

# Council Meeting

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## Agenda

**Tuesday, 10 December 2024**

Council Chamber - Civic Centre  
and via Videoconference

## Information for Councillors and the community

### ACKNOWLEDGEMENT OF COUNTRY

Yarra Ranges Council acknowledges the Wurundjeri and other Kulin Nations as the Traditional Owners and Custodians of these lands and waterways.

We pay our respects to all Elders, past, present, and emerging, who have been, and always will be, integral to the story of our region.

We proudly share custodianship to care for Country together.



### 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:** Gareth Ward  
**Chirnside Ward:** Richard Higgins  
**Lyster Ward:** Peter Mcilwain  
**Melba Ward:** Mitch Mazzarella

**O'Shannassy Ward:** Jim Child  
**Ryrie Ward:** Fiona McAllister  
**Streeton Ward:** Jeff Marriott  
**Walling Ward:** Len Cox

### CHIEF EXECUTIVE OFFICER & DIRECTORS

**Chief Executive Officer,** Tammi Rose  
**Director Built Environment & Infrastructure,** Hjalmar Philipp  
**Director Communities,** Leanne Hurst

**Director Corporate Services,** Kim O'Connor  
**Director Planning and Sustainable Futures,** Kath McClusky

### 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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The Minutes produced after each Council Meeting form the official record of the decisions made by Yarra Ranges Council.

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## **EVACUATION PROCEDURES**

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**

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## Agenda

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*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.*

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

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## **YARRA RANGES COUNCIL**

**AGENDA FOR THE 616<sup>TH</sup> COUNCIL MEETING TO BE HELD ON TUESDAY  
10 DECEMBER 2024 COMMENCING AT 7.00PM IN COUNCIL CHAMBER, CIVIC  
CENTRE, ANDERSON STREET, LILYDALE / VIA VIDEOCONFERENCE**

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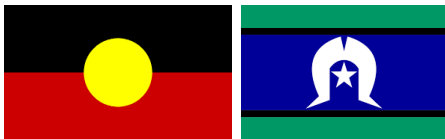
### **1. MEETING OPENED**

## 2. ACKNOWLEDGEMENT OF COUNTRY

Yarra Ranges Council acknowledges the Wurundjeri and other Kulin Nations as the Traditional Owners and Custodians of these lands and waterway.

We pay our respects to all Elders, past, present, and emerging, who have been, and always will be, integral to the story of our region.

We proudly share custodianship to care for Country together.



### **3. INTRODUCTION OF MEMBERS PRESENT**

#### **OUR COUNCILLORS**

Billanook Ward: Tim Heenan  
Chandler Ward: Gareth Ward  
Chirnside Ward: Richard Higgins  
Lyster Ward: Peter Mcilwain  
Melba Ward: Mitch Mazzarella  
O'Shannassy Ward: Jim Child  
Ryrie Ward: Fiona McAllister  
Streeton Ward: Jeff Marriott  
Walling Ward: Len Cox

#### **CHIEF EXECUTIVE OFFICER & DIRECTORS**

Chief Executive Officer, Tammi Rose  
Director Built Environment & Infrastructure, Hjalmar Philipp  
Director Communities, Leanne Hurst  
Director Corporate Services, Kim O'Connor  
Director Planning & Sustainable Futures, Kath McClusky

**4. APOLOGIES AND LEAVE OF ABSENCE**

There were no apologies received prior to the commencement of this meeting.

## 5. 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.

**6. MAYORAL ANNOUNCEMENTS**

**7. CONFIRMATION OF MINUTES**

**RECOMMENDATION**

*That the Minutes of the Council Meeting held Tuesday 26 November 2024, as circulated, be confirmed.*



## **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**

#### **Recycling Laptops for Schools Initiative**

Ray Cooper wishes to provide Council with information regarding his recycling laptops for schools' initiative.

#### **Vertical Fiscal Imbalance**

Tony Stevenson wishes to provide Council with information growing tax revenue imbalance across government levels.

## 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.

**YR-2023/951 - 23 Maddens Lane, Gruyere – Planning Report****APPLICATION DETAILS**

<b>Site Address</b>	23 Maddens Lane, Gruyere 3770
<b>Application No.</b>	YR-2023/951
<b>Proposal</b>	Use and development of a winery and small second dwelling, license premises and display of business identification signs.
<b>Existing Use</b>	Dwelling and agricultural land use (vineyard)
<b>Applicant</b>	Andrew Vogt C/- Millar Merrigan
<b>Zone</b>	Clause 35.04 - Green Wedge Zone Schedule 4
<b>Overlays</b>	Clause 42.03 - Significant Landscape Overlay Schedule 6
<b>Permit trigger/s</b>	<p>Clause 35.04- Green Wedge Zone Schedule 4</p> <ul style="list-style-type: none"> <li>• A permit is required to use the land for the purpose of a winery.</li> <li>• A permit is required for buildings and works (development) associated with a Section 2 use (winery)</li> <li>• A permit is required for the use and development of a small second dwelling.</li> </ul> <p>Clause 52.05 – Signs</p> <ul style="list-style-type: none"> <li>• A permit is required to display a business identification sign (Category 3).</li> </ul> <p>Clause 52.27 – Licenced Premises</p> <ul style="list-style-type: none"> <li>• A permit is required to use land to sell or consume liquor</li> </ul>
<b>Particular provisions</b>	<p>Clause 51.02 - Metropolitan Green Wedge Land: Core Planning Provisions</p> <p>Clause 52.05 – Signs</p> <p>Clause 52.06 – Car Parking</p> <p>Clause 52.27 – License Premises</p>
<b>Other Provisions</b>	Clause 65 – Decision guidelines
<b>Municipal Planning Strategy</b>	<p>Clause 02.03-1 – Settlement</p> <p>Clause 02.03-7 – Tourism</p>

<b>Planning Framework Policy</b>	Clause 11.01-1R – Green Wedges – Metropolitan Melbourne Clause 11.01-1L-04 – Green Wedge Clause 12.05-2L – Rural Landscapes Clause 13.02-1S – Bushfire Planning Clause 13.07-1S – Land Use Compatibility Clause 14.01-1S – Protection of Agricultural Land Clause 16.01-2S – Housing affordability Clause 16.01-3S – Rural residential development Clause 17.04-1L – Tourism in the Yarra Ranges Green Wedge
<b>Objections</b>	Sixteen (16)
<b>Encumbrances on Title (Covenants/Section 173 Agreements)</b>	No
<b>Reason for Council Decision</b>	More than ten (10) objections
<b>Ward</b>	Ryrie

## SUMMARY

The planning application seeks approval to use and develop the site for a winery and small second dwelling, licenced premises, and display of business identification signs, at 23 Maddens Lane, Gruyere. The proposal includes retaining the existing dwelling and outbuildings on the site.

The application was advertised, and sixteen (16) objections were received. Objectors raised concerns of whether the use constitutes a winery, as well as concerns that this is an overdevelopment of the site, future expansion of the use, the proposal not aligning with Green Wedge Zone, the small second dwelling being used for tourism accommodation and concerns of offsite amenity impacts from use.

An assessment of the application against the requirements of the Yarra Ranges Planning Scheme, including the relevant planning policies for economy, agriculture and housing has found that the application meets the requirements and is a suitable planning outcome for the site.

Overall, the proposal responds to the constraints of the site, including residential interfaces. The proposal respects the existing viticultural use of the land and the surrounding land uses and provides a small-scale winery within an established agricultural and rural area.

It is recommended that the application be approved, and a Notice of Decision to Grant a Permit be issued subject to conditions to manage the surrounding amenity impacts (attachment 1).

**RECOMMENDATION**

***That Council resolve to approve Planning Application YR-2023/951 for use and development of a winery (associated with an existing vineyard), and a small second dwelling, licenced premise, and display of business identification signs at 23 Maddens Lane, Gruyere, and issue a Notice of Decision to Grant a Permit subject to the conditions in Attachment 1 to the report.***

**DISCLOSURE OF CONFLICT OF INTEREST**

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

**CULTURAL HERITAGE SIGNIFICANCE**

The application has been checked against the requirements of the *Aboriginal Heritage Act 2006* and *Aboriginal Heritage Regulations 2007 (Vic)* as to the need for a Cultural Heritage Management Plan (CHMP).

It has been assessed that a CHMP is not required.

**EXTRACTIVE INDUSTRY**

The 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*.

**ENCUMBRANCES ON TITLE**

There are no encumbrances on the Certificate of Title.

## SITE LOCATION AND DESCRIPTION

The site is located on the east side of Maddens Lane, approximately 265 metres north of Medhurst Lane, in Gruyere. The subject site is described on the Certificate of Title as Lot 3 on Plan of Subdivision 084111. The site is an L-shaped site, with a frontage to Maddens Lane of 118 metres, a depth along the north boundary of 258.39 metres, and a total site area of 4.045 hectares.

The site rises approximately twenty (20) metres from the north-west to the south-east. There are no easements on the site. Reticulated water and electricity are available, sewerage is not available. Vehicle access is via a single vehicle crossover adjacent to the southern boundary to Maddens Lane.

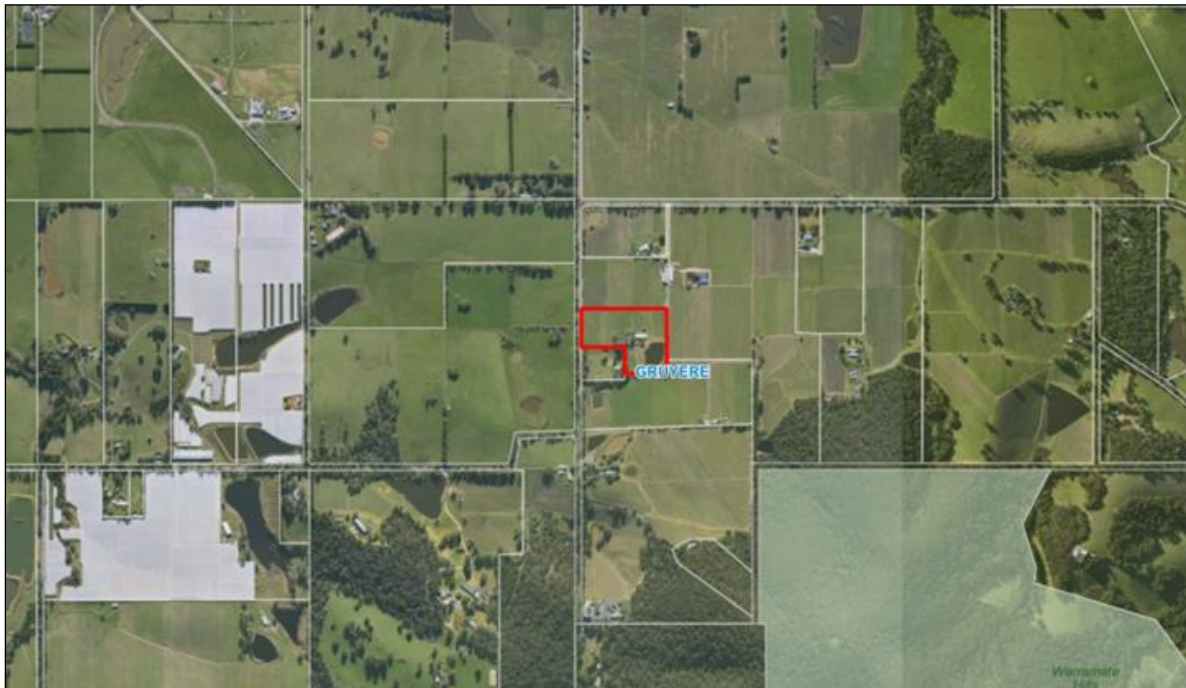
As shown in the aerial in Figure 1 below, the site is currently used as an established vineyard, with an existing dwelling and outbuildings. The site contains canopy tree planting near the existing buildings and along some property boundaries. A substantial dam exists in the south-east corner of the site.



**Figure 1 – Aerial Photo of Subject Site**

## SURROUNDING AREA

The site is located within a rural area of Gruyere comprising a mixture of agricultural land uses and rural residential dwelling uses, refer to Figure 2.



**Figure 2 – Aerial image of the surrounding area**

The site is directly surrounded on all boundaries by agricultural land, with a variety of agricultural pursuits, including crop raising and vineyards.

The land to the north, east and a portion of the south to the site is characterised by vineyards, agricultural land uses. The remainder of the southern boundary adjoins a smaller rural residential lifestyle allotment containing a dwelling with no agricultural land use occurring. Land to the west of the site is agricultural land.

The zoning of the site and surrounds is shown in Figure 3.



**Figure 3 – Zone map of subject site and surrounding area**

The subject site and surrounding area are zoned Green Wedge Zone Schedule 4, where agricultural uses are encouraged. The Public Conservation and Resource Zone to the south-east is Warramate Hills Nature Conservation Reserve, owned and managed by Parks Victoria. The Rural Conservation Zone Schedule 1 south of the site covers areas of environmental significance, shown in Figure 3.

The adjoining properties of the subject site are described as follows:

#### North

- The site adjoins Yarra Yering Winery. This site extends along the north and much of the east boundary of the subject site, and contains an extensive vineyard and outbuildings associated with the use as a winery.

#### South

- The site adjoins a rural lifestyle property. This site contains a single dwelling located in the north-east corner of the site, 6.6 metres from the southern common boundary with the site, and 2.9 metres from the western common boundary with the site. The site also contains vegetation largely along the property boundary, a dam and a large outbuilding.

#### East

- The site adjoins a vineyard with agricultural outbuildings associated with the use of the land. A dam is located adjacent to the Maddens Lane frontage.

#### West



- Across the road is an agricultural property with associated dams and scattered vegetation.

## **PROPOSAL**

The proposal seek permission for use and development of a winery, use and development of a small second dwelling, licenced premises, and display of business identification signs, refer to Figures 4 to 7. A complete set of development plans are available in Attachment 2.

Details for the proposal includes:

### ***Use and development of a winery***

Use of the land for the purpose of winery with cellar door, comprising:

- Hours of operation - Thursday – Sunday 10am – 9pm
- Patronage - Maximum 20 patrons on site at any one time
- Manufacturing of wine on site including harvesting of grapes, storing of wine barrels for maturation, and bottling/labelling of bottles
- Grapes processed off-site
- All wine available at the cellar door would be part of the Maddens Lane Winery brand.

Alterations and additions to the existing building, comprising:

- Cellar door with kitchenette and bar
- Two toilets
- Outdoor terrace area

### ***Licensed Premise***

The cellar door area is to be provided with a red line plan to allow for the sale and consumption of alcohol. The red line includes the cellar door and kitchenette area, and a proposed terrace area.

A red line plan defines an area on the site or premise where the supply and consumption of liquor is to occur.

### ***Car parking***

The car parking area provides for nine car spaces including one *Disability Discrimination Act 1992 (DDA)* compliant car space.

### ***Advertising Signs***

Two (2) business identification signs. The signs have a dimension of two (2) metres by two (2) metres, fixed to an angled frame to face north and south along Maddens Lane. The frame stands 1.2 metres above the natural ground level (NGL).

**Access**

The existing crossover to Maddens Lane is proposed to be retained. The internal three metre driveway is proposed to split into two directions: one for public access parking for the winery and small second dwelling, and the other for to the existing main dwelling being retained.

A 6.1 metre wide by seven (7) metre long passing bay is proposed at the entrance with Maddens Lane.

**Small Second Dwelling**

Use and development of a small second dwelling, comprising:

- Open plan living, dining and kitchen area with access to a deck, two bedrooms, bathroom, and laundry.
- External cladding of weatherboard walls in dark grey 'Monument' aluminium double-glazed windows in white, a pitched metal roof in dark grey 'Monument', and merbau decking.
- A maximum building height of 4.33 metres.
- A 20,000L water tank, comprising 10,000 litres for CFA use.

**Effluent Disposal Fields**

The proposal seeks to provide three effluent fields to provide for the proposed winery and small second dwelling. A Land Capability Assessment of the proposed effluent system has been provided, see Attachment 3.

The effluent fields are to be located west of the existing dam, 15 metres off the common boundary with the rural residential property, and within proximity of the dwelling on the adjoining property.



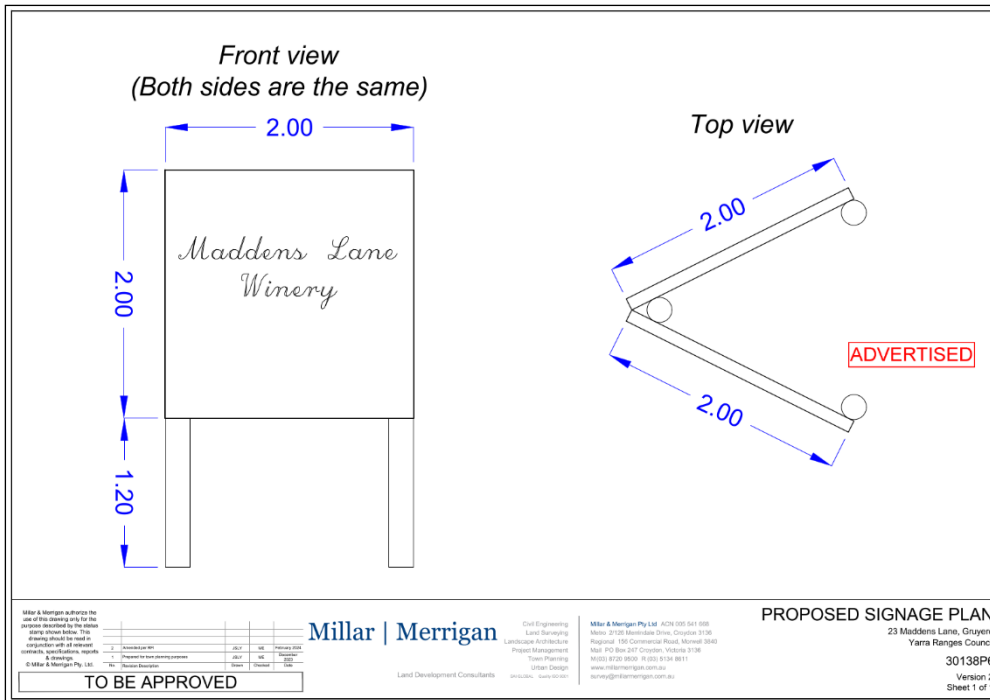


Figure 6- Signage Plan

**HISTORY**

There is no formal planning application history for this site.

A compliance case was raised in March 2024 regarding earthworks and vegetation removal near the existing dam. Council conducted a site inspection, and the owner provided an Arborist Report as part of this compliance matter.

The works were recommended to be undertaken by Melbourne Water, due to the dam wall being structurally unsound. All trees had to be removed to reconstruct the dam wall and ensure its structural stability.

The planning compliance matter was closed with no further action.

**CONSULTATION**

**Internal Referrals**

This application was referred to various business units or individuals within Council for advice on matters.

A summary of the relevant advice is outlined below:

Department	Response	Planner Comments
Traffic Engineering	No objection subject to standard conditions.	All conditions recommended to be included on the permit as Conditions 23-27.

Department	Response	Planner Comments
		<p>Conditions relate to crossover construction, parking arrangements and infrastructure works.</p> <p>Condition 1 will also include the following plan changes:</p> <ul style="list-style-type: none"> <li>• 1(e) - The notation 'Existing 6.3m wide gravel crossover' deleted and replaced with '<i>Existing crushed rock vehicle crossing widened to 6.3 metres.</i></li> <li>• 1(f) - The notation 'Existing 3m wide gravel Driveway' deleted and replaced with 'Existing crushed rock accessway widened to 3.0 metres minimum'.</li> </ul>
<b>Drainage Engineering</b>	<p>No objection subject to a standard condition.</p> <p><b>Comments:</b> Drainage from small second dwelling can be managed within property boundaries.</p>	<p>Recommended condition to be included on the permit as Condition 29 requiring engineering certification of civil works.</p>
<b>Health</b>	<p>No objection to the proposal subject to conditions</p> <p><b>Comments:</b> Submitted Land Capability Assessment has been reviewed and there are no concerns with the proposed solution, subject to standard conditions.</p>	<p>Recommended condition to be included on the permit as Condition 29 requiring discharge to an Environment Protection Authority (EPA) approved system.</p>
<b>Arborist</b>	<p>No objection subject to conditions.</p> <p><b>Comments:</b> Submitted Arborist Report (Attachment 4) reviewed to reveal no concern with assessment works around Trees 1–3, 5–10 and 12–36. These trees health to be unimpacted, subject to standard conditions. Vegetation removal required to accommodate the development</p>	<p>All conditions recommended to be included on the permit as Conditions 31-33.</p> <p>Conditions relate to tree protection measures, including fencing during construction.</p>

Department	Response	Planner Comments
	does not trigger a planning permit.	
<b>Strategic Planning</b>	Strategic planning support for the proposal, no conditions required.	No conditions required
<b>Urban Design and Landscaping</b>	No concern subject amendments to the design <b>Comments</b> <ul style="list-style-type: none"> <li>• Retention of the tree adjacent to the Small second dwelling.</li> <li>• Provision of a path to the small second dwelling.</li> <li>• Carparking for the small second dwelling to be provided in the main parking area.</li> </ul>	All design suggestions have been amended into the current set of plans.  No conditions required.
<b>Economic Development</b>	No objection recommended	No conditions required

### ***External Referrals***

There were no external referrals required by the planning scheme.

### ***Public Notification and Consultation***

Notification of the application was undertaken by:

- Placing of two sign/s on the land
- 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

Public notification was undertaken twice:

1. The first period of notification was for the original submitted proposal.
2. The second period was to readvertise the formal amendment of the plans under Section 57A, which amended the proposed hours of operation and driveway location. This was in response to concerns raised in submissions received by Council. Changes to the application included, inclusion of the red line plan, change in the driveway alignment, arboriculture information and reduction in opening days from seven days a week to four days a week, Thursday to Sunday.

### **First notification period**

28 June 2024 - Public notification undertaken by direct mail to 52 owners and occupiers within the immediate area of the subject site. A sign was also posted on site.

Council was informed that visibility of the signage at the site frontage was limited to passers-by due to essential road works taking place on Maddens Lane which resulted in limited access to Maddens Lane during the works. Access was limited to local traffic only.

Due to the restricted access to Maddens Lane, Council widened the area of direct notification. An additional 41 letters to surrounding owners and occupiers were issued on 4 July 2024, and the notification period was extended by 14 days.

#### Second notification period

Council received a Section 57A amendment on 26 September 2024, to change the hours of operation and driveway location.

On 2 October 2024, the application was all objectors and properties previously advertised to, plus Two (2) signs were also placed on the site.

#### Number of submissions

A total of sixteen (16) objections have been received.

The grounds of objection can be summarised as follows:

- Whether the proposed use constitutes a winery.
- The viability of the site as a winery given the size of the allotment and wine production potential.
- Use is an overdevelopment of the site.
- Scale and intensity and potential for the use to be expanded to include a restaurant.
- Limited details provided on the operational side of the winery.
- The purpose of the Green Wedge Zone to protect the environmental significance.
- The amenity and privacy impact of the proposal on the existing dwelling and residences of the adjoining property to the south-west.
- The suitability of the site for a small second dwelling, and impact on adjoining properties.
- The potential use of the small second dwelling for accommodation.
- Illegal works including earthworks and removal of vegetation to the dam, works to existing dwelling.
- Suitability of existing driveway to accommodate proposed use, development, and emergency services.
- Proposed effluent fields located within proximity to property boundary and offsite impacts.
- Proposed effluent field locations impacting existing trees on subject site.
- Traffic impact to Maddens Lane, risk to visitors, need for traffic lights at Maddens Lane/Maroonah Highway intersections.

## **ASSESSMENT**

Assessment of the proposal against the relevant provisions of the planning scheme has been undertaken, and it is considered that the application meets the purpose of the planning scheme, including the Green Wedge Zone Schedule 4.

For further information on the Planning Scheme provisions refer to Attachment 5.

There are several elements of the proposal which are to be assessed:

- Use and development of the land for a winery and associated elements
- Development for a Small Second Dwelling

### **Use and development of the land for a Winery/Cellar Door and associated elements**

#### ***Municipal Planning Strategy and Planning Policy Framework***

##### ***Winery***

The winery proposal aligns with the requirements of the Municipal Planning Strategy and Planning Policy Framework. It directly addresses the requirements and strategic directions outlined in Clause 02.03-1 (Settlement), Clause 02.03-7 (Economic Development), and Clause 02.04 (Strategic Framework Plan).

The use and development of a winery responds appropriately to the objectives of Clause 11.01-1R (Green Wedge – Metropolitan Melbourne), Clause 11.01-1L-04 (Green Wedge), Clause 12.05-2L (Rural Landscapes), Clause 14.01-1S (Protection of Agricultural Land), Clause 17.04-1L (Tourism in the Yarra Ranges Green Wedge) and Clause 51.02 Metropolitan Green Wedge Land.

Situated within the established Yarra Ranges winery region, which is recognised and promoted by the Yarra Ranges Municipal Strategic Framework, the proposed winery builds on the area's existing tourism winery reputation.

The primary land use on the site remains agricultural with an existing dwelling. The proposed winery complements the current agricultural and residential uses while preserving productive agricultural land.

The proposal supports an integrated commercial and tourism operation, blending into the rural landscape. It maximises the use of existing infrastructure and built forms, minimises the removal of significant vegetation and integrates seamlessly with the surrounding environment.

The proposal complies with Clause 13.07-1S (Land Use Compatibility) by ensuring compatibility with neighbouring land uses, including existing vineyards and wineries along Maddens Lane. However, the sensitive interface with the rural residential property to the southwest requires careful management to avoid adverse impacts on



this adjoining property. Details on managing amenity impacts are discussed further below.

The winery's small scale reflects the limited site area, helping to protect local amenity and balance land-use compatibility with nearby rural residential properties.

Overall, the winery offers another valuable addition to the region's tourism winery landscape and is locally compatible, work in conjunction with the existing agricultural (vineyard) use of the subject site and surrounding area.

### ***Use and development of a winery***

The subject site is in an area of Gruyere characterised by agriculture (vineyard) land use positioned alongside rural lifestyle properties and traditional grazed pasture agricultural land use.

The applicant has stated in their submission to Council (see attachment 6) that the site has historically operated in some capacity as a winery, with existing buildings providing a cellar door component and barrel storage in the basement. According to Council historical records, the winery ceased operations, this application seeks to reinstate the winery use back onto the site.

The existing building plans show a previously used cellar door / tasting room in the existing building, with the winery in the basement below the dwelling.

The proposed winery use of the land is contingent on it responding to the purpose and decision guidelines of the Green Wedge Zone:

*"...to provide for use of the land for agriculture", to recognise and protect the land for its agricultural, environmental, landscape, and tourism purposes, to encourage use and development that is consistent with sustainable land management practices, to encourage sustainable farming activities and productive agricultural uses, and to enhance the biodiversity of the area".*

The winery recognises the commercial, recreational and tourism potential for the subject site, whilst retaining the primary agricultural (vineyard) land use and preserving the wider landscape character.

The proposal responds appropriately to the decision guidelines of the Green Wedge Zone Schedule 4, demonstrating the land can accommodate a small-scale winery use and the associated minor development works. The reuse of the existing building on the site as the cellar door component minimises adverse impacts on the character and appearance of the area, retaining the existing built form coverage on site and revitalising the existing unused buildings.

The use of the site as a winery is compatible with adjoining vineyard and winery land uses to the north, east and south, demonstrating the suitability of the land to sustain the proposed activities. The proposal has a sensitive interface with a rural residential property to the southwest, with the dwelling on this property located adjacent to the common property boundaries. The proposed use of the subject site as a winery, whilst an intensification of the use adjacent to a rural residential property, can be

appropriately controlled to protect the ongoing amenity of the residential property through the recommendations outlined in the below assessment.

A “winery” land use is defined under Clause 73.03 of the Yarra Ranges Planning Scheme as:

*“Land used to display, and sell by retail, vineyard products, in association with the growing of grape vines and the manufacture of vineyard products. It may include the preparation and sale of food and drink for consumption on the premises.”*

The proposed winery satisfies the requirements of the definition. The proposal seeks to process the grapes from the existing vineyard operation offsite due to the financial input required to process the grapes on the site. Sufficient manufacturing processes will be occurring on the site, including harvesting the grapes, maturation of the wine in barrels, and bottling/labelling the wine for the activities on site to support the winery land use.

The applicant has submitted to Council that no outside wine external to the Maddens Lane Winery brand is to be available at the cellar door. To further limit the scale of the operation and maintain the definition as a winery, the wine served and sold from the proposed cellar door will be required to be manufactured from 75 percent of the grapes grown on the land.

*To address this, Condition 16 of the permit has been included as a permit condition to limit the wine sold to be produced majority from the grapes grown on the land.*

The application has not included a restaurant or food service use associated with the winery. The size of the land prohibits use of the land for a restaurant use. A condition has been included to limit food being sold separately, therefore ensuring that the venue does not transform beyond a cellar door.

*To address this, Condition 18 of the permit has limited any food consumption on site to be only light snacks and pre-packaged food associated with the tasting and required for the responsible service of alcohol. The condition also restricts that no food is to be sold separately.*

### **Winery/Cellar Door - Buildings and Works**

The proposal seeks to convert the existing building into a cellar door, providing an area where patrons can purchase and taste wine.

The cellar door works comprise internally rearranging the building to accommodate two toilets and a kitchenette area, and external changes to windows and doors. The kitchenette is to prepare small snack food to complement wine tasting and to encourage the responsible consumption of alcohol. No formal food service would be permitted as part of the use. The external changes to the facade do not alter the appearance significantly of the existing building.

The cellar door area extends out to a 'terrace' off the northern elevation, which is appropriately sited and designed to limit amenity impacts on the adjoining dwelling to the south-west of the building.

The existing building's basement will be used to store wine barrels for the maturation process, prior to bottling.

The proposed internal driveway and carpark extensions for the winery has minimal encroachment of tree protection zone of nearby trees. Tree health will not be impacted.

### ***Winery/Cellar Door – Patrons Numbers***

The application seeks a patronage of 20 patrons at any one time. The number of patrons is reasonable and appropriate for the scale of the proposed winery. The number can accommodate a small tour bus, as well as individuals who may visit in conjunction with visits to other wineries along Maddens Lane.

*To address this Condition 7 and Condition 8 of the recommended permit conditions controls this as part of the future operation of the winery.*

### ***Winery/Cellar Door - Hours of operation***

The proposal seeks the following hours of operation for patrons to visit the site to explore scenery and purchase and consume liquor.

- Thursday to Sunday between 10.00am – 9.00pm.

Officers do not contest the days of operation, as these reflect the visitation patterns for wineries to our region. However, the hours of operation on the given days do not reflect the constraints of the site, the small-scale winery/cellar door operations and amenity impacts and proximity to existing surrounding residential properties.

It is deemed more appropriate to reduce the hours of operation to:

- Thursday to Sunday between 10.00am – 5.00pm.
- Good Friday, Anzac Day and Christmas Day - Closed

These recommending hours of operation protect the amenity of the adjoining properties and contain the scale of proposed use to reflect the small-scale winery operation. Further, these recommending hours of operation appropriately reflect the fact the site will not be able to offer other complementary patron tourism activities such as a restaurant and guest accommodation due to the subject land size been too small to meet the 40 hectare minimum criteria for a planning consideration under Green Wedge Zone.

*To address this Condition 5 and 6 of the recommended permit conditions controls the hours of operation.*

### ***Winery/Cellar Door - Location of sale and consumption of Liquor (red line area)***

The applicant has provided a redline area which delineates the area for liquor sales and wine tastings can take place.



With 20 patrons proposed on site at any one time, it is considered patrons would not spread far from the core cellar door building area and terrace when purchasing and wine tasting. With the minimal food available there is a general discouraging of longer stays by patrons.

Having regard to the patron numbers, winery size, proposed redline area, together with the need to minimise adverse impacts to adjoining rural residential property, it is recommended that a balanced approach is to reduce the redline area as stated above to maintain a reasonable setback between the red line area, and the adjoining south-west rural residential property, without compromising the tourism experience of outdoor activities.

*To address this concern, Condition 1d of the recommended permit conditions has been included to reduce the redline area on the plan.*

### **Winery/Cellar Door - Signs**

The proposed business identifications signs to be located adjacent to the crossover access to Maddens Lane are a reasonable design outcome for the scale of the proposed use. No additional signage is proposed on site. Directional signage may be required to ensure patrons of the winery follow the correct driveway orientation. In accordance with the decision guidelines, the appropriateness of the signs and their impact on the streetscape and wider area must be considered.

The proposed business identification signs, meets the planning scheme definition and are modest in design, with a simple white background and contrasting black writing with the winery name “*Maddens Lane Winery.*” No illumination of the sign is proposed. The design will not cause unnecessary visual clutter or distractions, or impact on road safety, particularly given there are no other signs within the immediate vicinity of the proposed sign.

The scale of the signs, at two metres by two metres, erected on a 1.2 metre supporting frame is not sensitive to the area in terms of the rural landscape and protection of views and vistas. The scale of the signs should be reduced in scale to a maximum overall height and width of 1.5 metres, including any supporting structures, similar in scale to the business identification signs for other wineries within the vicinity of the subject site, maintaining a consistency in the scale and form of signage relative to the landscape.

*To address this, Condition 1c has required amended plans for the signage to be prepared.*

### **Winery - access**

The winery access shares the common driveway with the onsite dwelling from Maddens Lane, however where adjacent to the adjoining dwelling the driveway design has been proposed to split the driveway. Consideration was given to options to relocate the winery access, however relocating the crossover and driveway is constrained by the agricultural activity occurring on the site and would result in the fragmentation of the land. A standalone access point for the winery would also mean a new access point onto Maddens Lane, which should be avoided.

The split driveway design will create a separate access point for visitors away from the shared boundary with the nearby adjoining dwelling. The split design will enable the existing dwelling to retain its established access arrangement, while moving the vehicles accessing to the site for the winery to be away from the boundary, thus allowing the existing dense vegetation along the shared boundary to provide a buffer of noise, sound and dust, see Figure 8 below. The split to the driveway design will create a setback of 24.1 metres between the driveway servicing the winery and the adjoining dwelling.

Both the existing access and the newly design split driveway access will be a crushed rock material, which is an acceptable access design material for a driveway which will be servicing low levels of traffic volumes. The limited patron numbers of 20 on site at any one time is not expected to generate large and frequent traffic movements. With low traffic volumes it is not required for the access to be sealed and a request to seal the access would be beyond the design requirements for a winery of this scale.



**Figure 8 – Existing access to site showing existing vegetation along the shared boundary.**

### **Small Second Dwelling**

#### ***Strategic Framework – Small Second Dwelling***

The proposal includes the use and development of a small second dwelling. A small second dwelling is categorised to be self-contained, no greater than 60 square metres in size and provides additional housing accommodation on land with an existing dwelling.

A review of the site history confirms that there is an existing dwelling on the site, which provides residential accommodation.



The proposed small second dwelling suitably responds to the objectives set in Clause 16.01-2S (Housing Affordability) and 16.01-3S (Rural Residential) to support alternative housing affordability options in established residential used land and wider established residential areas to meet the needs of households as they move through life cycle changes.

### ***Use and development of Small Second Dwelling***

The small second dwelling responds to the minimum requirements outlined in Clause 35.04-2 of the Green Wedge Zone by providing the following:

- accessed via the existing crossover to Maddens Lane and existing all-weather crushed rock driveway with adequate dimensioned to accommodate emergency vehicles.
- connection to an electricity supply.
- installation of 20,000 litre water tank, with 10,000 litres dedicated for firefighting purposes and the remaining 10,000 litres for domestic use.
- appropriate wastewater treatment in accordance *Environment Protection Act 2017*.

The small second dwelling responds to the use and design objectives of housing set out in Clause 11.01-1L-04 (Green Wedge), Clause 12.05-2L (Rural Landscapes), Clause 14.01-1S (Protection of Agricultural Land) and relevant decision guidelines of the Green Wedge Zone Schedule 4 having regard to following key attributes:

#### Compatibility:

- The small second dwelling is located on a site containing an existing dwelling.
- The small second dwelling is in a manicured area of the site, to not reduce agricultural production use of land in both the current term and long term.
- The small second dwelling has minimal adverse amenity impact on the surrounding properties, with its siting and appearance, and nature of residential living, is commonplace in the area.

#### Siting:

- The small second dwelling is suitably co-located with the existing dwelling.
- The small second dwelling has pedestrian links to the carpark and main dwelling residence.
- Mature vegetation to the west and south partially screens the small second dwelling from Maddens Lane and the rural residential property to the southwest, minimising adverse impacts on the character and appearance of the area.
- The small second dwelling has minimal encroachment into the tree protection zone of nearby trees. The assessment has determined there will be no impact to tree health or retention.

#### Appearance:

- The proposed colour scheme of Colourbond “monument” for the walls and roof of the small second dwelling is not acceptable and results in the building presenting

as prominent within the landscape. The Green Wedge Zone focuses on minimising adverse impacts of colours and materials on the landscape and vistas. The provision of a muted colour palette for the small second dwelling external façade reflecting more earthy and neutral tones minimise the visual bulk and impose a harmony appearance with the wider natural landscape when viewed from the public realm and adjoining properties.

*Condition 1a of the recommended permit conditions has required amended colour palette to modify the finishes to a more natural muted colour palette improving the integration of the small second dwelling into the surrounding landscape.*

Overall, the small second dwelling is considered appropriate for the site given the scale and location, been appropriately sited to offer suitable setbacks to adjoining properties and Maddens Lane, and utilising existing vegetation to provide a visual buffer.

## **RESPONSE TO SUBMITTERS CONCERNS**

The application has been advertised and sixteen (16) objections have been received. Fourteen (14) objections were received during the original advertising period. A further six (6) objections were received during the second advertising period, with three (3) of these being repeat submissions from property owners. A summary of key themes of objections and a response to respective concerns is outlined in the table below.

