

Form 2

NOTICE OF AN APPLICATION FOR PLANNING PERMIT

The land affected by the application is located at:	58 Macleod Street BAIRNSDALE 3875 Lot: 4 PS: 304073
The application is for a permit to:	Use of an amusement parlour and indoor recreation facility and waiving of bicycle facilities
The applicant for the permit is:	Crowther & Sadler Pty Ltd
The application reference number is:	5.2024.348.1

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

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

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

An objection must

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

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

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

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

April McDonald

From: Snapforms Notifications <no-reply@snapforms.com.au>
Sent: Thursday, 10 October 2024 4:15 PM
To: Planning Unit Administration
Subject: Planning Permit application
Attachments: Volume_10998_Folio_435_VicPackageSearch_1727854402.pdf; 21002 Site Plan V2.pdf; 21002 Report.pdf

Planning Permit Application

A Planning Permit Application' has been submitted via the East Gippsland Shire Council website, the details of this submission are shown below:

Name: Crowther&Sadler Pty Ltd

Email address: contact@crowthersadler.com.au

Postal address : PO Box 722 Bairnsdale Vic 387

Work phone number: 51 52 5011

Street number: 58

Street name: Macleod Street

Town: Bairnsdale

Post code: 3875

Please upload a copy of plan: [Volume_10998_Folio_435_VicPackageSearch_1727854402.pdf](#)

Has there been a pre-application meeting: Yes

Officer's name: Andrew Bates

Is there any encumbrance on the Title such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope?: No

Will the proposal result in a breach of a registered covenant restriction or agreement?: No

Description of proposal - Describe the use, development or other matter which requires a permit: Use of an amusement parlour and indoor recreation facility and waiving of bicycle facilities

Existing conditions - Describe how the land is used and developed now: Vacant

Estimated cost of development. Note: You may be required to verify this estimate: 0

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Title (must have been generated within the past 30 days:
[Volume 10998 Folio 435 VicPackageSearch 1727854402.pdf](#)

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Site plan/floor - plan/elevations: [21002 Site Plan V2.pdf](#)

Planning report: [21002 Report.pdf](#)

Declaration: Yes

Privacy Statement: Yes

REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958 Page 1 of 2

VOLUME 10998 FOLIO 435

Security no : 124118704769F
Produced 02/10/2024 01:17 PM

LAND DESCRIPTION

Lot 4 on Plan of Subdivision 304073D.
PARENT TITLE Volume 10018 Folio 188
Created by instrument AE945655V 13/03/2007

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
AMRITA FAMILY GROUP PTY LTD

ENCUMBRANCES, CAVEATS AND NOTICES

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

DIAGRAM LOCATION

SEE PS304073D 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: 58 MACLEOD STREET BAIRNSDALE VIC 3875

ADMINISTRATIVE NOTICES

NIL

OWNERS CORPORATIONS

The land in this folio is affected by
OWNERS CORPORATION PLAN NO. PS304073D



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The Victorian Government acknowledges the Traditional Owners of Victoria and pays respects to their ongoing connection to their Country, History and Culture. The Victorian Government extends this respect to their Elders, past, present and emerging.

