

**PLANNING PERMIT (AMENDMENT)
APPLICATION**

**CITY OF WHITEHORSE
(STATUTORY PLANNING)**

PLANNING AND ENVIRONMENT ACT 1987
WHITEHORSE PLANNING SCHEME

2/04/2019

ADVERTISED MATERIAL

CITY OF WHITEHORSE

This copied document is made available for the sole purpose of enabling its consideration and review as part of a planning permit under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach copyright.'

**VIA PORTA
PTY PTD
ACN: 622 282 204**

**TRADING AS:
VIA PORTA
ABN: 86 622 282 204**

CITY OF WHITEHORSE RECEIVED	
19 MAR 2019	
<input type="checkbox"/> 2 Years	<input type="checkbox"/> 10 Years
<input type="checkbox"/> 5 Years	<input type="checkbox"/> Permanent
<input type="checkbox"/> 40 Years	<input type="checkbox"/> Attachments
<input type="checkbox"/> ARC/	

**677 WHITEHORSE ROAD,
BALWYN, VIC. 3127**

**APPLICANT:
LUCIA (LUCY) COSENTINO**

Prepared by

***M.V. (Matt) Dillon
Professional Consulting Services,
Melbourne
ABN: 76345679681***

18 March, 2019

18 March, 2019

City of Whitehorse
(Statutory Planning)
379 – 397 Whitehorse Road,
Nunawading, Vic. 3131

ATTENTION: CHRIS VARVARIS

**Subject: PLANNING PERMIT (AMENDMENT) APPLICATION
NO: WH/2017/974 REFERS
VIA PORTA PTY LTD
ACN: 622 282 204
TRADING AS VIA PORTA
ABN: 86 622 282 204
677 Whitehorse Road, Mont Albert, Vic. 3127
APPLICANT: Lucia (Lucy) Cosentino**

INTRODUCTION

Subject to recent discussions held with Chris Varvaris (statutory planning) on 8 & 13 February, 2019 & beyond, this is an application to council (statutory planning) seeking an amendment to an existing Planning Permit No: WH/2017/974 for the following:

- **Use of land for the sale and consumption of liquor on/off the premises associated with a restaurant (no permit required for the use) in accordance with endorsed plans.**
- **Increase with patron numbers from 20 to 50**
- **Increase to existing trading hours**

An application for an amendment to this particular planning permit, incorporating information required is attached.

Appendix 1

CURRENT PLANNING PERMIT NO: WH/2017/974

Current planning permit allows for buildings & works to the existing building, use of land for food & drink premises, display of business identification signage & reduction of car parking, generally in accordance with the endorsed plans & subject to conditions imposed

Appendix 2

BACKGROUND

The commercial business premises situated at 677 Whitehorse Road, Mont Albert, Vic. 3127, previously operated as a successful retail business for some years. The applicant and her direct family members have since purchased the building.

The applicant in this matter and her husband & business partner, now own this particular commercial building at this location within an established **activity centre** of Whitehorse Road, Mont Albert.

Appendix 3

EXISTING CONDITIONS

The building, approximately 270m² was originally developed some years ago as single-storey shopfront, internal mezzanine floor & basement with 6.4m frontage facing South on Whitehorse Road, Mont Albert with rear & street parking opportunity for motor vehicles in the immediate area.

Appendix 4

On-site land use to the rear allows for a waste storage area & collection point, also for deliveries of goods & produce to this building.

No detrimental amenity impact.

See attached Waste Management Plan

Appendix 5

BUSINESS CONCEPT

Via Porta (eatery & delicatessen) will be a multifaceted business concept that will comprise of dining, take away, delicatessen, retail & some take home meals. The business will provide breakfast, lunch & dinner 2 to 3 days a week. The remainder of the week will comprise of breakfast and lunch.

See proposed trading hours, subject to this planning permit (amendment) application.

The proposed licensed restaurant will allow for the service of various selected food items, with the opportunity for the sale and consumption of alcohol for seated patrons on the premises, with the ability for their retail customers to purchase bottled & packaged alcohol for consumption off the premises, when purchasing take home meals or other food items from the delicatessen or retail areas within this building.

The venue will also allow producers to “show case” their products at some tasting events – (not seated patrons) together with the consumption of liquor.

PLANNING ZONE SUMMARY

PLANNING ZONE:

Mixed Use Zone (MUZ)
Schedule to the Mixed Use Zone (MUZ)

Appendix 6

PLANNING OVERLAYS

Design & Development Overlay (DDO)
Design & Development Overlay – Schedule 4 (DDO4)
Environmental Audit Overlay – (EAO)

Appendix 7

Planning Permit (Amendment) Trigger = Licensed Premises
City of Whitehorse planning scheme provisions
Clause 52.27 – Permit required

A permit is required to use land to sell & consume liquor if a licence is required under the Liquor Control Reform Act, 1998

Appendix 8

This proposed restaurant will make a positive contribution to the renewal and revitalisation of this very popular and well-frequented section of Whitehorse Road – that could be categorised as a neighbourhood activity centre. The diversity of use & activity will add to the vibrancy & amenity of this area.

