

***SUBMISSION TO
YARRIAMBIACK SHIRE COUNCIL***

TOWN PLANNING PERMIT APPLICATION FOR
SALE AND CONSUMPTION OF LIQUOR IN ASSOCIATION WITH A FOOD
AND DRINK PREMISES (RESTAURANT) AND REDUCTION IN CAR
PARKING.

165-167 Scott Street, Warracknabeal, Victoria

December 2023

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1. INTRODUCTION

The subject site, located at 165-167 Scott Street, Warracknabeal has been used as a food and drink premises for several years. The site is currently operating successfully as 'The Local 165 Cafe' and is now seeking to expand their offering by selling liquor for consumption on the premises. Furthermore, the operation will not provide any off site car parking and will therefore require a reduction of car parking in accordance with the Yarriambiack Shire Planning Scheme.

The Food and Drink Premises operation will require a 'Restaurant and Cafe' Liquor Licence to sell liquor in association with the sale of food.

The application has been assessed against the relevant provisions of the Yarriambiack Planning Scheme and is considered suitable against assessment of the relevant State and Municipal Planning Policies.

This report includes a cumulative impact assessment pursuant to the relevant provisions of the Yarriambiack Planning Scheme.

2. SITE CONTEXT

2.1 The Site

The subject site is known as 165-167 Scott Street, Warracknabeal and is located on the corner of Lyle Street and Scott Street. The land is zoned Commercial 1.

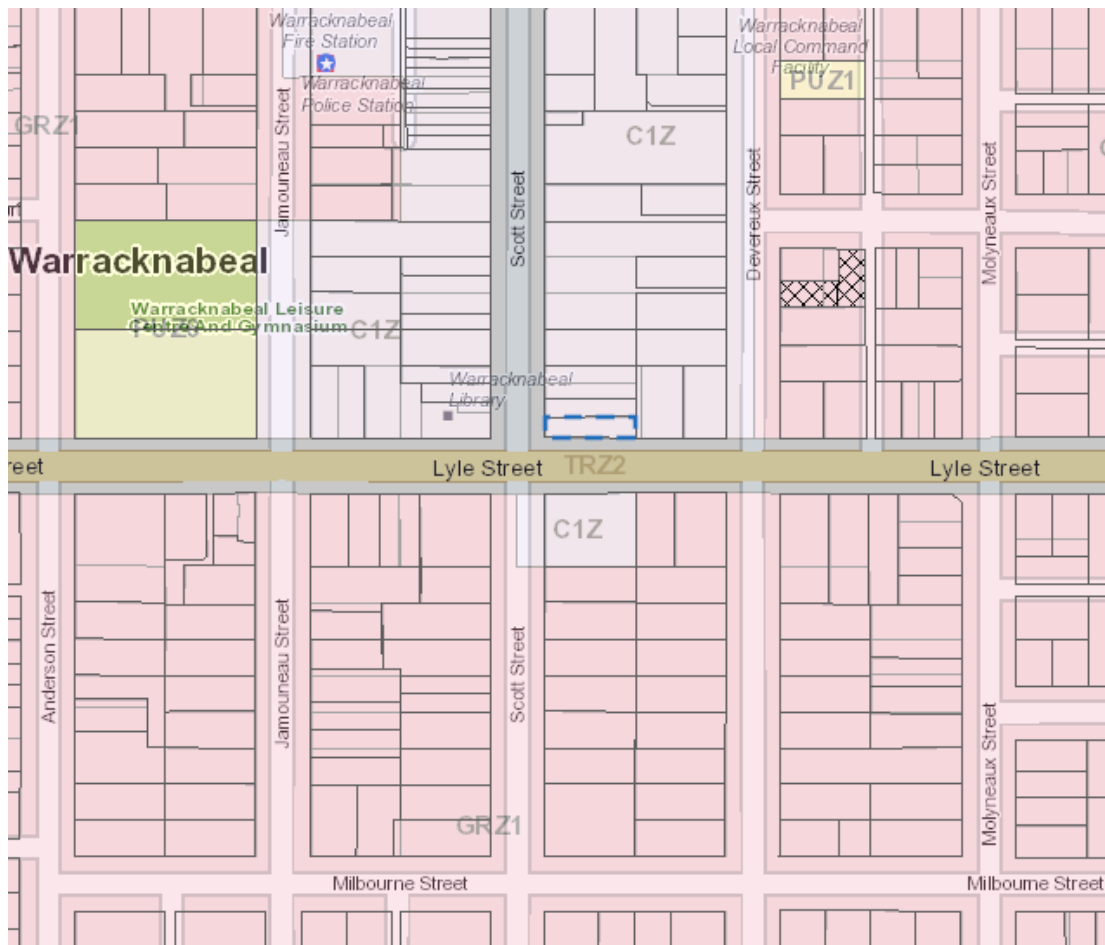


Figure 1 - Location

The site sits across two separate parcels of land known as Lot 1 TP613604 and Lot 1 TP412575.

A copy of the Title and Title plan accompany the permit application. There are no restrictions or encumbrances on the Title that would affect the use of the land in the manner proposed in this application.

The site is rectangular in shape, measuring 497m² and abuts Scott Street to the West and Lyle Street to the south.

The site has an existing single storey building and associated awning structure. The building occupies over half of the site with no on-site parking provided on the site. There are no buildings and works proposed on the site other than internal and external decoration and furniture which will not trigger any planning permit requirement for buildings and works.



165 - 167 Scott Street, Warracknabeal - Western Elevation



165 - 167 Scott Street, Warracknabeal - Northern Elevation

2.2 Surrounding area

The site is located on a major commercial thoroughfare along Scott Street, within a Commercial 1 Zone. The site abuts commercial properties to the north, south and west.



Looking east from the subject site across Scott Street.

