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SUBMISSION; PLANNING PERMIT APPLICATION

Ground Floor, 471-477 Collins St, Melbourne 3000

Abstract

A detailed written submission and assessment relevant to the planning permit application for the proposed liquor licence arrangements at Ground Floor, 471-477 Collins St, Melbourne 3000

Our reference: 10447197

On Tap Liquor Pty Ltd
PO Box 7
Ballan, Vic, 3342
(03) 5368 1881

Stephen Jerman
enquiries@ontapliquor.com.au



Submission; Planning Permit Application

Ground Floor, 471-477 Collins St, Melbourne 3000

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Document Control

Date Prepared	Version	Author	Reviewed
10/1/2020	1	Stephen Jerman	SS

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Introduction

Executive Summary

This document provides a detailed written assessment of the proposed us as a public bar and a separate members only lounge operated as part of the business known as Work Club. The bar will operate as “Nordic Bar” along with the additional area, lounge, utilised by Work Club members known as the business lounge are situated at Ground Floor, 471-485 Collins St, Melbourne 3000, taking into account the decision guidelines of planning scheme. The analysis concludes that the proposed liquor licensed bar will not unreasonably impact the surrounding area due to its appropriate site and proximity to other existing liquor outlets.

In accordance with the City of Melbourne Planning scheme, clause 72.01 which states:

“The Minister for Planning is the responsible authority for matters under Divisions 1, 1A, 2, and 3 of Part 4 and Part 4AA of the Act and matters required by a permit or the scheme to be endorsed, approved or done to the satisfaction of the responsible authority in relation to:

- Developments with a gross floor area exceeding 25,000 square metres.”

The proposed bar is to be located within a development that exceeds 25,000 square metres; therefore the matter which requires a permit must be submitted to DELWP. (development.approvals@delwp.vic.gov.au) .

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Project Outline:

Site:

<i>Address:</i>	Ground Floor, Olderfleet Building, 471- 477 Collins St, Melbourne 3000
<i>Property Description:</i>	Lot 1 on Title Plan 820886R.
<i>Title Restrictions:</i>	NOTICE Section 16(2) Historic Buildings Act 1981 REGISTER NO. 37 Y000319E 08/01/1975
	NOTICE Section 16(2) Historic Buildings Act 1981 REGISTER NO. 38 Y000320E 08/01/1975
	NOTICE Section 16(2) Historic Buildings Act 1981 REGISTER NO. 39 Y000321B 08/01/1975
	AGREEMENT Section 173 Planning and Environment Act 1987 AM947381C 18/07/2016
<i>Property Size:</i>	Entire property is approximately 3,898sqm (2D footprint)
<i>LGA:</i>	City of Melbourne
	Responsible Authority: Department of Environment, Land, Water & Planning
<i>Current Use:</i>	Vacant
<i>Property Owners:</i>	As Listed on Title 11924 Folio 503: Estate Fee Simple As to 1 of a total of 2 equal undivided shares Sole Proprietor MIRVAC COMMERCIAL SUB SPV PTY LTD of LEVEL 26 60 MARGARET STREET SYDNEY NSW 2000
	As Listed on Title 11924 Folio 504: Estate Fee Simple As to 1 of a total of 2 equal undivided shares Sole Proprietor PERPETUAL CORPORATE TRUST LTD of 18/123 PITT STREET SYDNEY NSW 2000



Planning Scheme:

Relevant Scheme:	Planning	Melbourne, however, Department of Environment, Land, Water & Planning is responsible authority in the matter.
Property Zone:		Capital City Zone
Property Overlays:		Design and Development Overlay (Schedule 1 (Area 2) and Schedule 10) Heritage Overlay (Schedule HO611) Parking Overlay (Precinct 1 Schedule)

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Application Overview:

Client:	Work Club Olderfleet Services Pty Ltd
Proposal:	Use of land for a Bar
File Reference:	10447197
Responsible Consultant:	Stephen Jerman
Responsible Consultant	5368 1881
Contact:	apps@ontapliquor.com.au

Background

The venue subject to this report is a proposed bar and business lounge that will operate in the historic “Olderfleet Building” situated on the Ground Floor of 471-477 Collins St, Melbourne. The site is located in the heart of the capital city on the busy Collins Street business district. Planning permission is sought from the responsible authority, Department of Environment, Land, Water & Planning, to allow for Use of land for a Bar as the development is in excess of 25,000sqm as per clause 72.01.

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The Olderfleet Building is of historic significance to Victoria, however, has recently had development on the site that has allowed for a large complex to be built to provide a range of commercial uses. On the ground floor of the Olderfleet Building is the “Nordic Bar”, open to the public and a Business Lounge that will be utilised by the applicant as a venue for business networking as part of the business known as Work Club www.workclubglobal.com. The Nordic Bar will target the business district; however, the Business Lounge forms part of a larger business membership program. The applicant seeks to apply for an On-Premises Liquor Licence that will allow for the sale and consumption of liquor on site only for the two locations.

Music will be played at the venue that will be above background levels, however at a level that suits the venue, live music does not form part of the business model. Waste management is part of the overall lease arrangement of the facility and parking has been considered with the redeveloped site.

On Tap Liquor Consulting have been engaged by the venue proprietor to assist with the planning permit application process relevant to obtaining the appropriate planning permissions associated with the proposal. The proposed operation of the venue has been reviewed, in conjunction with the surrounding land use and mix, to ascertain the appropriate licensing arrangements and to ensure the long-term viability of the venue. It is our submission that the proposal is appropriate on the subject site, considering an extensive review of the site and surrounding area and detailed within this submission

Supporting Documents

The following supporting documents form part of this application:

1. Floor plans
2. Full property title (less than 3 months old)
3. Planning Property Report
4. Application for planning permit form
5. Other attachments as required



Subject Site

Address:

The address of the venue is Ground Floor of 471-477 Collins St, Melbourne, which is on the south side of the street as part of a newly developed building.

