

REPORT TO SUPPORT THE APPLICATION FOR A CHANGE OF USE TO A WINERY AT LOT 2, 62 WILSONS ROAD, BURNBANK

Prepared by:



Applicant	[REDACTED]
Responsible Authority	Pyrenees Shire Council
Planning Scheme	Pyrenees Shire Planning Scheme
Title	Lot 2, 62 Wilsons Road, Burnbank 3371 Vol.09323 Fol.730
Proposal	Use of land as a winery, sale and consumption of liquor
Applicant's Representative	Central Vic Planning Consultants
Attachments	Appendix A: Copy of Title, plan & instruments Appendix B: Fully dimensioned plans with redline diagram

CURRENT LAND USE

The ≈34 hectare property has an established vineyard (c. 1999) of approximately half an acre, growing wine grapes (Shiraz, with some Pinot Noir), producing no more than 1 tonne of grapes per annum. There is also a small hazelnut and fruit orchard and vegetable garden on the farm. There is an existing dwelling and small cottage and a number of outbuildings, with a shed containing a space for the production equipment and storage of wine, as well as other household and farm equipment. Grapes are picked and processed on site, and wine is bottled at a location offsite, then returned and stored onsite. The applicants have a store of excess wine dating back to 2009.

A site plan is attached in Appendix B.



Existing conditions at Lot 2, 62 Wilsons Road, Burnbank

PROPOSAL

A change of use of the land to establish a winery for the sale and consumption of liquor.

The proposal will allow this boutique vineyard to expand to sell wine from the premises and at markets. A liquor license will be obtained should a permit be issued.

No further expansion of the operations is required or proposed. The existing facilities provide sufficient room for processing and storing. No buildings or other works are proposed.

Onsite sales will be limited to those family members and friends who visit the site for grape picking, etc. This will be kept to a maximum 20 days per year.

Grapes grown on the property are processed and stored within the existing shed. A portion of the shed is used for this purpose, with the majority of the building used for storing a caravan, some farm equipment and a small workshop.

A small-scale sales and wine tasting facility would be located outside the main processing/wine storage room. This consists of an upturned wine barrel that is moved into position as required.

No other visitors to the property would be expected. The property owners won't be advertising sales on the property, but if they have excess wine following these annual events, they may set up at a local market such as Talbot Farmers Market.

The property has no access to water or sewerage. The stormwater system is sealed to collect 100% of the water from the roof of the house and shed and is connected to water tanks for household use and farm purposes. Power and telecommunications are available and connected to the property.

PLANNING REQUIREMENTS

Permit Triggers:

Clause 35.07-1 Table of Uses

Winery is a section 2 uses under the Farm Zone and requires a planning permit.

35.07-1 FARM ZONE (FZ)

The aim of this zone is to provide for the use of land for agriculture, encourage the retention of productive agricultural land and ensure dwellings do not adversely affect the use of land for agriculture.

The land is currently a wine grape growing vineyard with hazelnut orchard and veggie garden, however the business and use of the land would greatly benefit from implementation of the proposal.

The region includes many existing and well-established wineries that would provide an existing market for the proposed winery when selling their wine to local markets.

The existing shed will be used both for processing the produce and the connected cellar used to store the wine.

Access to the buildings is provided via an all-weather driveway with dimensions adequate to accommodate emergency vehicles. The waste water from the buildings is treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970. The buildings are connected to water tanks which will collect the stormwater for use on the property.

The grapes are picked by hand then crushed and destemmed using a small crusher into fermenting vats. The grapes remain in the vats for 10-14 days while they are fermenting. The grapes are stirred 2-3 times a day to keep them wet as required. After the fermenting process is finished, the grapes are then transferred to a press, and the rest of the wine squeezed out of the grapes. The resulting wine is then transferred to tanks, which have adjustable lids and airlock so that the wine is kept oxygen free. All equipment is sterilized using food grade sterilization and cleaned with food grade cleaner. Once the wine has been in the tanks for 12 months, it will then be bottled. The wine-making process occurs within the shed and the greywater system is designed to accommodate this process.