<b>Ground of Objection</b>	<b>Assessment and considerations</b>
Whether the proposed use constitutes a winery	<p>The proposed winery use as described by the documentation submitted with the application is considered to constitute a winery under the definition outlined in Clause 73.03 Planning Scheme.</p> <p>The land is currently operating as a vineyard, with sufficient portion of the manufacturing process occurring on site to permit the use to be expanded to include a winery component.</p>
The viability of the site as a winery given the size of the allotment and wine production potential	<p>A condition would be imposed on the use that 75 percent of grapes used to produce wine must be from the subject site. The viability of the site as a winery and the production potential is for the Producer to determine.</p>



Ground of Objection	Assessment and considerations
Use is an overdevelopment of the site- scale and intensity and potential for the use to be expanded to include a restaurant	<p>The area is characterised by a mix of rural residential and agricultural properties, with several wineries operating along Maddens Lane.</p> <p>The proposed winery is not an overdevelopment for the site or the wider area, given the precedence for this use. The scale and intensity of the use is pared back to reflect the site capabilities.</p> <p>As discussed in the assessment section, any amenity impact can be appropriately reduced and managed through conditions to ensure the proposed winery does not expand.</p>
Limited details provided on the operational side of the winery	<p>Day to day operational details of the 'wine making' is not a necessary component of the planning application and is not required to be provided for the operation to meet the requirement of a 'winery' land use planning definition. The applicant has satisfied their activities as an agricultural winery, by detailing that grapes are intended to be harvested from the side, and move off set for processing, returned as wine, stored in barrels, with bottle on site.</p>
The purpose of the Green Wedge Zone to protect the environmental significance	<p>The Green Wedge Zone encourages both the protection of the environmental significance of land, and the use of the land for agriculture (vineyard), which is currently occurring on the subject site. The proposed winery is a permitted use provided it is associated with viticultural production.</p> <p>The proposal utilises an existing building to accommodate the winery, and the siting of the small second dwelling is clear of vegetation. The environmental impact of the proposal is limited and can be managed by tree protection conditions, refer to proposed permit conditions, Condition 31-33.</p>

<b>Ground of Objection</b>	<b>Assessment and considerations</b>
<p>The amenity and privacy impact of the proposal on the existing dwelling and residents of the adjoining property to the south-west</p>	<p>The proposal is of a scale and intensity that could impact the amenity and privacy of adjoining properties if not appropriately managed and controlled.</p> <p>This can be managed through conditions and restrictions on the scale of the use.</p> <p>As part of the planning assessment process, the applicant has chosen to realign the internal driveway for the winery use off the common side boundary and behind an additional row of trees, to limit noise and privacy concerns.</p> <p>The operating hours and patron numbers will be limited by permit condition and the use itself can be appropriately managed through the inclusion of conditions on the permit.</p> <p>The small second dwelling is appropriately sited to provide a reasonable setback from the adjoining properties and will not result in any detrimental amenity impact on adjoining or nearby properties.</p>
<p>The suitability of the site for a small second dwelling, and impact on adjoining properties.</p>	<p>The small second dwelling is an acceptable proposal, well set back and reasonably screened from adjoining residents to prevent adverse amenity impacts on adjoining properties.</p>

Ground of Objection	Assessment and considerations
<p>The potential use of the small second dwelling for tourism accommodation</p>	<p>The application is proposing to construct a small second dwelling which is a permitted use subject to a planning permit under the Green Wedge Zone. Council has assessed the appropriateness of the use as a small second dwelling associated with the existing dwelling, in accordance with the requirements outlined in the Green Wedge Zone.</p> <p>The planning scheme does not place any restriction or condition on how a small second dwelling can be occupied. A small second dwelling could be a full-time residence or alternatively a small second dwelling could be rented out to provide short term accommodation.</p> <p>With the planning scheme not defining limitations or restrictions on how the small second dwelling can be occupied; the planning permit is not able to place restrictions on the length of stay or that it must be a primary residence. A permit condition cannot prevent the small second dwelling from being used for tourist accommodation.</p> <p>Council does have a provision within our <i>Neighbourhood amenity Local Law</i>, local law 21 – <i>Short Stay Accommodation</i>, which seeks to protect the amenity of the area and imposes the obligations to the landowner to be responsible to ensure short stay guests are not causing a nuisance.</p>
<p>Legality of works including earthworks and removal of vegetation to the dam, works to existing dwelling.</p>	<p>A compliance case was raised with Council regarding the illegal earthworks and vegetation removal on and around the dam.</p> <p>The investigations determined that the works were a necessary response, and rectification works to address Melbourne Water concerns over the leaking dam, and to ensure that the integrity of the dam was rectified.</p> <p>The vegetation removed were juvenile self-sown trees that had grown following soil disturbance and had the long-term likelihood of undermining and impacting the integrity of the dam wall, and if allowed to remain would result in the partial or total failure of the dam.</p> <p>Council have determined that works occurring inside the dwelling did not require planning permission. The planning application process cannot consider additional works which do not form part of the planning application proposal which has been submitted.</p>

Ground of Objection	Assessment and considerations
Suitability of existing driveway to accommodate proposed use, development, and emergency services.	<p>The existing dwelling access will retain access via the existing driveway.</p> <p>The existing driveway has been modified to provide an additional driveway set back from the adjoining property to be used to accommodate the proposed winery use and the small second dwelling.</p> <p>Council's Traffic Engineers have determined that, subject to the addition of a passing bay at the Maddens Lane boundary, and subject to conditions, the existing driveway is suitable and appropriate for the proposed intensity of use.</p>
Proposed effluent fields located within proximity of adjoining residential property, and potential run off.	<p>Council has reviewed the location of the proposed effluent fields and the provided Land Capability Assessment Report (Attachment 3).</p> <p>Council's Drainage Engineers and Health Officers have concluded that the location is appropriate, and runoff is a minor hazard, with no mitigation measures necessary. Further discussion has been provided in the assessment section above.</p>
Proposed effluent fields located impacting existing trees	<p>The location of the proposed effluent fields presents a major encroachment into the tree protection zone of Tree 32 [Group] in the Arborist Report of between 9.5 percent and 14.5 percent.</p> <p>Council's Arborist has deemed the trees will remain viable subject to conditions, as the tree is in good health, there is ample remaining root area, and the species are moderately tolerance to root impact.</p>
Traffic impact to Maddens Lane, risk to visitors, need for traffic lights at Maddens Lane/Maroondah Highway intersections	<p>The small scale of the proposal is deemed unlikely to cause a significant increase in traffic to the area, particularly as the proposal is likely to become an additional stopping point for existing visitors to Maddens Lane.</p> <p>The Maddens Lane / Maroondah Highway intersection is a matter to be taken up with Council's Traffic Engineers and the Department of Transport outside this planning application. The traffic engineers did not raise this as an issue as part of the assessment of the application.</p>

## CONCLUSION

The development application has been assessed and is considered to be in accordance with Section 60(1) of the *Planning and Environment Act 1987* and all relevant instruments and policies.

The proposal is consistent with the objectives of state planning policies, local planning policies and the relevant zone and overlay provisions of the Planning Scheme, and overall results in an acceptable use and development of the site, subject to conditions.

As such, approval of the planning application is appropriate and is it recommended that a permit be granted, subject to conditions as outlined in Attachment 1, and Council resolve to issue a Notice of Decision to Grant a Planning permit.

## **ATTACHMENTS**

- 1 Proposed Conditions
- 2 Proposed Development Plans
- 3 Land Capability Assessment Report
- 4 Arborist Report
- 5 Planning Policy Controls
- 6 Town Planning Report

## PROPOSED PLANNING PERMIT CONDITIONS

Application	YR-2023/951
Address of the land	23 Maddens Lane (Lot 3 LP84111), Gruyere
Proposal	Use and development of a winery and a small second dwelling, licensed premises and display of business identification signs

1. Before the permitted use and development commences, 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 (*Prepared by Millar and Merrigan, Project No. 30138; Sheets: P1- P5 inclusive - Version 03, Sheet P6 - Version 2; and Soulspace Studios Job No. 1, Sheets 4-6 inclusive*) but modified to show:
  - (a) A revised colour schedule detailing external walls and roofing of the small second dwelling to be of a muted, neutral colour palette to suitably blend with the surrounding natural landscape;
  - (b) A directional sign at the Y-intersection in the driveway to direct patrons to the carpark;
  - (c) Reduce dimensions of business identification signs in height and width to a maximum overall size of 1.5 metres by 1.5 metres, inclusive of mounting frame;
  - (d) Reduce Red-Line area to incorporate only the area nominated as cellar door and terrace;
  - (e) Replace notation "existing 6.30 metre wide gravel crossover" with "existing crushed rock vehicle crossing widened to 6.30 metres"
  - (f) Replace notation "existing 3.0m wide gravel driveway" with existing crushed rock internal driveway widened to 3.0 metres minimum"
  - (g) A notation on the relevant plans, carparking space delineation in accordance with Condition 24.

When approved, these plans will be endorsed and will form part of this permit.

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. The small second dwelling allowed by this permit must not be connected to a reticulated gas service (within the meaning of Clause 53.03 of the relevant planning scheme). This condition continues to have force and effect after the development authorised by this permit has been completed.
4. The external finish of the permitted Small Second Dwelling must remain muted and non-reflective to the satisfaction of the responsible authority.

### Operational Conditions

5. Unless with the prior written consent of the responsible authority, the winery (cellar door) land use must only operate between the hours of:

- Thursday to Sunday: 10.00 am to 5.00 pm.

The winery use must be closed on Good Friday, Anzac Day and Christmas Day.

6. Unless with the prior written consent of the responsible authority, the sale and consumption of liquor associated with the winery must only be sold and consumed between the hours of:
  - Thursday to Sunday: 10.00 am to 5.00 pm.
7. A maximum of twenty (20) patrons associated with the winery (cellar door) land use are allowed on-site at any one time to the satisfaction of the responsible authority.
8. A maximum of twenty (20) 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. Sale and consumption of liquor must only occur within the red-line area shown on the endorsed plans.
10. Noise levels emanating from the premises must not exceed Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues (publication 1826) (Noise Protocol) (and as amended) to the satisfaction of responsible authority.
11. No pre-recorded or amplified music is permitted to be played or outside the permitted winery (cellar door) shown the endorsed plans at any time.
12. No live music and live entertainment played at any time on site.
13. The use must be managed so that the amenity to the area is not detrimentally affected, through the:
  - (a) Transport of materials, goods or commodities to or from the land.
  - (b) Appearance of any buildings, works or materials
  - (c) Emissions of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
  - (d) Presence of vermin
  - (e) Others as appropriate

All to the satisfaction of the responsible authority.
14. Any external lighting installed must be located, designed, directed and baffled to ensure no direct emission of lighting beyond the property boundaries to the satisfaction of the responsible authority.
15. The external lighting to the winery (cellar door) building and associated car parking area must only be operation when the approved winery land use is open and switched off or reduced to the minimum number of lights required by no later than 6pm to the satisfaction of the responsible authority.
16. A minimum of 75% of grape content in the combined total wine product sold must be grown on the land to the satisfaction of the responsible authority.
17. The cellar door sales must cease if the growing of grapes and manufacturing of wine ceases to occur on the land.
18. No other liquor or alcoholic product, other than that produced on the land, may be offered for sale to the satisfaction of the responsible authority.
19. Patrons of the winery (cellar door) patrons must only be offered light snacks and pre-packaged snacks for the purpose of consumption during wine tastings and/or cellar

door sales only, and such food offering is not to be cooked or prepared on site and food must not be separately sold to the satisfaction of the responsible authority.

### **Signage Conditions**

20. The location and details of the permitted signs, and any supporting structure, as shown on the endorsed plans, must not be altered without the prior written consent of the responsible authority.
21. The signs must not be illuminated, or contain any flashing, intermittent or changing colour lights.
22. The signage must be constructed and maintained to the satisfaction of the responsible authority.

### **Traffic Engineering Conditions**

23. Before the use commences, the existing crushed rock vehicle crossing in Maddens Lane must be widened to 6.3 metres to the satisfaction of the responsible authority.
24. Before the use commences, parking spaces within the parking area must be delineated using line markings, or raised car parking space markers, to the satisfaction of the responsible authority.
25. The parking areas, 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.
26. Before the use commences, all trees and vegetation along the accessway shall be trimmed to provide adequate clearances for emergency vehicles, generally in accordance with CFA Design Requirements to the satisfaction of the responsible authority.
27. Before the use commences, an inspection must be undertaken by the responsible authority to ensure appropriate clearance for emergency vehicles in accordance with CFA Design Requirements has been provided.

### **Drainage Engineering Conditions**

28. Before the use commences, the construction of all civil works within the site, including detention system and any other required drainage measures must be fully completed and subsequently inspected, approved by a registered civil engineer at the arrangement and expense of the owner/developer. Council must be provided with written certification that the works have been designed and constructed in accordance with this permit and to relevant standards of the responsible authority.

### **Health Condition**

29. All sewage and sullage wastewater from the proposed development must be discharged into a new EPA approved on-site wastewater treatment system which retains all wastes within the boundaries of the land and is located within any wastewater envelope indicated on the endorsed plan to the satisfaction of the responsible authority.
30. Prior to commencement of the development, the approval to install or alter an onsite wastewater treatment system must be obtained from the Yarra Ranges Council Health Department.

### **Arboriculture Conditions**

31. Prior to the commencement of any building and/or works, including demolition, approved by this permit, temporary fencing must be erected around the Tree



Protection Zones (TPZ) of all trees shown for retention on the endorsed plans. This fencing must be to the satisfaction of the Responsible Authority and must:

- (a) Exclude access and construction activity (except as approved by the Responsible Authority) within the TPZ's assessed in the arborist report (*Prepared by DB Horticulture, Dated 20/09/2024*). If trees have not been assessed, the TPZ is a circle with a radius equal to 12 times the trunk diameter, measured at 1.4 metres above ground level, and
- (b) Have a minimum height of 1.8 metres and comply with *AS 4970-2009 Protection of trees on development sites*, and
- (c) Not extend beyond the site boundaries except into roadside reserve and/or nature strip areas. Fencing within roadside reserves and/or nature strip areas must not prevent or obstruct the use of a road or footpath, and
- (d) Remain in place until all buildings and/or works are completed, unless with the prior written consent of the Responsible Authority.

Temporary fencing can be modified to accommodate encroachment into the TPZ of tree(s) as per the endorsed plans, under the supervision of a suitably qualified Arborist to the extent that the modification will not result in works which will impact any vegetation to be retained. Fencing must be modified to the maximum extent of the footprint of the approved works only.

32. All underground service pipes/conduits including storm water and sewerage must be diverted around the Tree Protection Zone (TPZ) of any retained tree, or bored underneath with a minimum cover of 600 mm to top of pipe/conduit from natural ground surface. All pits, holes, joints and tees associated with the installation of services must be located outside the TPZ, or a Project Arborist (minimum AQF level 5 in arboriculture) must demonstrate to the satisfaction of the Responsible Authority that works in the TPZ will not impact tree viability. The service installation and any Project Arborist supervision must be to the satisfaction of the Responsible Authority.
33. Effluent dispersal within the Tree Protection Zone (TPZ) of retained trees must employ the use of a covered surface drip irrigation system laid on natural ground level, to avoid damaging tree roots, to the satisfaction of the Responsible Authority. Fill material used to cover the drip irrigation must be spread no closer than 2.0metres from the trunk of any retained tree.

### **Liquor permission Condition**

34. This permit authorises the sale and consumption of liquor associated with the approved Winery Land use.

### **Permit Expiry Conditions**

35. 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.

The responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or within six months of expiry of permit.

36. This permit for the permitted business identification signs will expire:

(a) 15 years from the date of this permit.

On expiry of the permit, the sign and all structures built specifically to support the sign must be removed.

#### **NOTES:**

- The granting of this permit does not obviate the necessity for compliance with the requirements of any other authority, under this or any other Act, Regulation or Local Law.
- The owner and/or developer must ensure all relevant permits have been obtained before the use and or development starts.
- Building works approved under this planning permit must not be commenced until a building permit has also been obtained under the *Building Act* 1993 and the Building Regulations 2018
- Before any earthworks are undertaken, you should contact Dial Before You Dig.
- This planning permit does not provide authorisation to enter or start works over the property of Yarra Ranges Shire Council; such authorisations must be independently sought from Council.

#### **DRAINAGE ENGINEERING NOTE**

- The management of Stormwater is to be in accordance with the Approved Point of Stormwater Discharge. Please apply for Approved Point of Stormwater Discharge through Council's webpage <https://www.yarraranges.vic.gov.au/Property/Roads-drains-footpaths/Stormwater-drainage>.

#### **TRAFFIC ENGINEERING NOTE**

- Any works affecting or involving Shire roads or drains, Asset Protection and/or Road Reserve/Easement Works permit(s) are required. An application for a permit can be obtained at the Shire of Yarra Ranges Community Links.





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Approx Location of Approved Dwelling Under YR-2022/536 (Under This Permit The Existing Dwelling Is To Be Converted Into An Outbuilding)

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00	Amended as per council RFI dated 07/05/2024	CB	ME	23/09/2024
02	Amended as per council RFI dated 19/01/2024 and client request	CB	ME	30/04/2024
01	Prepared for planning purposes	CB	MB	20/12/2023

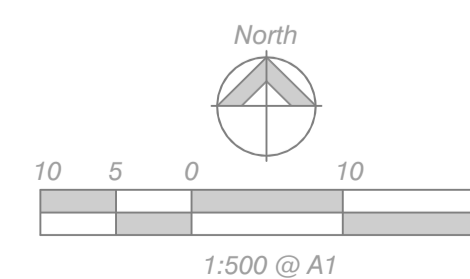
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admin@millarmerrigan.com.au



OVERALL SITE LAYOUT PLAN

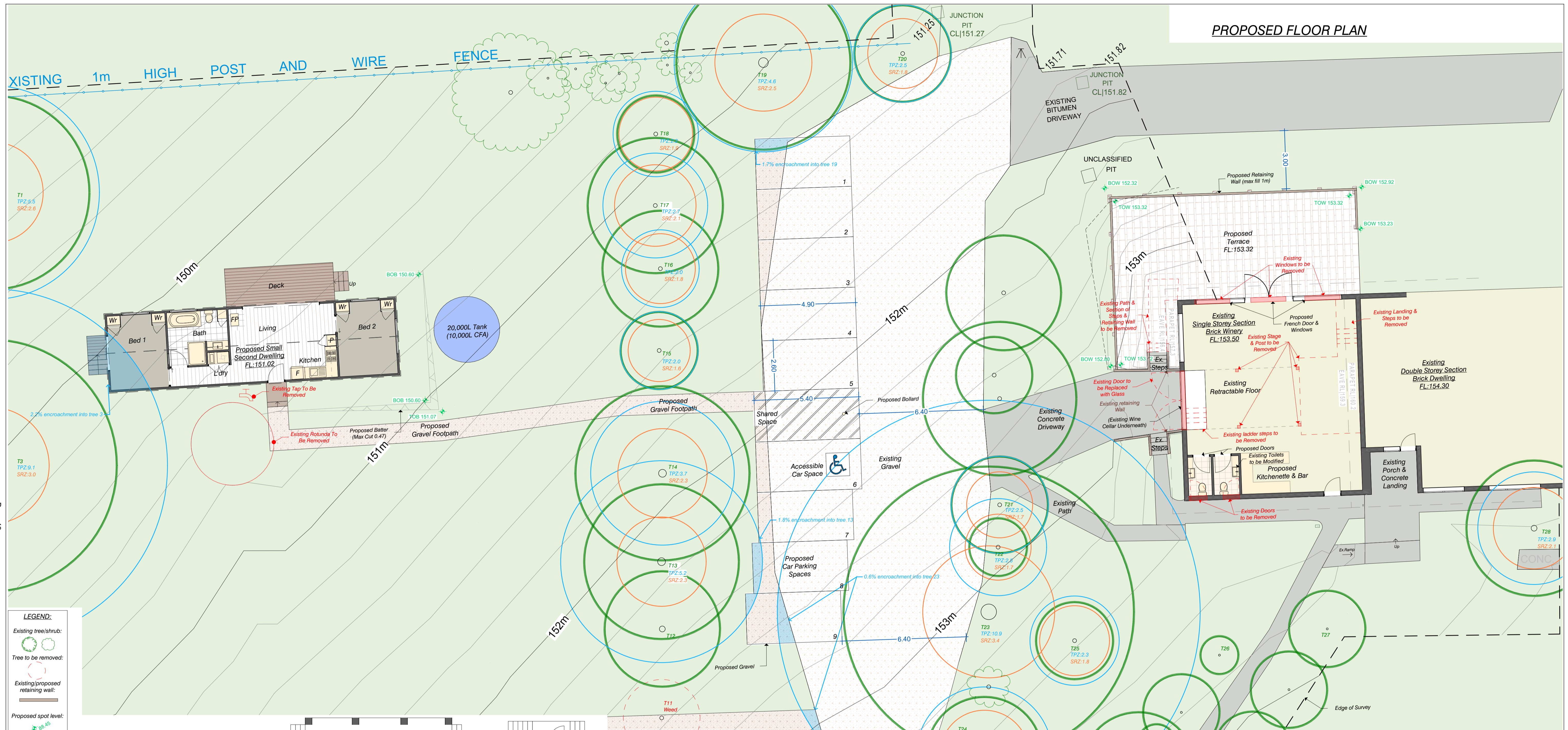
PROPOSED DEVELOPMENT

23 Maddens Lane, Gruyere  
Yarra Ranges Council

30138 P1  
Version 03



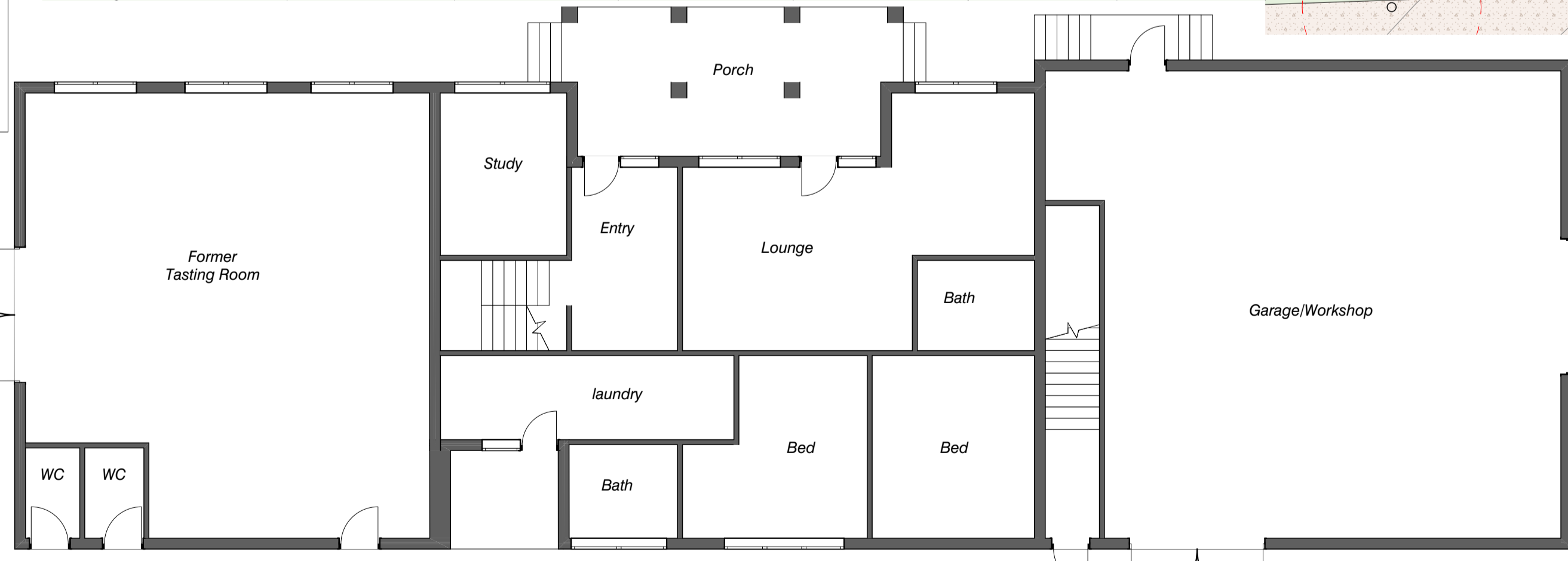
**PROPOSED FLOOR PLAN**



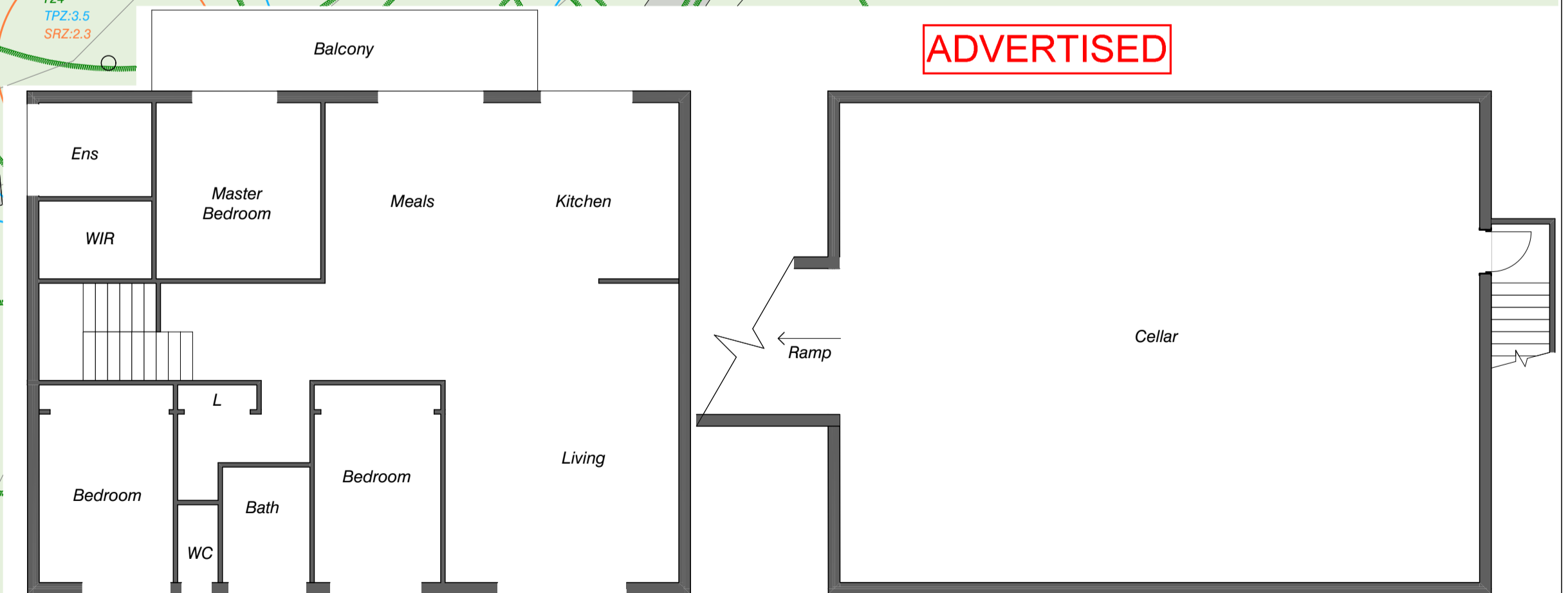
Page 84

**LEGEND:**

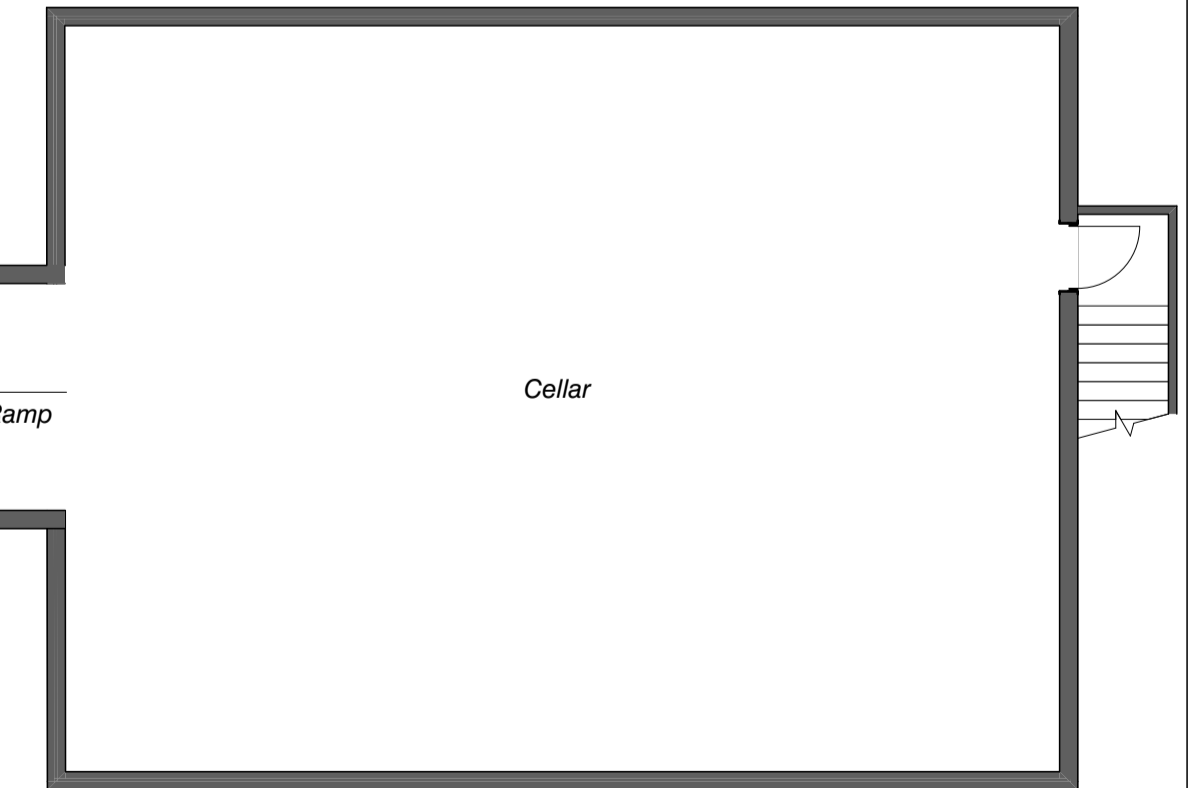
- Existing tree/shrub:
- Tree to be removed:
- Existing/proposed retaining wall:
- Proposed spot level:
- Existing walls/features to be removed:



**EXISTING GROUND FLOOR PLAN**



**EXISTING UPPER FLOOR PLAN**



**EXISTING BASEMENT FLOOR PLAN**

**ADVERTISED**

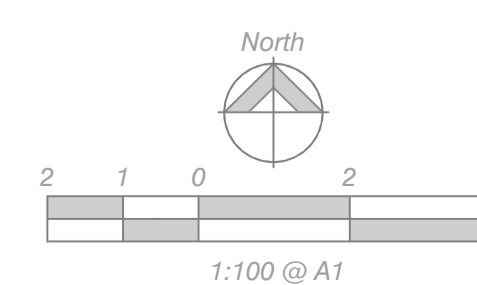
Version	Description	Drafted	Checked	Issue Date
00	Amended as per council RFI dated 07/05/2024	CB	ME	23/09/2024
02	Amended as per council RFI dated 19/01/2024 and client request	CB	ME	30/04/2024
01	Prepared for planning purposes	CB	MB	20/12/2023

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 Regional 156 Commercial Road, Morwell 3840  
 Mail PO Box 247 Croydon, Victoria 3136  
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 admin@millarmerrigan.com.au



**GROUND FLOOR PLAN**

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23 Maddens Lane, Gruyere  
Yarra Ranges Council

30138 P2  
Version 03

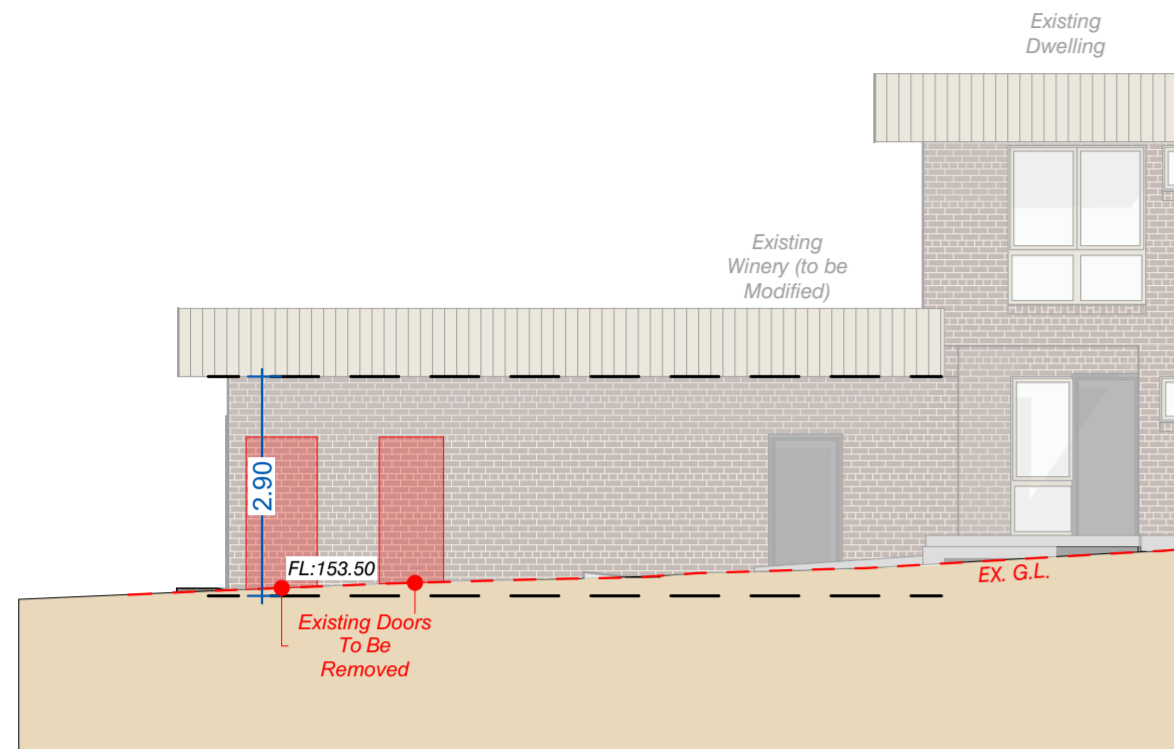
**SUBJECT TO APPROVAL**



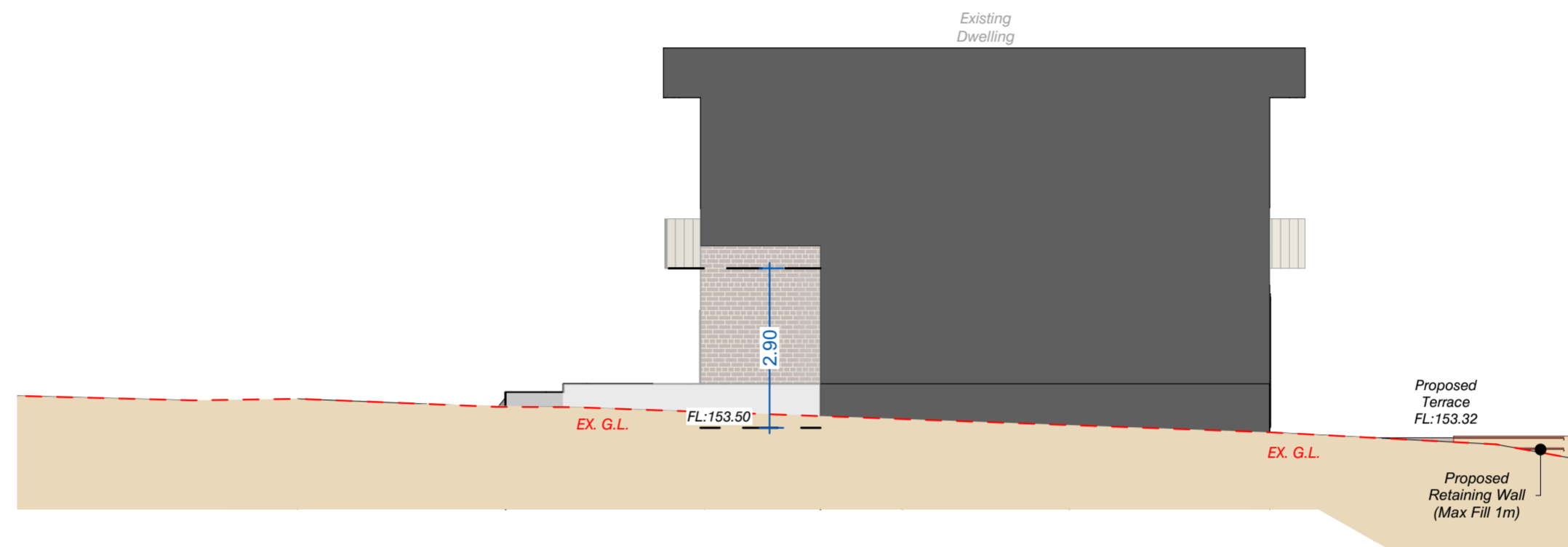
**MATERIALS, FINISHES & COLOURS:**

External Walls:	Brick face	Boral Colorbond	'Eureka' Monument
Window & Door Frames:	Aluminium		

