

**Hatch Planning**

Land Use and Development | Subdivision |  
Council Assessments | VCAT Representation |  
Strategic Planning | Due Diligence Advice

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Our reference: **P23-149**

Your reference: **5.2023.464.1**

25 January 2024

Ms Emine Mestan  
Senior Statutory Planner  
East Gippsland Shire Council  
273 Main Street  
BAIRNSDALE VIC 3875

Dear Emine,

**PLANNING PERMIT APPLICATION 5.2023.464.1**  
**INCREASE RED LINE AREA AND PATRON NUMBERS AND REDUCTION OF CAR PARKING**  
**REQUIREMENTS**  
**73-75 ESPLANADE, PAYNESVILLE 3880**

Thank you for your correspondence received 2 January 2024, enclosing ten (10) objections received in relation to the abovementioned Planning Permit application.

Firstly, we can advise that having considered the objections, as well as our meeting with Council Planning Staff in December 2023, we enclose a request to amend the application for a permit to:

- Reduce the extent of area proposed to be included in the red line; specifically by removing the footpath north of the hotel and the tables further north, such that the red line would extend only in the small grassed area between the hotel wall and the footpath on the Devon Road Road Reserve. This is akin to footpath trading that most commercial businesses in Paynesville undertake.
- Amend the red line area around the shop, to include the whole of the building (as requested by Council) and to include annotation that this area is exclusively for packaged liquor sales.
- Reduce the patron number increase from 76 to 40 (removing the 36 seats that would have been available north of the footpath on the Devon Road frontage), and an associated reduction in the number of car parking spaces sought to be reduced to 16 spaces.

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While we trust that these amendments will address both Council's and objectors concerns, we respond to each of the matters raised in objections to Council below. For clarity, I have summarised the concerns raised as we understand them to be.

### **Concern: Liquor consumption on/adjacent to the laneway on the Devon Road Road Reserve**

**Response:** This appears to be the primary concern of objectors raised through submissions. We note at the outset, there has been no desire in this application to privatise this space, nor make it unfriendly for pedestrians. Indeed, the purpose of our application sought to make this space a more lively and maintained area, that would benefit both local residents and tourists to the area and create a welcoming and enticing environment. In that vein, it was always expected that the tables proposed to be installed by our clients in the laneway, would be available to members of the public as well as pub patrons, to reflect the community nature of the laneway.

In acknowledging the concerns raised, we have amended our application so that it does not encroach on the footpath, nor the existing tables to the north of the footpath. Our application includes a small area immediately adjacent to the Hotel building, between the building and the footpath, for use. This is akin to all other footpath trading activities that occur in the broader Paynesville area, and one we consider will still improve the amenity, useability and maintenance of the laneway, and improve the visitor experience to the hotel. We include below an artist impression that has been prepared of the hotel, with the proposal reflected to demonstrate the aesthetic that the proposal is seeking:



*Figure 1: Artist impression of seating area adjacent to Hotel building*

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To the extent that the concerns raised refer to patron behaviour, it is the responsibility of the licensee to ensure that patrons are managed respectfully, including importantly by Responsible Service of Alcohol. There is no desire or tolerance for disruptive or unruly visitors to the premises, which reflects on both the business and the town as a whole.

We also note that the orientation of the tables/seating areas as proposed ensure that there is no encroachment into the footpath, avoiding pedestrians having to navigate around chairs or patrons.

### **Concern: Width of footpath on Esplanade**

Response: The areas shown on the proposed plans for seating in front of the Hotel are derived from Council's footpath trading policy, which must be adhered to. The tables in front of the Hotel on Esplanade are all 2 person tables with chairs parallel to the footpath so as to not protrude into the walkway. This ensures ample room provided for pedestrians (including those with strollers, wheelchairs or the like) in accordance with Council policy.

### **Concern: Reduction in car parking**

Response: The reduction of car parking is a technical trigger, arising from the increase in patron numbers in these areas. In practical terms, it is unlikely that the areas proposed will result in the Hotel hitting what is proposed to be a 480 person cap, however it is a trigger that must be considered.

We note that the entirety of the Hotel is provided as car parking, save for the buildings and beer garden. This car parking is often used by persons not attending the Hotel, which if policed would no doubt increase on site car parking. There is no practical opportunity to add further parking on site, and more importantly, there is sufficient car parking in the area to cater for the unlikely event that the Hotel hits maximum patron numbers.

### **Conclusion**

I trust that these responses, in conjunction with our amendments to the application, assist Council and objectors in considering the proposal, and provide Council suitable information to determine the application favourably. We are happy to discuss further with any party to further attempt to resolve any concerns.

