

Form 2

NOTICE OF AN APPLICATION FOR PLANNING PERMIT

The land affected by the application is located at:	19 Dorrn Avenue MALLACOOTA 3892 Lot: 7 PS: 421109
The application is for a permit to:	Sale and Consumption of liquor
The applicant for the permit is:	Alfeos & Alf's Pizza
The application reference number is:	5.2023.330.1

You may look at the application and any documents that support the application free of charge at: <https://www.eastgippsland.vic.gov.au/building-and-development/advertised-planning-permit-applications>

You may also call 5153 9500 to arrange a time to look at the application and any documents that support the application at the office of the responsible authority, East Gippsland Shire. This can be done during office hours and is free of charge.

Any person who may be affected by the granting of the permit may object or make other submissions to the responsible authority.

An objection must

- ◆ **be made to the Responsible Authority in writing,**
- ◆ **include the reasons for the objection, and**
- ◆ **state how the objector would be affected.**

The responsible authority must make a copy of every objection available at its office for any person to inspect during office hours free of charge until the end of the period during which an application may be made for review of a decision on the application.

The Responsible Authority will not decide on the application before:	Subject to the applicant giving notice
---	---

If you object, the Responsible Authority will tell you its decision.

REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958 Page 1 of 3

VOLUME 10622 FOLIO 342

Security no : 124106705677W
Produced 08/06/2023 11:15 AM

LAND DESCRIPTION

Lot 7 on Plan of Subdivision 421109E.
PARENT TITLE Volume 08697 Folio 815
Created by instrument PS421109E 19/12/2001

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
MICHAEL WILLIAM TROTTO
AV935007S 08/08/2022

ENCUMBRANCES, CAVEATS AND NOTICES

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE PS421109E FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 19 DORRON AVENUE MALLACOOTA VIC 3892

ADMINISTRATIVE NOTICES

NIL

DOCUMENT END



Department of Environment, Land, Water & Planning

Owners Corporation Search Report

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Produced: 08/06/2023 11:21:03 AM

OWNERS CORPORATION 1
PLAN NO. PS421109E

The land in PS421109E is affected by 1 Owners Corporation(s)

Land Affected by Owners Corporation:

Common Property 1, Lots 1 - 6.

Limitations on Owners Corporation:

Unlimited

Postal Address for Services of Notices:

14 ALLAN DRIVE MALLACOOTA VIC 3892

PS421109E 19/12/2001

Owners Corporation Manager:

NIL

Rules:

Model Rules apply unless a matter is provided for in Owners Corporation Rules. See Section 139(3) Owners Corporation Act 2006

Owners Corporation Rules:

NIL

Additional Owners Corporation Information:

NIL

Notations:

NIL

Entitlement and Liability:

NOTE – Folio References are only provided in a Premium Report.

Land Parcel	Entitlement	Liability
Common Property 1	0	0
Lot 1	10	5
Lot 2	10	10
Lot 3	10	10
Lot 4	10	10
Lot 5	10	10
Lot 6	10	10



Department of Environment, Land, Water & Planning

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Owners Corporation Search Report

Produced: 08/06/2023 11:21:03 AM

**OWNERS CORPORATION 1
PLAN NO. PS421109E**

Entitlement and Liability:

NOTE – Folio References are only provided in a Premium Report.

Land Parcel	Entitlement	Liability
Total	60.00	55.00

From 31 December 2007 every Body Corporate is deemed to be an Owners Corporation. Any reference to a Body Corporate in any Plan, Instrument or Folio is to be read as a reference to an Owners Corporation.

Statement End.



Imaged Document Cover Sheet

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Document Type	Plan
Document Identification	PS421109E
Number of Pages (excluding this cover sheet)	5
Document Assembled	08/06/2023 11:21

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PLAN OF SUBDIVISION		STAGE No. _____	LTO USE ONLY EDITION 1	PLAN NUMBER PS 421109E		
LOCATION OF LAND PARISH: MALLACOOTA TOWNSHIP: MALLACOOTA SECTION: 4 CROWN ALLOTMENT: 1 (PART) CROWN PORTION: _____ LTO BASE RECORD: TOWNSHIP 5494 TITLE REFERENCES: VOL 8697 FOL 815 LAST PLAN REFERENCE/S: _____ POSTAL ADDRESS: 14 ALLAN DRIVE (At time of subdivision) MALLACOOTA 3892 AMG Co-ordinates (of approx centre of land in plan) E 743 400 N 5839 650 ZONE: 55		COUNCIL CERTIFICATION AND ENDORSEMENT COUNCIL NAME: EAST GIPPSLAND SHIRE REF: 98/00305/05 1. This plan is certified under Section 6 of the Subdivision Act 1988. 2. This plan is certified under Section 11(7) of the Subdivision Act 1988. Date of original certification under Section 6. 19 / 2 / 1999 3. This is a statement of compliance issued under Section 21 of the Subdivision Act 1988. OPEN SPACE (i) A requirement for public open space under Section 18 of the Subdivision Act 1988 has/has not been made. (ii) The requirement has been satisfied. _____ (iii) The requirement is to be satisfied in Stage _____ _____ Council Delegate _____ Council Seal _____ Date / / Re-certified under Section 11(7) of the Subdivision Act 1988. _____ Council Delegate _____ Council Seal Date 26 / 6 / 2001				
VESTING OF ROADS AND/OR RESERVES						
IDENTIFIER	COUNCIL/BODY/PERSON					
NIL	NIL					
NOTATIONS						
STAGING This is/ is not a staged subdivision. Planning permit No. _____						
DEPTH LIMITATION 15.24 METRES BELOW THE SURFACE. APPLIES TO ALL THE LAND IN THE PLAN.						
COMMON PROPERTY No. 1 IS ALL THE LAND IN THE PLAN EXCEPT LOTS 1 TO 7. BOUNDARIES SHOWN BY THICK CONTINUOUS LINES ARE DEFINED BY BUILDINGS. LOCATION OF BOUNDARIES DEFINED BY BUILDINGS. INTERIOR FACE : ALL BOUNDARIES LOTS 2 TO 6 COMPRISE 2 PARTS.						
SURVEY THIS PLAN IS/ IS NOT BASED ON SURVEY THIS SURVEY HAS BEEN CONNECTED TO PERMANENT MARKS No(s) 30 and 43 IN PROCLAIMED SURVEY AREA No. _____						
EASEMENT INFORMATION			LTO USE ONLY			
LEGEND A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)			STATEMENT OF COMPLIANCE/ EXEMPTION STATEMENT			
SECTION 12(2) OF THE SUBDIVISION ACT 1988 APPLIES TO ALL THE LAND IN THIS PLAN			RECEIVED <input checked="" type="checkbox"/>			
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of		
			DATE: 7 / 12 / 01			
			LTO USE ONLY PLAN REGISTERED TIME 12 DATE 19 / 12 / 01			
			<i>John Black</i> Assistant Registrar of Titles			
			SHEET 1 OF 5 SHEETS			
 FISHER STEWART PTY. LTD. Engineers • Surveyors • Development Consultants 137A Main Street, Bairnsdale 3875 P.O. Box 480 Bairnsdale 3875 Tel: (03) 5152 1800 Fax: (03) 5152 1202 Ausdoc: DX 82210 A.C.N. 007 015 965		LICENSED SURVEYOR (PRINT) MICHAEL GLEN JONES SIGNATURE DATE 7 / 6 / 01 REF 2088 VERSION F			DATE / / COUNCIL DELEGATE SIGNATURE ORIGINAL SHEET SIZE A3	

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PLAN OF SUBDIVISION STAGE NO. PLAN NUMBER
PS 421109E

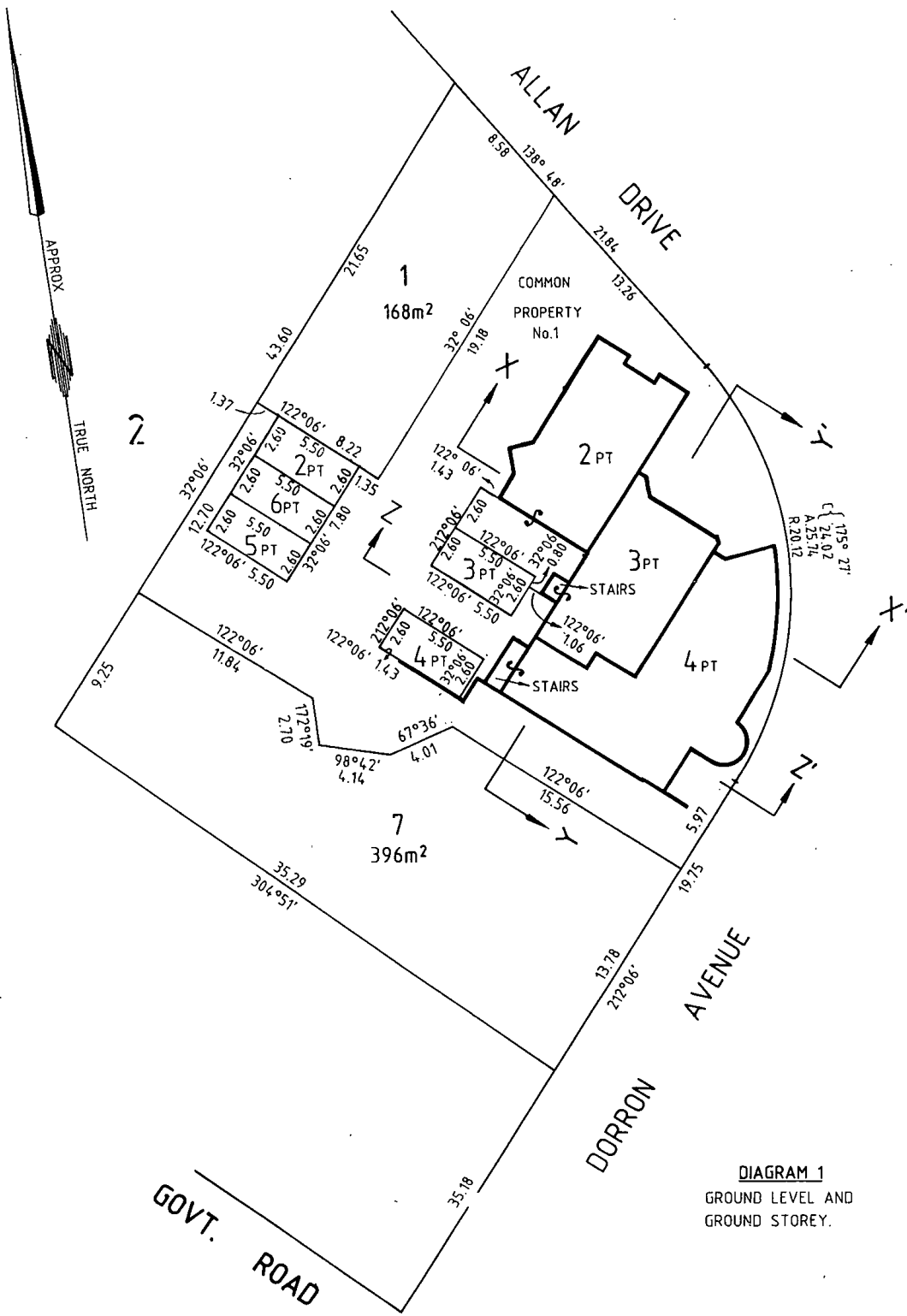


DIAGRAM 1
 GROUND LEVEL AND
 GROUND STOREY.

