

Planning Report

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

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



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

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

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1. Executive Summary

Proposal: Gin Distillery and Tourist Facility - Restaurant, Function Centre, Cellar Door & associated car parking and signage

Address: 20 Stag Lane, Yarra Glen

Title: Vol. 11630 Fol. 117

Parcel: Plan of Consolidation PC 364146C

Area: 35.59 ha (87.94 acres)

Melway: 267 J9

Zone: Green Wedge Zone (GWZ5) (No overlays)

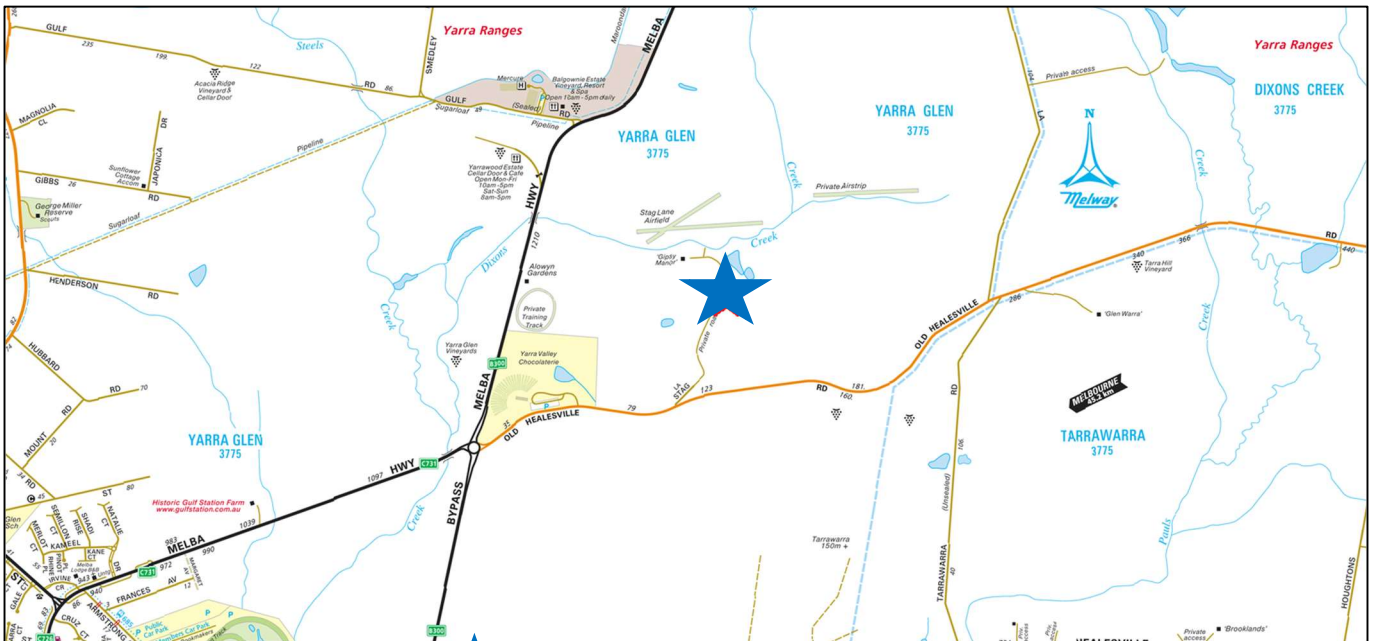
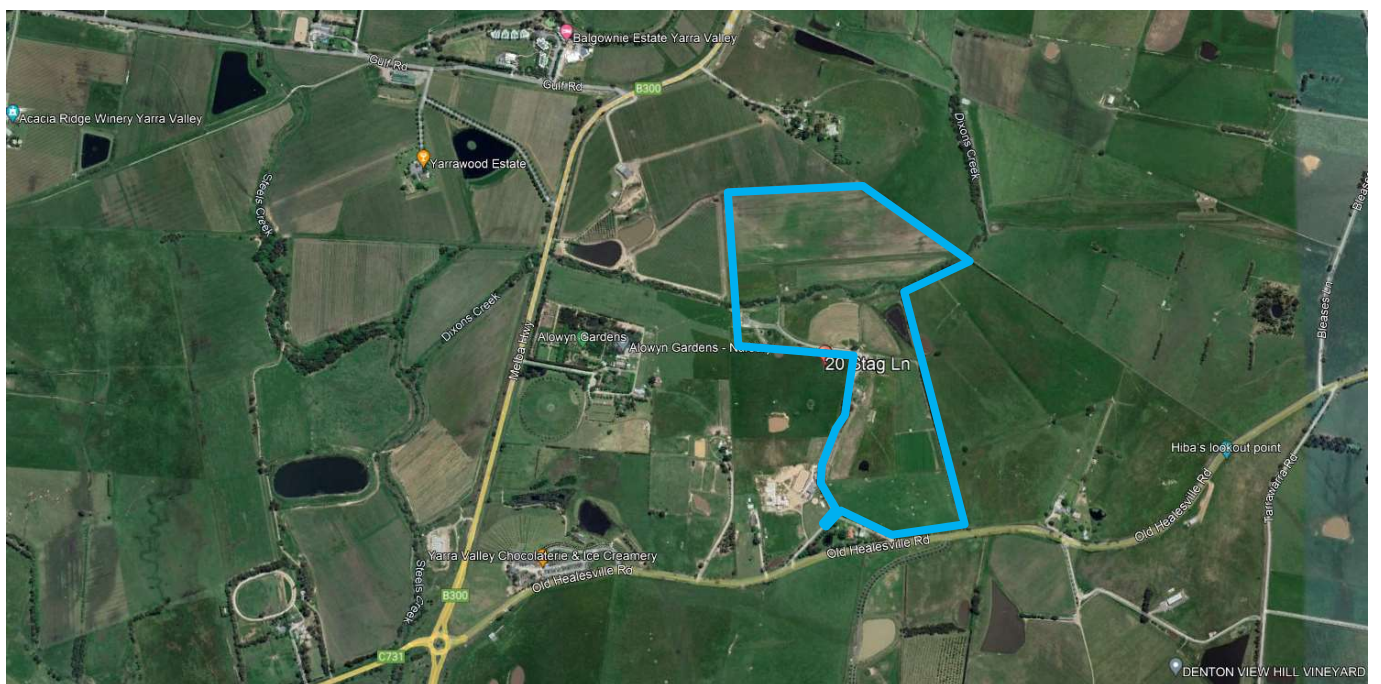


