive language.
- 11.2 In performing their role, a committee member must:
 - (a) act honestly;
 - (b) exercise reasonable care and diligence;
 - (c) not make improper use of their position; and
 - (d) not make improper use of the information acquired because of their position.
- 11.3 The failure of a member to comply with either clause 11.1 or 11.2 above will result in the termination of their appointment to the Committee.
- 11.4 Committee members will also have regard to the principles of health and safety and must ensure that they contribute to the notion of a healthy and safe workplace.

12. Conflicts of Interest

- 12.1 A member of the Committee with a conflict of interest in an item of business to be considered at a meeting must declare this before the item is considered.
- 12.2 A member declaring a conflict of interest must leave the meeting while the identified item is being discussed and must not vote on the matter being considered.
- 12.3 A declaration of a conflict of interest that has been made at a meeting of the Committee must be recorded in the minutes of that meeting and in the Informal Meeting of Councillors record to be submitted to Council.
- 12.4 A failure to comply with the provisions regarding the disclosure of conflicts of interest may result in the member's appointment to the Committee being terminated.
- 12.5 A Councillor appointed to the Committee must declare a conflict of interest in accordance with the requirements of Chapter 7, Rule 7, of Council's Governance Rules.

13. Attendance at Meetings

- 13.1 The Committee will be flexible about multiple non-attendances by members and acknowledges the health and wellbeing needs associated with active citizen participation.

Submitting Apologies

- 13.2 Members should submit any apologies to the Executive Officer Community Partnerships & Wellbeing if they are unable to attend, with these to be received at least 24 hours prior to a scheduled meeting time (where possible).

Requesting a Leave of Absence

- 13.3 If a member is likely to be absent from at least four consecutive meetings and wishes to remain as a member of the Committee, they should request a leave of absence.
- 13.4 Any such request should be submitted to the Executive Officer Health & Wellbeing, and will be presented to the Committee for determination.
- 13.5 The Committee will not unreasonably withhold its approval of a leave of absence request.

14. Meeting Procedures

Agenda for Meetings

- 14.1 Council will be responsible for setting the Agenda for each meeting.
- 14.2 Committee members can request an item to be included on an Agenda by sending details to the delegated Council Officer at least seven days prior to the meeting.
- 14.3 The delegated Council Officer will consider any such requests and determine if they be listed or dealt with (investigated) as per normal business as discussion of operational issues should be directed to an appropriate Council Officer.
- 14.4 The Agenda for each meeting will include:
- (a) provision for any urgent items of business to be raised and, by agreement, considered by the Committee;
 - (b) brief reports back on:
 - (i) the use of the Committee's advice by Council; and
 - (ii) actions and/or matters arising from items discussed at the previous meeting;
 - (c) updates on current Council programs and initiatives;
 - (d) substantive discussion about major current issues and directions;
and
 - (e) an opportunity to raise other business matters from the table.
- 14.5 An Agenda will be sent to the Committee one week prior to each meeting, together with any background reading material.

Minutes of Meetings

- 14.6 Minutes will be taken for each meeting by a delegated Council Officer and will record:
- (a) the attendance of members;
 - (b) agenda items tabled;
 - (c) any declared conflicts of interest;
 - (d) key discussion points; and
 - (e) actions and agreed outcomes only.
- 14.7 Minutes and action items will be distributed to each member of the Committee and relevant Council staff within two working weeks of the meeting.
- 14.8 Minutes will be finalised only when formally adopted at the following scheduled meeting of the Committee.

14.9 Key messages will be shared with relevant Council Officers and partner organisations where appropriate to inform actions

15. Reporting

15.1 The Chairperson will make a Delegate's Report at the next Council meeting following a Committee meeting.

15.2 Annual reporting to Council will be included within broader Health & Wellbeing Plan reporting

15.3 The Annual Report will be made by the Executive Officer Health & Wellbeing, together with any members of the Committee as may be deemed appropriate by the Executive Officer Health & Wellbeing after consultation with the Committee's Council representative.