Fisher Stewart
FISHER STEWART PTY. LTD.
 Engineers • Surveyors • Development Consultants
 137A Main Street, Bairnsdale 3875
 P.O. Box 480 Bairnsdale 3875
 Tel: (03) 5152 1600 Fax: (03) 5152 1202
 Ausdoc: DX 82210 A.C.N. 007 015 965

 LENGTHS ARE IN METRES	ORIGINAL SCALE 1:250	SHEET SIZE A3	LICENSED SURVEYOR (PRINT) MICHAEL GLEN JONES SIGNATURE REF 2088	DATE / / VERSION F	SHEET 2 OF 5 SHEETS DATE / / COUNCIL DELEGATE SIGNATURE ..

0 10 20 30 40 50 60 70 80 90 100 110 120 130 140 150mm

Crefields PS03

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PLAN OF SUBDIVISION

STAGE No. PLAN NUMBER
PS 421109E

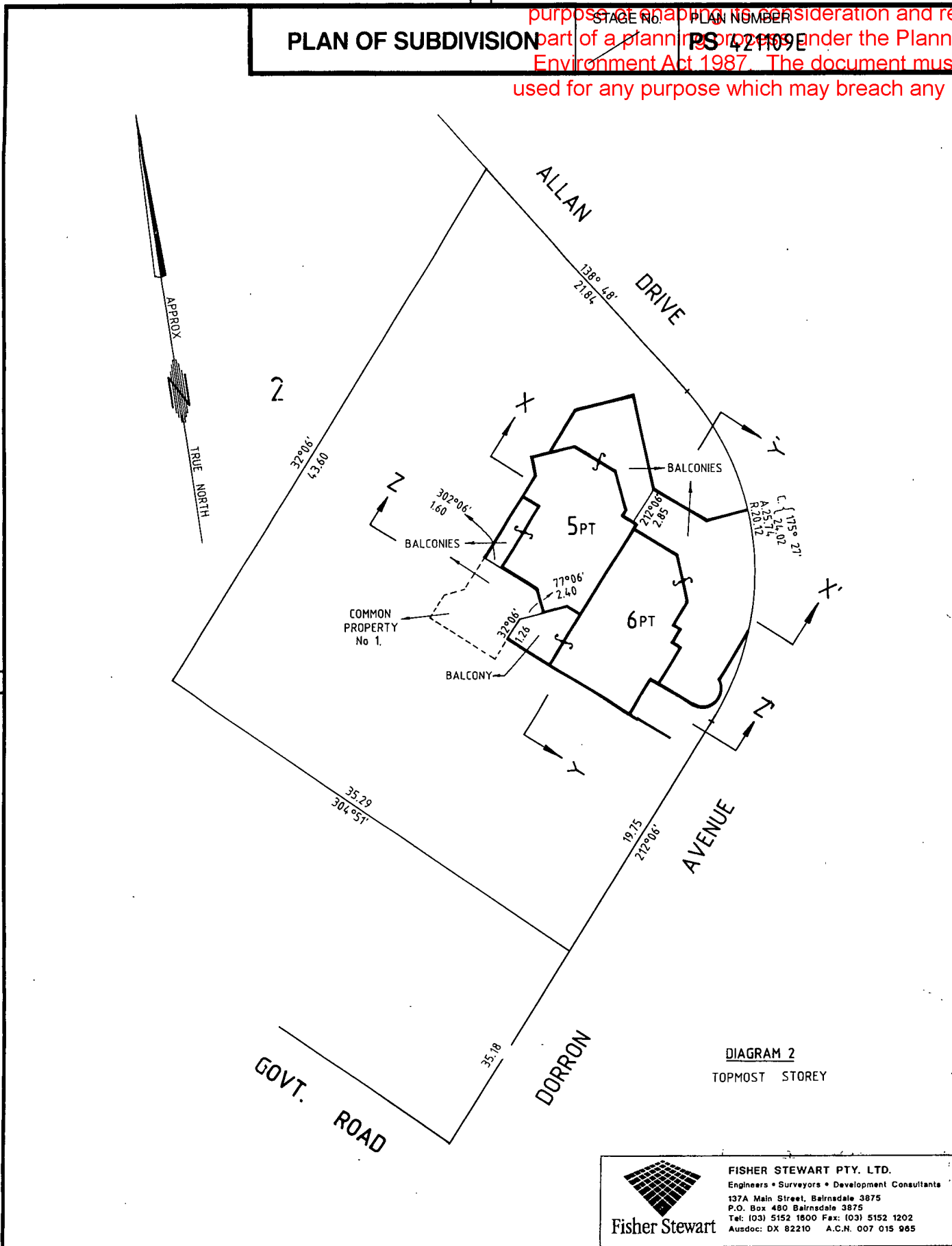


DIAGRAM 2
TOPMOST STOREY

FISHER STEWART PTY. LTD.
 Engineers • Surveyors • Development Consultants
 137A Main Street, Balrnadale 3875
 P.O. Box 480 Balrnadale 3875
 Tel: (03) 5152 1600 Fax: (03) 5152 1202
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<p>LENGTHS ARE IN METRES</p>	ORIGINAL	LICENSED SURVEYOR (PRINT)	MICHAEL GLEN JONES	SHEET 3 OF 5 SHEETS
	SCALE	SIGNATURE	DATE / /	DATE / /
	1:250	REF 2088	VERSION F	COUNCIL DELEGATE SIGNATURE

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Crefield, PS03

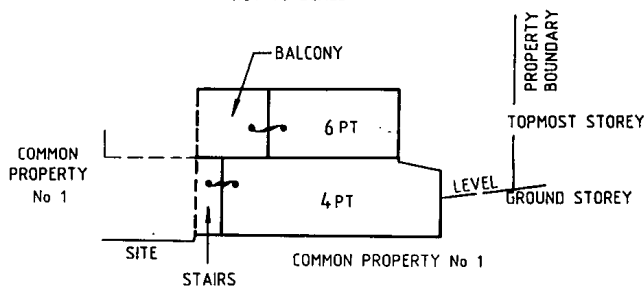
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PLAN OF SUBDIVISION

STAGE No. 1 PLAN NUMBER PS 421109E

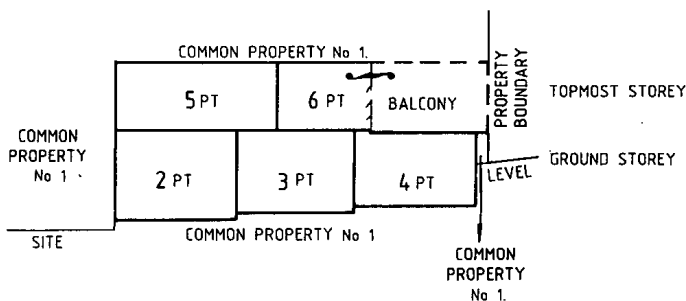
CROSS SECTION Z-Z'

NOT TO SCALE



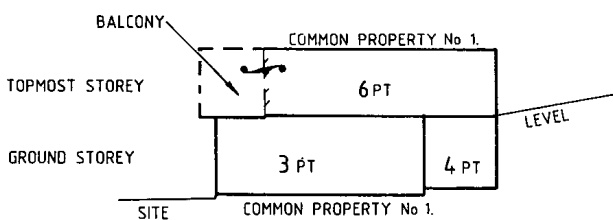
CROSS SECTION X-X'

NOT TO SCALE

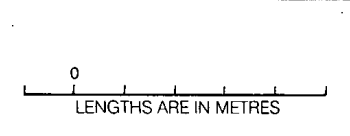


CROSS SECTION Y-Y'

NOT TO SCALE



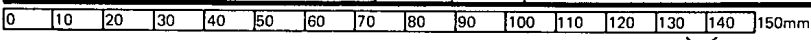
FISHER STEWART PTY. LTD. Engineers • Surveyors • Development Consultants 137A Main Street, Balrnadale 3875 P.O. Box 480 Balrnadale 3875 Tel: (03) 5152 1600 Fax: (03) 5152 1202 Ausdoc: DX 82210 A.C.N. 007 015 985



ORIGINAL SCALE SHEET SIZE A3

LICENSED SURVEYOR (PRINT) MICHAEL GLEN JONES SIGNATURE DATE / / REF 2088 VERSION F

SHEET 4 OF 5 SHEETS DATE / / COUNCIL DELEGATE SIGNATURE



Creeffields PS03

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PS421109E

**FOR CURRENT BODY CORPORATE DETAILS
SEE BODY CORPORATE SEARCH REPORT**

Sheet 5



Process List

Project Name: Alfs Pizza

Project Location: 19 dorrn avenue

Date: 20-Jul-2023

	QUESTION	ANSWER
Question 1	Is the proposed activity , or all the proposed activities, exempt?	No
Question 2	Are you undertaking a High Impact Activity as listed in the Aboriginal Heritage Regulations?	No
Answer:	<p><u>ON THE BASIS OF THE ANSWERS YOU HAVE ENTERED</u></p> <p>YOU ARE NOT REQUIRED BY THE REGULATIONS TO PREPARE A CULTURAL HERITAGE MANAGEMENT PLAN FOR THIS PROJECT</p>	
	<p>This process list is for information purposes only; the result must not be relied upon by a statutory authority in deciding whether a cultural heritage management plan is required for a proposed activity.</p>	

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Alfeos Pty Ltd.

Trading as

ALFS PIZZA

19 Dorrn avenue
Mallacoota

VENUE
MANAGEMENT PLAN

Contents

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Statutory posters:	6
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Introduction:

Alfs pizza is a small pizzeria providing authentic artisanal pizza to the coastal community of Mallacoota. This venue management plan is in response to application 5.2023.330.1.

We are proposing to provide alfresco dining for the deserving community of Mallacoota over the summer months in addition to our already established takeaway trade. We would like to be able to expand our menu and offer seated meals to patrons paired with complimenting wines locally sourced really putting the fine produce of East Gippsland front and center.

Providing seated meals is an essential next step in our business plan. We wish to sponsor several of our employees which would give them the amazing opportunity to stay working in the local area and settle long term in East Gippsland. To do this we need to provide a full service menu and dine in options as part of the visa requirement.

Commitment of Management and Staff

The plan encapsulates management policies in relation to Responsible Service of Alcohol, Security and Emergency Management as well as policies designed to minimise amenity issues in and around the venue.

The plan also addresses the requirements of the Director Liquor Licensing, local Police and the East Gippsland council.

Management and staff must be committed to the implementation of this plan. Any deviation may result in fines and other sanctions for both the employees and the Licensee. This could result in the suspension of the liquor licence, the loss of the business, and subsequent unemployment of staff.

Objectives

The primary objectives of this plan are to:

- Detail standard operating procedures relating to sale and consumption of alcohol at Alfs pizza.
- Minimise security and safety risks in and around Alfs pizza.
- Ensure compliance with the conditions of the liquor licence.
- Ensure the cleanliness of the outside areas of the premises.

Patron Management Plan

The Patron Management Plan will cover the following parts:

- Management responsibilities.
- Responsible Service of Alcohol policies
- Security Management
- Amenity Issues
- General Matters including Emergency Management
- **Patron Code of Conduct.**

Management will hold regular meetings that will include constant reviews and reinforcement of the plan.

The liquor licence type:

The licence we are applying for is a café/restaurant licence.

Amenity

We genuinely believe having an additional licensed restaurant will have a positive impact on the local amenities and community. We will be providing much needed pressure relief on the towns hospitality needs, in January the towns population surges from 1'000 to 10'000 and wait times for meals exceed 2 hours with only three dining out options in town.