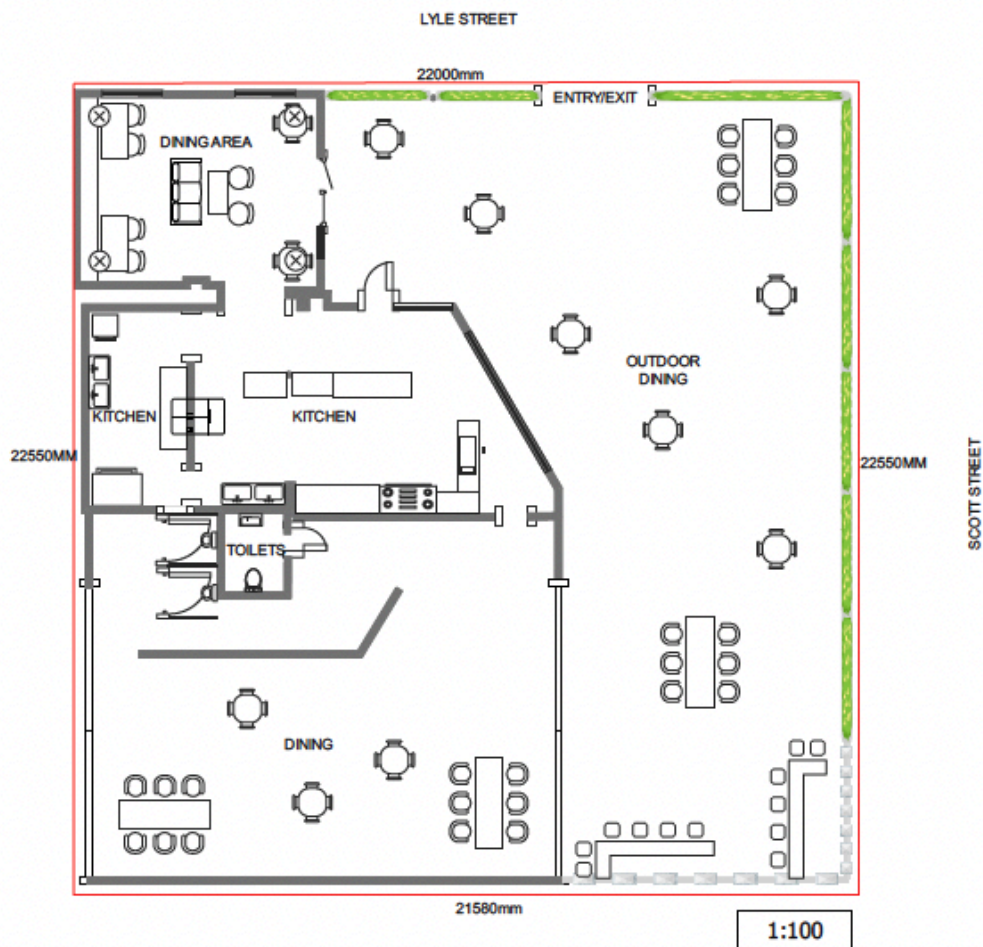


Looking south from the property, across Lyle Street is a Commercial 1 Zoned Petrol Station. Surrounding the petrol station is zoned General Residential 1.

2.3 Summary of proposal

The proposal seeks a planning permit for the sale and consumption of liquor in association with an existing food and drink premises (restaurant), as well as to permit a waiver of the car parking requirements in accordance with 52.06 of the Yarriambiack Planning Scheme.

The site is situated within the Commercial 1 Zone, and therefore no planning permit is required for the use of the site as a Food and Drink Premises (Restaurant). Further, no buildings and works are envisaged for the site other than internal and external decoration which will not trigger a requirement for a planning permit.



Proposed Red Line Plan - 165-167 Scott Street, Warracknabeal VIC

Sale and Consumption of Liquor

As part of the proposal, the applicant seeks to apply to Liquor Control Victoria for a Restaurant and Café Licence for the purposes of selling liquor for on premise consumption in association with the existing use. In accordance with 52.27 of the Yarriambiack Planning Scheme, a planning permit is required to use land to sell or consume liquor if a licence is required under the *Liquor Control Reform Act 1998*.

The sale and consumption of liquor in association with the existing use is proposed to trade under ordinary trading hours for a Restaurant and Cafe Licence as published by Liquor Control Victoria. These hours are:

Monday to Saturday: 7am to 11pm.

Sunday: 10am to 11pm.

ANZAC Day, Good Friday: 12pm to 11pm.

The proposed patron capacity of the venue is **100 patrons**. It is proposed that there will be a maximum of six (6) staff members on the premises at any one time.

Provision of Car Parking

The subject site is not located within a specified schedule to the Parking overlay and as such, Column A of 52.06-5 is the relevant authority for parking rates applicable to the site. A food and drink premises (restaurant) must provide a flat rate of 0.4 car parking spaces per patron permitted. Based on a proposed patron capacity of 100, the site must provide 40 car parking spaces. In this instance, there is no onsite car parking provided and therefore the applicant is seeking a permit to waive the car parking requirements for the site by 40 car spaces.

A detailed Parking Demand Assessment has been completed by Traffkd and is attached to this planning permit application for your review. The assessment details that there is sufficient on street parking available to justify the waiver of car parking requirements.

Signage

Business Identification Signs are not contemplated as part of this application. Signs may be erected on the site so long as they are within the limits as defined under 52.05-11 of the scheme.

Buildings and Works

The applicant proposes to complete minor decoration and refurbishment such as paintwork that in this instance does not trigger a permit for buildings and works in accordance with the scheme.

3. RELEVANT YARRIAMBIAICK PLANNING SCHEME CONTROLS

3.1 Zone

The site is located within the Commercial 1 Zone as defined by the Yarriambiack Planning Scheme. An extract of Map 31 of the Yarriambiack Planning Scheme Maps is provided below as Figure 2 showing the zoning of the land.

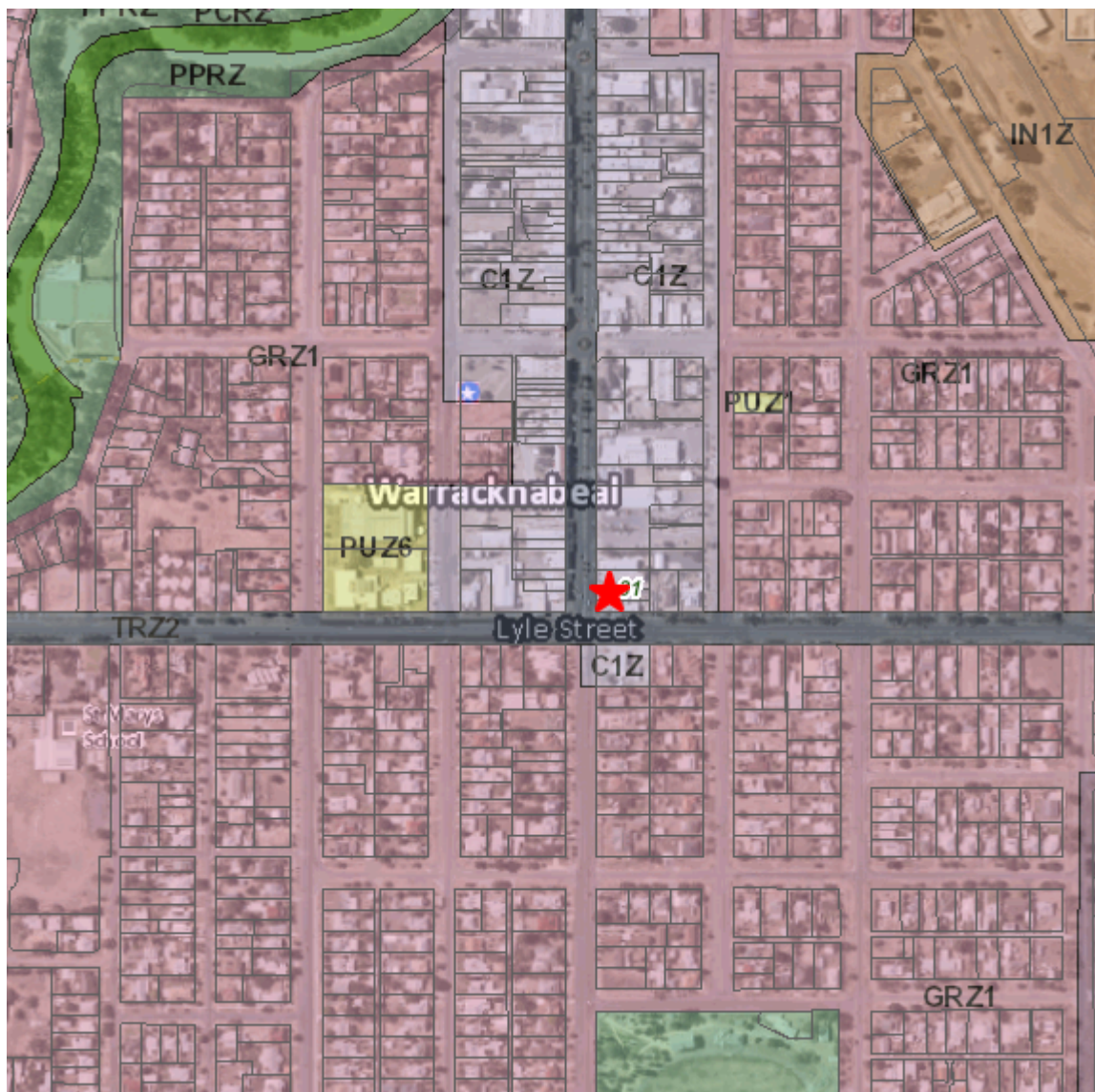


Figure 2 – Zoning Plan (Source: VicPlan)

The relevant purpose of the Zone includes:

- To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.