ECONOMIC DEVELOPMENT: Commercial Business Objective & Strategies

The area itself has been captured and designated in the City of Whitehorse network/group of Activity and Neighbourhood Centres. The site itself is within an established and expanding commercial area within the popular Whitehorse Road shopping precinct, a very popular tourist destination.

The commercial business objective & strategies implemented are as follows:

“To encourage development which meet the communities’ needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities”.

It is also our submission that this business concept meets the objectives of the Economic Development viability “retain commercial land that has a mix of viable uses and employment opportunities and which provides opportunities for further development.

Also encourage businesses, goods & services, which will enhance the viability of the City of Whitehorse activity/neighbourhood centres, especially small businesses & uses that are **high value & low impact.**

Reference: State Planning Policy Framework – Clause 17.01-1 refers

Also, based around good public transport links, a mixture of commercial and residential development, ongoing expanding educational facilities, employment opportunities and open space. It provides a range of local services to the community and does encourage a lively and active community.

Council’s economic development statement objective “to encourage innovation in retailing & promote retail formats where it can be demonstrated that consumer trends are evolving”

In our submission, this is certainly the case within this area of Mont Albert.

NEIGHBOURHOOD CENTRES – CITY OF WHITEHORSE

Neighbourhood centres provide a vital component of the City’s activities and are integral to the local economy. They provide a focus for goods, services and employment and are an important focal point for community life and interaction.

Such centres provide employment opportunities for the municipality, a range of activities, which create benefits for business and the community and opportunities for more integrated forms of development, including higher density mixed-use developments.

The objective (Land Use) is to strengthen the retail function of the neighbourhood centres and encourage a wide range of uses within them. Also, to enhance the long-term economic viability of the neighbourhood centres and commercial corridors.

We say this proposed commercial business meets the provisions of the City of Whitehorse Planning Scheme relating to Neighbourhood Centres & Character Policy.

WHITEHORSE ROAD, MONT ALBERT

This neighbourhood activity centre (Whitehorse Road) offers an array of food choices. It can be described as a vibrant 7-day cosmopolitan shopping/entertainment precinct and is reminiscent of some of Melbourne’s most famous shopping streets, with tree-lined walkways, hotels, bars, cafes, restaurants and specialty retail choices – including a number of factory outlets.

The area is considered by many as a thriving community and business hub with a booming corridor with large commercial and residential precincts with expansive parkland.

With an impressive range of retail offerings, this particular area of Mont Albert has become a meeting place, shopping space and location for some of the best food, shopping and other services to the East of Melbourne.

Commercial properties in the area include a large number of operating restaurants, cafes and other licensed liquor outlets of all description, including accommodation facilities (apartments) some distance away to cater for the growing population within the precinct and surrounds.

This section of Mont Albert and beyond has been the subject of continual extensive land and business development. Complete with unparalleled amenities, technology and access to major transport arterials, this neighbourhood centre provides the ideal platform for business success, now and into the future.

An activity/neighbourhood centre based around good public transport links, which has a mixture of residential development, employment opportunities and open space. It provides a range of local services, retail, business to the community and employment.

CITY OF WHITEHORSE – VISION

One of council's key objectives is to "**support a local healthy economy**"

In line with the Municipal Strategic Statement, it does accept the challenges that a growth area brings and works towards sustainable outcomes with employment generation and enhancement of certain areas.

It also acknowledges the specific characteristics that contribute to and define the municipality as a unique housing and employment location within this area. Also, to facilitate an appropriate development and provision of services.

We say that the proposed internal design and enhancement to this existing building and employment opportunities for local residents created, certainly meets Council Vision and strategic framework statement with additional service delivery, responding to community's needs and economic development, also lifestyle choice within this retail/neighbourhood centre.

The overall enhancement of this aged building over time and internal upgrade and modifications at significant cost to the applicant, will continue to provide coherence to the unique and distinctive character of Whitehorse Road in line with the objectives set in place within the City of Whitehorse municipal strategies and council vision statement relating to community facilities, economic vibrancy and cafes, restaurants within shopping centres.

Also council's Plan - supporting thriving commercial and retail activity and working in partnership with businesses to market and promote retail and commercial offerings.

This application also includes the following documentation:

TITLE SEARCH

Legible, full and current copy of clear title search documents applicable for the property showing search statement (28 February, 2019) is also attached.