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Kind regards,

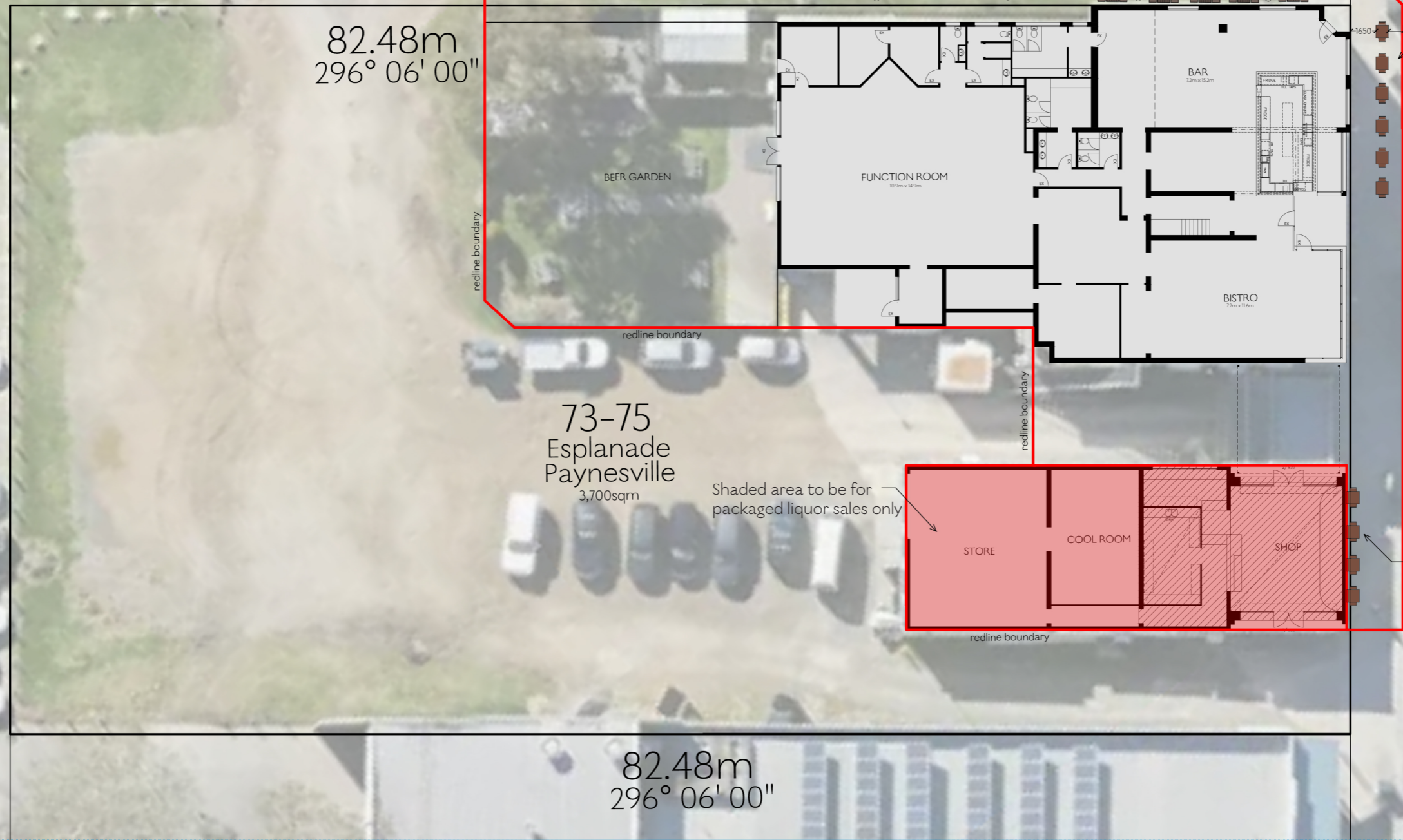
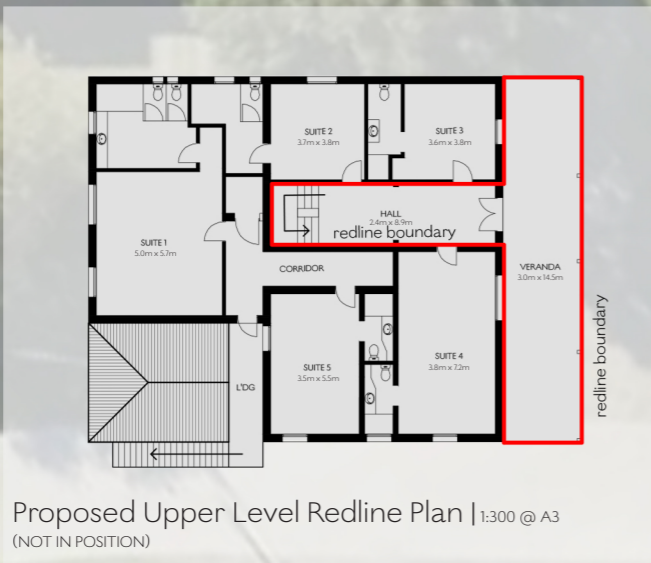
A handwritten signature in blue ink, appearing to read "Tim Berger".

Tim Berger

Director

**Hatch Planning Pty Ltd**

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Existing 4 x 6 seater picnic tables

Existing planter boxes

Council Reserve

Proposed 5 x 4 seater picnic tables

Tables to be placed between existing exterior lighting

6 x 2 seater tables to be placed at min 500mm from kerb & 1500mm to facade

ESPLANADE

4 x 2 seater tables to be placed against existing facade



Project | 73-75 Esplanade Paynesville

Client | Thomson Hotels

Drawing | Proposed Red Line Draft Site & Floor Plans

REVISIONS

v1 - Dwg provided for feedback - 07 November 2023

v2 - Dwg provided for feedback 10 November 2023

v3 - Dwg provided for feedback 17 January 2024



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DWG A001

Date: 17/01/2024