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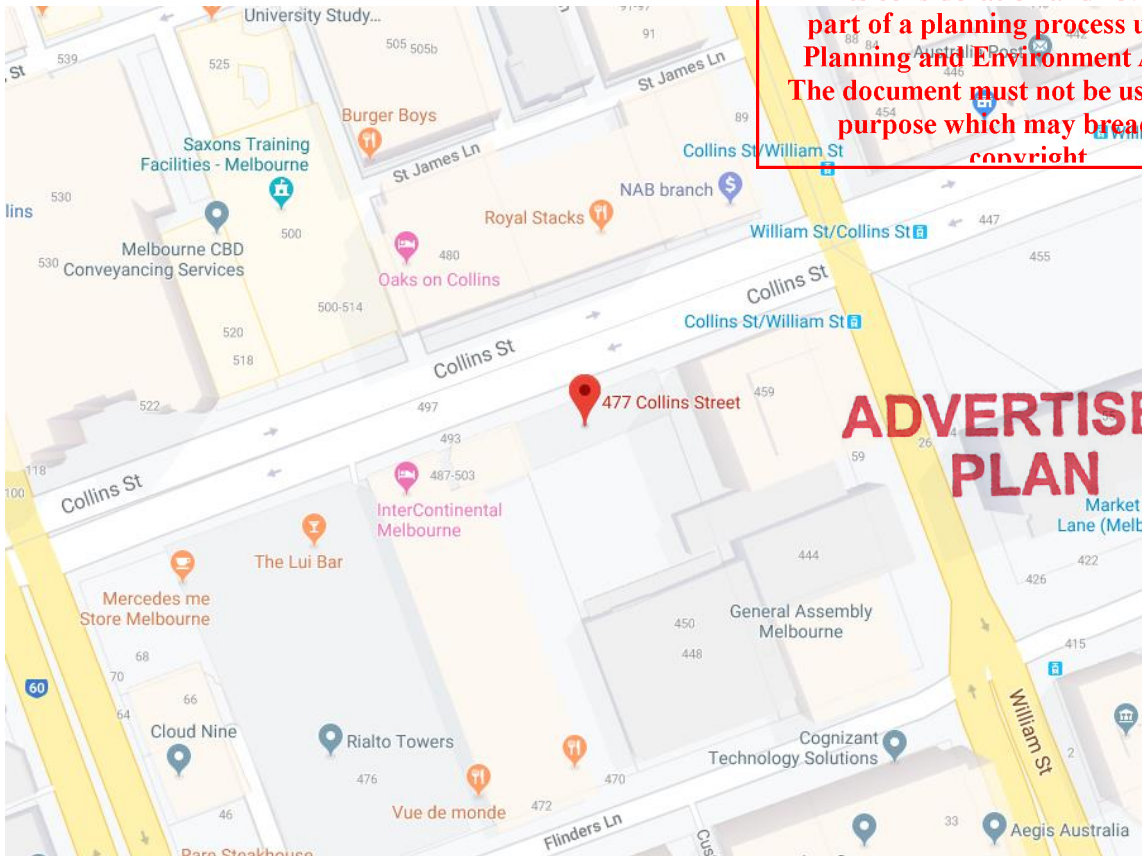


FIGURE 1 - MAP VIEW OF SUBJECT VENUE¹

Title:

A recent copy of the title is attached to this application for your reference. Details of the title are as follows:

Land Description

Lot 1 on Title Plan 820886R.

PARENT TITLE Volume 10184 Folio 749

Created by instrument AQ374740H 23/10/2017

Registered Proprietor

As Listed on Title 11924 Folio 503:

Estate Fee Simple

As to 1 of a total of 2 equal undivided shares

Sole Proprietor

¹ Nearmaps



MIRVAC COMMERCIAL SUB SPV PTY LTD of LEVEL 26 60 MARGARET STREET SYDNEY NSW 2000

As Listed on Title 11924 Folio 504:

Estate Fee Simple

As to 1 of a total of 2 equal undivided shares

Sole Proprietor

PERPETUAL CORPORATE TRUST LTD of 18/123 PITT STREET SYDNEY NSW 2000

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Encumbrances, Caveats & Notices

NOTICE Section 16(2) Historic Buildings Act 1981

REGISTER NO. 37

Y000319E 08/01/1975

NOTICE Section 16(2) Historic Buildings Act 1981

REGISTER NO. 38

Y000320E 08/01/1975

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NOTICE Section 16(2) Historic Buildings Act 1981

REGISTER NO. 39

Y000321B 08/01/1975

AGREEMENT Section 173 Planning and Environment Act 1987

AM947381C 18/07/2016

Locality

The subject site is known as "Olderfleet Building" Ground Floor of 471-477 Collins St, Melbourne. The area contains a mix of retail, commercial, office and entertainment use that are common in the central city area.

Venue size

The leasable floor space of the premises is approximately;

- Nordic Bar – 219sqm
- Business Lounge – 709 sqm

Total: 928sqm



Site Context

The subject site is rectangular shaped multi-level complex and has a main street frontage to Collins Street and is part of the “Olderfleet Building” and associated complex.