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

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DOCUMENT END

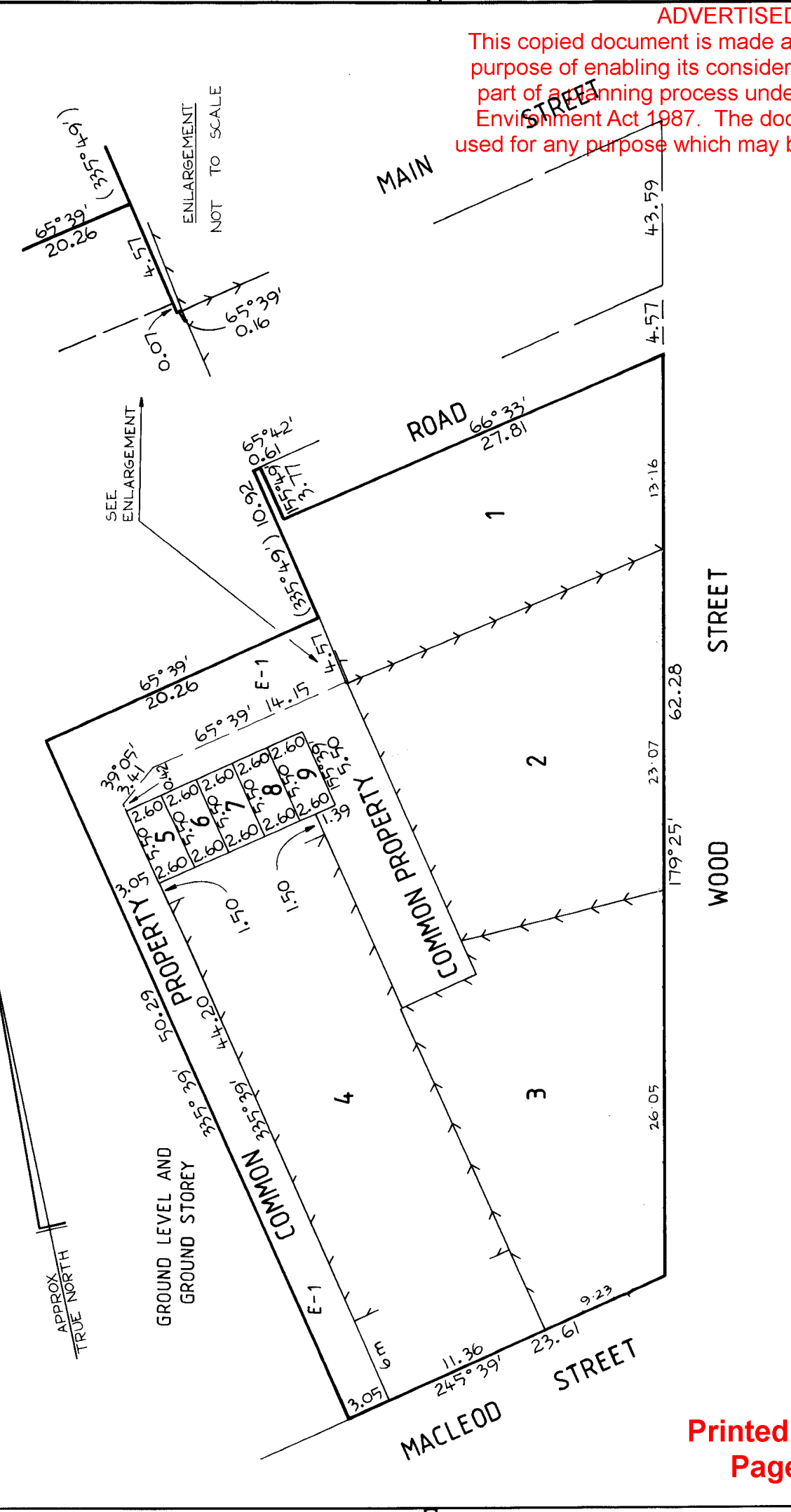
**Printed 22/10/2024
Page 5 of 30**

PLAN OF SUBDIVISION				STAGE NO. /	LTO use only	ADVERTISED Plan Number PS 304-0730
<p style="text-align: center;">Location of Land</p> <p>Parish: BAIRNSDALE</p> <p>Township: BAIRNSDALE</p> <p>Section: A</p> <p>Crown Allotment: PRE - EMPTIVE</p> <p>Crown Portion: _____</p> <p>LTO Base Record: CHART. 1.</p> <p>Title Reference: VOL 9931 FOL 197 VOL 9931 FOL 200 VOL 2443 FOL 532</p> <p>Last Plan Reference: _____</p> <p>Postal Address: 14 - 20 WOOD STREET (at time of subdivision) BAIRNSDALE 3875</p> <p>AMG Co-ordinates E 555 600 Zone: 55 (of approx. centre of land in plan) N 5 813 100</p>				<p style="text-align: center;">Council Certificate and Endorsement</p> <p>Council Name: <u>TOWN OF BAIRNSDALE</u> Ref: <u>60/02/876</u></p> <p>1. This plan is certified under section 6 of the Subdivision Act 1988.</p> <p>2. This plan is certified under section 11(7) of the Subdivision Act 1988.</p> <p>Date of original certification under section 6 / /</p> <p>3. This is a statement of compliance issued under section 21 of the Subdivision Act 1988.</p> <p style="text-align: center;">OPEN SPACE</p> <p>(i) A requirement for public open space under section 18 of the Subdivision Act 1988 has has not been made.</p> <p>(ii) The requirement has been satisfied.</p> <p>(iii) The requirement is to be satisfied in Stage.....</p> <p>Council delegate _____ Council seal _____</p> <p>Date <u>15 / 8 / 1990</u></p> <p>Re-certified under section 11(7) of the Subdivision Act 1988</p> <p>Council Delegate _____ Council Seal _____</p> <p>Date / /</p>		
Vesting of Roads and/or Reserves						
Identifier		Council/Body/Person				
Notations						
		<p>Staging This is/is not a staged subdivision Planning Permit No. _____</p> <p>Depth Limitation NONE</p>				
<p>LOCATION OF BOUNDARIES DEFINED BY BUILDINGS : MEDIAN : BOUNDARIES BETWEEN LOTS 1,2,3 & 4. EXTERIOR FACE : BOUNDARIES BETWEEN THE LOTS AND THE COMMON PROPERTY. INTERIOR FACE : BOUNDARIES OF LOTS 10 TO 17.</p> <p>Survey This plan is is not based on survey This survey has been connected to permanent marks no(s) 46 In Proclaimed Survey Area No. 19</p>						
Easement Information						LTO use only
Legend: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)						Statement of Compliance/ Exemption Statement
						Received <input checked="" type="checkbox"/>
						Date <u>16 / 10 / 190</u>
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of		
E-1	CARRIAGEWAY	SEE PLAN	CREATED IN BOOK 603 NO. 384	LAND DESCRIBED IN : BOOK 554 NO. 927, BOOK 349 NO. 542, C/T VOL 2142 FOL 230.		
						LTO use only
						PLAN REGISTERED TIME DATE <u>17 / 5 / 91</u> <i>[Signature]</i> Assistant Registrar of Titles
						Sheet 1 of 4 Sheets
KLUGE JACKSON BOWDEN CONSULTANTS PTY. LTD. SURVEYORS, ENGINEERS, ESTATE PLANNERS 76 MAIN STREET, BAIRNSDALE, 3875 (051) 52 6599			LICENSED SURVEYOR (PRINT)..... BRUCE BOWDEN..... SIGNATURE..... DATE / / REF B 87 866^F VERSION			Printed 22/10/2024 Page 6 of 30 Original sheet size A3

