

Form 2

NOTICE OF AN APPLICATION FOR PLANNING PERMIT

The land affected by the application is located at:	73-75 Esplanade PAYNESVILLE 3880 Lot: 2 LP: 129195
The application is for a permit to:	Use of land for sale and consumption of liquor (increase red line area and patron numbers) and reduction of car parking requirements
The applicant for the permit is:	Hatch Planning Pty Ltd
The application reference number is:	5.2023.464.1
You may look at the application and any documents that support the application on the website of the responsible authority.	COVID-19 Omnibus (Emergency Measures) Bill 2020 now modifies the requirement of Form 2 so that <i>Planning documents previously required to be physically available to view at local government offices are now only required to be available for online inspection.</i>

This can be done anytime by visiting the following website:

<https://www.eastgippsland.vic.gov.au/building-and-development/advertised-planning-permit-applications>

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

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

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.

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

Page 1 of 3

VOLUME 04628 FOLIO 598

Security no : 124110459797G

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LAND DESCRIPTION

Lot 2 on Plan of Subdivision 129195.
PARENT TITLE Volume 03244 Folio 602
Created by instrument 2303530R 21/10/1922

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor

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 or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE LP129195 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: 73-75 ESPLANADE PAYNESVILLE VIC 3880

ADMINISTRATIVE NOTICES

NIL

eCT Control 16524X PRIOR LAW
Effective from 27/03/2023

DOCUMENT END

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LP129195

EDITION 1

APPROVED 19/1/79

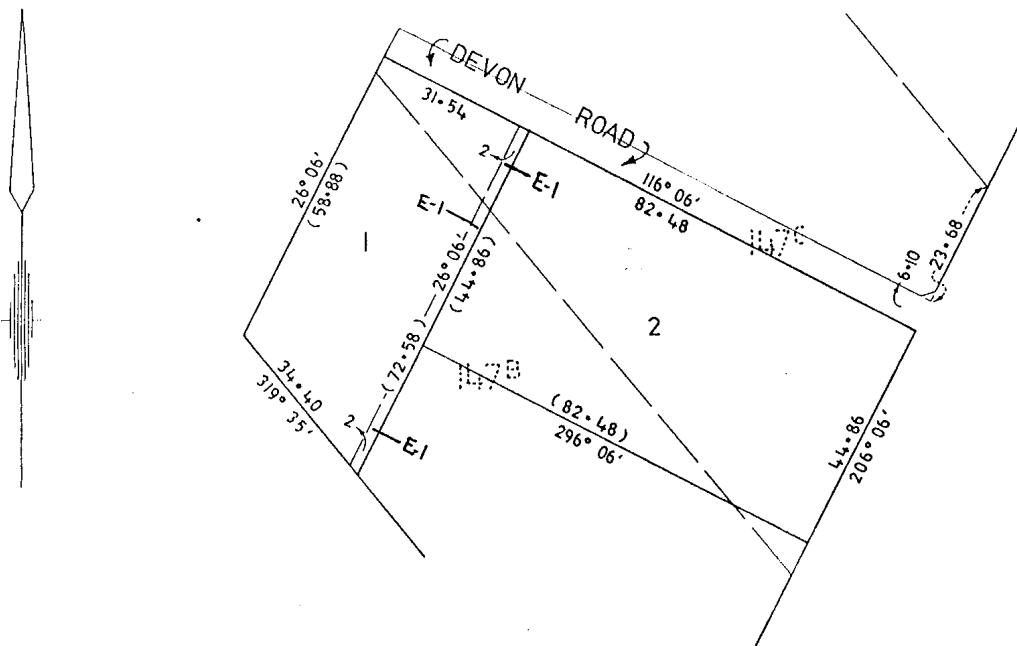
<p>PLAN OF SUBDIVISION OF: PART OF CROWN ALLOTMENTS 11,7^B & 11,7^C</p> <p>PARISH: BAIRNSDALE</p> <p>COUNTY: TANJIL</p> <p>20 10 0 20 40 LENGTHS ARE IN METRES</p>	<p>APPROPRIATIONS</p> <p>DRAINAGE AND SEWERAGE BLUE</p>
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CHART NO. 24

APPROVED 19-1-79

Vol. 1628 Fol. 598.

COLOUR CONVERSION
 FOR EASEMENTS
 E-1 = BLUE



<p>CONSENT OF COUNCIL</p>	<p>SURVEYORS CERTIFICATION</p> <p>I CERTIFY THAT THIS PLAN HAS BEEN MADE BY ME OR UNDER MY IMMEDIATE SUPERVISION AND ACCORDS WITH TITLE.</p> <p><i>Michael Pash</i> SURVEYOR 18/10/78.</p>
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Printed 22/11/2023
 Page 4 of 37

129195

**Use of land for sale and
consumption of liquor
(increase red line area
and patron numbers)
and reduction of car
parking requirements**

**Planning Permit
Application**

**73-75 Esplanade and
adjacent Road Reserve
PAYNESVILLE 3880**

Prepared for:
Thomson Hotels

Prepared by:
Tim Berger
Director, Hatch Planning



**HATCH
PLANNING**



Table of Contents (Hyperlinked)

1. Introduction	3
2. Subject site, surrounding area and proposal	4
2.1 Site and area	4
2.2 The proposal	7
2.3 Permit triggers	8
2.4 Title restrictions	8
2.5 Previous Planning Permits	9
2.6 Cultural Heritage	9
2.7 Notice and referrals	9
2.7.1 Referrals	9
2.7.2 Notice	9
3. Planning controls	10
3.1 Planning Policy Framework	10
3.2 Zoning	20
3.3 Overlays	20
3.4 Particular Provisions	21
3.4.1 Clause 52.05 – Signs	21
3.4.2 Clause 52.06 – Car Parking	21
3.4.3 Clause 52.27 – Licensed Premises	22
3.4.4 Clause 52.34 – Bicycle Facilities	22
3.4.5 Clause 53.06 – Live Music Entertainment Venues	22
3.5 General Provisions	22
4. Planning Assessment	23
4.1 The application requirements and decision guidelines of Clause 52.06	23
4.2 The decision guidelines of Clause 52.27	25
4.3 The decision guidelines of Clause 65	27
5. Conclusion	29

1. Introduction

This town planning report has been prepared in support of an application for the use of land for sale and consumption of liquor (increase red line area and patron numbers) and reduction of car parking requirements at 73-75 Esplanade, Paynesville (the subject site).

Figure 1 shows the subject land in relation to the surrounding landscape.



Figure 1: Subject site and immediate surrounds (11 May 2023). Source: Metromap.

This report provides details of the site and its environs, the proposal, relevant planning controls and an assessment against the relevant provisions of the East Gippsland Planning Scheme.



2. Subject site, surrounding area and proposal

2.1 Site and area

The subject site, Lot 2 LP129195 Parish of Bairnsdale, is a rectangular parcel of land with an area of 3,700m², located on the western side of the Esplanade within the Paynesville Activity Centre. The site interfaces primarily with the Esplanade, with a secondary rear access to Devon Road. The site is improved by the Paynesville Hotel ('The Old Pub'), and take away food premises, with on-site car parking at the rear of the site. Access to the land is provided via two (2) crossovers to Esplanade, as well as the aforementioned access to Devon Road.

The site has long been used as a Bar (being the appropriate definition for a pub in the Scheme), with the Paynesville Hotel dating back to 1880 on the land. The site currently holds a liquor licence (licence number 31910347), which allows the land to serve up to 440 people, between 7am – 1am the next day. This is considered to be the extent of existing use rights currently extant on the land.