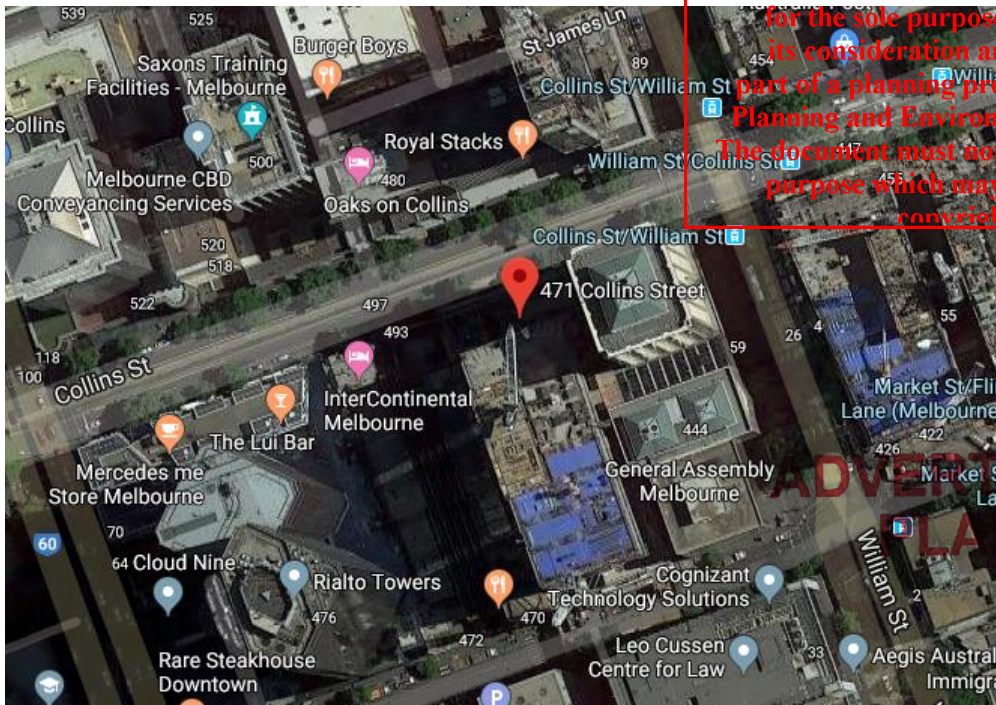


FIGURE 2 - - SATELLITE VIEW OF SUBJECT VENUE

Existing levels of amenity in the surrounding area is consistent with capital city that consists of a variety of uses that include retail, entertainment, hospitality and office along with the associated hotels and public transport. As the area is a capital city zoned, levels of activity are generally very high and are expected to increase with further development within the surrounding space. Impacts from traffic noise, and other amenity concerns, will likely continue to be well managed within the local area.

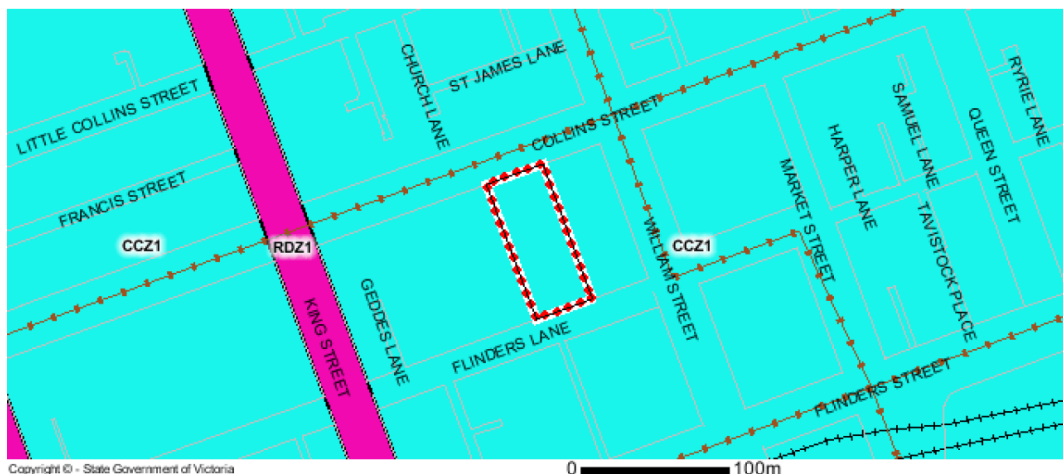


FIGURE 3 - PLANNING IMAGE²

² Planning Maps Online



The Proposal

This applicant proposes to use the premises as a bar with an on-premises liquor licence, noting that a planning permit is not required for a liquor licence in the zone. The proposed permit preamble is as follows:

“Use of land for a Bar.”

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Type of Liquor Licence Sought

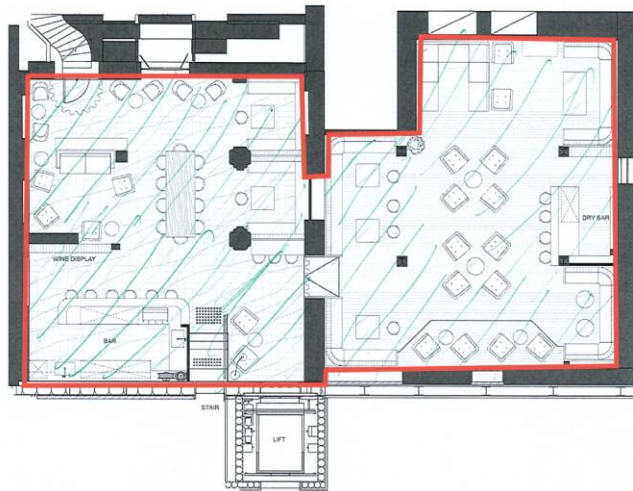
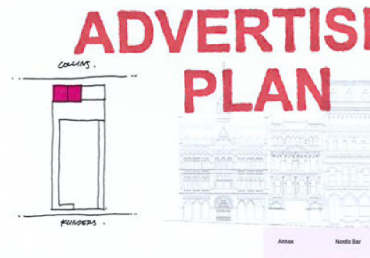
The venue will operate with an on-premises liquor licence, that under the current City of Melbourne Planning Scheme does not require planning approval, however, should be noted on the planning permit.