The licensee shall not cause or permit undue detriment to the amenity of the area to arise out of or in connection with the use of the premises to which the licence relates during or immediately after the trading hours authorised under this licence.

The licensee shall ensure that the level of noise emitted from the licensed premises shall not exceed the permissible noise levels for entertainment noise as specified in the *State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2*.

A surveillance recording system able to clearly identify individuals and showing times and dates, must provide continuous images of the main entrance. Images must be retained for 1 month and made available for viewing or removal by Victoria Police or other person authorised in writing by the Victorian Commission for Gambling and Liquor Regulation.

Maximum capacities

150 patrons.

Trading hours:

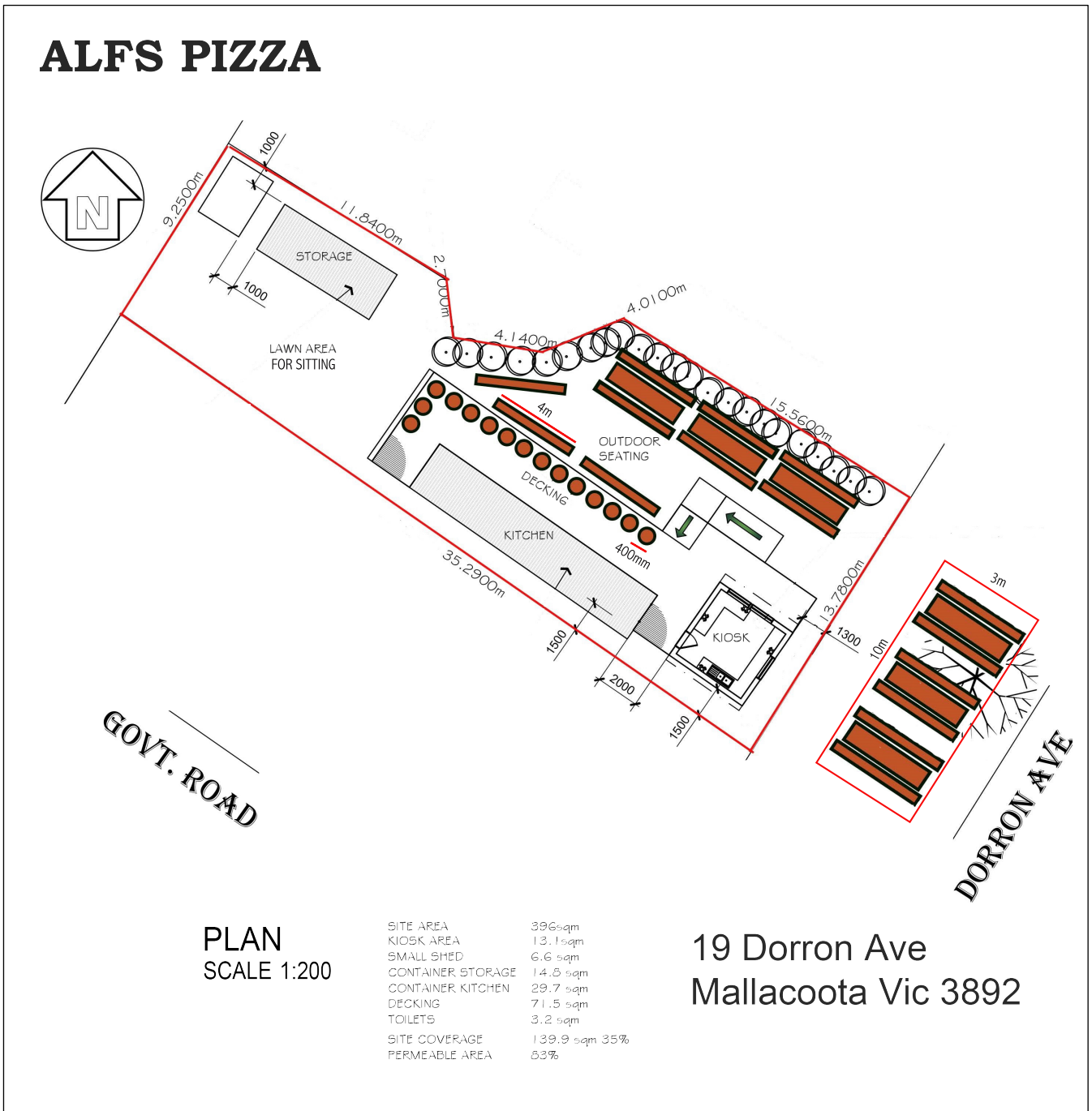
Monday to Sunday: 11am-11pm

Excluding Anzac Day and Good Friday 12 midday – 11pm.

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Red line plans:

The Red Line Plan for the premises must be kept in the manager's office at all times and be available for inspection by Victoria Police, VCGLR Compliance Inspectors at all times the premises is open.



Statutory Posters

The statutory posters must be placed in a prominent position within the bar in a place that invites public attention. Alfs duty manager will ensure that posters are kept up-to-date at all times.

Responsible Service of Alcohol

1. The licensee and management are committed to implement best practice in relation to the Responsible Service of Alcohol.
2. The management of Responsible Service of Alcohol Certificates and related matters is the responsibility of the Licensee's Manager.
3. Staff must be aware of their responsibilities in relation to Responsible Serving of Alcohol. Management and staff are required to be RSA qualified and must keep the qualification up-to-date. Under new laws a refresher course must be done every three years.
4. The monthly staff meetings and in house training courses will assist to keep management and employees up to date with the latest initiatives and policies relating to RSA.
5. Any deviation from best practice can result in fines that may be against the license holders, or the staff.
6. Management and staff are strongly advised to check on the Commission for Gaming and Liquor Regulations website under the heading Liquor which is at the top of the header page. In this area are news bulletins and other areas of interest. Best practice requires that owners, management and staff are kept up-to-date with this site.
7. All staff involved in the service of alcohol will be required to undergo Responsible Serving of Alcohol training and accreditation before they will be considered for employment.
8. All staff must ensure their RSA qualifications are up-to-date. Staff should where necessary undertake the online refresher course which is available free on the Justice Department website under the heading Alcohol.
9. A copy of the refresher certificate must be filed in the licensee's RSA folder and the details included in the RSA Register.

Minors

1. Minors are a difficult issue in all licensed premises especially where functions are being conducted in the functions area. Staff must be vigilant in relation to the presence of minors and must challenge suspected minors at all times or bring their suspicions to the attention of the nominee or the duty manager or security.
2. ID checks should take place where appropriate.
3. All staff should be vigilant and pro-active in detecting minors on the premises. If there is any doubt refuse service and contact the licensee, duty manager or a crowd controller to make further enquiries prior to service being offered to the patron.
4. The most likely place where the issues of minors will occur is in the dining room area when minors accompany their parents and guardians to dinner. All staff must be

aware of the rules relating to when minors can be on the premises and when they can drink which is very limited.

5. In practical terms the only time minors are permitted on the premises is when they are there to partake of a meal, that is a meal with a knife and fork not just finger food, attending a function or conference with a responsible adult or undertaking training authorised by the Director Liquor Licensing. These categories will be discussed below.
6. Heavy penalties apply to licensees and staff who, contrary to current legislation, permit minors to:
 - Consume liquor, and/or
 - Be on licensed premises.
7. The licensee, his delegates and in some instances staff, can be charged for allowing a minor on licensed premises or supplying liquor to a minor. There are exceptions and they are detailed below.

Patron Behaviour

Patron behaviour is detailed in the venue's "Code of Conduct". (Appendix D) Patrons that breach the "Code of Conduct" will be warned and if they do not comply will be asked to leave the premises, or in some circumstances will be ejected from the premises. This sign will be prominently displayed at the front entrance to the bar.

All patrons will leave the premises via the entrances provided. Signage will be in place at the exits requesting that patrons leave quietly and respect the neighbours and the local amenity. (See appendix A)

Noise Management

The licensee has a responsibility to ensure that the level of noise emitted from the licensed premises shall not exceed the permissible noise levels for entertainment noise as specified in the *State Environment Protection Policy (Control of Music from Public Premises) No. N-2*. This is a licence condition.

Management and staff will regularly check the alfresco area to ensure that noise levels do not become excessive.

Our current site has a 1.8m fall to the back of the block so naturally sound will be locked in by the 10m long kitchen and the adjoining commercial property which has a high brick wall. Every neighboring property of our block is commercially zoned and operating in a commercial capacity so no residential dwellings will be affected.

Appendix "A" – Notice to Patrons Leaving Venue

NOTICE

We respect our neighbours. Please leave the area quietly and respect the amenity

Alfs pizza

PATRON CODE OF CONDUCT & CONDITIONS OF ENTRY

THIS ESTABLISHMENT IS COMMITTED TO HIGH STANDARDS OF SERVICE & SAFETY FOR OUR PATRONS AND STAFF IN & AROUND THESE PREMISES.

Admittance

- Entry to the venue is conditional upon you accepting responsibility for the consequences of your behaviour within and in the vicinity of these premises.
- At all times management reserves the right to refuse entry.
- You must be suitably attired to enter this venue.

Responsible Use of Alcohol

- No drunk or disorderly person will be permitted to enter or remain on these premises.
- Our management will support any staff member who chooses not to serve an intoxicated person.
- Excessive drinking can have serious consequences. We urge you to make appropriate decisions for your health and wellbeing.

Underage Persons

- We will strictly comply with the *Liquor Control (Reform) Act 1998*.
- Staff will only accept the prescribed forms of identification.
- No underage person is permitted to enter the premises without the express permission of the manager.

Safety

- This venue does not tolerate discrimination on any grounds. If you behave in a violent, harassing or threatening manner, whether verbally or physically, you will be asked to leave and the incident may be reported to the police.
- It is a criminal offence to possess, consume or distribute illicit drugs. Any incidents detected will be reported to the police.
- All staff in this venue will be pro-active in the prevention of illegal drink spiking in any form.
- Our staff are trained to assist you in the event of any emergency.
- Any acts of vandalism or other criminal offences where detected, will be reported to the police.