Screens and filters are used to filter solids in the wastewater and no chemicals are used in the cleaning process. All cleaning is done with high-pressure hoses to reduce water usage and all water used in wine-making will utilise rainwater collected from the buildings. The wastewater will be suitable for collection and distribution on paddocks.

A liquor license will be applied for separately by the applicant. Clause 52.27 has been addressed below.

The closest dwelling (not in the same ownership) to the area set aside for primary produce sales is more than 300m, as per the below diagram.



Opening hours:

Hours of operation will be as per the future liquor license, proposed to be 20 days per year only between the hours of Monday – Saturday 7am – 11pm (with the exception of Good Friday 10am – 11pm and Anzac Day 12 noon – 11pm).

Patron numbers:

The external area set aside for tastings and sales can accommodate up to 30 people at any one time. There is ample parking space around the dwelling and shed to accommodate this.

Employee numbers: The winery will employ two part time staff (the property owners).

Noise

Limited to air conditioning units and refrigerators. There is no amplified music proposed.

Light

The only visible light would come from open doors to the winery and cellar door during hours of operation. The impact on surrounding properties is negligible.

Decision Guidelines

General

1. The Municipal Planning Strategy and the Planning Policy Framework.

The development and proposed use of this property is in keeping with the planning scheme, the proposed use of the land is for a small-scale winery with a 0.5 acre vineyard, to produce wine for sale. The land already supports the production of wine, fruit and vegetables and this is not expected to change. The application is made so the farm owners can sell their produce.

Planning policies that are pertinent to this application are as follows:

13.02-1S Bushfire

The purpose of this clause is to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.

No construction is proposed, the shed will not be used for sales, and a winery is not one of the listed permit triggers under Clause 44.06-2. Visitation time is always outside of the high risk bushfire months.

14.01-1S Protection of agricultural land

The purpose of this clause is to protect the state's agricultural base by preserving productive farmland. The proposal meets this objective. The Pyrenees region has a thriving wines sector and the proposed change of use seeks to be part of and support this rural economy. The addition of a winery and sales to the existing wine grape growing operation supports the economic future of this agricultural land. There are a large number of wineries with cellar doors in this area and the proposal is compatible with these.

14.01-2 Sustainable agricultural land use

The purpose of this clause is to encourage sustainable agricultural land use. The proposal meets the objective by utilising innovative and sustainable methods of water use, chemical-free production and water saving measures.

17.01-1R Diversified economy

The objective of this clause is to strengthen the region's economy so that it is more self-sufficient. To meet this objective, the strategies that are appropriate for this particular proposal are:

- *To facilitate growth in a range of employment sector, including tourism based on the emerging and existing strengths of each region.*
 - The proposed winery will provide an income for the property that is not achievable via its current use. The enterprise will sell local produce to local people and at local markets. This enterprise will be of great benefit to the local communities and will assist greatly in promoting the region and showcasing its quality produce.

2. Any Regional Catchment Strategy and associated plan applying to the land.

Not applicable

3. The capability of the land to accommodate the proposed use or development, including the disposal of effluent.

The proposed change of use allows for sale of produce and does not impact the land or disposal of effluent.

4. How the use or development relates to sustainable land management.

The design of the farm has taken into consideration the size of the allotment, the quality of the soil and the geography of the site. The proposal ensures that the farm is productive while remaining sustainable in its treatment of the soil and use of water.

5. Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.

The farming zone allotments surrounding the property are used for grazing and crops. The proposed development and use is in keeping with the adjoining and nearby land uses.

6. How the use and development makes use of existing infrastructure and services.

All existing infrastructure will continue to be used as it is presently

Agricultural

1. Whether the use or development will support and enhance agricultural production.

The use of the land for a small-scale winery will be in addition to the existing use of the land as a wine grape growing vineyard with orchard and veggie garden. It will provide support to the existing use, ensuring the land continues to be used for agricultural purposes.

2. Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.

The use of the land for a small-scale winery ensures the ongoing agricultural use of the property. The soil quality will not be affected by the proposed change of use.

3. The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.

This property is not adjacent to any large scale farms which may be seeking to expand and no negative impact can be foreseen on neighbouring properties.