Licensed ‘Red Line’ Area

When designing the ‘red line’ area that will form the operation of the liquor licensed area is detailed below, consideration has been given to the proposed operation of the venue. It has been designed with the view that it covers areas to suit the needs of the business but is manageable from a compliance perspective.

Lower Ground

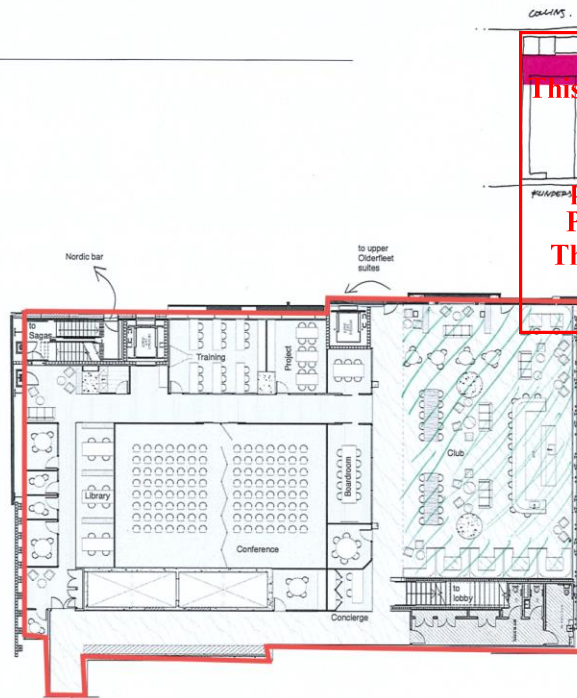
Nordic Bar





Lower Ground

Business Lounge



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FIGURE 4 - PROPOSED RED LINE PLAN

Please note that we are awaiting scale plans from our client as they have not yet been fully finalised.

Proposed operating hours of venue:

As part of this application the hours proposed for the Planning Permit and the Liquor Licence are outside the defined 'ordinary trading hours' under the Liquor Control Reform Act 1998 and are as follows;

- Monday to Saturday – 9am until 1am
- Sunday – 10am until 1am
- ANZAC Day 12noon to 1am

Patron Numbers

The proposal includes the patron number of the venue to be in accordance with the seating arrangements with the provided plans and the patron capacity report to be provided.

Business Lounge:	350 Patrons
Nordic Bar:	200 Patrons
Total:	500 Patrons

The toilet facilities are located in the building and form part of the entire tenancy.



Staffing

Maximum Staff Numbers

The maximum number of staff at the premises at any given time is not expected to exceed 18.

Staff Training

To ensure full compliance with the provisions of the Liquor Control Reform Act 1998 (the Act) the licensee will ensure that the Responsible Service of Alcohol (RSA) provisions of the Act are adhered to with all staff involved with the sale/supply of liquor to be over the age of 18 and RSA trained. Appropriate RSA training registers will also be maintained as required by the Act. Staff will also be subject to an appropriate staff induction program upon commencement.

This copied document to be made available for 998 (the Act) the licensee will ensure that the Responsible Service of Alcohol (RSA) provisions of the Act are adhered to with all staff involved with the sale/supply of liquor to be over the age of 18 and RSA trained. Appropriate RSA training registers will also be maintained as required by the Act. Staff will also be subject to an appropriate staff induction program upon commencement.
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Permit Triggers

Planning Provision	Permit Trigger	Permit Required?	Comment
Capital City Zone	Use of Bar	YES	Use of the site as a Bar, is a section 2 use requiring a permit.
	Liquor Licence	NO	Under 52.27 a planning permit is not required for a liquor licence in the Capital City Zone.
Design and Development Overlay (schedule 1 (Area2) and Schedule 10)	N/A	NO	Overlay does not affect proposal
Heritage Overlay (Schedule HO611)	N/A	NO	Overlay does not affect proposal; use is permitted under the schedule and no works to be undertaken.
Parking Overlay (Precinct 1 Schedule)	N/A	NO	Parking has already been determined in association with the redevelopment of the complex.
Clause 52.06	Car Parking	NO	Parking has already been considered for the site as part of the redevelopment.
Clause 52.27	Liquor Licence	NO	A permit is not required to sell or consume liquor in the Capital City Zone.

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<p>Clause 72.01 of the Melbourne planning scheme</p>	<p>N/A</p>	<p>NO</p>	<p>“The Minister for Planning is the responsible authority for matters under Divisions 1, 1A, 2, and 3 of Part 4 and Part 4AA of the Act and matters required by a permit or the scheme to be endorsed, approved or done to the satisfaction of the responsible authority in relation to:</p> <ul style="list-style-type: none"> • Developments with a gross floor area exceeding 25,000 square metres.
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Planning Policy Context

The application should be considered against relevant policies contained within the City of Melbourne Scheme, however, due to clause 72.01 Department of Environment, Land, Water and Planning has the decision making power . There are several key policies that are relevant to this proposal and that require consideration as a result. These policies are listed as follows:

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Zoning and Overlays

Zone

The subject premise is located within an established Capital City Zone, with good access to roads, shops, public transport and other services. The purpose of this zone is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To enhance the role of Melbourne’s central city as the capital of Victoria and as an area of national and international importance.
- To recognise or provide for the use and development of land for specific purposes as identified in a schedule to this zone.
- To create through good urban design an attractive, pleasurable, safe and stimulating environment.