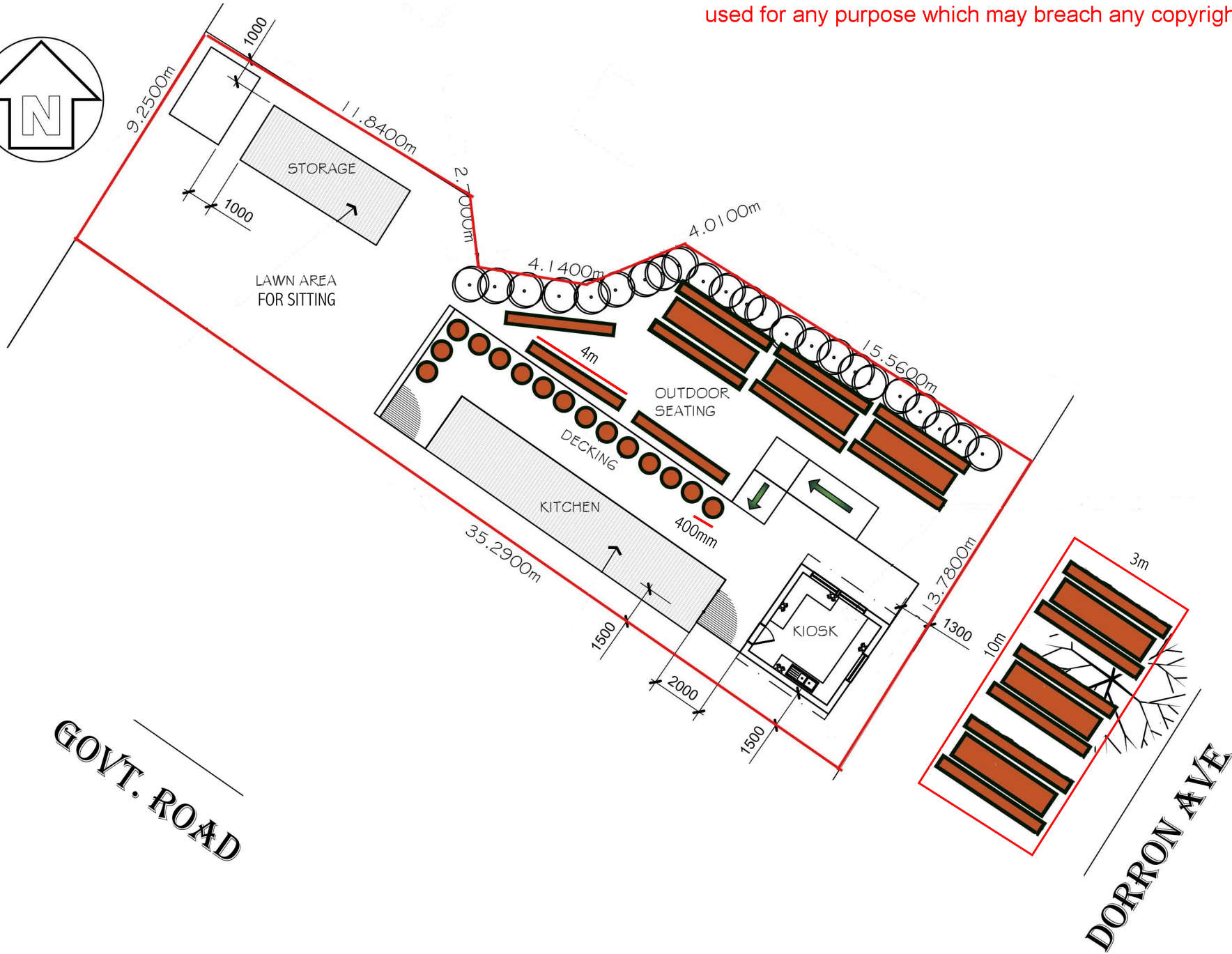
Courtesy

- **We ask that you enter & leave the venue peacefully and quietly, respecting other patrons' rights together with those people living in neighbouring residential buildings.**

ALFS PIZZA

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PLAN
SCALE 1:200

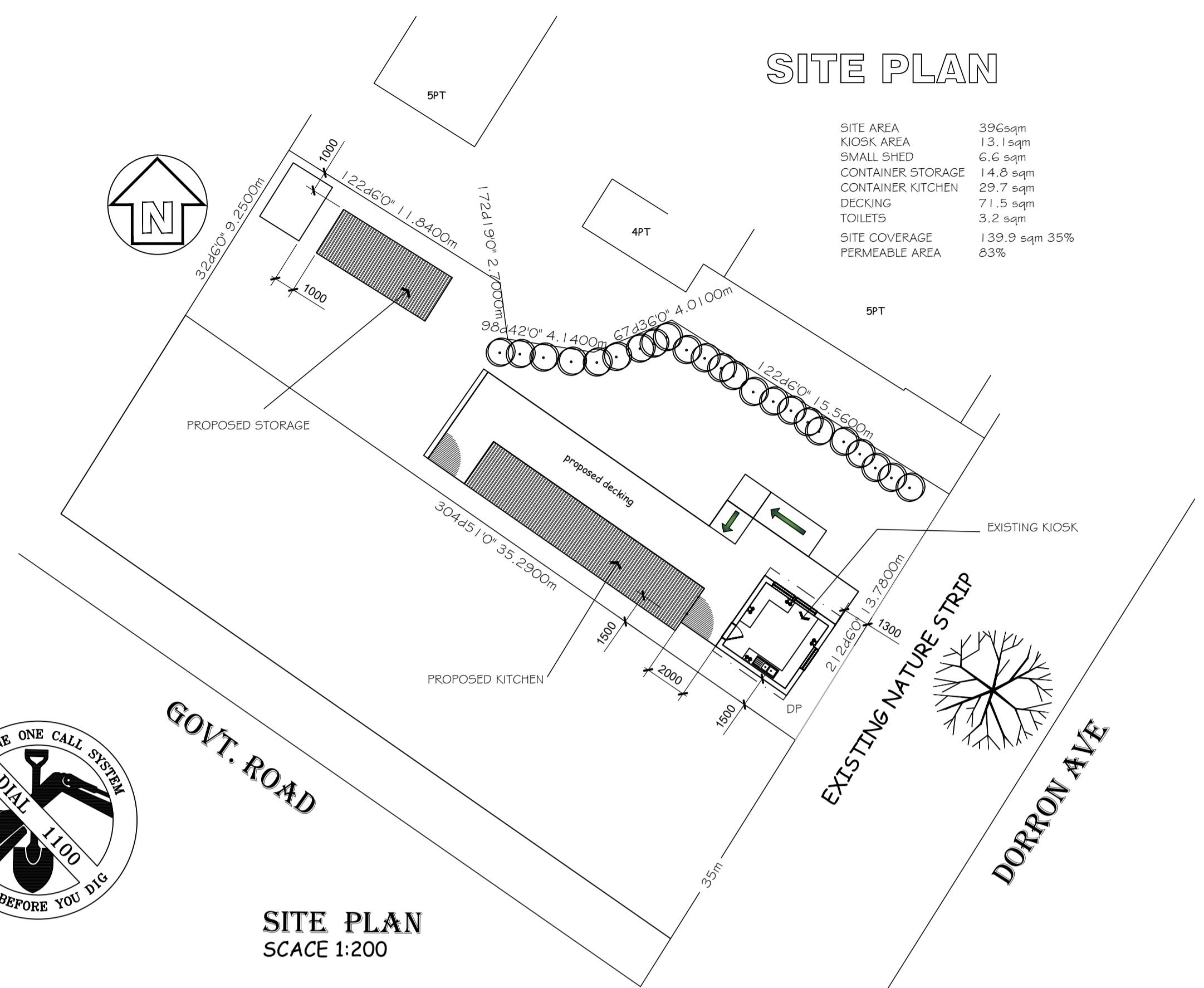
SITE AREA	396sqm
KIOSK AREA	13.1sqm
SMALL SHED	6.6 sqm
CONTAINER STORAGE	14.8 sqm
CONTAINER KITCHEN	29.7 sqm
DECKING	71.5 sqm
TOILETS	3.2 sqm
SITE COVERAGE	139.9 sqm 35%
PERMEABLE AREA	83%

19 Dorrton Ave
Mallacoota Vic 3892

Printed 14/05/2024
Page 21 of 41

SITE PLAN

SITE AREA	396sqm
KIOSK AREA	15.1sqm
SMALL SHED	6.6sqm
CONTAINER STORAGE	14.8sqm
CONTAINER KITCHEN	29.7sqm
DECKING	71.5sqm
TOILETS	3.2sqm
SITE COVERAGE	139.9sqm 35%
PERMEABLE AREA	83%

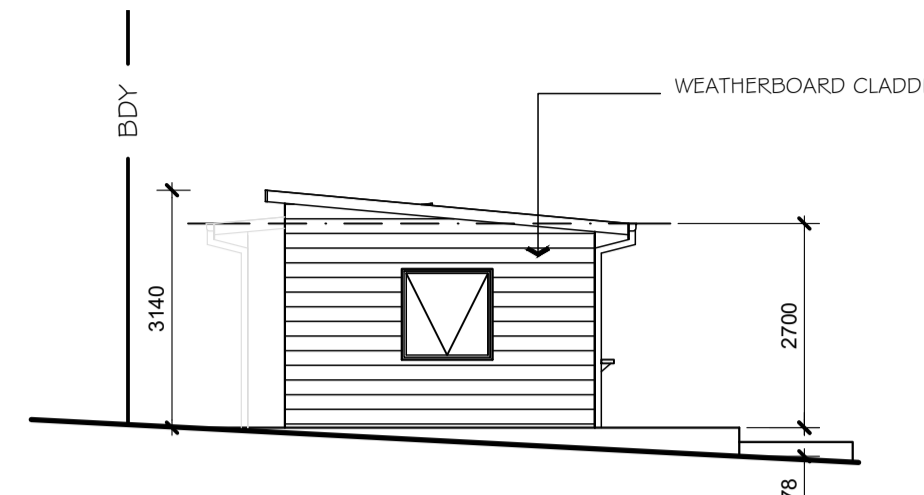


SITE PLAN
SCALE 1:200

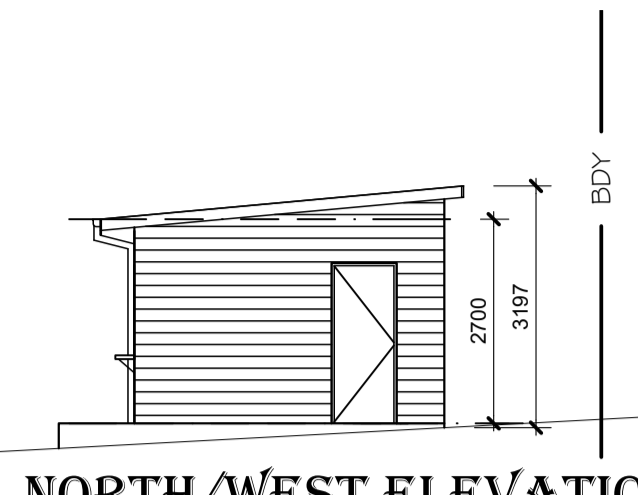


THE OWNER SHOULD TAKE CARE NOT TO SIGNIFICANTLY ALTER THE FOUNDATION SOIL MOISTURE CONDITIONS I.E. BY ALLOWING TREES TO GROW NEAR THE BUILDING WALLS

