



Brewery, Cidery, Distillery, Winery Fact sheet

This fact sheet can be used to determine the relevant land use terms and planning permit application requirements for a brewery, cidery, distillery and winery.

What type of land use is my business?

The following table demonstrates some of the most relevant land use terms and examples for a brewery, cidery, distillery and winery.

Depending on the type and operation of the business, an application for a planning permit may be required for multiple land uses and other associated activities (i.e. car parking, liquor license, signs).

| Terms and Definitions | Example | Likely Zone Location |
|--|--|--|
| 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 including the process of production and manufacturing (brewing and distilling) on site to serve to patrons or sell packaged liquor from the premises. It does not include the wholesale distribution of liquor to another premise. | Industrial 1 Zone Industrial 3 Zone Commercial 1 Zone Commercial 2 Zone Farming Zone Rural Activity Zone Rural Living Zone |
| Industry Land used for any of the following operations: a) any process of manufacture... Includes Rural industry : Land used to: a) handle, treat, process or pack agricultural produce... (Refer to Clause 74 Baw Baw Planning Scheme for full definition) | A premise including the process of production and manufacturing (brewing and distilling) on site and selling by wholesale of goods resulting from the operation. It does not include on site liquor consumption or retail sales. | Industrial 1 Zone Industrial 3 Zone Commercial 1 Zone Commercial 2 Zone Farming Zone Rural Activity Zone Rural Living Zone |
| Manufacturing sales Land used, as an incidental part of an industry, to retail goods made | Retail sales of packaged liquor brewed onsite associated with 'industry'. | Commercial 1 Zone Commercial 2 Zone |

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| materially different on the land by that industry. | | Industrial 1 Zone Industrial 3 Zone Farming Zone Rural Activity Zone |
| 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 (the process of manufacturing may occur off site). It does not include manufacturing (rural industry). | Commercial 1 Zone Commercial 2 Zone Industrial 1 Zone Industrial 3 Zone Farming Zone Rural Activity Zone Rural Living Zone |
| Tavern/Bar 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. | Similar to a hotel but does not include the sale of packaged liquor for consumption off site. | Commercial 1 Zone Commercial 1 Zone Commercial 2 Zone Industrial 1 Zone Industrial 3 Zone Rural Activity Zone Rural Living Zone |
| 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. | It may include the growing of grapes, wine manufacture and cellar door on the land. It may include the preparation and sale of food and drink for consumption on the premises. It does not include live entertainment. | Commercial 1 Zone Commercial 1 Zone Commercial 2 Zone Industrial 1 Zone Industrial 3 Zone Farming Zone Rural Activity Zone Rural Living Zone |

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Other relevant land use activities

The following table demonstrates other relevant land use activities that may be associated with the operation of your business which may require assessment in the planning permit application.

| Terms | Definition |
|------------------------|--|
| 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. |
| Place of assembly | Land where people congregate for activities, entertainment, or meetings. |
| Restaurant | Land used to prepare and sell food and drink, for consumption on the premises. |
| Food and drink premise | Land used to prepare and sell food and drink for immediate consumption on, or off the premises. Note. This includes food trucks on the site. |

Other relevant planning considerations

The following table demonstrates other considerations that may be associated with the operation of your business that would also require assessment in the planning permit application.

| Terms | Definition |
|-------------------------------|---|
| Signs (Clause 52.05) | The total display area for a business identification sign is determined by its category under the zone. A planning permit may be required to increase the total display area. |
| Car parking (Clause 52.06) | The required car parking rate is determined by the number of patrons including staff and leasable floor area. A planning permit may be required to vary the required car parking rate. |
| Liquor license (Clause 52.27) | A planning permit may be required to sell or consume liquor depending on the type of liquor licence. |

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| Access to Road Zone, Category 1 (Clause 52.29) | A planning permit is required to create or alter access to a road that is under the jurisdiction of VicRoads. |
| Live entertainment (Clause 52.43) | If live entertainment is proposed, it must be considered under this provision. |
| Uses with adverse amenity potential (Clause 53.10) | Setbacks from sensitive uses are required where the manufacture of liquor is proposed. The threshold from a residential zone, hospital or education centre is variable under this provision depending on the scale and type of processes to be used. |

Examples

- A vineyard has its grapes made into wine by a local winemaker, they sell this wine on site at a cellar door, this is **Primary Produce Sales**. If the vineyard was to manufacture the wine on site this would be considered **rural industry**, the use of the land would then be considered **winery** and **rural industry**.
- An existing pub (Hotel) proposes to start brewing from the site to serve beer to customers and as packaged sales from the bottle shop. The existing use of a Hotel is already appropriate to start this operation. The process of producing and manufacturing the beer would be ancillary to the existing use (Hotel). If it was proposed to distribute the beer by wholesale to other pubs, bars and bottle shops, it would need to include the use of land for Industry.
- An artisan distillery is proposed for the production and manufacturing of spirits for selling by wholesale to local bottle shops and bars. It is also proposed to have a 'cellar door' to offer tastings and packaged sales for customers to take away. The appropriate planning definitions is the use of land for **Industry** (to include manufacturing and wholesale sales) and **Manufacturing sales** (to include the cellar door sales).

Other Approvals

- **Liquor license** – Most licensed premises will require a planning permit from Council for a liquor licence under Clause 52.27 (Licensed premises) as well as approval from the Victorian Commission for Gambling and Liquor Regulation (VCGLR). For more information please refer to www.vcglr.vic.gov.au
- **Councils Public Health Department** – Food safety and health regulations and registrations may apply, please contact Councils Health Department on **5624 2411** or health@bawbawshire.vic.gov.au

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Business Support

To support your business, Councils Better Approvals team may be able to assist with:

- identifying appropriate sites
- streamlining the range of approvals required
- funding opportunities

For more information about how the Better Approvals team can assist, please contact yourbusiness@bawbawshire.vic.gov.au or <https://www.bawbawshire.vic.gov.au/Your-Business/Starting-or-Growing-Your-Business>

Contact

If you require any further information, please contact the Council's Planning Department on **5624 2411**.

If a planning permit is required, please contact Council to obtain the Commercial Development Checklist and/or Licensed Premise Checklist or download from <http://www.bawbawshire.vic.gov.au/Plan-and-Build/Planning-permits/Planning-Checklists>

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