Appendix 9

PLAN OF PREMISES

Copies (3) of detailed plans of premises at scale (A3 size) depicting existing & proposed conditions, including all (red-line) licensed areas where liquor is to be stored, displayed, sold and consumed. The proposed plan also depicts the location/layout of all internal and external seating arrangements within the building perimeter and the ratio of seating to standing within the premises.

Appendix 10

EXTERNAL TRADING PERMIT– Not applicable City of Whitehorse (by-laws)

An external footpath-trading permit is **NOT** required in these circumstances for the consumption of food and liquor at this location. The external area to be utilised for this purpose to the front of this building is within the actual perimeter confines of the land.

CERTIFICATE OF REGISTRATION – FOOD PREMISES!

An application for food premises registration, applicable for this proposed business = work in progress with council (health department). The facility will comply with all Food Act, 1984 and Health Act, 1958 provisions.

LOCATION PLAN

A location plan showing proximity of commercial/residential properties in the immediate area is also attached.

Appendix 11

PROPOSED NUMBER OF STAFF & PATRONS (ratio of seating to standing)

The actual patron numbers will obviously vary from time to time. It is envisaged staff numbers will be four (4) at any one time, with a maximum number of six (6). Patron numbers in our belief will peak on particular occasions to approximately 50.

MAXIMUM PATRON CAPACITY REPORT

A registered building surveyor's report for the maximum number of patrons allowed on the premises is also attached. Patron numbers calculated in accordance to VCGLR guidelines & fact sheet = 123, which equates to 108 for internal area & 15 for external area.

Appendix 12

Given the small number of patrons being sought on the premises - fifty (50) only, it is our view that more than adequate seating availability exists inside and outside this facility given the small number of patrons anticipated to visit these premises.

DECLARED DRY AREA! – Special conditions and requirements

Certain geographical boundaries within Whitehorse and Boroondara municipalities do fall within the category within the provision of local by-laws of being in a classified “**dry area**”. This is specified in the Liquor Control Reform Act, 1998 under Schedule 3, Clause 17. Such conditions & requirements unfortunately still apply to an application of this nature in this particular area within the City of Whitehorse municipal boundary.

CONSULTATION WITH VCGLR

The nature of this business is consistent to the use as a restaurant/café. However, given the business concept & subsequent advice received by VCGLR management, a general liquor licence to complement what is being proposed on the premises is the appropriate licence category.

COMMENT

It is somewhat disappointing with the ongoing approach adopted & set in place for the dry area category within the City of Whitehorse, where local election polls are unfortunately still required to be conducted for this particular liquor licence category.

It does not allow for some consistency with VCGLR's risk-based regulatory approach & in our view & many others, just places an administrative & financial burden on residents, local council, VEC & licensees to conduct an unnecessary poll of this nature. This negative stance, in our view, by some residents in this particular area is certainly not welcomed by many other interested parties & local residents within this municipality, who strongly support applications to council of this nature. **Appendix 13**

LICENSED PREMISES POLICY

Patron numbers (50) in our submission to you will still allow for the safe and amenable operating capacity of these premises and based on these patron numbers, proposed trading hours and the sale and consumption of liquor permitted by the liquor licence (on/off premises) will **NOT** have any cumulative impact at all on the amenity of the surrounding area.

Reference: City of Whitehorse Planning Scheme provisions:

- **Licensed premises Clause 52.27 - Page 2 refers**
- **Licensed premises: Assessing cumulative impact, Practice Note 61**
- **Department of Planning & Community Development, Pages 1 – 9**
- **(Revised June, 2015)**

CUMULATIVE IMPACT ASSESSMENT AREA

**Location of existing licensed premises – (600 x metre) radius:
Whitehorse Road: Neighbourhood Centre**

There are some sixteen (16) licenced premises of various categories currently operating within a 600 metre radius from the subject site & beyond within this commercial/retail precinct of Whitehorse Road, Mont Albert.

Appendix 14

Breakdown of Licensed premises within this radius = the following:

Restaurant/café = 8
Packaged liquor licence = 2
BYO Permit = 5
Limited licence = 1
Total = 16

Refer attached impact assessment diagram prepared & current list extracted from VCGLR (licence premises) records.

Appendix 15

COMMENT

There is **NO** negative cumulative impact that can arise from any clustering of outlets & any associated impact on the surrounding area & alcohol related harms.

As highlighted, licensed premises of different categories are spread nicely across Whitehorse Road, particularly some distance to the West of the subject site & beyond.

As stated, the bulk of these licensed premises are spread out to the West of the subject site, on Whitehorse Road, some distance from these premises. In our submission to VCGLR, there is **NO** clustering of such premises within this particular area, where this particular business will operate.

LICENSED PREMISES: ASSESSING CUMULATIVE IMPACT

CUMULATIVE IMPACT

Refers to both positive & negative impacts that can result from clustering a particular land use or type of land use.