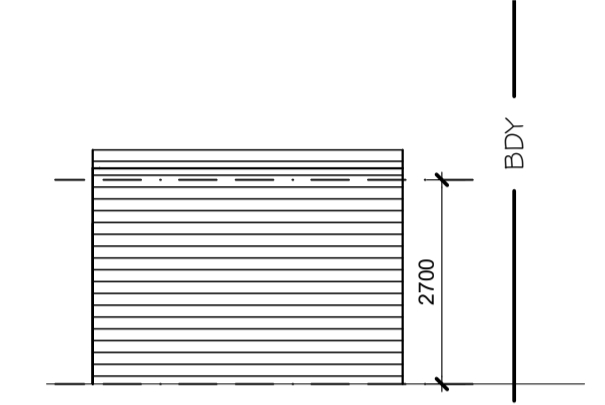
F.F.L. TO BE CONFIRMED ON SITE PRIOR TO CONSTRUCTION



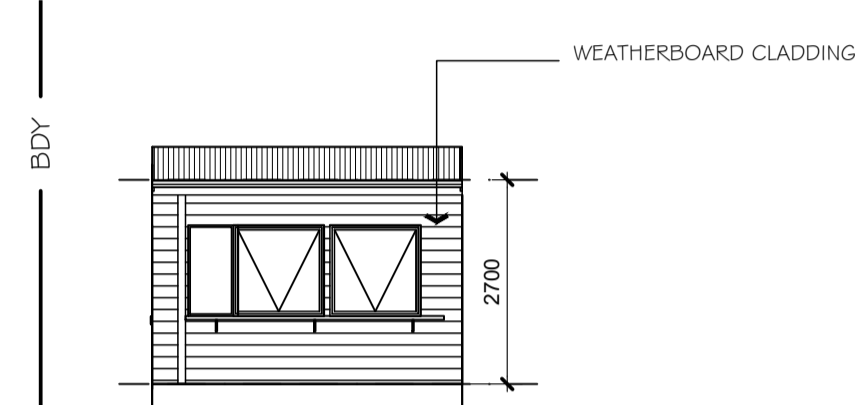
SOUTH/EAST ELEVATION
SCALE 1:100



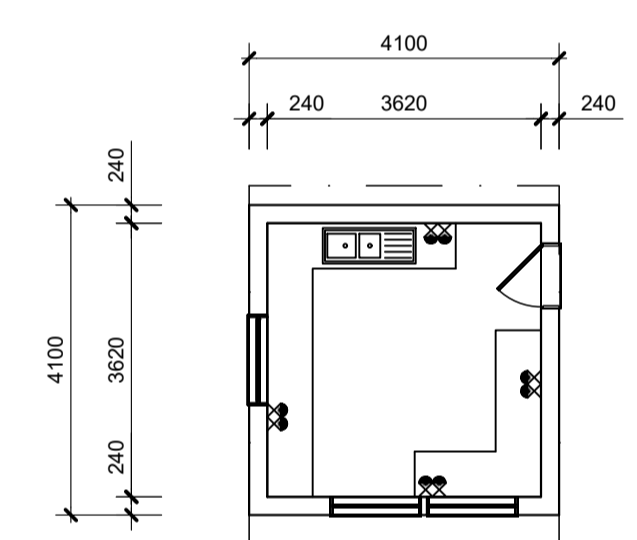
NORTH/WEST ELEVATION
SCALE 1:100



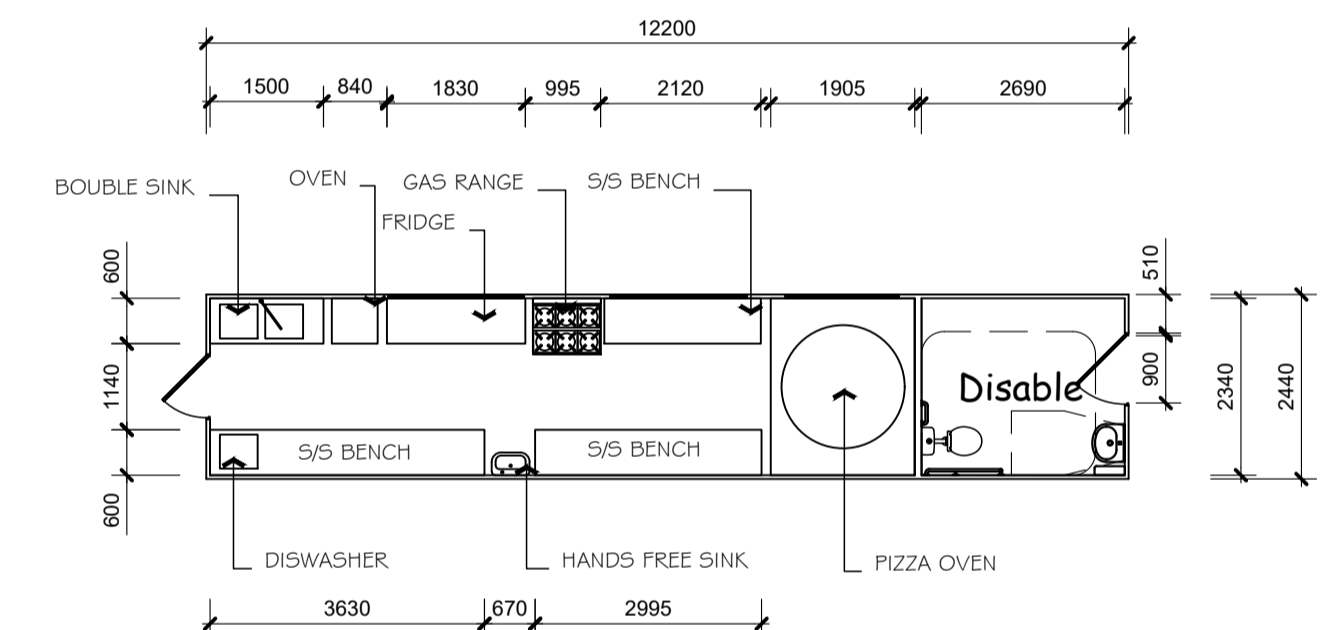
SOUTH/WEST ELEVATION
SCALE 1:100



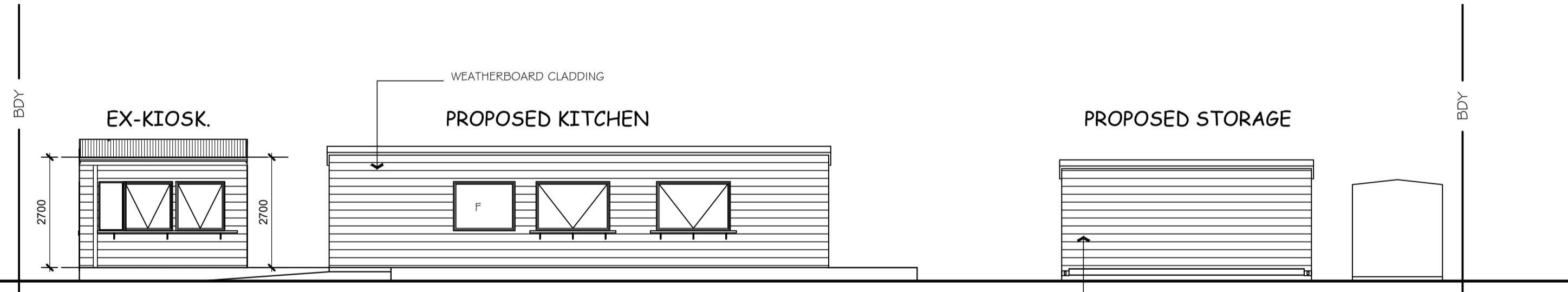
NORTH/EAST ELEVATION
SCALE 1:100



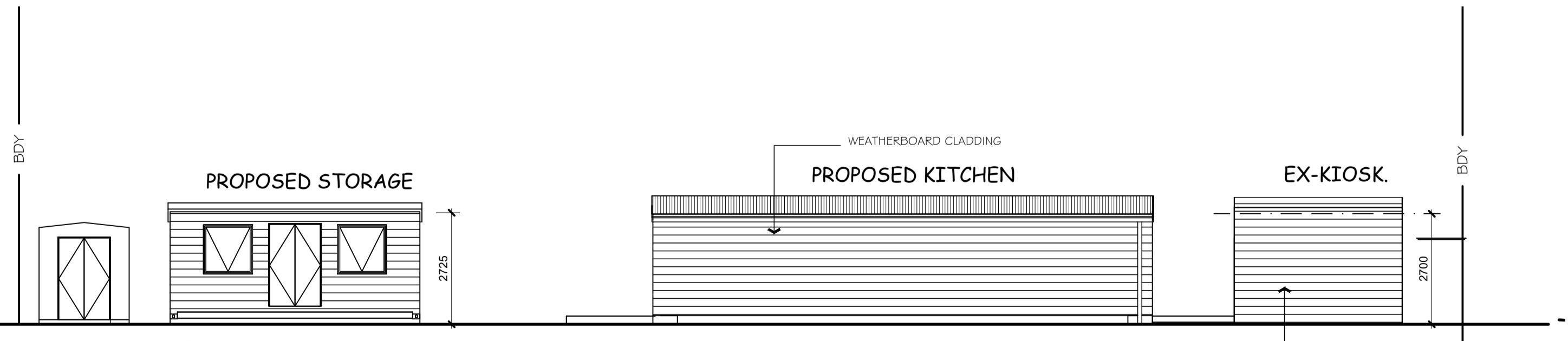
KIOSK FLOOR PLAN
SCALE 1:100



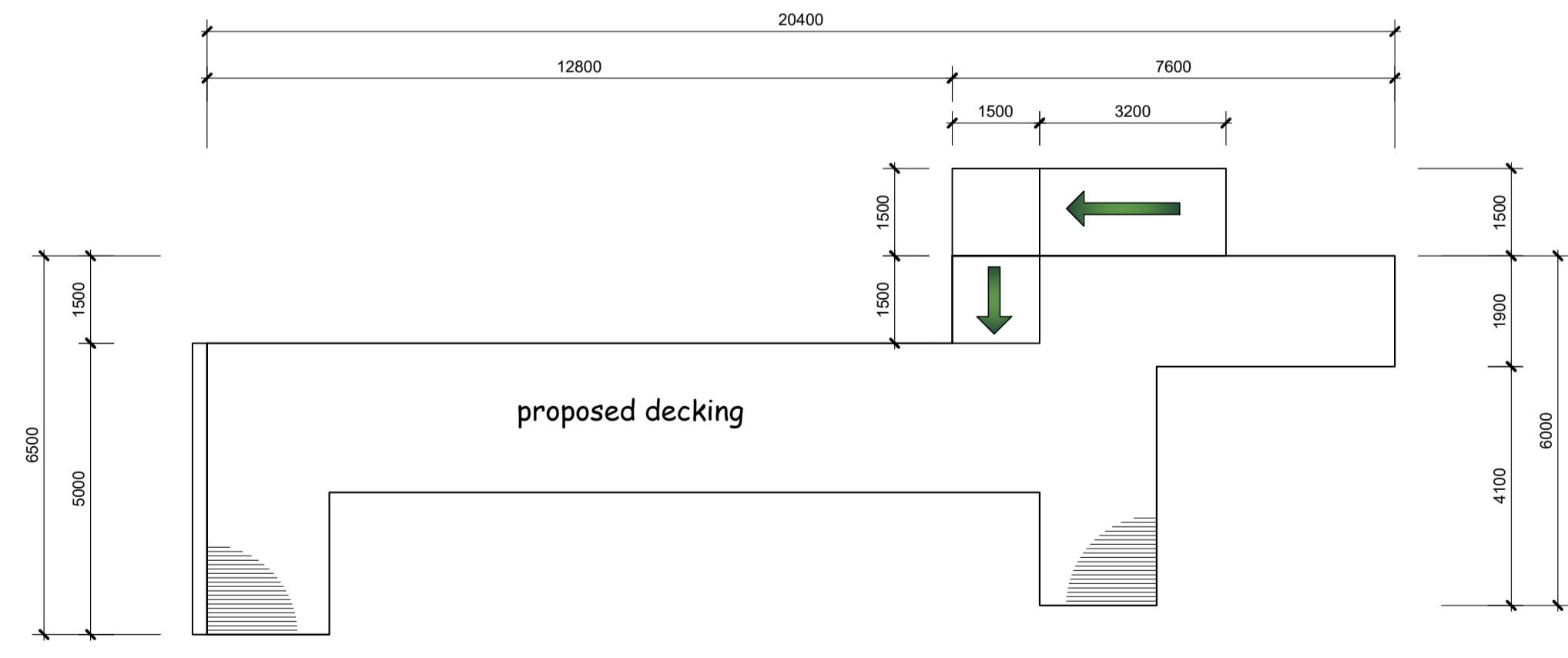
PROPOSED KITCHEN
SCALE 1:100



NORTH/EAST ELEVATION
SCALE 1:100



SOUTH/WEST ELEVATION
SCALE 1:100

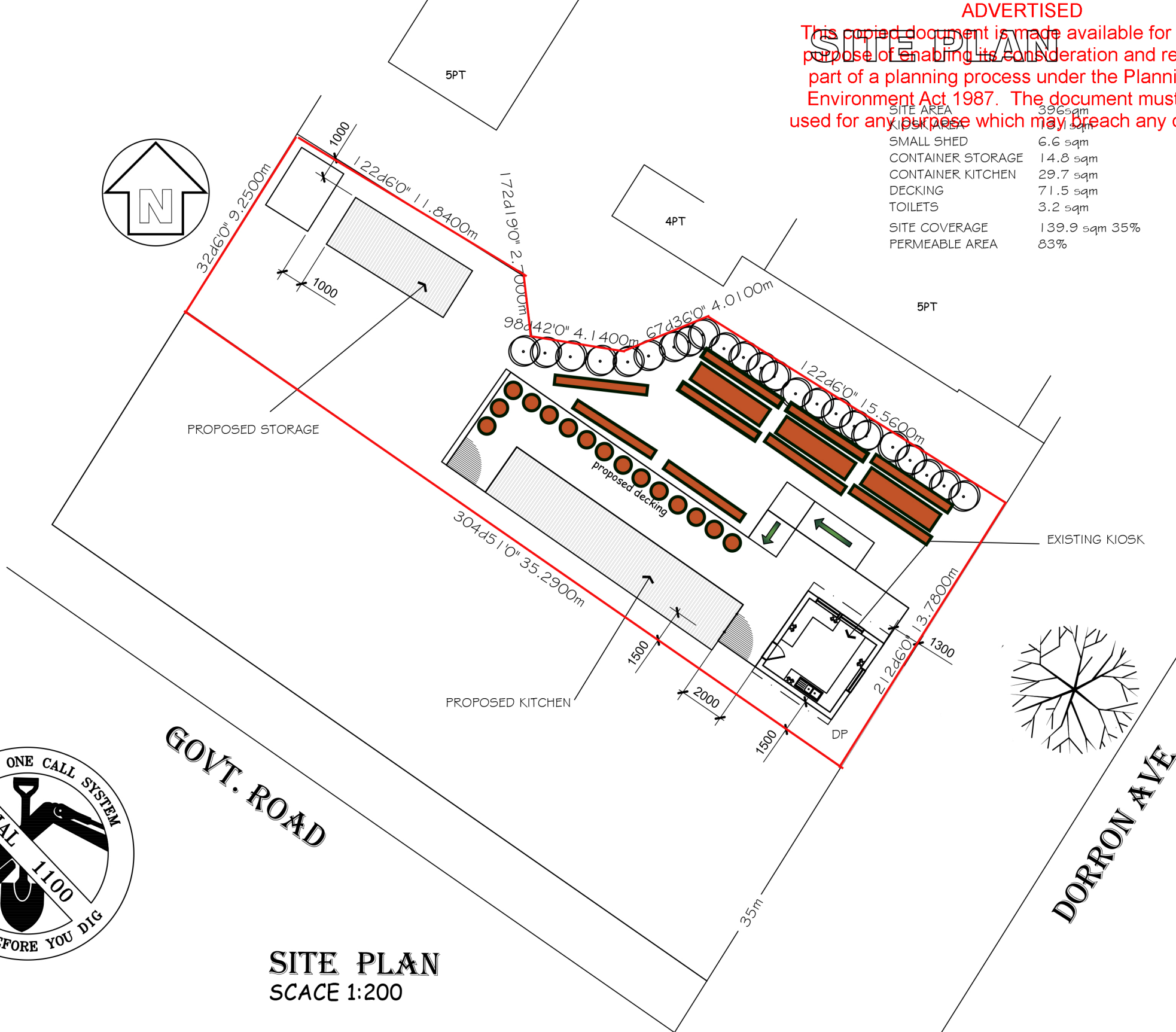


DECKING LAYOUT
SCALE 1:100

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SITE PLAN

SITE AREA	396 sqm
KIOSK AREA	12.5 sqm
SMALL SHED	6.6 sqm
CONTAINER STORAGE	14.8 sqm
CONTAINER KITCHEN	29.7 sqm
DECKING	71.5 sqm
TOILETS	3.2 sqm
SITE COVERAGE	139.9 sqm 35%
PERMEABLE AREA	83%



SITE PLAN SCACE 1:200

THE OWNER SHOULD TAKE CARE NOT TO SIGNIFICANTLY ALTER THE FOUNDATION SOIL MOISTURE CONDITIONS I.E. BY ALLOWING TREES TO GROW NEAR THE BUILDING WALLS

F.F.L. TO BE CONFIRMED ON SITE PRIOR TO CONSTRUCTION

Our Ref: 24063

9th May 2024

Michelle Dixon
Statutory Planning Officer
East Gippsland Shire Council
PO Box 1618
Bairnsdale Vic 3875

Dear Michelle,

**Re: Application for Planning Permit No: 5.2023.330.1
19 Dorrn Avenue, Mallacoota
Liquor Licence**

We act on behalf of Michael Trotto the applicant for the planning permit application.

In response to your correspondence dated 16th November 2023, requesting a written submission detailing what is proposed and responding to the relevant provisions of the East Gippsland Planning Scheme Development Solutions Victoria have been engaged to address this via a planning submission report.

We trust that this information is sufficient to enable the application to proceed and a permit to be granted.

Should you require any further information or wish to discuss any element of the above further, please do not hesitate to contact our office on 03 5152 4858.

Regards



Courtney Campbell
Development Solutions Victoria

MAY
20
24

APPLICATION FOR PLANNING PERMIT
5.2023.330.1

LIQUOR LICENCE

19 DORRON AVENUE, MALLACOOTA
MICHEAL TROTTO
REF: 24063

CONTENTS

1	Introduction	4
2	Site Context	5
3	The Proposal	10
4	Zones and Overlays	11
5	Planning Assessment	15
6	Conclusion	17

APPENDIX

A	Copy of Title and Plan of Subdivision
B	Redline Plan
C	Venue Management Plan

DOCUMENT REVISION

1	Draft Report	DAC	29/04/2024
2	Final Report	CMC	06/05/2024



ALF'S
COFFEE PIZZA
OPEN FRIDAY TO TUESDAY
7-12 COFFEE SANDOAH EGGS
TASTIES & DESSERTS

Menu board listing items and prices:
- PAN OF CHEESE PASTIE \$9
- VEGGIE TASTIE \$4
- PIZZA \$12
- SANDOAH \$4
- EGGS \$2
- TASTIES \$2
- DESSERTS \$2

1. INTRODUCTION

Development Solutions Victoria Pty Ltd act on behalf of Micheal Trotto, the applicant for this planning permit application for a liquor licence at 19 Dorrton Avenue, Mallacoota.

The planning permit application was submitted by Michael Trotto on 23/08/2023 and has been lodged as 5.2023.330.1.

This submission seeks to address the request for further information in addition to providing details of the subject site, relevant planning controls and policies and delivers an assessment against the provisions of the East Gippsland Planning Scheme.

The proposal is consistent with the objectives of the East Gippsland Planning Scheme, is appropriate in this location and will result in a positive planning outcome.

Address	19 Dorrton Avenue, Mallacoota
Site Description	Lot 7 on Plan of Subdivision 421109E
Title Particulars	Vol 10622 Fol 342
Site Area	396m ²
Proposal	Liquor Licence
Planning Scheme	East Gippsland Planning Scheme
Zone	Commercial 1 Zone
Overlays	Vegetation Protection Overlay – Schedule 8
Aboriginal Cultural Heritage	Identified as an area of Cultural Heritage Sensitivity
Permit Triggers	Clause 52.27 - Liquor Licence
Notice	No exemption available
Referrals	No referrals required
