

Local Planning Policy 5 - Cellar Door Sales

AMRSC Planning Policy

November 2010

This Policy was adopted by Council to give guidance as to how discretion under a town planning scheme or other regulatory instrument may be exercised. It also serves to help proponents, landowners and the community understand how decisions are likely to be reached.

Authority

This policy provides the basis on which Council will assess proposals for cellar door sales establishments within the Priority and General Agriculture zoned land. In particular, it specifies contributions for road upgrade contributions for more remote proposals. This Policy is made under Clause 2.2 of Local Planning Scheme No. 1 (LPS1).

Interpretation

Ancillary Products means food, art and craft produced in the locality of the cellar door, and apparel branded as in relation to the cellar door.

Saleable product means the production of wine in cases made available for purchase from the winery and/or cellar door but excludes wholesale contract sale of grapes for bottling and sales elsewhere.

Objectives

1. To ensure that all Cellar Door Sales within the Priority and General Agriculture Zones are located on roads of sufficient standard to cater for the expected traffic volumes.
2. To ensure that Cellar Door Sales established on Priority and General Agriculture zoned land are designed to be in keeping with the rural character and amenity of the area.
3. To ensure that cellar door sales establishments are located only on properties zoned Priority and General Agriculture where there is an existing associated vineyard and/or winery.
4. To differentiate and set guidelines for the determination of boutique, small scale and large scale cellar door sales establishments and the road standard to be provided for each.
5. To set guidelines for the calculation of road upgrade contributions for cellar door sales establishments.
6. To specify appropriate products that can be sold under an approval for cellar door sales, to ensure that the operation retains its primary function as the sale of wine or other value added product associated with the agricultural use of the land.

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Policy

Visual Impact

7. In assessing applications for cellar door sales establishments Council will take into account the following:
 - Required setbacks as specified in Local Planning Scheme 1 and any relevant Council Policy;
 - The colour, materials and location of proposed buildings;
 - The height of the structure in accordance with Local Planning Scheme No. 1.; and
 - The Leeuwin-Naturaliste Ridge Statement of Planning Policy and any other relevant State Planning Policies.

Parking

8. Adequate parking areas will be required in accordance with Local Planning Scheme No. 1. Cellar Door Sales establishments will also be required to provide disabled carparking and access in accordance with the Building Code of Australia.

Health Matters

9. Adequate toilet facilities and sufficient effluent disposal systems are to be provided to service the Cellar Door Sales establishment in accordance with the Health Act/Regulations and the Building Code of Australia where tasting of wine is proposed. Cellar Door Sales establishments are also required to have an appropriate fit out and facilities in accordance with the Health Act/Regulations and be serviced by an appropriately screened bin storage area.
10. Cellar Door Sales with tasting facilities will require appropriate classification under Food Regulations. A Section 39 and 40 Certificate are also required to be obtained from Council under the Liquor Control Act 1988.

Fire Protection

11. Cellar Door Sales establishments shall be provided with an appropriate fire separation zone surrounding the building as required by the Planning for Bushfire Protection Guidelines. The siting of Cellar Door establishments should take into account the requirement for bushfire protection and should aim to minimise the need for clearing of significant native bushland.

Association with Agriculture

12. Cellar Door Sales establishments will only be approved where there is an associated vineyard (intensive agriculture) and/or winery (rural industry) located on the subject site. Cellar Door Sales (shop) are considered to be ancillary to the primary activity on the site, that is the growing or production of wine products.
13. Council considers that only products that fulfil this ancillary function should be retailed in a cellar door outlet. The onus will be on the applicant to provide evidence to Council that the predominant function of the cellar door will be the sale of wine.. At the time of application Council will require details of the goods to be sold in the cellar door outlet. As a general rule, Council considers that only the value added products resulting from the primary production on the site, and ancillary products should be sold in a cellar door type situation.

Road Upgrading Requirements

14. The Council has determined for the purposes of this policy that Cellar Door Sales establishments fall into three categories, being Boutique, Small Scale and Large Scale. These categories have been determined following consultation with the Margaret River Wine Industry Association. The formulas included in this policy have been derived using data provided by this association.
15. Specific allowances for site conditions, location within region and business planning will not be given during the assessment of the development application in relation to road upgrading requirements.

