

## 22.04 ECONOMIC DEVELOPMENT AND TOURISM

21/09/2006  
C26(Part 1)

### 22.04-1 LICENSED PREMISES

21/09/2006  
C26(Part 1)

This policy applies to permit applications for a new liquor licence or the amendment of an existing liquor licence pursuant to Clause 52.27 of the *Victoria Planning Provisions*.

#### Policy Basis

Many licensed premises in urban areas of the municipality are situated in or in the vicinity of residential areas. Conflict can arise between licensed premises and residents if onsite and off site amenity effects are not appropriately managed.

This policy articulates what matters Council will consider when evaluating the merits of permit applications and what permit conditions will apply.

#### Objectives

- Manage the interface between licensed premises and surrounding or adjoining residential areas.
- Minimise negative onsite and off-site amenity effects of licensed premises on adjoining land uses and neighbourhood amenity and character, principally entertainment noise and unsocial human behaviour.
- Manage the location, operation and opening hours of licensed premises in order to protect the amenity of nearby residential areas.
- Protect residential properties from adverse noise, traffic and parking associated with night-time activities of licensed premises.
- Provide certainty for liquor license holders and residents with regards to how Council will handle liquor license permit applications.
- Ensure that appropriate and consistent conditions are applied to permits in order to facilitate the effective implementation of this policy.

#### Policy

##### *Exercising discretion*

It is policy to:

- *Amenity* – Minimise disruption to any surrounding residential area resulting from the operations of the licensed premises.
- *Noise* – Operate licensed premises in a manner that ensures noise emissions will not detrimentally affect the amenity of persons living in proximity to the site, and noise emissions will not exceed the noise standards specified by the *Environment Protection Authority*.
- *Hours of operation* – Ensure hours of operation of licensed premises reflect the location of the premises, the nature of its use, and the land use zoning of the site and adjoining land.
- *Numbers of patrons* – Limit the maximum number of patrons permitted on the licensed premises at any one time to the safe and amenable operating capacity of the premises in accordance with the *Building Code of Australia* and *Liquor Licensing Victoria*.

- *Safety* – Operate licensed premises in a manner that provides safety for patrons and nearby owners and occupiers of land.
- *Traffic* – Ensure that the operation of licensed premises will not detrimentally impact on the functioning of local traffic networks and car parking availability.
- *New noise sensitive uses* – Minimise disturbance to residents by including appropriate design and acoustic measures for new residential development (or other noise sensitive uses) in the vicinity of an existing premises where liquor is served.

**Decision Guidelines**

It is policy that the following standard conditions will be applied to all permits unless the applicant can reasonably justify modifications:

- The level of noise emitted from the premises must not exceed the permissible noise levels for entertainment noise as specified in the following policies:
  - *State environment protection policy (Control of Noise from Commerce, Industry and Trade) No. N-1.*
  - *State environment protection policy (Control of Music Noise from Public Premises) No. N-2.*
- The amenity of persons living in proximity to the site must not be detrimentally affected by reason of the emission of adverse noise from the premises.
- The maximum number of patrons permitted on the licensed premises at one time must not exceed a number specified by *Liquor Licensing Victoria*.

It is policy that the following closing hours will be applied unless the applicant can reasonably justify modifications:

- Wangaratta Central Activities Area:
  - Monday to Saturday – 1.00am the following day.
  - Sunday – 11.00pm.

Following consultation with the local Police Licensing Inspector, Council will consider applications on their merits for the following trading hours:

- Friday and Saturday – 3.00 am the following day.

Subject to a successful trial period, and following consultation with the local Police Licensing Inspector, Council will consider applications on their merits for the following trading hours:

- Friday and Saturday – 5.00am the following day.
- All other areas:
  - Monday to Sunday – 11.00pm.

Following consultation with the local Police Licensing Inspector, Council will consider applications on their merits for the following trading hours:

- Monday to Thursday – 12 midnight.
- Friday and Saturday – 1.00am the following day.

**22.04-2**21/09/2006  
C26(Part 1)**WINERIES AND CELLAR DOOR SALES**

This policy applies to all applications for the establishment of a winery and to the establishment of a cellar door sales facility.

**Policy Basis**

The development of the wine industry is an integral part of the Council's tourism and agriculture strategy, with wineries providing a significant tourism destination.