PLAN OF SUBDIVISION

Stage No. / Plan Number PS 304 073D

WOOD STREET
MACLEOD STREET



Sheet 2 of 4

DATE / /

COUNCIL DELEGATE SIGNATURE

LICENSED SURVEYOR (PRINT) BRUCE BOWDEN

SIGNATURE / DATE / VERSION

REF B87 866 F

SCALE

2.5 0 5 10

LENGTHS ARE IN METRES

ORIGINAL SCALE SHEET SIZE

1:250 A3

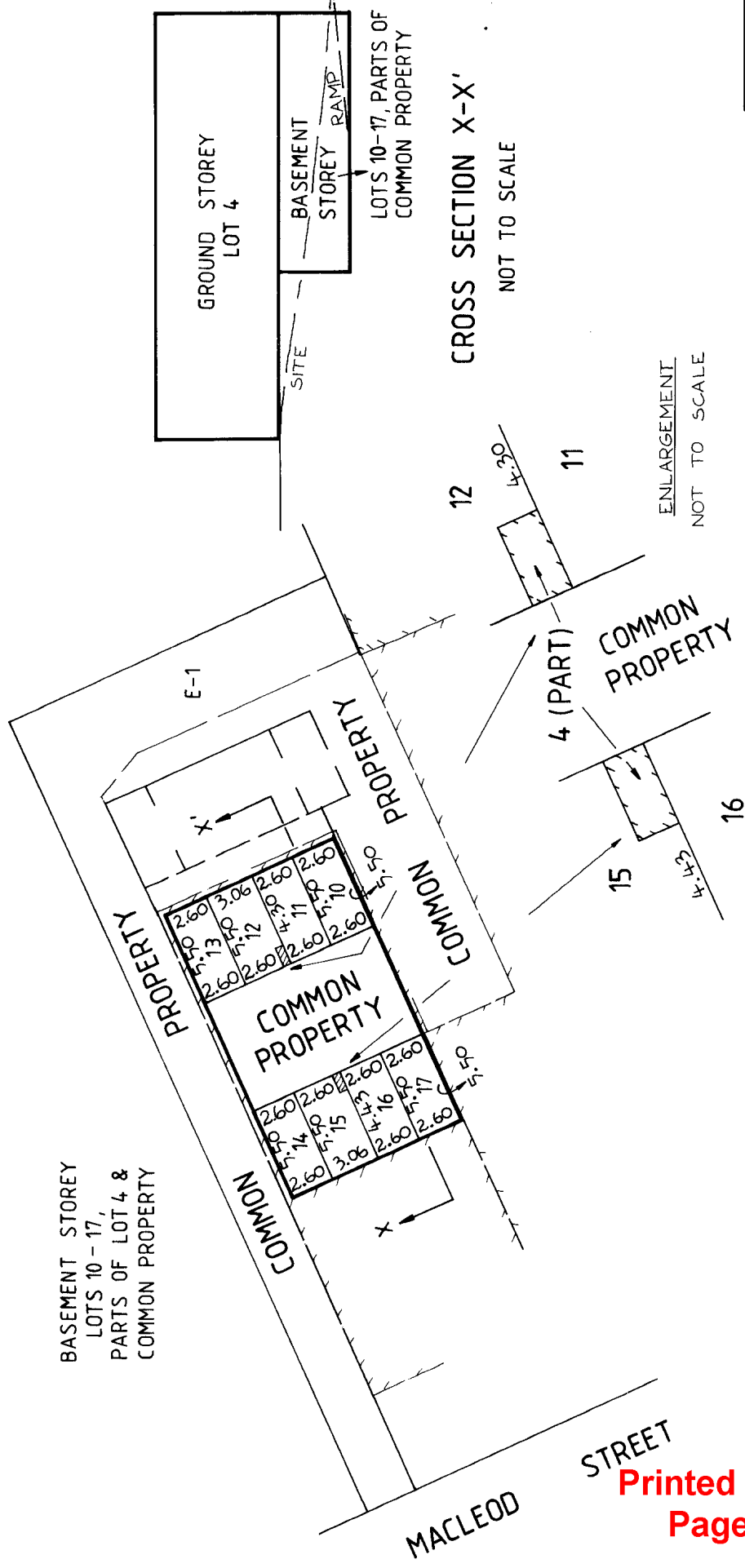
KLUGE JACKSON BOWDEN CONSULTANTS PTY. LTD.
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PLAN OF SUBDIVISION
Stage No. /
Plan Number
PS 304 073D

APPROX TRUE NORTH



Sheet 3 of 4 Sheets

DATE / /

COUNCIL DELEGATE SIGNATURE

LICENSED SURVEYOR (PRINT)..... BRUCE BOWDEN.....

SIGNATURE..... DATE / /

VERSION

REF **B87 866F**

SCALE

2.5 0 5 10

LENGTHS ARE IN METRES

ORIGINAL SCALE SHEET SIZE

1:250 A3

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100 110 120 130 140 150 160 170 180 190 200

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PS304073D

FOR CURRENT BODY CORPORATE DETAILS
SEE BODY CORPORATE SEARCH REPORT



Department of Environment, Land, Water & Planning

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Owners Corporation Search Report

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**OWNERS CORPORATION
PLAN NO. PS304073D**

The land in PS304073D is affected by 1 Owners Corporation(s)

Land Affected by Owners Corporation:

Common Property, Lots 1 - 17.

Limitations on Owners Corporation:

Unlimited

Postal Address for Services of Notices:

14-20 WOOD STREET BAIRNSDALE VIC 3875

PS304073D 17/05/1991

Owners Corporation Manager:

NIL

Rules:

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

Owners Corporation Rules:

NIL

Additional Owners Corporation Information:

NIL

Notations:

NIL

Entitlement and Liability:

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

Land Parcel	Entitlement	Liability
Common Property	0	0
Lot 1	18	18
Lot 2	22	22
Lot 3	21	21
Lot 4	26	26
Lot 5	1	1
Lot 6	1	1





Department of Environment, Land, Water & Planning

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Owners Corporation Search Report

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**OWNERS CORPORATION
PLAN NO. PS304073D**

Entitlement and Liability:

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

Land Parcel	Entitlement	Liability
Lot 7	1	1
Lot 8	1	1
Lot 9	1	1
Lot 10	1	1
Lot 11	1	1
Lot 12	1	1
Lot 13	1	1
Lot 14	1	1
Lot 15	1	1
Lot 16	1	1
Lot 17	1	1
Total	100.00	100.00

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

Statement End.