Potential cumulative impact from a cluster of licensed premises will vary between locations, depending on the mix & number of venues & whether the area is a destination for activities associated with the supply of alcohol.

Cumulative impact is a product of the number & type of venues present, the way they are managed, & the capacity of the local area to accommodate those venues.

ASSESSMENT OF THE CUMULATIVE IMPACT FOR LICENSED PREMISES

In accordance to the provisions of the Liquor Control Reform Act, 1998 – Decision-Making Guidelines, in our submission the proposal for a licensed establishment at 677 Whitehorse Road, Mont Albert will have a **Positive cumulative impact** within this area for the following reasons outlined:

- The creation of this local licensed business, specialising in specific food dishes, will allow for a socialisation facility & general benefit to the community
- This venue incorporates good urban design & safe design principles which will allow for the successful management of any potential amenity impacts from venue patrons on these premises, improve perceptions of safety & provide a **“positive cumulative impact”**
- Provision of background music only!
- Management will comply with all amenity-protection conditions that apply to this particular liquor licence.
- It enhances the character, vibrancy & vitality of this area
- Proven economic benefits will follow to the community & council – rate revenue!
- Allows for local employment opportunities
- An increase in patron/consumer choice
- Provides the ability to manage any impact, for example location of this venue is around public transport networks & other services to aid the dispersal of patrons
- Late night transport is available throughout this particular area
- The proposed use adds balance & blends comfortably into an existing **“Mixed Use Zone”** which accommodates a range of retail services of this nature to the community

- The proposed use of this solid building contributes positively to the diversity of uses & activities in this area
- This business proposal does **NOT** generate any unreasonable amenity impacts or significantly increases the number of people on Whitehorse Road, Mont Albert at any given time
- Patron numbers sought (50) is very conservative, given the fact that these premises, as highlighted in the attached MPC report, can easily accommodate some 123 patrons at the same time.
- Rather than being viewed as a Negative, the proposal is well supported by the City of Whitehorse Planning Scheme provisions, with amongst other things, the site's location within Whitehorse Road – Activity Centre classification!
- Good separation distance from any residential interface to the East & South of this site on Whitehorse Road
- The proposal will **NOT** significantly increase the number of patrons near sensitive uses at any time.
- Given the location & planning policy context, this proposal will **NOT** generate amenity impacts beyond what is reasonable
- = **No amenity impact!**
- Building works reflect many contemporary public safety principles, which include active frontage & excellent street lighting etc.
- Excellent pedestrian circulation
- Excellent amenity protection outcomes will be achieved
- No clustering of licensed premises in the immediate area on Whitehorse Road, Mont Albert
- The subject land does **NOT** adjoin sensitive uses
- Adjoining land use = commercial business operations adjoin & surround the subject site!

ASSESSMENT

In our submission to council (statutory planning) this proposal is certainly consistent with the planning outcomes encouraged in the policy, zoning & other planning controls for this area.

NEGATIVE CUMULATIVE IMPACTS

In our submission to VCGLR, there are **NO Negative cumulative impacts** identified or anticipated for the reasons outlined. In particular, there is **NO clustering** of licensed premises within this particular area of Mont Albert.

This modest proposal, in our view, does not require any further detailed analysis, in support of this application, in addition to what has been stated in the content of this detailed submission to the City of Whitehorse – Statutory Planning & VCGLR.

The proposal will **NOT** generate amenity impacts beyond what is reasonable & accepted (including under both State & Local planning policy) for this Activity Centre.

Reasonable amenity expectations should be taken into account, that this immediate area on Whitehorse Road is somewhat dominated by commercial & other non-residential uses, including hospitality uses.

Given the actual distance between this site & the nearest residential zone to the South & East on Whitehorse Road & the fact that public transport services & other commercial uses are generally location in all directions, it is our view that it is highly unlikely that this proposal would significantly increase the number of patrons near sensitive uses in these residential areas at any time.

This proposal maintains the existing built form, scale and design of the building as a whole. As stated, it still remains sitting very comfortably in the Whitehorse Road, Mont Albert streetscape.

IMPACT MITIGATION MEASURES

The proposal will also provide a number of impact mitigation measures, some of which have been listed to reduce a potential negative cumulative impact.