Figure 1.1: Site Context Map  Indicates subject site Source: Melway Online Maps



1.1 Introduction & Background

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

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

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



Figure 1.2: Citrus / Yuzu plantings Photo taken November 2021

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

1.2 Proposal Summary

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

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

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

Executive Summary

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

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

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

Our income streams include:

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

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

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

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

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

Strategy

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

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

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

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

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

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

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

Our business overview subject to Council planning and approval:

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

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

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

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

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

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

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

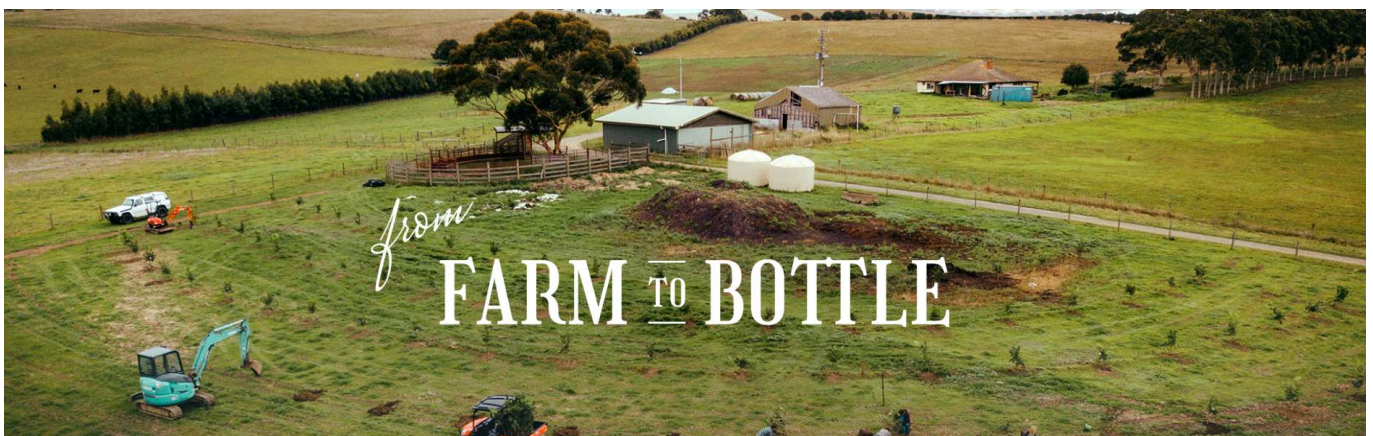


Figure 1.3: Mary Monica website photo (2020)