Boutique Cellar Door Sales

16. For the purpose of this Policy a Boutique Cellar Door Sales establishment is one that has a current, or 5 year projected production, of up to 4000 cases per annum of saleable product produced from the site and has no ancillary uses. A Cellar Door Sales with ancillary uses shall be assessed in accordance with either a Small or Large Scale Cellar Door Sales. Boutique Cellar Door Sales are permissible on gravel roads with no requirements for road upgrading providing that the road has been assessed as being safe for the purpose and there are no negative environmental or social issues. The applicant, through suitably qualified engineers, may submit a safety report on the road/roads condition in support of their Development Application for Council consideration.
17. A condition of approval will ensure that the Council may request confirmation at any time that production has not exceeded 4000 cases of saleable product. In the event that production does exceed this level, the approval will lapse and new application and assessment of road standards will be required.

Small Scale Cellar Door Sales

18. For the purpose of this Policy a Small Scale Cellar Door Sales establishment is one that has a current production, or a 5 year projected production of more than 4000 cases but less than 35,000 cases of saleable product per annum. Such Cellar Door Sales are permissible on gravel roads and may have ancillary uses as approved by Council. The requirement for road upgrading will be determined in accordance with the following methodology:

Road Hierarchy Standards

19. Council's Standards and Specifications define the design standards that apply to the road hierarchy for rural roads. Those roads classified as Local Roads and Cul-de-sacs are generally the roads that will be subjected to road upgrading as part of this policy. The design criteria applicable to Local Roads and Cul-de-sacs is:

Road Classification	Reserve Width	Pavement Width	Formation Width
Local Roads and Cul-de-sacs < 200vpd	18-20m	5.0-6.0m + 0.5-1.2m shoulders	7 – 9.5m

vpd = vehicles per day

20. Roads identified as having special environmental values shall be subjected to specific planning and management considerations to ensure conservation of their value. Accordingly the standard design criteria may be revised by Council to achieve this objective, however such revisions should not be to the detriment of safety.

Existing Road Standard

21. Council shall undertake an inspection of the Existing Road Standard of the network servicing the site of the Cellar Door Sales and where that network complies with the Road Hierarchy standards then no road upgrading will be required.
22. Where the Existing Road Standard of the network servicing the site of the Cellar Door Sales does not satisfy the Road Hierarchy Standards then road upgrading will be required in accordance with the following provisions.

Note: Council may give consideration to removing the requirement for road upgrading if the network under consideration is currently scheduled on Council's 5 Year Works Program for upgrading and where the interim use of that network from the Cellar Door Sales establishment does not pose a safety, social or environmental issue.

Road Upgrade Standard

23. Having assessed the Existing Road Standard against the Road Hierarchy Standards the Road Upgrading Standard to be adopted for the assessment shall be determined.

24. The detailed assessment of the Road Upgrade Standard shall include, but not be limited to, such items as:
- i. Pavement
 - ii. Drainage
 - iii. Safety
 - iv. Environmental Impact
 - v. Access from road to Cellar Door Sales establishment (slip lanes, passing lanes)
 - vi. Signage
 - vii. Dust and noise impact from traffic movement generated by the development
 - viii. Amenity of the road and nearby residential occupation

The Council having regard for such issues may require additional road upgrading to that specified below.

Note: In particular cases, in the opinion of Council, if some of the above issues can not be addressed satisfactorily a road may be deemed inappropriate for use to access the cellar door sales and an approval may not be issued.

Road Upgrade Estimate

25. An estimate shall be prepared by Council to determine the cost of upgrading the road/roads in accordance with the adopted Road Upgrade Standard. The estimate is prepared on the basis that Council will undertake the works and as such no GST is applicable. The Road Upgrading Estimate shall be valid for a period of 12 months from the date of development approval.