16. Management and Support to the Committee

- 16.1 A delegated Council Officer will provide administrative support to the Committee, which will include:
- (a) maintaining contact details of members;
 - (b) preparing and distributing Agendas and prior reading material;
 - (c) preparing and distributing Minutes of meetings;
 - (d) reporting on actions and/or matters arising from previous meetings back to the Committee;
 - (e) circulating other material to Committee members as necessary;
 - (f) completing and submitting an Informal Meeting of Councillors record for inclusion on a Council Agenda;
 - (g) assisting with the preparation of an Annual Report to Council; and
 - (h) managing all other administrative processes associated with the Committee.
- 16.2 The Committee will have access to Council staff with relevant expertise on matters being considered by the Committee.

17. Support available to community representatives

- 17.1 Community representatives with a disability are eligible for assistance with transport, e.g. cab vouchers, to support their attendance at meetings and involvement with the Committee.
- 17.2 Community representatives should raise any individual participation or access requirements with the Executive Officer Health & Wellbeing.

18. Confidentiality and Privacy

- 18.1 Members must treat information they receive as confidential, unless otherwise advised, and are expected to comply with the provisions that cover confidential information contained in sections 3 and 125 of the Local Government Act 2020.
- 18.2 Members must not use confidential information other than for the purpose of performing their function as a member of the Committee.
- 18.3 Documents presented to the Committee will often be in draft format and not suitable for wider distribution. Members have an obligation not to disclose any materials or information that is not available to the public, unless approved by the Chair or a representative of Council.
- 18.4 All Committee discussions should comply with the requirements under the Privacy Act 1988 and its principles.
- 18.5 The failure of a member to comply with paragraphs 18.1 to 18.4 will result in the termination of their appointment to the Committee.

19. Media

- 19.1 The Chairperson will represent the views of the Committee and make all public statements. If members of the Committee wish to raise an issue in the media, which relates specifically to the work of the Committee, this should be agreed beforehand at a Committee meeting.
- 19.2 On occasion, representatives of the Committee may be invited to join the Chairperson to promote the work of the Committee or to support advocacy positions.
- 19.3 Members are entitled to make comment on matters in their capacity as a member of another organisation or as private citizens; however, it must be clear that those views are not expressed on behalf of Committee or Council.

20. Review

- 20.1 The Terms of Reference will be reviewed every four years, or at such other time that Council determines.

VICTORIA ROAD - ROAD REHABILITATION

Report Author: Project Engineer
 Responsible Officer: Director Environment and Infrastructure
 Ward(s) affected: Ryrie; Billanook, Chirnside

The author(s) of this report and the Responsible Officer consider that the report complies with the overarching governance principles and supporting principles set out in the Local Government Act 2020.

CONFIDENTIALITY

This item is to be considered at a Council meeting that is open to the public.

The item has been included in the public agenda to facilitate openness and transparency in Council's decision making. Confidential attachments have been included with the report which contain commercially sensitive information that is not to be disclosed whilst the meeting is open to the public.

SUMMARY

This report summarises the evaluation process and seeks Council approval for the award of the contract for the first two stages of Victoria Road, Road Rehabilitation works stage A and stage B from Macintyre Lane to driveway of property no.193 Victoria Road, Coldstream.

The Evaluation Panel recommends the tender from TDM Earthworks Pty Ltd be accepted for a lump sum contract amount of \$1,497,939.47 GST exclusive including provisional items (\$1,647,733.42 GST inclusive).

The works includes pavement reconstruction, kerb and channel replacement, subsoil drainage, asphalt and line marking works.

RECOMMENDATION

1. ***That Council appoints TDM Earthworks Pty Ltd to EO16105 7105 Victoria Road, Road Rehabilitation works for a total lump sum of \$1,497,939.47 exclusive of GST including provisional items (\$1,647,733.42 GST inclusive).***
2. ***The Director, Environment and Infrastructure be delegated authority to sign the contract documents.***
3. ***The confidential attachments to this report remain confidential indefinitely as they relate to matters specified under section 3(1) (g)(i), (g) (ii) of the Local Government Act 2020.***

RELATED COUNCIL DECISIONS

There are no related Council decisions relevant to this item.