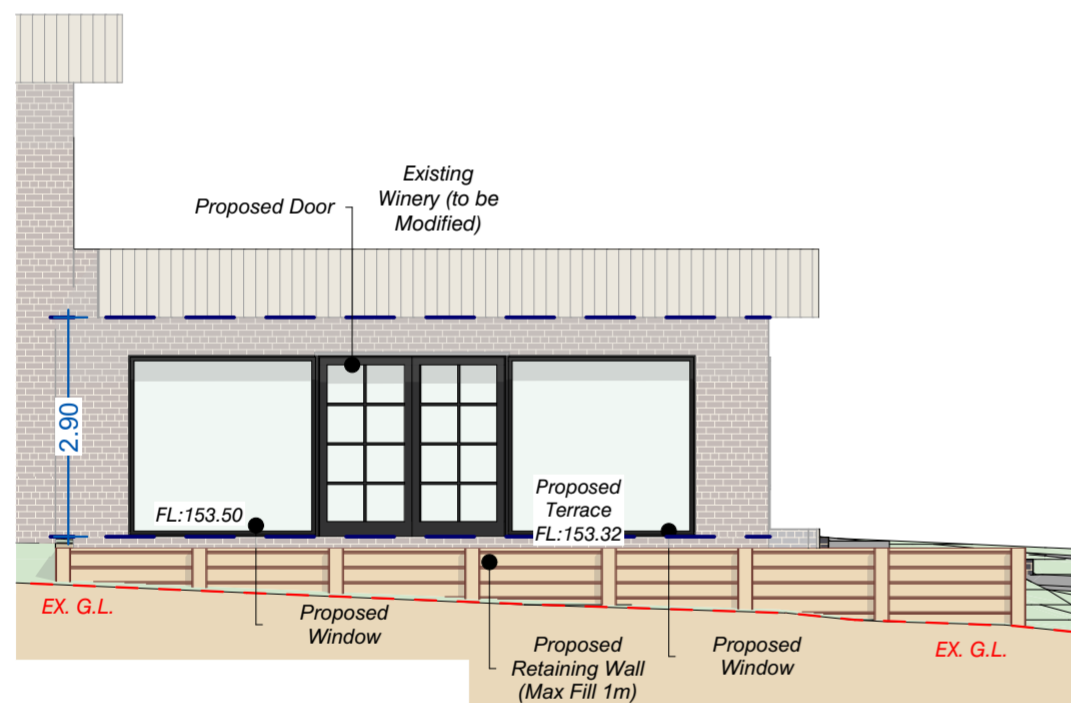
Note: Colours may be similar to those listed above to allow for variation between brands



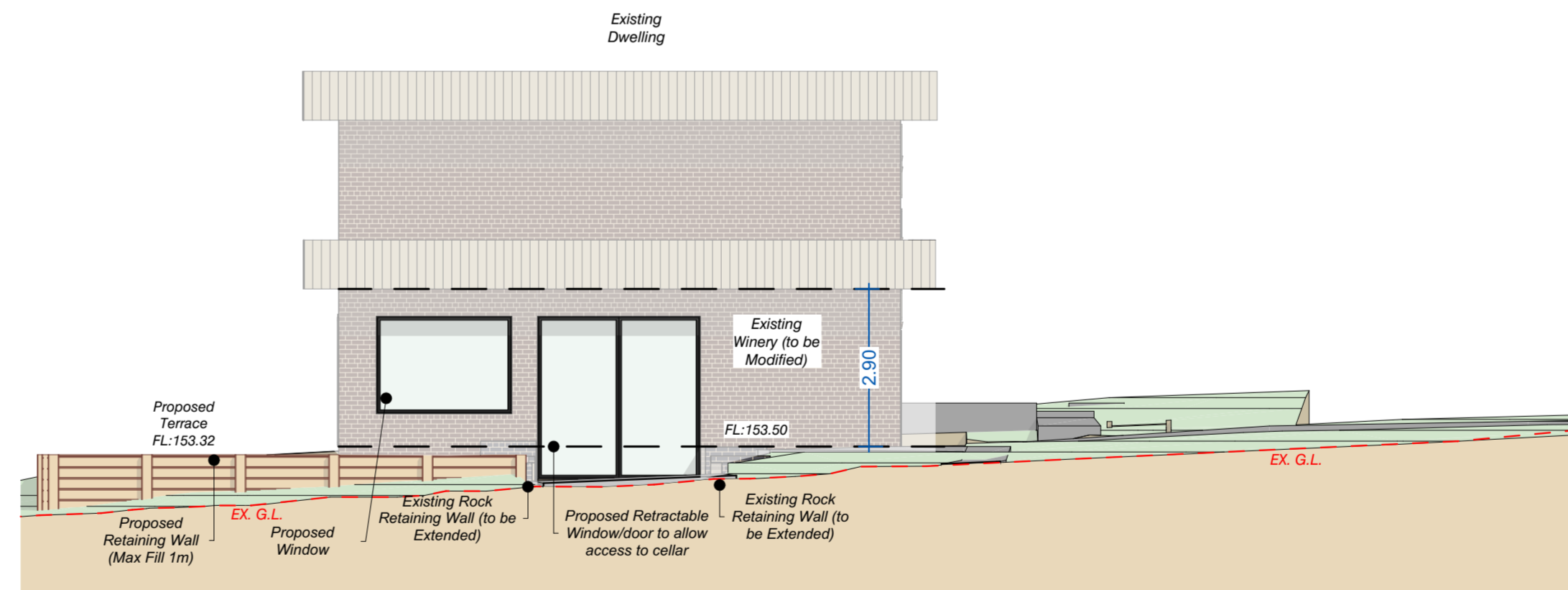
**SOUTH ELEVATION**



**EAST ELEVATION**



**NORTH ELEVATION**



**WEST ELEVATION**

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**BUILDING ELEVATIONS (WINERY)**

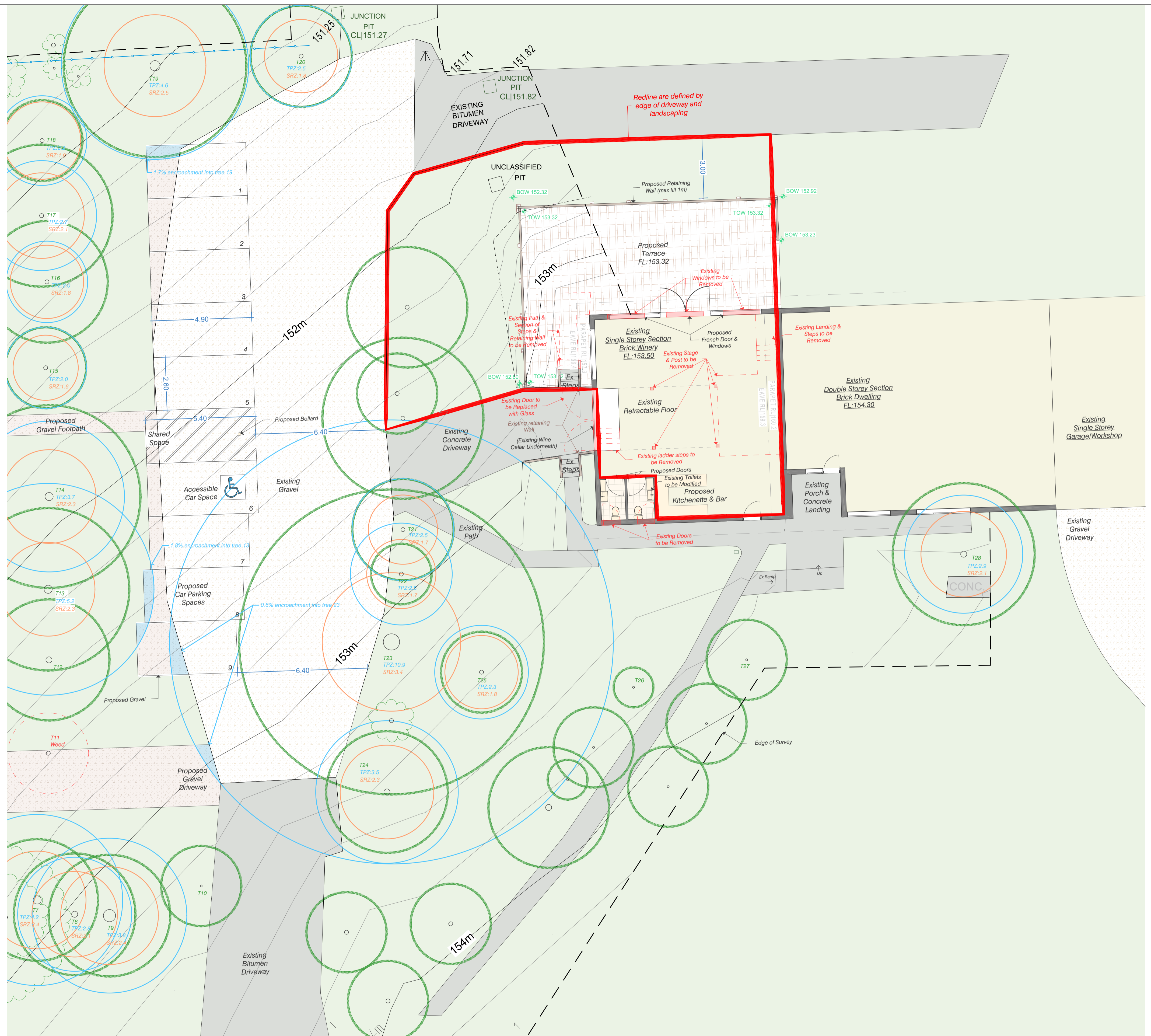
PROPOSED DEVELOPMENT

23 Maddens Lane, Gruyere  
Yarra Ranges Council

30138 P4  
Version 03







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**LEGEND:**

Redline area:

Version	Description	Drafted	Checked	Issue Date
03	Amended as per council RFI dated 07/05/2024	CB	ME	23/09/2024
01	Prepared for planning purposes	CB	MB	20/12/2023

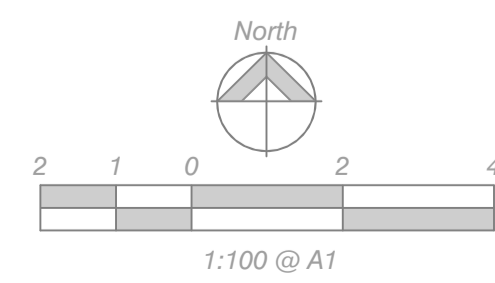
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## REDLINE PLAN PROPOSED DEVELOPMENT

23 Maddens Lane, Gruyere  
Yarra Ranges Council

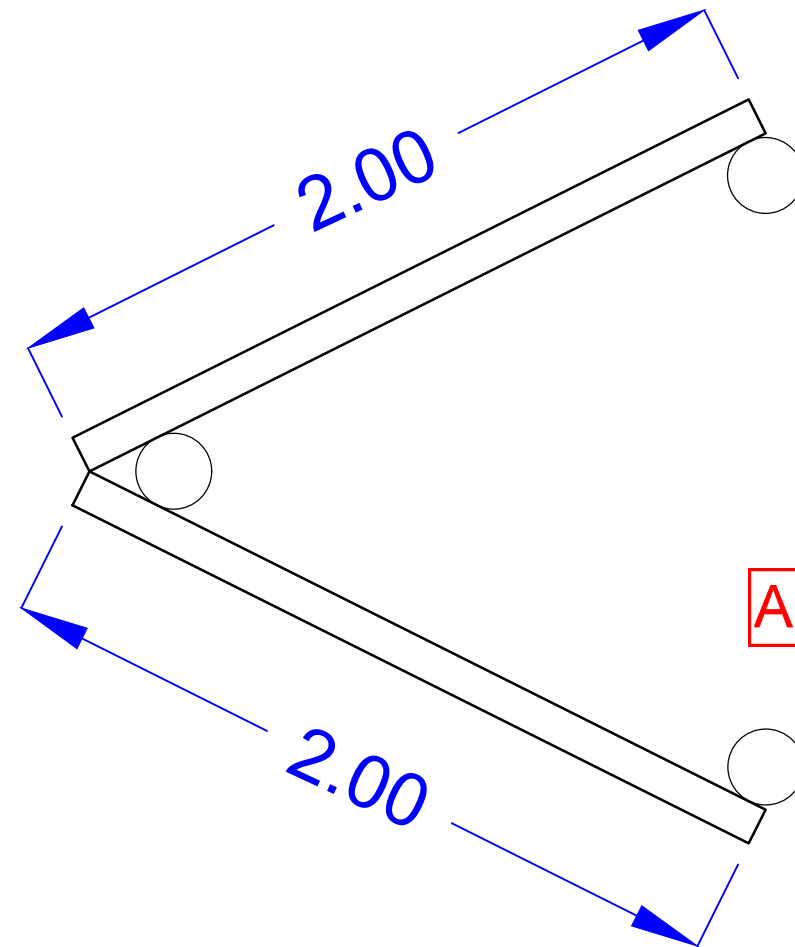
30138 P5  
Version 03



*Front view*  
*(Both sides are the same)*



*Top view*



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No.	Revision Description	Drawn	Checked	Date
2	Amended per RFI	JSLY	ME	February 2024
1	Prepared for town planning purposes	JSLY	ME	December 2023

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**PROPOSED SIGNAGE PLAN**

23 Maddens Lane, Gruyere  
Yarra Ranges Council

**30138P6**

Version 2  
Sheet 1 of 1

**TO BE APPROVED**

**ENERGY RATING REQUIREMENTS**

- R3.0 INSULATION TO CEILING WITH R13 REFLECTIVE BLANKET TO ROOF
- R2.7 INSULATION TO EXTERNAL WALLS
- R2.7 INSULATION TO INTERNAL BATH WALLS
- R2.0 INSULATION UNDER FLOOR
- REFER WINDOW SCHEDULE FOR WINDOW SPECIFICATIONS

**BRACING NOTE:**

BRACING & TIE DOWNS AS PER AS1684.2-2010 ALL EXTERNAL WALLS EXCLUDING OPENING TO HAVE PLYWOOD BRACING.  
ALL INTERNAL WALLS MIN. 1800mm MAX. 2700mm MIN. LENGTH TO HAVE ANGLE BRACING.

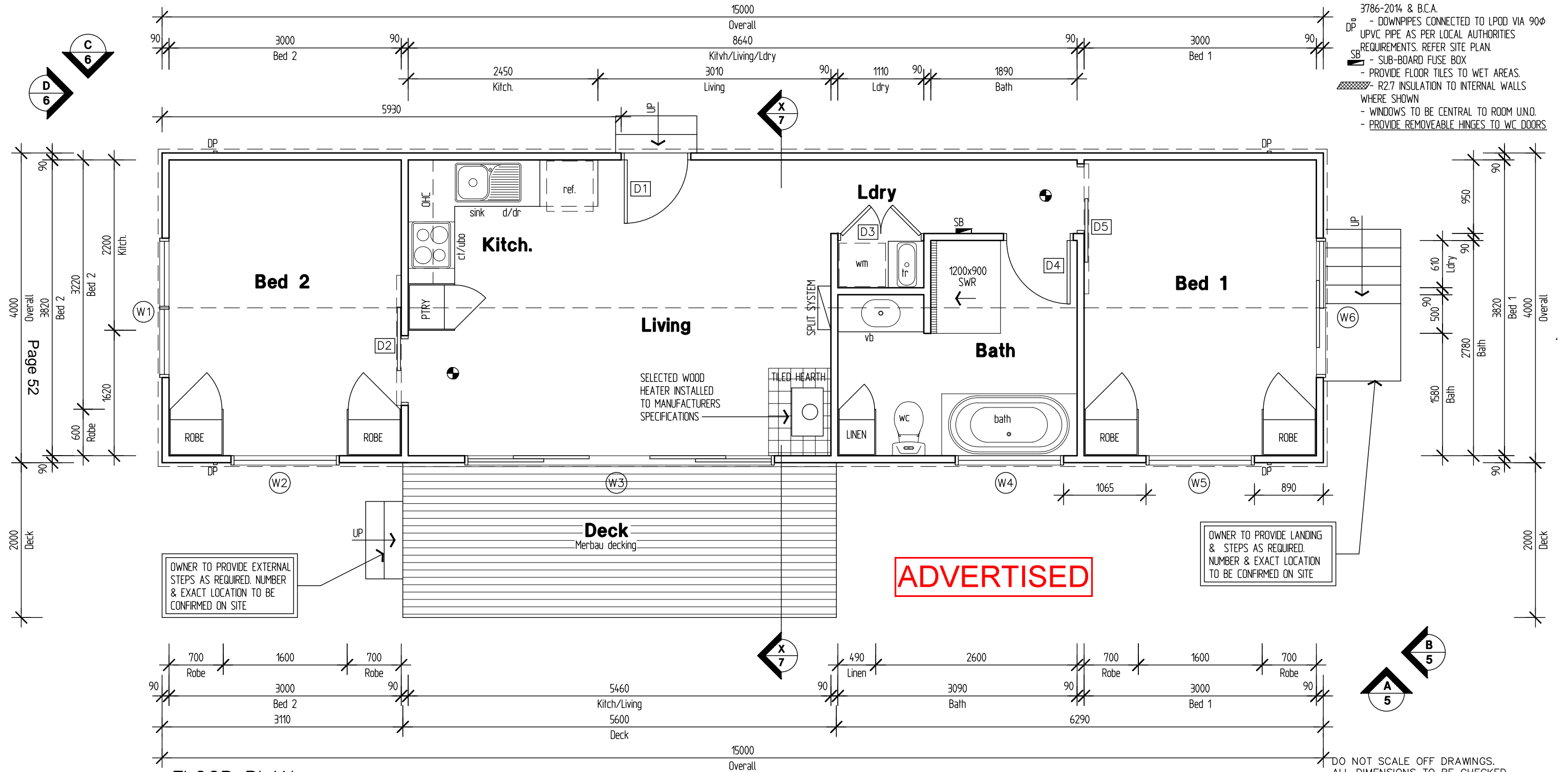
**FLOOR AREAS:**

DWELLING: 60.0 m sq 6.46 sq  
DECK: 11.2 m sq 1.21 sq

OWNER TO PROVIDE EXTERNAL STEPS AS REQUIRED DEPENDENT ON FINISHED GROUND LEVELS. NUMBER & EXACT LOCATION TO BE CONFIRMED ON SITE & BE CONSTRUCTED IN ACCORDANCE WITH NCC SERIES 2022. DECK, LANDING & STEPS STRUCTURES BY OTHERS. SOUL SPACE STUDIOS TAKES NO RESPONSIBILITY FOR THE CONSTRUCTION OR SPECIFICATIONS OF THE DECK, LANDING AND STEPS.

**NOTES:**

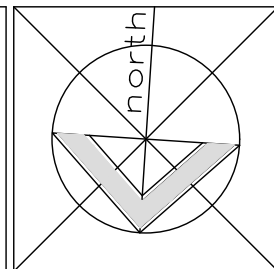
- WINDOW SIZES SHOWN ARE INDICATIVE ONLY AND MAY VARY. REFER TO WINDOW MANUFACTURERS SPECIFICATIONS FOR ACTUAL WINDOW SIZES, DETAILS AND STUD OPENINGS.
- THESE DRAWINGS TO BE READ IN CONJUNCTION WITH ENGINEERS SPECIFICATIONS AND DRAWINGS. ENGINEERED MEMBER SIZES TO TAKE PRECEDENCE.
- DIMENSIONS SHOWN ARE TO FRAME ONLY.
- HARD WIRED SMOKE DETECTORS WITH BATTERY BACKUP IN ACCORDANCE WITH A.S. 3786-2014 & B.C.A.
- DOWNPIPES CONNECTED TO LPOD VIA 90° UPVC PIPE AS PER LOCAL AUTHORITIES REQUIREMENTS. REFER SITE PLAN.
- SUB-BOARD FUSE BOX
- PROVIDE FLOOR TILES TO WET AREAS.
- R2.7 INSULATION TO INTERNAL WALLS WHERE SHOWN
- WINDOWS TO BE CENTRAL TO ROOM UNO.
- PROVIDE REMOVEABLE HINGES TO WC DOORS



**FLOOR PLAN**

DO NOT SCALE OFF DRAWINGS. ALL DIMENSIONS TO BE CHECKED PRIOR TO COMMENCEMENT OF WORKS.

Proposed : Small Second Dwelling  
At : No. 23 Maddens Lane, Gruyere VIC 3770  
Client : Andrew Vogt & Jennifer Wheeler  
For :- Soul Space Studios



REV	AMENDMENT	DATE
A	WORKING DRAWINGS	15/4/2024

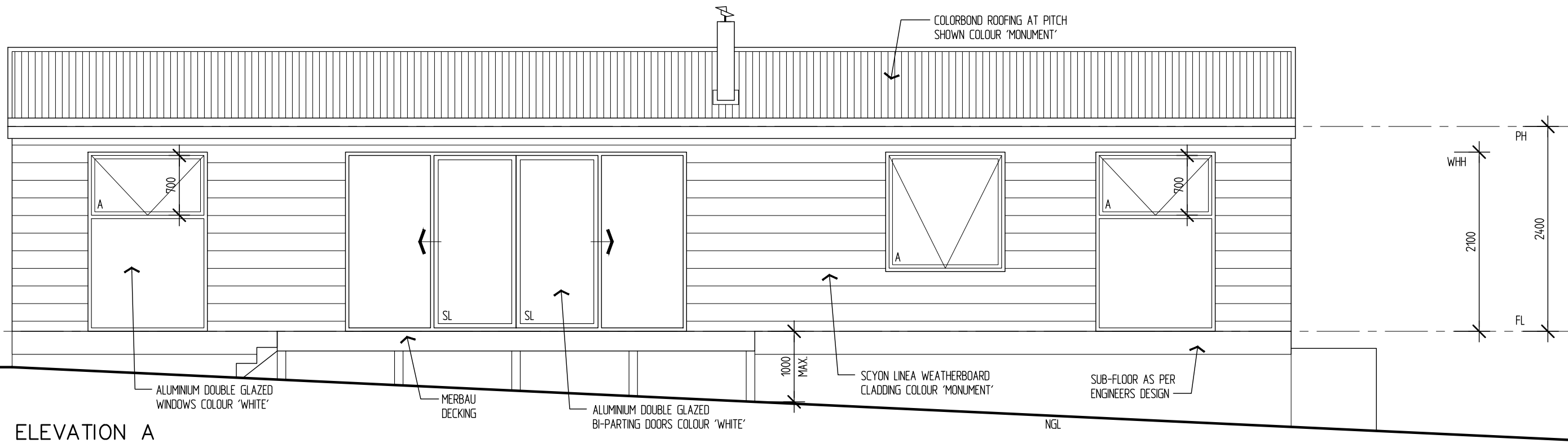


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Mob. 0419 598 662 E. design@avallon.com.au

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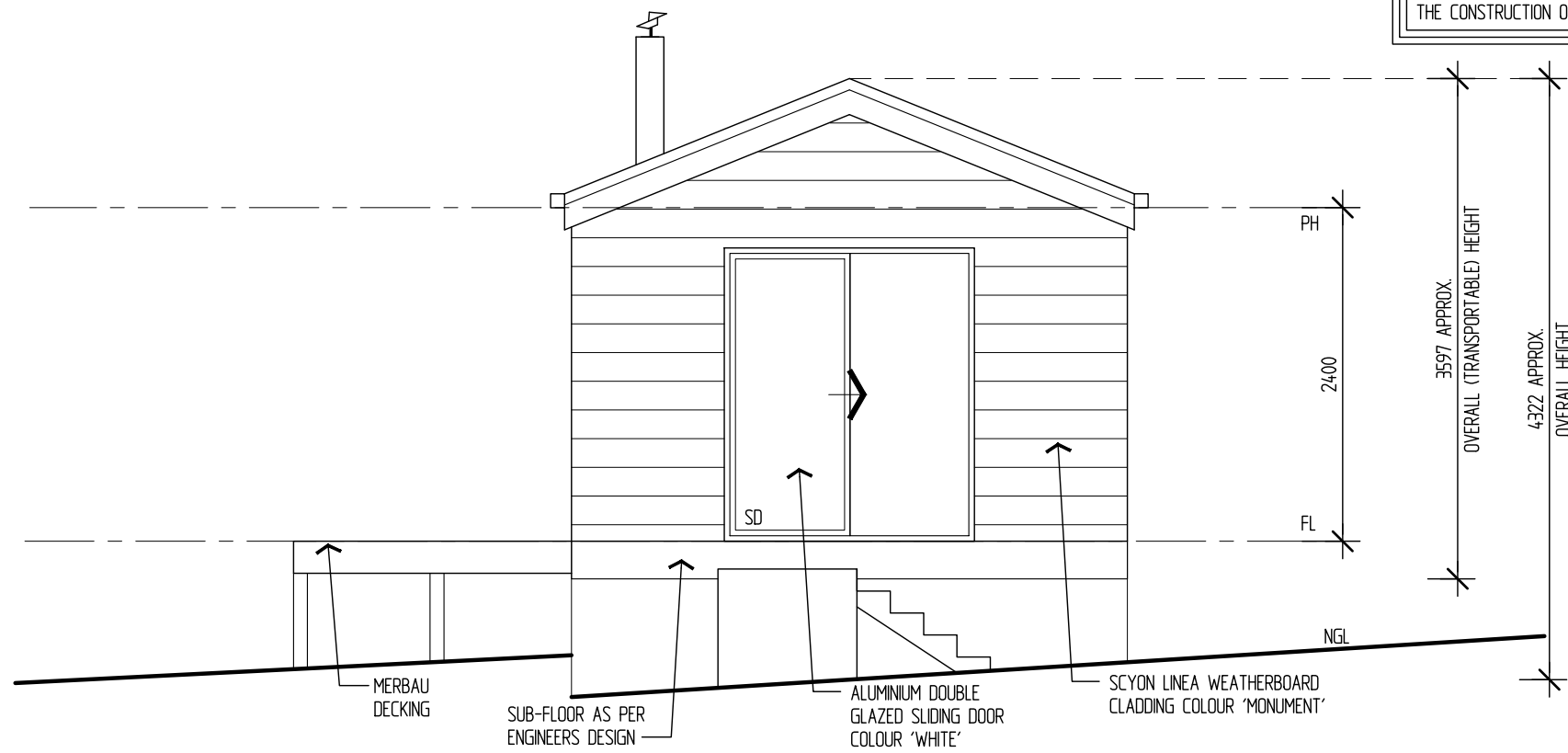
TITLE	
Working Drawings :- Floor Plan	
Scale	1:50
Date	15/4/2024
Drawn	MG
Job No.	1
Issue	A
Sheet	4 of 9





ELEVATION A

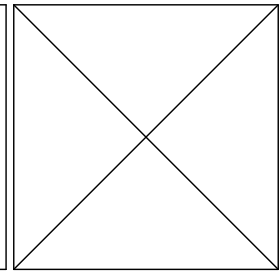
OWNER TO PROVIDE EXTERNAL STEPS AS REQUIRED DEPENDENT ON FINISHED GROUND LEVELS. NUMBER & EXACT LOCATION TO BE CONFIRMED ON SITE & BE CONSTRUCTED IN ACCORDANCE WITH NCC SERIES 2022. DECK, LANDINGS & STEPS STRUCTURES BY OTHERS. SOUL SPACE STUDIOS TAKES NO RESPONSIBILITY FOR THE CONSTRUCTION OR SPECIFICATIONS OF THE DECK, LANDING AND STEPS.



ELEVATION B

DO NOT SCALE OFF DRAWINGS. ALL DIMENSIONS TO BE CHECKED PRIOR TO COMMENCEMENT OF WORKS.

Proposed : Small Second Dwelling  
 At : No. 23 Maddens Lane, Gruyere VIC 3770  
 Client : Andrew Vogt & Jennifer Wheeler  
 For :- Soul Space Studios



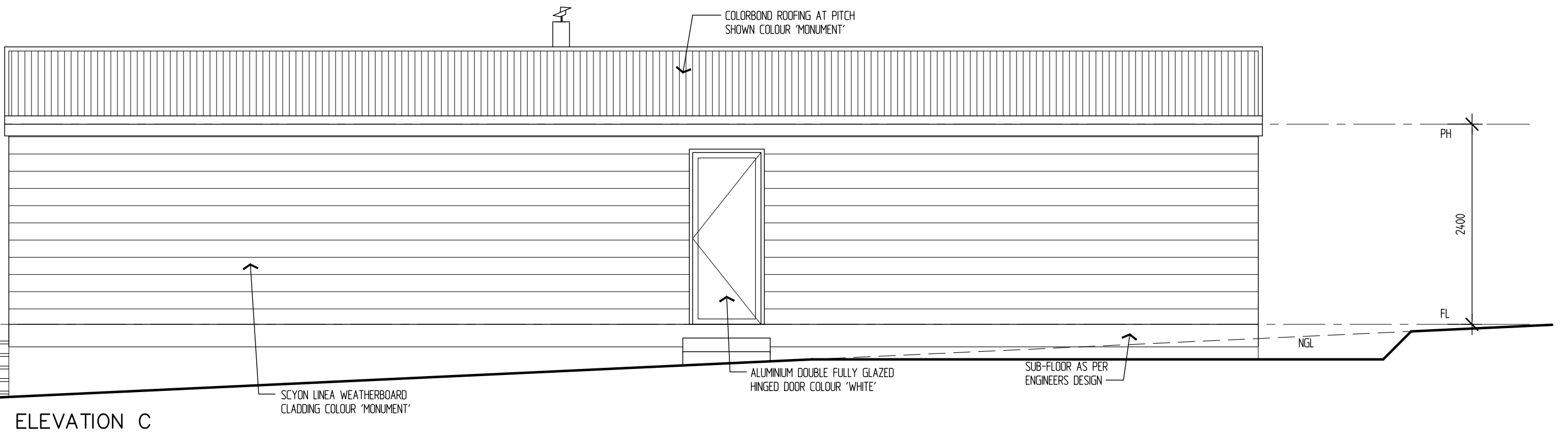
A	WORKING DRAWINGS	15/4/2024
REV	AMENDMENT	DATE



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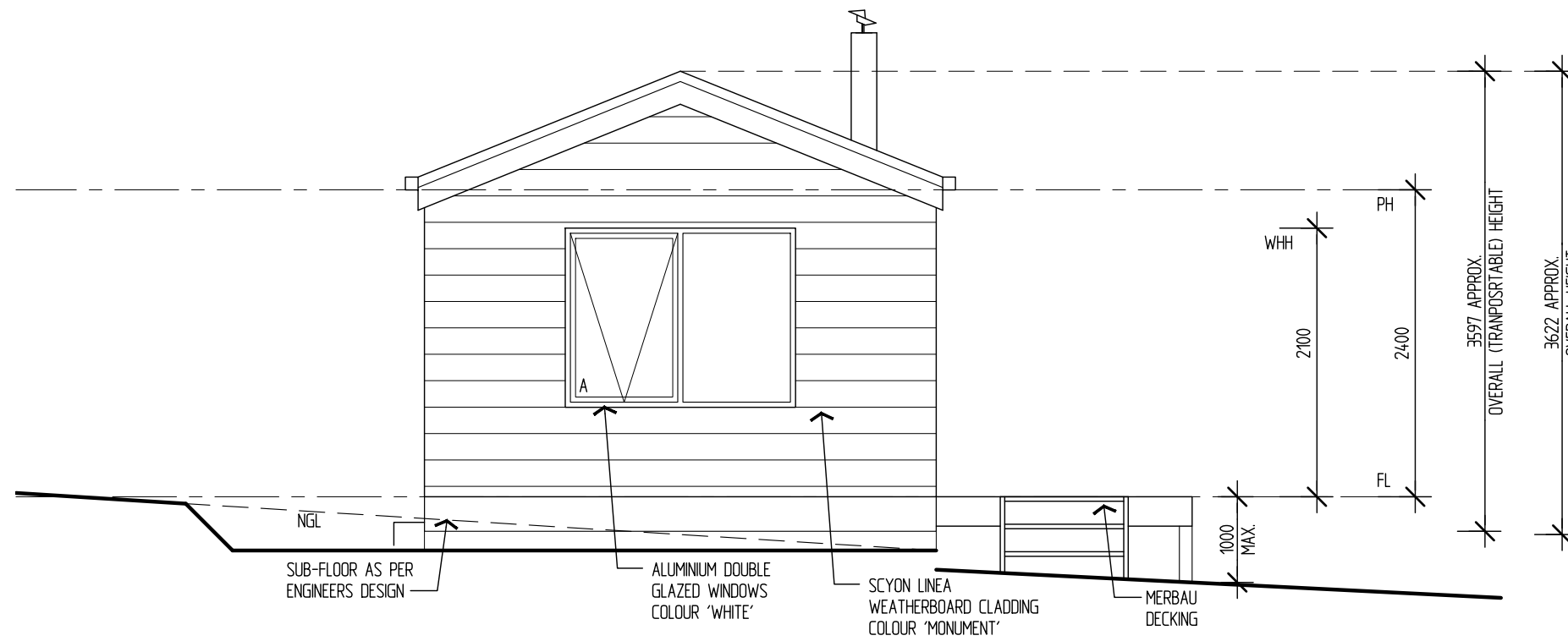
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TITLE	Working Drawings :- Elevations	
Scale	1:50	Date 15/4/2024
Drawn	MG	Job No. 1
Issue	A	Sheet 5 of 9



ELEVATION C

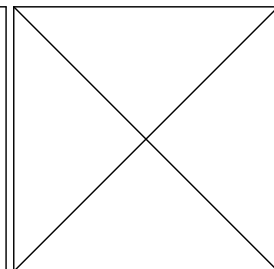
Page 54



ELEVATION D

DO NOT SCALE OFF DRAWINGS.  
ALL DIMENSIONS TO BE CHECKED  
PRIOR TO COMMENCEMENT OF WORKS.

Proposed : Small Second Dwelling  
At : No. 23 Maddens Lane,  
Gruyere VIC 3770  
Client : Andrew Vogt & Jennifer Wheeler  
For :- Soul Space Studios



A	WORKING DRAWINGS	15/4/2024
REV	AMENDMENT	DATE



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TITLE Working Drawings :- Elevations	
Scale 1:50	Date 15/4/2024
Drawn MG	Job No. 1
Issue A	Sheet 6 of 9

**ADVERTISED**

230823\_L... Maddens Lane, Gruyere

## LAND CAPABILITY ASSESSMENT (LCA) Onsite Wastewater Management System (OWMS)

23 Maddens Lane, Gruyere

Council Property Number: 173520



A20

**Prepared for:** Andrew Vogt  
Stage 1 - Residence upgrade  
Stage 2 - Cabin and Cellar Door

**Date:** 10 November 2023

**Revised:** 24 May 2024 ( New EPA Guidelines released 22 May 2024)

**Reference:** 230824

**Prepared by:**



**EWS** Environmental  
ABN: 14 740 748 489

Water & Soil Consultants  
Email: [ews@bigpond.com](mailto:ews@bigpond.com)

Mobile: **0413 62 32 02**  
Web: [www.ews.land](http://www.ews.land)



## 1. Introduction and Background

EWS Environmental has been engaged to undertake this Land Capability Assessment (LCA).

### 1.1 Consultant's brief

EWS Environmental has been engaged to develop a wastewater plan to support a Land Capability Assessment (LCA) for an application for a LGA Council permit, *Reg. 25, EP Regulations 2021*.

To further assess land features for long-term sustainable development and address the risk consequences using best practice (septic sewerage) management options.

The field investigation and report have been undertaken and prepared by a suitably experienced consultant in accordance with the *Victorian Land Capability Assessment Framework, 2014, MAV*<sup>9</sup>. EWS Environmental has appropriate professional indemnity insurance for this type of work.

### 1.2 Report Summary

This report will form part of the application to Council for a Permit to *Install /alter an Onsite Wastewater Management System (OWMS)*.

This report provides information about the site features and soil characteristics. It also provides a risk assessment for the site including a conceptual design for a suitable onsite wastewater management system with recommendations for monitoring and management of the system.

A number of options have been assessed to provide for both the treatment and land application area (LAA) that represent *best practice*.

Risks to human health and the environment associated with this onsite wastewater management system have been addressed by adopting *reasonably practicable* measures as outlined in this report.

This assessment and the proposed system is consistent with the *Environmental Protection Act 2017, and the Environment Protection Regulations 2021*.

Note: The terms 'domestic wastewater' and 'sewage' are interchangeable for the purposes of *EP Act 2017*.

### 1.3 Site Overview

#### Location

Address: **23 Maddens Lane, Gruyere** ("site")  
Map Reference: **MELWAY 283 A 5**  
Nearest cross Road: **Briarty Road**  
Land area: **40,518 m<sup>2</sup>**  
LGA: **Yarra Ranges**

#### Land features

Drainage: towards **Trib. Log Crk..**  
Slope of land: **6%**  
Distance to surface water: **> 100 m:**  
Flooding: **> 1 in 20 years**  
Climate: Rainfall: **882 mm**  
Evapo-transpiration 'A' **1151 mm**

#### Soil characteristics

Soil texture (limiting layer): **Fine sandy CLAY**  
Structure: Category: **4 (b)**  
Permeability (K<sub>sat</sub>) **0.12 m/day.**

#### Wastewater system sizing (AS/NZS 1547)

Water supply rate: **3/4 star (WELS)**  
Number of bedrooms: **6**  
Number of persons: **7**  
Daily contribution: **180 & 150 Cabins** ( Litres/day)  
Maximum daily flow (L/day): **1260 House 260 Cabins 320 Cellar**  
Design Irrigation Rate(DIR) **3.5 litres/m<sup>2</sup>.day**  
Dispersal area (LAA): **950 (m<sup>2</sup>)**

#### Authorised by:

  
John Lawrey, MIE Aust. Reg. 142295  
Senior Environmental Engineer  
EWS Environmental

Date: 10 November 2023  
Revised 24 May 2024

*On-site Wastewater Management Certificate* CET-NZ, 2001.  
Professional Indemnity Insurance:  
DUAL Australia Pty Ltd on behalf of certain underwriters at Lloyds.  
Policy: SOB/26785/000/23/N, Period 01/07/23 to 01/07/24.