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

1.3 Planning Summary

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

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

2. Land Description

2.1 Locality



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

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

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

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

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

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PROPOSAL: GIN DISTILLERY, CAFÉ, FUNCTION CENTRE, CELLAR DOOR**

Some Examples of Nearby Wineries / Distilleries and Tourist Facilities

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

2.2 Site Development

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




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

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



Figure 2.2 Aerial photo of site & surrounds

Source: Nearmap Nov 2021

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

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PROPOSAL: GIN DISTILLERY, CAFÉ, FUNCTION CENTRE, CELLAR DOOR**

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

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

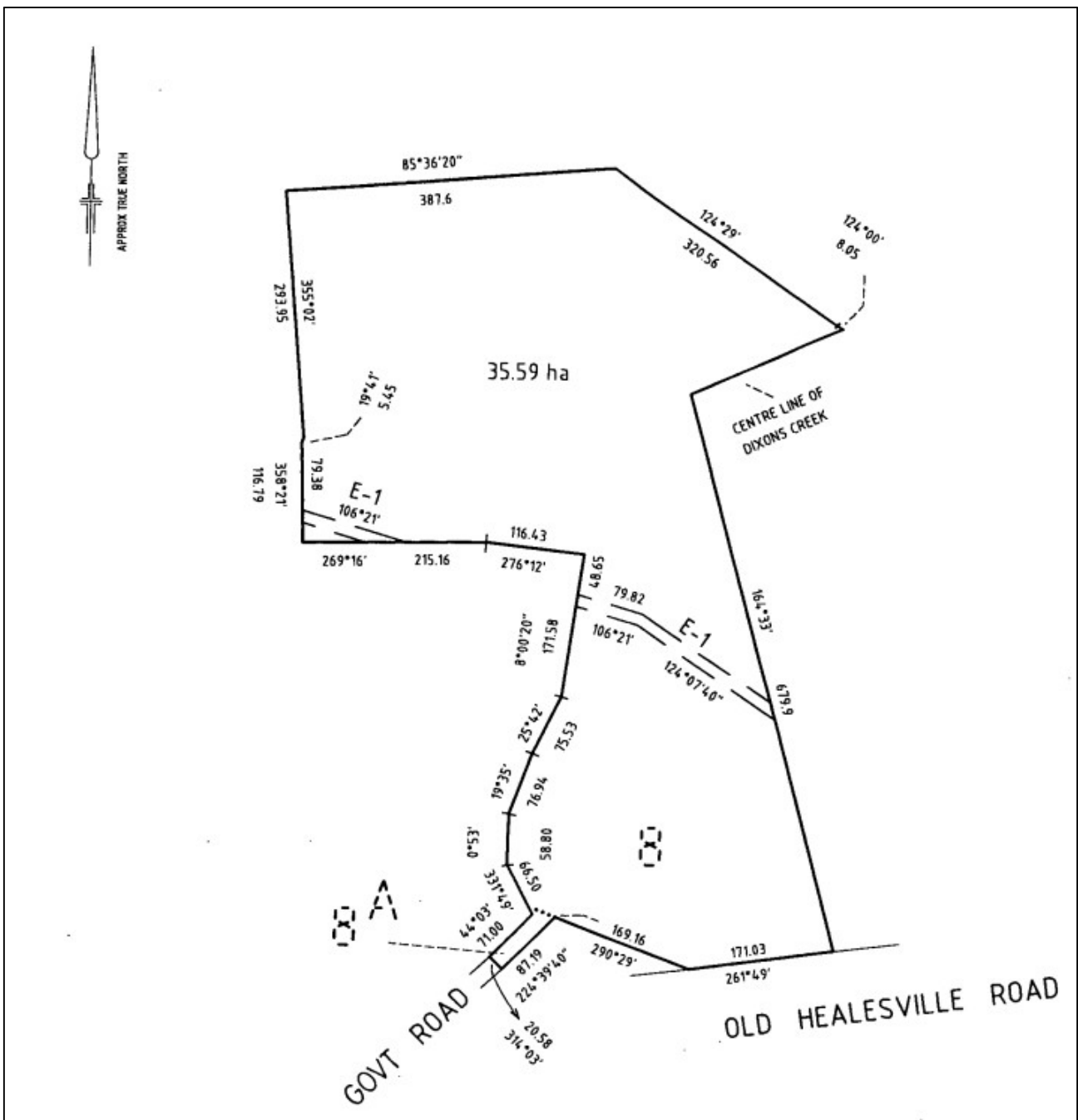


Figure 2.3: Title Plan

Source: Certificate of Title Search May 2021

Existing agriculture and plantings on the property include:

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

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

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

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

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

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

3. PROPOSAL



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



Application site



Proposed Distillery/Restaurant/Functions in & around existing sheds

3.1 - Proposed Land Uses

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

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

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




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

Existing Sheds



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

 (denoted with dashed blue outline)

 proposed car parking area

Source: JCA photo (December 2021)