In addition to the above, the following is also provided:

- This relatively small business use with a modest patron capacity being sought & very conservative trading times that are by no means the highest or latest operating in the area of Whitehorse Road that has been researched.
- The location of this proposed venue is within a “**Mixed Use Zone**”, with or in good proximity to substantial public transport, taxi services, local Police, other retail uses, bicycle parking, public toilets, rubbish facilities etc.
- The proposed venue is separated from both a residential area & other licensed premises some distance to the West on Whitehorse Road that have higher patron capacities or later operating times
- The internal layout that is generally consistent with the “design guidelines for licensed venues”
- Layout & design of this building is in accordance with good urban design & safe design principles
- The service of food on these premises at all times during licensed trading hours
- The function of this restaurant/café, where the primary activity will be the preparation & consumption of food
- Operating in compliance with EPA “Noise Emission” requirements
- Operating under applicable liquor licence conditions to protect the amenity of any residents
- Operating under an appropriate daily management plan set in place
- Provision for patron transport and parking
- Very reasonable operating hours for this venue is proposed
- No internal/external trading (outdoor seating) after 11pm

As stated, there are many other restaurants/cafes etc. that operate throughout this activity/neighbourhood centre currently trading at various hours within this area. It should be noted that trading hours for some licensed premises in the locality trade later to what is being proposed.

COMMENT

Liquor Trading hours sought by the applicant are very reasonable in the circumstances and very conservative in our view, given the fact, as stated, that a number of other establishments in the area trade later in the evening.

This written submission also includes the following:

EXISTING TRADING HOURS: Granted by City of Whitehorse – statutory planning

Monday – Thursday & Sunday: 6.30am to 6.30pm

Friday – Saturday: 6.30am – 10pm

PROPOSED TRADING HOURS:

- **Sunday: 8am – 8pm**
- **Good Friday & Anzac Day: between 12noon & 10pm**
- **On any other day: between 6am & 10pm**

As stated, these hours of trading are conservative compared to other licensed premises in this precinct that are currently trading beyond trading hours being sought by this applicant.

APPLICATION FOR LIQUOR LICENCE (GENERAL CATEGORY)

To facilitate the actual time frame with this planning permit application, without experiencing any further delay experienced, a separate application seeking approval for a liquor licence (general category) will also submitted to VCGLR for acknowledgement, advertising period & processing of this separate application during the planning permit phase. Obviously, an election poll will follow with VEC.

PUBLIC NOTICE DISPLAY

From the date to be specified, a Public Notice of the size and in the format required both by Council & VCGLR and containing all relevant details of the application will be displayed on the premises to which the application relates.

This Public Notice will be continuously and conspicuously displayed during a required period in accordance with the guidelines for the Display of Planning Permit & Liquor Licensing Applications.

Certifications and signature of Public Notice display periods (2) will be completed and forwarded to Council & VCGLR at the expiration of the required notice periods set in place.

UNDERAGE APPROVAL

Permanent underage approval is not sought with this application.

CONSULTATION WITH VICTORIA POLICE

Discussion relating to proposed security arrangements, noise levels, if any, management, staff, patron behaviour and other legal expectations will take place with the designated licensing Sergeant, Box Hill Police Station in due course, which forms part of the application process with VCGLR.

The applicant & family members will adopt an ongoing professional approach with the operations of this proposed business venture, to be operating within the City of Whitehorse municipality.

LICENSED PREMISES POLICY - continued

The following additional information is also provided in support of this application in line with the provisions of Clause 52.27 of City of Whitehorse Planning Scheme for Licensed premises and Department of Planning & Community Development, Practice Note 61 relating to licensed premises: Assessing cumulative impact:

It is our view that these premises provide a “**positive cumulative impact**” with the creation of an identified local business that will, no doubt, enhance the vitality of the area.

It will provide and continue to provide some economic benefits, an allowance for some local employment opportunities and an increased consumer choice with the availability of transport services in this area.

City of Whitehorse Planning Scheme, Clause 52.27 & Assessment of Cumulative Impact – licensed premises

Appendix 16

INTERNAL LIGHTING

Significant internal lighting throughout the building is proposed with excellent visibility.

EXTERNAL SECURITY LIGHTING

Existing street lighting throughout the Whitehorse Road area and beyond allows for excellent visibility. Lighting is positioned directly in front of this site.

In our submission, there is no issue whatsoever in relation to lighting and general visibility at this location and throughout this area of Whitehorse Road and surrounds.

SECURITY

In view of the nature and size of this proposed business, no security personnel will be deployed.

CCTV SYSTEM

A security CCTV system, with a number of digital cameras (internally and externally) will be installed throughout the building. This system allows for twenty-four (24) hour recording and will depict any incident that may take place at the site or surrounds.

Entertainment only provided consists of low volume background music generated through a sound system (internal area) only. No other form of amplified music i.e. live bands; live music (DJ) is proposed.

No external music of any description will be played. Music (low background) within the tenancy is to be played at ambient levels only, allowing patrons to converse without strain.

= **No amenity impact.**

PATRON BEHAVIOUR

If any customer(s) appear noisy as they are leaving the restaurant, they will be asked to conduct themselves in a manner that does not cause any disturbance to the amenity of the neighbourhood and to respect local residents in the area. No noise will be created from opening or closing the premises.