This report does not include a designer's certification and/or loading certificate under Section 3.4 -AS/NZS 1547:2012.

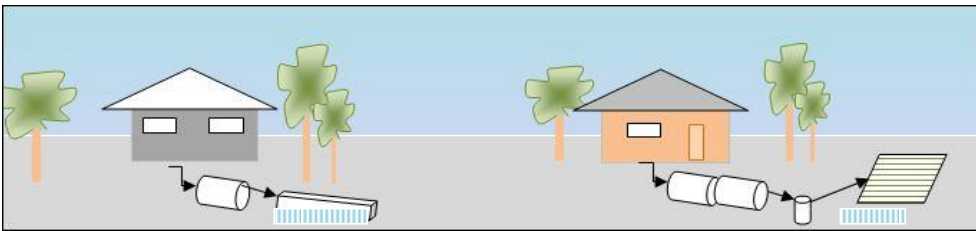


## 1.4 Client Summary

The nature of the site and the environmental constraints identified requires appropriate treatment by advanced septic tank or aerated treatment system. The treatment options listed below are deemed capable of achieving the desired level of performance.

The property owner has the responsibility for the final selection of the treatment system details of which may be included in the [Application to Install an Onsite Wastewater Management System](#).

The pros & cons depend on site constraints and site characteristics listed in Table 5:



### Options – basic primary or secondary treatment plant (two chamber) 20/30 standard

Primary (1 <sup>o</sup> ) system -	Secondary (2 <sup>o</sup> ) system -
AS/NSZ 1546.1 for Primary septic tanks and AS/NSZ 1546.3 for secondary systems	
<b>Advantages</b>	
Suitable for large properties	Suitable for small properties
Robust operation	Efficient pump distribution and minimum odour
Minimal maintenance	Minimal setback distances
	Best Practice –20/30 standard, for better water quality.
<b>Disadvantages</b>	
Short operating life	Higher installation & energy costs
Not suitable for some soil types	More frequent servicing
Greater setback distances	
Larger footprint for dispersal	

A comprehensive check list of factors to consider when selecting an onsite treatment system can be found in EPA's [Code of Practices /Guidelines May 2024](#).

Following the wastewater treatment process the effluent must be distributed onto land in a safe manner for the environment and public health.

The dispersal options considered and available for use currently are:

1. Pressure compensating drip irrigation;
2. Low pressure effluent distribution systems (LPED); or
3. Wick trench or evapo-transpiration bed systems.

The suggested best option suited to your property is detailed in Section 7 – Conclusions and recommendations.

## 2. Description of development

<b>Site Address:</b>	23 Maddens Lane, Gruyere
<b>Owner/Contractor:</b>	Andrew Vogt
<b>Postal Address/Email:</b>	<a href="mailto:vogtandrew691@gmail.com">vogtandrew691@gmail.com</a>
<b>Contact:</b>	Ph: 0418 144 896
<b>Municipality Council (LGA):</b>	Yarra Ranges
<b>Allotment Size:</b>	40,518m <sup>2</sup>
<b>Domestic Water Supply:</b>	Onsite roof water collection, reticulated supply assumed
<b>Forecast Wastewater Load:</b>	A 6-bedroom residence with 3/4 star WELS rated fixtures @ 7 people per maximum occupancy. Wastewater generation = 180 L/d for House residents & 150L/d Cabins guests and 16 L/p Cellar Door visitors. (source EPA Guidelines May 2024).
<b>Availability of Sewer:</b>	The area is unsewered and highly unlikely to be sewerred within the next 10 years, due to low development density in the area and the considerable distance from existing sewerage services.

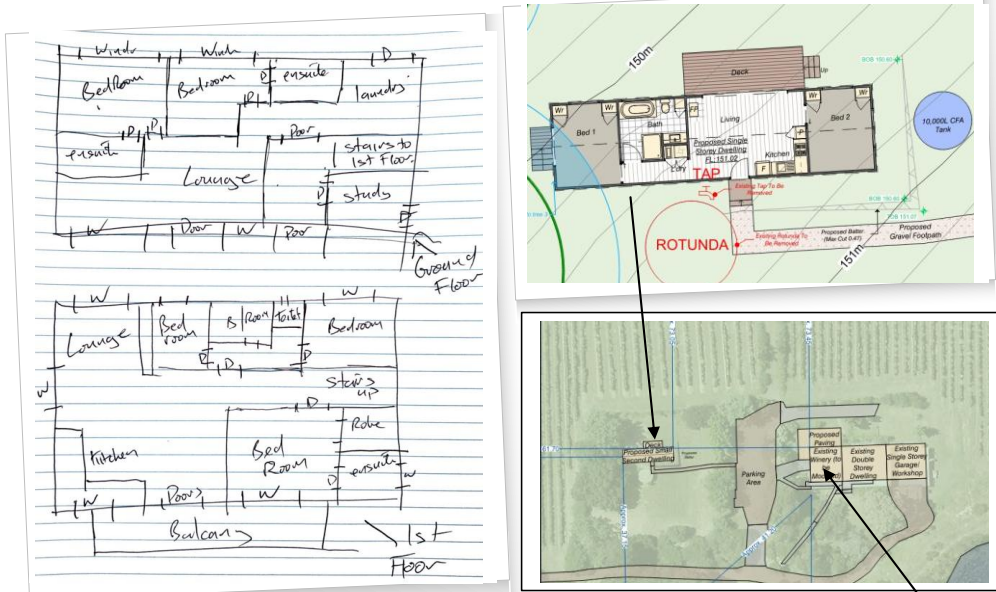


Figure 1 Proposed development plan

6	BEDROOMS	1	CABIN	20	CELLAR DOOR
---	----------	---	-------	----	-------------

Occupancy capacity = - Residence 100% - 7 days, CABIN & CELLAR DOOR full 3 days /week



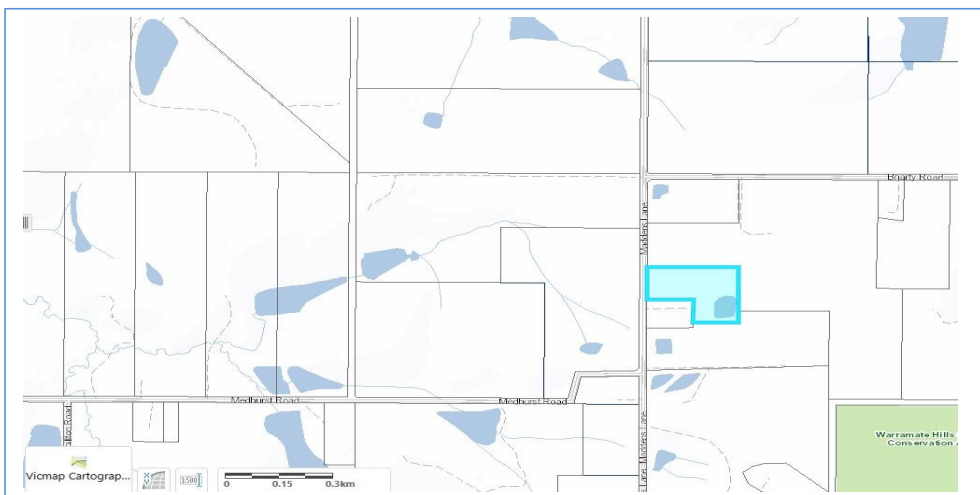


Figure 2 Locality plan for proposed development.

Map reference: Melway 283 A 5

### 3. Site and Soil assessment

EWS Environmental undertook site investigations on the 26 October and 9 November 2023.

#### 3.1 Site Key Features

Any site constraints and/or need for mitigation measures are summarized in Table 1, addressing the key features of the site in relation to effluent management for the proposed site.

**NOTE:**

- The site is not in a special water supply catchment area.
- The site experiences negligible stormwater run-on.
- There is no evidence of a shallow watertable or other significant constraints, and
- The risk of effluent transport offsite is very low.

Figure 3 provides a site analysis plan describing the location of the proposed envelopes and other development works, wastewater management system components and physical site features.

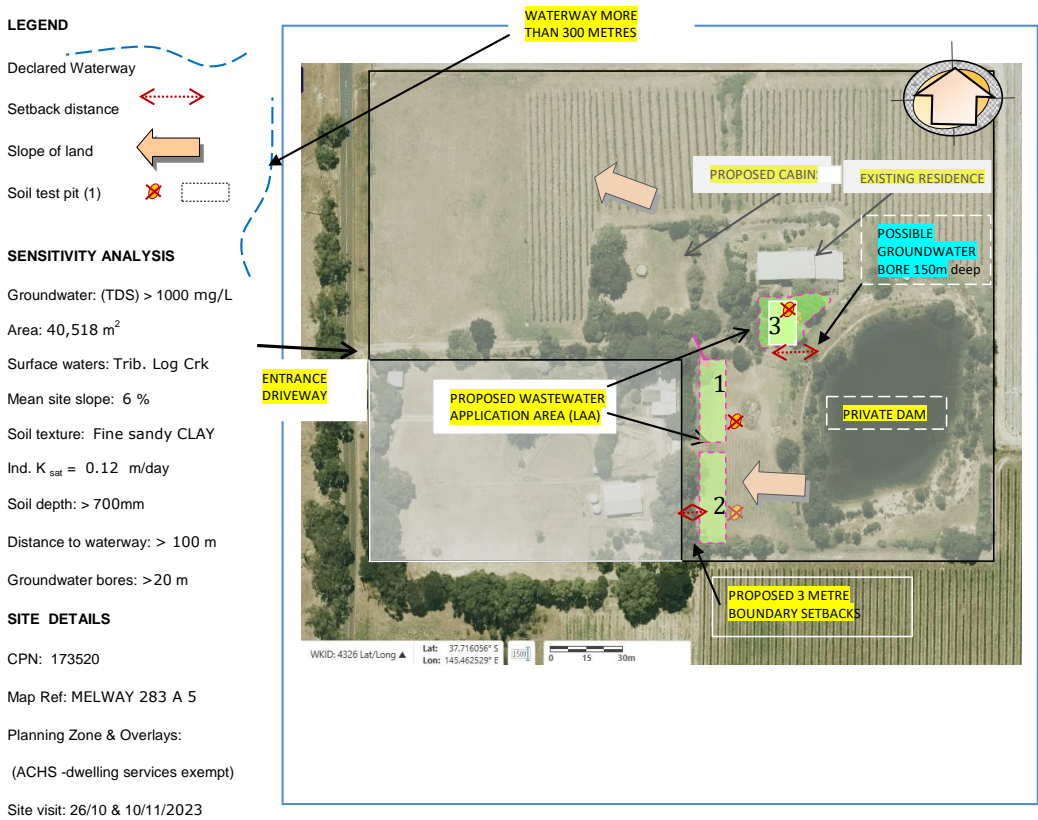


Figure 3: Site analysis plan

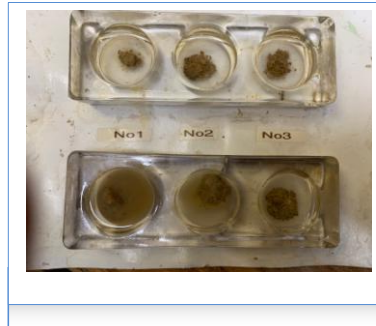
**Address:**  
23 Maddens Lane, Gruyere



### 3.2 Development and Site Photographs



Test pit (1 & 2) showing profile



Modified Emerson Test- see Appendix A1



View of proposed LAA looking south

Location: 23 Maddens Lane, Gruyere Date: 10/11/ 2023



View of possible house site LAA



**Table 1: Site Assessment**

Feature	Description	Constraint	Measures
<b>Buffer Distances</b>	All relevant buffer distances in Table 5 of the Code (2016) are achievable.	Minor	NN*
<b>Climate</b>	Mean annual rainfall 882 mm. Mean annual pan'A' evaporation is 1151 mm.	Minor	NN
<b>Drainage</b>	No visible signs of surface dampness, spring activity or hydrophilic vegetation in the proposed effluent management area.	Moderate	Adopt low DIR
<b>Erosion &amp; Landslip</b>	No evidence of sheet or rill erosion; the erosion hazard is low. No evidence of landslip and landslip potential is low.	Minor	NN
<b>Exposure &amp; Aspect</b>	Slope aspect and wind exposure influence on LAA.	Moderate	NN
<b>Flooding</b>	The proposed effluent management area is located above the 1:100 year flood level.	Minor	NN
<b>Groundwater</b>	No signs of shallow groundwater tables to 1.5 m depth. No potential groundwater bores within 20 m of the proposed effluent area. Groundwater total dissolved solids, TDS >1000 mg/L.	Minor	NN
<b>Imported Fill</b>	No imported fill material observed on the site.	Nil	NN
<b>Land Available for LAA</b>	Considering all the constraints, the site has ample suitable land for application of effluent.	Nil	NN
<b>Landform</b>	Natural drainage with no spreading over linear planar slope with no significant drainage lines intersect site.	Moderate	Locate with appropriate setbacks
<b>Rock Outcrops</b>	No evidence of surface rocks or outcrops.	Nil	NN
<b>Run-on &amp; Runoff</b>	Minor stormwater run-on and run-off hazard.	Nil	NN
<b>Slope</b>	The effluent management area has a slope of 6 percent.	Nil	NN
<b>Surface Waters</b>	No waterways traverse the site requiring minimum setback to treatment /effluent area.	Nil	NN
<b>Vegetation</b>	Grass vegetation is adequate to control erosion and for water and nutrient uptake from the wastewater.	Moderate	NN.

\***NN**: mitigation measures not needed



### 3.3 Soil Key Features

The site's soils have been assessed for their suitability for onsite waste-water management by a soil survey and field analysis as outlined below.

#### Site assessment criteria

This assessment has been undertaken in accordance with the MAV/EPA's *Code of Practices/ Guidelines for Onsite Wastewater Management* and AS/NZS 1547: *Onsite Domestic Wastewater Management*. Soil assessment and design for wastewater management was taken from AS/NZS 1547, where appropriate.

#### Site investigations

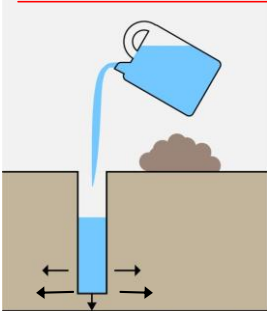
A key feature of the investigations is a soil permeability assessment in each landscape element or soil type area for effluent attenuation within the boundaries of the premises.

EPA's Code of Practices / Guidelines and Regulations permits various methods to determine the soil permeability. One based on visual and tactile estimation of indicative permeability, the other is the "constant-head" test from AS/NZS 1547 'Site and Soil Evaluation' procedures.

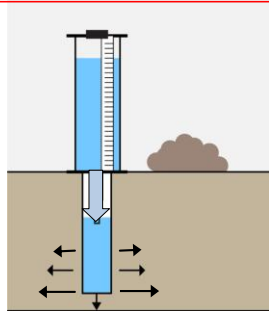
#### Constant Head Test

The "constant -head" test, allows water to run out of an unlined test hole in to the ground which is replenished at the same rate from a reservoir, so that the head of water in the hole remains the same.

Step 1 -Pre-soaking of test holes



Step 2 - Measure rate of infiltration



The loss of water from the reservoir is measured over time and a mathematical model is used to calculate the co-efficient of permeability, known as,  $K_{sat}$  from the measurement.  
The physical soil analysis assessment includes soil texture, structure and a shrink /swell potential test, as a substitute for actual water based measurement of soil

#### Textural Soil Test

Step 1 - Prepare soil bolus and assess soil category and structure



Step 2 - Categorise soil type

Soil permeability has been determined from the critical properties of texture, structure and shrink/swell potential using the method specified in AS/NZS 1547:2012 that prescribes conservative design loading rates.  
**Reference:** EPA Publication 891.4:2016, Table 9  
See attachment 'A' for all soil test results and field records.

Soil permeability has been determined from the critical properties of texture, structure and shrink/swell potential using the method specified AS/NZS 1547:2012 that prescribes conservative design loading rates.  
If there is any doubt or dispute the above constant head test should be used.

Comment [s1]:

**Table 2: Soil Assessment**

Feature	Assessment	Constraint	Comment
Soil Depth	Topsoil: < 400 mm Clay LOAM	Minor Mitigation: <b>NN</b>	A - auger E- exposure (Topsoil > 250mm) YES/NO
	Subsoil: > 400 mm. Total soil depth greater than 1.5 m, no hardpans occur.	Minor Mitigation: <b>NN</b>	
Soil Texture & Structure	Topsoil: Category	Minor Mitigation: <b>NN</b>	Sub-surface dispersal preferred
	Subsoil: Category <b>4 (b)</b> Structure: <b>Weak</b> as per AS/NZS/NZS 1547:2012	Major Mitigation: <b>NN</b>	
Soil Permeability	Limiting soil layer: Fine sandy CLAY (K <sub>sat</sub> ) <b>0.12</b> m/day saturated conductivity (AS/NZS1547:2012);	Minor Mitigation: <b>NN</b>	More than 600mm of unsaturated soil beneath base of dispersal system
Design Loading Rates	Design Loading Rate (DLR) for system). Subsoil <b>3.5</b> mm/day, saturated conductivity (K <sub>sat</sub> ) (AS/NZS1547:2012);	Minor Mitigation: <b>NN</b>	Appendix R- AS/NZS 1547
Modified Emerson Aggregate Test (test AS/NZS 1547)	Topsoil: minor slaking with no dispersion. Minor - No change, Moderate - Slakes with minor fret, Major - Dispersion clouding solution <sup>p109</sup>	Minor Mitigation: <b>NN</b>	See field soil dispersion test results
	Subsoil: slaking with mild fret dispersion	Moderate Mitigation: <b>NN</b>	
Rock Fragments	Coarse fragments less than 2% (400 mm depth). No fragments throughout remainder of profile. Minor 0 -10%, Moderate 10 -20%, Major >20% <sup>7 p25</sup>	Minor Mitigation: <b>NN</b>	
Watertable Depth	Groundwater not encountered,	Minor	
pH	Topsoil pH is slightly acidic; subsoils slightly higher. Soil conditions not affecting plant growth.	Minor pH > 6 Mitigation: <b>NN</b>	pH = 6
Electrical Conductivity	EC is a measures of soil salinity (µS/cm) Minor <800, Moderate 800 -2000, Major >2000	Minor	Good vegetation growth on irrigation area
Cation Exchange Capacity (CEC)	Present soil conditions do not appear to be restricting plant growth. Minor >15, Moderate 5 -15, Major <5 meq+/100g <sup>7 p65</sup>	Minor Mitigation: <b>NN</b>	As the EAT tests do not indicate signs of turbidity or dispersion, laboratory tests for soil fertility are not necessary as per MAV Table 2, for gypsum dosing.
Sodicity (ESP)	Exchangeable Sodium concentrations ESP value is low with no long-term soil sodicity monitoring required. Present soil conditions are not restricting plant growth. Minor 0- 6%, Moderate 6 - 8%, Major >8 % <sup>4 p113</sup>	Minor Mitigation: <b>NN</b>	
SAR	Sodium absorption ratio not a constraint. Minor < 3, Moderate < 8 & ESP > 8%, Major > 3 <sup>p95</sup>	Minor Mitigation: <b>NN</b>	
Phosphorus adsorption capacity	Phosphorus adsorption capacity was not specifically tested but is expected to be moderate to high due to the extent of clay present at relatively shallow depths.	Minor Mitigation: <b>NN</b>	

**NN:** mitigation measures not needed

**Reference:** Hazleton, P and Murphy, B. (2007). *Interpreting Soil Test Results – What Do All The Numbers Mean?* CSIRO Publishing, Melbourne

**Table 3: Soil Characteristics**

Characteristic	Level of Constraint			Assessed Constraint
	Nil or Minor	Moderate	Major	
<b>Electrical Conductivity</b>	<0.8	0.8 - 2	>2	Minor [EC $\mu\text{S/cm}$ ( $\mu\text{S/cm}/1000 = \text{dS/m}$ )
<b>Emerson Agg. Test</b> (Modified AS/NZS 1547)	No change to aggregate	Aggregates slake	Aggregates disperse clouding solution	Minor
<b>Gleying</b> (Munsell Soil Colour Chart)	Nil	Evidence of greenish grey / black or bluish grey / black soil	Predominant greenish grey / black, bluish grey / black colours	Minor
<b>Mottling</b> (Munsell Soil Colour Chart)	Generally uniform brownish or reddish colour mottles	Imperfectly drained soils have grey and/or yellow brown mottles	Poorly drained soils predominant yellow brown or reddish	Minor
<b>pH</b> (range for plants)	5.5 - 8 is optimum range for plants	4.5 - 5.5 suitable for acid-loving plants	<4.5, >8	Minor [pH > 6
<b>Rock Fragments</b> (size & volume %)	0 - 10%	10 - 20 %	>20%	Minor Floaters hole 3
<b>Sodicity</b> <sup>4</sup> (ESP %)	<6%	6 - 8%	>8%	Minor
<b>Soil Depth to Rock</b> or impermeable layer	>1.5 m	1.5 - 1 m	<1 m	Minor
<b>Soil Structure</b> (pedality)	Highly or Moderately structured	Weakly-structured	Structureless, Massive or hardpan	Moderate
<b>Soil Texture</b> , (indicative permeability)	Cat. 2b, 3a, 3b, 4a	Cat. 4b, 4c, 5a	Cat. 1, 2a, 5b, 5c, 6	Moderate
<b>Water table depth</b> below base of the LAA	>2 m	2 - 1.5 m	<1.5 m	Moderate

**Legend:**

**Nil or Minor:** If all constraints are minor, conventional/standard designs are generally satisfactory.

**Moderate:** For each moderate constraint an appropriate design modification over and above that of a standard design, should be outlined.

**Major:** Any major constraint might prove an impediment to successful on-site wastewater management, or alternatively will require in-depth investigation and incorporation of sophisticated mitigation measures in the design to permit compliant onsite wastewater management.

**Vegetation Impacts**

Wastewater dispersal must be irrigated so as to not exceed the optimum water and nutrient requirements of the vegetation within the premises. Nutrient and organic uptake application rates are taken from EPA's Publication 168, *Guidelines for Wastewater Irrigation*, April 1991.

The guidelines and criteria followed for the design of the proposed wastewater effluent dispersal area are based on EPA's Codes of Practice / Guidelines for *Onsite Wastewater Management*. The purpose of which is to protect public health and the *environment*. To this end it is a requirement of *State Government policy*, that wastewater dispersal is sustainable and does not pose an environmental risk including impacts on vegetation beyond the boundaries of the allotment.

In selecting suitable areas for effluent dispersal the following checks for constraints were noted:

- Waterway, springs, dams and likely seasonal wet areas;
- Upslope stormwater run-off, groundwater seepage, springs and depressions;
- Unsuitable topographical features, ground conditions and other structures.

### 3.4 Risk Assessment

**Table 4: Risk Assessment of Site Characteristics**

Characteristic	Level of Constraint			Level of Constraint		
	Nil or Minor	Moderate	Major			
<b>Aspect</b> (affects solar radiation received)	North / North-East North-West	East / West / South-East / South-West	South	Minor (Open West)		
<b>Climate</b> (rainfall & evaporation difference)	Excess evaporation over rainfall	Rainfall approximates to evaporation	Excess of rainfall over evaporation	Minor		
<b>Erosion</b> ( potential for erosion)	Nil or minor	Moderate	Severe	Minor		
<b>Exposure to sun and wind</b>	Full sun, high wind or minimal shading	Dappled light	Limited patches to heavily shaded	Minor		
<b>Imported Fill</b>	No fill or good minimal topsoil fill	Moderate coverage and fill is good quality	Poor quality fill and variable quality fill	Minor		
<b>Flood frequency</b> (ARI)	Less than 1 in 100 years	Between 100 and 20 years	More than 1 in 20 years	Minor		
<b>Groundwater bores</b>	No bores onsite within 20 metres	Setback from bores on adjacent property compliant	Not compliant with requirements	Minor		
<b>Land area available for LAA</b>	Exceeds LAA and buffer distance	Meets LAA and duplicate LAA and buffer distance	Insufficient area for LAA	Minor		
<b>Landslip</b> (or potential)	Nil EMO – No,	Minor to moderate EP= 7 EAT – Non dispersive	High or Severe Slope 6%,	Minor		
<b>Rock outcrops</b> (% of surface)	<10%	10-20%	>20%	Minor		
<b>Slope Form</b> (water shedding ability)	Convex or divergent side-slopes	Straight side-slopes	Concave or convergent side-slopes	Minor		
<b>Slope gradient</b> (%)						
(a) for absorption trenches and beds	<6%	6-15%	>15%	Minor		
(b) for subsurface irrigation	<10%	10-30%	>30%	Minor		
<b>Soil Drainage</b> (qualitative)	No visible signs of even in wet season	Some signs or likelihood of dampness	Moisture-loving plants, water ponding	Minor		
<b>Soil Drainage</b> (Field Handbook p151)	Rapidly drained.	Well drained.	Moderately well drained.	Imperfectly drained.	Very poorly drained.	Moderately well drained
<b>Stormwater run-on</b>	Low likelihood of run-on.		←	High likelihood of inundation	Minor	
<b>Surface waters - setback distance</b> (m)	Complies with Code 891.		←	Does not comply with Code	Minor	
<b>Vegetation coverage over the site</b>	Plentiful healthy growth & nutrient uptake		←	Limited or sparse vegetation or no vegetation	Minor	

Risk constraints summary	3	2	1	Sum
Useable lot size 2000-4000			1	1
Average slope 10-20%			1	1
Soil suitability Cat. 3 - 6		2		2
Proximity to water bore			1	1
Proximity to waterway			1	1
Land prone to flooding			1	1
Depth to groundwater	Compliant		(Σ) =	7

**LEGEND**

● High risk      3  
● Moderate risk      2  
● Low risk      1

**Risk Score:**

High 13 -18  
Moderate 7 - 12  
Low .... 6 or less

## 4. Wastewater Management Systems

The following sections provide an overview of a suitable onsite wastewater management system, with sizing and design considerations and justification for its selection. Further detailed design for the system may be undertaken at the time of the application to Council.

### 4.1 Wastewater treatment system

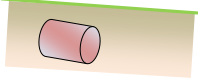
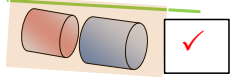
Although the preferred septic treatment and dispersal system is for pressure compensating subsurface irrigation, large remote sites may be better served with a more simple robust system. Any on-site wastewater application (eg. septic tank or secondary treatment system) requires a JAS-ANZ or equal Certificate of Conformity.

Treatment system options listed at the above website are deemed capable of achieving the desired level of performance. The property owner has the responsibility for the final selection of the treatment system which should be included with the A20 application to install an Onsite Wastewater Management System.

The following sections provide an overview of a suitable onsite wastewater management system, with sizing and design considerations and justification for its selection. Detailed design for the system should be undertaken at the time of the application submitted to Council.

The pros & cons depend on site and waste characteristics listed below:

**Table 5: PROS and CONS of options for treatment of wastewater.**

TREATMENT METHOD	PROS	CONS
<p>Option A – Primary settling to reduce grease and solids</p>  <p>30% pollutant removal</p>	<ul style="list-style-type: none"> <li>✔ Minimal maintenance ;</li> <li>✔ Less expensive operating costs although technically problematic.</li> <li>✔ Robust operation.</li> </ul>	<ul style="list-style-type: none"> <li>✘ Design service life of <u>15 years</u>;</li> <li>✘ Must be connected to sewer immediately it become available;</li> <li>✘ Not suitable for type 1 or 2 soils;</li> <li>✘ Sensitive to terrain slope &amp; setbacks to waterway;</li> <li>✘ Requires a lot &gt; 2000 m<sup>2</sup>.</li> </ul>
<p>Option B – Secondary system such as aerated systems</p>  <p>90% pollutant removal</p>	<ul style="list-style-type: none"> <li>✔ Design service life of <u>30 years</u>;</li> <li>✔ Default "best practice" system</li> <li>✔ Suitable for type 1 &amp; 2 soils;</li> <li>✔ Copes with higher organic and nutrient loads;</li> <li>✔ Suitable for lots &lt; 2000m<sup>2</sup>;</li> </ul>	<ul style="list-style-type: none"> <li>✘ Higher maintenance costs;</li> <li>✘ Higher energy costs;</li> <li>✘ Slightly higher installation cost;</li> </ul>

### 4.2 Effluent Management System

A range of possible land application systems have been considered, such as absorption trenches, evapo-transpiration / absorption (ETA) beds, subsurface irrigation and mounds.

The options for dispersal of treated effluent are limited to those either specifically approved by EPA or systems installed in accordance with Australian Standard AS/NZS 1547:2012.



## Design wastewater flow

"The *Environment Protection Regulations 2021* requires the adoption of "appropriate standards" (Regulation 4 ). This report adopts the figure of 150 Litres/person as the best "reasonably practicable option" for design and management purposes (Regulation 161) of accommodation cabins.

EPA Guidelines recommend for typical domestic house situations 150-180 litres/person and "best practice" with WELS 3/4 star fittings and appliances a figure of 180 Litres is appropriate for dwelling design purposes.

### Sizing the Irrigation System

To determine the irrigation area, water balance modelling has been undertaken using the method and modeling tool in the *Victorian Land Capability Assessment Framework* (2014) and EPA Codes.

The preferred system of dispersal is pressure compensating subsurface irrigation. Subsurface irrigation will provide even and widespread dispersal of the treated effluent within the root-zone of plants. It will also ensure that the risk of effluent being transported off-site will be negligible.

### Forecast daily wastewater flow

EPA Guidelines (2024) requires potential future flow rates to be based number of people who may be intending to live on the premises. A wastewater flow assessment is required to be based on any additional room(s) that could be closed off with a door and used as a bedroom for the purposes of this calculation.

The Council may choose to reduce the number of potential bedrooms based on evidence from floor plans where a room is unlikely to be used as a bedroom.

This design assumes that wastewater flow based on the EPA's Guidelines has a potential occupancy using the criteria of :  $\{(Number\ of\ rooms\ with\ doors) + 1\}$  persons x Litres/day. *N<sup>o</sup>. of bedrooms\**: **6**.

\*All bedrooms plus rooms that could be closed off with a door.

### Water usage efficiency – WELS star rating (litres/day)

Residents	1 stars -220 L/d	2 stars -200 L/d	3 stars -180 L/d	4 stars -150 L/d	5 stars -120 L/d
4 persons	880	800	720	600	480
5 persons	1100	1000	900	750	600
6 persons	1320	1200	1080	900	720
7 persons	1540	1400	1260	1200	840
8 persons	1760	1600	1440	1200	960

### Design applications rates

The wastewater dispersal area is calculated on the potential future flow rates determined from the number of people who may be intending to live on the premises and the design irrigation rate from

EPA Guidelines, Table 4.9 - *Soil Categories and Recommended Maximum Design Loading Rates*.

#### Soil Classification

600mm limiting application rate.

Soil texture: Fine sandy CLAY

Soil structure: Weak

Soil Category: **4 (b)**

Indicative  $K_{sat}$ : 0.12 m/day

#### Design Application (mm/day)

Subsurface Drip Irrigation: **3.5** mm/day

ETA – LPED irrigation: **3.0** mm/day

WICK Trenches: **20** mm/day

#### Indicative areas for dispersal

= **930** m<sup>2</sup>



### 4.3 Sizing of the effluent dispersal field

To determine the necessary size of the irrigation field, the water balance modelling tool prescribed in the Victorian Land Capability Assessment Framework (2014) and EPA Guidelines have been used.

Water supply	Appliances & fixtures	No. of persons	Design (Litre/day)	Weekly design calculations	Maximum daily flow
Town supply	WELS 3 star	Residence 5 + study	180	(6 +1) x 180	1260 Litre/day
Town/tank	WELS 3 star	Cabin by 4 x 3days Cellar Door 29 guests	150 x12 days 20 x2 x 3 x16 L/d	(1800) /7 days (1920)/ 7 days	257 Litre/day 275 Litre/day

Residence for 7 persons is 1260 L/day and Cabin & Cellar Door 532 L/day, Total 1792 say 1800L/day

The dimensions of the irrigation dispersal field of have been calculated using the application rates from Table 4.9 of the EPA Guidelines (2023). The calculations are summarised overpage.

The field sizing equation can be expressed as:

**Formula: LAND IRRIGATION  $A = Q/DIR*(Sf)$ ,**

where

A = irrigation area (m<sup>2</sup>)

Q = daily flow (L/day)

DIR = Design irrigation rate (mm/day) -

adopt most constraining horizon (600mm).

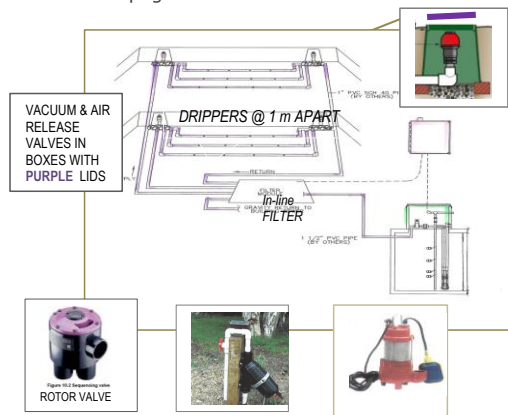
Slope factor (Ref: AS/NZS 1547- M2)

$$\begin{aligned} \text{Area} &= 1800 / (3.5) \\ &= 514 \text{ m}^2 \end{aligned}$$

for limiting water balance area,  
see **Section 4.4**

Residence @ 1260 L/day = 650 m<sup>2</sup>

Cabin & Cellar Door @ 532 L/d = 275 say 60m<sup>2</sup>



**Total  
930 m<sup>2</sup>**

Total = 650 + 275 = 925 m<sup>2</sup> over minimum 3 zones of more than 310 m<sup>2</sup> say 23m x 13.4m

EPA Code (Clause 2.2.2) states that - "subsurface irrigation from all waste treatment systems is best practice". However, having regard to the soil and site features this option is considered a low risk option as preferred by Environment Protection Regulation 28.

Best option

Provide two (1200 Litre/day) secondary treatment plants with Certificates of Conformance discharge with a pumped discharge to pressure compensating sub surface dripper spread over a field of three (3) zones.

The options considered includes the following systems which are currently available for use:

- Evapo-transpiration( ETA) trenches;
- Mound system raised above ground level;
- Low pressure effluent distribution systems (LPED);
- Conventional soil absorption trenches, and
- Wick trench or bed systems.

The Land Application Area must be sufficient to ensure nutrients are assimilated by the soils and vegetation. As well climate modelling is use to check hydraulic and nutrient balances has also been undertaken.

## Water Balance

The MAV nominated area method is used to calculate the area required to balance all inputs and outputs to the water balance. The water balance can be expressed by the following equation:

$$\text{Precipitation} + \text{Effluent Applied} = \text{Evapo-transpiration} + \text{Percolation}$$

Data used in the water balance includes:

- Mean monthly rainfall and mean monthly pan evaporation;
- Average daily effluent load in litres per day (from Table 4 of the Code);
- Design application rate (DIR or DLR) in millimetres /day (from Table 9 of the EPA Code);
- Crop factor – 0.6 to 0.8; and
- Retained rainfall – 75 % with cut-off drain.

## Nutrient balance

State environmental policy requires effluent management to prevent the transport of nutrients to surface waters or negative impacts on the groundwater's beneficial uses and vegetation.

In clayey soils phosphorus is normally not a limiting factor due to adsorption onto clay particles.

For sustainable long-term nutrient management, when **nitrogen** is the limiting factor the annual uptake of nitrogen by vegetation is the main mechanism used to account for nutrient attenuation.

The nitrogen load and uptake are summarised below, with calculations provided in **Appendix B**.

- *Calculate the mean annual generation of the nutrient is use to establish total nitrogen loading.*
- *Adopt uptake of grasses @ 200 kgTN /ha.year, Ref:EPA Guidelines for Wastewater Irrigation, No.168.*
- *Allow 20% loss through denitrification, volatilisation, microbial attack and other processes,*

Hydraulic loading is the limiting design parameter, see [Section 4.4 – Water & Nutrient Balances](#).

## Salt balance

For long-term management of salt (sodium) levels in water supply and the addition of contributed by washing and use of laundry detergents may cause soils to become less permeable.

Measures to minimise salinity effects include reduced detergent use, low irrigation rates, growing salt tolerant grasses in dispersal area and restricting salt levels in effluent to less than 500 mgTDS/litre.

Leaching of salt is quantified using a water balance to ensure adequate remove of salt for the dispersal field. Typical salt input is about 375 mgTDS/L, with water supply levels below 600.

Water and nutrient balance spreadsheet calculations for most limiting results show that the minimum land application area (LAA) required for irrigation.