Work Authority Licence	Not Applicable
Planning Scheme requirements	Municipal Planning Strategy – Clause 02 Coastal Settlement – Clause 02.03-1 Environmental and landscape values – Clause 02.03-2 Environmental risks and amenity – Clause 02.03-3 Built environment and heritage – Clause 02.03-5 Planning Policy Framework – Clause 10 Settlement – Clause 11 Environmental and landscape values – Clause 12 Environmental risks and amenity – Clause 13 Built environment and heritage – Clause 15 Commercial 1 Zone – Clause 34.01 Licenced Premises – Clause 52.27 Decision guidelines – Clause 65

2. SITE CONTEXT

Site

The subject site is located at 19 Dorron Avenue, Mallacoota. A copy of the Title and Plan of Subdivision is contained in **Appendix A**. The title is not affected by any covenants or agreements.

The site is irregular in shape with a total area of approximately 396m² and currently contains an existing commercial building occupied by 'Alf's Pizza'.

The subject site is gently undulating in nature and the vegetation comprises garden areas only. Details of the site are depicted in the photographs provided below.

Vehicle access is existing via a concrete crossover and gravel driveway along the southwestern boundary. There is no formal car parking associated with the existing use. Pedestrian access is provided from the eastern boundary directly from Dorron Avenue. Dorron Avenue is a bitumen sealed road with kerb and channel, traversing in a northeast to southwest direction.

The subject site in relation to Mallacoota as well as the surrounding land, is shown in the locality plans in **Figure 1** and **Figure 2**.



Figure 1 – Locality Plan – 19 Dorron Avenue, Mallacoota (source: mapshare.vic.gov.au)



Figure 2 – Locality Plan – 19 Dorron Avenue, Mallacoota (source: mapshare.vic.gov.au)

Surrounds

The land in this locality is predominantly developed with commercial buildings and residential dwellings.

Adjoining the northern boundary of the subject site is commercial development occupied by Mallacoota Bakery. Adjoining the eastern boundary is Allan Drive and the Mallacoota Foreshore Camping Park. Adjoining the southern boundary is Dorron Avenue and accommodation buildings occupied by Lakeside at Mallacoota and adjoining the western boundary land occupied by Origami Coffee.

The subject site is occupied with multiple businesses including:

- Alf's Pizza
- Serenity Apartments
- Scallywags Seafood Bar
- Sue's Bribes
- Sundayss

Commercial development surrounding the subject site comprises of:

- Mallacoota Foreshore Holiday Park
- Mallacoota Bakery
- Lakeside at Mallacoota
- Growings of Mallacoota

Mallacoota is a popular holiday location and retirement area and the centre of the abalone base in eastern Victoria.

The subject site in relation to Mallacoota is shown in the aerial photograph below.



ADVERTISED

Photograph 1 – Aerial Photograph of the subject site and surrounding land
– 19 Dorron Avenue, Mallacoota (source: doi.vic.gov.au)
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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
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Photograph 2 – Subject site at 19 Dorron Avenue, Mallacoota.



Photograph 4 – Existing seating area and pedestrian access to subject site.



Photograph 6 – Existing pedestrian and vehicle access to subject site facing northwest.



Photograph 3 – Existing commercial development on the adjoining land at 14 Allan Drive, Mallacoota facing southwest.



Photograph 5 – Subject site facing northeast showing existing outdoor dining area.



Photograph 7 – Property adjoining the northwestern boundary being the Mallacoota Bakery at 16A Allan Drive, Mallacoota.



Photograph 8 – Allan Drive facing north.



Photograph 11 – Intersection between Dorron Avenue and Allan Drive facing northeast.



Photograph 9 – Dorron Avenue facing southwest.

3. THE PROPOSAL

This application seeks approval for a liquor licence. A red line plan is contained in **Appendix B** and an extract is provided to the right.