Any noise emissions from the proposed licensed premises will comply with the standards specified in the **State Environmental Protection Policy**.

NOISE SOURCES

Noise levels and other emissions will be consistent with comparable restaurant/café & other uses that exist in this area. Within opening hours, the front entry door will primarily be in a closed position.

As you are aware, many people regularly visit this particular neighbourhood/commercial centre and surrounds. There are many premises on Whitehorse Road with existing indoor and outdoor seating areas day & night.

Here, we have a clear separation distance with the existence of the building design as it stands with some residential interface, some distance to the South & East and to the rear (North) of the site. Any patron noise generated, if any, will face to the South on Whitehorse Road.

Photographs in support of this comment are attached.

Appendix 18

An acoustic report in consultation and agreement with council (planning) is not considered necessary or warranted based on the low volume (noise level) to be created, the actual separation distance of properties highlighted and very conservative trading hours sought for the operations of this business. The building abuts to other commercial use on Whitehorse Road, Mont Albert.

AMENITY IMPACT

As advised, no amplified or live music will be played on premises. The nature of the proposed business will not in our submission create any excessive noise levels and reduces the likelihood of any amenity issues. Internal air-conditioning and small exhaust fan systems do not generate any excessive noise at all

= No off site amenity impact.

NOISE ATTENUATION MEASURES

Given the fact that the building itself is particularly well insulated by construction and design, it is our belief that any noise levels will be minimal and not disruptive in any way to residents, some considerable distance away to the South, East & to the rear (North) of this site.

As stated, other commercial properties surround the site in all directions. These premises do not directly abut to any residential interface to the South and residents in no way in our submission will be affected by any noise.

Preliminary research undertaken has indicated that this venue will be regularly frequented by a number of residents and local traders who will dine, purchase produce and socialise at this proposed establishment.

During conversation with some residents or fellow traders in this area relating to operations of this business, all have welcomed this additional proposal in the area.

PLEASE NOTE:

Rear access/egress to or from the property by visiting patrons is not permissible at all. Therefore, no pedestrian traffic (external noise) to the rear of the building will take place late at night/early morning.

= **No amenity issue will arise.**

Patron dispersal will be via Whitehorse Road front entrance/exit point only and does not create any new impacts, given the fact that this site is within an existing and well-patronised mixed-use zone.

Management will closely monitor and control patrons entering and leaving the restaurant from the front entrance point abutting onto Whitehorse Road.

QUEUING OF PATRONS

Not applicable, given the nature of this existing business and patron numbers anticipated for the premises. Security as mentioned (Page 10) is not considered necessary for this business not to operate safely and successfully.

STANDARD PROCEDURES FOR STAFF - COMPLAINTS

A number of internal procedures - to be set in place will be adhered to by all staff at all times. In the event of any complaint(s) being received from a member of the public or governing bodies, the issue will be formally recorded in a register and on-premises management will be notified immediately for any attention and/or action deemed necessary at the time.

A complaint of any nature will be dealt with immediately and accordingly to the satisfaction of all concerned parties. Management, as highlighted is well experienced in this field of employment, having operated another licensed establishment within the City of Boroondara municipality.

STAFFING ARRANGEMENTS

The appropriate number of staff will be available during operating hours. An on-premises manager will also be on duty at all times of business operations to oversee, monitor and control all staff and other activities.

TRAINING (restaurant staff)

All staff will have certified training qualifications relating to the responsible service of alcohol (RSA). All certificates will be filed accordingly in a "compliance folder" on site for the information and any inspection deemed necessary by regulatory bodies.

NOISE & AMENITY – ACTION PLAN

Advice received from council (statutory planning) on 4 March, 2019, was that such a plan was not considered necessary to submit as part of this particular application process to council.

APPROVED ACCREDITED TRAINING

Accredited training by the applicant & business manager has been undertaken with an approved training organisation. RSA training = work in progress by the applicant, who will undergo accredited training with a registered training organisation:

- **Licensee's 1st Step – undertaken on 25 September, 2014**
- **Responsible Service of alcohol (RSA) = work in progress!**

Appendix 19

ALCOHOL SALES & CONSUMPTION ON/OFF PREMISES

Liquor will be sold and consumed on/off the premises in compliance with the liquor licensing requirements relating to a General licence, which also allows for the consumption of liquor off the premises.

WASTE MANAGEMENT PLAN

WASTE STORAGE & COLLECTION POINT

Waste and storage will be maintained and secured (rear of premises) and stored in contractor provided bins for collections at the appropriate time. As advised, Council rubbish collections in this area (Whitehorse Road) are at a time during the day that does not create an issue (noise/interference) with residents in this area. Similarly, waste collections from appointed contractors will take place from the rear storage area during the day.

= No amenity impact.