#### 4.4 Water and Nutrient Balances

##### Residence

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	
1	<b>Irrigation Area using MAV model for Nominated Area Water Balance, Nutrient Balance &amp; Storage Calculations</b>																	
2	<b>Site Address:</b>	23 Maddens Lane, Gruyere - 7 person residence										EWS Ref: 230824						
3	<b>INPUT DATA</b>	100% occupancy		<b>Date:</b>	10-Nov-23					<b>Assessor:</b>	JR Lawrey DipCE MIE Aust							
4	Design Wastewater Flow	Q	1260	L/day	Based on maximum potential occupancy and derived from Table 4 in the EPA Code of Practice (2016).													
5	Effluent TN concentration	TN	25	mg/L	Crop N uptake 220 kg/ha/yr equal 60 mgTN/day. Phosphorus sorption capacity not limiting.													
6	Design Loading Rate	DLR	3.5	mm/day	Based on soil class permeability and derived from Table 9 in EPA Code of Practice (2016).													
7	Land Application Area	L	648	m sq	Land application area based on limiting factors.													
8	Crop Factor	C	0.6-0.8	unitless	Estimates of evapotranspiration as a fraction of pan evaporation; varies over season and crop type.													
9	Retained Rainfall	RF	0.75	unitless	Proportion of rainfall that remains onsite and infiltrates, allowing for any runoff.													
10	Rainfall Data	Rainfall for Seville BOM 86367		Median	890	Design	890	mm	Run-off coefficient grassed areas: < 10% slope ____0.90									
11	Evaporation Data	BOM evaporation data Scoresb		Upper Yarra 86104														
12																		
13		Parameter	Symbol	Formula	Units	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
14	Days in month	D	\	days		31	28	31	30	31	30	31	31	30	31	30	31	365
15	Rainfall	R	\	mm/month		57	36	39	65	81	91	85	90	81	100	80	77	882
16	Evaporation	E	\	mm/month		175	151	122	72	48	36	41	54	73	97	120	162	1151
17	Crop Factor	C				0.80	0.80	0.70	0.70	0.60	0.60	0.60	0.60	0.70	0.80	0.80	0.80	
18	<b>OUTPUTS</b>																	
19	Evapotranspiration	ET	ExC	mm/month		140	121	85	50	29	22	25	32	51	78	96	130	858
20	Percolation	B	DIR x D	mm/month		109	98	109	105	109	105	109	109	105	109	105	109	1278
21	Outputs		ET+B	mm/month		249	219	194	155	137	127	133	141	156	186	201	238	2136
22	<b>INPUTS</b>																	
23	Retained design rainfall	RR	R x RF	mm/month		43	27	29	49	61	68	64	68	61	75	60	58	662
24	Irrigation rate	W	(QxD)/L	mm/month		60	54	60	58	60	58	60	60	58	60	58	60	710
25	Inputs		RR+W	mm/month		103	81	90	107	121	127	124	128	119	135	118	118	1371
26	<b>STORAGE CALCULATION</b>																	
27	Storage remaining from previous month			mm/month		0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
28	Storage for the month	S	(RR+W)-(ET+B)	mm/month		-145.5	-137.3	-104.4	-48.3	-16.3	0.0	-9.1	-13.1	-37.0	-50.8	-82.7	-120.1	-328.4
29	Cumulative Storage	M		mm		0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
30	Maximum Storage	N		mm		0.00												
31		V	NxL	L		0												
32	<b>LAND AREA REQUIRED FOR ZERO STORAGE</b>				m <sup>2</sup>	190	184	237	354	510	648	563	532	396	352	268	217	312
33																		
34	<b>MINIMUM AREA REQUIRED FOR ZERO STORAGE:</b>				648 m <sup>2</sup>	<b>LAND APPLICATION AREA FOR MOST LIMITING NUTRIENT</b>											420 m <sup>2</sup>	
35	(Minimum area required with zero buffer setbacks)																	
36	CFI I S																	

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	
1	<b>Irrigation Area using MAV model for Nominated Area Water Balance, Nutrient Balance &amp; Storage Calculations</b>																	
2	<b>Site Address:</b>	23 Maddens Lane, Gruyere - Cellar Door & 3 Cabins										EWS Ref: 230824						
3	<b>INPUT DATA</b>	Winter occupancy 50% summer			<b>Date:</b>	9-Nov-23			<b>Assessor:</b>	JR Lawrey DipCE MIE Aust								
4	Design Wastewater Flow	Q	700	L/day	Based on maximum potential occupancy and derived from Table 4 in the EPA Code of Practice (2016)													
5	Effluent TN concentration	TN	25	mg/L	Crop N uptake 220 kg/ha/yr equal 60 mgTN/day. Phosphorus sorption capacity not limiting.													
6	Design Loading Rate	DLR	3.5	mm/da	Revised- 24 May 2024. Derived from Table 9 in EPA Code of Practice (2016).													
7	Land Application Area	L	360		360 x 532/700=274 m <sup>2</sup> factors.													
8	Crop Factor	C	0.6-0.8	unitless	Estimates of evapotranspiration as a fraction of pan evaporation; varies over season and crop type.													
9	Retained Rainfall	RF	0.75	unitless	Proportion of rainfall that remains onsite and infiltrates, allowing for any runoff.													
10	Rainfall Data	Rainfall for Seville BOM 86367			Median	890	Design	890	mm	Run-off coefficient grassed areas: < 10% slope ____0.90								
11	Evaporation Data	BOM evaporation data Scoresby			Upper Yarra 86104													
12																		
13		Parameter	Symbol	Formula	Units	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
14	Days in month	D	\	days		31	28	31	30	31	30	31	31	30	31	30	31	365
15	Rainfall	R	\	mm/month		57	36	39	65	81	91	85	90	81	100	80	77	882
16	Evaporation	E	\	mm/month		175	151	122	72	48	36	41	54	73	97	120	162	1151
17	Crop Factor	C				0.80	0.80	0.70	0.70	0.60	0.60	0.60	0.60	0.70	0.80	0.80	0.80	
18	<b>OUTPUTS</b>																	
19	Evapotranspiration	ET	ExC	mm/month		140	121	85	50	29	22	25	32	51	78	96	130	858
20	Percolation	B	DIR x D	mm/month		109	98	109	105	109	105	109	109	105	109	105	109	1278
21	Outputs		ET+B	mm/month		249	219	194	155	137	127	133	141	156	186	201	238	2136
22	<b>INPUTS</b>																	
23	Retained design rainfall	RR	R x RF	mm/month		43	27	29	49	61	68	64	68	61	75	60	58	662
24		W	(QxD)/L	mm/month		60	54	60	58	60	58	60	60	58	60	58	60	710
25	Inputs		RR+W	mm/month		103	81	90	107	121	127	124	128	119	135	118	118	1371
26	<b>STORAGE CALCULATION</b>																	
27	Storage remaining from previous month			mm/month		0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
28	Storage for the month	S	(RR+W)-(ET+B)	mm/month		-145.5	-137.3	-104.4	-48.3	-16.3	0.0	-9.1	-13.1	-37.0	-50.8	-82.7	-120.1	-328.4
29	Cumulative Storage	M		mm		0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
30	Maximum Storage	N		mm		0.00												
31		V	NxL	L		0												
32	<b>LAND AREA REQUIRED FOR ZERO STORAGE</b>				m <sup>2</sup>	105	102	132	197	283	360	313	296	220	195	149	120	173
33																		
34	<b>MINIMUM AREA REQUIRED FOR ZERO STORAGE:</b>				360 m <sup>2</sup>	<b>LAND APPLICATION AREA FOR MOST LIMITING NUTRIENT</b>										233 m <sup>2</sup>		
35	(Minimum area required with zero buffer setbacks)																	
36	<b>CELLS</b>																	
37					Enter new data in blue cells													
38	Water Balance	XX			Red cells are automatically populated by the spreadsheet													
39		XX			Data in the yellow cells is calculated by the spreadsheet. DO NOT ALTER THESE CELLS. MAV model version 891.4 #####													
40																		

The pros & cons depending on terrain, rainfall and soil conditions are listed below:

**Table 7 - PROS and CONS of options for effluent dispersal.**

DISPERSAL METHOD	PROS	CONS
Option A – Pressure compensating drip irrigation  <div style="border: 1px solid black; width: 20px; height: 20px; margin: 10px auto; text-align: center; line-height: 20px;">✓</div>	<ul style="list-style-type: none"> <li>✓ Suitable for shallow soil sites</li> <li>✓ Not restricted due to rainfall</li> <li>✓ Less soil depth required to others</li> <li>✓</li> </ul>	<ul style="list-style-type: none"> <li>✗ Higher maintenance and capital replacement costs</li> <li>✗ More expensive system ops with technical matters problematic</li> <li>✗ Maximum slope of 30%</li> <li>✗ Generally requires more space.</li> </ul>
Option B – Mounds	<ul style="list-style-type: none"> <li>✓ Raise level of effluent discharge</li> <li>✓ Soil depth less important</li> <li>✓ Minimal maintenance</li> <li>✓ Suitable ground saturated sites</li> <li>✓ Minimises polluted run-off risk</li> </ul>	<ul style="list-style-type: none"> <li>✗ Sensitive to terrain slope &amp; setback to waterways</li> <li>✗ Max. 15% slope situations</li> <li>✗ May increase wetness at edge</li> <li>✗ Toe seepage may occur.</li> </ul>
Option C – LPED systems	<ul style="list-style-type: none"> <li>✓ Lower energy requirement</li> <li>✓ Complementary loading of system for balance flow</li> <li>✓ Minimal maintenance</li> <li>✓ Trench spacing up to 2m apart</li> </ul>	<ul style="list-style-type: none"> <li>✗ Sensitive to terrain slope &amp; setback to waterways</li> <li>✗ Minimum 250mm topsoil</li> <li>✗ Not suitable type 1 &amp; 2 soils</li> </ul>
Option D – Wick trenches	<ul style="list-style-type: none"> <li>✓ Lower energy requirement</li> <li>✓ Compact system</li> <li>✓ Complementary trench loading</li> <li>✓ Balancing high &amp; low flow days</li> <li>✓ Minimal maintenance</li> </ul>	<ul style="list-style-type: none"> <li>✗ Sensitive to terrain slope &amp; setback to waterways</li> <li>✗ Experienced installer required</li> <li>✗ Not suitable high rainfall areas</li> <li>✗ Significant capital cost</li> </ul>
Option E – ETA evapo-transpiration trenches & beds	<ul style="list-style-type: none"> <li>✓ Compact system</li> <li>✓ Complementary trench loading</li> <li>✓ Balancing high &amp; low flow days</li> <li>✓ Minimal maintenance</li> </ul>	<ul style="list-style-type: none"> <li>✗ Sensitive to terrain slope &amp; setback to waterways</li> <li>✗ Experienced installer required</li> <li>✗ Benching required steep slopes</li> <li>✗ Significant capital cost</li> </ul>

✓

 Option(s) most likely to offer the best long-term solution; details are included in this report.



#### 4.5 Buffer (Setback) Distances

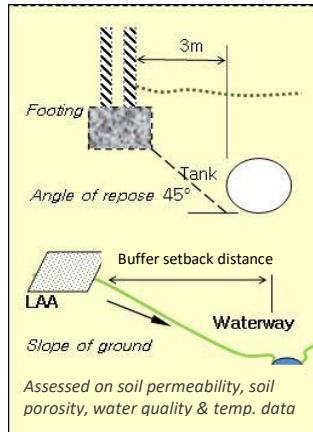
Setback distances from effluent land application areas and treatment systems are required to help prevent human contact, maintain public amenity and protect sensitive environments. The relevant buffer distances for this site are taken from Table 5 of the Code.

- 50 metre from groundwater bores in sandy soils, 20 m in clayey soils;
- 100 metre from waterways (potable supply) and 30 m for non-potable waterways;
- 6 metre if area up-gradient and 3 metre if area down-gradient of property boundaries, swimming pools and buildings (conservative values for primary effluent).

If setback distances are outside default values, ground water model may determined that all nutrients, pathogens and other pollutant wi not be transport beyond the site.

When all pollutants are attenuated within the premises boundaries there will be no cumulative impacts on surface waters or groundwater.

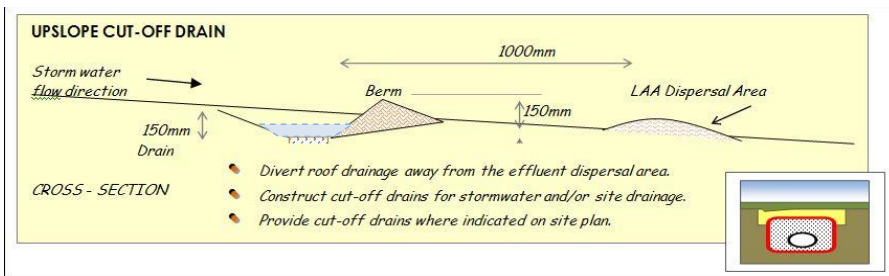
All buffer distances are achievable for this application. See Section



#### 4.6 Stormwater Measures

Stormwater run-on poses a risk during significant rainstorm events. The construction and maintenance of a surface diversion drains will mitigate the limitations of site drainage.

Stormwater run-on is not expected to be a concern for the proposed irrigation area, due to the landform of the site and a relatively gentle cross slope for upslope diversion berms or drains.



#### 4.7 Reserve Area

A reserve area of land (to remain free from development ) for effluent dispersal to meet future unforeseen contingencies is mandatory:

- in special water supply catchment areas;
- where designated on plans of subdivision, and
- when required by councils, based on local experience.

A 1 metre spacing of irrigation driplines may provide the reserve area, see EPA Guidelines and MAV(2014) section 4.7.1.

## 5. Monitoring, Operation and Maintenance

Maintenance to be carried out in accordance with the EPA system approval and the *Certificate of Conformity* of the selected secondary treatment system and Council's permit conditions. The treatment system will only function adequately if appropriately and regularly maintained.

To ensure the treatment system functions adequately, residents must:

- Have a suitably qualified maintenance contractor service the wastewater system at the frequency required by Council under the approval to use;
- Ensure the septic tank is desludged / pump-out at least every 3 years;
- Use household cleaning products suitable for septic tanks;
- Keep as much fat and oil out of the system as possible;
- Don't put sanitary or hygiene products into the system,
- Do Not flush so called flushable wipes into the system, and
- Conserve water, use 3 STAR or better WELS rated fixtures and appliances.



To ensure the land application area (LAA) functions adequately, residents should:

- Regularly harvest (mow) vegetation within the LAA and remove this to maximise uptake of water and nutrients;
- Monitor and maintain the subsurface irrigation system following the manufacturer's recommendations;
- No structures/ paths erected over the Land application area;
- Avoid vehicle and livestock access to the LAA, to prevent compaction and damage;
- Ensure that the LAA is kept uniformly graded by filling any depressions with good quality topsoil (not clay) and
- Regularly clean any in-line filter or screen;
- Check water usage (water meter / winter water bills) to ensure discharge does not exceeding design.



### Table for recording actions undertaken ( ✓ )

Year/month	Water leaks	Service agent	Monitor effluent	Pump-out ( 3 yearly)	Effluent ponding	Keep records	Comments -& Remarks
Frequency	Regularly	As requires	Annually	Every 3 years	Every year	As required	

### Operation & Maintenance of System

Servicing of the system must be undertaken as recommended by the supplier and in accordance with the *Environment Protection Regulations* (2021). Records of servicing (Section 6) must be kept for 5 years.

- A permit condition of the Council approval will require the regular servicing of the *wastewater treatment system* in accordance with manufacturer's instructions.
- The system should be inspected annually and report prepared by an accredited person.

## 6. Field and Performance Reporting

Operation & performance report for **OWMS** (*Environment Protection Regulations 2021*) \*(Reg. xx)  
*Key regulatory elements to be included in maintenance and performance reports.*

OWNER/OCCUPIER name (Duty holder) Reg.25... *Name of owner or occupier* .....

On-site wastewater management systems (OWMS) must be managed to ensure good working, appropriate maintenance and inform council of any failures (Reg. 160 ).

ADDRESS OF SYSTEM (OWMS): ... *Name of owner or occupier* .....

MUNICIPALITY COUNCIL (LGA): ..... CONTACT:.....

*An accredited service technician should carry out the following service and inspection of your on-site wastewater management system at least four (4) times per year. The results from the maintenance inspection on the condition key components are to be recorded and kept to 5 years.*

TYPE OF WASTEWATER TREATMENT PLANT

ALL OPERATIONAL COMPONENTS OF OWMS SERVICED AS PER OPERATING MANUAL. .

No odour detected: ..... Noise level < 40dBA: .... Remarks: .....

Laundry detergent used: ...Liquid or powder: .....EC < 100 µS/cm .....

WATER QUALITY (Field tests): Odour free ... Turbidity >100mm ... DO ..... mg/L.

*Simple field tests to indicate that effluent is of acceptable quality*

LAST LABORATORY ANALYSIS RESULTS: BOD mg/L, TSS mg/L, DATE: .....

Name of NATA Laboratory : ...*Confirmation of field test observations by an accredited laboratory.*

IRRIGATION SYSTEM, Reg. 159(3): ..... WARNING SIGNS IN PLACE: .....

IRRIGATION MAINTENANCE: Screens cleaned  Driplines flushed:  Root inhibitor added: ....

*Owner may clean screens and flush driplines between services to manufacturer's instructions.*

LAND APPLICATION AREA: No leakage or ponding  .....

SLUDGE (BIOSOLIDS) DATE LAST PUMPED: ... ..GYPSUM spread annually if required.....

RECORD AND ADVISE DUTY HOLDER AS APPROPRIATE OF MATTERS REQUIRING ATTENTION:

*Owner's general environmental duty.*

Agreed report back Reported by

DATE: ...../...../..... TIME: ..... am/pm ACTION BY: .....

OWMS INCIDENT REPORT, Reg.162(2): .....

NAME:..... CONTACT PHONE or EMAIL: .....

*Accredited Service Technician Accreditation, Reg.25: Technician has appropriate training?*

This record of service /performance or pump outs must be kept for 5 years. Reg.162(1).

Note: From 1 July 2022 the *Environment Protection Regulations 2021* requires:

*"A person in management or control of land on which an on-site wastewater management system is located must notify the council, in whose municipal district the system is located, as soon as practicable after the person becomes aware, or reasonably should have been aware, that the system poses a risk of harm to human health or the environment or is otherwise not in good working order".*



## 7. Conclusions

An LCA has been required by Council as per [EP Reg. 26(2) (e)] for the proposed OWMS.

The findings of this LCA [EP Reg.28 ] are that the *reasonably practicably* measures proposed will minimise the risks to human health and the environment.

As a result of our investigations it is concluded that sustainable onsite wastewater management is feasible with appropriate mitigation measures, as outlined, for the proposed 6 -bedroom residence at 24 Maddens Lane, Gruyere.

Specifically, it is recommended (as per attached site plan & specifications) that you:

- Install a two (2) wastewater treatment system with capacity for 1200 Litre/day and *Certificates of Conformance* to AS 1546.3:2017 for secondary wastewater treatment systems;
- Provide a land application area (LAA) plus a reserve area if needed for dispersal of effluent over an area of 2x 310 m<sup>2</sup> for stage 1 and additional 310 m<sup>2</sup> for stage 2, total 930 m<sup>2</sup> ,which should be subdivided into evenly three (3) sized zones;
- Install water saving fixtures and appliances rated to 3 or 4 Star WELS to minimise waste load;
- Keep records of all servicing and maintenance of the onsite wastewater management system for a period of 5 years in a format that has the key points detailed in Section 6.
- Use of low phosphorus and low sodium (liquid) detergents to improve effluent quality and maintain soil properties for growing plants; and
- Manage the operation and maintenance of the treatment and disposal system in accordance with manufacturer's recommendations, the Certificate of Conformity, the EPA Guidelines (2023).

### General Environmental Duty

#### System maintenance:

Service contractors should record and electronically log all servicing with "Septic Track" or similar management system.

#### Stormwater measures:

- Divert roof drainage away from any effluent dispersal area.
- Maintain stormwater diversion cut-off drains to site drainage.

#### De-commissioning existing septic system:

Abandoned existing tanks as per EPA Guidelines.

#### Vegetated zone below LAA:

On steep sites, brushes and shrubs such as cannas, ginger lily and hydrangeas, should be planted in the buffer strip below the LAA to attenuate nutrients.

Top up any depressions in irrigation area with compost (garden mix) material.

#### Water conservation

Install and maintain at premises (if not already ) 3/4 star WELS rated water closets cisterns and shower rose heads.



ADDRESS: **24 Maddens Lane, Gruyere** MAP REF: **MELWAY 283 A 5** CROSS ROAD: **Briarty Road**  
 LOT AREA : **40,518m<sup>2</sup>** SOIL TYPE: **Fine sandy CLAY** WATERWAY : **Trib. Log Crk.** LOADING RATE: **3.5 mm/day**  
 No. OF BEDROOMS - **6 + 2** DAILY FLOW -**1260 + 530 LITRES/DAY** DISPERSAL AREA: **1010 930 m<sup>2</sup>**

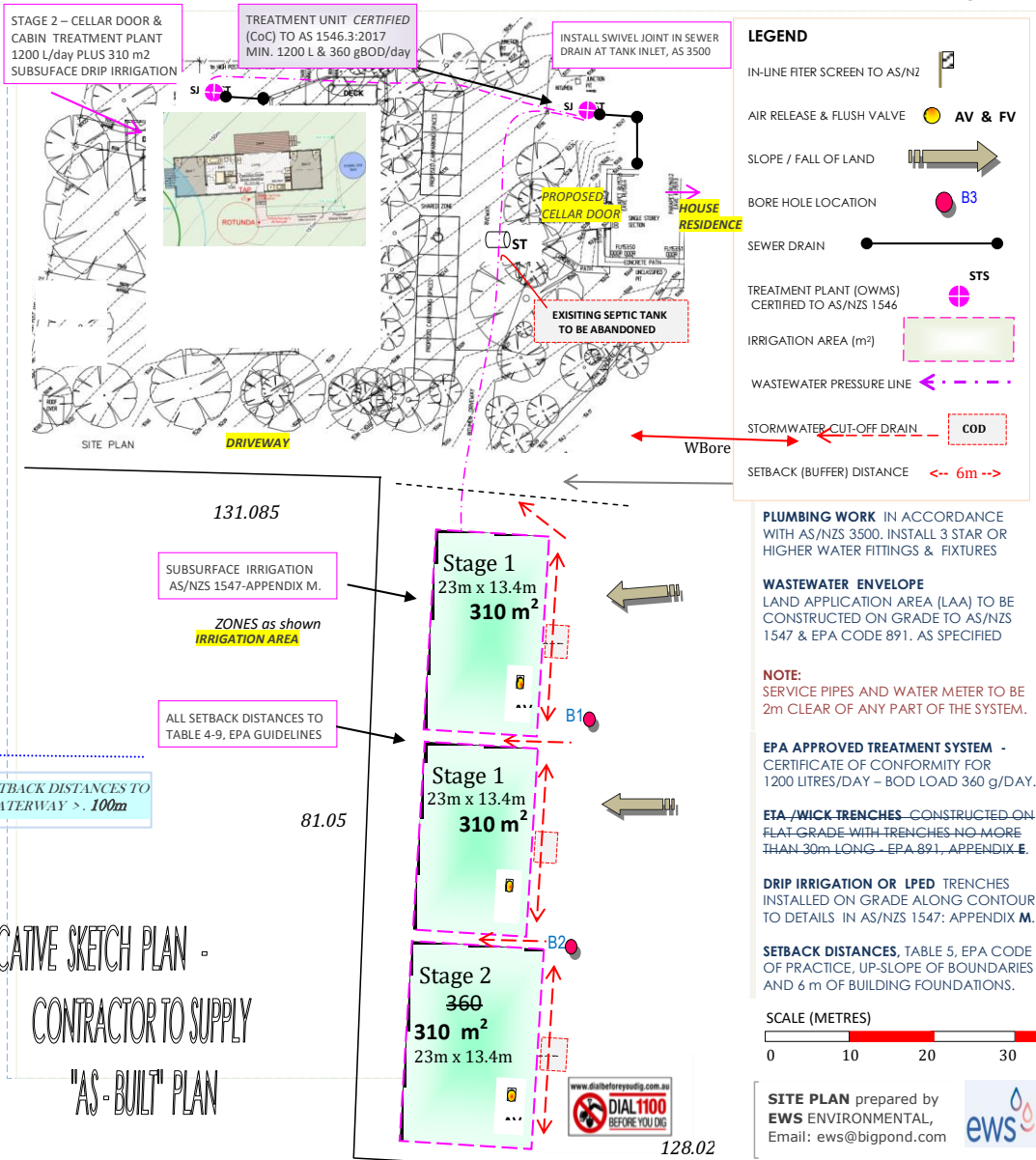
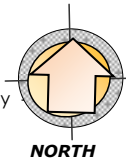


Figure 4: SITE PLAN

DIMENSIONS IN METRES -

DO NOT SCALE

## 8. References

State of knowledge (SoK), describes the body of accepted knowledge that is known or ought to be reasonably known about the harm or risks of harm to human health and the environment and the controls for eliminating or reducing those risks.

The following is a list of publications, guidelines and standard that have been relied upon to provide a reasonably practicable solution for onsite wastewater management in accordance with the environmental duty of persons under section 25(1) of the EP Act 2017.

1. **Canter, LW. and Knox RC.** (1986), *Septic Tank System Effects on Ground Water Quality*, Lewis Publishers Inc.
2. **Department of Sustainability and Environment,** *Planning permits for open water supply catchments*, November 2012.
3. **Environment Protection Authority** (2020). Industry guidance: Supporting you to comply with the general environmental duty, Publication 1741.1.
4. **Environment Protection Authority** (2024). Guidelines for onsite wastewater effluent dispersal and recycling.
5. **Environment Protection Authority** (2003). Guidelines for *Environmental Management: Use of Reclaimed Water*, Publication 464.2.
6. **Environment Protection Authority** (1991). *Guidelines for Wastewater Irrigation*, Publication 168.
7. **Hazelton, P and Murphy, B.** (2007). *Interpreting Soil Test Results*, CSIRO Publishing, Melbourne.
8. **Mc Donald , RC** et al (1998). *Australian Soil & Land Survey*, Field Handbook. CSIRO.
9. **McKenzie, N, Coughlan, K & Cresswell, H.** 2002, *Soil Physical Measurement and Interpretation of Land Evaluation*, CSIRO Publishing.
10. **Municipal Association of Victoria,** Department of Environment and Primary Industries and EPA Victoria (2014) *Victorian Land Capability Assessment Framework*.
11. **Standards Australia / Standards New Zealand** (2008). AS/NZS 1546.1:2012 *On-site domestic-wastewater treatment units –Part 1:Septic Tanks*.
12. **Standards Australia** (2017). AS/NZS 1546.3:2017 *On-site domestic-wastewater treatment units –Part 3: Aerated wastewater treatment systems*.
13. **Standards Australia / Standards New Zealand** (2012). AS/NZS 1547:2012 *On-site domestic-wastewater management*.
14. **USEPA** (2002) *Onsite Wastewater Treatment Systems Manual*. United States Environmental Protection Agency.

## 9. Acronyms & Definitions

- AS/NZS Australian & New Zealand Standards.
- CoC - Certificate of Conformance by JASANZ or equal accreditation organisation.
- EPA - Environment Protection Authority, Victoria.
- GED - General Environmental Duty.
- JAS-ANZ - Organisation providing internationally recognized accreditation services.
- LCA - Land capability assessment.
- LAA - Land application area.
- LPED - Low pressure effluent distribution,
- LPOD - Legal Point of Discharge (Stormwater).
- OWMS - Onsite Wastewater Management System.
- Reserve area - a duplicate land disposal area reserved for use when the original land disposal area needs to be rested for future unforeseen contingencies.
- Reticulated water - water supply obtained from mains supply, including any bore, stream or dam.
- Secondary treatment system - biological or physical treatment of sewage after primary treatment.
- Sewage means wastewater containing any human excreta, urine and toilet flush water and includes greywater (which is also called sullage and may include water from the shower, bath, basins, washing machine, laundry trough and kitchen);
- Unsewered area - land where no sewer pipes are adjacent to the allotment boundaries.
- Waterway - as defined by the Water Act 1989 - (Private off-stream dams are artificial assets).
- WELS - Water Efficiency Labelling Scheme.

Appendix A:

Soil Bore Log

<b>SOIL BORE LOG</b>		EWS Environmental, <a href="http://www.ews.land">www.ews.land</a> Email: <a href="mailto:ews@bigpond.com">ews@bigpond.com</a> Phone: 0413 62 32 02	
Client:	Andrew Vogt	Test pit No.	TP 1 - TP2
Site:	24 Maddens Lane, Gruyere	Assessor:	JR Lawrey
Date:	10/11/ 2023	Excavation:	Spade & auger
Notes:	Refer to site analysis plan Fig. 3 for bore holes position		

<b># 1 BORE HOLE - PROFILE DESCRIPTION</b>									
Depth (m)	Log	Horizon	Texture	Structure	Colour	Mottles	Fragments	Moisture	Comments
0.10		A1	Clay LOAM				nil	dry	Organic
0.30									
0.40		B1	Fine sandy CLAY	Weak	Light Brown		<10%	dry	Category
0.70	4 (b)								
0.90									

<b># 2 BORE HOLE - PROFILE DESCRIPTION</b>									
Depth (m)	Log	Horizon	Texture	Structure	Colour	Mottles	Fragments	Moisture	Comments
0.10		A1	Clay LOAM				nil	dry	Organic
0.20									
0.30		B1	Fine sandy CLAY	Weak	Light Brown		<10%	dry	Category
0.70	4 (b)								
0.90									

<b># 3 BORE HOLE - PROFILE DESCRIPTION</b>									
Depth (m)	Log	Horizon	Texture	Structure	Colour	Mottles	Fragments	Moisture	Comments
0.10		A1	Clay LOAM				nil	dry	Organic
0.30									
0.40		B1					Rock floater	dry	Category
0.70	Not rated								
0.90									

Three (3) hole attempted but hid rock floaters at 400mm on each occasion. Groundwater bore nearby.

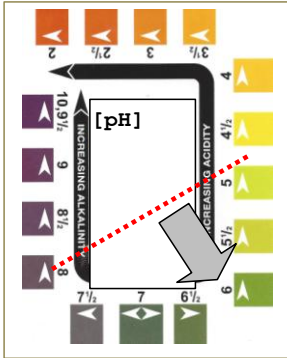
# Appendix A1 -

# Field Soil Test & Notes

Test {pH} Ref: CSIRO soil test kit

Test {EC} Electrical conductivity

Test: {EAT} – Emerson Aggregate.



pH = [pH]

**pH test**

- > 6
- 4.5 to 8
- < 4.5 or > 8

**{EC} Electrical conductivity**  
( $\mu\text{S}/\text{cm} = \text{dS}/\text{m} \times 10^{-3}$ )

- < 0.8
- 0.8 to 2
- > 2

EC = < 100  $\mu\text{S}/\text{cm}$



**[EAT] Modified (AS/NZS 1547:E7)**

1. ● No change
2. ● Aggregate slakes
3. ● Aggregate disperses
4. ● Worked ball disperses

EAT = Class 2

**Soil fertility:**  
 Is Gypsum application required (pH>6)? ● YES, ● NO Application rate: kg/m<sup>2</sup>  
 Is Lime /dolomite required (pH<6)? ● YES, ● NO Application rate: kg/m<sup>2</sup>

**Colour:**  
 Dark, Light, Yellow, Reddish, Yellowish  
 Black, Grey, Brown, Yellow, Red

**Drainage:**  
 Rapid, Well drained, Moderate, Imperfect, Poor

**Vegetation:**  
 Plentiful, Virgin, Sparse, Cultivated, Natural,  
 No wet plants, Tall, Low, Isolated clumps

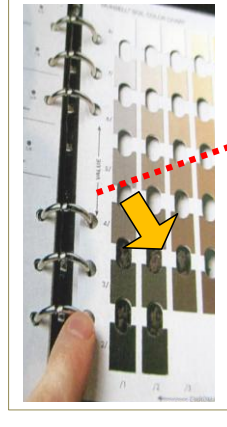
**Soil Permeability (AS/NZS 1547)**

**Slope:** MF

- <10% 0
- 10 - 20% 20%
- > 20% 50%

**Slope form:**

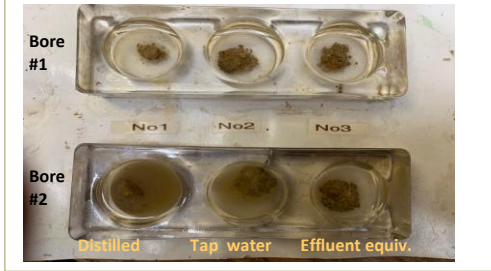
- Convergent (
- Plannar |
- Divergent )
- Waxing ↗ ↘
- Linear ↗ ↘
- Waning ↗ ↘



**Soil test** Gritness- Ribbon (mm) Category.

<span style="color: red;">●</span>	<b>1 SAND</b>	25	<b>1</b>
<span style="color: orange;">●</span>	<b>2 Sandy Loam</b>	30	<b>2</b>
<span style="color: green;">●</span>	<b>3 LOAM</b>	40	<b>3</b>
<span style="color: green;">●</span>	<b>4 Clay LOAM</b>	50	<b>4</b>
<span style="color: orange;">●</span>	<b>5 Light CLAY</b>	60	<b>5</b>
<span style="color: red;">●</span>	<b>6 Med. - Heavv</b>	>75	<b>6</b>

Soil Category: **4 (b)**,  $K_{\text{sat}}$  **0.12 metre/day**



Emerson test = non dispersive to effluent

Field tests conducted by: J R Lawrey MIEAust No. 142295

Date: 10/11/ 2023

## Informative information for landlords and tenants

### *Extract from Environment Protection Regulations 2021*

**OWMS** - **on-site wastewater management system** means an on-site wastewater treatment plant and includes all beds, sewers, drains, pipes, fittings, appliances and land used in connection with the treatment plant;

#### *Regulation 159*

- (1) A **person in management or control of land** on which an **OWMS** is located must take all reasonable steps to ensure the system is:
1. Operated so to not to pose a risk to human health or the environment.
  2. Maintained the system in good working order, and
  3. Prevent the contents of system from overflowing.

#### *Regulation 160*

An **owner of land** on which an **OWMS** is located must provide to the **person in management or control** of the system:

1. Written information regarding the correct operation and maintenance of the system.

#### *Regulation 161*

A **person in management or control of land** on which an **OWMS** is located **after 1 July 2022** must notify Council (responsible authorities) as soon as practicable that they become aware that the system is a risk to human health or the environment or is not in good working order.

#### *Regulation 162*

- (1) An **owner of land** on which an **OWMS** is located must:

Keep and hold a record of all maintenance activities (including any pump-outs and services records) carried out on the system for 5 years, and

- (2) An **owner of land** on which an **OWMS** is located must:

Make available for inspection by responsible authorities any records kept.

## LCA wastewater assessment summary & checklist

Report element	Information	Data	Page	Comments /remarks	Check
1. Introduction and Background	<b>Applicant</b>	Contractor/Owner	1	Andrew Vogt	<input checked="" type="checkbox"/>
	<b>Site Address</b>	24 Maddens Lane, Gruyere			
	<b>Report Number</b>	230823		Dated: 10 November 2023	
	<b>Phone (Mobile)</b>	0418 144 896			
	<b>Email</b>			<a href="mailto:vogtandrew691@gmail.com">vogtandrew691@gmail.com</a>	
	<b>Location town</b>	PC: 3770		24 Maddens Lane, Gruyere	
	<b>Map Ref:</b>	Melway 283 A 5		MELWAY	
	<b>Xross Road (nearest)</b>	~300 m		Briarty Road	<input checked="" type="checkbox"/>
<b>Council (Municipality)</b>	CPN 173520		Yarra Ranges		
2. Description of Development	<b>Property area (m<sup>2</sup>)</b>	40,518 m <sup>2</sup>	3		
	<b>Land zoning &amp; Overlays</b>	Nil		Yarra Ranges - Planning scheme, CMA	
	<b>Bedrooms</b>	6		Number of persons 7	
	<b>Flow per person (L/d)</b>	180 litres/day		Tank water / Town water	
	<b>Date of report</b>	13 Nov. 2023		Date of report: 13 November 2023	<input checked="" type="checkbox"/>
3. Site and Soil assessment	<b>Type of soil (colour)</b>	Fine sandy CLAY	5	<b>Soil type &amp; Category Colour</b>	
	<b>K<sub>s</sub> Soil permeability</b>	0.12 m/day		Mottling, Sodie, Collapsing soil	
	<b>vStructure</b>	Weak		Massive-, Moderate, Weak	
	<b>uSoil Category</b>	4 (b)		Landslip, Filled, Rock, Flooding	
	<b>Salinity EC &amp; pH</b>	[EC <0.08 [ph 7		Divergent, Plannar, Convergent	
1. Wastewater System	<b>Groundwater</b>	150 m		Depth to groundwater <b>VVG</b>	
	<b>Flow daily (L/day)</b>	180 litres/day		WELS 3 star, Organic load @ 60 gBOD	
	<b>Irrigation Rate (mm/d)</b>	3.5 mm/day		DLR [8] mm/day	<input checked="" type="checkbox"/>
	<b>Rainfall (mm/year)</b>	882		BoM	
	<b>Evapo-transpiration (mm)</b>	1151 mm/year		BoM	
2. Monitoring & Maintenance	<b>Water/Nitrogen BAL</b>	950 m <sup>2</sup>		Section 4.4 LCA	<input checked="" type="checkbox"/>
	<b>Salinity EC &amp; pH</b>	[EC <0.08 [ph 6	19		
	<b>Waterway- Creek</b>	>100 m		Trib. Trib. Stringybark Crk.	
3. Service & performance	<b>Land aspect</b>	West		Full or partial shade, Full sun	
	<b>Site evaluation date</b>	10/11/ 2023		Ex. Septic tank- Yes, tBR	
	<b>Water quality</b>	20/30 mg/L	20	U/G -NA Type of treatment min. 1200 L/day	<input checked="" type="checkbox"/>
4. Conclusions & Site Plan	<b>CoC-AS 1546.3: 2017</b>	Section 7.	21	Figure 4	<input checked="" type="checkbox"/>
5. References	<b>SoK - EP Act 2017, s</b>	Section 8	22	"State of Knowledge"	<input checked="" type="checkbox"/>
6. Acronyms & definitions	<b>EP Act 2017</b>	Section 9	23		<input checked="" type="checkbox"/>



**ADVERTISED**

# ARBORICULTURAL & IMPACT ASSESSMENT REPORT



**23 MADDENS LANE, GRUYERE**

REPORT PREPARED FOR: MILLAR MERRIGAN

REPORT PREPARED BY: DAMIEN BURGESS  
CONSULTING ARBORIST - DB HORTICULTURE PTY LTD.

