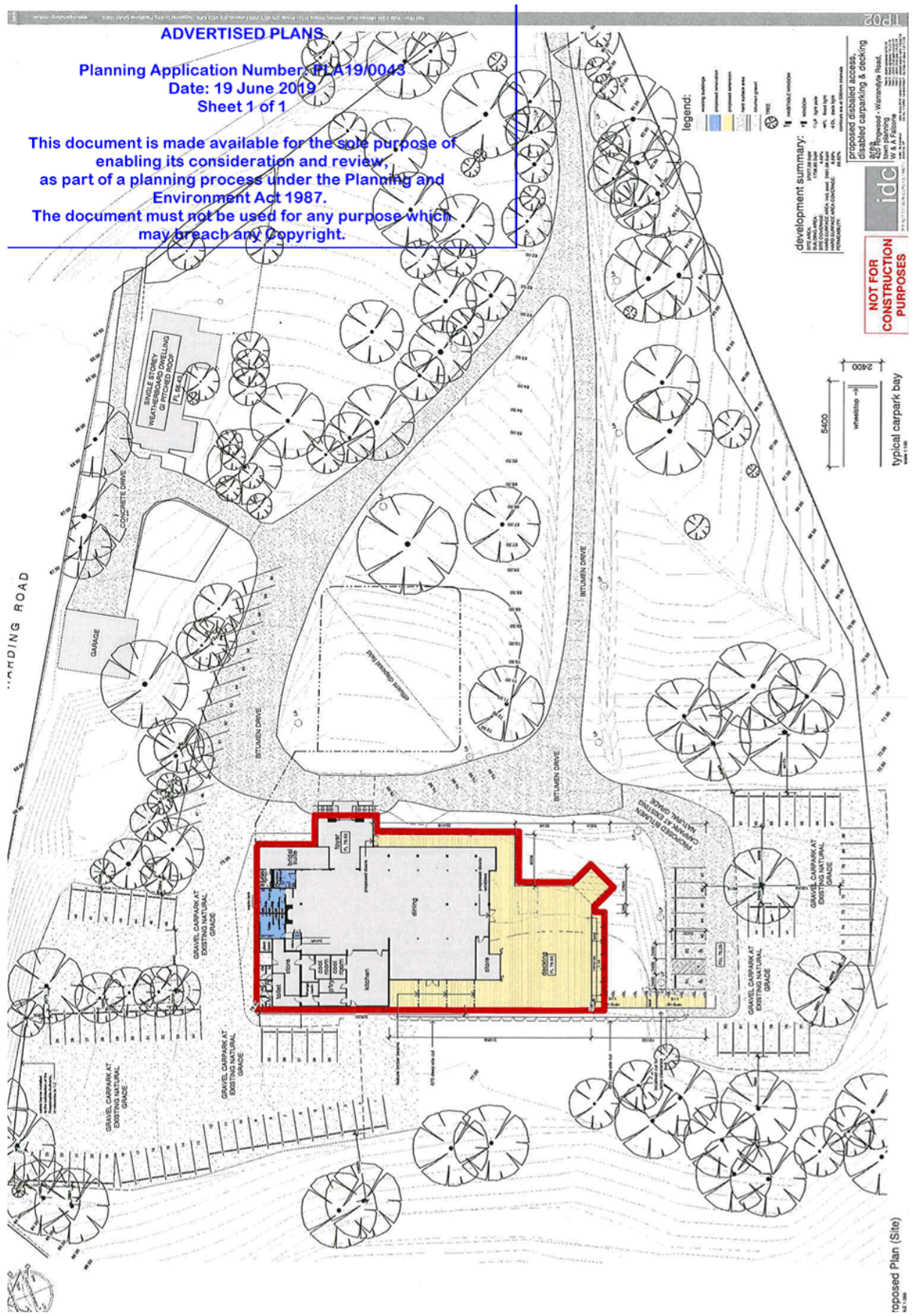
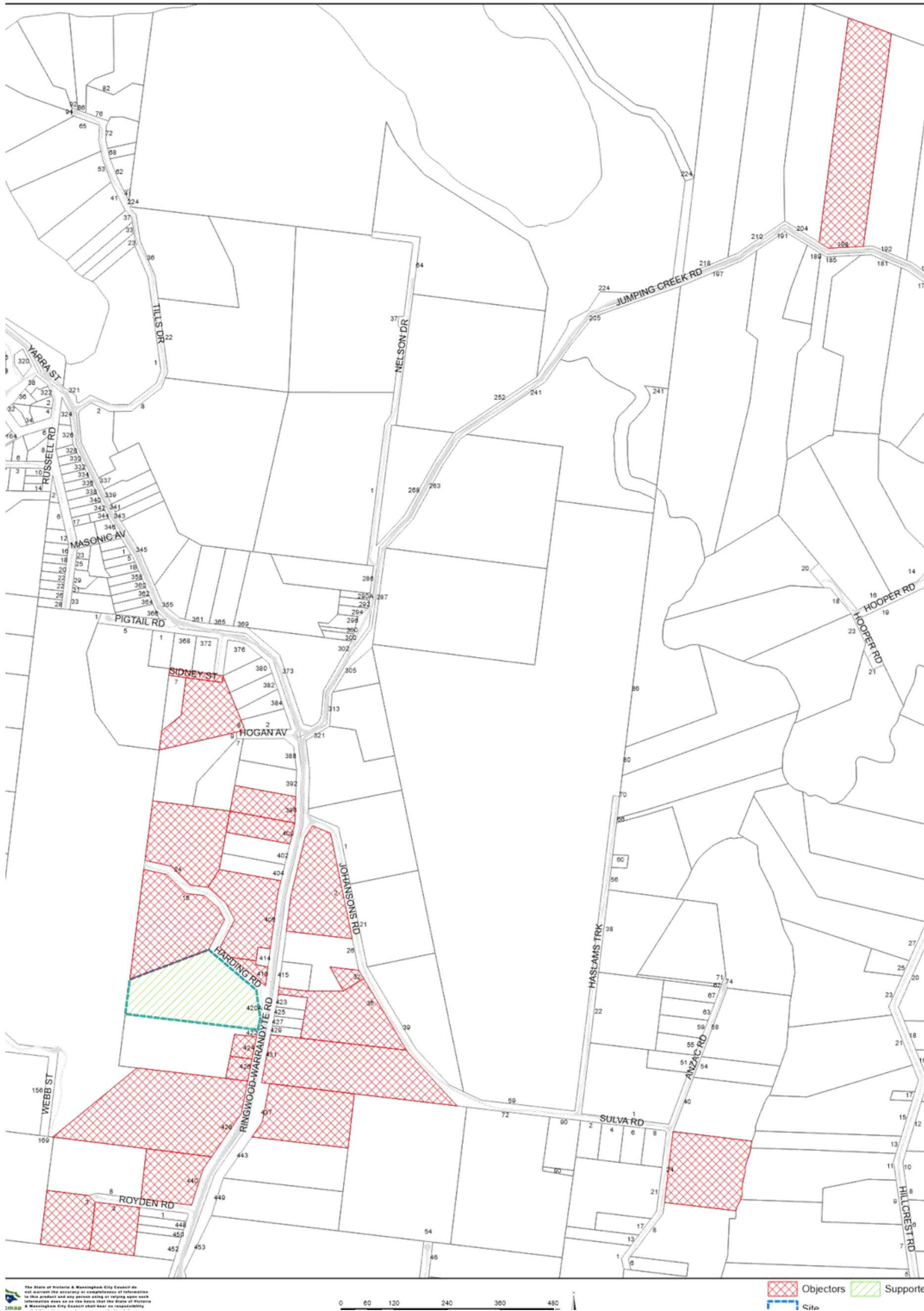