Abutting the land to the south-west is a former 'Foodworks', which is currently vacant. Beyond this is a mixed use restaurant and apartment development. To the north east of the site are retail premises, including a bait and tackle shop and café. Separating these shops from the land is land that was formerly part of Devon Road, now comprising a pedestrian thoroughfare and seating area. To the rear of the site (north-west) is car parking areas, and scattered residential dwellings at the interface of Devon Road and Fleischer Street. To the south-east of the site is Esplanade, and beyond that are harbour environs and Raymond Island.

The subject site appears to have access to reticulated electricity, telecommunications, water and sewer.

Images of the subject site and surrounds are provided below:



Figure 2: Existing Hotel as viewed from Esplanade.



Figure 3: Reserve along northern side of site (Devon Road), site of proposed outdoor seating area.

Printed 22/11/2023

Page 9 of 37



Figure 4: Upstairs deck of Hotel, looking north.



Figure 5: Upstairs deck of Hotel, looking south.



Figure 6: Existing take away food premises viewed from Esplanade.

2.2 The proposal

This application is made on behalf of the new licencees of the Paynesville Hotel, who are seeking to utilise and improve the environs immediately abutting the site, as well as capitalise on existing spaces within the hotel to create an improved visitor experience to the hotel. To achieve this, this permit application specifically seeks to:

- Increase the red line area for the hotel, by:
 - Including the upstairs verandah of the hotel (commonly known as the 'smokers area')
 - Increase the size of the beer garden at the rear, by removing the shed and service yard;
 - Include in the red line area, footpath trading to the north and east of the building:
 - To the north (formerly Devon Street), it is proposed to use the existing 4 x 6 seat tables (24 seats), and install 2 more 6 seat tables and 5 x 4 seat tables at the Hotel's cost (32 seats). The 4 seat tables would be abutting the northern wall of the Hotel south of the footpath, and the 6 seat tables would be on the northern



side of the footpath. This area would be accessed via the 'saloon' doors on the northern side of the hotel, and monitored with CCTV cameras.

- To the east (Esplanade), 6 x 2 seat tables (12 seats) would be installed on the footpath in front of the hotel, providing a minimum clearance of 1.5m to the building and 500mm to the kerb, to ensure safe pedestrian and vehicle movements.
- To the east (Esplanade), 4 x 2 seat tables (8 seats) will be installed in front of the take away food premises as 'fold out' tables, affixed to the front wall of the building which can be lowered for customer seating.
- The resultant amount of additional seating across these areas is 76 persons at maximum capacity. It is sought to increase the patron numbers on the liquor licence by 76 (from 440 to 516) to accommodate these areas.
- Undertake minor buildings and works, specifically related to the tables affixed to the take away food premises (noting that street and park furniture is exempt from a permit pursuant to Clause 62.02-2 of the Scheme).
- Seek a reduction to the car parking requirement associated with the increase in patron numbers (76), being a statutory requirement of 30 car parking spaces. create and alter access to a road in the Transport Zone 2, and undertake associated works.

2.3 Permit triggers

A Planning Permit is triggered under the following clauses of the East Gippsland Planning Scheme:

- Clause 52.06-3 – A permit is required to reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay.
- Clause 52.27 – A permit is required to use land to sell or consume liquor if any of the following apply:
 - The number of patrons allowed under a licence is to be increased.
 - The area that liquor is allowed to be consumed or supplied under a licence is to be increased.

2.4 Title restrictions

Pursuant to Section 61(4) of the *Planning and Environment Act 1987*, the Responsible Authority must not issue a permit that breaches a registered restriction.

Review of the title documents to the subject land do not show any registered restrictions.



2.5 Previous Planning Permits

The following Planning Permits have been identified in relation to the site:

Application Number	Proposal	Decision	Date
100/2019/VIC	Alterations to commercial building	Issued	29 November 2019
334/2007/P	Advertising signs	Issued	22 June 2007
449/2005/P	Buildings and works	Issued	19 April 2006
96/00030/PC	Development and use for extensions to existing building to include function room and beer garden	Issued	18 March 1996

2.6 Cultural Heritage

The subject land is located in an area of Aboriginal Cultural Heritage Sensitivity under the *Aboriginal Heritage Act 2006* and the proposal is a high impact activity under Division 5 of the *Aboriginal Heritage Regulations 2018*.

Pursuant to Regulation 46(3) of the Regulations, the land was used for a bar prior to 28 May 2007, and as such is exempt from requiring a CHMP for this proposal.

2.7 Notice and referrals

2.7.1 Referrals

Pursuant to Section 55 of the Act and Clause 66 of the East Gippsland Planning Scheme, there are no mandatory referral requirements for this application.

2.7.2 Notice

The entirety of the proposal, save for minor works in the Commercial 1 Zone are not exempt from notice and review rights.

It is anticipated that the Responsible Authority will determine the extent of notice required given the nature of the project.



3. Planning controls

3.1 Planning Policy Framework

The East Gippsland Planning Scheme contains the following State and Local Planning Policies relevant to this proposal:

- Clause 02.03-1 Settlement
- Clause 02.03-5 Built environment and heritage
- Clause 02.03-6 Economic development
- Clause 11.01-1S Settlement
- Clause 11.01-1R Settlement – Gippsland
- Clause 11.01-1L-02 Growth area towns
- Clause 11.03-1L-02 Paynesville Activity Centre
- Clause 13.07-1S Land use compatibility
- Clause 13.07-3S Live music
- Clause 17.02-1S Business
- Clause 17.04-1S Facilitating tourism
- Clause 17.04-1R Tourism – Gippsland
- Clause 17.04-1L Tourism – Shire
- Clause 18.02-4S Roads
- Clause 18.02-4L-02 Car parking

Clause 02.03-1 – Settlement

Paynesville, located approximately 16 kilometres south of Bairnsdale, has grown rapidly in recent times, as a ‘dormitory’ town and a retirement area. It is a service centre supporting the local community as well as the neighbouring settlements of Eagle Point and Raymond Island

Council’s strategic directions are:

- *Expanding Paynesville as a residential and business centre focused around boating, tourism and healthy living, with access to walking and riding trails, passive and active recreation.*

Clause 02.03-5 – Built environment and heritage

East Gippsland is renowned for its natural beauty that will be linked to the built environment. There are a number of buildings and places of potential heritage significance throughout the municipality.



Council's strategic directions for built environment and heritage are:

- *Maintaining the human scale, village feel and character of Paynesville, particularly in the town centre.*
- *Upgrading the townscapes of Lakes Entrance and Paynesville.*

Clause 02.03-6 – Economic development

The tourism industry attracted over 1.3 million visitors in 2017-18, contributing over \$325 million to the regional economy. East Gippsland is seen as a region with great tourism potential based on its nature-based experiences.

Councils strategic directions for economic development are:

- *Consolidating and expanding diverse retail, commercial and community activities in the Paynesville town centre.*

Clause 11.01-1S – Settlement has the objective:

- *To facilitate the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.*

Relevant strategies are:

- *Develop sustainable communities through a settlement framework offering convenient access to jobs, services, infrastructure and community facilities.*
- *Guide the structure, functioning and character of each settlement taking into account municipal and regional contexts and frameworks.*
- *Plan for development and investment opportunities along existing and planned transport infrastructure.*
- *Promote transport, communications and economic linkages between settlements through the identification of servicing priorities in regional land use plans.*
- *Deliver networks of high-quality integrated settlements that have a strong identity and sense of place, are prosperous and are sustainable*
- *Encourage a form and density of settlements that supports healthy, active and sustainable transport.*
- *Promote and capitalise on opportunities for urban renewal and infill redevelopment.*

Clause 11.01-1R – Settlement – Gippsland has the relevant strategies:



- *Support the continuing role of towns and small settlements in providing services to their districts, recognising their relationships and dependencies with larger towns.*
- *Create vibrant and prosperous town centres that are clearly defined and provide commercial and service activities that respond to changing population and market conditions.*
- *Provide regional social infrastructure in the regional city and regional centres.*
- *Plan for increased seasonal demand on services and infrastructure in towns with high holiday home ownership.*

Clause 11.01-1L-02 – Growth area towns applies to all land in the Paynesville Framework Plan

Paynesville strategies

- *Provide linkages between residential, commercial, recreation, town centre activity areas, the foreshore, the waterfront and the hinterland.*
- *Develop tourism opportunities and event spaces that facilitate an all year-round destination.*
- *Encourage development of a variety of tourist accommodation options within Paynesville, particularly in the town centre or close to the canals.*



Figure 7: Paynesville Framework Plan. Source: East Gippsland Planning Scheme.