UPDATED: 20/09/2024



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## 1. Brief

Millar Merrigan has requested an Arboricultural & Impact Assessment Report for specified trees within the property at 23 Maddens Lane, Gruyere.

## 2. Overview

The property contains a winery and is in the Glen Eira Council area, Planning Scheme Zone GWZ4. The following Planning Scheme Overlays apply: SLO6. The property is in a Designated Bushfire Prone Area.

## 3. Methodology

A visual site inspection of the trees took place on November 27th, 2023. The trees were not climbed nor was any soil excavation or diagnosis of the internal or below ground components of the trees undertaken.

The trees were photographed on site using an iPhone 14. Height and Spread of trees was recorded via visual estimation. Diameter at Breast Height (DBH) was taken at 1.4 metres above ground level using a diameter tape.

A Retention Value for each tree has been determined using tree condition factors and values as listed on Page 17 of this report.

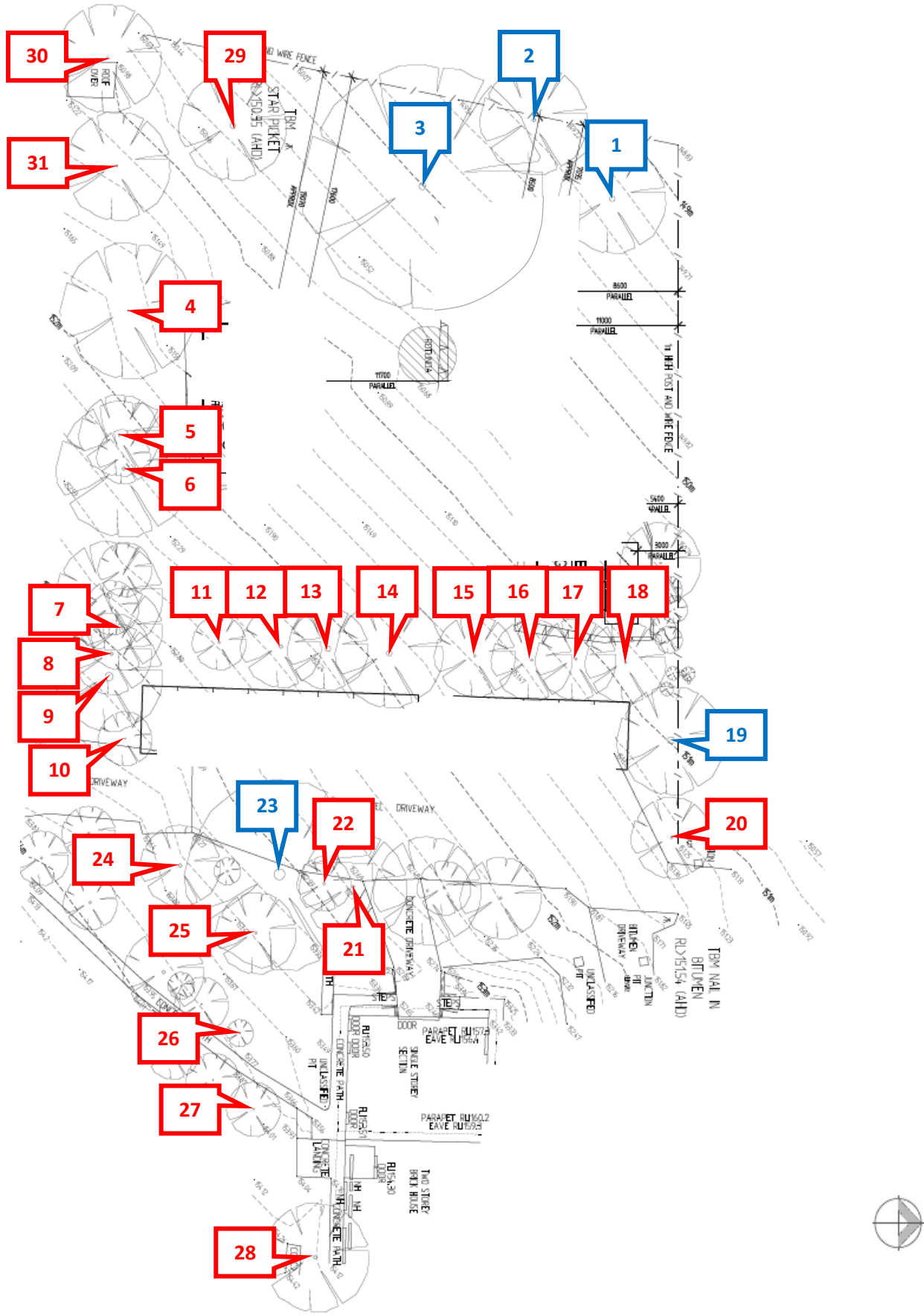
## 4. Tree Protection Zones (TPZ's)

Where appropriate, Tree Protection Zones and Structural Root Zones have been applied as per AS4970-2009, 'Protection of Trees on Development Sites'.

Tree Protection Zones are determined by multiplying the Trunk Diameter @ Breast Height (DBH) x 12. TPZ's are measured from the centre of the trunk.

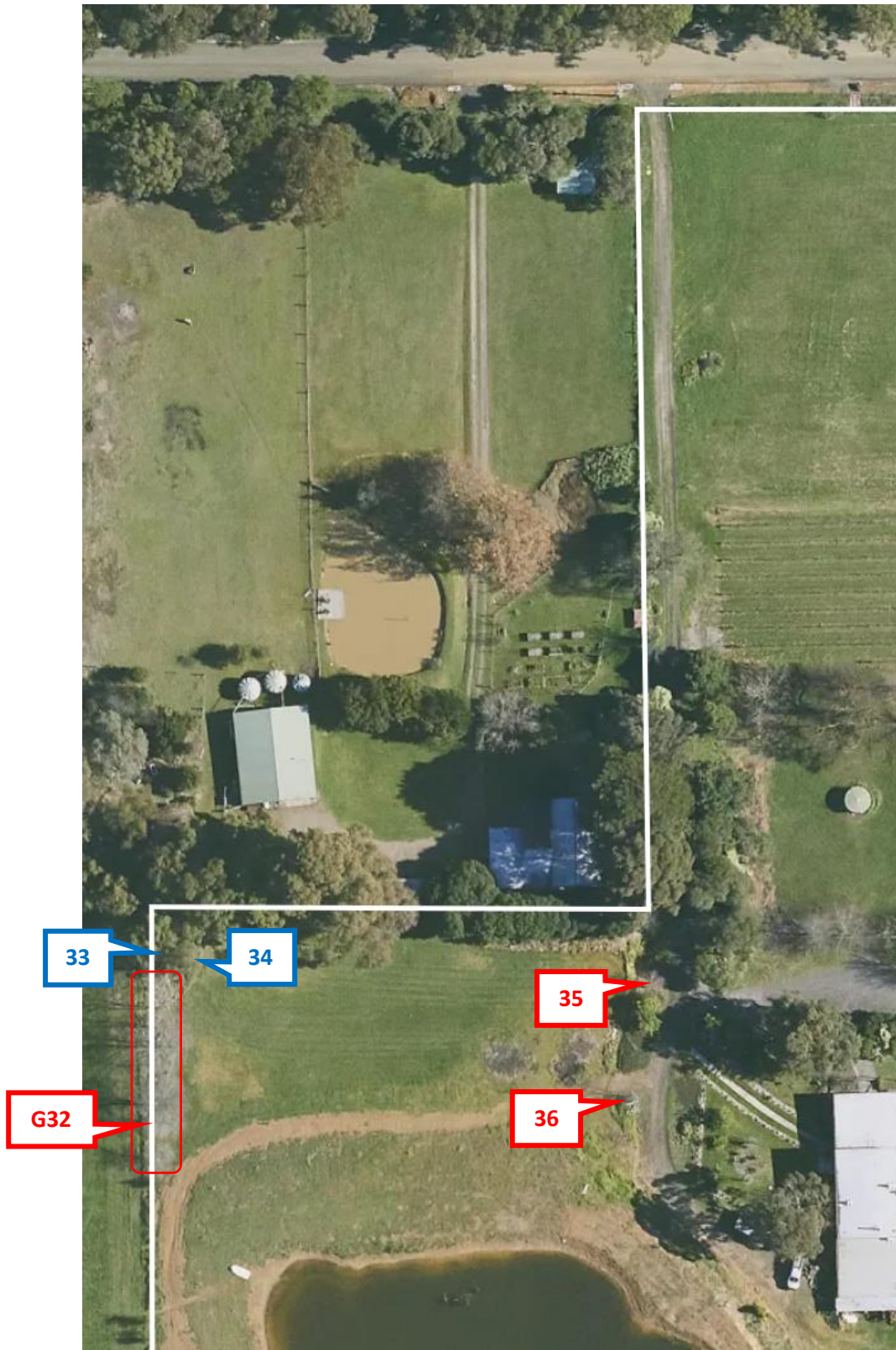
Structural Root Zones are the area required for tree stability and are only necessary where major encroachment into the TPZ is to occur. The SRZ radius =  $(\text{Diameter} \times 50)^{0.42} \times 0.64$ .

5. Site Plan (existing)





6. Site Plan 2 (existing)



## 7. Tree Assessment Table

#	Species	Common name	Native/ Exotic	Height (m)	Spread (m)	DBH (cm)	TPZ (m)	SRZ (m)	SULE	Age	Condition	Structure	Form	Amenity value	Retention value	Comments
1	<i>Platanus x acerifolia</i>	London Plane	E	14	10	46	5.5	2.6	L	M	G	G	G	F	M	
2	<i>Quercus robur</i>	English Oak	E	14	9	43	5.2	2.6	L	M	G	G	G	F	M	
3	<i>Fraxinus angustifolia</i>	Desert Ash	E	14	13	59/32/35	9.1	3.0	L	M	G	G	G	F	M	Permit exempt weed species
4	<i>Photinia robusta</i>	Photinia	E	8	5	15/15/15	3.1	2.3	L	M	F	F	F	P	L	
5	<i>Photinia robusta</i>	Photinia	E	6	6	15/15/15	3.1	2.3	L	M	F	F	F	P	L	
6	<i>Melaleuca armillaris</i>	Honey Myrtle	N	9	7	31/22/22	5.3	2.6	L	M	F	P	P	P	L	
7	<i>Melaleuca armillaris</i>	Honey Myrtle	N	8	6	35	4.2	2.4	L	M	F	F	F	P	L	
8	<i>Melaleuca armillaris</i>	Honey Myrtle	N	8	6	23	2.8	2.1	L	M	F	F	F	P	L	
9	<i>Melaleuca armillaris</i>	Honey Myrtle	N	8	6	32	3.8	2.4	L	M	F	F	F	P	L	
10	<i>Cotoneaster glaucophyllus</i>	Cotoneaster	E						R						L	Permit exempt weed species
11	<i>Acer pseudoplatanus</i>	Sycamore Maple	E						R						L	Permit exempt weed species
12	<i>Ligustrum lucidum</i>	Glossy Privet	E						R						L	Permit exempt weed species
13	<i>Ulmus glabra</i>	Wych Elm	E	12	8	35/26	5.2	2.3	L	M	G	G	G	P	L	
14	<i>Ulmus glabra</i>	Wych Elm	E	11	9	20/23	3.7	2.3	L	M	G	F	G	P	L	
15	<i>Acer negundo</i>	Box Elder	E	7	4	13	2.0	1.6	L	SM	G	G	G	P	L	
16	<i>Acer negundo</i>	Box Elder	E	8	6	12/12/12	2.0	1.8	L	SM	G	F	G	P	L	
17	<i>Acer negundo</i>	Box Elder	E	9	7	18/14	2.7	2.1	L	SM	G	F	G	P	L	
18	<i>Acer negundo</i>	Box Elder	E	8	4	18	2.2	1.9	L	SM	G	G	G	P	L	
19	<i>Ulmus minor 'Variegata'</i>	Silver Elm	E	14	9	38	4.6	2.5	L	M	G	G	G	F	M	
20	<i>Acer negundo</i>	Box Elder	E	8	5	12/17	2.5	1.8	L	SM	G	F	G	P	L	
21	<i>Photinia robusta</i>	Photinia	E	7	5	12/12/12	2.5	1.7	L	SM	F	F	F	P	L	
22	<i>Pittosporum eugenoides 'Variegatum'</i>	Variegated Pittosporum	E	5	3	12/12	2.0	1.7	L	M	G	F	G	P	L	
23	<i>Eucalyptus robusta</i>	Swamp Mahogany	N	15	15	91	10.9	3.4	L	M	G	P	G	G	M	
24	<i>Corymbia ficifolia</i>	Red-flowering Gum	N	13	6	29	3.5	2.3	L	M	G	P	F	P	L	

#	Species	Common name	Native/ Exotic	Height (m)	Spread (m)	DBH (cm)	TPZ (m)	SRZ (m)	SULE	Age	Condition	Structure	Form	Amenity value	Retention value	Comments
25	<i>Araucaria heterophylla</i>	Norfolk Island Pine	E	10	4	19	2.3	1.8	L	SM	F	G	G	P	L	
26	<i>Cotoneaster glaucophyllus</i>	Cotoneaster	E						R						L	Permit exempt weed species
27	<i>Cotoneaster glaucophyllus</i>	Cotoneaster	E						R						L	Permit exempt weed species
28	<i>Acer negundo</i>	Box Elder	E	10	7	24	2.9	2.1	L	SM	G	G	G	P	L	
29	<i>Platanus x acerifolia</i>	London Plane	E	8	6	42	5.0	2.5	L	SM	G	F	G	P	L	
30	<i>Pittosporum undulatum</i>	Sweet Pittosporum	N						R						L	Permit exempt weed species
31	<i>Pittosporum undulatum</i>	Sweet Pittosporum	N						R						L	Permit exempt weed species
G32	<i>Ulmus glabra</i>	Wych Elm	E	12	6	18/20/15	3.7	2.1	L	SM	F	F	F	P	L	Nine trees assessed as a group
33	<i>Eucalyptus viminalis</i>	Manna Gum	N	15	5	35	4.2	2.3	L	SM	G	G	G	F	M	
34	<i>Eucalyptus viminalis</i>	Manna Gum	N	13	8	50	6.0	2.6	L	SM	G	G	G	F	M	
35	<i>Betula pendula</i>	Silver Birch	E	9	4	20	2.4	2.0	L	M	G	G	G	P	L	
36	<i>Fraxinus angustifolia</i>	Desert Ash	E	8	3	16	2.0	1.7	R	SM	G	G	G	P	L	Permit exempt weed species
<p><i>*Dimensions listed for neighbouring trees are estimates due to site inaccessibility</i>      <i>*Trees listed in red are rated as Low Retention Value</i></p>																



8. Photos



Tree 1



Tree 25



Trees 1 & 3





Trees 5 & 6



Trees 7 - 10





Tree 24



Trees 21-23



Trees 11-14





Trees 15-18



Trees 19 & 20



Tree 28



Trees 33 & 34





Group 32



Tree 35



Tree 36

## 9. Preliminary Discussion / Recommendations

Trees 1 to 36 are all within the subject property. Tree types include Photinia, Desert Ash (weed species), London Plane, English Oak, Honey Myrtle, Swamp Mahogany, Wych Elm, Variegated Pittosporum, Norfolk Island Pine, Red-flowering Gum, Silver Elm, Box Elder, Glossy Privet (weed species), Cotoneaster (weed species), Sycamore Maple (weed species) and Manna Gum.

The following trees are rated as Moderate Retention Value and should be retained in the development if possible:

- Tree 1 – London Plane
- Tree 2 – English Oak
- Tree 3 – Desert Ash
- Tree 19 – Silver Elm
- Tree 23 – Swamp Mahogany Gum
- Tree 33 – Manna Gum
- Tree 34 – Manna Gum

It is noted that Tree 3, the Desert Ash is a permit exempt weed species, however this tree is a very good specimen which provides good amenity value to the site and should be considered for retention.

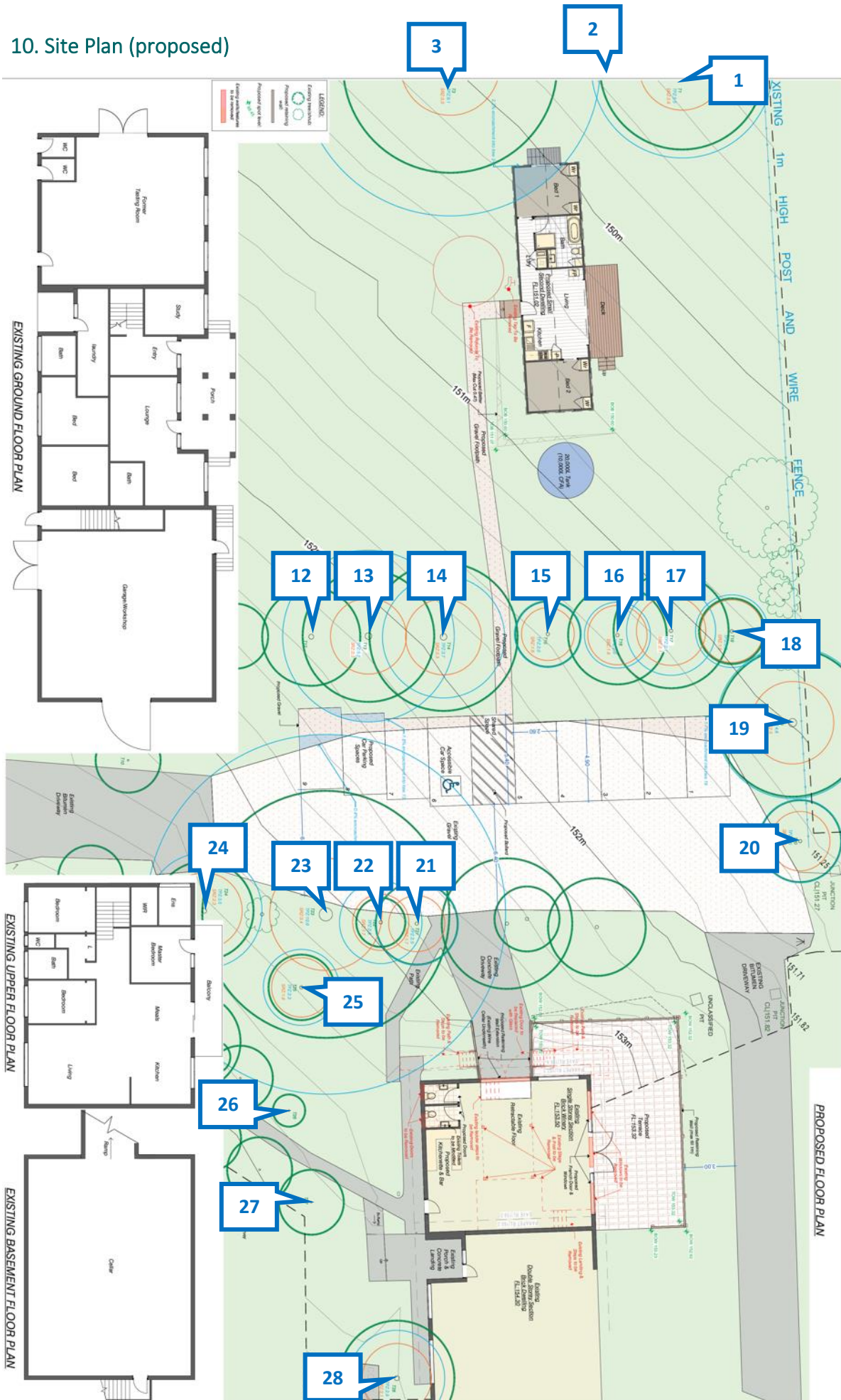
All other trees are rated as Low Retention Value and considered appropriate for removal if required.

November 27th, 2023

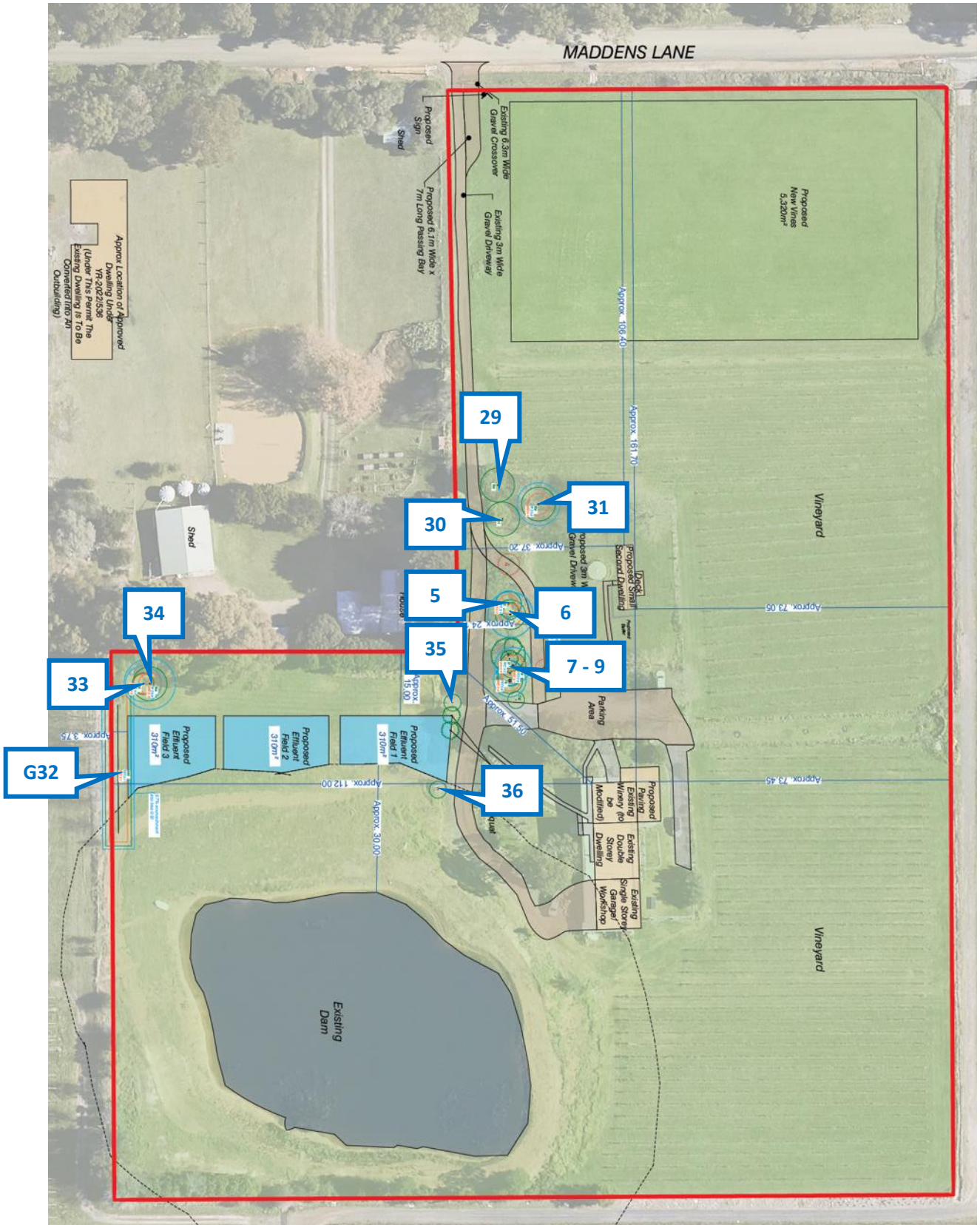
*Retention value should be considered in the context of a tree being worthy of being a material constraint on the site. Low retention value trees are by definition not worthy of being a material constraint, however, Low Retention value trees should not necessarily always be removed in all cases. Trees of Moderate Retention Value should be considered for retention where they are not a material constraint on the site. Where they conflict with plans for the site, either retention or removal are considered as appropriate options. High Retention Value trees should be retained and designed around.*



# 10. Site Plan (proposed)



11. Site Plan 2 (proposed)





## 12. Construction Impact Assessment

- **Tree 4:** Low Value Photinia - **to be removed.**
- **Tree 6:** TPZ = 5.3m; 4.6% encroachment is proposed within the TPZ. This is classified as minor encroachment and there is adequate permeable surface contiguous with the TPZ to compensate for this loss. **This tree can be viably retained.**
- **Tree 11:** Low Value Sycamore Maple (weed species) - **to be removed.**
- **Group 32:** TPZ = 3.7m. Proposed effluent field 3 will encroach into the TPZ's of these trees by 9.7%. This is classified as minor encroachment and there is adequate permeable surface contiguous with the TPZ to compensate for this loss. **These trees can be viably retained.**
- **The proposed effluent fields are 15.0m away from adjacent neighbouring trees to the west and are therefore outside Tree Protection Zones.**
- A small extension is proposed to the north side of the existing, central gravel carpark, which will result in encroachment into the TPZ's of **Trees 13, 19 and 23**. In all cases, encroachment is <2%. **These trees can be viably retained.**
- **All other trees are to be retained and will not be encroached upon.**

### **Damien Burgess**

Consulting Arborist/Director

DB Horticulture Pty Ltd.

*Grad. Cert. Arboriculture (AQF 8) Cert. Horticulture ISA TRAQ*

September 19th, 2024



## 13. Tree Descriptors

### Age

Y	Young	Tree is juvenile or recently planted
SM	Semi-mature	Tree is established and actively growing
M	Mature	Tree has reached expected maximum size
OM	Over Mature	Tree is over mature and in decline

### Condition

G	Good	Full crown, free of disease, good colour, good extension growth of twigs, no dieback
F	Fair	Tree shows one or more of the following: <25% deadwood, dieback, unbalanced canopy, minor pathogens
P	Poor	Tree shows one or more of the following: >25% deadwood, major pathogen presence, structural faults
D	Dead	Tree is dead

### Structure

G	Good	Good branch attachments and no structural defects present, no co-dominant stems, good branch and trunk taper, good buttressing at base of trunk
F	Fair	Some minor structural defects or cavities may be present
P	Poor	Major defects to trunk, branches or roots, poor attachment points, missing bark, likely points of failure
H	Hazardous	Tree poses immediate danger and should be removed

### Form

G	Good	Full and balanced canopy
F	Fair	Minor asymmetry in canopy shape
P	Poor	Major asymmetry, unbalanced appearance

### Amenity Value

G	Good	Attractive tree which contributes significantly to the surrounding landscape and public realm, may provide good screening and shade qualities
F	Fair	Tree contributes to its immediate surroundings, may be one of a group of trees and/or provide moderate screening and shading qualities
P	Poor	Tree does not make a positive contribution to the landscape and could be considered for removal

### Safe Useful Life Expectancy (SULE)

L	Long	Tree appears retainable for 40+ years
M	Medium	Tree appears retainable for 15 – 40 years
S	Short	Tree appears retainable for 5 – 15 years
R	Removal	Tree should be removed
MO	Move or Replaced	Trees which can be readily moved or replaced

### Retention Value

L	Low	An assessment rating which incorporates all the above criteria
M	Moderate	
H	High	

## 14. References

- Barrell, J. (2001), *SULE, its use and status into the new millennium*, NAAA Conference proceedings
- Clark, J.R. & Matheny N.P. (1998), *Trees and Development: A Technical guide to preservation of trees during land development*, ISA Publishing
- Standards Australia (2009), *AS4970-2009 Protection of Trees on Development Sites*, Standards Australia

*Disclaimer: The views expressed in this report are those of the author only. All due care and skill has been used to provide this information to the extent permitted by law that you agree that DB Horticulture is not liable for any loss or liability; or alleged loss or liability caused either directly or indirectly by any person(s) using this information.*

*Unless expressed otherwise; the information contained in this report covers only those items that were covered in the project brief or that were examined during the assessment and reflect the condition of those items at the time of inspection; and the inspection undertaken as part of the preparation of this report was limited to visual examination of accessible components of any tree without climbing the tree or removal of any part of the tree or any dissection, excavation or probing unless otherwise stipulated.*

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## YARRA RANGES PLANNING SCHEME

### PLANNING CONTROLS

<b>Zone</b>	Clause 35.04 - Green Wedge Zone Schedule 4
<b>Overlays</b>	Clause 42.03 - Significant Landscape Overlay Schedule 6
<b>Municipal Planning Strategy</b>	Clause 02.03-1 – Settlement Clause 02.03-7 – Tourism
<b>Planning Policy Framework</b>	Clause 11.01-1R – Green Wedges – Metropolitan Melbourne Clause 11.01-1L-04 – Green Wedge Clause 11.03-5S – Distinctive areas and Landscapes Clause 12.05-2L – Rural Landscapes Clause 13.02-1S – Bushfire Planning Clause 13.07-1S – Land Use Compatibility Clause 14.01-1S – Protection of Agricultural Land Clause 14.01-2L-02 – Sustainable Agriculture Clause 17.04-1L – Tourism in the Yarra Ranges Green Wedge
<b>Particular provisions</b>	Clause 51.02 – Metropolitan Green Wedge Land Clause 51.03 – Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan Clause 52.05 – Signs Clause 52.06 – Car Parking Clause 52.27 – Licensed Premises
<b>Other Provisions</b>	Clause 65 – Decision guidelines

### PERMIT TRIGGERS

#### Zoning

Clause 35.04- Green Wedge Zone Schedule 4

- A permit is required to use the land for the purpose of a winery
- A permit is required to construct a small second dwelling.
- A permit is required for buildings and works associated with a Section 2 use (winery)

#### Particular Provisions

Clause 52.05 – Signs

- A permit is required to display a business identification sign Zone

Clause 52.27 – Licenced Premises

- A permit is required to use land to sell or consume liquor

## 1.1 Zone

### Clause 35.04 Green Wedge Zone Schedule 4

#### 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.

Under the zone provisions, a permit is required to use the land for the purpose of a winery and a small second dwelling, and buildings and works associated with a section 2 use.

Pursuant to Clause 35.04-6 before deciding on an application, 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*.

## 1.2 Overlay

### **Clause 42.03 – Significant Landscape Overlay Schedule 6**

#### Purpose

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify significant landscapes.
- To conserve and enhance the character of significant landscapes.

## 1.3 Planning Policy

### **Clause 02 Municipal Planning Strategy**

#### **Clause 02.03-1 Settlement**

Table 1 – Green Wedge Land use and settlement.

#### Productive Agricultural Areas

Areas where:

- Lots are generally greater than 4 hectares in intensively cultivated areas, or 10 hectares in other areas
- Most lots are cleared and sown with pasture grasses or managed for horticulture
- Most lots are currently used for agriculture or have realistic potential to be used for horticulture, livestock grazing or other forms of productive agriculture.

## Role

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.

## **Clause 02.03-7 Economic Development**

### 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.

## **Clause 10 Planning Policy Framework**

### **Clause 11.01-1R – Green Wedges – Metropolitan Melbourne**

#### Objective

To protect the green wedges of Metropolitan Melbourne from inappropriate development.

#### Strategies

- Promote and encourage the key features and related values of each green wedge area.

- Support development in the green wedge that provides for environmental, economic and social benefits.
- Consolidate new residential development in existing settlements and in locations where planned services are available and green wedge values are protected.
- Plan and protect major state infrastructure and resource assets, such as airports and ports with their associated access corridors, water supply dams, water catchments and waste management and recycling facilities.
- Protect important productive agricultural areas such as Werribee South, the Maribyrnong River flats, the Yarra Valley, Westernport and the Mornington Peninsula.
- Support existing and potential agribusiness activities, forestry, food production and tourism.
- Protect areas of environmental, landscape and scenic value such as biodiversity assets, national and state parks, Ramsar wetlands and coastal areas.
- Protect significant resources of stone, sand and other mineral resources for extraction purposes.
- Provide opportunities for renewable energy generation.

### **Clause 11.01-1L-04 – 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.

### **Clause 12.05-2L – Rural Landscapes**

#### Strategies

- Design and site development sensitively having regard to the natural physical features of the land including slope, existing vegetation and view lines.
- Discourage non-farm related commercial buildings that adversely impact on valued rural landscapes.

### **Clause 13.02 Bushfire Planning**

#### Objective

Strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.

#### Strategies

### Protection of Human Life

Give priority to the protection of human life by:

- Prioritising the protection of human life over all other policy considerations.
- Directing population growth and development to low risk locations and ensuring the availability of, and safe access to, areas where human life can be better protected from the effects of bushfire.
- Reducing the vulnerability of communities to bushfire through the consideration of bushfire risk in decision making at all stages of the planning process.

### **Clause 13.07-1S Land use compatibility**

#### 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 commercial, industrial and other employment generating uses from encroachment by use or development that would compromise the ability of those uses to function safely and effectively.

### **Clause 14.01-1S – Protection of Agricultural Land**

#### Objective

To protect the state's agricultural base by preserving productive farmland.

#### Strategies

- Identify areas of productive agricultural land, including land for primary production and intensive agriculture.
- Consider state, regional and local, issues and characteristics when assessing agricultural quality and productivity.
- Avoid permanent removal of productive agricultural land from the state's agricultural base without consideration of the economic importance of the land for the agricultural production and processing sectors.
- Protect productive farmland that is of strategic significance in the local or regional context.
- Protect productive agricultural land from unplanned loss due to permanent changes in land use.
- Prevent inappropriately dispersed urban activities in rural areas.
- Protect strategically important agricultural and primary production land from incompatible uses.
- Limit new housing development in rural areas by:
  - Directing housing growth into existing settlements.
  - Discouraging development of isolated small lots in the rural zones from use for dwellings or other incompatible uses.
  - Encouraging consolidation of existing isolated small lots in rural zones.



- Identify areas of productive agricultural land by consulting with the Department of Energy, Environment and Climate Action and using available information.
- In considering a proposal to use, subdivide or develop agricultural land, consider the:
  - Desirability and impacts of removing the land from primary production, given its agricultural productivity.
  - Impacts on the continuation of primary production on adjacent land, with particular regard to land values and the viability of infrastructure for such production.
  - Compatibility between the proposed or likely development and the existing use of the surrounding land.
  - The potential impacts of land use and development on the spread of plant and animal pests from areas of known infestation into agricultural areas.
  - Land capability.
- Avoid the subdivision of productive agricultural land from diminishing the long-term productive capacity of the land.
- Give priority to the re-structure of inappropriate subdivisions where they exist on productive agricultural land.
- Balance the potential off-site effects of a use or development proposal (such as degradation of soil or water quality and land salinisation) against the benefits of the proposal.

#### **Clause 17.04-1L – Tourism in the Yarra Ranges Green Wedge**

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.

## 1.4 Particular Provisions

### Clause 51.03 Upper Yarra Valley And Dandenong Ranges Regional Strategy Plan

#### Purpose

To ensure consistency between this planning scheme and the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan pursuant to the requirements of Part 3A of the Planning and Environment Act 1987.

#### Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider the Municipal Planning Strategy and the Planning Policy Framework.

### Clause 52.05 Signs

#### 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.

#### 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.

## **Clause 52.06 Car Parking**

The purpose of this clause is:

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

#### Clause 52.06-8 – Requirement for a car parking plan

Plans must be prepared to the satisfaction of the responsible authority before any of the following occurs:

- a new use commences; or
- the floor area or site area of an existing use is increased; or
- an existing use is increased by the measure specified in Column C of Table 1 in Clause 52.06-5 for that use.

The plans must show, as appropriate:

- All car parking spaces that are proposed to be provided (whether on the land or on other land).
- Access lanes, driveways and associated works.
- Allocation of car parking spaces to different uses or tenancies, if applicable.
- Any landscaping and water sensitive urban design treatments.
- Finished levels, if required by the responsible authority.
- Any other matter specified in a schedule to the Parking Overlay.

Plans must be provided to the responsible authority under Clause 52.06-8 wherever Clause 52.06 applies, whether or not a permit application is being made under Clause 52.06-3 or any other provision of the planning scheme.

Where an application is being made for a permit under Clause 52.06-3 or another provision of the planning scheme, the information required under Clause 52.06-8 may be included in other plans submitted with the application.

#### Clause 52.06-9 Design standards for car parking

Plans prepared in accordance with Clause 52.06-8 must meet the design standards of Clause 52.06-9, unless the responsible authority agrees otherwise.

Before deciding that a plan prepared under Clause 52.06-8 is satisfactory the responsible authority must consider, as appropriate:

- The role and function of nearby roads and the ease and safety with which vehicles gain access to the site.
- The ease and safety with which vehicles access and circulate within the parking area.
- The provision for pedestrian movement within and around the parking area.
- The provision of parking facilities for cyclists and disabled people.
- The protection and enhancement of the streetscape.
- The provisions of landscaping for screening and shade.

- The measures proposed to enhance the security of people using the parking area particularly at night.
- The amenity of the locality and any increased noise or disturbance to dwellings and the amenity of pedestrians.
- The workability and allocation of spaces of any mechanical parking arrangement.
- The design and construction standards proposed for paving, drainage, line marking, signage, lighting and other relevant matters.
- The type and size of vehicle likely to use the parking area.
- Whether the layout of car parking spaces and access lanes is consistent with the specific standards or an appropriate variation.
- The need for the required car parking spaces to adjoin the premises used by the occupier/s, if the land is used by more than one occupier.
- Whether the layout of car spaces and accessways are consistent with Australian Standards AS2890.1-2004 (off street) and AS2890.6-2009 (disabled).