DISCUSSION

Purpose

To seek Council approval to award EOI6105 7105 Victoria Road, Road Rehabilitation works.

Background

Victoria Road from Macintyre Lane, Yering to The Gateway, Lilydale is listed under the roads rehabilitation & renewal program within the Yarra Ranges Council Capital Expenditure Program.

This project is to be delivered in stages over two financial years in 2022/2023 and 2023/2024.

The first two stages of works (Stage A & B) is to be delivered in 2022/2023. Stage A is from Macintyre Lane, Yering to Davidson Drive, Coldstream and Stage B is from Davidson Drive, Coldstream to driveway of property no.193 Victoria Road, Coldstream.

Works includes kerb and channel replacement, drainage, pavement, asphalt and line marking works.

To support efficient procurement processes, Council sought Expression of Interest from contractors to establish a panel of twelve (12) pre-qualified Road Construction and Associated Works contractor to EOI6105. From this list Council would seek quotations for road construction and associated works, as and when funding allows.

Under the terms and conditions of the panel arrangement any contracts valued over \$1 million would require a formal declaration report indicating the estimated cost and budget be accepted by Council before the project can proceed to construction. On 02 December 2022, Council invited three (3) pre-qualified suppliers from the Road Construction and Associated Works Panel to submit their pricing for EOI6105 7105 Victoria Road, Road Rehabilitation Works.

The tender process remained opened for thirteen (13) working days, closing on 21 December 2022 and three (3) submissions were received.

Key Issues

This tender process has been carried out in accordance with the requirement of Council's Procurement Policy.

Tenderer's submissions were assessed for conformity with the tender documents and no tenders were eliminated from further evaluation as a result of any non-conformances.

The Evaluation Panel scored tenders against pre-established evaluation criteria. A summary of the evaluation criteria follows.

Evaluation Criteria	Weighting
Price	80%
Resourcing	5%
Timeframes	15%
TOTAL	100%

Recommended option and justification

Following a detailed evaluation process, as outlined in Confidential Attachment 1. The evaluation panel are unanimous in their decision to recommend TDM Earthworks Pty Ltd for the Tender Price inclusive of provisional items. TDM offers the best value outcome. The evaluation panel request that Council adopts the recommendations within this report.

FINANCIAL ANALYSIS

The total cost of the lump sum contract for the first two stages (stage A & B) of Victoria Road, road rehabilitation works is \$1,497,939.47 GST exclusive including provisional items (\$1,647,733.42 GST inclusive).

Funds are allocated to all stages of this project as part of Yarra Ranges Council 2022/2023 and 2023/2024 Capital Expenditure Program funded by the Federal Government. Works in the first two stages are anticipated to commence 13 February 2023 with works expected to reach practical completion by 21 March 2023.

APPLICABLE PLANS AND POLICIES

This report contributes to the following strategic objective(s) in the Council Plan: The road rehabilitation works meets the Council Plan 2021-2025 strategic objective of Quality Infrastructure and Liveable Places. Ensuring that the network of roads, footpaths, bridges and drainage are maintained and renewed into the future.

RELEVANT LAW

This report seeks Council approval to award a contract that complies with Section 108 of the Local Government Act 2020.

SUSTAINABILITY IMPLICATIONS

Economic Implications

The construction of these roads would be undertaken utilising contractors from Council Road Construction and Associated Works Panel. This panel was established with a majority of local smaller contractors which will help provide economic support to these local businesses.

Social Implications

The recommended tenderer is a local business that resides and operates within Yarra Ranges Council. It has a successful history of recruiting local staff and utilising local sub-contractors.

Environmental Implications

As part of the contract the successful tenderer will be required to prepare and adhere to a Construction Environmental Management Plan for the duration of the project.

COMMUNITY ENGAGEMENT

Residents and businesses along Victoria, Coldstream/Yering will be notified of the works prior to works commencement.