Clause 11.03-1L-02 – Paynesville Activity Centre applies to all land in the Paynesville Town Centre

Paynesville strategies

- *Facilitate integration and linkages between the town centre and the foreshore, the active waterfront and the Slip Road Maritime precinct.*
- *Enhance and create public spaces in the town centre.*
- *Encourage architectural and design features that reflect the importance of the maritime character and the authentic local distinctiveness of Paynesville.*
- *Facilitate an active waterfront as a place where boats and visitors use the facilities of the town centre.*
- *Develop tourism opportunities to embrace the nature based and eco-tourism experiences at this gateway to the Gippsland Lakes.*
- *Support retail premises, tourist accommodation, hotels and motels, holiday flats and restaurants.*
- *Consolidate future commercial and mixed-use development within existing business zoned areas.*
- *Encourage non-vehicular pedestrian and bicycle trails that link activity spaces and precincts.*
- *Ensure that buildings do not overshadow the foreshore or other public areas.*
- *Protect unobstructed views of the water.*
- *Encourage built form that respects the village-like feel and pedestrian scale of the Paynesville Town Centre.*
- *Incorporate protection from coastal winds, rain and the provision of shade into building design.*
- *Encourage a maritime theme in the built environment through bulk, form, colours and architectural details.*
- *Encourage building design that is consistent with the character of the town centre.*
- *Provide parking with shade trees at the rear of buildings in the town centre.*



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Figure 8: Paynesville Town Centre Plan. Source: East Gippsland Planning Scheme

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Clause 13.07-1S – Land use compatibility has the objective:

- *To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.*

Relevant strategies are:

- *Ensure that use or development of land is compatible with adjoining and nearby land uses*
- *Avoid locating incompatible uses in areas that may be impacted by adverse off-site impacts from commercial, industrial and other uses.*
- *Avoid or otherwise minimise adverse off-site impacts from commercial, industrial and other uses through land use separation, siting, building design and operational measures.*
- *Protect commercial, industrial and other employment generating uses from encroachment by use or development that would compromise the ability of those uses to function safely and effectively.*

Clause 13.07-3S – Live music has the objective:

- *To encourage, create and protect opportunities for the enjoyment of live music.*

Relevant strategies are:

- *Identify areas where live music venues are encouraged or where there are high concentrations of licensed premises or clusters of live music venues.*
- *Implement measures to ensure live music venues can co-exist with nearby residential and other noise sensitive land uses.*

Clause 17.02-1S – Business has the objective:

- *To encourage development that meets the community's needs for retail, entertainment, office and other commercial services*

Relevant strategies are:

- *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 new convenience shopping facilities to provide for the needs of the local population in new residential areas and within, or immediately adjacent to, existing commercial centres.*



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

Clause 17.04-1S – Facilitating Tourism has the objective:

- *To encourage tourism development to maximise the economic, social and cultural benefits of developing the state as a competitive domestic and international tourist destination*

Relevant strategies are:

- *Encourage the development of a range of well-designed and sited tourist facilities, including integrated resorts, accommodation, host farm, bed and breakfast and retail opportunities.*
- *Seek to ensure that tourism facilities have access to suitable transport.*
- *Promote tourism facilities that preserve, are compatible with and build on the assets and qualities of surrounding activities and attractions.*
- *Create innovative tourism experiences.*
- *Encourage investment that meets demand and supports growth in tourism.*

Clause 17.04-1R – Tourism – Gippsland has the relevant strategies:

- *Facilitate tourism in strategic tourism investment areas shown on the Gippsland Regional Growth Plan.*
- *Facilitate tourism development in existing urban settlements to maximise access to infrastructure, services and labour and to minimise impacts on the environment and exposure to natural hazards.*
- *Support nature-based tourism proposals that complement and are compatible with the region's environment and landscape attractions or are close to identified strategic tourism investment areas.*

Clause 17.04-1L – Tourism – Shire has the relevant strategies:

- *Design tourist facilities in keeping with the landscape, environment and the character of the area.*
- *Promote recreation and tourist-focused uses within each town.*
- *Encourage the clustering of commercial areas for local convenience and tourism related uses, including visitor accommodation, food and wine tourism, or other nature-based tourism based activities.*



Clause 18.02-4S – Roads has the objective:

- *To facilitate an efficient and safe road network that integrates all movement networks and makes best use of existing infrastructure.*

Relevant strategies are:

- *Plan an adequate supply of car parking that is designed and located to:*
 - *Protect the role and function of nearby roads.*
 - *Enable the efficient movement and delivery of goods.*
 - *Facilitate the use of public transport.*
 - *Maintain journey times and the reliability of the on-road public transport network.*
 - *Protect residential areas from the effects of road congestion created by on-street parking.*
 - *Enable easy and efficient use.*
 - *Achieve a high standard of urban design.*
 - *Protect the amenity of the locality, including the amenity of pedestrians and other road users.*
 - *Create a safe environment, particularly at night.*
- *Allocate land for car parking considering:*
 - *The existing and potential modes of access including public transport.*
 - *The demand for off-street car parking.*
 - *Road capacity.*
 - *The potential for demand-management of car parking.*
- *Consolidate car parking facilities to improve efficiency.*

Clause 18.02-4L-02 – Car parking has the relevant strategy:

- *Encourage the use of off-street car parking for highway based businesses.*

Discussion

Relevant policy relating to settlements highlights Paynesville as an attractive tourist destination, experiencing a high degree of growth due to its proximity to Bairnsdale and natural features. The subject site is a central feature of the Paynesville Town Centre, with local significance to the town dating back to 1880.

This proposal seeks to implement relevant planning policy for the Paynesville Town Centre, by activating underutilised land designed to provide a positive contribution to township activity and the



public realm, in a manner that will encourage people to come to and spend time in Paynesville. The proposal reflects a positive desire by the Hotel to provide a pedestrian and patron-friendly atmosphere that leverages the natural beauty of the water along the Esplanade and enhance the public spaces around the site, opening up the site in the process. No permanent works are proposed, with seating areas readily moveable to prevent a sense of the Hotel ‘taking over’ the public space, and seating adjacent to existing infrastructure to ensure ready movement of people around and past the site.

Planning policy centred on land use compatibility seeks to protect community amenity, human health and safety while facilitating appropriate use and development. The subject site is in the core of the C1Z in the Paynesville Town Centre, with retail uses the prevailing activity, and scattered residential uses both in mixed use developments and as standalone dwellings. Importantly, the subject site has long-standing existing use rights as a Hotel (bar), and is not the ‘agent of change’ in sensitive land use interactions. Having said this, the proposal will spread people out across a wider area, and further away than the existing external beer garden of the Hotel, resulting in no additional amenity impact emanating from the proposed licenced areas. No changes to hours of operation are proposed and the outdoor areas will be managed by the licensee to ensure that appropriate standards are met.

