

Council Report –Conditions and Notes

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

THE FOLLOWING CONDITIONS ARE PROPOSED FOR THIS APPLICATION:

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

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

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

Council Report –Conditions and Notes

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

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

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

Operational requirements

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

Council Report –Conditions and Notes

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

All to the satisfaction of the Responsible Authority

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

Signage

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

Council Report –Conditions and Notes

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

Traffic Engineering Conditions

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

Council Report –Conditions and Notes

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

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

Health Conditions

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

Permit Expiry

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

This permit for the permitted business identification signage will expire:

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

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

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

NOTES:

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

Council Report –Conditions and Notes

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