4. The capacity of the site to sustain the agricultural use.

The agricultural use will not change. The site is ideal for growing wine grapes.

5. The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.

The soil is able to sustain the existing and proposed uses. Water will be available from tanks and dams on the property. As part of the sustainable plan for this property all rainwater for

the dwelling and sheds will continue to be collected to be stored and used on the property for the dwelling and crops.

6. *Any integrated land management plan prepared for the site.*

An integrated land management plan has not been prepared for this site.

Accommodation

The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.

Not applicable, no additional dwellings or buildings are proposed.

The potential for accommodation to be adversely affected by noise and shadow flicker impacts if it is located within one kilometre from the nearest title boundary of land subject to:

- A permit for a wind energy facility; or
- An application for a permit for a wind energy facility; or
- An incorporated document approving a wind energy facility; or
- A proposed wind energy facility for which an action has been taken under section 8(1), 8(2), 8(3) or 8(4) of the *Environment Effects Act 1978*.

There are no known existing or proposed wind energy facilities proximate to the site.

*The potential for accommodation to be adversely affected by vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation if it is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990*.*

There are no known existing or proposed extractive industry operations proximate to the site.

Environmental

1. *The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.*

Not applicable, no additional dwellings or buildings are proposed and no foreseeable impact made by the proposed change of use.

2. *The impact of the use or development on the flora and fauna on the site and its surrounds.*

Not applicable for the change of use proposal. All vegetation is to be retained.

3. *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.*

All vegetation on the property is to be retained. All farming practices will be in keeping with the natural environment as much as is possible.

4. The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.

Not applicable.

Design and siting

1. The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.

Not applicable.

2. The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.

Not applicable.

3. The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.

Not applicable.

4. The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.

Wilson's Road is an unsealed road to the west of the site. Water and sewerage are not available. Communications and electricity are available nearby and connected to the property.

5. Whether the use and development will require traffic management measures.

Not applicable. See response to Clause 52.29 for further details.

CLAUSE 52.06 CAR PARKING

The purpose of this clause is to ensure the provision of an appropriate number of car parking spaces and having regard to the demand likely to be generated, the activities on the land and the nature of the locality. Further, it seeks to ensure that car parking does not adversely affect the amenity of the locality and to ensure the design is of a high standard and creates a safe environment for users, enabling easy and efficient use.

Clause 52.06 applies to a new use. Before a new use commences the number of car parking spaces required under Clause 52.06-5 must be provided to the satisfaction of the responsible authority. Car parking requirements for a winery are 0.4 car spaces per patron.

Car parking for the winery will be provided close to the shed/cellar, where there is ample space in a cleared, level, all-weather area to accommodate 12 cars. Given the low patronage anticipated, we request the requirement for a car parking plan be waived.

CLAUSE 52.27 LICENSED PREMISES

The purpose of this clause is to ensure that licensed premises are situated in appropriate locations and to ensure that the impact of the licensed premises on the amenity of the surrounding area is considered.

Clause 52.27 requires a permit to use land to sell or consume liquor if any of the following apply: A license is required under the Liquor Control Reform Act 1998. A different license or category of license is required from that which is in force.

The applicants intend to apply for a producer's license.

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.

Response: The proposal has been assessed against the MPS and PPF and is generally found to be supported.

The proposal is for a small-scale winery. Visitors would be limited to 20 days per annum, during grape picking, etc, to attend a wine tasting and where wine could be purchased.

The closest dwelling (not in the same ownership) to the area set aside for primary produce sales is more than 300m distance.

Opening hours:

Hours of operation will be as per the future liquor license, proposed to be 20 days per year only between the hours of Monday – Saturday 7am – 11pm (with the exception of Good Friday 10am – 11pm and Anzac Day 12 noon – 11pm).

Patron numbers:

The external area set aside for tastings and sales can accommodate up to 30 people at any one time. There is ample parking space around the dwelling and shed to accommodate this.

Employee numbers: The winery will employ two part time staff (the property owners).

Noise

Limited to air conditioning units and refrigerators. There is no amplified music proposed.

Light

The only visible light would come from open doors to the winery and cellar door during hours of operation. The impact on surrounding properties is negligible.