The proposal is considered to be wholly consistent with planning policy relating to tourism and economic development of Paynesville, which seeks to support tourism in strategic tourism areas (including the Gippsland Lakes), and facilitate tourism within existing urban settlements. The proposal will improve the tourism appeal of the Hotel and Paynesville more generally, providing a publicly focused dining and outdoor seating area that will improve the interface of the Hotel to the public realm and provide tourists a positive experience of the site and town. The proposal supports the vision of the new licencees to provide a boutique and high quality offering of dining, events and functions to visitors of the area to experience, and make use of underutilised parts of the subject site and adjoining spaces.

Relevant policy relating to roads (Clause 18.02-4S and 18.02-4L) seeks to, among other things, ensure the efficient safe management of the local road network and to plan an accessible and adequate supply of car parking. The application continues to provides safe and efficient access throughout the site and with an appropriate supply of car parking on site and the surrounding road network, which will readily accommodate the additional patronage as discussed further in this report.

As a result of the above, the proposed use and development on the subject land is considered to be supported by the relevant provisions of the Planning Policy Framework and Municipal Planning Strategy.

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3.2 Zoning

The subject land is located within the Commercial 1 Zone (C1Z) under the East Gippsland Planning Scheme. An extract of the relevant zoning map is provided below:



Figure 9: Zoning map of subject site and immediate surrounds. Source: VicPlan

The purpose of the Commercial 1 Zone, as stated at Clause 34.01 of the Scheme 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.

Pursuant to Clause 34.01-4, a permit is required to construct a building or construct or carry out works. However, Clause 62.02-2 provides exemptions for 'street furniture' and 'park furniture', which includes seating and tables. As no other permit required works are proposed, the C1Z is not triggered for this proposal.

3.3 Overlays

The subject land is not covered by any overlays.



3.4 Particular Provisions

3.4.1 Clause 52.05 – Signs

The application does not currently propose any changes to signage, acknowledging that any additional signage will be subject to a future Planning Permit application or amendment application.

3.4.2 Clause 52.06 – Car Parking

Clause 52.06 is relevant to this application.

The purpose of Clause 52.06 is:

- *To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.*
- *To support sustainable transport alternatives to the motor car.*
- *To promote the efficient use of car parking spaces through the consolidation of car parking facilities.*
- *To ensure that car parking does not adversely affect the amenity of the locality.*
- *To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.*

Table 1 to Clause 52.06-5 prescribes the following car parking rates for the proposed uses

<i>Use</i>	<i>Rate Column A</i>	<i>Rate Column B</i>	<i>Car Parking Measure Column C</i>
Bar	0.4	3.5 (per 100m ² leaseable floor area)	to each patron permitted

Using Column A, the following car parking requirements therefore arise for the site:

- Bar (76 additional patrons) – 30 spaces required (rounded down from 30.4).

As no additional car parking is proposed, the application seeks for a reduction of these spaces.

Pursuant to Clause 52.06-3, a permit is required to reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5.



An assessment of the application requirements and decision guidelines will be undertaken in Section 4 of this report.

3.4.3 Clause 52.27 – Licensed Premises

Clause 52.27 is relevant to this application.

The purpose of 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.*

Pursuant to Clause 52.27, a permit is required to use land to sell or consume liquor if any of the following apply:

- *The number of patrons allowed under a licence is to be increased.*
- *The area that liquor is allowed to be consumed or supplied under a licence is to be increased.*

An assessment of the decision guidelines will be undertaken in Section 4 of this report.

3.4.4 Clause 52.34 – Bicycle Facilities

Clause 52.34 specifies requirements for bicycle facilities associated with a retail premises (which bar is nested under).

As the proposal does not increase the leasable floor area, there is no increase in bicycle facility requirements arising from the proposal.

3.4.5 Clause 53.06 – Live Music Entertainment Venues

The subject land is used for live music as part of the existing use of land for a bar. As no permit required works are proposed, this clause is not applicable per Clause 53.06-1, however noting that the site is longstanding as is not the 'agent of change' in relation to any live music activity.

3.5 General Provisions

The provisions of Clause 65 – Decision Guidelines are relevant to this proposal and are discussed at Section 4 of this report.



4. Planning Assessment

4.1 The application requirements and decision guidelines of Clause 52.06

Clause 52.06-7 states that application must be provided with a Car Parking Demand Assessment and sets out the matters that the Responsible Authority must consider (as appropriate):

The Car Parking Demand Assessment must assess the car parking demand likely to be generated by the proposed:

- *new use; or*
- *increase in the floor areas or site area of the existing use; or*
- *increase to the existing use by the measure specified in Column C of Table 1 in Clause 52.06-5 for that use.*

The Car Parking Demand Assessment must address the following matters, to the satisfaction of the responsible authority:

- *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 variation of car parking demand likely to be generated by the proposed use over time.*
- *The short-stay and long-stay car parking demand likely to be generated by the proposed use.*
- *The availability of public transport in the locality of the land.*
- *The convenience of pedestrian and cyclist access to the land.*
- *The provision of bicycle parking and end of trip facilities for cyclists in the locality of the land.*
- *The anticipated car ownership rates of likely or proposed visitors to or occupants (residents or employees) of the land.*
- *Any empirical assessment or case study.*

Before granting a permit to reduce the number of spaces, the responsible authority must consider the following, as appropriate:

- *The Car Parking Demand Assessment.*
- *Any relevant local planning policy or incorporated plan.*
- *The availability of alternative car parking in the locality of the land, 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.*



- *Streets in residential zones specifically managed for non-residential parking.*
- *On street parking in residential zones in the locality of the land that is intended to be for residential use.*
- *The practicality of providing car parking on the site, particularly for lots of less than 300 square metres.*
- *Any adverse economic impact a shortfall of parking may have on the economic viability of any nearby activity centre.*
- *The future growth and development of any nearby 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 in the locality of the land.*
- *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, functional and attractive parking areas.*
- *Access to or provision of alternative transport modes to and from the land.*
- *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.*
- *Any other matter specified in a schedule to the Parking Overlay.*
- *Any other relevant consideration.*

Discussion

The interaction of this proposal with the relevant clauses of the Municipal Planning Strategy and Planning Policy Framework is contained in Section 3 of this report. As noted earlier in this report, the extent of reduction sought is 30 car parking spaces.

In reviewing the subject site and surrounding area, it is evident that there is a high degree of public car parking available, both to the immediate north west of the site, public parking on Esplanade, and a large public car park at the boat ramp to the south containing 30 boat parking spaces and 37 normal car parking spaces, within 200 metres of the site.

Given the sites' location in the Town Centre, there is a likelihood of multi-purpose trips to the site as visitors enter Paynesville for shopping, recreation and other activities. The Hotel also offers a courtesy bus for patrons, and encourages people to walk to the site to minimise risks associated with drink-



driving. It is likely that customers to the existing take-away food premises on the southern side of the site will utilise these seating areas shown, which are customers who would have been attending the site in any event and do not represent an additional trip/demand on car parking. The subject site is well serviced by on-site car parking which will remain available for customer use (noting that the balance of the site is used for car parking and there are no practical ways to increase on-site car parking). These factors tend in favour of the reduction to the car parking requirement sought. The demand for car parking associated with the use and development will not discernibly change over time, and no other developments are proposed in the immediate area that would change access to transport or public car parking provision. A reduction in car parking spaces will not have an amenity impact on the surrounding area given the extant of existing available parking in the general area.

For the reasons above it is considered that the shortfall of car parking is considered acceptable in this instance.

4.2 The decision guidelines of Clause 52.27

The decision guidelines of Clause 52.27 set out the matters that 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.*

Discussion

Planning Practice Note 61 (Licenses premises: Assessing cumulative impact) sets out guidelines that assist with assessing the cumulative impact of licensed premises as part of a planning permit application. That is, the following matters should be considered:

1. Planning policy context.
2. Surrounding land use mix and amenity.
3. The mix of licensed premises.
4. Transport and dispersal.
5. Impact mitigation.



