

Breweries, Cideries, Distilleries and Wineries

Checklist

New craft breweries, boutique wineries, cideries and distilleries are emerging across the state including in Murrindindi Shire. Whilst there are a lot of similarities in these artisan enterprises, there is also a lot of variation in business models and the activities and experiences offered; these different approaches can result in very different planning requirements.

The first step is to correctly characterise the use. Some common planning scheme terms are set out in the table below along with examples of how these might practically apply. In some circumstances, it might be appropriate to define the activities by more than one use. This and the scale and emphasis of activities, could influence the suitability of location/zones and particular sites.

Definition	Example	Likely location/zones
Bottle shop: Land used to sell packaged liquor for consumption off the premises.	Selling packaged liquor which has been made at another location. A common example is wineries which have a shop front 'cellar door' in town.	<ul style="list-style-type: none"> - Town centre/Shopping strip - Commercial 1
Hotel: Land used to sell liquor for consumption on and off the premises. It may include accommodation, food for consumption on the premises, entertainment, dancing, amusement machines, and gambling	A hotel or pub brewing or distilling on site to serve to patrons or sell packaged from the premises. For example a 'brew pub'. It does not include wholesale distribution to sell at other premises.	<ul style="list-style-type: none"> - Town centre/Shopping strip - Commercial 1
Industry: Land used for any of the following operations: a) any process of manufacture. This includes Rural industry which is land used to handle, treat, process or pack agricultural produce... (refer to Clause 74 for full definitions)	A premises focussed on production to be sold wholesale. It does not include consumption on premises or retail sales.	<ul style="list-style-type: none"> - Industrial estate - Industrial 1 - Industrial 2 - Commercial 1 - Farming
Manufacturing sales: Land used, as an incidental part of an industry, to retail goods made materially different on the land by that industry.	Small scale retail sales of packaged liquor brewed onsite in association with 'Industry' brewery, cidery, distillery or wine production.	<ul style="list-style-type: none"> - Industrial 1 - Industrial 2 - Farming

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.	Sale of packaged liquor made predominantly from ingredients produced on the land. For example, wine made by a contract wine maker from grapes grown on the land (i.e. grown on the land from which the wine will be sold). It does not include manufacturing.	<ul style="list-style-type: none"> - Rural - Farming
Tavern: Land used to sell liquor for consumption on the premises. It may include accommodation, food for consumption on the premises, entertainment, dancing, amusement machines, and gambling.	Like a Hotel but does not include packaged liquor sales. Would commonly be called a 'bar'.	<ul style="list-style-type: none"> - Town centre/Shopping strip - Commercial 1
Winery: 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.	A winery where the growing, wine making and cellar door sales are happening on the land. While it may include an onsite restaurant or café, there is still a need to consider the relative scale of activities in characterising the use of the land. It does not include the provision of entertainment other than as an ancillary activity (e.g. background music).	<ul style="list-style-type: none"> - Rural - Farming

Note the above is not definitive nor a commitment to suitability of any particular location or zone.

Example 1 – An artisan distillery is proposed which will manufacture spirits that will be sold through local bottle shops and bars. It is also proposed to have a 'cellar door' to offer tastings and bottled sales for customers to take away. The appropriate planning definitions of use would be Industry for the manufacturing and wholesale sales components and Manufacturing sales for the cellar door sales.

Example 2 – An existing pub proposes to start brewing in house to serve the beer to customers and as packaged sales from the pub's bottle shop. The existing definition of the use, Hotel is appropriate without changing the use of the land. The manufacturing of beer would occur as an ancillary activity to the existing use. If this activity expanded to wholesale distribution to other pubs, bars and bottle shops the use of land would change to Hotel and Industry.

Example 3 – A vineyard has its grapes made into wine by a contract winemaker at a local winery. They propose to sell the bottled wine from a 'cellar door' on the vineyard site. This would be used for

Primary produce sales. Later, the cellar door is expanded to include a small café selling the wine for patrons to enjoy on site with food. This introduces a new Restaurant use. If the vineyard then started to make its own wine (Industry or more specifically Rural industry) the use of land is then best redefined as Rural industry and Winery. These definitions encompass the activities previously undertaken as Primary produce sales and Restaurant.