Planning Report

Use of an Amusement Parlour and Indoor Recreation Facility and Waiver of Bicycle Facilities
58 Macleod Street, Bairnsdale

Our reference – 21002

10 October 2024



FS 520900



Printed 22/10/2024

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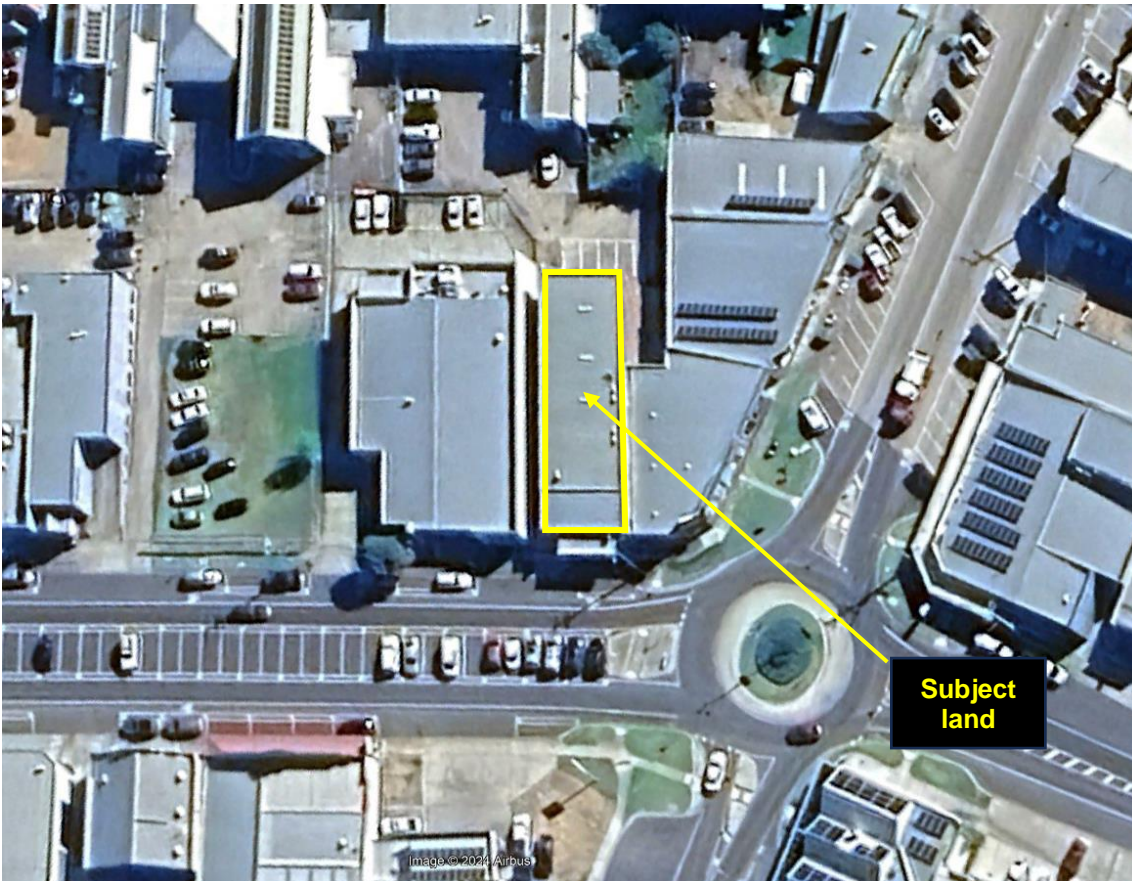
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Proposed Site Plan (Version 2)	
Copy of Title (Lot 4 on PS304073D)	

Note: Applicable Planning Application fee is \$2,180.10 calculated as follows:

Reg 9, Class 1 (Use)	\$1,453.40
Reg 9, Class 22 (Waiver of Bicycle facilities)	\$726.70 (50% of lesser fee)

1. Introduction

This Planning Report is prepared in support of the proposed use of an amusement parlour and indoor recreation facility and waiver of bicycle facilities at 58 Macleod Street, Bairnsdale. The Report addresses the provisions of the Commercial 1 Zone, Clause 52.06 Car Parking and Clause 52.34 Bicycle Facilities as contained within the East Gippsland Planning Scheme.



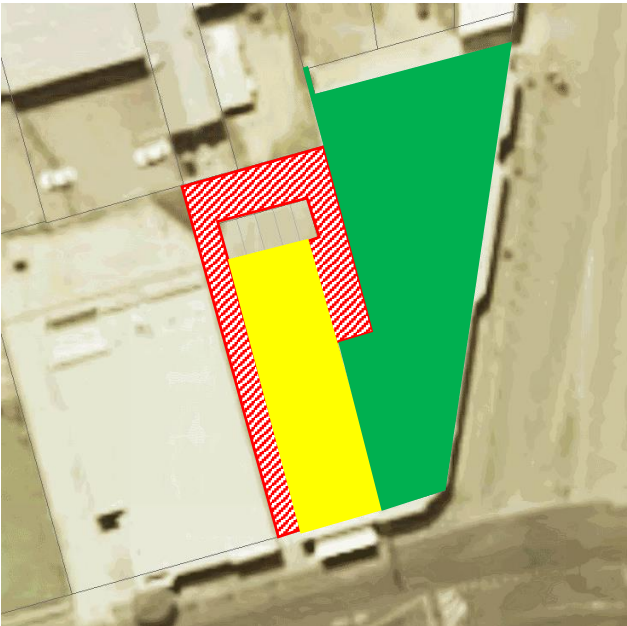
Aerial image of the subject land and immediate surrounds (Source: Google Earth)

2. Subject Land & Surrounding Context

The subject land is formally known as Lot 4 on Plan of Subdivision 304073D or more commonly known as 58 Macleod Street, Bairnsdale. The subject land is developed with a single storey commercial building, which is a relatively basic structure with an entry canopy constructed over the Macleod Street road reserve.



Image of the subject site looking north from Macleod Street



Common property adjoins the subject land to the west, north, and part of the eastern boundary, providing access to an undercroft basement used for car parking.

The subject land is a member of the Owners Corporation together with the three lots that adjoin the property to the east with frontage to Wood Street, occupied by Webster's Furniture.