ADVERTISED PLANS

Planning Application Number: PLA19/0043
Date: 19 June 2019
Sheet 1 of 1

This document is made 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 Copyright.





The State of Victoria & Warrandyte City Council do not warrant the accuracy or completeness of information in this product and any person using or relying upon such information does so at their own risk. The State of Victoria & Warrandyte City Council shall bear no responsibility.

Objectors
 Supporte
 Site

LEGISLATIVE REQUIREMENTS

5.1 PLANNING AND ENVIRONMENT ACT 1987 (THE ACT)

The *Planning and Environment Act 1987* is the relevant legislation governing planning in Victoria. The Act identifies subordinate legislation in the form of Planning Schemes to guide future land use and development

Section 60 of the *Planning and Environment Act*, requires the Responsible Authority to consider the following before deciding on an application:

- *The relevant planning scheme;*
- *The objectives of planning in Victoria;*
- *All objections and other submissions which it has received;*
- *Any decision and comments of a referral authority which it has received; and*
- *Any significant effects which the responsible authority considers the use or development may have on the environment or which the responsible authority considers the environment may have on the use or development.*

Section 61(4) of the Act makes specific reference to covenants. Under Section 61(4) of the Planning & Environment Act 1987 the Responsible Authority must not issue a planning permit that would result in a breach of a registered restrictive covenant.

5.2 MANNINGHAM PLANNING SCHEME

Clauses of the Manningham Planning Scheme the Responsible Authority must consider:

- Planning Policy Framework
- Local Planning Policy Framework
- Clause 52.27 Licensed Premises
- Clause 65 Decision Guidelines

Planning Policy Framework (PPF)

The relevant sections of the planning policy framework are as follows:

Clause 13.05-1S Noise Abatement

Objective

- To assist the control of noise effects on sensitive land uses.

Strategy

- Ensure that development is not prejudiced and community amenity is not reduced by noise emissions, using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area.

Local Planning Policy Framework (LPPF)

Municipal Strategic Statement

Clause 21.07 Green Wedge and Yarra River Corridor

Clause 21.07-6 Economic development issues

A key issue of this Clause is:

- Environmental and amenity impacts of agricultural and commercial businesses.

A key objective of this Clause is

- To ensure residential and environmental amenity is not affected by business activities.

Particular Provisions

Clause 52.27 Licensed Premises

Purpose

- 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.

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority 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 Decision Guidelines

This clause outlines that before deciding on an application, the responsible authority must consider, as appropriate:

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