

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

APPLICATION DETAILS

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

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

SUMMARY

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

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

RECOMMENDATION

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

DISCLOSURE OF CONFLICTS OF INTEREST

No officers and/or delegates acting on behalf of the Council through the Instrument of Delegation and involved in the preparation and/or authorisation of this report have any direct or indirect conflict of interest as defined within the Local Government Act 1989

CULTURAL HERITAGE SIGNIFICANCE

The application has been checked against the requirements of the Aboriginal Heritage Act 2006 and Aboriginal Heritage Regulations 2007 (Vic) as to the need for a Cultural Heritage Management Plan (CHMP). It has been assessed that a CHMP is not required.

EXTRACTIVE INDUSTRY

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

HUMAN RIGHTS CONSIDERATION

The application has been assessed in accordance with the requirements of the *Planning and Environment Act 1987* (including the Yarra Ranges Planning Scheme), reviewed by the State Government and which complies with the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

DESCRIPTION OF SITE AND SURROUNDING AREAS

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

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

Surrounds

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

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

Immediately adjoining the subject site are:

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



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



Figure 2 – Stag Lane entrance to the site



Figure 3. Subject site and adjoining properties

PROPOSAL

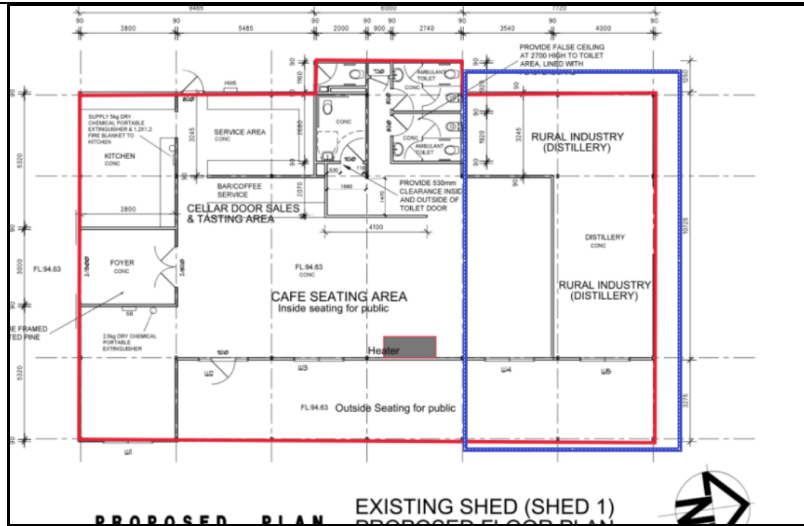
The proposal seeks approval for the following;

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

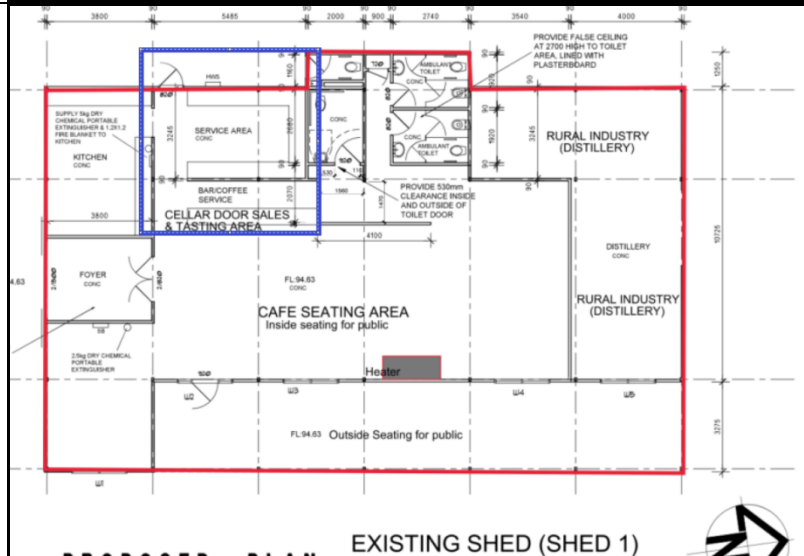
More specifically the proposal is:

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

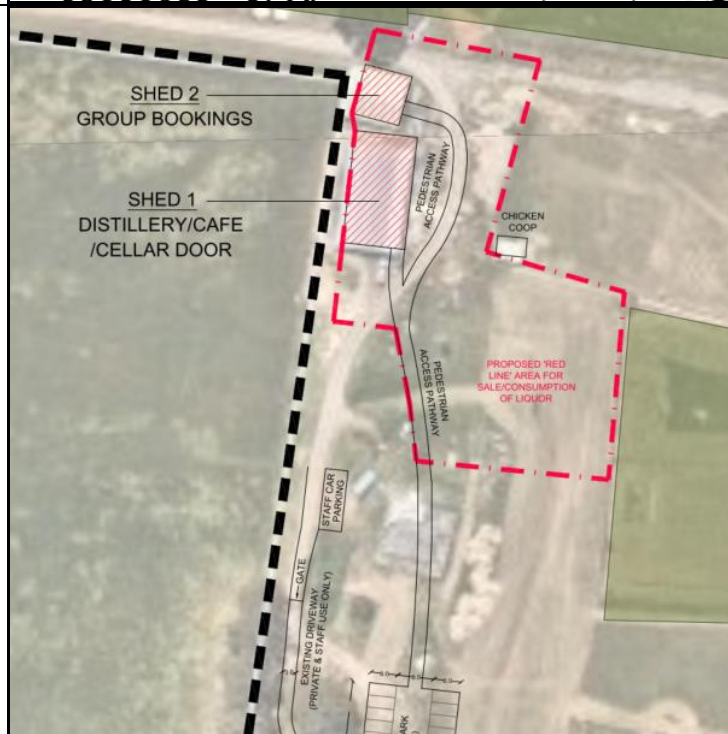
Blue highlighted area shows the distillery






Blue highlighted area shows the cellar door sales and tasting area

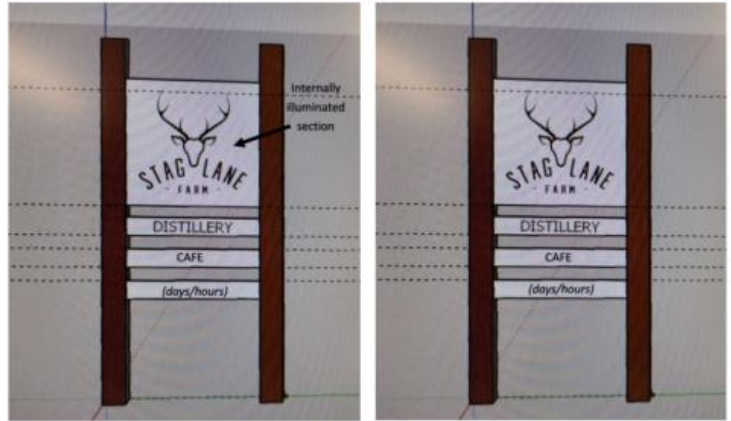


The Red Line Plan illustrating the area where the sale and consumption of liquor will occur.

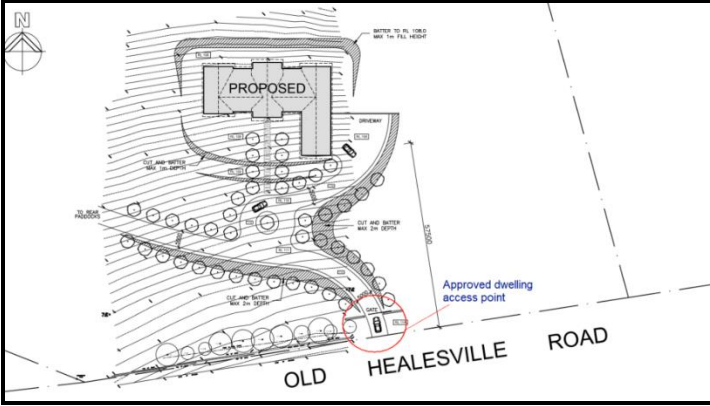


<p>Operating hours</p>	<p>Distillery (visible to public)/Restaurant (café) Daily: 9:30am to 5pm Function Centre Monday to Sunday: 9am to 11pm</p>
<p>Staff</p>	<p>Maximum of eight (8) staff members at any one time.</p>
<p>Forty (40) on-site carparking spaces, wrapped with a landscape buffer</p>	  <p>Looking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

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



HISTORY

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

PLANNING CONTROLS

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

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

PERMIT TRIGGERS

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

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

CONSULTATION

Internal Referrals

This application was referred to various business units or individuals within Council for advice on particular matters. The following is a summary of the relevant advice:

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

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Public Notification and Consultation

Notification of the application was undertaken by:

- Mailing notices to owners and occupiers of adjoining and/or nearby properties
- Placing the proposal on Council's website for a minimum of 14 days

Number of Submissions:

Twelve (12) objections.