Diagram demonstrates the subject land (in yellow), Webster's Furniture (in green) and common property (in red hatch) (Source: VicPlan)



Looking west along Macleod Street from intersection with Wood Street

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Plan of Subdivision 304073D also details thirteen separately transferable parcels, each with an area of 14.3m² (2.6m by 5.5m) for car parking, accessible via Common Property.



Car parking spaces 5-9 (inclusive) to the rear of the subject land



Car parking spaces 10-13 (inclusive) within the basement car park



Car parking spaces 14-17 (inclusive) within the basement car park

The following table summarises our research of ownership of these individually transferable allotments.

Lot No.	Registered proprietor
5	Jasbail Pty Ltd
6	Jasbail Pty Ltd
7	Jasbail Pty Ltd
8	Rodney & Margaret Webster
9	Rodney & Margaret Webster
10	Jasbail Pty Ltd
11	Jasbail Pty Ltd
12	Jasbail Pty Ltd
13	Jasbail Pty Ltd
14	Amrita Family Group Pty Ltd
15	Amrita Family Group Pty Ltd
16	Amrita Family Group Pty Ltd
17	Amrita Family Group Pty Ltd

The four car parking spaces provided by Lots 14-17 (inclusive) are held in common ownership with the subject land.



The common property driveway to the west of the building also provides a right of carriageway to development to the north with frontage to Main Street, and facilitates vehicle access to car parking located to the rear/south and below these commercial buildings.

Further west of common property driveway is a Services Australia office, providing for government services and payments.

(L) Looking north from Macleod Street along common property driveway

The subject land was originally developed as a shop, occupied until recently by Bairnsdale Bearings who subsequently relocated to Bosworth Road / Rovon Place. Council's planning register advises that a previous planning permit was issued for buildings and works to an existing shop and reduction in car parking requirement 5.2007.526.1 issued on 1/8/2008.



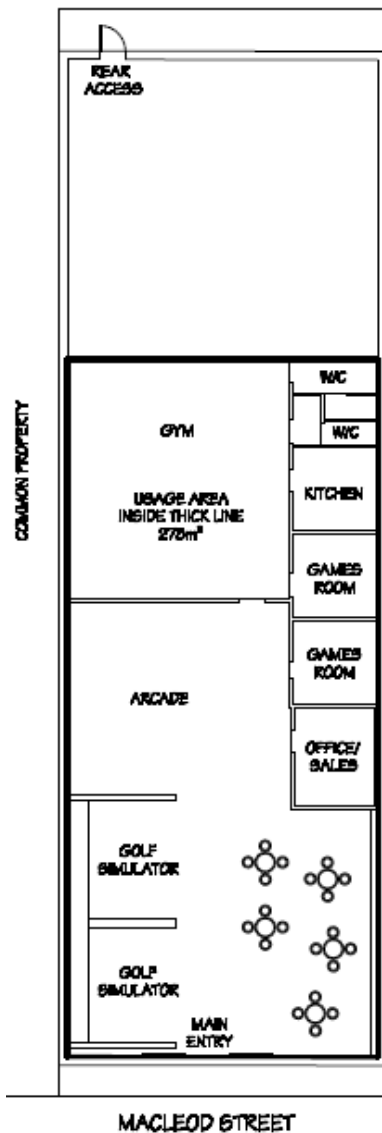
Former Bairnsdale Bearings shop (Source: Google maps, circa June 2018)

More recently, the premises was used as an office for a disability services provider Your Own Way, which included a gym area to the rear of the building for the use of staff. The tenant has recently relocated to 59-63 Macleod Street, co-locating with the Salvation Army Opportunity Shop.

3. The Application & Proposal

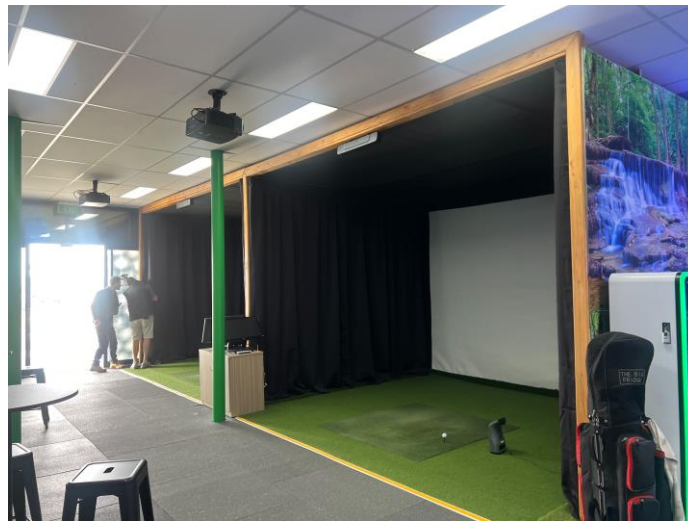
It is proposed to use the premises for the purposes of an amusement parlour and indoor recreation facility being a gymnasium.

Whilst pre-application discussions with Council presumed the combined activity would be characterised as an indoor recreation facility, the number and style of amusement machines provided on site indicates a separate use, having regard for the definitions provided at Clause 73.03.



The proposed amusement parlour will consist of:

- Two enclosed games rooms where gaming facilities will be installed.
- A range of amusement machines including skill tester machines, car racing and adventure/shooting arcade machines.
- Billiards table.
- Golf simulator with two separate booths for independent play.