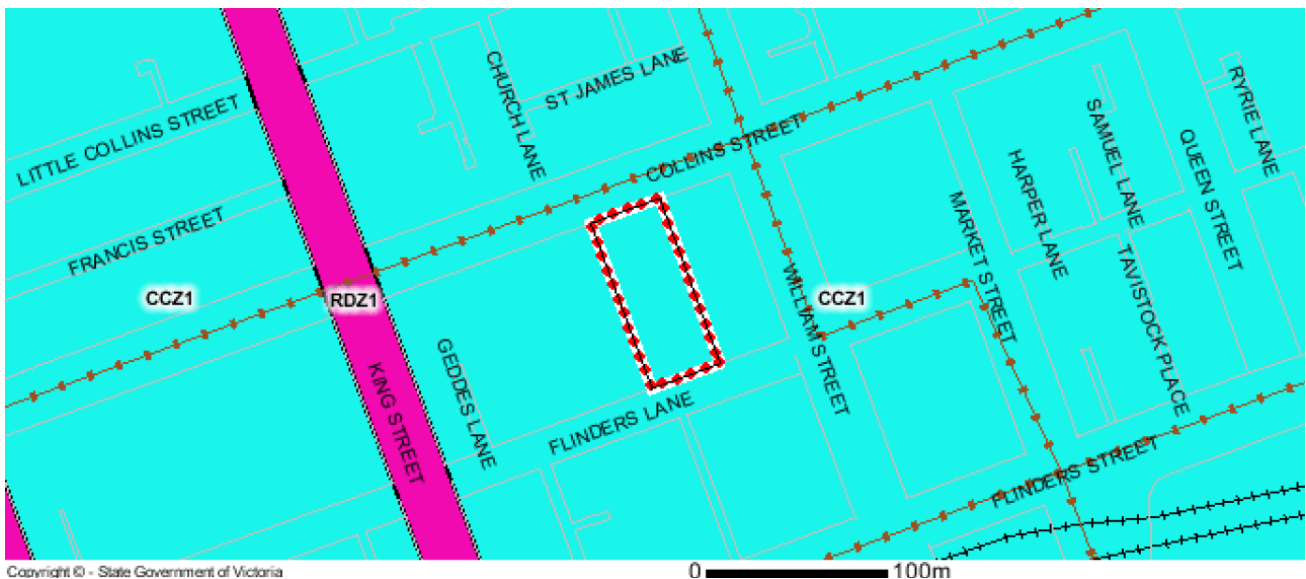


FIGURE 5 - ZONING IMAGE³

³ VicMaps

As the venue is positioned within a Capital City Zone use of the venue as a bar premises is a section 2 use requiring a permit.

Overlays

Three overlays cover the property, however, do not affect this proposal.

Assessment

The subject property is contained within a commercial precinct where the proposed use is noted as a section 2 use, requiring a permit. There are several overlays affecting the site, however these overlays do not influence the proposal in any way. There is a general expectation that services such as the proposed are provided within commercial precincts such as the central Melbourne. The Capital City Zone aims to concentrate retail, office and entertainment uses within the centre similar to where the subject property is situated. The proposal meets the aims of the zone.

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State Planning Policy Framework

11 - Settlement

Clause 11.03-1S – Activity Centres

Objective: To encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community.

Strategies: Build up activity centres as a focus for high-quality development, activity and living by developing a network of activity centres that:

- Comprises a range of centres that differ in size and function.
- Is a focus for business, shopping, working, leisure and community facilities.
- Provides different types of housing, including forms of higher density housing.
- Is connected by transport.
- Maximises choices in services, employment and social interaction.

Support the role and function of each centre in the context of its classification, the policies for housing intensification, and development of the public transport network.

Undertake strategic planning for the use and development of land in and around activity centres. Give clear direction on preferred locations for investment.

Reduce the number of private motorised trips by concentrating activities that generate high numbers of (non-freight) trips in highly accessible activity centres.

Improve access by walking, cycling and public transport to services and facilities.

Support the continued growth and diversification of activity centres to give communities access to a wide range of goods and services, provide local employment and support local economies. Encourage economic activity and business synergies.

Improve the social, economic and environmental performance and amenity of activity centres.

13 – Environment Risks and Amenity

Clause 13.07-1S – Land Use Compatibility

Objective: To safeguard community amenity while facilitating appropriate commercial, industrial or other uses with potential off-site effects.

Strategies: Ensure the compatibility of a use or development as appropriate to the land use functions and character of the area by:

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- Directing land uses to appropriate locations.
- Using a range of building design, urban design, operational and land use separation measures.

17 – Economic Development

Clause 17.01-1R – Diversified Economy – Metropolitan Melbourne

Strategies: Ensure the compatibility of a use or development as appropriate to the land use functions and character of the area by:

Directing land uses to appropriate locations.

Using a range of building design, urban design, operational and land use separation measures.

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Clause 17.02-1S – Business

Objective: To encourage development that meets the community's needs for retail, entertainment, office and other commercial services.

Strategies: Ensure commercial facilities are aggregated and provide net community benefit in relation to their viability, accessibility and efficient use of infrastructure.

Locate commercial facilities in existing or planned activity centres.

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Assessment

It is considered that the proposed use and associated liquor licence is consistent with the relevant State Planning Policy Framework which seeks to encourage growth and development within this area. It is widely accepted that licensed premises contribute to the vibrancy and economic strength of a municipal district, and that well managed premises contribute positively to the surrounding area. It is noted that the proposed bar use with an associated liquor licence is associated; this licence type and venue is generally considered as high risk, however given the nature of the proposed operation the risk is generally lowered a great deal given that on and off-site impacts are limited.

Local Planning Policy Framework

21.08 – Economic Development

Business

The Central City is the prime location for commerce in metropolitan Melbourne, and along with the St Kilda Road commercial area, is of state significance. Areas zoned Mixed Use and Commercial around the Central City have traditionally provided locations for business activities, which support Capital City functions. These areas are under increased pressure for housing, and it is important to ensure their ongoing functioning and viability as business areas, which serve both local

community needs and Capital City business activity.