This policy aims to provide guidance to Council in assessing applications for wineries and cellar door sales facilities to achieve high quality design and the provision of suitable tourist amenities.

For the purposes of definition (refer to Clause 74 of the *Victoria Planning Provisions*), 'winery' means:

- 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.

**Objectives**

- Ensure that wineries and their cellar door sales facilities are compatible with the rural character of the area, and compatible with the environmental and aesthetic character of surrounding rural land.
- Ensure that cellar door sales operations do not adversely affect surrounding land uses and residents.
- Ensure that wineries can be provided with adequate infrastructure.
- Ensure that adequate car and bus parking is provided on-site.

**Policy*****Exercising discretion***

It is policy to:

- Ensure that any proposed winery development can meet the standard zone infrastructure requirements of the planning scheme.
- Ensure that wineries provide appropriate on-site car and bus access and parking to meet the needs of customers and tour operators.
- Ensure the provision of appropriate signage for business identification and car and bus parking areas.
- Ensure that any proposed driveways are constructed to an all weather two-wheel-drive standard.
- Ensure that any proposal will not be detrimental traffic safety.

***Decision guidelines***

It is policy for Council to consider:

- How the proposal relates to the rural use of surrounding land.
- The location and siting of proposed buildings and facilities.

- Evidence that the land is of sufficient size and location to be separated from off-site effects of adjoining land uses.
- The relevant environmental conditions of the land including flora, fauna, salinity and erosion protection.
- The standard of road access to the property.
- The planning history of the land, including any previous permit applications for the winery.

***Application information requirements***

It is policy that permit applications contain the following information when lodged with Council:

- A site plan drawn to scale, with a north point, that shows or records (where applicable):
  - All existing and proposed development.
  - Abutting roads, and a description of the standards of public access roads to the site.
  - The location of existing buildings on adjoining land within 200m of the proposed development.
  - The location of the access roadway/s, car and bus parking and manoeuvring areas.
  - Adequacy and location of toilet facilities and amenities.
  - Disabled access for persons with disabilities.
- A report detailing/explaining:
  - The days and hours of operation.
  - The number of anticipated car and bus movements per day.
  - Proposed signage.
  - Details and locations of water supply and effluent disposal management systems.
  - Rubbish and waste disposal areas and management.

**22.04-3**21/09/2006  
C26(Part 1)**PUBLIC PLACES, THOROUGHFARES AND TOURIST ROUTES**

This policy applies to the development of land adjacent to, or within view from, any land zoned:

- Road Zone, Category 1
- Road Zone, Category 2
- Public Park and Recreation Zone
- Public Use Zone, Category 4 – Transport

This policy does not apply to any road or rail works.

**Policy Basis**

Many of the public places, thoroughfares and tourist routes in the municipality enjoy a high level of visual amenity afforded by surrounding land and landscapes. Such amenity could be derived from the views or outlooks from public parks, arterial roads, main roads, freeways, railways, wayside stops or rail trails.

The quality of the visual environment of an area is known to be an important criteria when tourists (and future investors or residents) make ‘stop, visit, stay, invest, buy or return’ decisions.

Land use and development planning should recognise the visual impact of new development when viewed from public places, thoroughfares and tourist routes to compliment Council’s related tourism and economic development strategies.

**Objectives**

- Facilitate positive visual impressions gained of the municipality to those visiting or transiting through the area.
- Increase the municipality’s tourism, investment and population potential and base.
- Recognise that certain development, such as industrial development, may have inherent building design and layout circumstances that may require innovative solutions when deciding upon how to efficiently screen unattractive building or site activity elements.

**Policy**

It is policy to:

- Consider the probable aesthetic and visual appearance of proposed buildings or works.
- Consider the likely visual impacts of the sites proposed activities.
- Ensure that new development is sited, designed and appropriately screened in relation to public places, thoroughfares and tourist routes.

***Exercising discretion***

When deciding upon the extent to which this policy should apply to adjoining land and surrounding landscapes, the Council will consider only that land able to be reasonably seen via direct sightlines (i.e. unobstructed views) or indirect sightlines (i.e. obstructed by tree foliage but still able to be seen) from the relevant public place, thoroughfare or tourist route.