Golf simulators



Proposed amusement parlour arcade machines

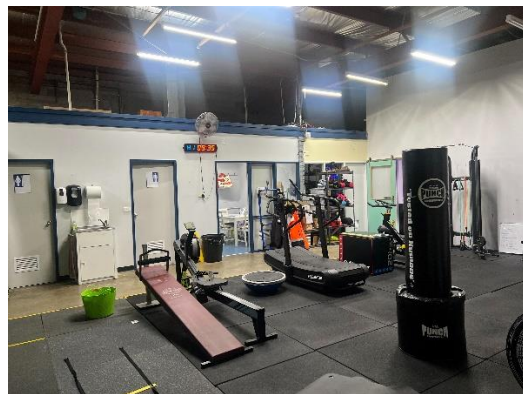


Gaming room



Lounge area

It is proposed to install a small gymnasium to the rear of the premises with an area of 60 square metres and will accommodate a range of exercise equipment.



Proposed gymnasium

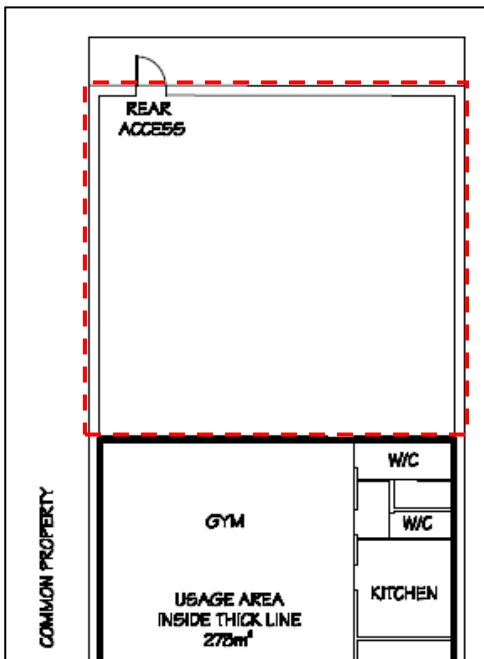
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The facility will also be developed with a secure office and sales room, staff kitchen and male and female amenities.



Proposed sale room with internal windows providing for secure sales

The overall area of the proposed premises will be 273 square metres and the operating hours of the premises will be 8am – 8pm with a maximum of two staff members onsite at any one time.



The proposed uses do not include a large room to the rear of the premises, which is separately occupied, and accessed directly from common property via an entrance within the northern elevation.

Extract of the northern part of the site plan identifying part of the premises not included within the proposed amusement parlour and indoor recreation facility

No additional signage is proposed in association with the proposed uses. The extent of existing signage is significantly less than that which was lawfully established in association with the former shop use.

Planning approval is required pursuant to the following Clauses of the East Gippsland Planning Scheme:

Planning Scheme Clause No.	Description of what is Proposed
Clause 34.01-1 Commercial 1 Zone	Section 2 use (Amusement parlour)
Clause 34.01-1 Commercial 1 Zone	Section 2 use (Indoor recreation facility)
Clause 52.34-2 Bicycle facilities	Waiver of required bicycle facilities

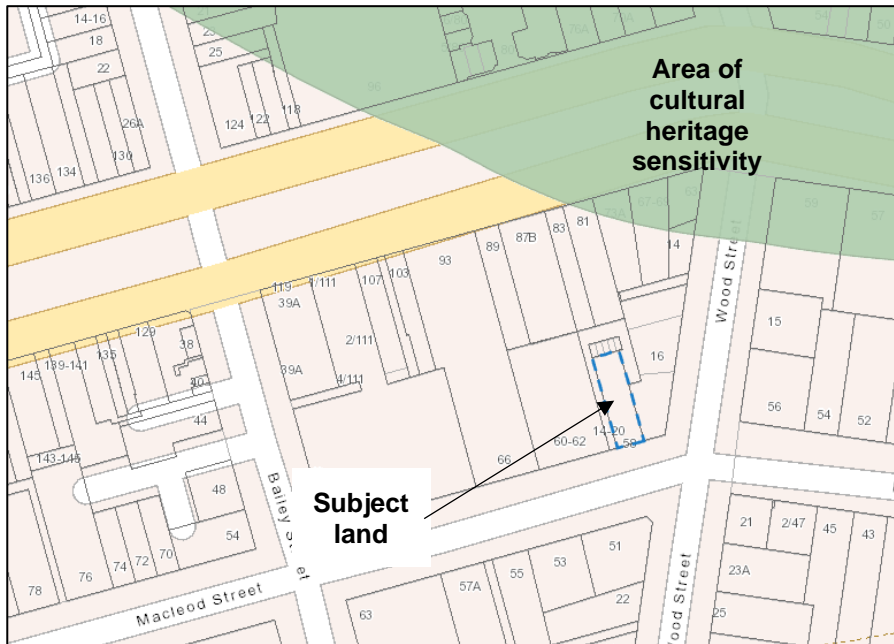
It is noted that the reduction of bicycle facilities is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act. Third party rights are therefore limited to the proposed change of use.

There is no requirement to refer the application in accordance with section 55 of the *Planning and Environment Act 1987*.

4. Cultural Heritage

Pursuant to Regulation 7 of the *Aboriginal Heritage Regulations 2018*, a CHMP is required for an activity if:

- (a) *all or part of the activity area for the activity is in an area of cultural heritage sensitivity; and*
- (b) *all or part of the activity is a high impact activity*



Cultural Heritage Sensitivity Mapping (Source: VicPlan)

The subject land is not contained within an area of cultural heritage sensitivity, and the proposed uses are not considered high impact uses, as such a CHMP is not required for the proposal.

5. Planning Policy

5.1 Planning Policy Framework

The proposed uses within an existing commercial zoned building in Bairnsdale's Activity Area will support the sustainable development of East Gippsland's regional centre and provides for the development of services within the region as outlined in Clause 11.01-1S Settlement.

Planning policy at Clause 11.03-1S Activity centres promotes activity centres as a focus for leisure, supporting the continued growth and diversification of activity centres to give communities access to a wide range of goods and services, provide local employment and support local economies which the proposal will achieve.

Strategies Clause 11.03-1L-01 Bairnsdale CBD positively support the proposal. The use of the premises contributes to consolidating commercial development within the town boundary and assists to revitalise the shopping centre.