Clause 21.08-2 - Business

Objective 1: To reinforce the City's role as Victoria's principal centre for commerce.

Strategy 1.1: Support the Central City as metropolitan Melbourne's principal centre for commerce, professional, business and financial services, and encourage new and innovative business that takes advantage of the Capital City location.

Strategy 1.7: Support the provision of facilities and services for the changing and diverse needs of residents, visitors and workers.



Clause 21.12 – Hoddle Grid

Economic development

- Encourage the development of a range of complementary premises within the Hoddle Grid that offer a diverse range of specialist retail, cultural and entertainment opportunities.
- Encourage the retention and enhancement of specialised shopping and entertainment premises within the Hoddle Grid, particularly, Hardware Lane, Chinatown, Collins Street and Little Collins Street.
- Support entertainment, bars, eating and other evening uses throughout the Hoddle Grid.
- Support the Retail Core as a compact, high-density retail precinct and facilitate easy pedestrian access

This is with the Hoddle Grid that available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any covenant

22.22 – Licensed Premises that Require a Planning Permit

This policy applies to the consideration of all planning permit applications and amendments to permits that involve the sale and consumption of liquor in the municipality. The policy applies where a permit is triggered under Clause 52.27 of the Melbourne Planning Scheme or where a permit for a tavern, hotel or nightclub in the Capital City Zone and Docklands Zone is required.

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Clause 22.22-1 – Policy Basis

The City of Melbourne has approximately 1600 licensed premises across the municipality that provide opportunities for social interaction in the municipality and a vital night-time economy providing music, food and entertainment.

The Municipal Strategic Statement acknowledges that licensed premises contribute to the vibrancy and economic strength of the municipality. The Municipal Strategic Statement (at Clause 21.08-1) also acknowledges that some parts of the municipality (especially the Central City) are encouraged to develop as a “24 hour” precinct where a range of activities, including licensed premises are supported.

Well managed licensed premises contribute positively to the activity, appearance, character, and image of the area. Small licensed premises are particularly important to the vitality of the Central City as a 24-hour city.

The purpose of this policy is to provide guidance for new licensed premises and where existing licensed premises change their operation.

Clause 22.22-2 - Objectives

- Objectives:
- To identify appropriate locations and trading hours for licensed premises.
 - To manage the operation of licensed premises to minimise adverse impacts on the amenity of the area and maintain the positive character, image and function of the city.
 - To ensure that the cumulative impacts of licensed premises are assessed where venues are clustered in the one location.

Clause 22.22-3 – Policy

Capital City Zone and Docklands Zone

- Taverns, hotels and nightclubs which accommodate less than 100 patrons, and which have appropriate noise attenuation will be encouraged throughout the Capital City Zone and Docklands Zone.
- Hours of operation of taverns, hotels and nightclubs in the Capital City Zone and Docklands Zone should be limited to 1am.
- Outdoor areas, including smoking areas, rooftops and open courtyards, should not be occupied past 1am and in noise sensitive areas alcohol should not be consumed in those areas after 11pm.



Assessment

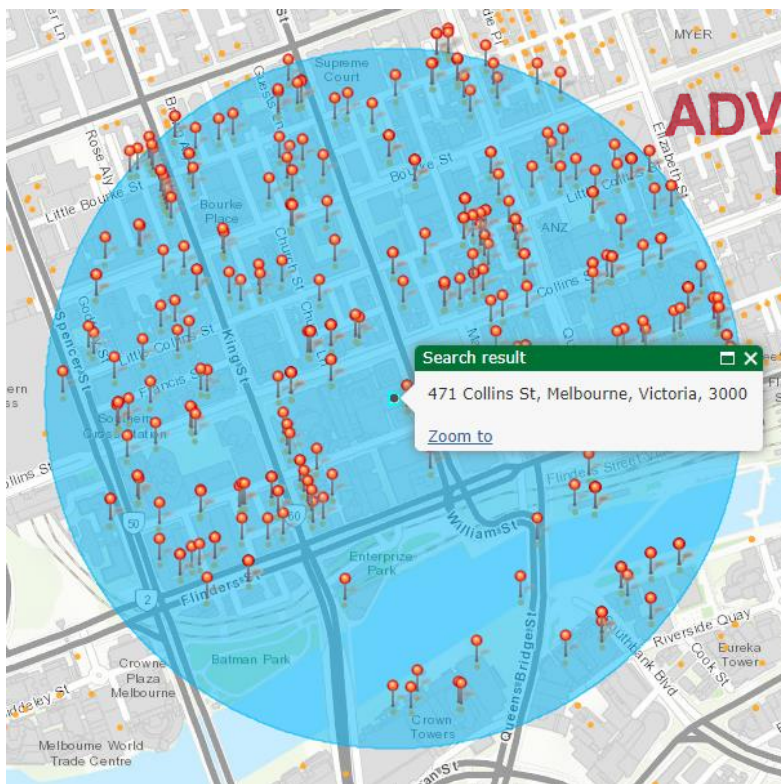
It is noted that the use of the land for a bar is ideally conditioned for the capital city zone and this application address and meets the requirements stipulated under the planning requirements. The use of the venue is not that of a typical bar, but forms part of a larger “networking” business and establishment for professional businesspeople to attend and both enjoy and work within the facilities. The capital city zone is ideal for this type of venue and the on and off-site impacts are expected to be minimal.

This capital city zone is ideal for this type of venue and the on and off-site impacts are expected to be minimal. This document is not to be used for any purpose which may breach any copyright

Cumulative Impact:

500 Metre Radius:

The following image shows a radius of 500 metres from the subject site, and the locations of licensed venues within that radius:



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FIGURE 6 - 500 METRE RADIUS

The table attached to this report is a breakdown of the licenses within the 500 metre radius.