COLLABORATION, INNOVATION AND CONTINUOUS IMPROVEMENT

Not relevant.

RISK ASSESSMENT

Risk have been considered as part of the project design, contract terms and conditions, and evaluation process.

CONFLICTS 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*.

ATTACHMENTS TO THE REPORT

1. EOI6105 7105 - Confidential Attachment for Council Report

Confidential Item

11. COUNCILLOR MOTIONS

In accordance with Chapter 3 Division 4 of the Governance Rules developed by Council in accordance with section 60 of the Local Government Act 2020.

There were no Councillor motions received prior to the Agenda being printed.

12. ITEMS THROUGH THE CHAIR

13. REPORTS FROM DELEGATES

14. DOCUMENTS FOR SIGNING AND SEALING

In accordance with Clause 87 of the Meeting Procedures and Use of Common Seal Local Law 2015, as prescribed by Section 14(2)(c) of the Local Government Act 2020.

There were no Documents for Signing and Sealing listed for this meeting prior to the Agenda being printed.

INFORMAL MEETINGS OF COUNCILLORS

Report Author: Governance Officer
Responsible Officer: Director Corporate Services
Ward(s) affected: All Wards

The author(s) of this report and the Responsible Officer consider that the report complies with the overarching governance principles and supporting principles set out in the Local Government Act 2020.

CONFIDENTIALITY

This item is to be considered at a Council meeting that is open to the public

SUMMARY

Chapter 8, Rule 1, of the Governance Rules requires that records of informal meetings of Councillors must be kept and that the Chief Executive Officer must ensure that a summary of the matters discussed at the meeting tabled at the next convenient Council meeting and recorded in the Minutes of that Council meeting.

An 'informal meeting of Councillors' is defined in the Governance Rules as a meeting of Councillors that:

- is scheduled or planned for the purpose of discussing the business of Council or briefing Councillors;
- is attended by at least one member of Council staff; and
- is not a Council meeting, Delegated Committee meeting or Community Asset Committee meeting.

The records for informal meetings of Councillors are attached to the report.

RECOMMENDATION

That the records of the Informal Meetings of Councillors, copies of which are attached to the report, be received and noted.

ATTACHMENTS TO THE REPORT

1. 6 December 2022 - Council Forum; and
2. 6 December 2022 - Council Briefing;

Informal meeting of Councillors

Public Record



Meeting Name:	Council Forum	
Date:	6 December 2022	Start Time: 7:05 pm Finish Time: 10:22 pm
Venue:	Council Chamber, Civic Centre, Anderson Street, Lilydale and via videoconference	
Attendees:	Councillors:	Sophie Todorov, David Eastham, Len Cox, Fiona McAllister, Tim Heenen, Johanna Skelton & Richard Higgins
	Via Zoom:	Jim Child & Andrew Fullagar
	CEO/Directors:	Tammi Rose, Jane Price, Kath McClusky, Phil Murton & Jane Sinnamon
	Via Zoom:	Andrew Hilson
	Officers:	Allison Southwell, Debbie Pulman, Andrew Edge, Tracey Varley, Nathan Islip, Alison Fogarty, Clare Rock, Ben Waterhouse, Matt Harrington
	Via Zoom:	Sarah Candeland, Ameer Morgan, Hugh Baulch, Jan Spinder, Paul Goodison, Alanna Ford & David Booth
Apologies	Nil	
Disclosure of Conflicts of Interest:	Nil	
Matter/s Discussed:	2.1	Action and Agreement Record – 15 November 2022
	2.2	2023-2024 Budget Discussion
	2.3	Living Places Framework - Draft Prioritisation Schedule
	2.4	Municipal Recovery Plan
	2.5	Early Years Reform
	2.6	Yarra Valley Trail Northern Loop Community Consultation Feedback
	2.7	Warburton Mountain Bike Destination - Project Update
	3.1	Overview of Amendment C148 and C195
	3.2	Health & Wellbeing Advisory Committees – Recommended Membership
	3.3	Capital Works Program Monthly Report - October 2022
	3.4	Major Projects Monthly Report to end of October 2022
	3.5	Indicative Forum & Council Meeting Schedule
	3.6	Mayor & CEO Update
	4	General Business
	5	Late Items and Urgent Business
Completed By:	Andrew Edge	