The characterisation of the use of land will determine whether a permit is required or whether the use is prohibited under the applicable zone. Where land is proposed to be used in more than one way, each use must be allowed by the zone.

Other potentially relevant land uses not listed above include:

- Crop raising – for the growing of grapes, barley, hops or other crops used in the liquor production
- Function centre – for a premises to be used for private events
- Place of assembly – where the premises is to be used to provide entertainment and other congregations
- Restaurant – includes cafe

Most licensed premises will also require a planning permit under Clause 52.27 (Licensed premises) for the sale and consumption of liquor. A range of liquor licences are available; further information about the different types of licences can be found at www.vcglr.vic.gov.au

Other permit requirements might apply for:

- Buildings and works requirements of the zone or an overlay if development is also proposed
- Displaying advertising signs
- Reducing the car and/or bicycle parking requirements

Setbacks from sensitive uses are required where the manufacture of liquor is proposed. Clause 53.10 (Uses with adverse amenity potential) specifies that the threshold from a residential zone, hospital or education centre is variable depending on the scale and type of processes to be used. This means that an application is referred to the Environment Protection Authority (EPA) to provide direction and advice on whether sufficient separation is being provided.

If live entertainment is proposed the requirements of Clause 53.06 (Live music and entertainment noise) will also apply.

Once the permit requirements have been established, a detailed application for a permit must be prepared and lodged with Council's Planning Department. You can choose to have a pre-application meeting with a planning officer to discuss the proposal and check that the right permit requirements have been identified. The planning office can also help you to identify whether there are preliminary issues with the proposal.

The right time to have a pre-application meeting is when you have identified a site and have a clear picture of the proposal including preliminary plans. A pre-application meeting is about helping you to understand the application process and potential issues so that you can prepare the best possible application. A pre-application meeting cannot pre-empt the application process or Council's decision on the application.

Where a permit is required, the purpose of the application process is to conduct a merits assessment to determine whether a permit should or shouldn't be granted. This process will often include giving public notice of the application and referral to expert authorities, including the EPA.

An Application should be accompanied by the following information, as appropriate:

A completed Application for Planning Permit form	<ul style="list-style-type: none"> - The form can be accessed from http://www.murrindindi.vic.gov.au/Your-Property/Planning-and-Building/Planning-and-Development/Planning-forms-and-documents/Application-Forms-and-Information
The relevant fee	<ul style="list-style-type: none"> - The fee schedule can be accessed from http://www.murrindindi.vic.gov.au/Your-Property/Planning-and-Building/Planning-and-Development/Planning-forms-and-documents/Application-Forms-and-Information - For assistance in determining the correct fee please contact Council.
A current copy of Title and title plan and details of any registered restrictive covenant or Section 173 Agreement	<ul style="list-style-type: none"> - A copy of Title and title plan and associated restrictions can be accessed at www.landata.vic.gov.au. The Title must be no older than 60 days old.
Current licence	<ul style="list-style-type: none"> - A copy of the current licence and 'red line' plan for the premises (if the premises is currently licenced). - The current licence can be obtained from www.vcglr.vic.gov.au.
A detailed description of how the land is proposed to be used	<p>A written submission providing clear description of activities within the use. In preparing the submission consider the following questions:</p> <ul style="list-style-type: none"> - Will liquor be manufactured on site? - Does the manufacturing use ingredients grown or harvested from the land and at what proportion to imported ingredients? - Will liquor be sold by wholesale or distributed through premises on other land? - Will liquor be consumed on site or only packaged sales? - Is food to be provided and is it prepared on site? - Will liquor not produced on site be sold for consumption on or off premises? - Will patrons be predominantly seated, standing or a mix? - Will entertainment (eg live music) be provided? - Will the premise be used for private functions?