Assessment

In assessing the proposed premises, and considering the requirements of Practice Note 61, it is indicated that there are 280 existing licensed premises within the study area with a further 42 limited licenses that are not considered. These licensed venues in the surrounding area form an existing large cluster. It light of this, it is our view that in this instance, the development of the proposed liquor licence on this site will not meet the saturation point where harm will outweigh the benefits of the development given that the venue is located in the capital city zone.

Amenity

Amenity is described under the Liquor Control Reform Act 1998 as being:



'The quality that the area has of being pleasant and agreeable'⁴

With this in mind, the factors that should be considered in determining whether to grant the proposed licensed arrangements, and which may detract from or be detrimental to the amenity of the area include:

1. Noise levels.
2. Hours of operation.
3. Compatibility with surrounding land use.
4. Safety and health.
5. Extent of planning considerations.
6. The potential cumulative impact of an additional licensed venue.

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Most Councils and Government agencies recognise the importance of licensed premises in a municipality in contributing to the vibrancy and economic strength of the municipality. There are, however, common problems that can accompany licensed premises such as the off-site amenity impacts including noise on other nearby uses and the problems which occur when these uses begin to affect retailing vibrancy and economic viability of an area.

Noise

The proposed liquor licensed premises are associated with a bar, operating to 1am. Noise is not likely to be an issue given the nature of the use, the proposed operating hours, and the surrounding commercial land uses.

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Hours of Operation

The hours of operation proposed are no later than 1am. These hours are not contrary to state government or Melbourne policy which discourages trading hours beyond 1am in the capital city zone and associated with an on-premises liquor venues. The surrounding land comprises of a number of uses, some with liquor licenses with varying hours.

It is noted that there are a number of 'Late Night' licenses within the area as it stands, and central Melbourne is well known for its extensive night life.

Compatibility with Surrounding Land Uses

As previously identified, the site is located within the central Melbourne commercial area, on a main arterial road. The land to the surrounding the site comprises of a number of commercial uses, with retail and entertainment being the predominant use. It is not considered that the proposed liquor licence will have an unreasonable impact on the amenity of the surrounding land.

It is generally accepted that a diversity of land uses and activities can result in increased amenity and vibrancy in an area. It is submitted that the mix of uses within the subject area may help to mitigate potential harm and reduce the potential for the proposed liquor licence having an unreasonable negative impact on the amenity of the surrounding area.

Safety and Health

Research indicates that an increase in the number of licensed premises within an area may result in additional alcohol-related assaults. Research also reveals that patron capacity is a contributing factor in calculating the level of risk a licensed premise poses and that late-night trading contributes to increased alcohol consumption and increased violence. This proposal relates to a proposed retail liquor outlet, and the hours proposed are not considered as 'Late Night' or 'High Risk'.

Well managed licensed premises generally present a low risk of adverse impacts, whereas there is a high risk of adverse impacts on safety and amenity from large licensed premises, operating late at night. The design of

⁴ Liquor Control Reform Act 1998



a licensed premise can be an important contributor to anti-social behavior and violence. Good venue design of licensed premises plays an important role in reducing the opportunity for anti-social behavior fueled by alcohol.

Research reveals that there is an association between violence occurring outside a premise with large numbers of people congregating and competing for resources such as fast food and transport. This proposal is not expected to create a congregation spot given the proposed use. Common Victoria Police assault data may suggest that the density of liquor outlets is associated with assaults⁵, however there is no direct evidence to suggest there is a causal relationship between the number of licensed outlets and violence or assaults.

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Extent of Planning Considerations

VCAT decisions, such as *The Hunt Club Commercial Pty Ltd v Casey City Council* red dot decision, identify that planning is primarily concerned with use, development and protection of land use, and not with addressing all perceived community and social issues. Within the order, Deputy President Mark Dwyer states:

*'As a matter of general public principle, a broad concern about the social harm caused by alcohol, the accessibility of alcohol in the community generally, or the potential for the abuse or misuse of alcohol, will rarely (if ever) be a relevant planning consideration in the exercise of discretion for a particular licensed premises under clause 52.27.'*⁶

Although it is suggested that there is a correlation between licensed venues and health and anti-social behavior, the legal framework of the Planning and Environment Act 1987 does not provide scope for assessment of these issues outside of the parameters of considering cumulative impacts associated with the proposed liquor licence.

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Cumulative Impact

The Department of Community and Planning *Practice Note (61) – Licensed Premises: Assessing Cumulative Impact* describes cumulative impact as:

*'The positive and negative impacts that can result from clustering a particular land use or type of land use'*⁷

It is understood that the potential for cumulative impact from a cluster of licensed premises can vary due to varying conditions of locations, the variety and number of venues and destination points for activities associated with the supply of alcohol. The Practice Note explains that:

*'Cumulative impact is a product of the number and type of venues present, the way they are managed, and the capacity of the local area to accommodate those venues.'*⁸

The practice note describes negative cumulative impacts including noise and anti-social behavior, infrastructure capacity problems, safety issues and crime, whereas positive cumulative impacts can be increased vitality, economic benefits, status in an entertainment destination, improved customer choice and increased ability to manage impacts. An area may reach 'saturation point' where an additional premise, or type of premises, will lead to negative impact on the surrounding area.

The subject liquor licence proposes hours beyond 1am, and a mix of various licence types exist within the study area. It is considered that appropriate impact mitigation can occur at the venue through adherence to the requirements of local planning controls, local laws, and the Liquor Control Reform Act.