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

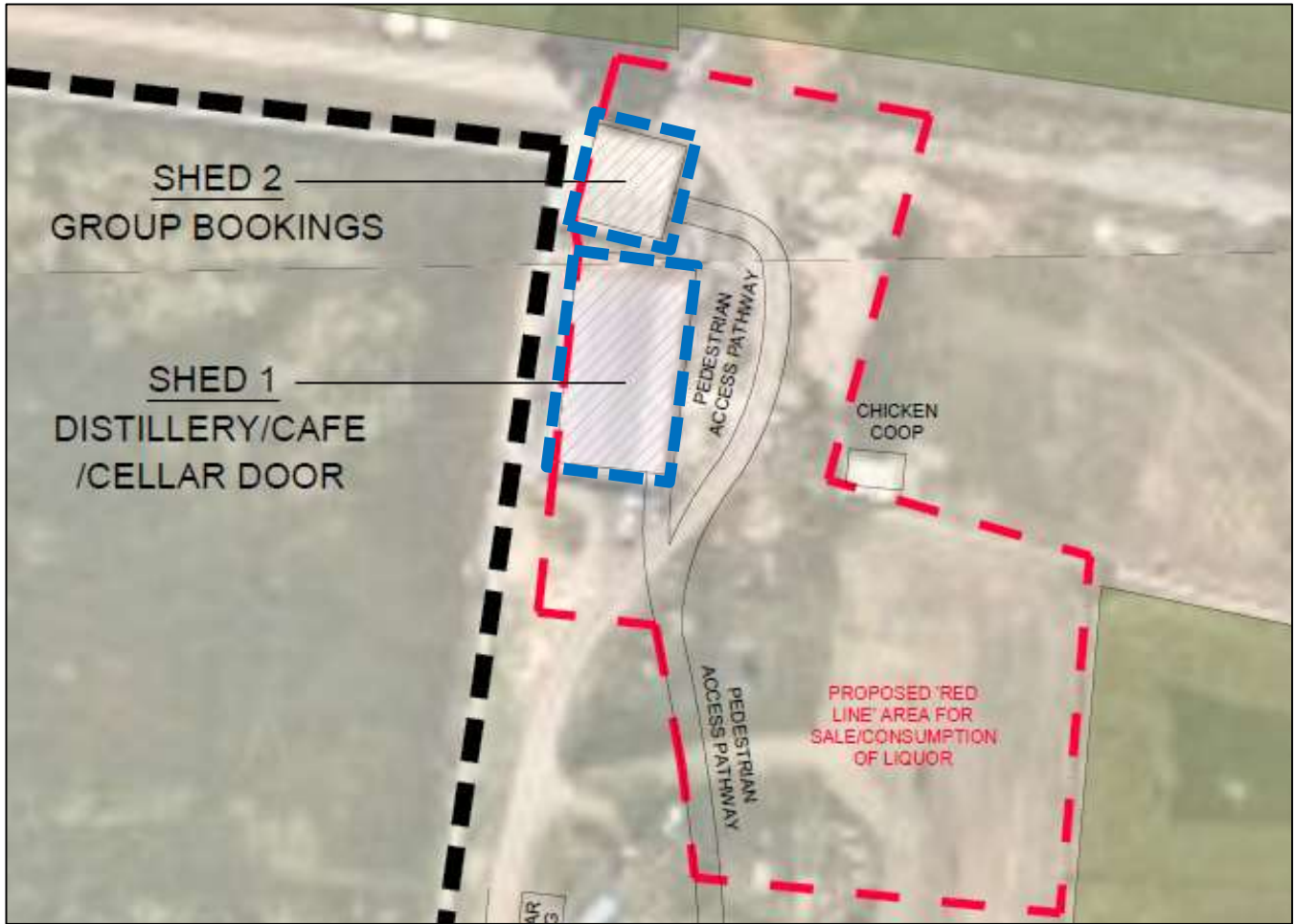


Figure 3.5 Existing Buildings (denoted with dashed blue outlines) 
Source: extract of the JCA plans (Sheet 2 of 3)

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

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

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

Gin Distillery

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

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

Restaurant / Café

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

Cellar Door and Produce Sales

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

Small Weddings, Group Bookings and Private Functions

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

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

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

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

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

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

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

Proposed Patron Numbers and Location of Licensed Area Service

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

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

Staff Numbers

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

Proposed Days / Hours of Operation

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

Restaurant (café) / Distillery (cellar door):

Open Daily: 9.30am – 5pm

Function centre:

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

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

3.2 – Proposed Buildings and Works

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

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

Car Park

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

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

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

Proposed Access

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

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

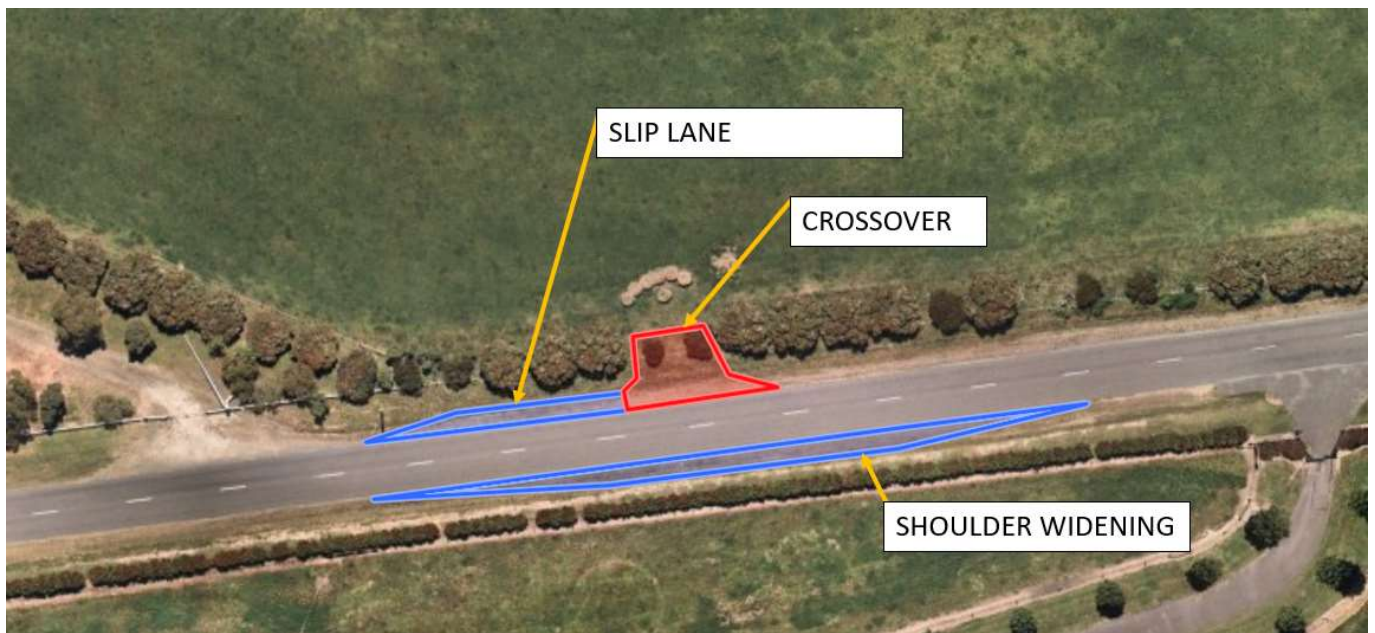


Figure 3.6: Likely roadworks at proposed Old Healesville Road entry



Figure 3.7: Approximate location of proposed Old Healesville Road entry

Existing Access

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



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

Signage

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

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

Landscape Elements

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

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

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

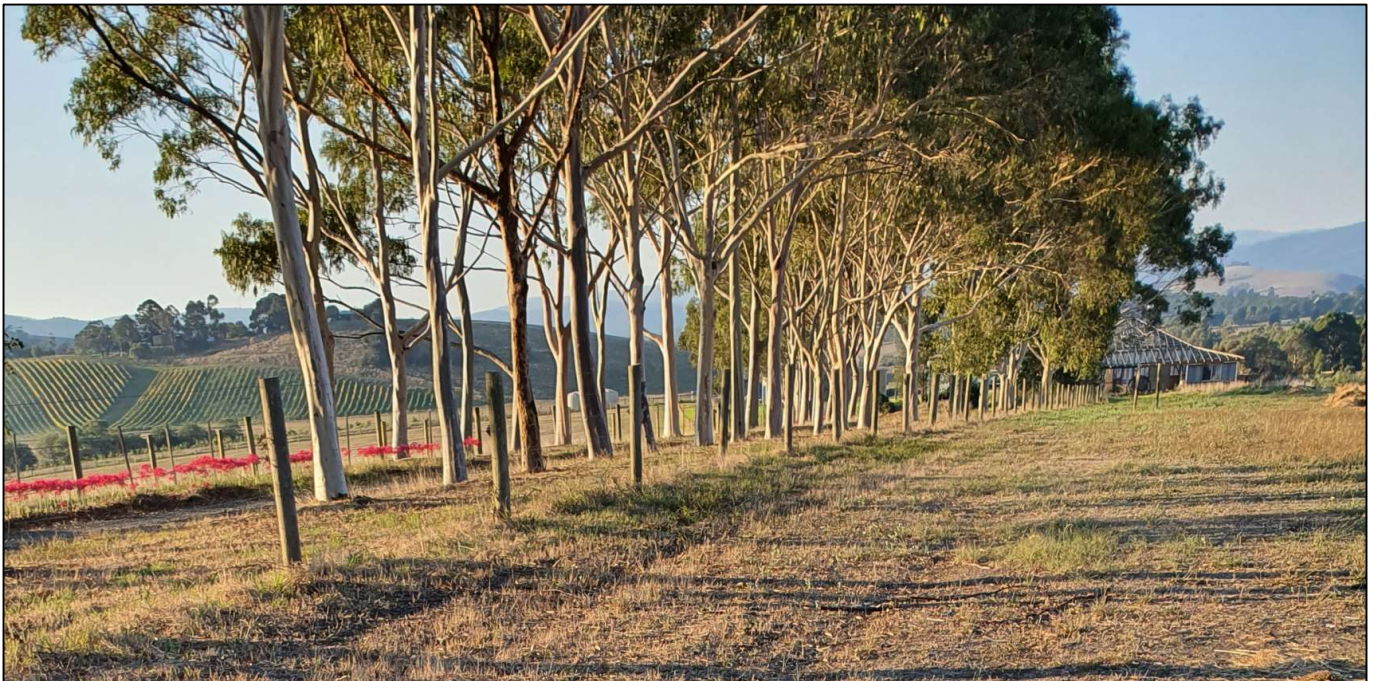


Figure 3.9: Photos of gum trees along existing driveway Source: client photos (April 2022)

4. PLANNING CONTEXT

4.1 Planning Policy Framework (State & Regional policies)

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

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

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

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

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

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

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

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

- *Ensure that the siting, scale and appearance of development protects and enhances rural character.*
- *Protect the visual amenity of valued rural landscapes and character areas along township approaches and sensitive tourist routes by ensuring new development is sympathetically located.*
- *Site and design development to minimise visual impacts on surrounding natural scenery and landscape features including ridgelines, hill tops, waterways, lakes and wetlands.*

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

- *Protect and strengthen existing and planned employment areas and plan for new employment areas.*
- *Facilitate regional, cross-border and inter-regional relationships to harness emerging economic opportunities.*
- *Facilitate growth in a range of employment sectors, including health, education, retail, tourism, knowledge industries and professional and technical services based on the emerging and existing strengths of each region.*
- *Support rural economies to grow and diversify.*

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

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

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

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

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

4.2 Local Planning Policy Framework

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

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

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

Clause 21.02 Municipal Profile

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

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

Yarra Ranges has a diverse economy of around 10,000 businesses, which employ over 35,000 people. Manufacturing continues to represent the single most valuable sector of the economy, with construction, property and business services, retail trade and agricultural and other key sectors. The Shire and in particular the Yarra Valley is gaining local and international recognition as a fine food and wine producing area. Each year, over 2.2 million tourists visit the area, including the wineries of the Yarra Valley and townships and gardens of the Dandenong Ranges.

Clause 21.03 Vision

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

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

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

Rural Areas:

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

Green Wedge Zone:

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

- Contain highly productive agricultural land used for intensive flower, berry and fruit crops, cattle grazing and vineyards which continue to be of major significance to the Shire's economy.
- Play an important role in protecting the water quality of the Shire, retaining native vegetation and riparian vegetation along watercourses, protecting wildlife habitat and maintaining ecological processes.
- Contain some of the most visually attractive landscapes in the Shire comprising an intricate mix of open valleys, rolling foothills, steep forested land and majestic mountain ranges.
- Provide limited rural and green wedge lifestyle opportunities.

Clause 21.04 Land Use

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

Commercial

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

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

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

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

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

The scheme includes the following relevant objectives and strategies:

Objective 4 Tourism

To recognise and facilitate the development of appropriate tourism opportunities, especially those that integrate with and promote the agricultural, environmental and conservation attributes of the Shire.

Strategies

Promote small low intensity tourist accommodation and tourist facilities that reinforce established heritage characteristics, relate to agricultural production on the land or provide facilities related to outdoor recreation in areas of natural beauty.