Informal Meeting of Councillors

Public Record



Meeting Name:	Council Briefing	
Date:	6 December 2022	Start Time: 6.15 pm Finish Time: 6.35 pm
Venue:	Council Chamber, Civic Centre, Anderson Street, Lilydale and via videoconference	
Attendees:	Councillors:	Sophie Todorov, David Eastham, Len Cox, Fiona McAllister, Tim Heenen, Johanna Skelton & Richard Higgins (6:19pm)
	CEO/Directors:	Tammi Rose, Jane Price, Kath McClusky & Phil Murton
	Via Zoom:	Jim Child, Jane Sinnamon, Andrew Hilson
	Officers:	Allison Southwell, Debbie Pulman, Andrew Edge, Bivash Barua
Apologies	Andrew Fullagar	
Disclosure of Conflicts of Interest:	Nil	
Matter/s Discussed:	This briefing covered the following items of business to be considered at the 13 December 2022 Council Meeting	
	10.1	Monbulk Urban Design Framework
	10.2	Warburton Urban Design Framework
	10.3	Structure Plan Review and Action List
	10.4	Councillor Appointments to Committees & External Bodies
	10.5	Neighbourhood Safer Places Annual Report
	10.6	Disability Advisory Committee 2022-2026
	10.7	Burrinja Cultural Centre Partnership Agreement
	10.8	Municipal Recovery Plan
	10.9	Regional Community Recovery Committees
	10.10	Wesburn Master Plan
	10.11	Variation of Special Charge Scheme Harberts Road Don Valley
	10.12	Road Discontinuance and Transfer part Wellman Road, Launching Place (abutting no.12)
	10.13	EOI6105 7127: Bell Street Road Group, Seville - Road Improvement Works (SCS)
	10.14	EOI6105 7111: Nation Road - Selby - Road Improvement Works Special Charge Scheme
Completed By:	Andrew Edge	

16. URGENT BUSINESS

In accordance with Chapter 3 Rule 24 of the Governance Rules developed by Council in accordance with section 60 of the Local Government Act 2020.

17. CONFIDENTIAL ITEMS

In accordance with Chapter 3 Rule 24 of the Governance Rules developed by Council in accordance with section 60 of the Local Government Act 2020.

There were no Confidential Items listed for this meeting.

18. DATE OF NEXT MEETING

The next meeting of Council is scheduled to be held on Tuesday 14 February 2023 commencing at 7.00pm, at Council Chamber, Civic Centre, Anderson Street, Lilydale and via videoconference.



In providing for the good governance of its community, Councillors are reminded of their obligation to abide by the provisions as set within the Local Government Act 2020 and the Code of Conduct for Councillors.

When attending a Council Meeting, Councillors should adhere to the procedures set out in the Governance Rules developed by Council in accordance with section 60 of the Local Government Act 2020.

The following is a guide for all Councillors to ensure they act honestly, in good faith and in the best interests of Yarra Ranges as a whole.

- 1. Councillors will respect the personal views of other Councillors and the decisions of Council.*
- 2. Councillors may publicly express their own opinions on Council matters but not so as to undermine the standing of Council in the community.*
- 3. The Mayor is the official spokesperson for Council.*
- 4. Councillors will incur expenditure in a responsible manner and in accordance with the Councillor Expenditure and Policy.*
- 5. Councillors will avoid conflicts of interest and will always openly disclose any direct and indirect interests where they exist.*
- 6. Councillors will act with integrity and respect when interacting with Council staff and members of the public.*
- 7. Councillors will demonstrate fairness in all dealings and conduct and be open with and accountable to the community at all times.*
- 8. Councillors will conduct themselves in a manner that does not cause detriment to Council or the Yarra Ranges community.*