Pursuant to Clause 34.01-1 – Table of Uses – the use of land for a Food and Drink Premises (Restaurant) is a Section 1, Permit not required land use.

3.2 Particular Provisions

Clause 52.06 – Car Parking

The Table to Clause 52.06-5 stipulates a car parking rate for a Restaurant.

Clause 52.06 also states that “a permit may be granted to reduce or to waive the number of car spaces required by the table” where the responsible authority is satisfied that such a waiver or reduction is justified by;

- The availability of car parking in the locality.
- The availability of public transport in the locality.
- Any credit which should be allowed for a car parking demand deemed to have been provided in association with a use which existed before the change of parking requirement.

A Car Parking Demand Assessment and associated report prepared by Traffkd Pty Ltd has been submitted as part of this application, with a response to Clause 52.06 of the planning scheme.

Clause 52.27 – Licensed Premises

Pursuant to Clause 52.27 – Licensed Premises – a permit is required to use land to sell or consume liquor where any of the following apply:

- A licence is required under the *Liquor Control Reform Act 1998*.

Before deciding on an application made under this clause, the Council must consider, as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.
- The impact of the hours of operation on the amenity of the surrounding area.
- The impact of the number of patrons on the amenity of the surrounding area.
- The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.

General Provisions

Clause 65 of the Yarriambiack Planning Scheme outlines the following decision guidelines that Council must have regard to for the approval of any application or plan:

- The matters set out in section 60 of the Act.
 - Any significant effects the environment, including the contamination of land, may have on the use or development.
 - The Municipal Planning Strategy and the Planning Policy Framework.
 - The purpose of the zone, overlay or other provision.
 - Any matter required to be considered in the zone, overlay or other provision.
 - The orderly planning of the area.
 - The effect on the environment, human health and amenity of the area.
 - The proximity of the land to any public land.
 - Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
-

- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- The extent and character of native vegetation and the likelihood of its destruction.
- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.
- The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.
- The impact the use or development will have on the current and future development and operation of the transport system.

3.3 Planning Policy Framework

The broad strategic directions are articulated in the Purpose and Vision and Planning Policy Framework sections of the Yarriambiack Planning Scheme, and the relevant sections are summarised below.

Clause 02.02- Vision

Yarriambiack Shire's vision is to provide a viable, sustainable and vibrant future.

From a land use and development perspective, Council intends to achieve its vision through the implementation of the following objectives:

- A place to live and grow.
- A safe and active community.
- A sustainable environment.
- A planned future.

Clause 17.01-1S – Diversified Economy

The purpose of this clause is to strengthen and diversify the region's economy. Relevantly this clause states the strategy states:

- Facilitate growth in a range of employment sectors, including health, education, retail, tourism, knowledge industries and professional and technical services based on the emerging and existing strengths of each region.
- Improve access to jobs closer to where people live.

Clause 17.02-1S – Business

To encourage development that meets the community’s needs for retail, entertainment, office, and other commercial services, relevantly the strategy states:

- 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.
 - Provide small scale shopping opportunities that meet the needs of local residents and workers in convenient locations.
-

4. PLANNING ASSESSMENT

4.1 Municipal Planning Strategy and the Planning Policy Framework

The proposal is consistent with the MSS and Local Planning Policy in relation to the Commercial 1 Zone. The proposal will make a contribution to realising the vision set out for the shire, namely supporting the objective of creating a shire that is a place to 'live and grow'. The proposal seeks to support local amenity by creating a conveniently accessible social space for the local public to enjoy - without having to leave the local area.

The proposal supports the shire's objective of developing a diversified economy by further developing existing retail premises, with the real potential to support tourism for Warracknabeal. Further, the grant of a liquor licence will increase the realistic hours of operation of the site which will translate into increased employment.

The proposal also supports the shire's objective in relation to businesses, by further developing an existing retail and entertainment establishment. Relevantly, the proposal is congruent with this clause as the proposal relates to a site located within an existing activity centre and provides for small scale retail opportunities that meets the needs of residents.

4.2 Purpose of the Zone

The proposal is congruent with the purpose of the Commercial 1 Zone. The Commercial 1 Zone is the principal zone for commercial activity including for retail related uses and the associated sale and consumption of liquor.

4.3 Car Parking

The attached report by Traffkd Pty Ltd Consultants provides a response and justification for the waiver of car parking necessary to realise the proposal.

4.4 Liquor Licence - Amenity Considerations

Amenity of Surrounding Area

Due consideration has been given to the potential amenity impacts on nearby sensitive areas arising out of the proposed sale and consumption of liquor.

The location of the premises abuts a residential property to the east as well as residential properties across Lyle Street to the South West and South East. Whilst there is anticipated to be an increase in activity in the area attributed to this proposal, given the nature of the licence sought it is not expected that this increased activity will cause undue detriment to the residential amenity of the area.

The sale of liquor on the site is not considered to be unreasonable in this context, given the licence sought for this site is a Restaurant and Cafe licence, which requires that the service of food be the predominant activity at all times on the premises. As such, the sale of liquor is regarded as ancillary to the service of food (and coffee) under such a licence.

Hours of operation

The proposed permitted hours for the sale and consumption of liquor are as follows:

- Monday to Saturday: 7am to 11pm.
- Sunday: 10am to 11pm.
- ANZAC Day, Good Friday: 12pm to 11pm.

The proposed hours are in accordance with the **ordinary trading hours** as published by Liquor Control Victoria. As such it is not anticipated that these operating hours are considered unreasonable for a site located within the Commercial 1 Zone or will cause a negative impact on the amenity of nearby residents. Notwithstanding, the following conditions are proposed to be

applied to any granted planning permit in order to limit the risk of any adverse amenity impacts from the site relating to the hours of operation:

- Outdoor areas must close at 10pm.
- Music in outdoor areas must cease at 10pm.
- Background music only, unless the music is played in an area designated for a private function.
- 'General Amenity Clause'
- Entertainment noise from the venue must be in compliance with the limits prescribed in EPA Publication 1826.4.

Such conditions will reduce any adverse amenity risk to neighbouring properties in the evening period.

Patron Capacity

The proposal seeks permission to have up to 100 patrons on the site at any one time. In consideration of the size of the site (497m²), this relates to a patron density of 1 person for every 12.43m². This is quite reasonable, when considering that Liquor Control Victoria requires at a minimum, 0.75m² for each patron.

In accordance with the parking demand assessment completed by Traffkd, there is ample on street parking available nearby to the site to allay concerns that the patron capacity may lead to adverse amenity impacts due to parking.

A restaurant and cafe licence also requires that 75% of patrons have an available seat at any time, therefore reducing the chance of vertical drinking which is attributed to higher volumes of noise as may be expected from a bar operation.

4.5 Decision Guidelines

Below is a response to the standard decision guidelines that the responsible authority must give regard to for any application under the scheme.

- **The Municipal Planning Strategy and the Planning Policy Framework.**

As discussed above.

- Any significant effects the environment, including the contamination of land, may have on the use or development.

Not relevant in relation to this proposal.

- **The purpose of the zone, overlay or other provision.**

As discussed above.

- **Any matter required to be considered in the zone, overlay or other provision.**

As discussed above.

- **The orderly planning of the area.**

As discussed above.

- **The effect on the environment, human health and amenity of the area.**

As discussed above.

- **The proximity of the land to any public land.**

Not relevant in relation to this proposal.

- **Factors likely to cause or contribute to land degradation, salinity or reduce water quality.**

Not relevant in relation to this proposal.

- **Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.**

Not relevant in relation to this proposal.

- **The extent and character of native vegetation and the likelihood of its destruction.**

Not relevant in relation to this proposal.