With appointment controlled tastings, no amplified music, limited opening hours and a maximum of 30 patrons at any one time, the proposal is unlikely to have a negative impact on the amenity of the surrounding area.

The closest neighbouring winery is 16km from the site, therefore the likelihood of a cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area is negligible.

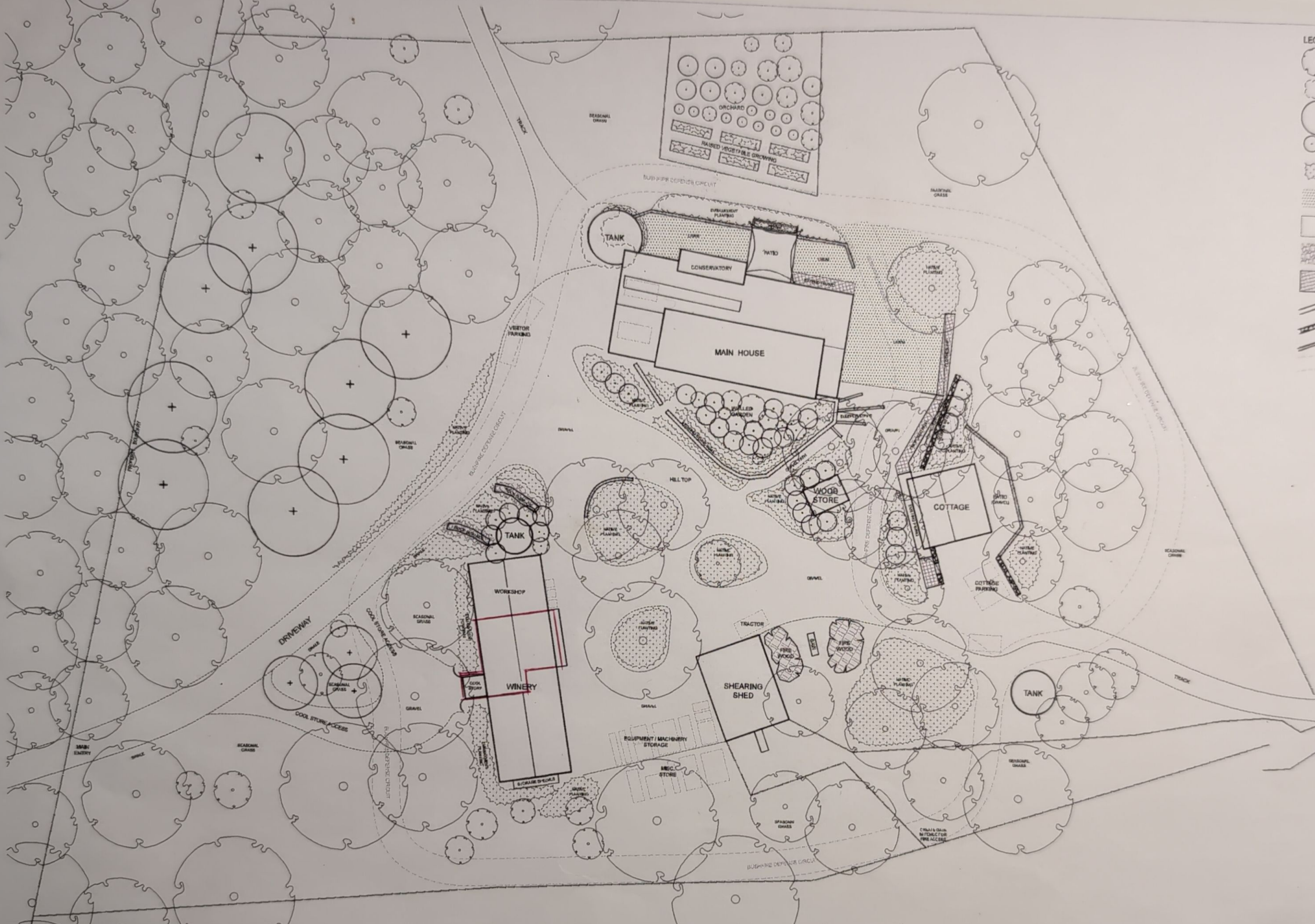
CLAUSE 52.34 BICYCLE FACILITIES

The purpose of this clause is to encourage cycling as a mode of transport and to provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities.