<p>A written submission</p>	<p>The submission should detail, as appropriate:</p> <ul style="list-style-type: none"> - The type of liquor licence to be obtained. - The purpose of the use and the types of activities which will be carried out. - The likely effects, if any, on adjoining land, including noise levels, traffic, the hours of delivery and despatch of goods and materials, hours of operation and light spill, solar access and glare. - The means of maintaining land not required for immediate use. <p>If an industry or warehouse:</p> <ul style="list-style-type: none"> - The type and quantity of goods to be stored, processed or produced. - Whether a Works Approval or Waste Discharge Licence is required from the Environment Protection Authority. - Whether a notification under the Occupational Health and Safety (Major Hazard Facilities) Regulations 2000 is required, a licence under the Dangerous Goods Act 1985 is required, or a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2012 is exceeded. - The likely effects on adjoining land, including air-borne emissions and emissions to land and water. - Hours of operation - Maximum patron numbers - Numbers of seats available and ratio of seating to standing
<p>Site context plan</p>	<p>The plan should be drawn to an appropriate scale and show:</p> <ul style="list-style-type: none"> - The boundaries and dimensions of the site. - The location and use of existing buildings and works on the site and on adjoining and nearby land. The extent of coverage will vary depending on the context and scale of the proposal. It will include at least 100m around the site. - Where adjoining properties are residential, the plan should show details of all windows, doors and open space areas of these properties. - Roads, including the width, availability of on-street parking and street furniture (lights,

	<p>hydrants, etc.) In a rural context should include roads leading to the site from the nearest main road.</p> <ul style="list-style-type: none"> - Relevant ground levels. - Natural features including vegetation and watercourses. - The location and type of other licensed premises within 500m of the site.
Site Plan	<p>The plan should be drawn to scale of 1:100 or 1:200, dimensioned and show:</p> <ul style="list-style-type: none"> - The whole site. - Location and use if existing and proposed buildings. - Construction details of all drainage works, driveways, vehicle parking and loading areas. - Layout of any external activities on the site, including details of any outdoor seating to be provided. - The area of the site to be licensed. - Proposed landscape areas. - The location of advertising signs.
Floor plans and elevations	<p>Plans should be drawn to scale of 1:100 or 1:200, dimensioned and show:</p> <ul style="list-style-type: none"> - The internal layout of existing and proposed buildings including (via a red line) the areas which are proposed to be licensed. - Location of waste storage areas. - Location of windows and doors. - External materials and colours. - Mechanical plant and equipment. - Details of any constructed noise attenuation (eg insulation, acoustic screens). - Advertising sign location, type, content and supports and details of any illumination.
Noise impact assessment and management plan	<p>If the use might impact on the amenity of sensitive uses as a result of things like mechanical equipment, live or recorded music or other entertainment, patron noise or traffic, an acoustic report should be prepared by a qualified consultant to determine appropriate noise limits, predict noise levels and recommend measures to reduce noise impacts.</p> <p>Refer to Noise from Industry in Regional Victoria, EPA Publication 1411 available from http://www.epa.vic.gov.au/your-environment/noise/noise-publications</p>