- **Whether native vegetation is to be or can be protected, planted or allowed to regenerate.**

Not relevant in relation to this proposal.

- **The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.**

Not relevant in relation to this proposal.

- **The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.**

Discussed in section 6 of the Parking Demand Assessment prepared by Traffkd.

- **The impact the use or development will have on the current and future development and operation of the transport system.**

Not relevant in relation to this proposal.

5. CUMULATIVE IMPACT ASSESSMENT

5.1 Introduction

This report assesses whether the proposed new restaurant and cafe liquor licence for the site at 165-167 Scott Street, Warracknabeal is appropriate from a cumulative impact perspective.

The venue is currently operating as a food and drink premises (restaurant), without a liquor licence. Planning approval is now sought for the site to operate under a restaurant and cafe licence issued in accordance with the *Liquor Control Reform Act 1998*.

This Cumulative Impact Assessment has been developed in accordance with Clause 52.27 of the Yarriambiack Planning Scheme, as well as Planning Practice Note 61.

Given that sale and consumption of liquor on the site is ancillary to the sale and consumption of food, this assessment has been completed in proportion to the likely impact of the proposal - which is proposed to be minor.

5.2 Overview of Venue Operations

The proposal seeks permission to allow the sale and consumption of liquor on the site during ordinary trading hours as defined under the *Liquor Control Reform Act 1998* (as discussed in the above report). In accordance with a restaurant and cafe licence, the sale of food is to be the predominant activity on the site, with the sale of liquor only to occur when food is being served.

The proposed capacity for the venue is 100 patrons.

There are also proposed conditions that are supported by the applicant in order to support in the management of any potential adverse amenity impacts, which are:

- Outdoor areas must close at 10pm.
 - Music in outdoor areas must cease at 10pm.
 - Background music only, unless the music is played in an area designated for a private function.
 - 'General Amenity Clause'
 - Entertainment noise from the venue must be in compliance with the limits prescribed in EPA Publication 1826.4.
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5.2 Planning Policy Context

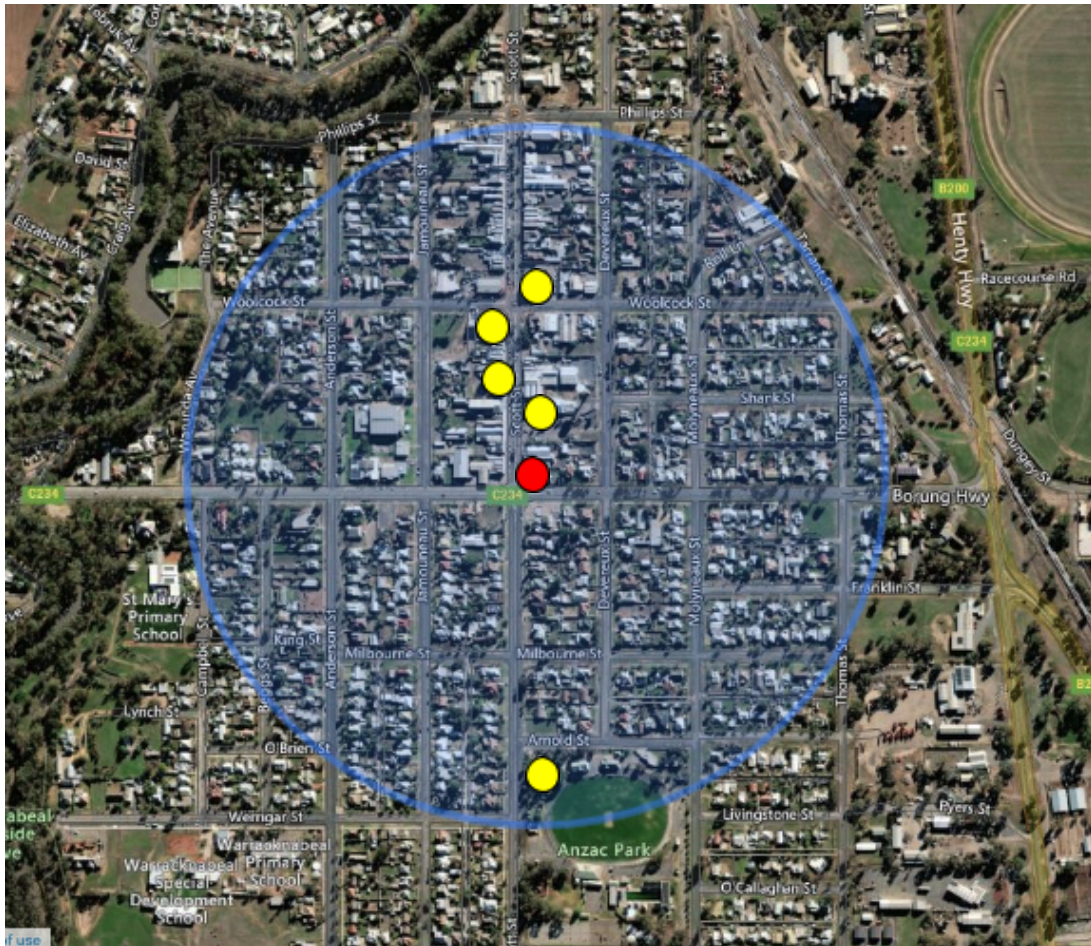
Please refer to Section 4 of the above report.

5.2 Surrounding Land Use Mix and Amenity

Please refer to Section 2 of the above report.

5.3 Cumulative Impact Considerations

Being within an activity centre, there are a number of licenced premises within close proximity, which is detailed below. The below map shows the site (red) and all other licenced premises (yellow) within a 500m radius of the site, which is considered the relevant area for review for a Cumulative Impact Assessment.



The following businesses operate in conjunction with a liquor licence within a 500m radius of the site.

- Ritchies IGA Plus Liquor - Packaged Liquor Licence
- Royal Mail Hotel - General Liquor Licence
- FoodWorks Liquor - Packaged Liquor Licence
- Taylors Hotel (Liquor Savers) - General Liquor Licence
- Warracknabeal Community Centre - Renewable Limited Licence

Assessment

An assessment of the locality shows the following mix of licenced premises:

Licence Type	Number
Packaged Liquor	2
Limited	1
On-premises	0
Restaurant & Cafe	0
BYO Licence	0
General	2
Late Night	0
Total	5

An assessment of the immediate context shows a small mix of venues as typical for a main street in a town of this size. As demonstrated by the table above, there are no existing restaurant and cafe licences in the immediate locality, with on-premise consumption taking place under either a general licence or limited licence.

The proposal seeks operating hours with a closure of 11pm, earlier than most other on-premise consumption venues in the area. This ensures that there is a balanced distribution of the dispersal of patrons onto streets.

Furthermore, it is relevant that vertical drinking is not encouraged under a restaurant cafe licence, as the emphasis must be placed on the sale and consumption of food on the site. This is compared to the general licence, which allows for the sale of liquor without the sale of food.

The application will promote a diversity of venue types in the area by hosting the first restaurant and cafe licence in Warracknabeal, with patrons required to vacate the premises after 11pm, noting that patrons will not be allowed to occupy the outdoor areas after 10pm (except for access and egress). Given the limited number of venues in the locality, and also given the diverse operational hours of other licensed venues, it is not anticipated that there will be a negative cumulative impact on the area by endorsing this proposal.

5.4 Transport and Dispersal

There is limited public transport servicing Warracknabeal, therefore patrons will be expected to either drive to the premises, cycle or walk.

Given the location, within reasonable distance to housing, it is expected that many patrons will walk to the premises.

Patrons who choose to drive to the premises, have access to ample on street parking, as detailed in the accompanying report provided by Traffkd. Given the emphasis on food, and the requirement that food be the predominant activity on the site, many patrons may choose to drive to the premises.