In terms of the decision guidelines and PPN61 guidance, the only matter of particular note for this application relates to patron numbers. However, for completeness the totality of considerations is addressed below.

The interaction of this proposal with the relevant clauses of the Municipal Planning Strategy and Planning Policy Framework is contained in Section 3 of this report. The Commercial 1 Zone contemplates a mix of land uses, including commercial and other non-residential uses. The application provides a scale of use and development that is commensurate with the capabilities of the subject site and surrounding land and the expectations of the zoning.

Within the Paynesville Town Centre, there is currently nine (9) liquor licences, comprising:

- 3 x General License (Paynesville Wine Bar, Paynesville Hotel and Sardine Dining);
- 2 x Restaurant and Café licence (Alma's Restaurant and Three Double 8 Zero Pizza Bar);
- 1 x Limited Licence (Gippsland Lakes Yacht Club);
- 1 x Packaged Liquor Licence (Ritchies IGA);
- 1 x BYO Permit (Tham Dynasty Chinese Restaurant); and
- 1 x On-Premises Licence (Pier 70).

These licences are spread throughout the Paynesville Town Centre, and generally service a wide array of activities and drinking preferences. This permit application does not increase the number of licences in Paynesville, rather it improves the offering available to visitors of the Paynesville Hotel, providing an improved customer atmosphere and active use of public space designed for such purposes (as opposed to the current underutilisation of the space adjacent the hotel). In this regard, the proposal has no bearing on cumulative impact arising from a licensed premises application.

In terms of the increase of patron numbers, consideration must be had to the amenity impact of the increase (i.e. the prospect of 76 more persons consuming liquor on site at maximum capacity). The subject site is located within a town centre, and while there are sensitive land uses in the broader area, residential amenity expectations are lesser than what would be expected in a residential zone. Having said this, the consumption of patrons in the outdoor areas is most likely to be associated with meals, with active management by the venue to ensure responsible service of alcohol requirements are observed at all times in accordance with the relevant legislative and liquor licencing requirements. It is unlikely that these areas will be completely occupied at all times, and in the rare times that they are, the proposed areas sought to be increased will lower the average patron density across the licenced area, resulting in a more friendly and easier managed venue.



The use of the extended areas within the public realm are supported by relevant planning policy in the scheme, which seek to foster connections and utilise views of the waterfront, support retain premises and encourage a village feel, pedestrian scale and human based form of activity; policies that are supported by the activation of the spaces proposed by the Hotel.

Based on the above, it is considered that the proposal is supported by the relevant purpose and decision guidelines of Clause 52.27 and is appropriate for the subject land having regard to this particular provision.

4.3 The decision guidelines of Clause 65

The decision guidelines contained in Clause 65 of the East Gippsland Planning Scheme set out the matters that the Responsible Authority must consider (as appropriate):

Clause 65.01 – Approval of An 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.*



Discussion

The matters set out at Section 60 of the Act are satisfactorily addressed by the application. As previously discussed, it is considered that the proposal is supported by the relevant provisions of the Municipal Planning Strategy and the Planning Policy Framework with regards to economic development, settlement, tourism and car parking. The matters to be considered by Clause 52.06 and Clause 52.27 are appropriately met. The proposal is in conjunction with, and to provide for the enhancement of the existing use and development of the land. There are no servicing impacts from the proposal, with no unreasonable impacts on the current and future operation of the transport system likely to be realised.



5. Conclusion

This report demonstrates that the proposal is consistent with the relevant provisions of the East Gippsland Planning Scheme, including the Planning Policy Framework, Municipal Planning Strategy and the relevant objectives and decision guidelines of the Commercial 1 Zone, Clause 52.27 and Clause 65.

The proposed use is appropriate for the site as it:

- Is supported by relevant State and Local Planning Policy relating to economic development, settlement, tourism and car parking;
- Satisfies the relevant objectives and decision guidelines of Clause 52.06;
- Satisfies the relevant objectives and decision guidelines of Clause 52.27; and
- Is consistent with the decision guidelines of Clause 65 of the East Gippsland Planning Scheme.

It is therefore considered that the proposal is worthy of support. Thus, it is respectfully requested that the Responsible Authority issue a Planning Permit to allow the use as described in this report at 73-75 Esplanade, Paynesville.

Liquor Licence 2023

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GENERAL LICENCE

Licence No. 31910347

Subject to the provisions of the Liquor Control Reform Act 1998 and any conditions specified in the licence, the licensee is authorised to supply liquor up to and including 31 December 2023

Licensee	ELLACEY PTY LTD (ACN:607 350 541)		
Address for service of notices	68 WELLINGTON STREET PAYNESVILLE 3880	Licensed premises address	75 THE ESPLANADE PAYNESVILLE 3880
Trading as	THE PAYNESVILLE HOTEL		

GENERAL INFORMATION

A liquor licence does not override local laws, planning schemes and conditions on planning permits. It is the responsibility of the licensee to ensure they comply with these and all conditions of a planning permit above what is specified on the liquor licence. Where the trading hours on your planning permit are less than the trading hours on this liquor licence, you must comply with the hours on the planning permit.

TYPE OF LICENCE

This licence is a general licence and authorises the licensee to supply liquor on the licensed premises for consumption on and off the licensed premises during the trading hours specified below.

AMENITY

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.

MAXIMUM CAPACITIES

Public Bar (130 patrons) Saloon Bar (30 patrons) Lounge (110 patrons) Function Room (170 patrons)
Overall Maximum (440 patrons).

TRADING HOURS

FOR CONSUMPTION OFF THE LICENSED PREMISES -

Sunday	Between 10 a.m. and 11 p.m.
Good Friday & Anzac Day	Between 12 noon and 11 p.m.
On any other day	Between 7 a.m. and 11 p.m.