Waste management plan	<p>The plan should:</p> <ul style="list-style-type: none"> - Estimate waste types and quantities. - Identify storage requirements for different waste streams. - Identify the proposed collection regime. - Show the location for waste storage and collection.
Land capability assessment	<p>For premises not connected to reticulated sewerage, producing wastewater flows of less than 5000L/day, a land capability assessment prepared by a qualified consultant in accordance with the Septic Tank Code of Practice – Onsite wastewater management, EPA Publication 891 available from http://www.epa.vic.gov.au/your-environment/water/onsite-wastewater</p> <p>Premises producing flows of more than 5000L/day need an EPA works approval.</p>
Cumulative impact assessment	<p>A response to the cumulative impact of licensed premises having regard to Planning practice note 61 – Licensed premises: Assessing cumulative impact (DELWP 2015) available from www.planning.vic.gov.au/publications/planning-practice-notes</p>
Patron management	<p>For Hotel, Tavern and other premises providing entertainment, the following information should be provided:</p> <ul style="list-style-type: none"> - Details of staffing arrangements including numbers and working hours of security staff and on premises manager. - Measures to be undertaken to address patron behaviour within and departing the premises. - Procedures to be implemented in the case of complaints by a member of the public, the Victoria Police, Council or an officer of the VCGLR; - External lighting, including security lighting. - Any other measures proposed to be undertaken to ensure minimal amenity impact from the proposed licensed use.
Car parking demand assessment	<p>If the standard car parking requirement of Clause 52.06 is being reduced, an assessment that addresses:</p> <ul style="list-style-type: none"> - The likelihood of multi-purpose trips within the locality which are likely to be combined with a trip to the land in connection with the proposed use.

	<ul style="list-style-type: none"> - The variation of car parking demand likely to be generated by the proposed use over time. - The short-stay and long-stay car parking demand likely to be generated by the proposed use. - The availability of public transport in the locality of the land. - The convenience of pedestrian and cyclist access to the land. - The provision of bicycle parking and end of trip facilities for cyclists in the locality of the land. - The anticipated car ownership rates of likely or proposed visitors to or occupants (residents or employees) of the land. - Any empirical assessment or case study.
Bushfire management response	<p>If the premises are located within the Bushfire Management Overlay and a permit is required under this overlay:</p> <ul style="list-style-type: none"> - A bushfire hazard site assessment. - A bushfire hazard landscape assessment. - A bushfire management statement. <p>The above requirements are more fully described in Clause 44.06 available at http://planning-schemes.delwp.vic.gov.au/schemes/vpps/44_06.pdf</p> <p>If the premises are located within a Bushfire Prone Area where a permit isn't required under the Bushfire Management Overlay (including for components of the proposal), as appropriate:</p> <ul style="list-style-type: none"> - An assessment of the bushfire hazard, including out to the landscape scale (20-75km from the site). - A response to the bushfire hazard, including proposed bushfire protection measures and demonstrating how the protection of human life has been prioritised. - An assessment of the impact of bushfire protection measures on biodiversity. Bushfire Prone Area mapping can be accessed at http://services.land.vic.gov.au/maps/bushfire.jsp <p>In preparing a response consider:</p>

	<ul style="list-style-type: none"> - What are the opportunities to reduce risk (eg siting, dates and times of operation)? - Are there nearby low risk locations (not bushfire prone) to evacuate to? - What is the risk along access routes? - How will fire risk be monitored through the seasons and daily? - What will be the response/s to high fire danger, a fire in the area or a fire on or impacting the site? - What are the trigger points for enacting a response to fire risk? - How will decisions be communicated to patrons and potential patrons? - How will staff and patrons be transported in the event of an evacuation? - What is the local capacity of emergency services to respond? - Can staff and patrons be sheltered in place if evacuation isn't possible? - Does the use present a risk of igniting a fire?
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It is important to note that an Application for Planning Permit is not a Liquor Licence. A Liquor Licence can only be issued by the Victorian Commission for Gambling and Liquor Regulation (VCGLR). The process through the VCGLR requires that Council's regulations are met first.

Further information can be obtained from the VCGLR website www.vcglr.vic.gov.au.

Other regulations to consider

Footpath Trading Permit – to use the footpath or to allow the placement of anything on it such as tables and chairs, umbrellas or signs. Contact Council's Community Safety officers.

Food Safety and Health Regulations – depending on the type of business you are running and if you are preparing or serving food and drink. Contact Council's Environmental Health officers.

Building Permit – for the construction or alteration of buildings or to change the use of a building. Deals with structural adequacy, disability access, toilet provision, capacity and essential safety measures. Contact Council's Building Surveyor officers or a registered private building surveyor.

Disclaimer: Please note this checklist is for standard information required for lodgement. Additional information may be required by Council when assessing your application.