5.5 Impact Mitigation

Existing Context

The area contains a small number of licensed premises for the purpose of consuming liquor on the premises. The site is located within the principal activity centre of the township, where activities such as what is proposed is encouraged. Whilst there are a number of residential properties to the east and south west/east of the site, there is a tempered expectation of amenity given the site is located within an activity centre. Notwithstanding, there are proposed operational conditions suggested to ensure that nearby residential interfaces do not experience any undue detriment to their amenity.

Assessment

Given the proposal seeks approval for a restaurant and cafe licence, it is not envisaged that intoxication will be an issue at this particular site, given the predominant activity must be the sale and consumption of food on the site. Furthermore, the applicant proposes a number of conditions, including the limitation of live music and the early closure of the outdoor areas, which should allay any concerns of detrimental impact to neighbouring amenity by way of noise.

6. CONCLUSION

Principally, the proposal is in keeping with the State and Municipal planning framework as set out in the Yarriambiack Planning Scheme. The location of the premises is determined to be not only suitable, but a preferred location for the proposed sale and consumption of liquor.

In accordance with the above cumulative impact assessment, it is not envisaged that the grant of this permit will result in a negative cumulative impact, given the relatively small number of licensed premises in the area, the diversified closing times and the nature of the licence sought by this application.

Amenity has been considered as part of this application, and a number of operational conditions have been proposed in order to prevent undue detriment of nearby residential amenity.

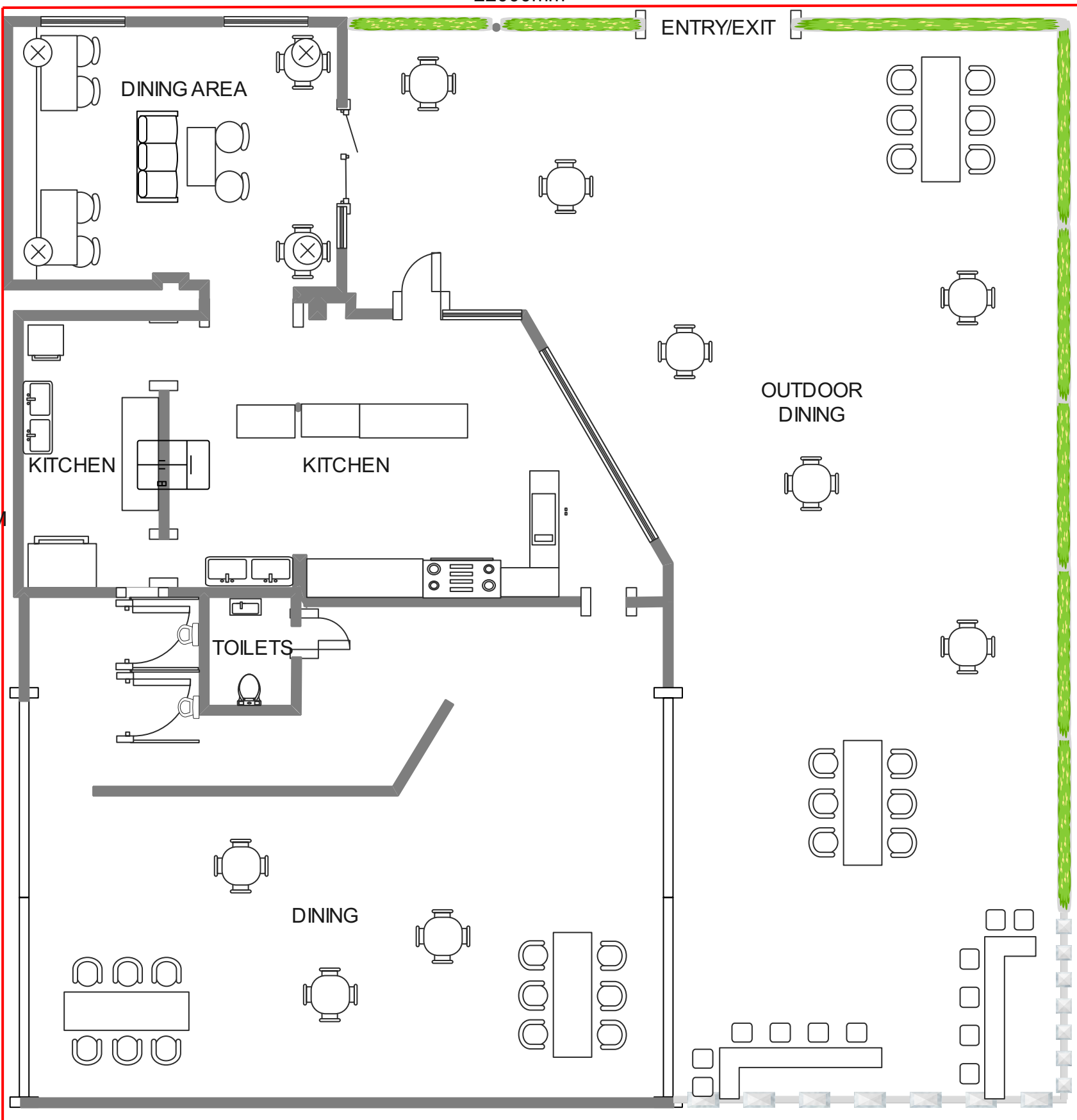
With respect to the waiver of car parking requirements, the enclosed report by Traffkd justifies that a waiver of car parking be granted in this instance, given the adequate supply of on-street parking available adjacent to the premises.

It is respectfully submitted that the proposal is appropriate and that Council should support the application.

LYLE STREET

22000mm

ENTRY/EXIT



22550MM

22550MM

SCOTT STREET

21580mm

1:100

**PARKING DEMAND ASSESSMENT
PROPOSED INCREASE IN
NUMBER OF PATRONS –
RESTAURANT**

**165-167 Scott Street, Warracknabeal,
VIC 3393**

**Prepared for The Lot Group
20 November 2023
File Reference: 17023**

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w**

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1.0 Introduction and Scope

Traffkd has been retained by The Lot Group to prepare a Parking Demand Assessment for a proposed restaurant located at 165-167 Scott Street, Warracknabeal VIC.