Traffic Generated by the Cellar Door Sales

26. The Council has determined for the purposes of this policy that the following criteria be universally adopted and applied:
- i. Total production in cases per annum, provided by applicant and verified by Council
 - ii. For verification purposes total production in cases per annum, 1 tonne = 70 cases, 8-10 tonne yield per hectare.
 - iii. Each case has 12 bottles.
 - iv. Bottles sold per annum through Cellar Door (B_s)

	% Sold at Cellar Door
< 4,000	30%
4,000 – 35,000	10%

Example: $10,500 \text{ cases} = (30\% \times 4,000) + (10\% \times 6,500)$
 $B_s = 22,200$

Average number of bottles per sale = 3

Number of non sale visits = 40% = 1.4 visits per sale

Each visit generates 2 traffic movements

The Formula for deriving the traffic generated by a Cellar Door Sales is:

$V_{pd} = \frac{\text{Bottles sold } (B_s) \times \text{Visits per sale} \times \text{Traffic movements per visit}}$

Days per year x average number of bottles per sale

$V_{pd} = \frac{B_s \times 1.4 \times 2}{365 \times 3}$

$v_{pd} = 0.0025 B_s$

Note: The above figures include staff and servicing requirements for the Cellar Door Sales.

27. Where additional traffic generating developments (ancillary uses) exist, or are proposed in conjunction with a Cellar Door Sales, then the total traffic generated shall be determined in accordance with this Policy and Council's Guide for Traffic Generating Developments and Land Use Traffic Generation Guidelines. Allowance shall be given to previous ancillary uses that have already made road upgrade contributions. Should the calculated rate be less than 120 vpd then it shall be assessed as a Small Scale Cellar Door Sales. In excess of 120 vpd the application shall be assessed as a Large Scale Cellar Door Sales.

Road Upgrade Contribution

28. Council's Standards and Specifications and Main Roads WA guidelines recommend that roads should be sealed when the annual average traffic rate exceed 150 vehicles per day. The Formula for determining the Road Upgrading Contribution is: Traffic Generated by Proposal x Road Upgrading Estimate 150.

29. The preceding methodology shall be used as a guide only. There may be matters that require a specific consideration during an assessment such as safety which take precedence over the Policy methodology.

Large Scale Cellar Door Sales

30. For the purposes of this Policy a Large Scale Cellar Door Sales establishment is one that has a current production, or a 5 year projected production, of more than 35,000 cases per annum of saleable product. Large scale Cellar Door Sales shall be located on a sufficiently constructed sealed road to the satisfaction of Council. The requirement for road upgrading in support of a Large Cellar Door Sales shall be assessed in accordance with the same methodology for a Small Scale Cellar Door Sales in relation to:

- i. Road Hierarchy Standards
- ii. Existing Road Standard
- iii. Road Upgrade Standard
- iv. Road Upgrade Estimate

31. The Road Upgrade Contribution for a Large Cellar Door Sales shall be the value of the Road Upgrade Estimate.

Payment of Road Contributions

32. Contributions towards the upgrading of roads to service the proposed Cellar Door Sales shall be calculated in accordance with the methodology identified above. Contributions shall be paid to Council prior to the issuance of a building licence however in special circumstances Council may accept the lodgement of a bank guarantee to the value consistent with the required road contribution, plus any allowances to be made for administrative purposes. The bank guarantee shall be converted to cash prior to the issue of the Certificate of Classification or otherwise negotiated with Council.

33. Roadworks within Council road reserves are generally undertaken by Council's Operations Division. Council may however, at the request of the applicant, give approval for a contractor to undertake such works providing that suitable plans and specifications are prepared by the applicant and are submitted and subsequently approved by Council. Council shall complete the works within 12 months of receipt of Road Upgrading Contribution.

Note: The Road Upgrading Contribution shall be expended towards achieving the defined Road Upgrade Standard. Receipt of contributions by Council does not infer that Council will be contributing the balance of funds to complete the entire scope of works as defined by the Road Upgrade Standard. The scheduling of Council funded works are determined by the current budget and the 5 year works program.

Application

This policy applies to all land zoned Priority or General Agriculture within the Shire of Augusta-Margaret River. All applications requiring development approval from the Shire of Augusta-Margaret River for cellar door sales will be assessed in accordance with this policy. This policy is also to be read in conjunction with other Council Policies and legislation that relate to the Priority and General Agriculture zone.

Adopted for Advertising	24 November 2010
Adopted by Council	9 February 2011
Policy Reviewed	