The subject site is currently used as a pizzeria and is occupied by 'Alf's Pizza' being a high-quality food business providing authentic artisanal pizza.

Access

The site adjoins Dorron Avenue along the southern boundary which will provide for pedestrian access. There is informal vehicle access to the site, however it is not utilised. The previous planning permit granted approval for the car parking dispensation associated with the use. There is suitable amount of on street car parking available within Dorron Avenue and Allan Drive.

Liquor Licence

The application seeks approval for a liquor licence to enable alcohol to be consumed with food on the site. A Venue Management Plan is provided in **Appendix C**.

The proposed liquor licence hours will be from 11am to 11pm seven days per week except for Anzac Day and Good Friday where the hours

will be 12 midday – 11 pm. The maximum number of patrons will be 150.

A red line plan outlining the extent of the area to be licenced is provided in **Appendix B** and below.

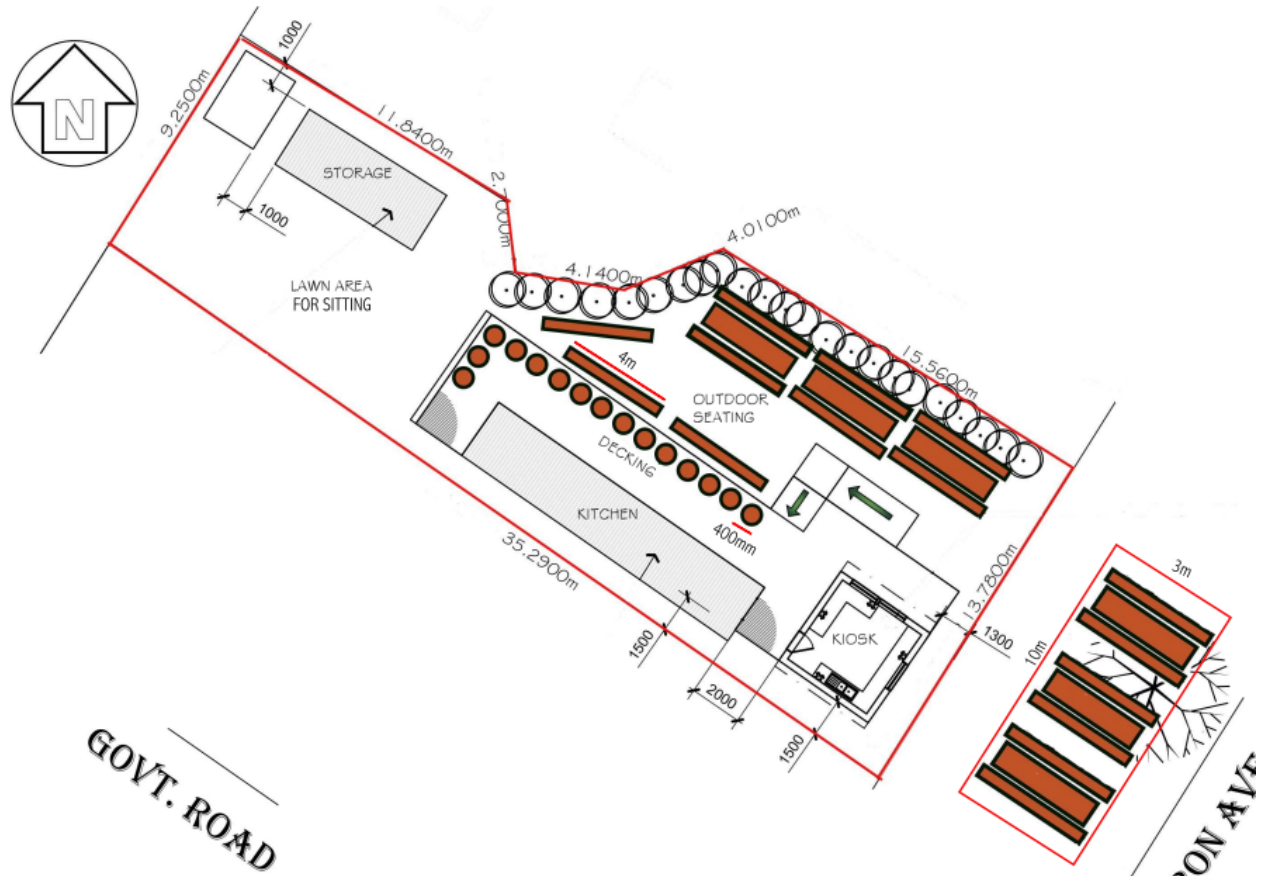


Figure 3 –Redline Plan

4. ZONES AND OVERLAYS

Commercial 1 Zone

The purpose of the Commercial 1 Zone is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.
- To provide for residential uses at densities complementary to the role and scale of the commercial centre.

An extract of the Commercial 1 Zone Map is provided in **Figure 4**.

A permit is not specifically required for a liquor licence under the provisions of Clause 34.01. The commercial zone is recognised as a common area for liquor licenses. The Commercial Zone purpose is addressed in Section 5.

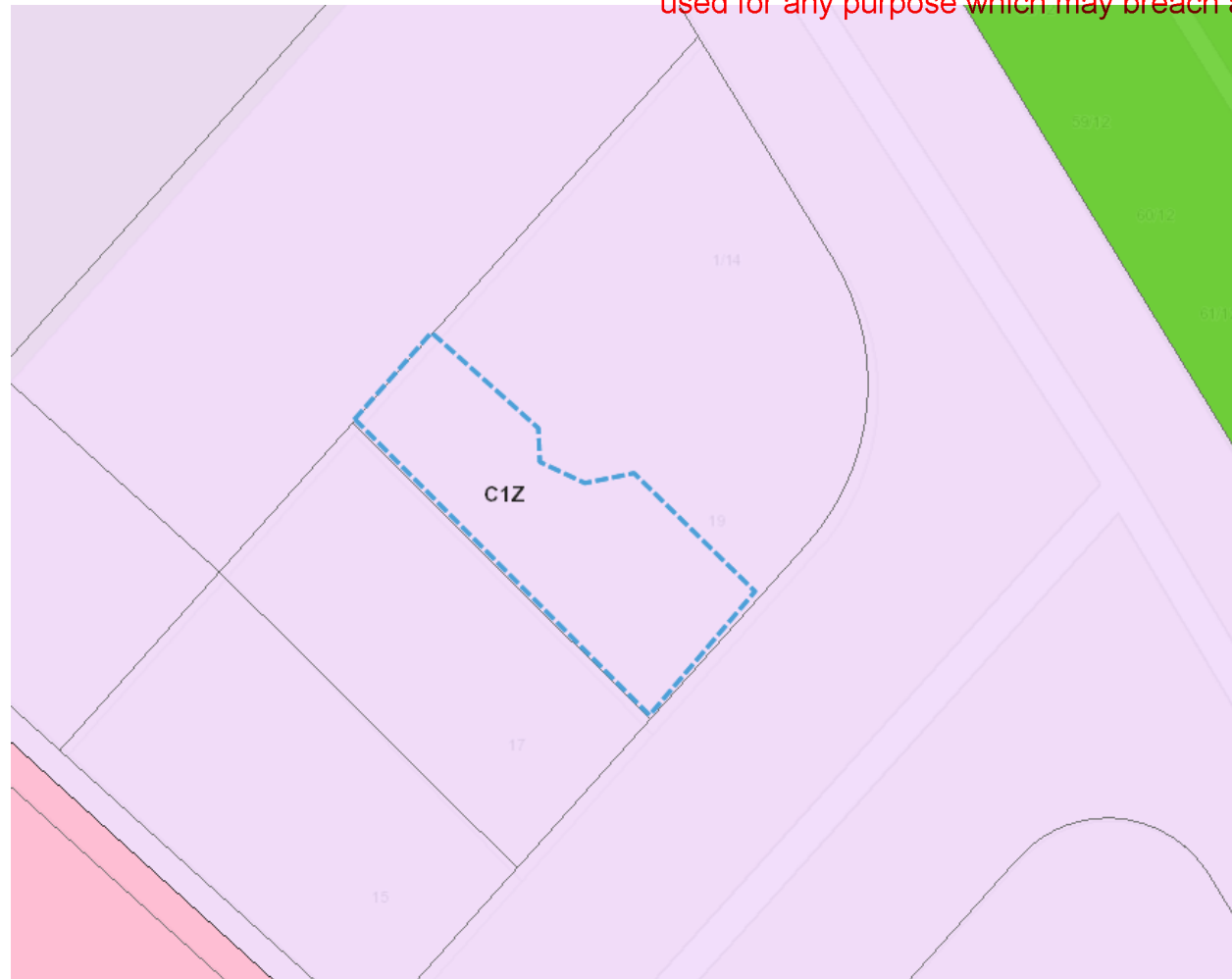


Figure 4 – Commercial 1 Zone – (source - mapshare.vic.gov.au)

Vegetation Protection Overlay

The purpose of the Vegetation Protection Overlay is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To protect areas of significant vegetation.*
- *To ensure that development minimises loss of vegetation.*
- *To preserve existing trees and other vegetation.*
- *To recognise vegetation protection areas as locations of special significance, natural beauty, interest and importance.*
- *To maintain and enhance habitat and habitat corridors for indigenous fauna.*
- *To encourage the regeneration of native vegetation.*

An extract of the Vegetation Protection Overlay Map is provided in **Figure 5**.

A permit is not required for a liquor licence under the provisions of Clause 42.02. This is not addressed further.