The main grounds of objections include the following

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

Five (5) supporting statements.

The main grounds of support include the following:

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

ASSESSMENT OF KEY ISSUES

RURAL INDUSTRY (DISTILLARY)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MANUFACTURING SALES (CELLAR DOOR)

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

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

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

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

Amenity (noise, patrons traffic)

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

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

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

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

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

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

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

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

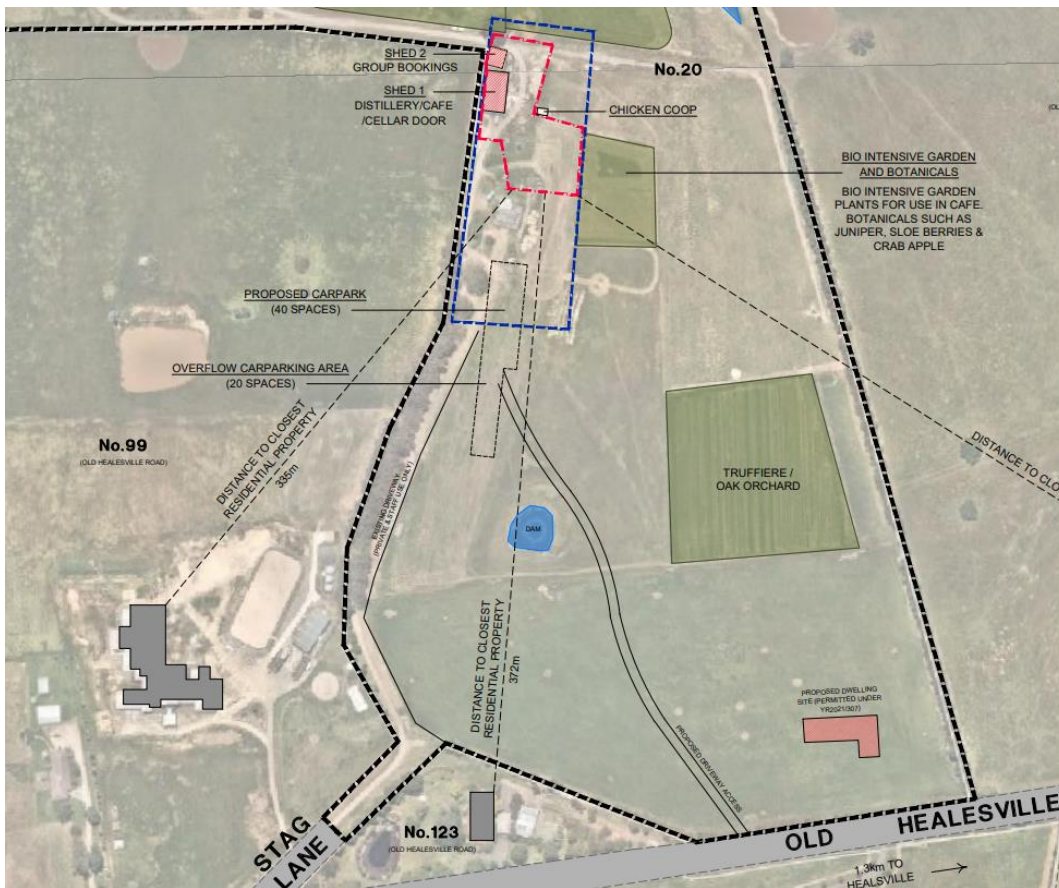


Figure 4. Site and surrounds taken from the application documentation.

CAR PARKING AND TRAFFIC

Clause 52.06 (Car Parking) is relevant to the consideration of this application. This clause seeks to ensure there is the provision of an appropriate number of car parking spaces, to ensure that car parking does not adversely affect the amenity of the locality, and to ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.