Facilitating growth in a range of employment sectors including retail is encouraged within Clause 17.01-1S Diversified economy. The proposed uses will provide for local employment opportunities.

5.2 Municipal Planning Strategy

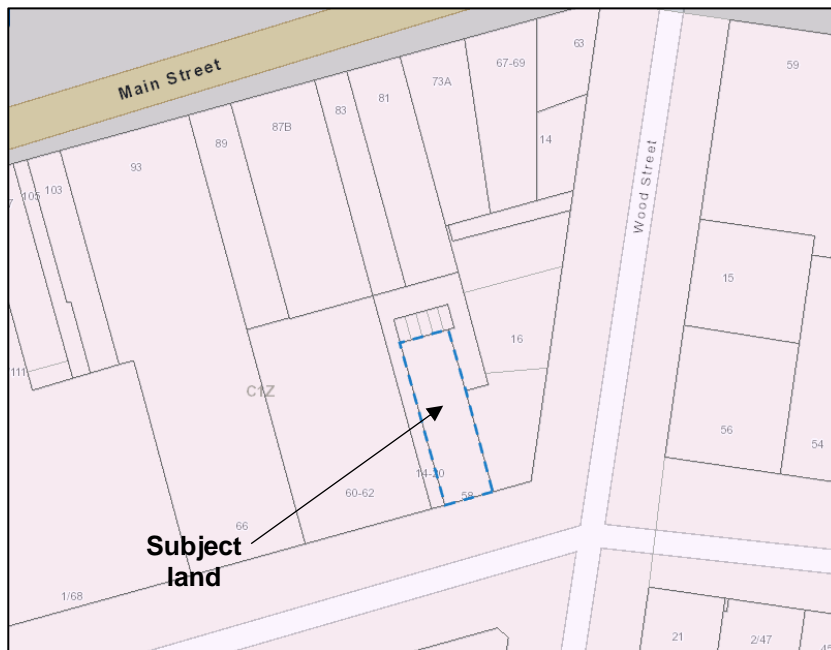
The proposed uses will assist to reinforce the role of Bairnsdale as the commercial and retail centre for East Gippsland, as sought by the relevant strategic direction within Clause 02.03-1 Settlement and housing.

Consistent with Clause 02.03-6, the subject land is located within the core retail centre of Bairnsdale and as such assists to enhance Bairnsdale's role as the principal commercial and retail centre.

6. Planning Elements

6.1 Commercial 1 Zone

The application is considered to meet the purposes of the Commercial 1 Zone as positive planning support is contained within the Municipal Planning Strategy and Planning Policy Framework, it will contribute to a vibrant commercial centre and provides entertainment uses within the core area of the Bairnsdale Activity Area.



Planning scheme zone mapping (Source: VicPlan)

Both amusement parlour and indoor recreation facility are not uses specifically nominated within Clause 34.01-1 of the zone. An amusement parlour is nested within a place of assembly and an indoor recreation facility is nested within leisure and recreation, both of which are Section 2 (permit required) uses.

The following comments address the requirements of Clause 34.01-2 relating to the use of the land:

- Both proposed uses have minor need for deliveries, significantly reduced from that of the previous retail occupants.
- In the event deliveries are required a loading zone is located directly outside the building ensuring minimal disruption to traffic within the area.
- No external buildings and works are proposed.
- The construction of the building with concrete panel walls will ensure noise associated with the amusement machines will be contained within the building.
- Any artificial light emanating from the amusement machines will not spill outside of the building given window treatments.

- The proposed uses are innocuous and will not detract from the amenity of the area in terms of vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil.

The proposal addresses the decision guidelines of the Zone through the following:

- The subject land is well located, within the core commercial area of Bairnsdale, and will have no detrimental impact on residential areas.
- Existing uses within the locality are generally benign and will not affect the proposed use.
- The property is drained and connected to all available services.
- Traffic generation associated with the proposed use will be negligible when considered within the context of Bairnsdale's commercial core area.
- No part of the premises will be subject to an interim use, with all activities to be undertaken within the existing building.

6.2 Car parking

Before a new use commences the number of car spaces provided on a site must be provided in accordance with 52.06-5.

Pursuant to Clause 52.06-3 a permit is not required reduce the number of car parking spaces required for a new use of land if the following requirements are met:

- The number of car parking spaces required under Clause 52.06-5 for the new use is less than or equal to the number of car parking spaces required under Clause 52.06-5 for the existing use of the land.
- The number of car parking spaces currently provided in connection with the existing use is not reduced after the new use commences.

The following table summarises the variation in car parking requirement associated with the proposed amusement parlour.

	Table to Clause 52.06-5	Requirement	Rounded requirement
Existing Use 'Shop'	4 car spaces per 100m ² leasable floor area	4 x 2.73 = 10.92 spaces	10 car spaces
Proposed Use 'Amusement parlour'	4 car spaces per 100m ² net floor area	4 x 2.13 = 8.52 spaces	8 car spaces
		Shortfall/Credit	2 car spaces

The indoor recreation facility is not specified in Table 1 of Clause 52.06-5, as such car parking spaces associated with the gym component must be provided to the satisfaction of the responsible authority.

The indoor recreation facility is a very small component of the overall activities to be carried out on the land, being 60 square metres. The subject land benefits from four car parking spaces provided onsite, in addition to the existing car parking credit as outlined above.

Car parking associated with the indoor recreation facility is likely to be combined with multi-purpose trips within the locality. Demand will be short-stay, allowing car parking to be turned over regularly. The availability of public car parking within Macleod Street is generous given parking is provided on both sides of the street and within the centre median. On this basis it is considered that there is sufficient onsite car parking, car parking credits and on street parking for Council to be satisfied with car parking provision.

6.3 Bicycle facilities

Clause 52.34-1 Provision of bicycle facilities stipulates that a new use must not commence until the required bicycle facilities have been provided on the land, with Clause 52.34-2 providing the ability for a permit to be granted to waive any requirements.