As per 52.34-1, a new use must not commence until the required bicycle facilities and associated signage has been provided on the land. The change of use proposed is not listed in Tables 1, 2 or 3 and therefore does not apply.

ENVIRONMENTAL SIGNIFICANCE OVERLAY (ESO1)

No building or construction works are proposed, and no vegetation will be removed, lopped or destroyed as part of the change of use proposal. No permit is required under this overlay.



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www.pollenstudio.com.au



WINERY AREA
INCLUDES -
WINE PRODUCTION
BULK WINE & BARRIL STORE
BOTTLED WINE STORE
WASH DOWN + EQUIPMENT STORE

PROJECT TITLE
62 Willsons Road, Burnbank
Landscape Master Plan

NO.	COMMENT	DRAWN	CHECK	DATE
A	Draft Sketch	FH	DN	26.07.2015
B	Updated Plan	FH	DN	28.08.2016

CLIENT REFERENCE
PHASE
Sketch Plan
JOB NUMBER
150401
DRAWING TITLE
LANDSCAPE PLAN


SCALE
1:400 @ 1:200 @ 1
SHEET
1 of 1
DRAWING NO.
LCD-100
REVISION
B


Office Use Only


VicSmart: **No**
Specify class of VicSmart application:
Application No: **REFPA20240044**
Date Lodged: **19/04/2024**

Application for Planning Permit

If you need help to complete this form, read [How to complete the Application for Planning Permit form](#).

 Any material submitted with this application, including plans and personal information, will be made available for public viewing, including electronically, and copies may be made for interested parties for the purpose of enabling consideration and review as part of a planning process under the *Planning and Environment Act 1987*. If you have any concerns, please contact Council's planning department.


 Questions marked with an asterisk (*) are mandatory and must be completed.

 If the space provided on the form is insufficient, attach a separate sheet.

Application type

Is this a VicSmart Application?*

No
If yes, please specify which VicSmart class or classes:

 If the application falls into one of the classes listed under Clause 92 or the schedule to Clause 94, it is a VicSmart application

Pre-application meeting

Has there been a pre-application meeting with a Council planning officer?

False

If 'yes', with whom?:

Date:

day / month / year

The Land


Address of the land. Complete the Street Address and one of the Formal Land Descriptions.

Street Address*

Unit No:	St. No: 62	St. Name: WILSONS ROAD
Suburb/Locality: BURNBANK		Postcode: 3371

Formal Land Description*


Complete either A or B

 This information can be found on the certificate of title.

A	Lot No: 2	<input type="radio"/> Lodged Plan	<input type="radio"/> Title Plan	<input type="radio"/> Plan of Subdivision	No: LP125834
OR					
B	Crown Allotment No:		Section No:		
Parish/Township Name:					


If this application relates to more than one address, please attach details.

The Proposal

 You must give full details of your proposal and attach the information required to assess the application. Insufficient or unclear information will delay your application.


① For what use, development or other matter do you require a permit?*

Use of land as a winery, sale and consumption of liquor

 Provide additional information on the proposal, including: plans and elevations; any information required by the planning scheme, requested by Council or outlined in a Council planning permit checklist; and if required, a description of the likely effect of the proposal.

① Estimated cost of development for which the permit is required*

Cost \$0.00

 You may be required to verify this estimate
Insert '0' if no development is proposed


Insert '0' if no development is proposed (eg. change of use, subdivision, removal of covenant, liquor licence)

Existing Conditions

Describe how the land is used and developed now*

Eg. vacant, three dwellings, medical centre with two practitioners, licensed restaurant with 80 seats, grazing.

Occupied with vines, orchard and vegetable gardens

 Provide a plan of the existing conditions. Photos are also helpful.


Title Information

Encumbrances on title*

If you need help about the title, read: [How to complete the Application for Planning Permit form](#)

Does the proposal breach, in any way, an encumbrance on title such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope?