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

Policy

It is policy that: Tourism and recreation proposals demonstrate that they are consistent with at least one of the following:

- *They promote the established heritage or rural village character of the township in which they are to be located.*
- *They are related to the promotion and sale of agricultural products from the land on which they are to be sited or from land in the surrounding area.*
- *They provide facilities to enable visitors to experience outdoor recreation activities in areas of natural beauty and which are in keeping with the maintenance of agricultural and rural pursuits, visual and environmental qualities and residential amenity.*

Encourage tourism and recreation uses that:

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

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

Objective 5 – Tourism in Green Wedge Areas

To provide for low impact tourist facilities which complement the distinctive rural and green wedge character and natural features of the Shire.

Strategies relevant to the proposal include:

- Provide for integrated tourist retail facilities in rural and green wedge areas, where these activities will reinforce the predominant use of the area for agricultural production and maintain the rural and green wedge character of the area.*
- Encourage the provision of visitor accommodation and other tourist facilities to be consolidated within established townships, where a range of supporting services and facilities are available.*
- Encourage visitor accommodation in rural and green wedge areas that does not detract from the amenity of the locality and will not conflict with the ongoing use of the land or nearby rural and green wedge land for farming purposes.*

Policy relevant to the proposal includes:

- Preferred sites for commercial and other non residential uses in the Green Wedge A Zone have direct access to a sealed road, and be clustered within or adjoining an established commercial or industrial area where the proposed use will be compatible with other uses in the locality.*
- Commercial uses not encourage the fragmentation of farming land, or introduce activities which may conflict with the present or future operations of surrounding farms and other agricultural activities.*

Clause 21.06 Built Form

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

Yarra Ranges includes areas of widely recognised natural beauty with landscapes that offer some of the most attractive scenery in the State. Its towns, villages and rural areas each have their own visual identity which is valued by residents and visitors. It is important that new development respects and maintains these valued characteristics.

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

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

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

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

Clause 21.07 – Landscape

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

Objective 1 – Scenic Landscapes

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

Relevant Strategies:

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

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

- *Any development proposal demonstrate that the proposed buildings and works will not compromise the landscape and environmental qualities of the surrounding area, or substantially change the natural land form.*
- *All development be designed and sited to:*
 - *Have regard to the built form and to maintain design consistency with surrounding development and avoid detriment to the local environment.*
 - *Recognise the land capability of the site in terms of slope, land subsidence potential, viewlines, enhancement of landscape values, protection of water resources, retention of indigenous flora and fauna and associated wildlife habitats and other local amenity considerations, and so as to be unobtrusive in the surrounding landscape.*
 - *Avoid the removal of remnant vegetation, particularly healthy trees above five metres in height, and to minimise the disturbance to the root zone of such vegetation.*
 - *Avoid prominent ridgelines, hill tops and other visually exposed sites.*

Clause 21.09 Environment

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

Biodiversity:

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

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

Sustainability:

Objective 1 - Sustainable Building Design - To ensure that the use of land, the construction of buildings and the carrying out of works are of a type, scale and design which do not adversely impact on the natural environment and take account of physical development constraints.

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

Clause 21.10 Infrastructure

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

Transport:

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

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

Utilities:

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

Clause 22.05 Vegetation Protection

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

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

It is policy that:

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

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

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



Proposed Amendment C148

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

Proposed Clause 21.03-3 Agriculture

Key issues

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

Objective

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

Strategies

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

Implementation

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

Policy guidelines –

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

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

Proposed Clause 21.03-5 Tourism in the Green Wedge

Key issues

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

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

Objective

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

Strategies - Tourism in rural areas

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

Policy guidelines – Tourist businesses

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

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

Productive agricultural areas

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

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

Rural landscape areas

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

The proposal must demonstrate that it will:

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

Rural residential areas

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

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

Accommodation facilities that utilize existing buildings are preferred.

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

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

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

4.3 Zone

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

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for the use of land for agriculture.*
- *To recognise, protect and conserve green wedge land for its agricultural, environmental, historic, landscape, recreational and tourism opportunities, and mineral and stone resources.*
- *To encourage use and development that is consistent with sustainable land management practices.*
- *To encourage sustainable farming activities and provide opportunity for a variety of productive agricultural uses.*
- *To protect, conserve and enhance the cultural heritage significance and the character of open rural and scenic non-urban landscapes.*
- *To protect and enhance the biodiversity of the area.*



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

Proposed Land Uses

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

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

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

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

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

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

Schedule 5 to Clause 35.04 Green Wedge Zone

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

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

Land Use Terms

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

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

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

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

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

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

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

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

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

Rural Industry and Manufacturing Sales - Gin Distillery

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

Café/Restaurant

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

Function Centre

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

Signage

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

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

Car Park and Access

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

Clause 35.04-6 - Relevant Decision Guidelines

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

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

General issues:

- The Municipal Planning Strategy and the Planning Policy Framework.*
- Any Regional Catchment Strategy and associated plan applying to the land.*
- The capability of the land to accommodate the proposed use or development.*
- How the use or development relates to rural land use, rural diversification, natural resource management, natural or cultural heritage management, recreation or tourism.*
- Whether the site is suitable for the use or development and the compatibility of the proposal with adjoining land uses.*
- Whether the use or development is essential to the health, safety or well-being of the State or area but is not appropriate to locate in an urban area because of the effect it may have on existing or proposed urban areas or the effect that existing or proposed urban areas may have on the proposed use or development.*
- The need to minimise adverse impacts on the character and appearance of the area or features of architectural, scientific or cultural heritage significance, or of natural scenic beauty.*

Rural issues:

- The maintenance of agricultural production and the impact on the rural economy.*
- The environmental capacity of the site to sustain the rural enterprise.*
- The need to prepare an integrated land management plan.*
- The impact on the existing and proposed rural infrastructure.*
- The potential for the future expansion of the use or development and the impact of this on adjoining and nearby agriculture and other land uses.*
- The protection and retention of land for future sustainable agricultural activities.*

Environmental issues

- *The impact of the use or development on the flora and fauna on the site and its surrounds.*
- *The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.*
- *How the use or development relates to sustainable land management and the need to prepare an integrated land management plan.*
- *The location of on-site effluent disposal areas to minimise impact of nutrient loads on waterways and native vegetation.*

Design and siting issues:

- *The need to minimise any adverse impacts of siting, design, height, bulk, and colours and materials to be used, on landscape features, major roads and vistas.*
- *The location and design of existing and proposed infrastructure services which minimises the visual impact on the landscape.*
- *The need to minimise adverse impacts on the character and appearance of the area or features of archaeological, historic or scientific significance or of natural scenic beauty or importance.*

4.4 Overlay Provisions

The application site is not affected by any planning overlays.

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



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

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

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

- To conserve and enhance heritage places of natural or cultural significance.
- To conserve and enhance those elements which contribute to the significance of heritage places.
- To ensure that development does not adversely affect the significance of heritage places.

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

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

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

Heritage Overlay Number: HO171

Statement of Significance:

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

Description

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

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

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

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

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

(underlining added for emphasis)

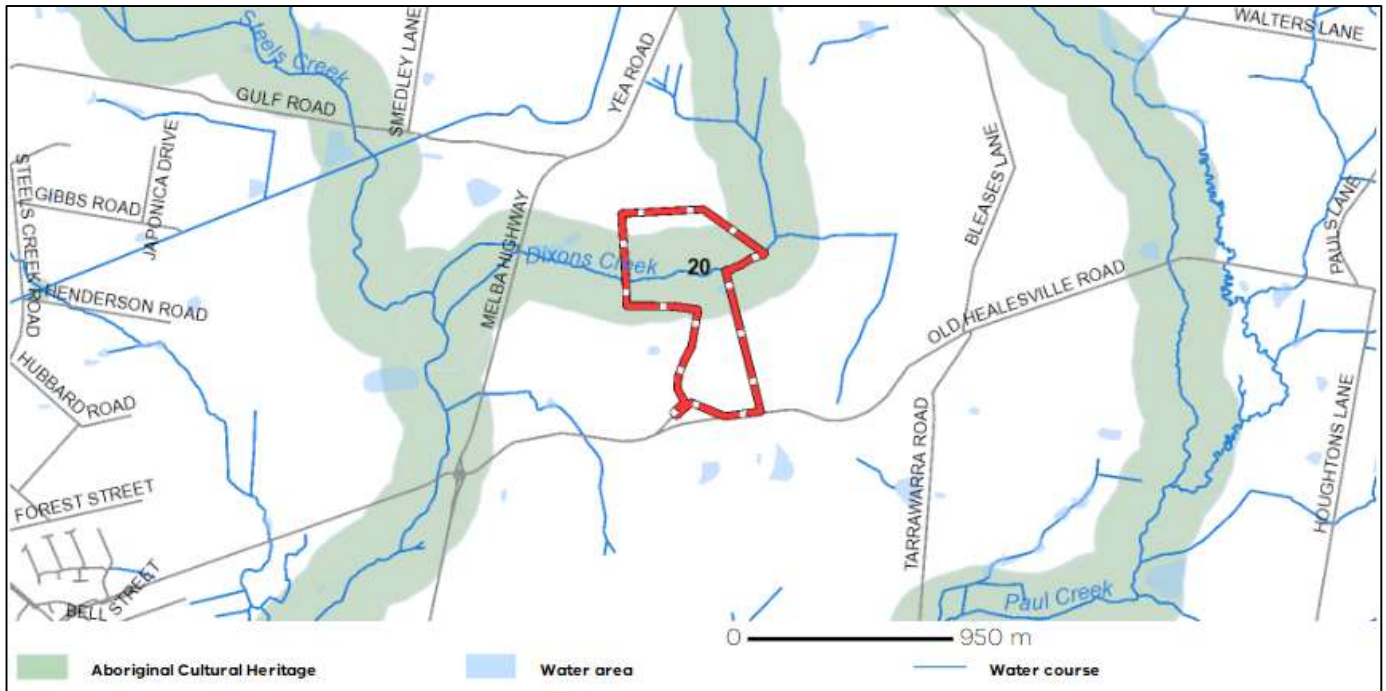


Figure 4.3: Location and Overlay Context Plan Subject site shown in red & black outline
Source: Online planning scheme maps

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

4.5 Particular, General and Operational Provisions

Clause 51.02 Metropolitan Green Wedge Land: Core Planning Provisions

The key purposes of this provision are:

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

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

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

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

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

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

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

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

The Upper Yarra Valley Dandenong Ranges Regional Strategy Plan (RSP) aims (among other things), as relevant to this application, to ensure that rural land in the Region is protected and maintained for agricultural and rural activities and that rural landscapes are protected and maintained, and to achieve a balance between protection of natural environmental values and amenity, while developing a comprehensive economic and social infrastructure to adequately meet the current and future needs of residents and visitors.