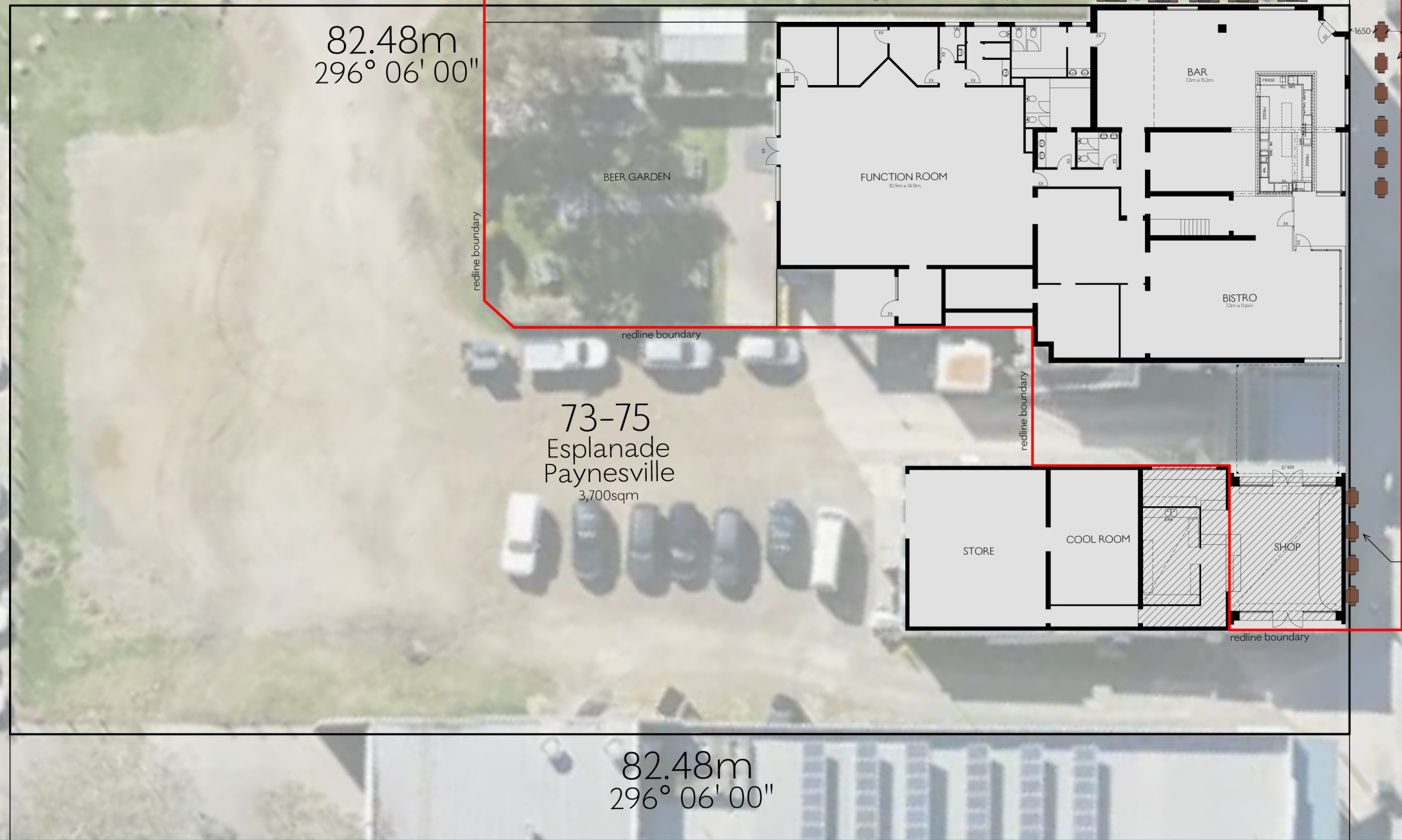
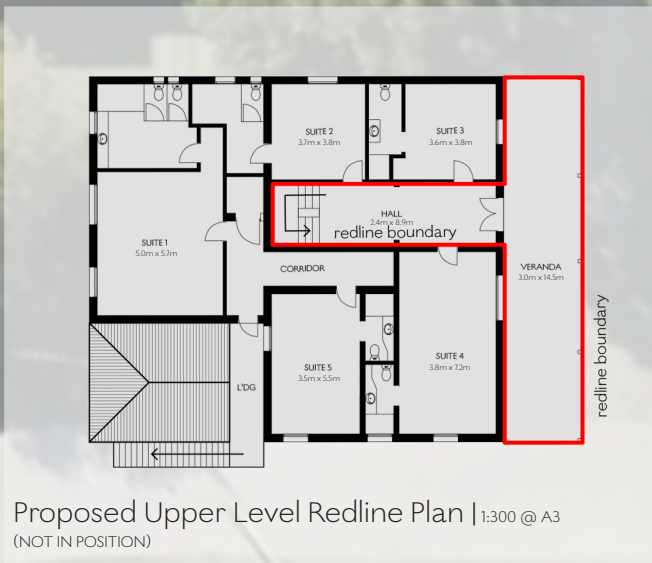
During the period 1st January to 30th April (excluding Anzac Day) and 1st October to 31st December.

Sunday	Between 10 a.m. and 11 p.m.
Good Friday & Anzac Day	Between 12 noon and 11 p.m.
On any other day	Between 7 a.m. and 11 p.m.