Appendix 5

DELIVERIES TO PREMISES

As stated, all deliveries will have no adverse effect on adjoining commercial & residential properties. Delivery times will only occur during acceptable times during the day (no early/late night deliveries) and be accommodated only at the rear of premises. Some small deliveries will be affected via Whitehorse Road. However, no delays, obstructions to traffic/pedestrians will take place.

LOADING WAIVER JUSTIFICATION

This type of Whitehorse Road shopfront site does provide practical opportunity for on-site loading to meet the statutory design requirements. However, rear area loading and/or loading via the Whitehorse Road frontage both provide suitable alternative loading opportunities, consistent with the prevailing approach for this type of business in this type of location. Standard conditions to manage delivery hours and waste handling would be anticipated.

SIGNAGE

Proposed external signage reflecting the identification and trading name of this business will be in a manner that is quite consistent with the general approach to retail signage in the area. This signage will be compatible with the amenity and visual appearance of this area and will not in any way contribute to excessive visual clutter or any visual disorder.

Materials to be used, design, colour and finishes will match both the building façade to the satisfaction and approval of council (planning).

Refer proposed signage plan – depicting location & dimensions etc.

Appendix 10

CAR PARKING SURVEY

Given the fact that there is no increase to the floor area, it was agreed with council (statutory planning) that any independent parking assessment by a qualified traffic engineer for car parking survey has not been considered necessary or warranted by council in these circumstances.

This particular rate is based only on the actual floor area of this building and does not relate to patron numbers. There is NO statutory requirement for any empirical assessment. Council has granted a previous car-parking waiver for 11 car spaces which equated to some 35-40 patrons.

However, in support of this application, the following additional information is provided:

The actual use of these premises will be a restaurant with the existing internal floor area not being increased in any way. The proposed use, as a restaurant will not generate any increased need for long-term parking. Given the design and size of the property, patrons visiting the premises will only require short to medium term parking requirements. Whitehorse Road has mixed uses, including offices, shops and cafes predominantly operating during the day and restaurants, cafes and other licensed premises predominantly in the evening providing an on-going attraction.

The mix of uses spreads out the overall parking demand in this area and does not attribute or generate to any significant car parking demand.

Whitehorse Road and others have regulated parking during the day, but it is unrestricted later in the evening, particularly within this commercial area of and surrounds provide some ample car parking availability. Restaurant uses form part of multi-use area visits, meaning that overall parking demand is unlikely to change.

Excellent public transport networks (tram/bus) routes operate in the immediate area on Whitehorse Road. Cross town buses also adding to excellent transport options. Bicycle lanes & walking paths along Whitehorse Road and surrounds are well patronised on a regular basis.

Also, the existing and proposed housing intensification around Whitehorse Road and other intersecting major roads in this area continues to flourish. As such, this is creating a significantly increased population within walking/cycling range. This local population is the key target market for the proposal.

Parking is consistent with the traditional and preferred approach for a Whitehorse Road business of this nature.

This established business forms part of the Whitehorse Road retail/commercial activity mix, with parking provided on a centre basis with very good capacity to adopt alternative transport options.

There is no strong policy demand to provide large numbers of on-site car parks for this type of use in this type of location. Indeed, it would be counter-productive to sustainable transport objectives.

In our submission, any demand for car parking is suitably accommodated by a number of intersecting roads/streets and other off street parking, in all directions from the site that allows for suitable parking of a significant number of motor vehicles without any disruption/obstruction to other traffic or pedestrians whatsoever.

It is also our submission that the management of high volume traffic, bicycle and pedestrian movement is of a high standard within all locations highlighted.

Based on patron numbers to be sought, car parking for these proposed licensed premises has no detrimental impact on the functioning of local traffic networks and/or current car parking availability that exists within this established precinct. Car parking from the premises will not have any adverse impact on residential areas by way of on street, overflow parking or vehicles accessing off-street parking. All roads, footpaths etc. are clearly defined by the appropriate signage and line marking. All surfaces are paved with adequate drainage. No safety related issue has been identified with the existing roads/footpaths/laneways located in this area within Mont Albert.

It is our opinion and experience that this area caters very well for vehicle parking. Also, the availability for public transport access described.

As stated, the floor area occupied by existing use will not increase.

Persons frequenting this popular location effectively use many car parking spaces, currently available in areas within this area and beyond. Car parking at locations highlighted reduces the demand due to the sharing of car spaces by multiple users frequenting this location – shopping, restaurant, café and other commercial/retail businesses in this area.

Bicycle lanes exist in the area and pedestrian(s) have clear and uninterrupted movement/access to all roads, footpaths at this location. In fact, this area is of a high standard in terms of urban design and an extremely safe environment for all users, particularly at night.