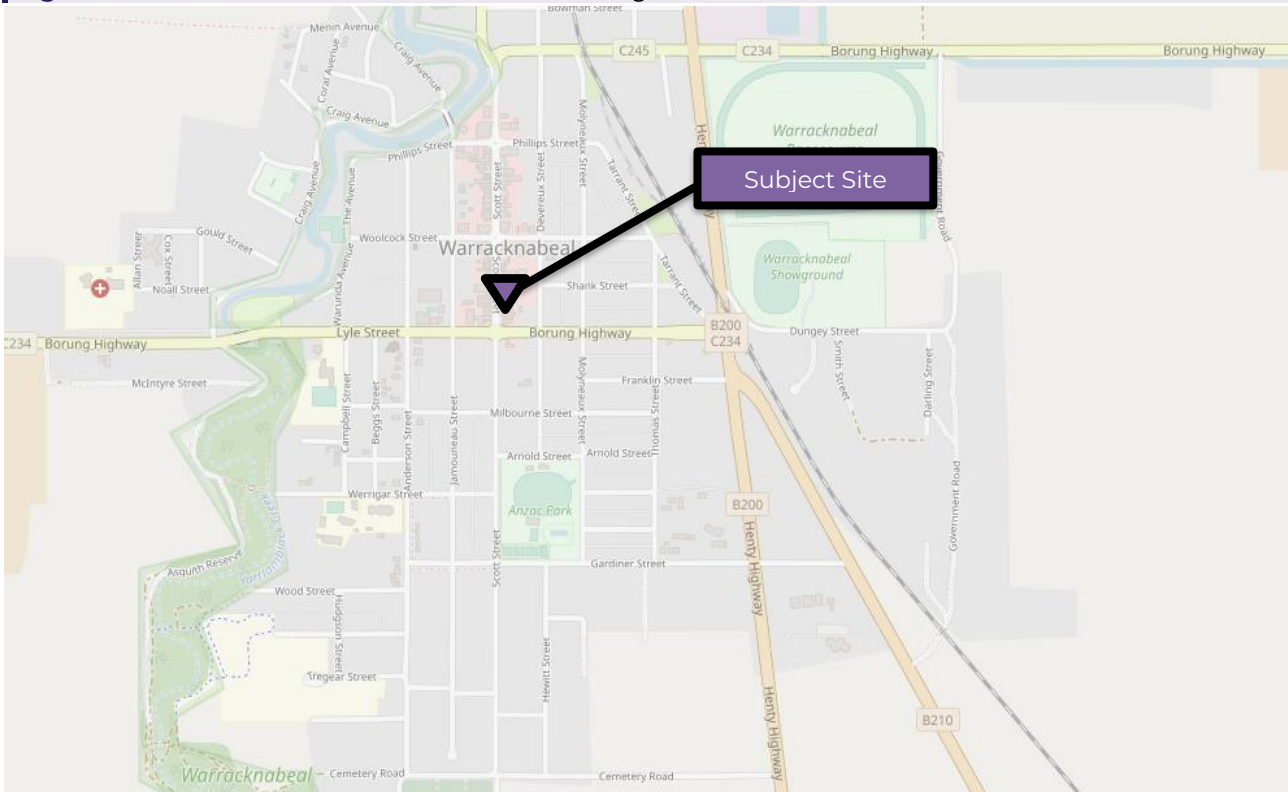
The following report addresses the adequacy of the on-site parking provision and the anticipated impacts of the proposal, including the parking reduction sought by the proposal. The report concludes that there are no parking grounds that should warrant the refusal of the sought Planning Permit.

2.0 Current Conditions of Site and Surrounds

2.1. The site

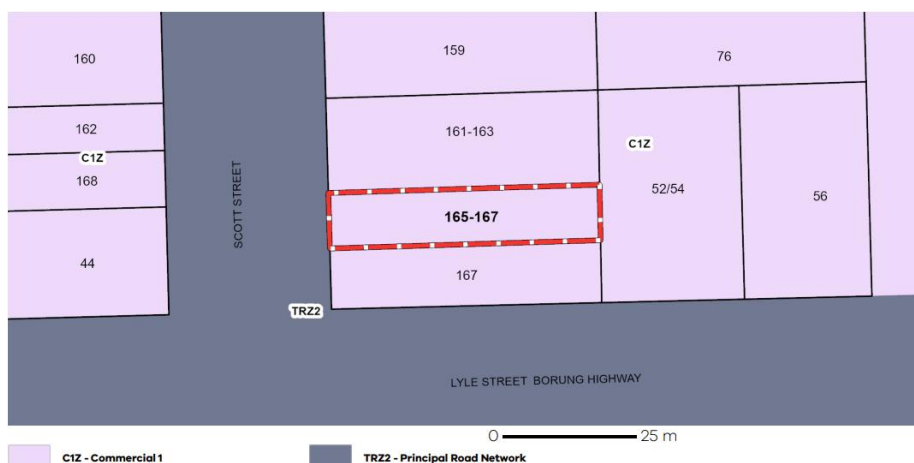
The subject site is located at 165-167 Scott Street, Warracknabeal VIC. The site is located within a commercial area proximate to the corner of Scott Street and Borung Highway (Lyle Street). The site is rectangular in shape and measures 497 m². Vehicular access is provided is proposed via the existing 5.7-metre-wide single crossover with access from Scott Street.

Figure 1. Location of the site within the surrounding road network.



The site is located within a Commercial Zone 1 (C1Z) as set out in the Yarriambiack Planning Scheme. Other uses surrounding the site include mainly residential and commercial uses which comprise of retail uses, two service stations and food and drink located along Scott Street. The figure below shows the site's location within the Commercial Use Zone.

Figure 2. Planning and Zoning of the site and surrounds.



2.2. The Street Network and Site Access

The subject site is located at the northeast corner of the intersection of Scott Street / Lyle Street. Scott Street is a Council Road and is a collector road. The road accommodates a dual carriageway in a north – south direction with one traffic lane operating in each direction and with kerbside angled parking. Angled parallel parking is accommodated on both sides of the carriageway proximate to the subject site.

Figure 3. *Scott Street – facing North*



Figure 4. *Scott Street – facing South*



Lyle Street / Borung Highway is a primary state arterial road (TR22, part of the Principal Road Network). The road accommodates a single carriageway in an east-west direction with one traffic lane operating in each direction. Parking is accommodated on both sides of the carriageway proximate to the subject site.

Figure 5. Lyle Street – facing east



Figure 6. Lyle Street – facing West



Figure 7. Subject site frontage to Scott Street



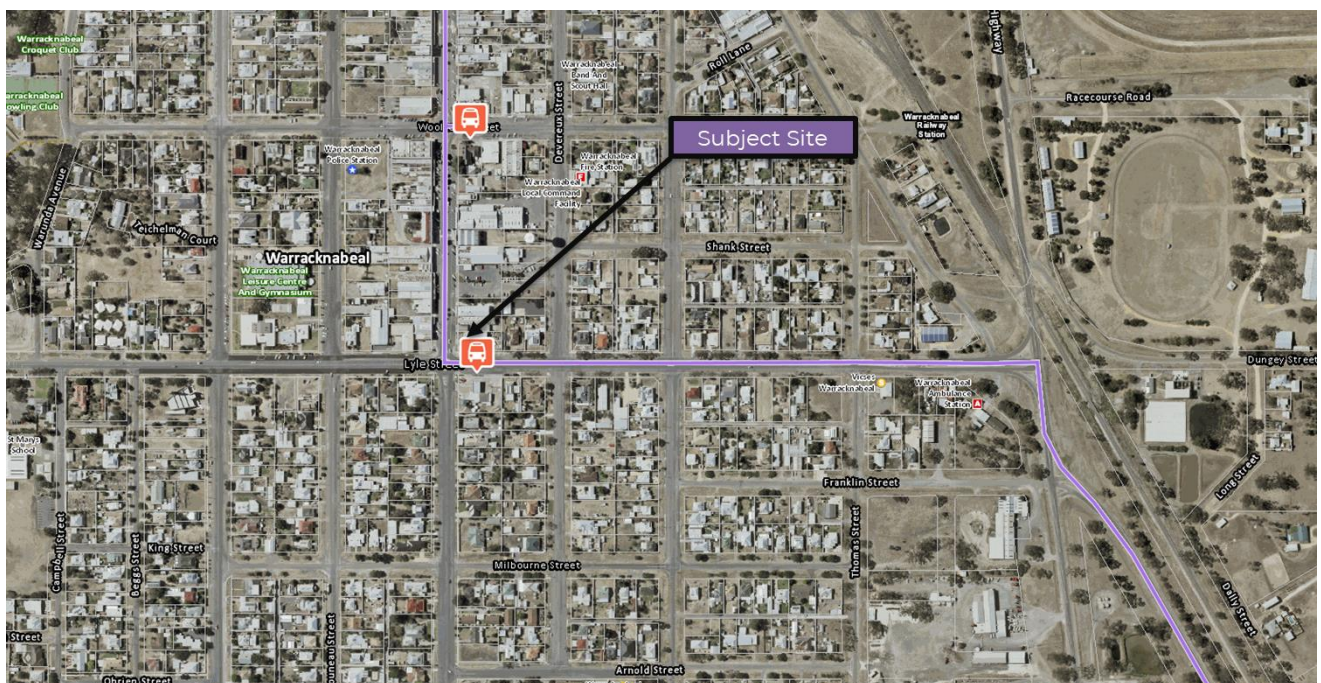
2.3. Public Transport Facilities within Close Proximity of the Site

The site is accessible by public transport facilities with bus services operating within a convenient walk from the site. The public transport provision within close proximity of the site is summarised in the table below.