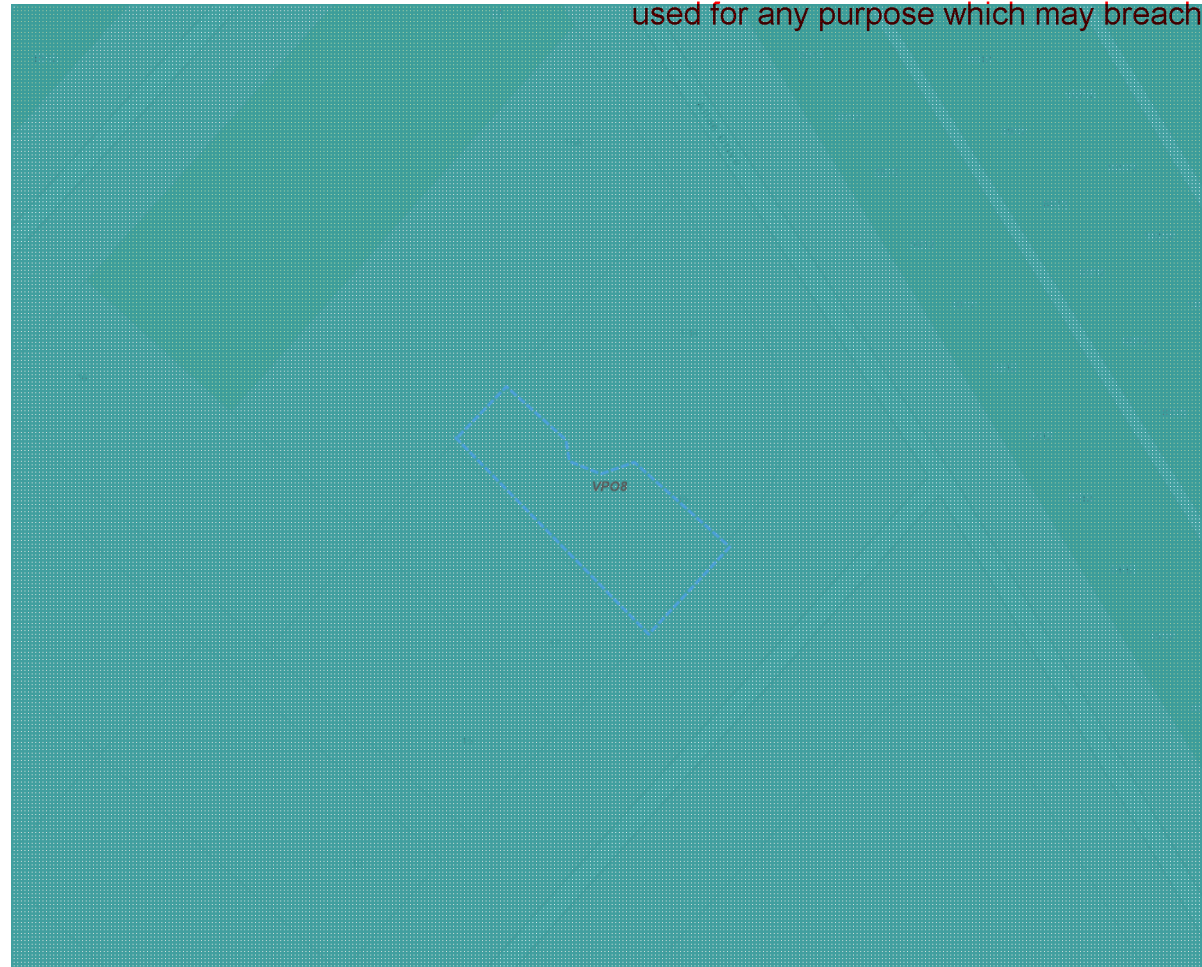


Figure 5 – Vegetation Protection Overlay – (source - mapshare.vic.gov.au)

Aboriginal Cultural Heritage

Under the provisions of the *Aboriginal Heritage Act 2006* the subject site is recognised as being within an area of Aboriginal Cultural Heritage Sensitivity. An application for a liquor licence is an exempt activity and as such a Cultural Heritage Management Plan is not required.

An extract of the Aboriginal Cultural Heritage Overlay Map is provided in **Figure 6**.

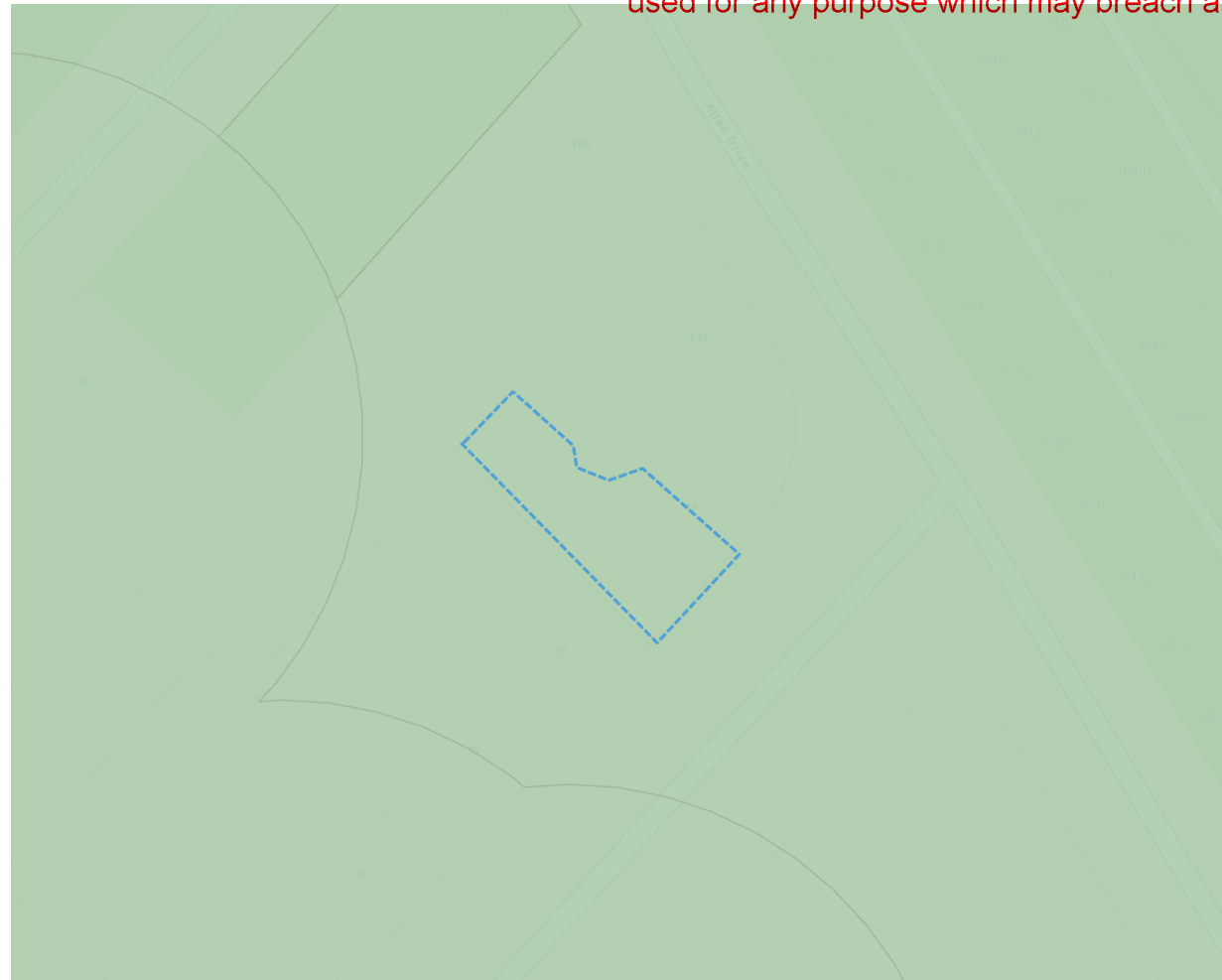


Figure 6 – Aboriginal Cultural Heritage Overlay – (source - mapshare.vic.gov.au)

Clause 52.27 – Licensed Premises

The purpose Clause 52.27 is:

- *To ensure that licensed premises are situated in appropriate locations.*
- *To ensure that the impact of the licensed premises on the amenity of the surrounding area is considered.*

These provisions apply to premises licensed, or to be licensed, under the *Liquor Control Reform Act 1998*.

A permit is required to use land to sell or consume liquor if a license is required under the *Liquor Control Reform Act 1998*.

This application is seeking approval for a liquor licence for the consumption of liquor on the premises and does not fall within any of the exemptions available under this clause and therefore a permit is required.

The decision guidelines of Clause 52.27 are addressed below in Section 5.

Social Impact Guidelines for Development Applications – East Gippsland Shire Council

The Social Impact Guidelines for Development Applications – East Gippsland Shire Council (The Guidelines) outlines the need to ensure that social considerations are an integral part of any proposed development application.

Section 4.2 of the guidelines identifies the triggers for a Social Impact Comment or a Social Impact Assessment, however Council can request a Social Impact Comment or a Social Impact Assessment if it determines it is necessary.

There is no trigger for a liquor license application to undertake either a Social Impact Comment or a Social Impact Assessment.

To summarise the points identified to be addressed by a Social Impact Comment, in relation to this proposal we offer:

- The proposal will not alter the population.
- The proposal will not benefit or disadvantage any particular population cohort or group in the community.
- The proposal will not detrimentally alter the existing employment in the area.

Staff will undertake further training if required in order to comply with the requirements of the Victorian Gambling and Casino Control Commission.

- The proposal will not impact housing stock.
- It is not expected that the proposal will result in any detrimental impact on current social, recreation or community infrastructure.
- There is not likely to be any impact on the existing flow of traffic surrounding the site or any impact to pedestrians.

5. PLANNING ASSESSMENT

This proposal has been assessed against the objectives and standards of applicable clauses of the East Gippsland Planning Scheme and it is considered that the proposed liquor licence is appropriate for the following reasons:

- The proposal meets the objectives of the Municipal Planning Strategy at **Clause 02** and the Planning Policy Framework at **Clause 10** providing for a liquor licence that will provide an additional element to an existing high quality food business which will result in a positive outcome for the overall community and local economy.
- **Clause 02.03-1** identifies Mallacoota as a coastal settlement. Mallacoota is located in the far east of the Shire and is a very popular holiday location and a retirement area.
- This application seeks approval for a liquor licence that will support and enhance an existing food business which will consequently result in a positive contribution to the economic sector of Mallacoota. **Clause 17** considers all sectors to be critical in achieving economic prosperity.
- The subject site is zoned Commercial 1 Zone. As part of the purpose of the Commercial 1 Zone includes seeking to create vibrant mixed use centres for retail

and entertainment, this proposal is considered to be consistent with the objectives of the zone and supports the existing commercial area.

- The proposal is consistent with the decision guidelines of **Clause 52.27** Licenced Premises which seeks to ensure that licensed premises are situated in appropriate locations and to ensure that the impact of the licensed premises on the amenity of the surrounding area is considered.
- There are residential dwellings and accommodation properties within proximity of the subject site however are unlikely to be impacted as a result of the consumption of liquor on the premises. The amenity of the area can be suitably protected by the measures outlined in the Venue Management Plan contained in **Appendix C** which stipulates hours of operation, patron requirements and code of conduct.
- The proposed consumption of liquor on this site is not expected to have a detrimental impact on the amenity of the surrounding area. Other licensed premises within the township of Mallacoota and surrounding areas consist of pubs/hotels, clubs, cafes/restaurant and holiday parks. There is no evidence of any issues within the

immediate area as a result of alcohol or licensed premises.

- It is proposed to serve liquor with food on the subject site. The proposed hours of consumption will be between 11am and 11 pm. The number of patrons will be varied at different times however will have a maximum of 150 patrons. Food will continue to be the primary focus of the business.
- The area will be clearly controlled by appropriate management and security if deemed necessary.
- Access will be pedestrian only via the southern boundary directly from Dorron Avenue.
- This submission has addressed the decision guidelines of **Clause 65** and the proposed liquor licence supports orderly planning of the area whilst taking into consideration the potential effect on the environment, human health and the amenity of the area. The proposal does not require the removal of any native vegetation and there will be no negative impact on the existing road network.
- The proposal does not require any new buildings or works.
- There are no factors of this proposal that are likely to cause or contribute to land

degradation, salinity or reduce water quality.

- The proposal is deemed to be an appropriate use particularly given the existing food business occupying the site that has previously been approved by Council.
- This proposal is considered to result in a positive contribution to the Mollacoota commercial centre.

6. CONCLUSION

This submission is in support of a planning permit application for a liquor licence at 19 Dorron Avenue, Mallacoota.

The relevant provisions of the East Gippsland Planning Scheme have been addressed and it has been ascertained that the proposal is appropriate in this location. It is requested that the proposal be supported for the following reasons:

- The proposal is consistent with the objectives and strategies outlined in the Municipal Planning Strategy and the Planning Policy Framework.
- The proposal is consistent with the objectives of the Commercial 1 Zone.
- The proposal is consistent with the objectives of Clause 52.27 licensed premises.
- The proposal will enhance and support a thriving food business that provides high quality products and supports economic prosperity for the area.

It is requested that a planning permit be granted for this application.

Development Solutions Victoria

Disclaimer:

This document has been prepared for planning permit application purposes only. The report has been made with careful consideration and with the best information available to Development Solutions Victoria Pty Ltd at the time.

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