As stated, a number of streets, roads surrounding these premises, including off-street parking availability (**non-residential**) do provide more than adequate car parking opportunity/spaces for patron numbers anticipated to attend this site.

Photographs depicting street/road locations for parking are attached.

Appendix 18

PUBLIC TRANSPORT SERVICES & AVAILABILITY

The area is particularly well serviced by public transport. Excellent train and bus commuter networks/services exist and are available throughout the area. Taxi services also accommodate a number of persons to and from this area.

The parking and loading waivers are properly supported by the very good availability of alternative transport options and preferred approach to centre-based parking for this type of use in this type of location.

Having regard to the Whitehorse Road location, bicycle & pedestrian access and clear movement, the existing conditions and lot configuration and the availability of on/off-street parking in the surrounding area, Council should be satisfied that any parking waiver justification calculated is appropriate and the proposed loading waiver is appropriate.

EXISTING LICENSED PREMISES

As you are aware, this activity centre and other adjoining streets accommodate other existing licensed business premises trading a wide variety of goods & services to the local community and beyond.

It is our view that this building upgrade will considerably enhance the appearance of this building and no doubt, has been welcomed by the local community and fellow traders who have collectively welcomed and will support this proposed additional business opportunity to allow for the sale and consumption of liquor with the provision and service of food on/off the premises.

RESPONSIBLE MANAGEMENT

The applicant & her family are highly regarded and well respected by the local community and customers who will frequent this establishment, due to their positive contribution and commitment to the hospitality industry in this area. All are well aware of liquor licence and local laws, also all expectations of governing authorities.

The family maintains a strong work ethic, an admired reputation by their peers and are genuinely committed to high standards and excellent service to the community. Their "track record" within the hospitality industry is impeccable and well respected by all local authorities, Council, Police and fellow traders in the area.

COMMENT

The applicant, in my opinion and others is of excellent character with no blemishes whatsoever that would have any affect on all applications being sought and approved.

These premises will continue to be operated in a manner that provides for the safety of patrons, the general public, other owners of nearby commercial properties.

LIAISON WITH TRADERS & RESIDENTS

To her credit and commitment, the applicant continues to closely liaise with other traders and residents in the area, who have no objections whatsoever with this future proposal being sought.

In fact to date, total support has been received from fellow traders and residents in this sector welcoming the additional proposal being sought for this proposed licensed establishment to operate successfully.

PROPOSAL

This proposal maintains the existing built form, scale and design of the building as a whole, with no additional changes proposed at this stage. It still remains sitting very comfortably in the streetscape. It will **NOT** create any new impacts arising from the mix of uses in this area

It makes and maintains a positive contribution to the renewal and revitalisation of the section of Whitehorse Road. New businesses, shopping, working, leisure and community facilities continue to emerge in this area.

Also, it adds to the range of services to the local community, employment and social opportunities in an existing activity/commercial centre well served by public transport and cycling networks, to meet the ongoing needs of the growing population associated with new medium and high density housing in the local area.

The creation of this excellent facility will continue to enhance the character, vibrancy and vitality of this area within Mont Albert.

It makes allowance for local & other forms of employment and provides some further economic benefit to the community.

It adds to the range of services available in this business & residential precinct and provides an excellent socialisation facility for the growing local population and general public.

In all, this proposal is strongly supported by the planning scheme, with elements not requiring a planning permit.

All internal building work elements to be undertaken and approved have been consistent with the preferred planning outcomes under the relevant assessment criteria. As stated, parking is properly supported by the very good availability of alternative transport options and preferred approach to centre-based parking for this type of use in this type of location.

Some considerable finance has been expended, patience and hard work undertaken by the applicant to ensure all compliance is achieved and maintained with building, town planning, local laws, liquor licensing, food and other legal requirements.

CONCLUSION

In our submission to Council, this application meets all provisions of the following within the City of Whitehorse Planning Scheme:

- **State Planning Policy Framework, Clause 17.01-1**
- **Licensed Premises Policy, Clause 52.27**
- **Cumulative impact of licence premises, Department of Planning & Community Development, Practice Note 61 (Revised June, 2015).**
- **Car Parking:**
- **Loading & unloading of vehicles:**

Please do not hesitate to contact me personally should you have any further queries or concerns in relation to this application (details and business telephone number provided).

I do look forward to your written response in due course in relation to this application please.

Please forward all future correspondence to business address provided

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Matt - Dillon', with a large, sweeping flourish extending downwards and to the right.

**M.V. (Matt) Dillon
Director
Professional Consulting Services
ABN: 76345679681**

**118 Rennie Street,
Thornbury, Vic. 3071**

Email: matt-dillon@live.com.au

M. 0448.292.164

**Authorised Business Consultant
Acting on behalf of business proprietor
& permit applicant:**

Lucia (Lucy) Cosentino