Mode	Service	Distance of Terminus from Site
Bus	Horsham to Mildura via Ouyen – Warracknabeal Line	70 metres from the subject site Borung Highway
V-Line	Ouyen to Melbourne via Ballarat and Warracknabeal.	260m north of the site along Woolcock Street

Figure 8 shows the bus and V-line routes proximate to the subject site.

Figure 8. Public transport provision proximate to subject site



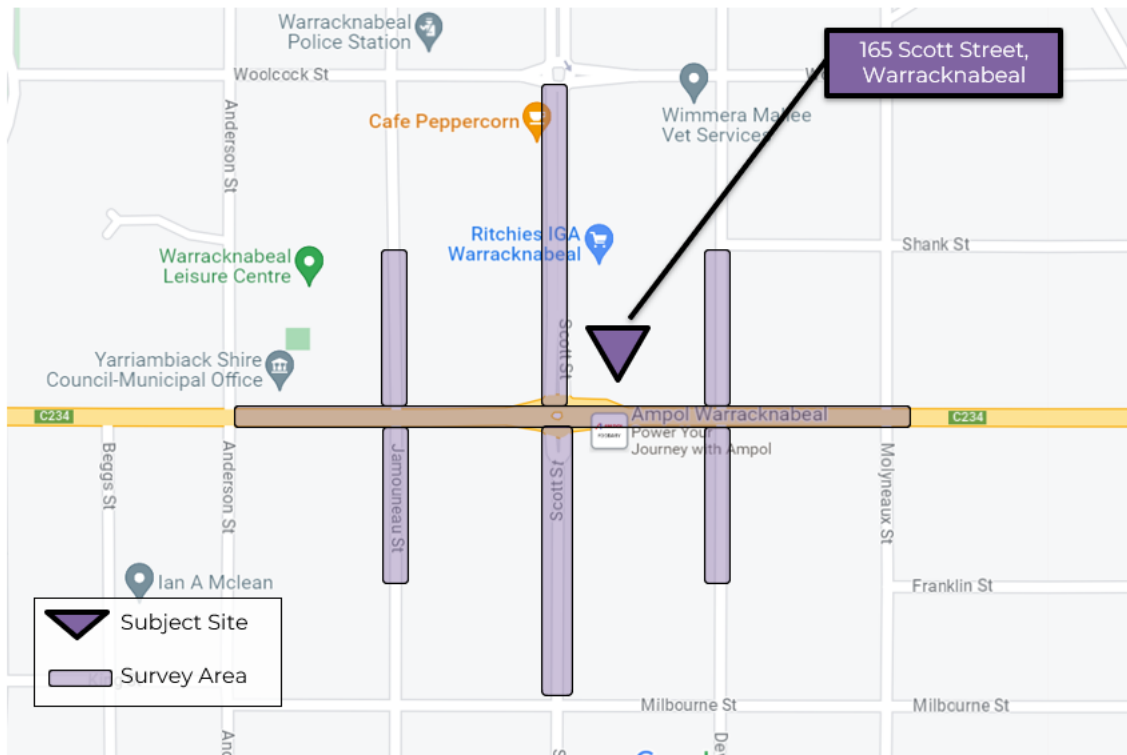
Public transport is a practical option for staff and visitors of the site given the bus service and V-line service operating proximate to the site.

2.4. Existing Public Transport Facilities within Close Proximity of the Site

Traffkd has undertaken parking utilization surveys within close proximity of the site to determine the existing parking demand surrounding the site. The survey area is depicted below, in Figure 8. Parking occupancy surveys were conducted during the following times:

- Friday 3 November 2023 11:30 am – 8:10 pm
- Saturday 4 November 2023 10:50 am – 8 pm

Figure 9. Survey Area



The parking demand surveys undertaken by Traffkd indicate that there is an excess of 166 and 191 parking spaces available, proximate to the site on weekdays and a Saturday respectively during the proposed hours of operation. It is noted loading zones, permit zones and areas where parking controls of 30 minutes or less apply have been excluded from the survey. The results of parking occupancy surveys undertaken are included in Appendix A of this report.

The Victorian Transport Policy Institute Paper on Shared Parking, updated on 21 December 2015, refers to a short walking distance of 1200 feet, equivalent to approximately 370 meters, as an acceptable walking distance for on-street parking users who visit restaurants. All parking spaces included in the surveys are within 260 metres of the site. The maximum time taken by staff and customers to walk to a parking bay within the survey area is 45 minutes.

3.0 The Proposal

3.1. The Existing Use

The site is currently operating with a mobile café caravan. A small amount of outdoor seating is available at the site for patrons.

3.2. The Proposed Use

The applicant is seeking to apply for a planning permit for the use to operate as a restaurant. The applicant has provided the following information for the proposed use:

- Operating Times:
 - Monday to Thursday - 7 am to 4 pm
 - Friday to Sunday – 7 am to 11 pm
- Maximum number of staff at any one time: 5
- A maximum of 100 patrons at the site at any one time.

4.0 Parking Demands, Requirement and Likely Impacts

4.1. Planning Scheme Parking Requirement

Clause 52.06 of the Planning Scheme outlines the parking requirement for restaurant use which is summarised in the table below. Given the site is not located within Principal Public Transport Area (PPTN), Column A rates of Clause 52.06 apply to the site when calculating the statutory car parking requirement for the proposal. An assessment of the proposal against the rates of Clause 52.06 is summarised in the table below.

Proposed Use	Planning Scheme Parking Rate	Planning Scheme Parking Requirement
Restaurant	0.4 to each patron permitted	100 patrons 40

Based on the above, the proposed use has a statutory parking requirement of forty parking spaces. Given the proposal does not include the provision of any off-street parking, the proposal seeks a full waiver of forty parking spaces.

The Planning Scheme allows the following 'decision guidelines' to be taken into account when determining an appropriate car parking rate:

- The car parking demand likely to be generated by the use; and
- Whether it is appropriate to allow fewer spaces to be provided than the number likely to be generated by the use.

An assessment of the car parking demand likely to be generated by the use must have regard to the following factors, as appropriate:

An assessment of the car parking demand likely to be generated by the use must have regard to the following factors, as appropriate:

- Multi-purpose trips within an area;
- The variation of car parking demand over time;
- The short-stay and long-stay car parking demand;
- The availability of public transport in the locality;
- The convenience of pedestrian and cyclist access to the site;
- The provision of bicycle parking and end trip facilities for cyclists; and
- The anticipated car ownership rates of likely proposed occupants (residents or employees).

An assessment of the appropriateness of allowing fewer spaces to be provided than the number likely to be generated by the must have regard to the following as appropriate:

- *The Car Parking Demand Assessment;*
- *Any relevant local planning policy or incorporated plan;*
- *The availability of car parking including:*
 - *Efficiencies gained from the consolidation of shared car parking spaces.*
 - *Public car parks intended to serve the land.*
 - *On street parking in non-residential zones and streets in residential zones specifically managed for non-residential parking.*
 - *On street parking in residential zones for residential use;*
- *The practicality of providing car parking on the site, particularly for lots less than 300 square metres;*
- *Any adverse economic impact a shortfall of parking may have on the economic viability of an activity centre;*
- *The future growth and development of an activity centre;*
- *Any car parking deficiency associated with the existing use of the land;*

- *Any credit that should be allowed for car parking spaces provided on common land or by a Special Charge Scheme or cash-in-lieu payment,*
- *Local traffic management,*
- *The impact of fewer car parking spaces on local amenity including pedestrian amenity and the amenity of nearby residential areas,*
- *The need to create safe, functions and attractive parking areas,*
- *Access to or provision of alternative transport modes,*
- *The equity of reducing the car parking requirement having regard to any historic contributions by existing businesses,*
- *The character of the surrounding area and whether reducing the car parking provision would result in a quality/positive urban design outcome, and*
- *Any other relevant consideration.*

4.2. Parking Demand Considerations

4.2.1. Long-stay and short-stay parking demand

Long Stay Parking Demand: The operator of the site has indicated no more than 5 staff will be required at the site at any one time. Given this, if all staff drive to the site, there will be a long-term parking demand of 5 parking spaces.