#### Clause 52.06-10 Decision Guidelines

Before deciding that a plan prepared under Clause 52.06-8 is satisfactory the responsible authority must consider, as appropriate:

- The role and function of nearby roads and the ease and safety with which vehicles gain access to the site.
- The ease and safety with which vehicles access and circulate within the parking area.
- The provision for pedestrian movement within and around the parking area.
- The provision of parking facilities for cyclists and disabled people.
- The protection and enhancement of the streetscape.
- The provisions of landscaping for screening and shade.
- The measures proposed to enhance the security of people using the parking area particularly at night.
- The amenity of the locality and any increased noise or disturbance to dwellings and the amenity of pedestrians.
- The workability and allocation of spaces of any mechanical parking arrangement.
- The design and construction standards proposed for paving, drainage, line marking, signage, lighting and other relevant matters.
- The type and size of vehicle likely to use the parking area.
- Whether the layout of car parking spaces and access lanes is consistent with the specific standards or an appropriate variation.
- The need for the required car parking spaces to adjoin the premises used by the occupier/s, if the land is used by more than one occupier.
- Whether the layout of car spaces and accessways are consistent with Australian Standards AS2890.1-2004 (off street) and AS2890.6-2009 (disabled).
- The relevant standards of Clauses 56.06-2, 56.06-4, 56.06-5, 56.06-7 and 56.06-8 for residential developments with accessways longer than 60 metres or serving 16 or more dwellings.
- Any other matter specified in a schedule to the Parking Overlay.

## **Clause 52.27 – Licenced 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*.

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.

## **Clause 65 – Decision guidelines**

Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

- The matters set out in section 60 of the Act.
- Any significant effects the environment, including the contamination of land, may have on the use or development.
- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the environment, human health and amenity of the area.
- The proximity of the land to any public land.
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- The extent and character of native vegetation and the likelihood of its destruction.
- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.
- The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.
- The impact the use or development will have on the current and future development and operation of the transport system.



ADVERTISED

# Planning Report

23 MADDENS LANE, GRUYERE



Use & Development of a Winery (cellar door), Licenced Premises, Small Second Dwelling and Signage

Reference: 30138

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**Site Address:**

23 Maddens Lane, Gruyere

**Formal Land Description:**

Lot 3 on LP84111

**Proposal:**

Use & Development of a Winery (cellar door), Licenced Premises, Small Second Dwelling and Signage

**Responsible Authority:**

Yarra Ranges Council

**Document Status:**

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## EXECUTIVE SUMMARY

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Millar Merrigan have been engaged to lodge this planning application for a ***Use & Development of a Winery (cellar door), Licenced Premises, Small Second Dwelling and Signage at 23 Maddens Lane, Gruyere.***

The land is home to the former Maddens Lane Winery which was closed prior to the applicant purchasing the land. They seek to re-open the cellar door and extend the existing building to improve the visitor experience.

The land is contained within the Green Wedge Zone whereby winery (cellar door) and Small Second Dwelling (SSD) are permissible uses. The building alterations seek to enhance the visitor experience and ensure that building regulations are met. The SSD is low scale and located in a lawn area that avoids tree impacts and is proximate to the car parking area and cellar door.

The only overlay applicable is the Significant Landscape Overlay – Schedule 6 and there are no trees to be removed. The intent of the overlay is met with retention of trees and low scale built form.

The land has no access to reticulated sewer and as such waste will be retained and treated on site. A Land Capability Assessment has been prepared to outline on site waste treatment requirements.

The existing parking area is utilised and widened to meet the requirements for Car Parking (52.06).

A liquor licence is sought under Licensed Premises (Clause 52.27) and no redline plan is required due to the type of licence (producers licence).

An advertising sign is proposed at the front of the property and accords with the requirements of Signs 52.05.

The application does not prejudice the Metropolitan Green Wedge Land: Core Planning Provisions (Clause 51.02).

This report seeks to demonstrate how the use and development is appropriate in terms of achieving State and Local planning objectives.



## 1 SITE & SURROUNDS

### 1.1 Site Description & Land Use

The site is an irregular shaped parcel of land located on the east side of Maddens Lane. It comprises an area of approximately 4ha and of this 1.2ha accommodates established vineyard which produces 6-10 tonnes of grapes per annum and creates 4,500 to 7,500 bottles of wine. The front part of the site currently comprises of pasture grass and can cater for a further +5000sqm of vines.

The land has been formerly used as a winery and cellar door, known as Maddens Lane Winery however we understand that the use has not been in operation for some time with the applicant purchasing the land a couple of years ago and there is no current liquor licence. The winery is located beneath the dwelling and the cellar door is at the western end of the building. There are no records of approvals on Councils tracker due to the age of the venue and there are no licensing details available on the VCGLR. Plans dated March 1980 with the Shire of Lilydale stamp show the 'public tasting room and cellar'.

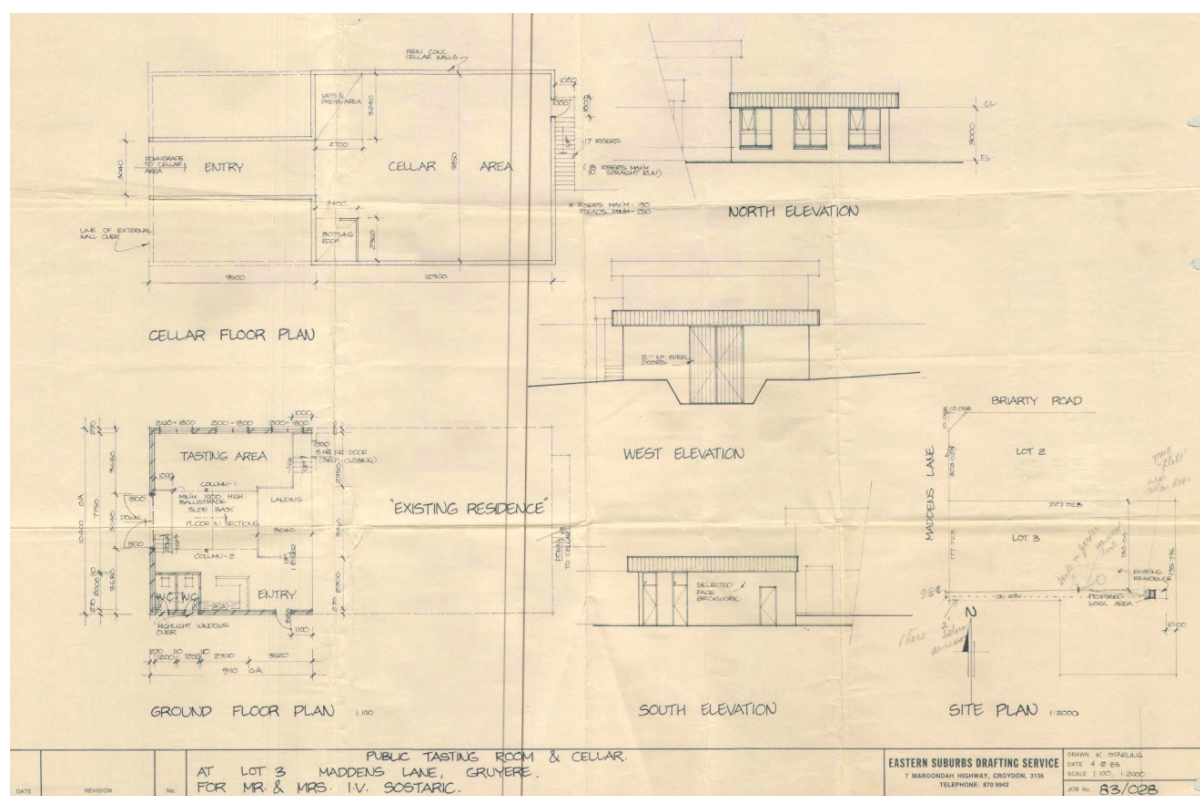


Figure 1: Original plans for cellar and tasting room

A large dam covers the south-eastern part of the site and the dwelling is located north-west of the dam.

Access is achieved via a gravel driveway along the southern boundary and this leads to a parking area that services the former cellar door.

A number of planted trees are located around the buildings and an Arboricultural Assessment has been undertaken on trees with potential to be impacted.

There is no reticulated water or sewer available, however mains electricity is connected.

There are no easements or restrictions applicable, refer to the attached Certificate of Title.



## 1.2 Site Photographs



Photograph 1: Aerial photograph



Photograph 2: Front of building – cellar door on left side, dwelling on right side





Photograph 3: Existing parking area



Photograph 4: Existing winery





Photograph 5: Access to winery



Photograph 6: Former cellar door

### 1.3 Surrounding Area

The site is located ~50km from Melbourne and ~11km from Healesville and ~14km from Lilydale. It is within a region that contains numerous tourist facilities including Soumah, Helen & Joey, Killara



Estate and Domaine Chandon. The dominant zoning is Green Wedge Zone and agricultural activities and tourism uses operate in conjunction with each other. Warramate Conservation Reserve is located within a public zone and vegetated private allotments around this are within the Rural Conservation Zone.

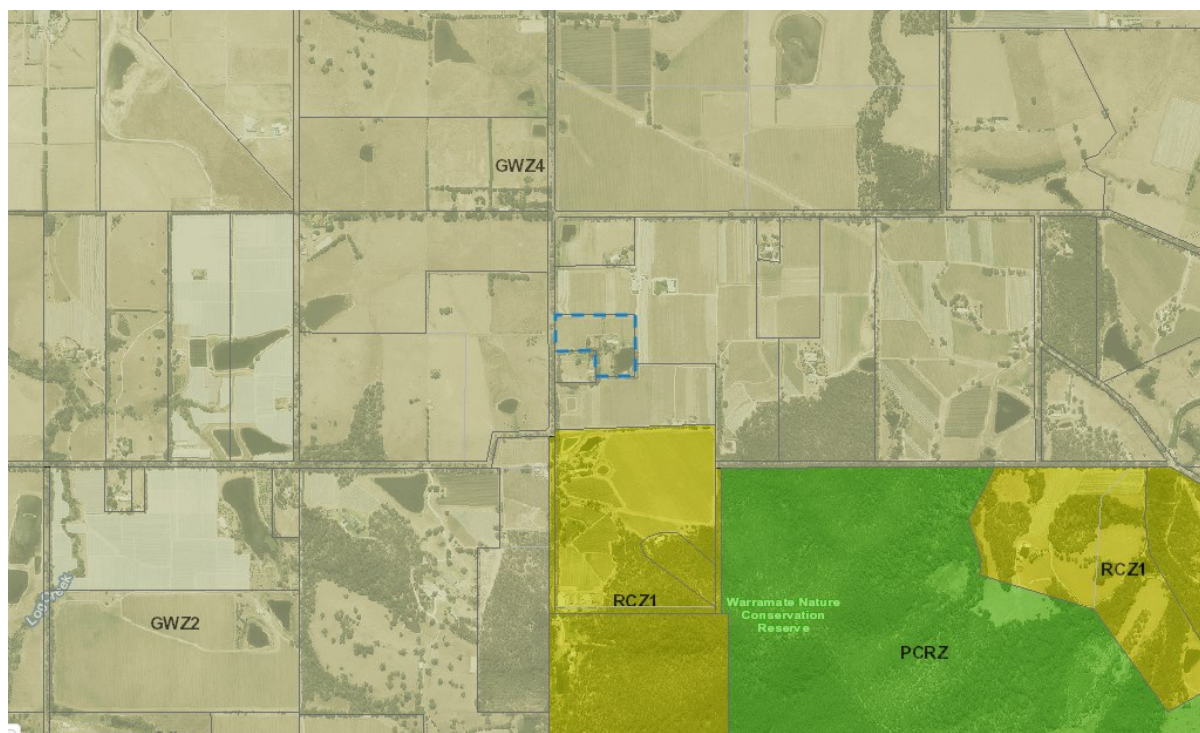


Figure 2: Surrounding land uses

## 2 PROPOSAL

The application seeks approval for land use and development with key details outlined in the following sections:

### 2.1 Cellar Door (Winery)

It is proposal seeks to re-instate the former winery and cellar door and whilst it is clear that the buildings and use were permitted in the 1980s the continued use in recent years is unclear and as such the application includes a land use element as follows:

*Winery: 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.*

The business name Maddens Lane Winery has been registered and a contract has been entered into for the production of wine under this label from grapes grown on site by a nearby winery with wine making facilities. Barrels will be stored on site in the existing winery building. No outside wine external to the Maddens Lane Winery brand will be available at the cellar door.

Whilst the wine is made off site due to the unviable cost of installing wine making facilities on site, the 'manufacturer of vineyard products' is considered to be met in that grapes are grown and picked on site, barrels will be stored in the cellar for maturation and bottling/labelling will occur on site through use of a mobile botting service.

Given the age of the infrastructure, there are renovations proposed to the building and these are summarised as follows:

- Toilet doors relocated
- Various external steps and paths are to be removed
- Windows on northern side of building replaced with larger glazing and doors and an outdoor terrace added.

The proposed hours of operation are 7 days per week 10am to 5pm to cater for daylight saving hours.

The proposed patronage for the cellar door is 20 people.

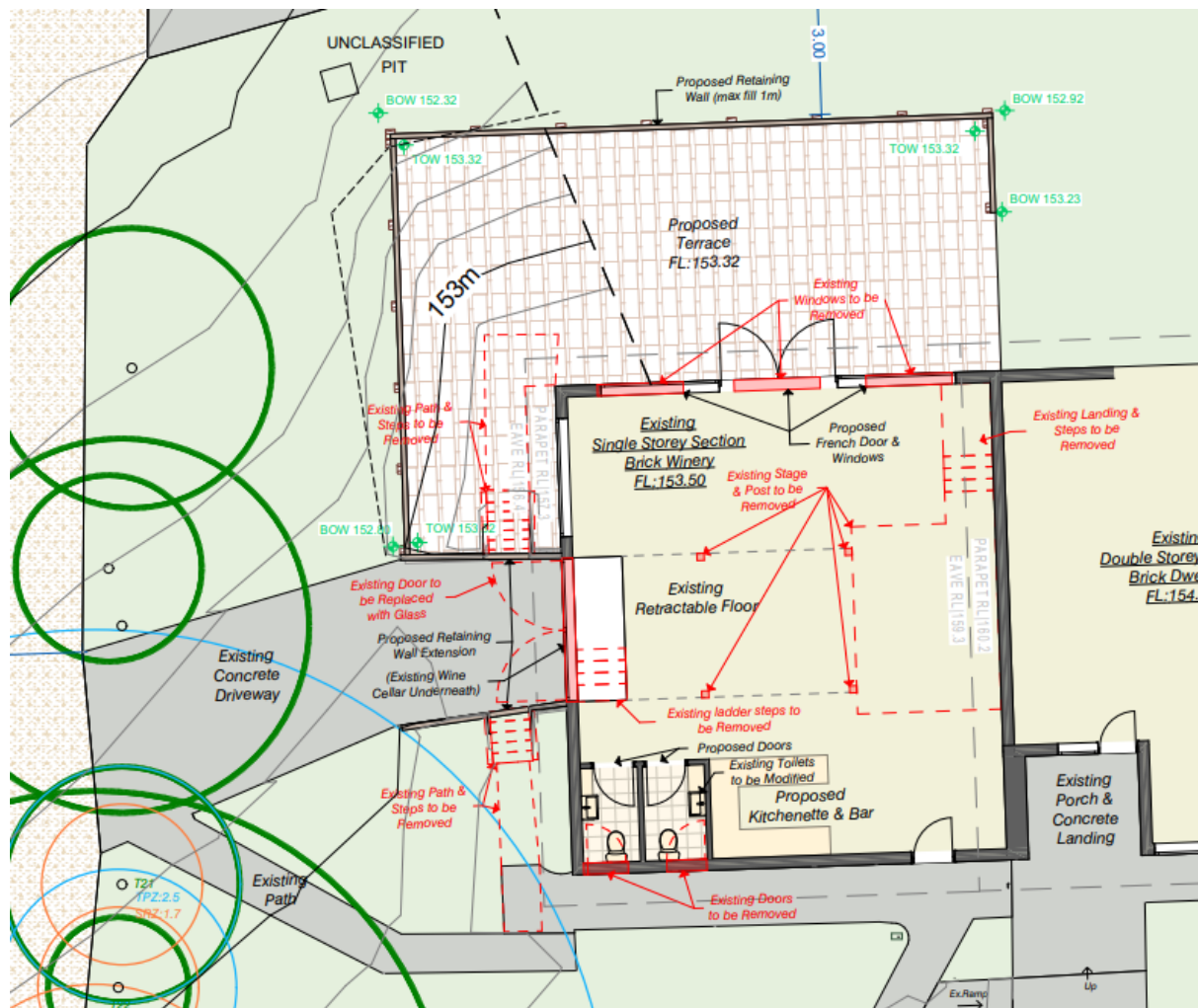


Figure 3: Proposed floor plan

## 2.2 Small Second Dwelling (SSD)

A SSD is proposed to the west of the parking area on an area of existing lawn. The building is 4m x 15m (60sqm) and has a deck on the north side. The floor plan offer a living room, kitchen, two

bedrooms and a bathroom. It is low scale with an overall height of 4.322m and the materials/colours are muted earthy tones that blend with the surrounding landscape.

SSD is defined as a building with a gross floor area of 60 square metres or less, on the same lot as an existing dwelling and used as a self-contained residence, which must include:

- a) a kitchen sink;
- b) food preparation facilities;
- c) a bath or shower;
- d) a toilet and wash basin.

This proposed building is consistent with this definition.

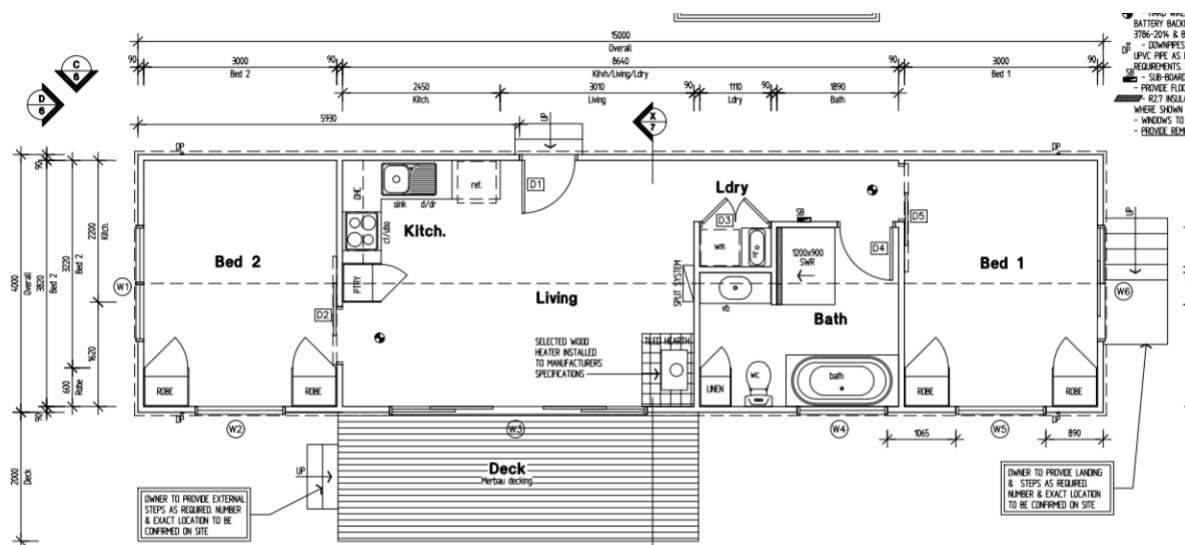


Figure 4: Floor Plan

## 2.3 Access Arrangement & Car Parking

Access to the site remains unchanged and the existing gravel parking area will be utilised with an extension to the gravel as required. There are currently no marked spaces and the site plan shows 9 compliant car spaces, including one handicapped space that can be marked as required. Given the scale of the cellar door, it is not anticipated that vehicles larger than a mini van would be required.

## 2.4 Signage

A double sided sign is proposed at the front of the property. It is 2m x 2m and angled to face the road. The appearance simply lists the winery name and further detail will be provided once the logo for the winery is developed.

## 2.5 Vegetation Removal

No trees are required to be removed and proposed works do not encroach more than 10% into and tree protection zone.

## 2.6 Infrastructure Servicing

Mains electricity is connected.

Water tanks service the existing building and a new tank is proposed adjacent to the SSD.



There is no reticulated sewer available and as such waste water will be retained and treated on site. Septic Systems Australia have assessed the existing system on site and advise that it is +40 years old and a new system is recommended.

A Land Capability Assessment has therefore been prepared and it recommends installation of two waste water treatment systems with capacity for 1200 litre/day. Three land application areas are required and these are shown on the site plan.

### 3 PLANNING ASSESSMENT

The following is an outline of the planning policy framework relevant to the site. A comprehensive analysis of the proposal against this matrix of applicable policy is provided below.

#### Zoning

Clause 35.04 Green Wedge Zone

#### Overlays

Clause 42.03 Significant Landscape Overlay – Schedule 6

#### Municipal Planning Strategy

Clause 2.01 Context

Clause 2.02 Vision

Clause 2.03 Strategic Directions

#### Planning Policy Framework

Clause 11 Settlement

Clause 12 Environmental & Landscape Values

Clause 13 Environmental Risks & Amenity

Clause 14 Natural Resource Management

Clause 15 Built Environment & Heritage

Clause 17 Economic Development

Clause 19 Infrastructure

#### Particular Provisions

Clause 51.02 Metropolitan Green Wedge Land

Clause 52.05 Signs

Clause 52.06 Car Parking

Clause 52.27 Licenced Premises

#### General Provisions

Clause 63 Existing Uses

Clause 65.01 Approval of an Application or Plan

#### 3.1 Permit Triggers

The following table outlines the permit triggers that apply to the proposal:

Planning control	Permit trigger
Green Wedge Zone	Use of land, buildings & works
Signs	Business identification signage



### 3.2 Zoning

The property is contained within the Green Wedge Zone – Schedule 4 (Clause 35.04) which seeks:

- *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.*

Pursuant to Clause 35.04-1 Table of Uses a permit is required to use land for a SSD and the following conditions apply:

- *Must be no more than one dwelling existing on the lot.*
- *Must be the only small second dwelling on the lot.*
- *Reticulated natural gas must not be supplied to the building, or part of a building, used for the small second dwelling.*
- *Must meet the requirements of Clause 35.04-2.*

Clause 35.04-2 outlines the following requirements:

- *Access to the dwelling or small second dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.*
- *The dwelling or small second 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 or small second 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 or small second dwelling must be connected to a reticulated electricity supply or have an alternative energy source.*

Winery is not a listed use and as such it comes under 'any other use not in section 1 or 3' which triggers a permit.

Schedule 4 does not specify any relevant requirements.

Pursuant to Clause 35.04-5 Buildings and works a permit is required for the following:

- *A building associated with a section 2 use;*
- *Earthworks specified in a schedule*
- *A building within the following setbacks:*
  - *100m from a Transport Zone 2*
  - *40m from a transport Zone 3*
  - *20m from any other road*
  - *5m from any other boundary*
  - *100m from a dwelling not in the same ownership*

- 100m from a waterway, wetlands or designated flood plain

The schedule states the following with respect to earthworks:

Permit requirement for earthworks	Land
Earthworks which change the rate of flow or the discharge point of water across a property boundary.	All land if the earthworks exceed 1 metre in height or depth
Earthworks which increase the discharge of saline groundwater.	All land if the earthworks exceed 1 metre in height or depth

Pursuant to Clause 35.04-7 Signs, the zone is in Category 3.

The following decision guidelines apply:

#### 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.*

#### **Response – Green Wedge Zone:**

**The proposal accords with the intent of the GWZ in that the primary land use remains committed to agriculture and the use/development facilitates tourism. There are no conditions associated with winery and the SSD conditions are met as follows:**

- **There is only one dwelling on the lot**
- **There is no existing SSD**
- **Gas is not available**
- **The requirements of 35.04-2 are met as follows:**
  - **All weather access is existing**
  - **Wastewater will be retained on site in accordance with the LCA**
  - **A water tank is proposed adjacent to the building**
  - **Electricity is available**

**There are no substantial earthworks required and as such no permit trigger for this element.**

**The decision guidelines are met as follows:**

- **The MPS and PPF are met as detailed in this report;**
- **The land is more than sufficient in size to cater for the scale of the proposed uses;**
- **The development has been located and designed to protect amenity of the nearby dwelling to the south through generous setbacks;**
- **The use is not suitable for an urban area given its inherent link with agriculture occurring on site;**
- **There are no Works Authority approvals within 500m of the land;**
- **The development does not cause any detriment to agriculture and has been located to avoid the need for any vine removal;**
- **The development covers a small area of the site and causes negligible loss of farming land;**
- **There are no detrimental environmental impacts as a result of the proposal;**
- **Character and visual impacts have been well considered.**

### **3.3 Overlays**

#### **Significant Landscape Overlay – Schedule 6 (Clause 42.03)**

Schedule 6 identifies the Rolling Hills and Bushy Agriculture Landscape and seeks:

- *To maintain a comparatively open rural landscape of farmland and bushland patches in which houses, farm buildings and tourist facilities are generally inconspicuous.*

- *To ensure that the siting and design of new buildings complements their setting and reinforces the rural landscape character of the area.*
- *To retain established trees and patches of indigenous vegetation as an important element of the rural landscape and habitat for wildlife.*
- *To allow middle and long distance views from the valley to the surrounding ranges.*
- *To maintain the appearance of an uninterrupted forested backdrop to views.*

A permit is required to construct a fence (except rural style fencing) and remove, destroy or lop:

- *Native vegetation that occurs naturally in the Shire of Yarra Ranges*
- *A substantial tree with a trunk circumference greater than 1.1 metres (0.35 metre diameter) at a height of 1.3 metres above the ground*

This does not apply to the removal of vegetation that is one of the species listed in the Incorporated Document *Yarra Ranges Council - List of Environmental Weeds 2019*.

A permit is not required to construct a building or carry out works except for:

- *A new building or extensions to an existing building where the floor area of the construction is more than 100 square metres*
- *Buildings or works with a height of more than 7 metres*
- *Buildings or works that would be within 4 metres from the trunk of a tree protected under this planning scheme*

The decision guidelines are as follows:

#### *Building siting*

- *The visual impact on views from adjoining roads and other publicly accessible viewing points.*
- *Whether buildings and associated works are sited to avoid visually prominent sites such as exposed hilltops or ridgelines.*
- *The impact of the siting of large buildings on their visual bulk, particularly if close to roads or in open settings where there are no other buildings or mature trees nearby.*
- *Whether buildings are designed to reflect the topography of the site and minimise the extent of earthworks.*
- *Whether farm buildings and related structures are clustered with existing buildings on the same land.*

#### *Building appearance*

- *Whether the profile of buildings do not break the skyline or ridgeline behind the building as seen from nearby roads or other publicly accessible viewpoints.*
- *How the height of buildings relates to the heights of any surrounding tree canopy and nearby development.*
- *Whether external finishes of buildings use muted tones and non-reflective surfaces and incorporate natural elements such as timber and stone.*
- *The visual impact of new development on the landscape having regard to the size of frontage setbacks of buildings.*
- *Whether farm buildings such as storage sheds, water tanks, wine storage tanks and related infrastructure are a visual intrusion in the rural setting and whether they are finished in muted colours, screened by planting or otherwise merged into the landscape.*
- *Whether the design and materials of large buildings such as storage and equipment sheds reflect the rural environment and the traditions of farm buildings.*



- *The building mass and form of larger buildings used for visitor accommodation or other tourist related activities.*
- *Whether the development includes large signage and advertising, including internally illuminated signs.*

#### *Dwellings and outbuildings*

- *How far dwellings and associated outbuildings are set back from the road.*
- *The height of dwellings and whether it responds to the topography of the site.*
- *How the design of dwellings addresses factors such as views and outlook and protection from sun, rain and wind.*

#### *Vegetation*

- *The retention of established trees and patches of indigenous vegetation.*
- *The extent of vegetation removal and proposed land management improvements such as replacement vegetation.*
- *The use of indigenous species and including canopy trees in landscaping and screening of new buildings.*
- *The integration of landscaping with the design of the development and whether it complements the vegetation on any adjoining public land.*

#### *Fence and boundary treatments*

- *Whether the front fence and boundary treatments avoid formal landscape design (such as geometrically aligned/spaced tree avenues or garden beds) and hard surfaces and hard edges in landscaping.*
- *The appearance of entrance gates and adjacent walls or fences and how they relate to the character of the remainder of the property boundary fence and the landscape.*

#### *Other buildings and works*

- *Whether earthworks will remove the option of future use of the soil resource for productive agriculture.*
- *Whether the proposal includes urban style road infrastructure such as concrete kerbing, paved footpaths and roundabouts.*

#### **Response – Significant Landscape Overlay:**

**There is no trigger for the proposed buildings and works under this clause and there is no tree removal.**

**The objectives and decision guidelines are considered to be met as follows:**

- **The proposed building is low profile and not in a prominent location;**
- **Earthworks are limited;**
- **The proposed building is clustered with existing built form on site and is screened by existing vegetation;**
- **The building is well setback from the road;**
- **The carpark is existing not a prominent feature in the landscape;**
- **Colours and materials are muted earthy tones.**

## **3.4 Municipal Planning Strategy**

### **2.01-3 Economy – Tourism**

*Yarra Ranges is a significant tourist destination with major attractions for local, interstate and overseas visitors, with major attractions including Puffing Billy, the wineries and landscapes of the Yarra Valley, national parks, State trails, golf courses and rural towns such as Healesville and Warburton and the Dandenong Ranges. Tourism related businesses are significant contributors to local employment in Yarra Ranges in particular in Green Wedge areas.*

### 2.02 Vision

*The vision in the Yarra Ranges Council Plan 2017-2021 (2017) is The Shire of Yarra Ranges will be a vibrant and dynamic Shire based on strong local communities living in a place of great natural beauty. Our world class Shire will be sustained by a strong local economy and rich social fabric that is consistent with and supports its environmental values.*

### 2.03-1 Settlement

The land is consistent with Productive Agricultural Areas where are characterised as follows:

- *Lots are generally greater than 4 hectares in intensively cultivated areas, or 10 hectares in other areas*
- *Most lots are cleared and sown with pasture grasses or managed for horticulture*
- *Most lots are currently used for agriculture or have realistic potential to be used for horticulture, livestock grazing or other forms of productive agriculture.*

### 2.03-3 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.*

### 2.03-4 Natural Resource Management

*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.*

### 2.03-5 Built Environment & Heritage

*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.*

### 2.03-7 Economic Development

*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.

#### Response – MPS:

The proposed development reinvigorates the former tourism activities on site and will provide a positive contribution to the economy. The primary values and characteristics of the green wedge area are maintained through maintenance of agricultural production and appropriate design and siting that responds to site features.

Environmental risks are suitably considered as discussed in section 4.5 below.

### 3.5 Planning Policy Framework

The Planning Policy Framework is structured around the following themes; those relevant to this application are discussed below:

#### 3.5.1 Settlement (Clause 11)

##### 11.01-1R Green Wedges – Metropolitan Melbourne

*To protect the green wedges of Metropolitan Melbourne from inappropriate development.*

##### 11.01-1L -04 Green Wedge

*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, 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 native 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 Avoid sites with landslip risk.

#### 11.03-5S Distinctive areas and landscapes

To recognise the importance of distinctive areas and landscapes to the people of Victoria and protect and enhance the valued attributes of identified or declared distinctive areas and landscapes.

#### **Response – Settlement:**

**The proposed use and development is considered to meet the relevant settlement policies as there is an inherent link to agriculture and this remains the primary land use. The policies for non-agricultural uses are met and there are no significant trees impacted.**

### 3.5.2 Environmental & Landscape Values (Clause 12)

#### 12.05-2S Landscapes

To protect and enhance significant landscapes and open spaces that contribute to character, identity and sustainable environments.

#### 12.05-2L Rural Landscapes

- Design and site development sensitively having regard to the natural physical features of the land including slope, existing vegetation and view lines.
- Discourage non-farm related commercial buildings that adversely impact on valued rural landscapes.

#### **Response – Environment & Landscape:**

**The works don't impact native vegetation or biodiversity values and the proposed development results in an appropriate outcome with respect to the rural landscape given its low scale and positioning on the site.**

### 3.5.3 Environmental Risks & Amenity (Clause 13)

#### 13.02-1S Bushfire Planning

To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.

#### **Response – Environmental Risks & Amenity:**

**The building is predominantly surrounded by low threat features such as vineyard, driveways, manicured gardens and existing buildings. It is clear that an acceptable Bushfire Attack Level will apply and a BAL Report will be prepared as part of the building permit process. A Bushfire Emergency Plan can be prepared as a condition of permit if required.**



### 3.5.4 Natural Resource Management (Clause 14)

#### 14.01-1S Protection of Agricultural Land

*To protect the state's agricultural base by preserving productive farmland.*

Strategies include:

- *Identify areas of productive agricultural land, including land for primary production and intensive agriculture.*
- *Consider state, regional and local, issues and characteristics when assessing agricultural quality and productivity.*
- *Avoid permanent removal of productive agricultural land from the state's agricultural base without consideration of the economic importance of the land for the agricultural production and processing sectors.*
- *Protect productive farmland that is of strategic significance in the local or regional context.*
- *Protect productive agricultural land from unplanned loss due to permanent changes in land use.*
- *Prevent inappropriately dispersed urban activities in rural areas.*
- *Protect strategically important agricultural and primary production land from incompatible uses.*
- *Identify areas of productive agricultural land by consulting with the Department of Energy, Environment and Climate Action and using available information.*
- *Balance the potential off-site effects of a use or development proposal (such as degradation of soil or water quality and land salinisation) against the benefits of the proposal.*

In considering a proposal to use, subdivide or develop agricultural land, consider the:

- *Desirability and impacts of removing the land from primary production, given its agricultural productivity.*
- *Impacts on the continuation of primary production on adjacent land, with particular regard to land values and the viability of infrastructure for such production.*
- *Compatibility between the proposed or likely development and the existing use of the surrounding land.*
- *The potential impacts of land use and development on the spread of plant and animal pests from areas of known infestation into agricultural areas.*
- *Land capability*

#### 14.01-1R Protection of Agricultural Land – Metropolitan Melbourne

*Protect agricultural land in Metropolitan Melbourne's green wedges and peri-urban areas to avoid the permanent loss of agricultural land in those locations.*

#### 14.01-2S Sustainable Agricultural Land Use

*To encourage sustainable agricultural land use.*

Strategies include:

- *Ensure agricultural and productive rural land use activities are managed to maintain the long-term sustainable use and management of existing natural resources.*
- *Support the development of innovative and sustainable approaches to agricultural and associated rural land use practices.*

- Support adaptation of the agricultural sector to respond to the potential risks arising from climate change.
- Encourage diversification and value-adding of agriculture through effective agricultural production and processing, rural industry and farm-related retailing.
- Assist genuine farming enterprises to embrace opportunities and adjust flexibly to market changes.
- Support agricultural investment through the protection and enhancement of appropriate infrastructure.
- Facilitate ongoing productivity and investment in high value agriculture.

#### 14.01-2L-02 Sustainable Agriculture

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

Strategies include:

- 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.

#### **Response – Natural Resource Management:**

The proposal does not impact existing agricultural activities and is consolidated on a small part of the site whereby no impacts to farming activities occurs. The existing vineyard covers 1.2ha of the site and the front part of the land can accommodate a further +5,000sqm of vineyard. A large dam covers the south-eastern corner of the site and the grassed area west of this is required for effluent treatment. The winery works are associated with an existing building and the SSD is located within an existing cultivated garden with mature trees, that contains a bbq area and has obviously been used as part of the residential use of the land. This does not impact agricultural activities on site or adjacent lots and given the small and modular nature of the proposed building it is not considered to permanently remove land from potential future agricultural use. The primary use of the land is maintained as agriculture, being vineyard and the associated water storage.

### 3.5.5 Built Environment & Heritage (Clause 15)

#### 15.01-1S Urban Design

To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity

#### 15.01-2S Building Design

To achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development.

15.01-2L Environmentally Sustainable Development

To achieve best practice in environmentally sustainable development from the design stage through to construction and operation.

15.01-6S Design for Rural Areas

- 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.

**Response – Built Environment and Heritage:**

The built form is attractive and functional and has considered sustainable design features. A Sustainability Management Plan is not required given the size of the development.

**3.5.6 Economic Development (Clause 17)**16.01-1S Diversified Economy

To strengthen and diversify the economy.

17.04-1S Facilitating Tourism

To encourage tourism development to maximise the economic, social and cultural benefits of developing the state as a competitive domestic and international tourist destination.

**Strategies**

- 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.
- Encourage investment that meets demand and supports growth in tourism

17.04-1L Tourism in the Yarra Ranges Green Wedge

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.*

*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.*

**Response – Economic Development:**

**The development enhances the tourist offering in this location and reinvigorates the former cellar door use. It will support the Yarra Valley region as a domestic and international tourist destination and enhance the local economy.**

### 3.5.7 Infrastructure (Clause 19)

#### 19.03-3S Integrated Water Management

*To sustainably manage water supply and demand, water resources, wastewater, drainage and stormwater through an integrated water management approach.*

#### 19.03-3L Water Management

- *Incorporate Water Sensitive Urban Design principles and best practice stormwater management standards in development proposals.*
- *Support the use of drought proof landscaping and retention of existing vegetation to reduce water consumption.*
- *Minimise the impacts of reticulated services infrastructure on the landscape and environment.*

**Response – Infrastructure:**

**Parking areas are permeable and runoff from roof areas will be captured in rain water tanks.**



### 3.6 Particular provisions

#### 3.6.1 Metropolitan Green Wedge Land: Core Planning Provisions (Clause 51.02)

This Clause seeks:

- *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.*
- *To encourage the location of urban activities in urban areas.*
- *To provide transitional arrangements for permit applications made to the responsible authority before 19 May 2004.*
- *To provide deeming provisions for metropolitan green wedge land.*

Clause 51.02-2 Use of Land does not include any conditions for winery (cellar door) and those for a SSD are consistent with the zone provisions outlined above.

