

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 appropriateAll 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 2.0 metres 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.