Short Stay Parking Demand: Short-stay parking demand will occur through the patrons attending the site. Patrons to the site are typically expected to attend the site for a duration of no more than 60 minutes of stopping at the premises to eat or drink. For such patrons that drive to the site this will generate a short-term parking demand. This short-term parking demand allows parking bays to be used by multiple users throughout the day compared to long-stay users that occupy the same parking for the majority of the day limiting the use of on-street bay to a single user.

4.2.2 Use of existing off street parking spaces

The parking demand surveys undertaken by Traffkd indicate in excess of 166 parking bays on a weekday and in excess of 191 parking spaces on weekend.

Parking occupancy on a weekday ranged between 11% and 30% with an average parking demand of 22%. Parking occupancy on a weekend ranged between 6% and 19% with an average parking demand of 13%.

This parking demand is considered low in a traffic engineering context given many municipalities have an on-street parking occupancy target of 80%. The parking occupancy observed on street indicates capacity on street to accommodate additional parking demand. If the site attracted a demand of an additional 40 parking bays, this would increase parking demand surrounding the site by approximately 16.9%. The additional parking demand would maintain a healthy and acceptable parking demand on street proximate to the site.

The results of parking occupancy surveys undertaken are included in Appendix A of this report.

4.2.3 The likelihood of multi-purpose trips within the locality which are likely to be combined with a trip to the land in connection with the proposed use.

The restaurant will form part of the commercial strip along Scott and will attract patrons that are already working proximate to the site such as supermarkets, retail uses, offices. Given this the site's location proximate to these commercial uses, it is likely the site will attract employees and visitors from the commercial uses. Thus, such visitors to the site are likely to have already arrived at the locality not generating an additional parking demand when visiting the subject site. The wider area surrounding the site has residential uses, which is likely to attract residents that live proximate to the site and are likely to walk to the site as opposed to using a private motor vehicle to arrive at the Scott Street shopping strip.

4.2.4 The site's proximity to Public Transport Infrastructure.

The site is situated proximate to two bus services within six-minute walk from the site. As such, public transport is a practical and likely option for both staff and visitors of the site.

4.2.5 The convenience of pedestrian and cyclist access to the site.

The site is easily accessible by customers and staff walking to the site with footpaths located on both sides of Scott Street and Lyle Street. Pedestrian zebra crossings are located along Scott Street to support the safe crossing of pedestrians.

Traffkd is aware a petition was received by Council in late 2022 to undertake safety improvements along the Scott Street shopping strip. In a Council meeting in November 2022, Council endorsed the installation of wombat crossing, lighting upgrades and additional line marking and signage

upgrades to improve the safety of pedestrians. The installation of these safety upgrades will improve pedestrian safety walking between the shopping precincts on each side of Scott Street.

4.2.6 Any car parking deficiency associated with the existing use of the land;

The subject site was previously used as a retail premises shop, where disability aids and equipment were sold at the premises as part of "Living Mobility" franchise. This has been based on a google street view from March 2010 where it is assumed a shop was the permitted use that was operating at the site. In accordance with the Yarriambiack Planning Scheme, a shop of leasable floor area 243 m² generates a statutory parking requirement of 9 spaces. Given this, a parking credit of nine spaces could be applied for the proposed use.

5.0 Bicycle Facilities

Clause 52.34 of the Yarriambiack Planning Scheme specifies the following statutory rates associated with bicycle parking provision for restaurants. An assessment of the available area for the public against the planning scheme parking requirements deems that a total of 3 bicycle parking spaces are needed for the site.

Proposed Use	Planning Scheme Bicycle Parking Rate	Inventory (Leasable floor area)	Planning Scheme Parking Requirement
Restaurant			
Staff	1 to each 100 sq m of floor area available to the public	347 sqm	3
Customers	2 plus 1 to each 200 sq m of floor area available to the public if the floor area available to the public exceeds 400 sq m.		0

The site generates a bicycle a bicycle parking provision of 3 spaces. To support patrons arriving at the site by sustainable transport modes it is recommended that bicycle parking be provided within the site, specifically the bike storage unit specified below. This can be implemented by way of permit condition and can support the storage of up to 4 bicycles.

<https://www.areasafe.com.au/compact-p4-multi-bike-rack/>

6. Loading Demand and Refuse Requirements

Given the small size of the subject site it is expected that loading will most likely be accommodated from a standard passenger vehicle or small van similar to a Toyota HiAce once the site is operational. One of the existing on-street parking spaces would be sufficient to accommodate this generation.

The Applicant has indicated that waste materials will be stored on the site within wheelie bins. These will be collected by a private contractor with wheelie bins wheeled to the footpath to be collected via kerbside collection.

7. Summary and Conclusion

The Applicant proposes to operate a restaurant at the subject site.

Upon the review of the likely parking demand generated by the proposed use and an analysis of the proposed parking provision of Clause 52.06 and 52.34 of the Planning Scheme, I believe the on-street parking supply proximate to the site can adequately absorb any future parking demand from the use.

Yours sincerely,



Chris Tsiafidis
Traffic Engineer
B. Eng Civil (Hons)
Traffkd Pty Ltd

APPENDIX A
Parking Occupancy
Surveys

Parking Occupancy								
Street	Section	Side	Restriction	Capacity	Friday 3 November 2023 11:30 am	Friday 3 November 2023 2:30 pm	Friday 3 November 2023 5:30pm	Friday 3 November 2023 8:10pm
Borong Highway / Lyle Street	Anderson Street - Molyneaux Street	both	Unrestricted	54	8	7	3	4
			Disabled	2	1	0	0	0
Jamouneau St	As per map	both	Unrestricted	51	27	24	20	13
			Disabled	2	1	0	0	0
Devereux Street	As per map		Unrestricted	27	6	4	3	3
Scott Street	Borong Highway - Milbourne Street	both	Unrestricted	35	3	2	1	1
			Unrestricted	63	23	25	19	5
			Disabled	2	1	1	0	0
			Total Bays	236	70	63	46	26
			Vacant Bays		166	173	190	210
			Percentage Occupancy		30%	27%	19%	11%
Parking Occupancy								
Street	Section	Side	Restriction	Capacity	Saturday 4 November 2023 10:50 am	Saturday 4 November 2023 1:30 pm	Saturday 4 November 2023 4:45 pm	Saturday 4 November 2023 8:00pm
Borong Highway / Lyle Street	Anderson Street - Molyneaux Street	both	Unrestricted	54	4	4	4	3
			Disabled	2	0	0	0	0
Jamouneau St	As per map	both	Unrestricted	51	4	3	2	1
			Disabled	2	0	0	0	0
Devereux Street	As per map		Unrestricted	27	1	1	1	1
Scott Street	Borong Highway - Milbourne Street	both	Unrestricted	35	1	1	1	1
			Unrestricted	63	35	28	15	7
			Disabled	2	0	0	0	0
			Total Bays	236	45	37	23	13
			Vacant Bays		191	199	213	223
			Percentage Occupancy		19%	16%	10%	6%