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

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

Amenity (landscaping)

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

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

SIGNS - BUSINESS IDENTIFICATION

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

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

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

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

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

CROSSOVER - OLD HEALESVILLE ROAD

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

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

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

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

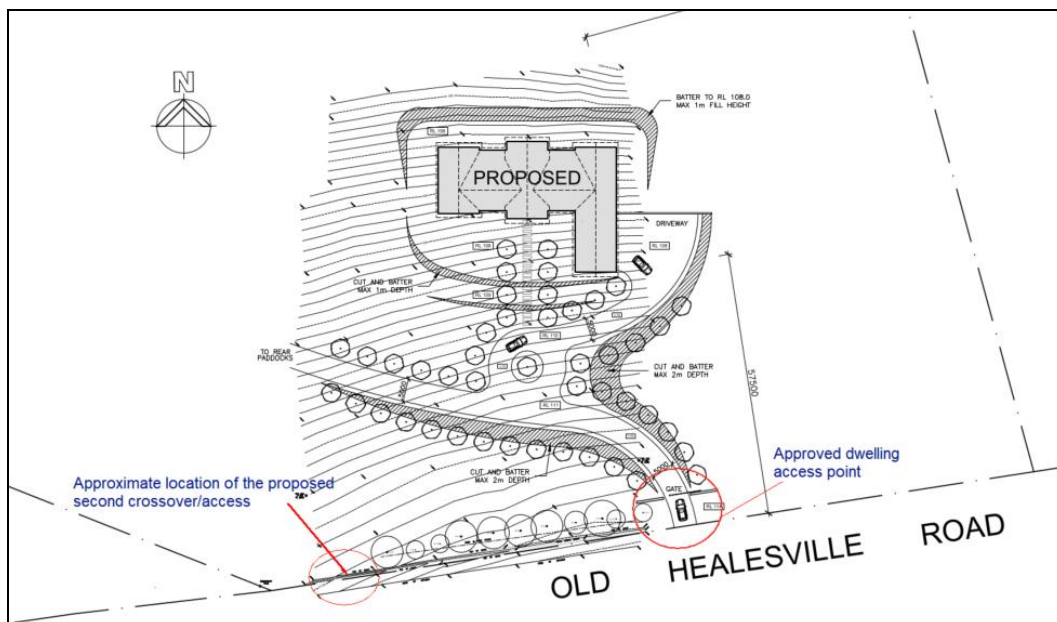
subject to a Council standard commercial crossover design standards been installed, in lieu of domestic crossover type.

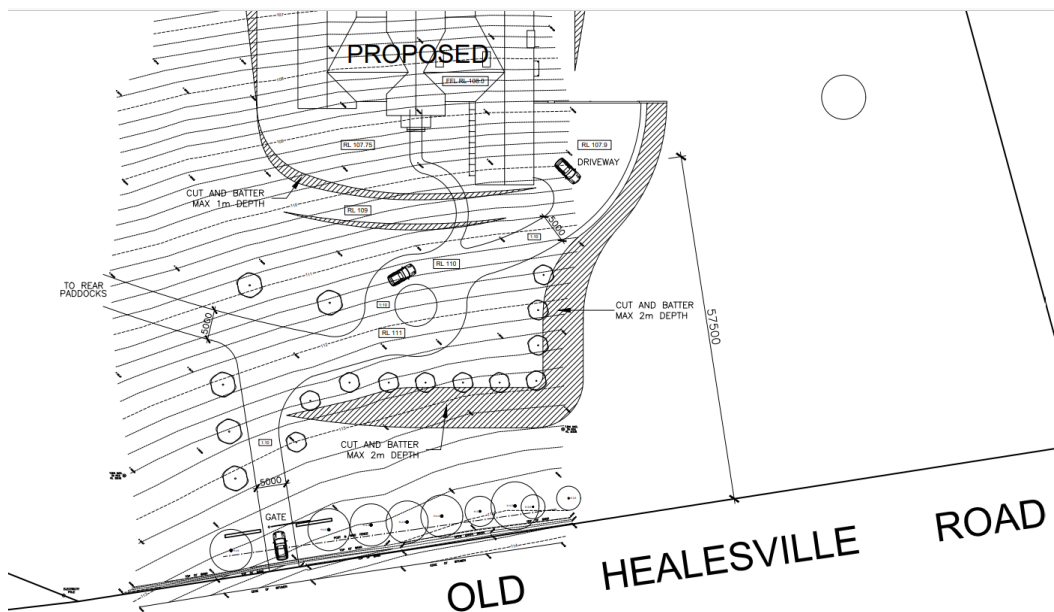
HO171 applied (Yarra Track - Yarra Glen-Healesville section) citation reads.

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



(Figure 5 – proposed crossover location)





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

LICENSED PREMISES – SALE AND CONSUMPTION OF LIQUOR

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Response to Objection Submitters concerns

The following is a response to the submissions made:

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

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

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

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

ATTACHMENTS

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