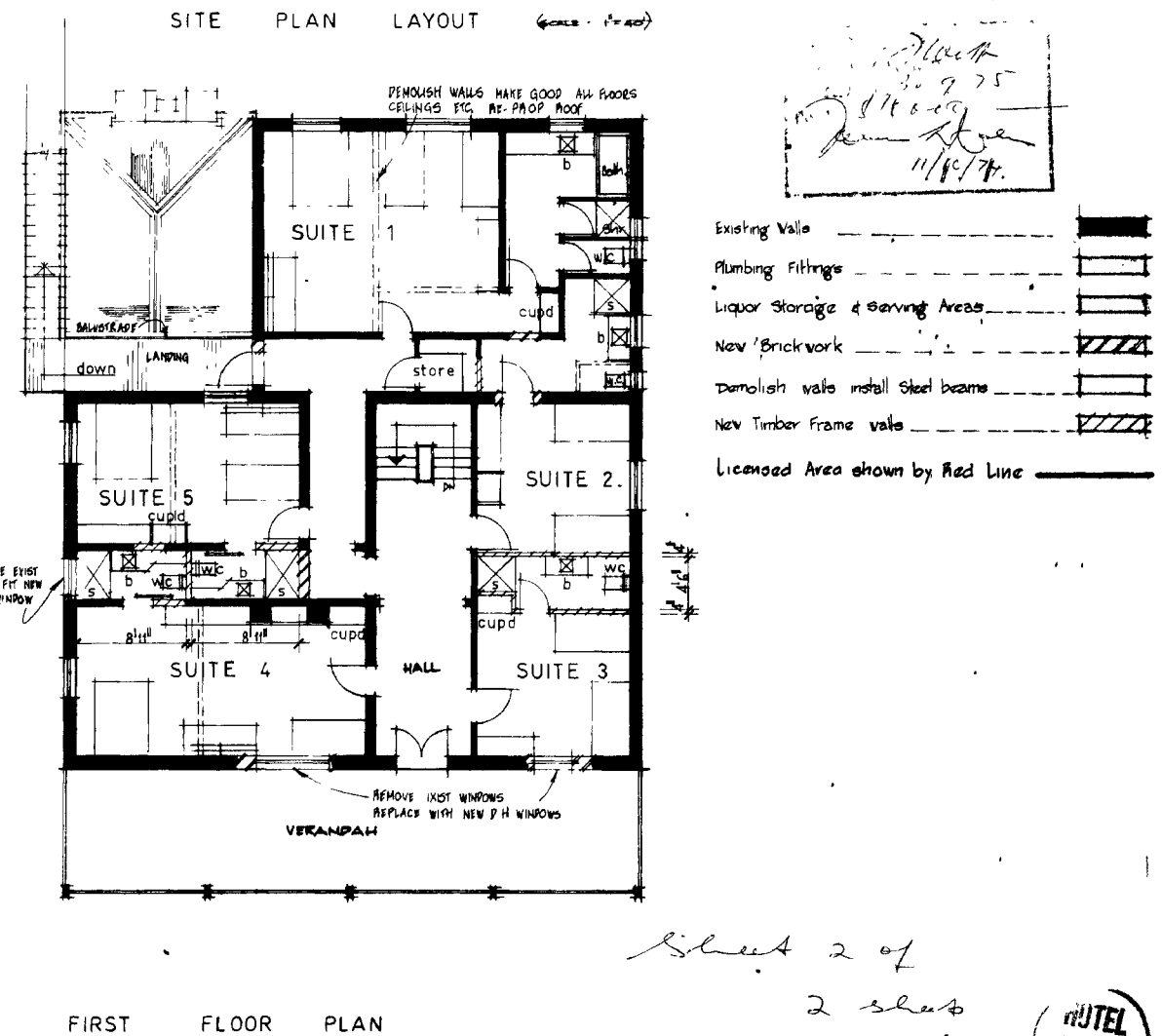
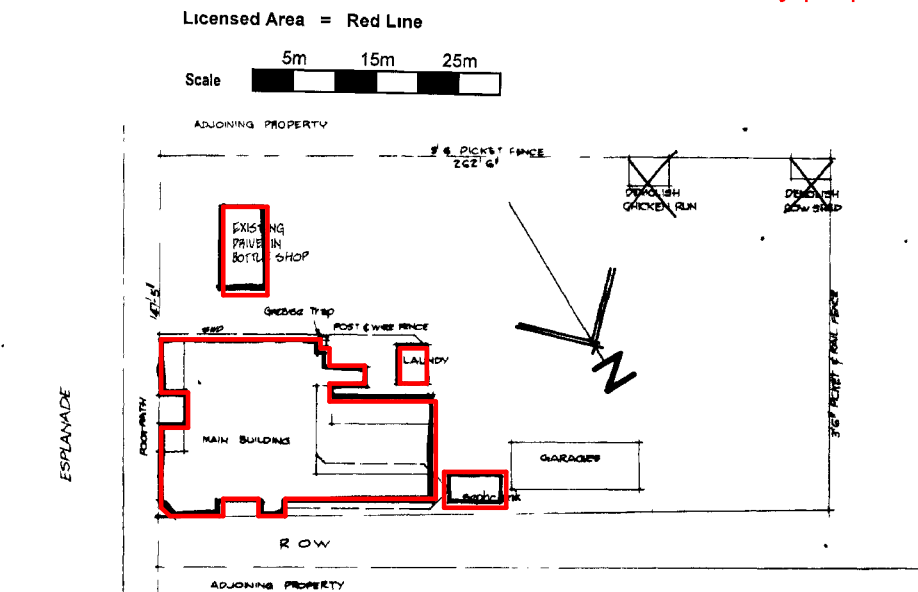
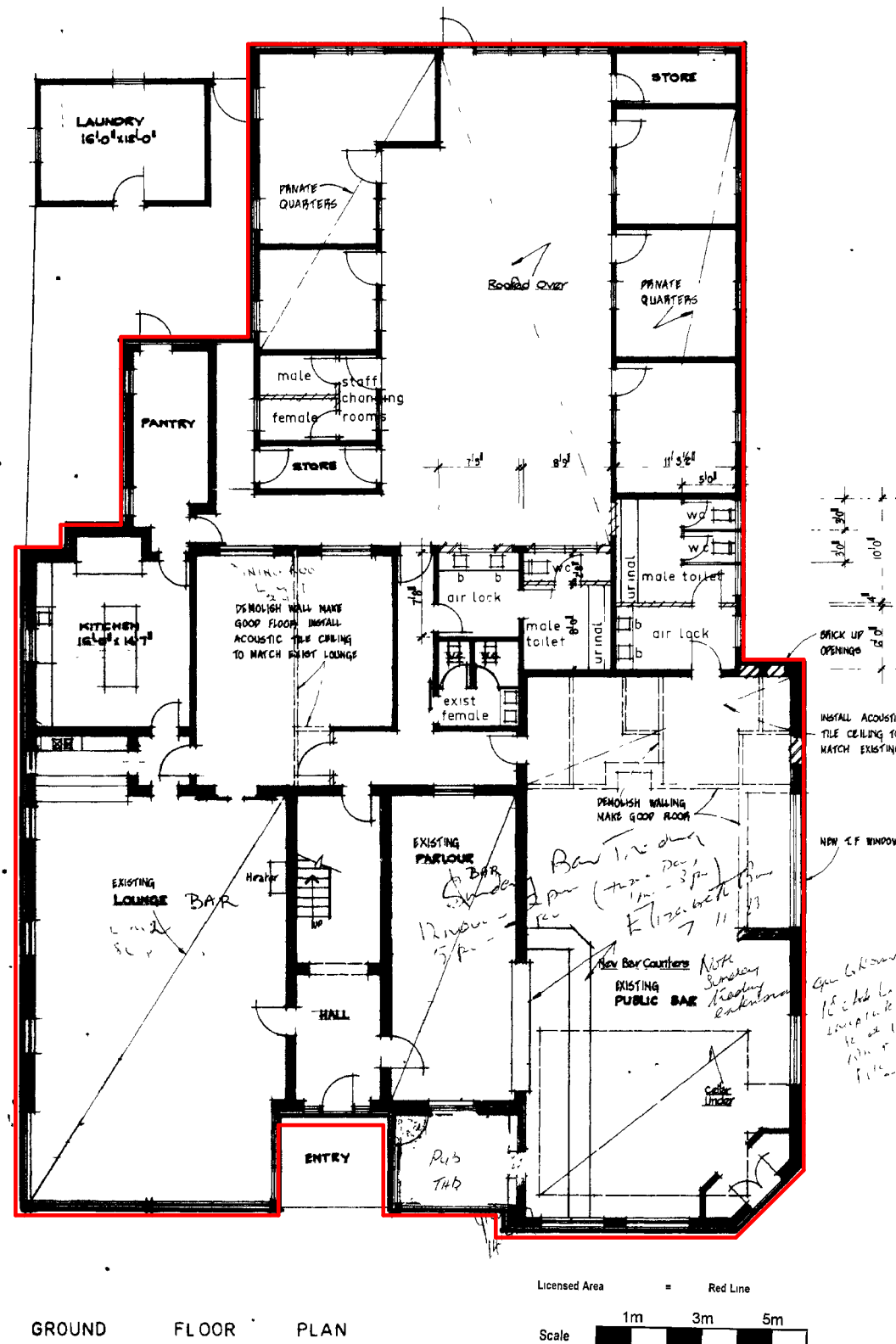
FOR CONSUMPTION ON THE LICENSED PREMISES -

Sunday	Between 10 a.m. and 11 p.m.
Good Friday	Between 12 noon and 11 p.m.
Anzac Day (not being a Sunday)	Between 12 noon and 1 a.m. the day following.
On any other day	Between 7 a.m. and 1 a.m. the day following except for the morning of Good Friday.

End of Conditions - Printed on 24/10/2023



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1367361Sheet 2 of
2 sheetsHOTEL
1034

james mc sweeney
home design & drafting
56 main rd paynesville
phone : 566568

CLIENT

J C MASLEN & Sons Pty Ltd.