#### **Response – Metropolitan Green Wedge Land:**

**The proposal does not prejudice the intent of this clause and the conditions for a SSD are met as outlined above at the zone provisions.**

#### 3.6.2 Signs (Clause 52.05)

This Clause seeks:

- *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.*

Category 3 – High Amenity Areas seeks 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.*

A permit is required for Business Identification Signage and a series of decision guidelines apply, including character of the area, impacts on views and vistas, relationship to the streetscape, setting or landscape, the relationship to the site and building, the impact of structures associated with the site, the impact of any illumination, the impact of any logo box associated with the sign, the need for identification, the impact on road safety.

#### **Response – Signs:**

**A single double sided sign is proposed at the front of the site and it will not be illuminated. It is of appropriate scale and will not cause detriment to the character of the area or impact road safety.**

#### 3.6.3 Car Parking (Clause 52.06)

This Clause seeks:

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

This clause outlines parking requirements and design standards which cover accessways, car parking spaces, gradients, urban design, safety and landscaping.

A parking rate of 0.4 spaces to each patron is specified for winery use. This clause does not specify a rate for SSD.

#### **Response – Car Parking:**

**Whilst the existing parking area serviced the former cellar door it does not comply with parking space and access dimensions and as such a small gravel extension is proposed. A total of 9 parking spaces at 4.9m x 2.6m with a 6.4m aisle width as required by the design standards. 20 patrons are proposed for the cellar door which equates to the need for 8 spaces (0.4x 20). The ninth space is then available for the SSD, noting that there is no requirement to provide parking for a SSD.**

### **3.6.1 Licensed Premises (Clause 52.27)**

This Clause seeks:

- *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.*

A permit is required to use land to sell or consume liquor where a licence is required under the *Liquor Control Reform Act 1998*.

#### **Response – Licensed Premises:**

**The cellar door is to be licensed with a producers licence. A redline area is therefore not required.**

## **4 GENERAL PROVISIONS**

### **4.1 Existing Uses (Clause 63)**

*Clause 63.01 Extent of Existing Use Rights* states:

*An existing use right is established in relation to use of land under this scheme if any of the following apply:*

- *The use was lawfully carried out immediately before the approval date.*
- *A permit for the use had been granted immediately before the approval date and the use commences before the permit expires.*
- *A permit for the use has been granted under Clause 63.08 and the use commences before the permit expires.*

- *Proof of continuous use for 15 years is established under Clause 63.11.*
- *The use is a lawful continuation by a utility service provider or other private body of a use previously carried on by a Minister, government department or public authority, even where the continuation of the use is no longer for a public purpose.*

Clause 63.06 Expiration of Existing Use Rights states that an EUR expires if either:

- *The use has stopped for a continuous period of 2 years, or has stopped for two or more periods which together total 2 years in any period of 3 years.*
- *In the case of a use which is seasonal in nature, the use does not take place for 2 years in succession.*

#### **Response – Existing Uses:**

As noted above, the land has been formerly used as a winery and cellar door, known as Maddens Lane Winery however we understand that the use has not been in operation for some time with the applicant purchasing the land a couple of years ago and there is no current liquor licence. The winery is located beneath the dwelling and the cellar door is at the western end of the building. There are no records of approvals on Councils tracker due to the age of the venue and there are no licensing details available on the VCGLR. Plans dated March 1980 with the Shire of Lilydale stamp show the ‘public tasting room and cellar’. It has therefore been assumed that there are no existing use rights for the winery and as such this application seeks approval for this use.

Regarding the dwelling on site, this has been used for residential purposes since the applicant settled on the land in 2022. The owner advises that to their knowledge the house was not unused for any extended lengths of time with the former owner residing there until passing away in December 2020. They understand that relatives resided in the dwelling part time until the purchase in May 2022 and they still receive mail for these residents. The dwelling was fully furnished at the time of inspection for sale, including personal items and food. Accordingly, it is believed that the dwelling has existing use rights.

#### **4.2 Decision Guidelines (Clause 65)**

Before deciding on an application or approval of a plan, the responsible authority must consider a series of matters and these seek to ensure good decision making. In addition to consideration of applicable policies and strategies as outlined in this report, the responsible authority must make a judgement on whether a proposal presents an appropriate outcome with respect to amenity, land use conflicts, environmental aspects and the orderly planning of the wider area.

It is submitted that this proposal responds to policy requirements and specific opportunities and constraints to offer an outcome that will make a positive contribution to the municipality. There are no fundamental shortfalls in the matters to be considered and as such we consider approval of this application to be an example of good decision making.

## 5 CONCLUSION

We submit that the proposed use and development is appropriate for the following reasons:

- The objectives, decision guidelines and specific conditions of the Green Wedge Zone are met and the proposal simply sees reinvigoration of a former cellar door. The Small Second Dwelling is a permissible use and meets the conditions outlined;
- The intent of the Significant Landscape Overlay is met given the low scale nature of built form, the grouping of buildings in a location that is well setback from boundaries and in an established garden setting, and the fact that no vegetation is impacted;
- A Land Capability Assessment has been prepared to outline on site waste treatment requirements;
- The existing parking area is utilised and widened to meet the requirements for Car Parking (52.06);
- An advertising sign is proposed at the front of the property and accords with the requirements of Signs 52.05;
- The application does not prejudice the Metropolitan Green Wedge Land: Core Planning Provisions (Clause 51.02);
- Local and State policies are met;
- The proposed use and development will assist in maintaining the Yarra Ranges as a tourist destination.

**Millar I Merrigan**



## 2025 COUNCIL MEETING DATES

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

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*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

It is a requirement that Council set the date, time and place of all Council meetings.

This report provides a proposed schedule of Council meeting dates for the 2025 calendar year.

Once considered by Council the meeting schedule will be formally advertised, and details placed on Council's website. Historically, Yarra Ranges Council meetings have been held on a fortnightly cycle, on the second and fourth Tuesday of each month, commencing at 7:00 pm, with a break provided over the Christmas period.

This report proposes to retain a fortnightly Council meeting cycle throughout 2025. Except for April and September where only one Council meeting will be scheduled per month.

### RECOMMENDATION

#### *That Council*

#### **1. Adopt the 2025 schedule of Council meetings as follows:**

<b><i>Tuesday, 28 January 2025</i></b>	<b><i>Tuesday, 8 July 2025</i></b>
<b><i>Tuesday, 11 February 2025</i></b>	<b><i>Tuesday, 22 July 2025</i></b>
<b><i>Tuesday, 25 February 2025</i></b>	<b><i>Tuesday, 12 August 2025</i></b>
<b><i>Tuesday, 11 March 2025</i></b>	<b><i>Tuesday, 26 August 2025</i></b>
<b><i>Tuesday, 8 April 2025</i></b>	<b><i>Tuesday, 9 September 2025</i></b>
<b><i>Tuesday, 22 April 2025</i></b>	<b><i>Tuesday, 14 October 2025</i></b>
<b><i>Tuesday, 13 May 2025</i></b>	<b><i>Tuesday, 28 October 2025</i></b>
<b><i>Tuesday, 27 May 2025</i></b>	<b><i>Tuesday, 11 November 2025</i></b>
<b><i>Tuesday, 10 June 2025</i></b>	<b><i>Tuesday, 25 November 2025</i></b>
<b><i>Tuesday, 24 June 2025</i></b>	<b><i>Tuesday, 9 December 2025</i></b>

- 2. Convene all Council meetings to commence at 7:00 pm at the Yarra Ranges Council Office, Lilydale, Victoria, unless otherwise specified in a public notice.**
- 3. Authorise the Chief Executive Officer to undertake all statutory requirements that apply to meetings of Council.**

## RELATED COUNCIL DECISIONS

There are no related Council decisions relevant to this item.

## DISCUSSION

### *Purpose and Background*

To consider the schedule of meetings of Council for the 2025 calendar year.

Under the provisions of the Governance Rules, Council must fix the date, time and place of all Council meetings. Council meetings have historically been held on a fortnightly cycle, on the second and fourth Tuesday of each month, commencing at 7pm, with a break provided over the Christmas period.

The schedule of Council meetings has been prepared in accordance with Council's Governance Rules.

### *Recommended option and justification*

That Council adopt the schedule of Council meeting dates for the 2025 calendar year to allow for planning and consistency with current practice.

## FINANCIAL ANALYSIS

Costs associated with holding Council meetings can be met from within approved budgets. Once confirmed by Council, changes to the approved schedule of Council meetings, as a result of cancellation or scheduling of additional meetings, or a change to the venue for a meeting, would require public notice to be given and notices in local newspapers will incur additional costs.

## RELEVANT LAW

Under the provisions of the *Local Government Act 2020* and Council's Governance Rules, Council must from time to time fix the date, time and place of all Council meetings. There is no similar requirement for Forum meetings.

Once the schedule of meetings has been agreed upon, the Governance Rules provide for:

- Council, by resolution, or the Chief Executive Officer following consultation with the Mayor and Councillors, to change the date, time and place of, or cancel, any Council meeting. Reasonable notice of the change must be provided to the public.
- The Chief Executive Officer to cancel or postpone a Council meeting, should an emergency require this.
- The Chief Executive Officer to call a Council meeting in the case of an emergency.
- The Mayor or at least three Councillors to call a Council meeting by a written notice delivered to the Chief Executive Officer.

## **SUSTAINABILITY IMPLICATIONS**

### ***Economic Implications***

There are no economic impacts associated with the approval of the schedule of Council meetings.

### ***Social Implications***

Council meetings, whether held in person or virtually, provide members of the community with an opportunity to participate in local democracy. Participation enables a greater understanding of Council's decision-making process and promotes open and transparent government. Given the size of the municipality and the distance some members of the community are required to travel, virtual participation has enabled people to conveniently participate and engage in meetings without leaving their homes.

### ***Environmental Implications***

There are no environmental impacts associated with adopting the schedule of Council meetings. Continuation of virtual participation in Council meetings in 2025, together with livestreaming meetings, supports a reduction in the travel requirements of Councillors, officers and members of the community, which in turn could see a reduction in emissions and therefore have a positive impact on environmental factors.

## **COMMUNITY ENGAGEMENT**

There has been no public consultation undertaken in respect of the recommendations within this report. Once adopted, the meeting schedule will be formally advertised, and details placed on Council's website.

## **COLLABORATION, INNOVATION AND CONTINUOUS IMPROVEMENT**

Not relevant.

## **RISK ASSESSMENT**

There are no risks associated with the recommendations in this report. Council meetings have historically been held on a fortnightly cycle. Council meetings are open to members of the community to attend and, through livestreaming and offering the opportunity to participate by way of teleconference, Council can continue to ensure those who wish to engage with Council are able to do so as easily as possible.

## **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*.



## COUNCILLOR APPOINTMENTS TO COMMITTEES AND EXTERNAL BODIES

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

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*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

Each year Council appoints representatives to several committees and external bodies.

Approval is sought to appoint Council representation to the committees and external bodies listed for the period December 2024 to November 2025.

A list of the appointments recommended to be made to committees and external bodies is included at Attachment One.

### RECOMMENDATION

***That Council approve the appointment of representatives to committees and external bodies for the period December 2024 to November 2025, as per Attachment 1 to the report.***

### RELATED COUNCIL DECISIONS

Current appointments to committees and external bodies were made at the Council meeting held on 12 December 2023.

## DISCUSSION

### *Purpose and Background*

The appointment of representatives to committees and external bodies ensures that the interests of Council can continue to be properly represented, together with those of the wider community. As delegates, Councillors are provided with an opportunity at each Council Meeting to provide verbal reports in respect of their attendance at meetings of the committees and external bodies to which they have been appointed.

### *Requirements for all appointees representing Council*

In considering the appointments to committees and external bodies, it is important that Councillors:

1. Clearly understand the basis of their appointment.
2. Commit to attending meetings of committees and external bodies they have been appointed.
3. Recognise the differences in their obligations as a delegate or member of the governing body of an external organisation.
4. Understand that in claiming any reasonable, bona-fide out of pocket expenses incurred as a result of their appointment, they are required to sign a declaration that they have not received reimbursement from any other sources.
5. Understand that the provisions of the Councillor Code of Conduct apply when representing Council on external organisations.
6. Are aware that the *Local Government Act 2020* and Local Government (Integrity and Governance) Regulations 2020 provide for an exemption from the conflicts of interest requirements for Councillors, where an interest only arises because they are the representative of Council on a not-for-profit organisation, and they receive no personal advantage or remuneration from the not-for-profit organisation.
7. Report back to Council on meetings they have attended of the body or organisation they have been appointed to and ensure minutes are made available to their fellow Councillors. Provision is made on the agenda of each Council Meeting for this to occur.

## FINANCIAL ANALYSIS

Any costs associated with a Councillor's role as delegate can be met from within approved operational budgets.

## **APPLICABLE PLANS AND POLICIES**

The appointment of representatives to the committees and external bodies listed ensures that the interests of Council continue to be properly represented, together with those of the wider community, and therefore contributes to meeting Council's strategic objectives.

## **RELEVANT LAW**

Advisory committees are defined in the *Local Government Act 1989* as being any committee established by the Council, other than a special committee, that provides advice to the Council or a special committee or a member of Council staff who has been delegated a power, duty or function of the Council.

## **SUSTAINABILITY IMPLICATIONS**

### ***Economic Implications***

There are no economic impacts associated with this report.

### ***Social Implications***

Councillors can attend and report back to Council on the meetings, activities and events of the committees and external bodies to which they have been appointed.

### ***Environmental Implications***

There are no environmental impacts associated with this report.

## **COMMUNITY ENGAGEMENT**

No community consultation has been undertaken in respect of the recommendations in this report. The committees and external bodies listed within the attachment to this report will be notified of appointments once made by Council.

## **COLLABORATION, INNOVATION AND CONTINUOUS IMPROVEMENT**

Not relevant.

## **RISK ASSESSMENT**

Councillors should consider the implications and responsibilities of being involved with committees and external bodies, as they must:

- Continue to comply with the Councillor Code of Conduct when acting as a representative of the Council.

- Comply with any code of conduct of the committee or external body they are appointed to if one exists.
- Councillors are recommended to ensure that when they take up their appointment with a committee or external body, they have access to the key documents regulating the organisation, such as its constitution or terms of reference, to ensure they are aware of what the body can and cannot do and receive a briefing on the body or their role within it if necessary.
- A risk exists if a delegate were to not regularly attend meetings of the body they have been appointed to. This could present a reputational risk for Council and furthermore hinder Council in furthering its priorities and those of the community.

### **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. Appointments to External and Other Bodies 2024-2025



## Appointments to Committees and External Bodies

Committee	Term	2024/2025 Councillors
<b>Agribusiness Yarra Valley</b> (One representative required and one substitute)	1 year	<b>Cr Gareth Ward</b> <b>Cr Fiona McAllister (Sub)</b>
<b>Audit and Risk Management Committee</b> (Two representatives required)	1 year	<b>Cr Jim Child</b> <b>Cr Fiona McAllister</b>
<b>Burrinja Cultural Centre</b> (One representative required)	1 year	<b>Cr Peter Mcilwain</b>
<b>Disability Advisory Committee</b> (Two representatives required, one as Chair)	4 years	<b>Cr Len Cox (Chair)</b> <b>Cr Higgins (Sub)</b>  <i>Appointed on 10 December 2024 for a four-year term. Reappointment is not required until November 2028.</i>
<b>Eastern Affordable Housing Alliance</b> (One representative required)	2 years	<b>Cr Tim Heenan</b>  <i>Appointed on 10 December 2024 for a two-year term. Reappointment is not required until November 2026.</i>
<b>Eastern Alliance of Greenhouse Action</b> (One representative required)	1 year	<b>Cr Peter Mcilwain</b>
<b>Eastern Region Group of Councils</b> (Mayor and Deputy Mayor)	1 year	<b>Cr Jim Child</b> <b>Cr Richard Higgins</b>
<b>Eastern Transport Coalition</b> (One representative required as Chair, and one substitute)	1 year	<b>Cr Mitch Mazzarella</b> <b>Cr Jim Child (Sub)</b>
<b>Health and Wellbeing Advisory Committee</b> (One representative required as Chair, and one substitute)	1 year	<b>Cr Gareth Ward (Chair)</b> <b>Cr Jim Child (Sub)</b>
<b>Indigenous Advisory Committee</b> (Two representatives required)	1 year	<b>Cr Jeff Marriott</b> <b>Cr Fiona McAllister</b>
<b>Jack Hort Memorial Indoor Pool Management Committee</b> (Ryrie Ward Councillor to be appointed)	2 years	<b>Cr Fiona McAllister</b>  <i>Appointed on 10 December 2024 for a two-year term. Reappointment is not required until November 2026.</i>

## Appointments to Committees and External Bodies

Committee	Term	2024/2025 Councillors
<b>Metropolitan Education Traffic Centre (METEC) Board</b> (One representative required)	2 years	<b>Cr Richard Higgins</b> <i>Appointed on 10 December 2024 for a two-year term. Reappointment is not required until November 2026.</i>
<b>Municipal Association of Victoria</b> (Two representative required – Mayor and Deputy Mayor)	1 year	<b>Cr Jim Child</b> <b>Cr Richard Higgins (Sub)</b>
<b>Municipal Emergency Management Planning Committee</b> (One representative required and one substitute)	1 year	<b>Cr Jeff Marriott</b> <b>Cr Jim Child (Sub)</b>
<b>Municipal Fire Management Planning Committee</b> (One representative required and one substitute)	1 year	<b>Cr Jeff Marriott</b> <b>Cr Jim Child (Sub)</b>
<b>Outer Melbourne Councils</b> (Mayor required as representative and Deputy Mayor as substitute)	1 year	<b>Cr Jim Child</b> <b>Cr Richard Higgins (Sub)</b>
<b>Positive Ageing Reference Group</b> (One representative required)	4 years	<b>Cr Richard Higgins</b> <i>Appointed on 10 December 2024 for a four-year term. Reappointment is not required until November 2028.</i>
<b>Rural Advisory Committee</b> (One representative required as Chair and one substitute)	2 years	<b>Cr Gareth Ward (Chair)</b> <b>Cr Fiona McAllister (Sub)</b>
<b>Sustainable Environment Advisory Committee</b> (Two representatives required, one as Chair)	1 year	<b>Cr Peter McIlwain (Chair)</b> <b>Cr Jeff Marriott (Sub)</b>
<b>Yarra Ranges Regional Museum Trust</b> (Two representatives required)	1 year	<b>Cr Richard Higgins</b> <b>Cr Tim Heenan</b>
<b>Yarra Valley ECOSS</b> (One representative required)	1 year	<b>Cr Jim Child</b>
<b>Your Library Limited</b> (Two representatives required)	1 year	<b>Cr Jim Child</b> <b>Cr Mitch Mazzarella</b>

**EOI6105 7525: MADDENS LANE, COLDSTREAM ROAD REHABILITATION - STAGE 2**

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Report Author: Manager Design and Delivery  
Responsible Officer: Director Built Environment & Infrastructure  
Ward(s) affected: Ryrie;

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*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**

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 stage two of Maddens Lane Road Rehabilitation works.

Maddens Lane, Gruyere/Coldstream (Maroondah Highway to Medhurst Road) is listed under the Roads Rehabilitation & Renewal Program within the Yarra Ranges Council Capital Expenditure Program with allocated funding of \$2,573,600 across two financial years – 2023/2024 (\$1,023,600) and 2024/2025 (\$1,550,000).

Maddens Lane is being reconstructed under two contracts. Contract EOI6105 7359: Maddens Lane Road Rehabilitation was awarded to Prestige Paving Pty Ltd at the Council meeting on 28 November 2023 and is for the reconstruction of Maddens Lane from Medhurst Road to Spring East Lane. The main works under this contract were constructed over 2023/2024 and early 2024/2025, with a final spray seal scheduled for March 2025.

This council report considers the award of EOI6105 7525: Maddens Lane, Coldstream Road Rehabilitation – Stage 2, being for the section of Maddens Lane from Spring East Lane to Maroondah Highway.

## RECOMMENDATION

### *That*

1. ***Council accepts the quotation from TDM Earthworks Pty Ltd to EOI6105 7525: Maddens Lane, Coldstream Road Rehabilitation – Stage 2 for the total lump sum price of \$894,550.69 (exclusive of GST and inclusive of provisional sums), (\$984,005.76 inclusive of GST and inclusive of provisional sums).***
2. ***Council approves the Director of Built Environment and Infrastructure be delegated the authority to sign the contract documents.***
3. ***The confidential attachment to this report remains confidential indefinitely as it relates to matters specified under section 3(1) (g)(i), (g)(ii) of the Local Government Act 2020.***

## RELATED COUNCIL DECISIONS

Council meeting 28 November 2023 – Contract EOI6105 7359: Maddens Lane Road Rehabilitation, being for stage one of this project, was awarded to Prestige Paving Pty Ltd.

## DISCUSSION

### *Purpose*

To seek Council approval to award EOI6105 7525: Maddens Lane, Coldstream Road Rehabilitation – Stage 2.

### *Background*

Maddens Lane, Gruyere (Maroondah Highway to Medhurst Road) is listed under the Roads Rehabilitation & Renewal Program within the Yarra Ranges Council Capital Expenditure Program with allocated funding of \$2,573,600 across two financial years – 2023/2024 (\$1,023,600) and 2024/25 (\$1,550,000).

Maddens Lane is being reconstructed under two contracts. Contract EOI6105 7359: Maddens Lane Road Rehabilitation was awarded to Prestige Paving Pty Ltd at the Council meeting on 28 November 2023, and was for the reconstruction of Maddens Lane from Medhurst Road to Spring East Lane. The main works under this contract were constructed over 2023/2024 and early 2024/2025, with a final spray seal scheduled for March 2025.

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 28 October 2024, Council invited four (4) pre-qualified suppliers from the Road Construction and Associated Works Panel to submit their pricing for EOI6105 7525: Maddens Lane, Coldstream Road Rehabilitation – Stage 2.

The EOI6105 7525 Request for Quotation (RFQ) process remained open for 14 business days, closing on 15 November 2024 and four (4) Submissions were received.

### ***Options considered***

This EOI6105 7525 RFQ process has been carried out in accordance with the requirement of Council's Procurement Policy.

Panellists submissions were assessed for conformity with the EOI6105 7525 RFQ documents and no quotes were eliminated from further evaluation as a result of any non-conformances.

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

<b>Evaluation Criteria</b>	<b>Weighting</b>
Price	80%
Resourcing	5%
Timeframes	15%
<b>TOTAL</b>	<b>100%</b>

### ***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 as the successful panellists for EOI6105 7525: Maddens Lane, Coldstream Road Rehabilitation – Stage 2.

The evaluation panel request that Council adopts the recommendations within this report.

## **FINANCIAL ANALYSIS**

Maddens Lane, Gruyere/Coldstream (Maroondah Highway to Medhurst Road) is listed under the Roads Rehabilitation & Renewal Program within the Yarra Ranges Council Capital Expenditure Program with allocated funding of \$2,573,600 across two financial years – 2023/24 (\$1,023,600) and 2024/25 (\$1,550,000).

## **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 Councils Road Construction and Associated Works Panel. This panel was established with a majority of local smaller contractors which will help provide economic support to local business and local employment.

### ***Social Implications***

The recommended panellist 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 panellist 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 Maddens Lane, Gruyere/Coldstream will be notified of the works prior to works commencement.

## **COLLABORATION, INNOVATION AND CONTINUOUS IMPROVEMENT**

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

## **RISK ASSESSMENT**

Risks 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 7525 Maddens Lane, Coldstream Road Rehabilitation – Stage 2 Evaluation Criteria (Confidential)

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.



## 15. INFORMAL MEETINGS OF COUNCILLORS

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

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*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. 12 November 2024 – Councillor Development Program
2. 13 November 2024 – Councillor Development Program
3. 15 November 2024 – Councillor Development Program
4. 17 November 2024 – Councillor Development Program
5. 19 November 2024 – Council Briefing
6. 19 November 2024 – Council Forum
7. 20 November 2024 – Councillor Development Program
8. 23 November 2024 – Councillor Development Program
9. 27 November 2024 – Councillor Development Program
10. 28 November 2024 – Councillor Development Program
11. 2 December 2024 – Councillor Development Program

# Informal Meeting of Councillors

## Public Record



<b>Meeting Name:</b>	Councillor Development Program (CDP)
<b>Date:</b>	12 November 2024                      Start Time: 5.30pm    Finish Time: 10pm
<b>Venue:</b>	Conference Rooms A, B and Chamber
<b>Attendees:</b>	<p><b>Councillors:</b>    Cr Child, Cr Higgins, Cr McAllister (7pm), Cr Cox, Cr Heenan, Cr McIlwain, Cr Ward, Cr Mazzarella and Cr Marriott</p> <p><b>CEO/Directors:</b> Tammi Rose, Leanne Hurst, Hjalmar Philipp, Kath McClusky, Kim O'Connor (Acting Director Corporate Services) and Amee Cooper</p> <p><b>Via Zoom:</b>            NIL</p> <p><b>Externals:</b>            NIL</p> <p><b>Apologies:</b>            NIL</p>
<b>Disclosure of Conflicts of Interest:</b>	<ul style="list-style-type: none"> <li>• Nil</li> </ul>
	<b>Item Title</b>
	- Introduction to Council's ELT and Governance team
	- Introduction to the Directorates and Org structure
	- Governance support available to assist Councillors in their role
	- CX Customer Request Systems (s107)
	- Communicating with our Community (comms/ social media)
	- Roles & Responsibilities/ Expense Policy (s41)/ Remuneration Policy (s45)
<b>Completed By:</b>	Christy Seeger

# Informal Meeting of Councillors

## Public Record



<b>Meeting Name:</b>	Councillor Development Program (CDP)
<b>Date:</b>	13 November 2024                      Start Time: 5.30pm    Finish Time: 7.30pm
<b>Venue:</b>	Chamber
<b>Attendees:</b>	<p><b>Councillors:</b>    Cr Child, Cr Higgins, Cr McAllister, Cr Cox, Cr Heenan, Cr McIlwain, Cr Ward, Cr Mazzarella and Cr Marriott</p> <p><b>CEO/Directors:</b> Tammi Rose, Leanne Hurst, Hjalmar Philipp, Kath McClusky, Kim O'Connor (Acting Director Corporate Services) and Amee Cooper</p> <p><b>Via Zoom:</b>            NIL</p> <p><b>Externals:</b>            David Vorcheimer</p> <p><b>Apologies:</b>            NIL</p>
<b>Disclosure of Conflicts of Interest:</b>	<ul style="list-style-type: none"> <li>• Nil</li> </ul>
	<b>Item Title</b>
	- Statutory Planning, Building and Development Compliance (s12B)
<b>Completed By:</b>	Christy Seeger



# Informal Meeting of Councillors

## Public Record



<b>Meeting Name:</b>	Councillor Development Program (CDP)
<b>Date:</b>	15 November 2024                      Start Time: 9am                      Finish Time: 4.30pm
<b>Venue:</b>	Conference Room A and Chamber
<b>Attendees:</b>	<p><b>Councillors:</b> Cr Child, Cr Higgins, Cr McAllister, Cr Cox, Cr Heenan, Cr McIlwain, Cr Ward, Cr Mazzarella and Cr Marriott</p> <p><b>CEO/Directors:</b> Tammi Rose, Leanne Hurst, Hjalmar Philipp, Kath McClusky, Kim O'Connor (Acting Director Corporate Services) and Amee Cooper</p> <p><b>Via Zoom:</b> NIL</p> <p><b>Externals:</b> Georgie Ward</p> <p><b>Apologies:</b> NIL</p>
<b>Disclosure of Conflicts of Interest:</b>	<ul style="list-style-type: none"> <li>• Nil</li> </ul>
	<b>Item Title</b>
	- Governance and Code of Conduct (s139) OH&S
	- Role of a Mayor and Deputy Mayor / Delegated Committees (s11)
	- Meetings and Decision Making (s11)
	- Governance Rules, Forum and Council Meeting Overview (s11)
	- Mock Council Meeting
<b>Completed By:</b>	Christy Seeger

# Informal Meeting of Councillors

## Public Record



<b>Meeting Name:</b>	Councillor Development Program (CDP)
<b>Date:</b>	17 December 2024                      Start Time: 5.30pm    Finish Time: 7.30pm
<b>Venue:</b>	Conference Room B
<b>Attendees:</b>	<p><b>Councillors:</b>    Cr Child, Cr Higgins, Cr McAllister, Cr Cox, Cr Heenan, Cr McIlwain, Cr Ward, Cr Mazzarella and Cr Marriott</p> <p><b>CEO/Directors:</b> Tammi Rose, Leanne Hurst, Hjalmar Philipp, Kath McClusky, Kim O'Connor (Acting Director Corporate Services) and Amee Cooper</p> <p><b>Via Zoom:</b>            NIL</p> <p><b>Externals:</b>            NIL</p> <p><b>Apologies:</b></p>
<b>Disclosure of Conflicts of Interest:</b>	<ul style="list-style-type: none"> <li>• Nil</li> </ul>
	<b>Item Title</b>
	- Safer Communities and Health & Wellbeing (s26)
	- Domestic Animal Management Plan (s68A)
	- Emergency Management
<b>Completed By:</b>	Christy Seeger

# Informal Meeting of Councillors

## Public Record



<b>Meeting Name:</b>	Council Briefing	
<b>Date:</b>	19 November 2024	Start Time: 5.42pm      Finish Time: 5.50pm
<b>Venue:</b>	Council Chamber, Civic Centre, Anderson Street, Lilydale and via videoconference	
<b>Attendees:</b>	<p><b>Councillors:</b> Cr Child, Cr Cox, Cr Higgins(From 5.49pm), Cr McAllister, Cr Heenan, Cr McIlwain, Cr Ward, Cr Mazarella and Cr Marriott</p> <p><b>Via Zoom:</b></p> <p><b>CEO/Directors:</b> Tammi Rose (Chair), Leanne Hurst, Hjalmar Philipp, Kath McClusky, and Kim O'Connor (Acting Director Corporate Services)</p> <p><b>Officers:</b> Beck Stevens, Ben Waterhouse, Gina Walter, Ameer Cooper, Andrew Edge, Mel Villani, Lisa Keedle, and Liam Routledge</p> <p><b>Via Zoom:</b> Daniel Wressell</p> <p><b>Externals:</b> Nil</p>	
<b>Apologies:</b>	Nil	
<b>Disclosure of Conflicts of Interest:</b>	Nil	
<b>Matter/s Discussed:</b>	This briefing covered the following items of business to be considered at the 26 November 2024 Council Meeting.	
	10.1	Neighbourhood Safer Places / Places of Last Resort
	10.2	Quarterly Financial Report - September 2024
	10.3	Appointment and Authorisation under the Environment Protection Act 2017 & the Planning and Environment Act 1987
<b>Completed By:</b>	Gina Walter	

# Informal Meeting of Councillors

## Public Record



<b>Meeting Name:</b>	Council Forum	
<b>Date:</b>	19 November 2024	Start Time: 5.30pm    Finish Time:5.50pm
<b>Venue:</b>	Council Chamber, Civic Centre, Anderson Street, Lilydale and via videoconference	
<b>Attendees:</b>	<p><b>Councillors:</b> Cr Child, Cr Cox, Cr Higgins(From 5.49pm), Cr McAllister, Cr Heenan, Cr Mcllwain, Cr Ward, Cr Mazzarella and Cr Marriott</p> <p><b>Via Zoom:</b></p> <p><b>CEO/Directors:</b> Tammi Rose(Chair), Hjalmar Philipp, Leanne Hurst, Kim O'Connor (Acting Director Corporate Services) and Kath McClusky</p> <p><b>Officers:</b> Beck Stevens, Ben Waterhouse, Gina Walter, Ameer Cooper, Andrew Edge, Mel Villani, Lisa Keedle, and Liam Routledge</p> <p><b>Via Zoom:</b> Daniel Wressell</p> <p><b>Externals:</b> Nil</p>	
<b>Apologies</b>	Nil	
<b>Disclosure of Conflicts of Interest:</b>	Nil	
	2.1	Neighbourhood Safer Places / Places of Last Resort - New Council Briefing
	2.2	Quarterly Financial Report - September 2024
	3.1	Review of the Public Agenda for Councils Meeting of 26 November 2024
	4.0	For Noting
	9.1	Audit and Risk Management Committee Meeting Draft Minutes - 7 October 2024
	9.2	Indicative Forum & Council Meeting Schedule
<b>Completed By:</b>	Gina Walter	

# Informal Meeting of Councillors

## Public Record



<b>Meeting Name:</b>	Councillor Development Program (CDP)
<b>Date:</b>	20 November 2024                      Start Time: 5.30pm    Finish Time: 7.30pm
<b>Venue:</b>	Conference Room B
<b>Attendees:</b>	<p><b>Councillors:</b>    Cr Child, Cr Higgins, Cr Cox, Cr Heenan, Cr McIlwain, Cr Ward, Cr Mazarella and Cr Marriott</p> <p><b>CEO/Directors:</b> Tammi Rose, Leanne Hurst, Hjalmar Philipp, Kath McClusky, Kim O'Connor (Acting Director Corporate Services) AND Amee Cooper</p> <p><b>Via Zoom:</b>            NIL</p> <p><b>Externals:</b>            NIL</p> <p><b>Apologies:</b>          Fiona McAllister</p>
<b>Disclosure of Conflicts of Interest:</b>	<ul style="list-style-type: none"> <li>• Nil</li> </ul>
	<b>Item Title</b>
	- Infrastructure Services and Recreation, Parks & Facilities - Bringing the Yarra Ranges to Life/Ridges & Rivers
<b>Completed By:</b>	Christy Seeger



# Informal Meeting of Councillors

## Public Record



<b>Meeting Name:</b>	Councillor Development Program (CDP)		
<b>Date:</b>	23 November 2024	<b>Start Time:</b> 10am	<b>Finish Time:</b> 3.30pm
<b>Venue:</b>	Conference Room A		
<b>Attendees:</b>	<p><b>Councillors:</b> Cr Child, Cr Higgins, Cr McAllister, Cr Cox, Cr Heenan, Cr McIlwain, Cr Ward, Cr Mazzarella and Cr Marriott</p> <p><b>CEO/Directors:</b> Tammi Rose, Leanne Hurst, Hjalmar Philipp, Kath McClusky, Kim O'Connor (Acting Director Corporate Services) and Amee Cooper</p> <p><b>Via Zoom:</b> NIL</p> <p><b>Externals:</b> Glenn Capuano</p> <p><b>Apologies:</b> NIL</p>		
<b>Disclosure of Conflicts of Interest:</b>	<ul style="list-style-type: none"> <li>• Nil</li> </ul>		
	<b>Item Title</b>		
	- Context of Yarra Ranges – Understanding the Community (s88)		
	- Advocacy at Yarra Ranges Council		
	- Social Media Content Session		
	- Councillors - vision, promises and aspirations		
<b>Completed By:</b>	Christy Seeger		

# Informal Meeting of Councillors

## Public Record



<b>Meeting Name:</b>	Councillor Development Program (CDP)		
<b>Date:</b>	27 November 2024	Start Time: 10am	Finish Time: 5pm
<b>Venue:</b>	Conference Room B		
<b>Attendees:</b>	<p><b>Councillors:</b> Cr Child, Cr Higgins, Cr McAllister, Cr Cox, Cr Heenan, Cr McIlwain, Cr Ward, Cr Mazzarella and Cr Marriott</p> <p><b>CEO/Directors:</b> Tammi Rose, Leanne Hurst, Hjalmar Philipp, Kath McClusky, Kim O'Connor (Acting Director Corporate Services) and Amee Cooper</p> <p><b>Via Zoom:</b> NIL</p> <p><b>Externals:</b> Alicia McKay</p> <p><b>Apologies:</b> NIL</p>		
<b>Disclosure of Conflicts of Interest:</b>	<ul style="list-style-type: none"> <li>• Nil</li> </ul>		
	<b>Item Title</b>		
	- Relationships and Strategic Decision-Making/ Strategic Public Leader		
<b>Completed By:</b>	Christy Seeger		

# Informal Meeting of Councillors

## Public Record



<b>Meeting Name:</b>	Councillor Development Program (CDP)		
<b>Date:</b>	28 November 2024	<b>Start Time:</b> 10am	<b>Finish Time:</b> 5pm
<b>Venue:</b>	Conference Room B		
<b>Attendees:</b>	<p><b>Councillors:</b> Cr Child, Cr Higgins, Cr McAllister, Cr Cox, Cr Heenan, Cr McIlwain, Cr Ward, Cr Mazzarella and Cr Marriott</p> <p><b>CEO/Directors:</b> Tammi Rose, Leanne Hurst, Hjalmar Philipp, Kath McClusky, Kim O'Connor (Acting Director Corporate Services) and Amee Cooper</p> <p><b>Via Zoom:</b> NIL</p> <p><b>Externals:</b> Alicia McKay</p> <p><b>Apologies:</b> NIL</p>		
<b>Disclosure of Conflicts of Interest:</b>	<ul style="list-style-type: none"> <li>• Nil</li> </ul>		
	<b>Item Title</b>		
	- Relationships and Strategic Decision-Making/ Strategic Public Leader		
<b>Completed By:</b>	Christy Seeger		

**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.*

**RECOMMENDATION**

*That in accordance with section 66(2)(a) of the Local Government Act 2020, Council resolves to close the meeting to members of the public to consider the following items which relate to matters specified under section 3(1), as specified below.*

**17.1 Property Sales Update**

*Item 17.1 is Confidential under the terms section 3(1) of the Local Government Act 2020 as it contains information relating to: (a) Council business information, being information that would prejudice the Councils position in commercial negotiations if prematurely released.*

**17.2 CT7035 Cumulative Variation Report, Kilsyth Sports Centre, Pinks Reserve Contract**

*Item 17.2 is Confidential under the terms section 3(1) of the Local Government Act 2020 as it contains information relating to: (g)(ii) Private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage..*



Confidential Item

Confidential Item

Confidential Item

**18. DATE OF NEXT MEETING**

The next meeting of Council is provisionally scheduled to be held on Tuesday 28 January 2025 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.