⁵ 'Alcohol Outlet Density and Assault: A Spatial Analysis' – Livingstone, 2008

⁶ *The Hunt Club Commercial Pty Ltd v Casey City Council*

⁷ Practice Note (61) – Licensed Premises: Assessing Cumulative Impact – Department of Community Planning

⁸ Practice Note (61) – Licensed Premises: Assessing Cumulative Impact – Department of Community Planning

Assessment

It is the view of On Tap Liquor Consulting that the proposal will provide a positive cumulative impact on the surrounding area as:

1. The proposal may provide for additional employment opportunities in the area as a result of the increased viability of the premises.
2. The proposal will provide economic benefits to the surrounding area.
3. The proposal will add to the vibrancy of the surrounding area by adding a further choice in venues.
4. The proposal suits the intended use of the capital city zone in which the venue is situated.

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Impact mitigation

In House Mitigation Measures

There are a number of strategies proposed which are to be implemented in order to mitigate the potential negative impacts of the proposal. These are detailed as follows:

1. Extensive patron parking.
2. The layout and design of the premises has considered good urban design and safe design principles in order to improve perceptions of safety.
3. The provision of adequate on-site toilets and rubbish disposal.
4. Reasonable opening and closing hours.

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Local Laws

City of Melbourne – Local Laws

Part 3

Consumption of Liquor

Introduction: This Part aims to provide for the responsible management of public places so as to enhance the enjoyment of them by the general public, especially during major events. The provisions control the consumption of liquor in public places and other places within certain areas of the municipality and during certain periods of the year. Clause 1.7 identifies the areas and the periods during the year to which this Part applies.

Consumption and possession of liquor is prohibited in certain circumstances

3. A person must not:
 - (a) in or at a public place; or
 - (b) in or on a vehicle which is on or at a public place,consume any liquor or have in his or her possession or control any liquor other than liquor in a sealed container in that part of the municipality prescribed by the Council pursuant to clause 1.7 of this Local Law.

Note: A map showing the prescribed area or areas where the consumption of liquor is prohibited throughout the year is available from the Front Desk, Melbourne Town Hall or by visiting the Council's web site at www.melbourne.vic.gov.au To find out details of the area or areas where the consumption of liquor may be restricted at other times of the year contact the Council or visit the Council's web site at www.melbourne.vic.gov.au

- 3.2 Clause 3.1 does not apply to a person:
 - (a) taking part in a festival or event in respect of which the Council has granted a permit for persons to consume liquor or to have in their possession or control any liquor other than liquor in a sealed container; or
 - (b) within authorised premises or licensed premises under the Liquor Control Reform Act 1998 or any subsequent legislation relating to the serving and consumption of liquor.
 - (c) who has been granted a permit to take liquor into an area prescribed by the Council pursuant to clause 1.7.

- 3.3** Where an authorised officer believes on reasonable grounds that a person is contravening or has contravened clause 3.1, the authorised officer may direct the person to seal any container or dispose of the contents of any unsealed container.

Other Legislation

It is considered that appropriate impact mitigation can occur at the venue through adherence to the requirements of local planning controls, local laws, and the Liquor Control Reform Act. All liquor licensed venues operate under a strict conditions as determined by the Victorian Government. Responsible Gaming Act 1987. The Victorian Police and the Victorian Liquor Control Board.

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Assessment

It is submitted that the in-house impact mitigation measures, coupled with enforcement of Council's local laws and other legislative controls will ensure that the impacts of the proposed venue on the surrounding community are reasonable and are in balance with the positive economic, employment and vitality impacts of the development.

It is not considered that the proposed licensed venue will result in any negative cumulative impact. Considering the surrounding uses, particularly the industrial and commercial uses, the overall impact of the proposed development is likely to enhance the character and vitality of the area.

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Conclusion

This assessment relates to a proposed bar with an on-premises liquor licence located at Ground Floor, 471-477 Collins St, Melbourne 3000. This report and assessment have shown that the proposed licence arrangements will not unreasonably impact the surrounding area.

Key findings of the assessment include:

1. It is recognised that there is some evidence to suggest that, in some instances, the availability of liquor can have a negative impact on local communities.
2. It is, however, ultimately, up to an individual, and individual communities, to obtain a balance between the benefits brought by the physical availability of alcohol and the subsequent costs to public health, safety and amenity.
3. The Victorian government, through the inception of practice note 61, utilises a 'count per land area' method when assessing the potential for negative impacts of a proposed licensed venue. This includes:
 - a. A cumulative impact assessment area of a 500m radius out from the subject land.
 - b. A 'cluster' of licensed premises being three or more with a radius of 100m from the subject land or 15 or more with a radius of 500m from the subject land.
4. It is submitted that proposal in this instance is consistent with the policy context of the Municipal Strategic Statement which acknowledges that licensed premises contribute to the vibrancy and economic strength of the municipality and that well managed licensed premises contribute positively to the activity, appearance, character, and image of the area.
5. It is submitted that the proposed licence will not create an unreasonable cumulative impact for the surrounding areas.
6. The licence will become part of a large cluster of licensed venues in the area and it is not considered that the addition of the proposed licence will saturate the area or have a negative impact on the surrounding amenity.
7. The hours of operation in this instance are not excessive and are not contrary to state government or Council policy. It is not expected that the hours of operation will attribute to unreasonable noise or nuisance given the proposed use.
8. It is not expected that the proposal is likely to contribute to any problems for patron dispersal.
9. It is considered that mitigation measures, including adherence to local laws, planning provisions and the Liquor Control Reform Act, will ensure that the impacts of the proposal on the surrounding community are reasonable and are in balance with the positive economic, employment and vitality impacts of the development.



10. Waste management forms part of the overall leasing arrangements of the complex.
11. Parking waiver is not required in this matter having been previously considered.

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