TITLE

PROPOSED ALTERATIONS

LOCATION

PAYNESVILLE HOTEL

Date

15 Aug '74

Scale

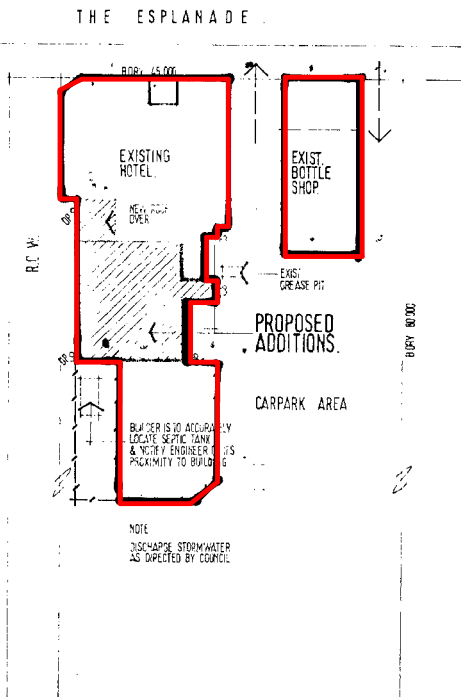
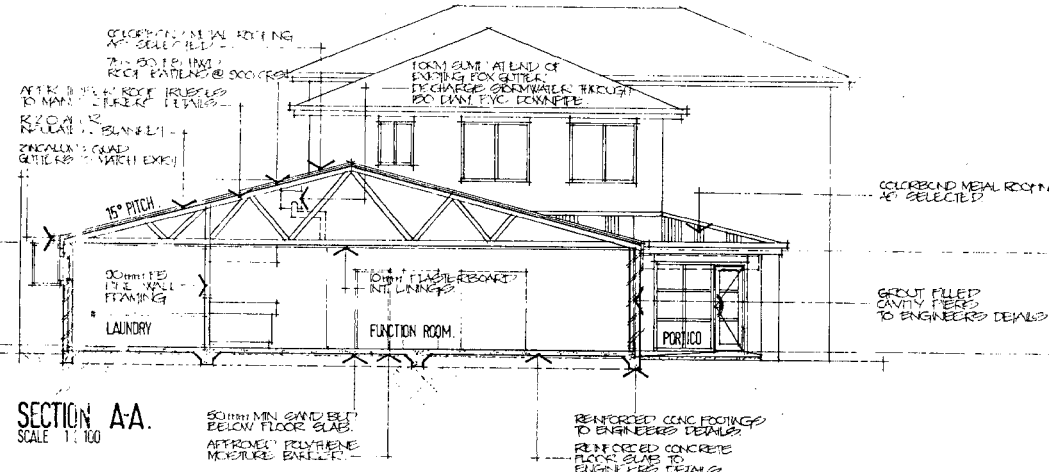
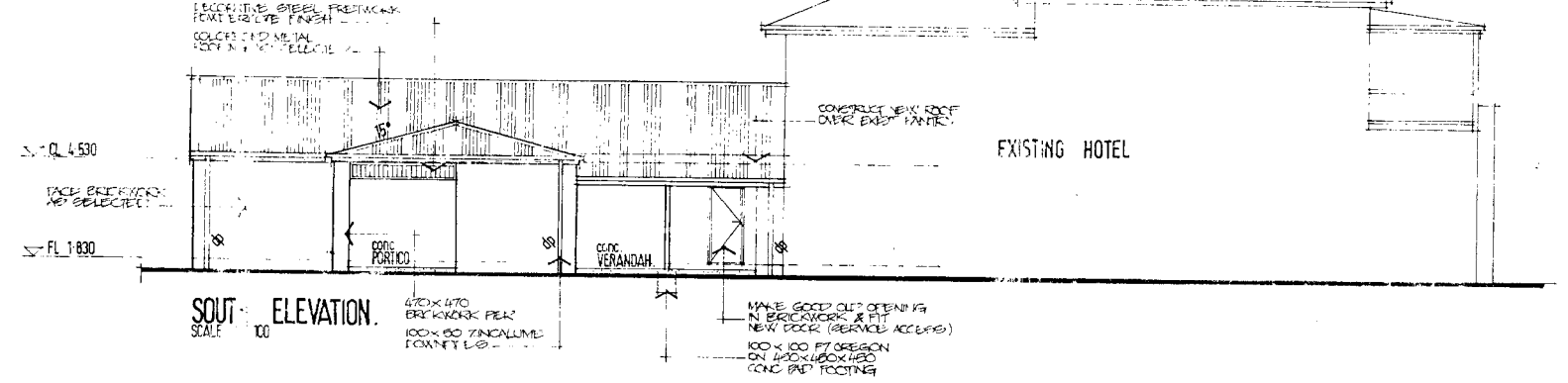
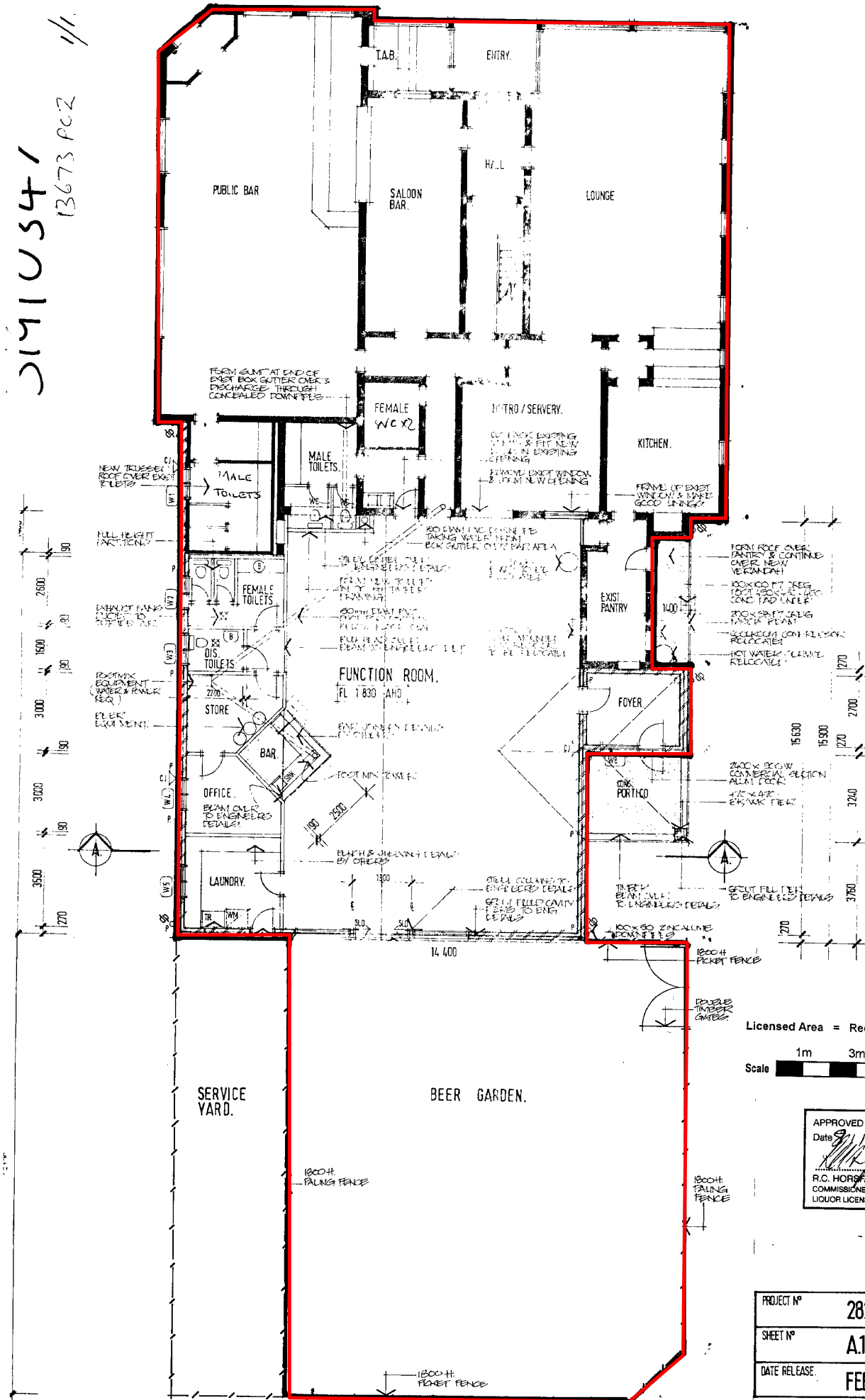
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J.M.S.

Printed 22/11/2023
Page 36 of 37

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Licensed Area = Red Line
Scale 1m 3m 5m

APPROVED
Date 9/1/97
R.C. HORSFALL
COMMISSIONER
LIQUOR LICENSING COMMISSION

WINDOW SCHEDULE			
W.1	60 x 1200	ALUMINIUM SLIDING	
W.2			
W.3			
W.4			
W.5			
W.6	2400 x 2200	COMMERCIAL SECTION ALUMINIUM	
W.7			
W.8	2400 x 1500		

NOTE: ALL GLAZING IS TO COMPLY WITH AS 1288. ALL STEEL UNITS TO ENGINEERS DETAILS

PROJECT N°	2824.	REVISION		DATE		CODE	
SHEET N°	A1.						
DATE RELEASE	FEB'96.						

PROJECT	PROPOSED ADDITIONS & ALTERATIONS TO EXISTING HOTEL AT N° 73-75, ESPLANADE, PAYNESVILLE.
CLIENT	R. & B. CONWAY

Printed 22/11/2023
Page 37 of 37