- Yes. (if 'yes' contact Council for advice on how to proceed before continuing with this application.)
- No
- Not applicable (no such encumbrance applies).

 Provide a full, current copy of the title for each individual parcel of land forming the subject site. (The title includes: the covering 'register search statement', the title diagram and the associated title documents, known as 'instruments' eg restrictive covenants.)

Applicant and Owner Details

Provide details of the applicant and the owner of the land.

Applicant *

The person who wants the permit

Name:		
Title:	First Name: Lily	Surname: Mason
Organisation (if applicable): Central Vic Planning		
Postal Address		If it is a PO Box, enter the details here:
Unit No:	St. No:	St. Name:
Suburb/Locality:		State: Postcode:

Information Requirements

Is the required information provided?


Contact Council's planning department to discuss the specific requirements for this application and obtain a planning permit checklist.

Yes

No

Declaration

This form must be signed by the applicant*

 Remember it is against the law to provide false or misleading information, which could result in a heavy fine and cancellation of the permit

I declare that I am the applicant; and that all the information in this application is true and correct and the owner (if not myself) has been notified of the permit application.



Signature:

Date: 19 April 2024

day / month / year

Checklist

Have you:

<input type="checkbox"/>	Filled in the form completely?	 Most applications require a fee to be paid. Contact Council to determine the appropriate fee.
<input type="checkbox"/>	Paid or included the application fee?	
	Provided all necessary supporting information and document?	
<input type="checkbox"/>	A full and current copy of the information for each individual parcel of land forming the subject site.	
<input type="checkbox"/>	A plan of existing conditions.	
<input type="checkbox"/>	Plans showing the layout and details of the proposal.	
<input type="checkbox"/>	Any information required by the planning scheme, requested by council or outlined in a council planning permit checklist.	
<input type="checkbox"/>	If required, a description of the likely effect of the proposal (eg traffic, noise, environmental impacts).	

Lodgement

Lodge the completed and signed form and all documents with:

Pyrenees Shire Council
5 Lawrence Street BEAUFORT Vic 3373

Telephone: (03) 5349 1100

Contact information:
Telephone: (03) 5349 1100
Email: pyrenees@pyrenees.vic.gov.au

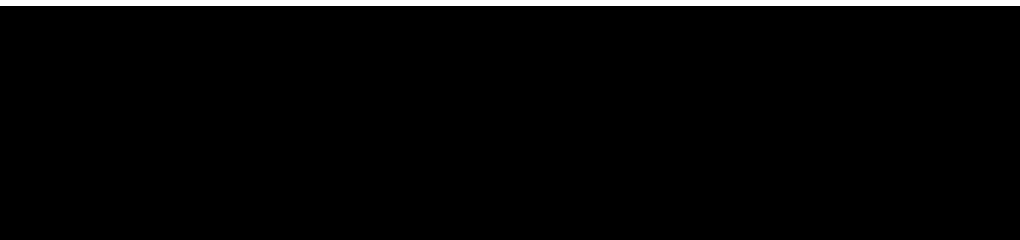
**REGISTER SEARCH STATEMENT (Title Search) Transfer of
Land Act 1958**

VOLUME 09323 FOLIO 730

Security no : 124114166676Q
Produced 15/04/2024 11:03 AM

LAND DESCRIPTION

Lot 2 on Plan of Subdivision 125834.
PARENT TITLE Volume 09193 Folio 150
Created by instrument H343029 14/12/1978



ENCUMBRANCES, CAVEATS AND NOTICES

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE LP125834 FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 62 WILSONS ROAD BURNBANK VIC 3371

DOCUMENT END



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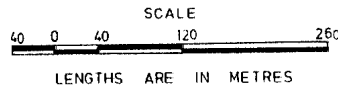
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LP125834R
EDITION 1
APPROVED 16/3/78