The following table summarises the required bicycle facilities associated with the proposed uses in accordance with Table 1 to Clause 52.34-5.

	Employee Spaces	Visitor Spaces	Total
Amusement Parlour	None	6	6
Indoor Recreational Facility	None	None	0
	Bicycle Spaces Required		6

In accordance with Table 2 and 3, no shower or change room facilities are required.

The application seeks a full waiver from the requirement to provide bicycle facilities on the land, with the following comments provided with respect to the decision guidelines of Clause 52.34-4:

- The existing built form eliminates opportunities to provide for external bicycle spaces given the zero allotment development on the site.
- There is little opportunity to provide a bicycle rail outside of the premises due to potential disruption to pedestrian traffic and the slope of the footpath.
- Installing a bicycle rail on the nature strip adjoining the loading zone may disrupt the operation of the loading zone.
- An existing bicycle rail is located outside the Services Australia office, setback from the property boundary. This is considered the exception in the surrounding locality, where development is typically developed to the zero lot line.

7. Conclusion

The proposed use of an amusement parlour and indoor recreation facility and waiver of bicycle facilities at 58 Macleod Street, Bairnsdale is considered to accord with all relevant provisions of the Commercial 1 Zone, Clause 52.06 Car Parking and Clause 52.34 Bicycle Facilities of the East Gippsland Planning Scheme. The proposal is consistent with the Planning Policy Framework and Municipal Planning Strategy and will assist to maintain and add to the vibrancy of the Bairnsdale Activity Area.

For these reasons we respectfully request that Council consider the merits of the application favourably and resolve to issue a Planning Permit.

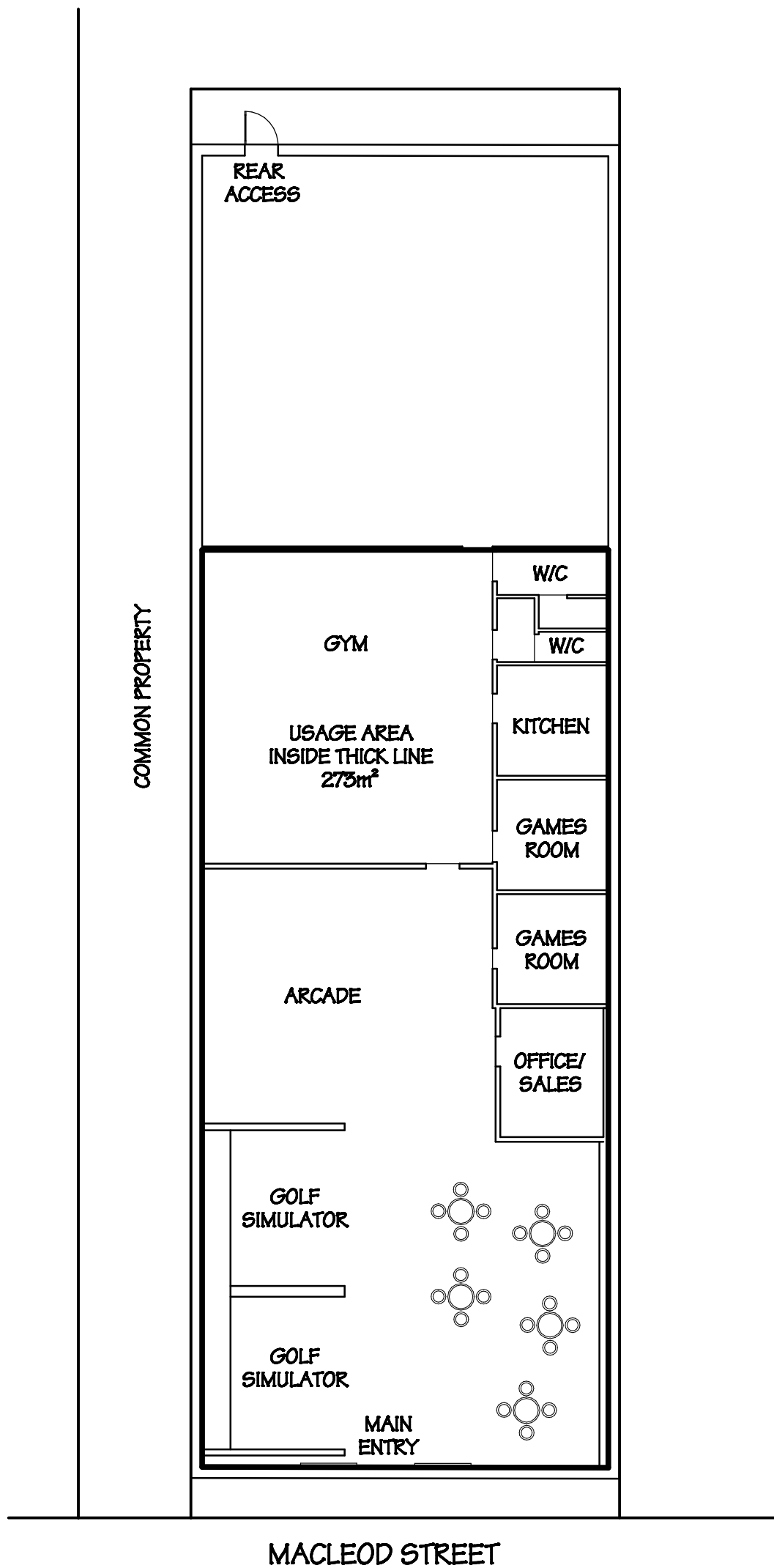
SITE PLAN

PARISH OF BAIRNSDALE
TOWNSHIP OF BAIRNSDALE

LOT 4 - P5304073D

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YOUR SPACE ENTERTAINMENT

58 MACLEOD STREET, BAIRNSDALE

SCALE (SHEET SIZE A3)

1 : 150

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