Under Clause 51.03, a permit is required to:

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

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

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

Part 1.0 of the Schedule to Clause 51.03 states:

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

- *Contain urban development to a level compatible with conservation of the Region's rich environmental features and with its high standards of amenity.*
- *Define, in a positive manner, boundaries and principles upon which containment is to be handled, including specific policies which deal with the transition between the Region and metropolitan Melbourne.*
- *Establish policies to promote a sustainable community in economic, social and environmental terms.*
- *Ensure that rural land in the Region is protected and maintained for agricultural and rural activities and that rural landscapes are protected and maintained.*
- *Achieve a balance between protection of natural environmental values and amenity, while developing a comprehensive economic and social infrastructure to adequately meet the current and future needs of residents and visitors.*

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

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

Restaurant

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

Retail premises

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

Place of Assembly (ie Function Centre)

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

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

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

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

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

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

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

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

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

Clause 52.05 Signs

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

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

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

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

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

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

Clause 52.06 Car Parking

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

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

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

Clause 52.17 Native Vegetation

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

Clause 64.02 Land Used In Conjunction With Another Use

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

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

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

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

Clause 52.27 Licensed Premises / Liquor Licensing

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

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

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

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

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

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

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

The purposes of Clause 52.27 are:

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

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

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

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

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

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

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

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

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

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

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

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

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

4.6 Summary of Permit Triggers

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

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

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

4.7 Other planning controls or considerations

Management of Amenity Issues

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

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

Visual Amenity issues:

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



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

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

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

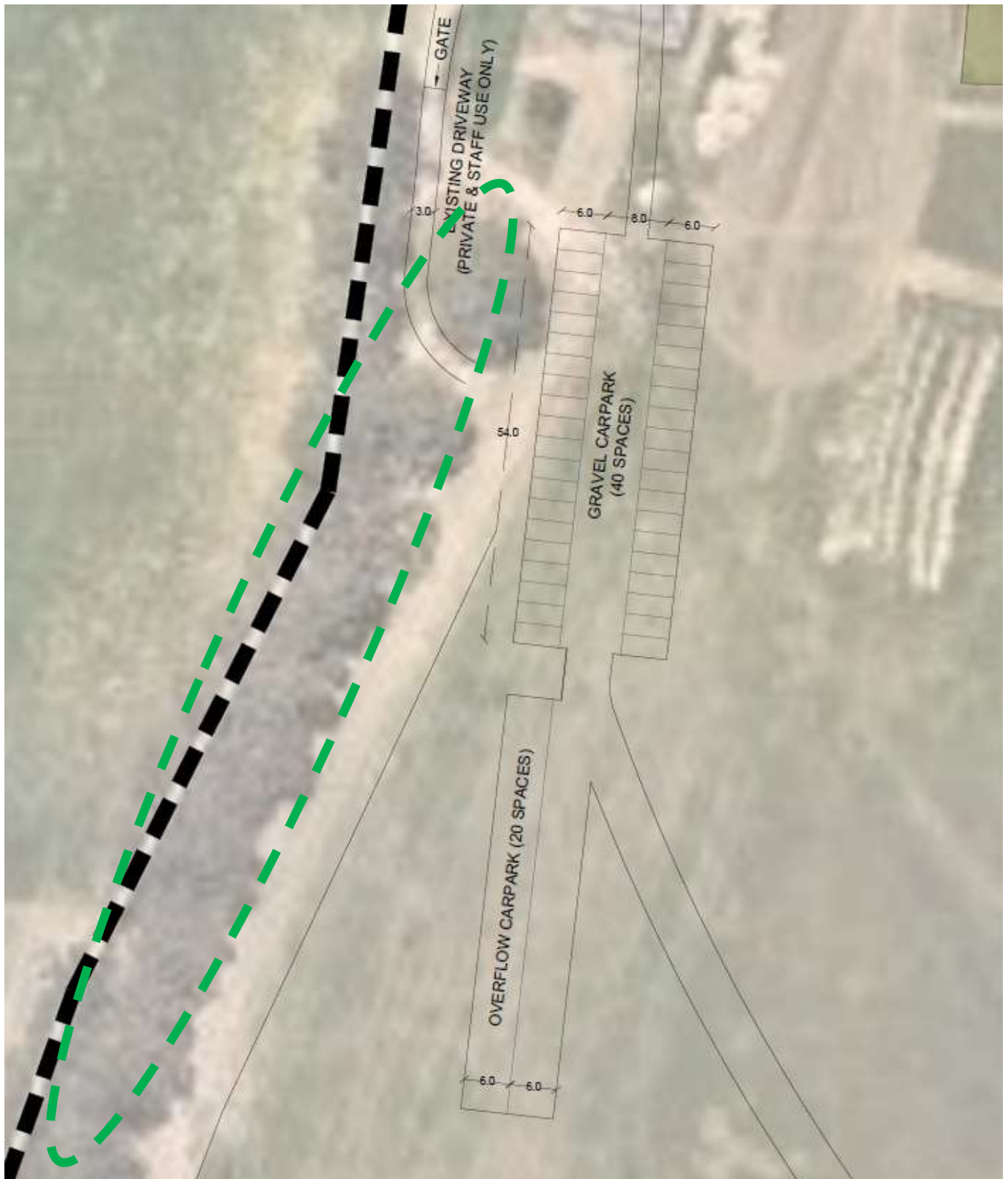



Figure 4.5: Existing boundary plantings next to proposed carpark Source: JCA plans

 Existing boundary planting

Noise Amenity issues:

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

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

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

Management of Patron Behaviour

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

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

Council Health Approvals

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

Waste Management Plan

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

Covid-19 and Outdoor Patron Area

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

Title

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

Bushfire

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

Other Permit Conditions

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

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

5. SUMMARY / CONCLUSION

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

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

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

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

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

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

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

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