PLAN OF SUBDIVISION OF
CROWN ALLOTMENT 98 A
PARISH OF CARALULUP
COUNTY OF TALBOT



APPROPRIATIONS

BROWN : WAY, DRAINAGE & SEWERAGE

ENCUMBRANCES & NOTATIONS

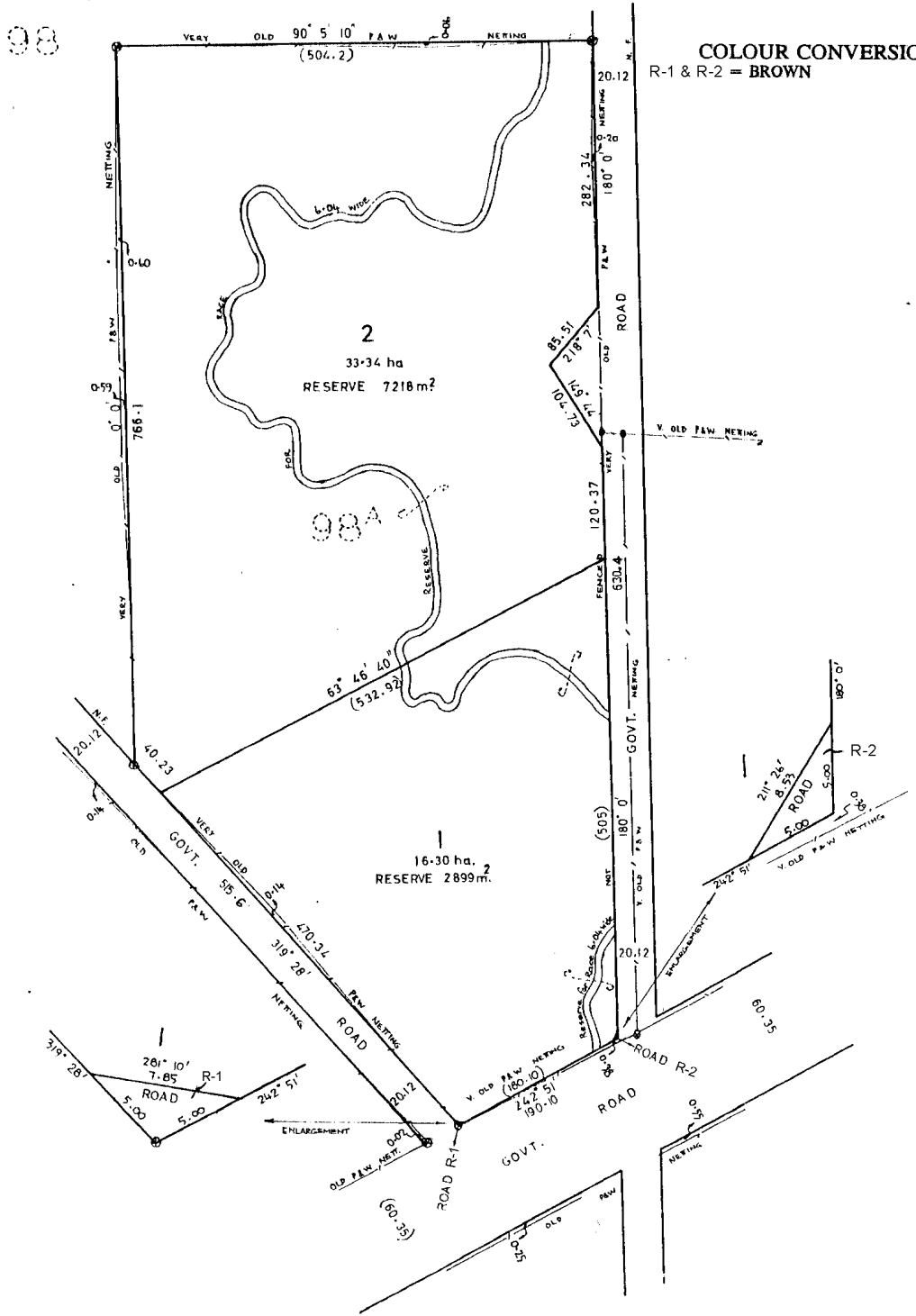
ROAD WIDTHS ARE TO HALF SCALE.



LITHO SH. ONE

APPROVED 16/3/78

COLOUR CONVERSION
R-1 & R-2 = BROWN





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