

## NOTICE OF AN APPLICATION FOR PLANNING PERMIT

<b>The land affected by the application is located at:</b>	<b>58 Macleod Street BAIRNSDALE VIC 3875 Lot: 4 PS: 304073</b>
<b>The application is for a permit to:</b>	Use of land for place of assembly
<b>A permit is required under the following clauses of the planning scheme:</b>	
<b>Planning Scheme Clause</b>	<b>Matter for which a permit is required</b>
34.01-1 (C1Z)	Use of the land for place of assembly
<b>The applicant for the permit is:</b>	<b>ESports Collective</b>
<b>The application reference number is:</b>	<b>5.2025.188.1</b>

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.

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

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

**April McDonald**

---

**From:** Snapforms Notifications <no-reply@snapforms.com.au>  
**Sent:** Wednesday, 11 June 2025 12:02 AM  
**To:** Planning Unit Administration  
**Subject:** Planning Permit application  
**Attachments:** Planning\_Permit\_Application\_2025\_2025-06-11T00-02-17\_25835008\_0.pdf; 00770489530012025061013470001.pdf; Advice - 58 Macleod Street, Bairnsdale VIC 3875.pdf; attachment\_errors.txt

## 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:

**Applicant name:**

**Business trading name:** ESports Collective

**Email address:**

**Postal address :** 3/31 The Esplanade, Paynesville, VIC, 3880

**Preferred phone number:**

**Owner's name:**

**Owner's business trading name (if applicable):**

**Owner's postal address:**

**Street number:** 58

**Street name:** Macleod Street

**Town:** Bairnsdale

**Post code:** 3875

**Lot number:** 4

**Plan number:** PS 304 073D

**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

**Existing conditions :** The land is currently used by NDIS Provider In Your Own Way. It has previously been a retail store.

**Description of proposal :** This application requests Place of Assembly use at 58 Macleod Street, Bairnsdale, to enable ESports Collective to relocate and expand their operations in Bairnsdale CBD

**Estimated cost of development:** 50000

**Has there been a pre-application meeting:** No

**Full copy of Title:** [00770489530012025061013470001.pdf](#)

**Planning report:** [Use of Land for Place of Assembly - 58 Macleod Street Bairnsdale.docx.pdf](#)

**ExtraFile:** 1

**1. Supporting information/reports:** [Advice - 58 Macleod Street, Bairnsdale VIC 3875.pdf](#)

**Invoice Payer:** ESports Collective

**Address for Invoice:**

**Invoice Email:**

**Primary Phone Invoice:**

**Declaration:** Yes

**Authority Check:** Yes

**Notice Contact Check:** Yes

**Notice check 2:** Yes

**Privacy Statement Acknowledge:** Yes

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

Page 1 of 2

VOLUME 10998 FOLIO 435

Security no : 124125357820D

Produced 16/06/2025 01:01 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

### 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

eCT Control  
Effective from

### OWNERS CORPORATIONS

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



Copyright State of Victoria. No part of this publication may be reproduced except as permitted by the Copyright Act 1968 (Cth) - to comply with a statutory requirement or pursuant to a written agreement. The information is only valid at the time and in the form obtained from the LANDATA REGD TM System. None of the State of Victoria, its agents or contractors, accepts responsibility for any subsequent publication or reproduction of the information.

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.

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

Page 2 of 2

DOCUMENT END

# Imaged Document Cover Sheet

ADVERTISED  
This copied 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 document following this cover sheet is an imaged document supplied by LANDATA®, Secure Electronic Registries Victoria.

Document Type	<b>Plan</b>
Document Identification	<b>PS304073D</b>
Number of Pages (excluding this cover sheet)	<b>4</b>
Document Assembled	<b>16/06/2025 13:01</b>

**Copyright and disclaimer notice:**

© State of Victoria. This publication is copyright. No part may be reproduced by any process except in accordance with the provisions of the Copyright Act 1968 (Cth) and for the purposes of Section 32 of the Sale of Land Act 1962 or pursuant to a written agreement. The information is only valid at the time and in the form obtained from the LANDATA® System. None of the State of Victoria, LANDATA®, Secure Electronic Registries Victoria Pty Ltd (ABN 86 627 986 396) as trustee for the Secure Electronic Registries Victoria Trust (ABN 83 206 746 897) accept responsibility for any subsequent release, publication or reproduction of the information.

The document is invalid if this cover sheet is removed or altered.

# PLAN OF SUBDIVISION

STAGE NO. /

This copied document is made available for the sole purpose of enabling its consideration and review as part of the planning process under the Planning and Environment Act 1987. The document must not be used for any Certificate and Endorsement with any copyright.

EDITION 1 PS 304 0730

## Location of Land

Parish: BAIRNSDALE

Township: BAIRNSDALE

Section: A

Crown Allotment: PRE-EMPTIVE

Crown Portion: \_\_\_\_\_

LTO Base Record: CHART. 1.

Title Reference: VOL 9931 FOL 197  
VOL 9931 FOL 200  
VOL 2443 FOL 532

Last Plan Reference: \_\_\_\_\_

Postal Address: 14-20 WOOD STREET

(at time of subdivision) BAIRNSDALE 3875

AMG Co-ordinates E 555 600 Zone: 55  
(of approx. centre of land in plan) N 5 813 100

## Vesting of Roads and/or Reserves

Identifier

Council/Body/Person

Council Name: TOWN OF BAIRNSDALE

Ref: 60/02/876

1. This plan is certified under section 6 of the Subdivision Act 1988.

2. This plan is certified under section 11(7) of the Subdivision Act 1988.

Date of original certification under section 6 / /

3. This is a statement of compliance issued under section 21 of the Subdivision Act 1988:

### OPEN SPACE

(i) A requirement for public open space under section 18 of the Subdivision Act 1988 has/has not been made.

(ii) The requirement has been satisfied.

(iii) The requirement is to be satisfied in Stage.....

Council delegate

Council seal

Date 15 / 8 / 1990

Re-certified under section 11(7) of the Subdivision Act 1988

Council Delegate

Council Seal

Date / /

## Notations

**Staging** This is/is not a staged subdivision  
Planning Permit No.

## Depth Limitation

NONE

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.

**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

## Easement Information

**Legend:** A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)

## LTO use only

Statement of Compliance/  
Exemption Statement

Received ☒

Date 16 / 10 / 90

## LTO use only

PLAN REGISTERED

TIME

DATE 17 / 5 / 91

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.....

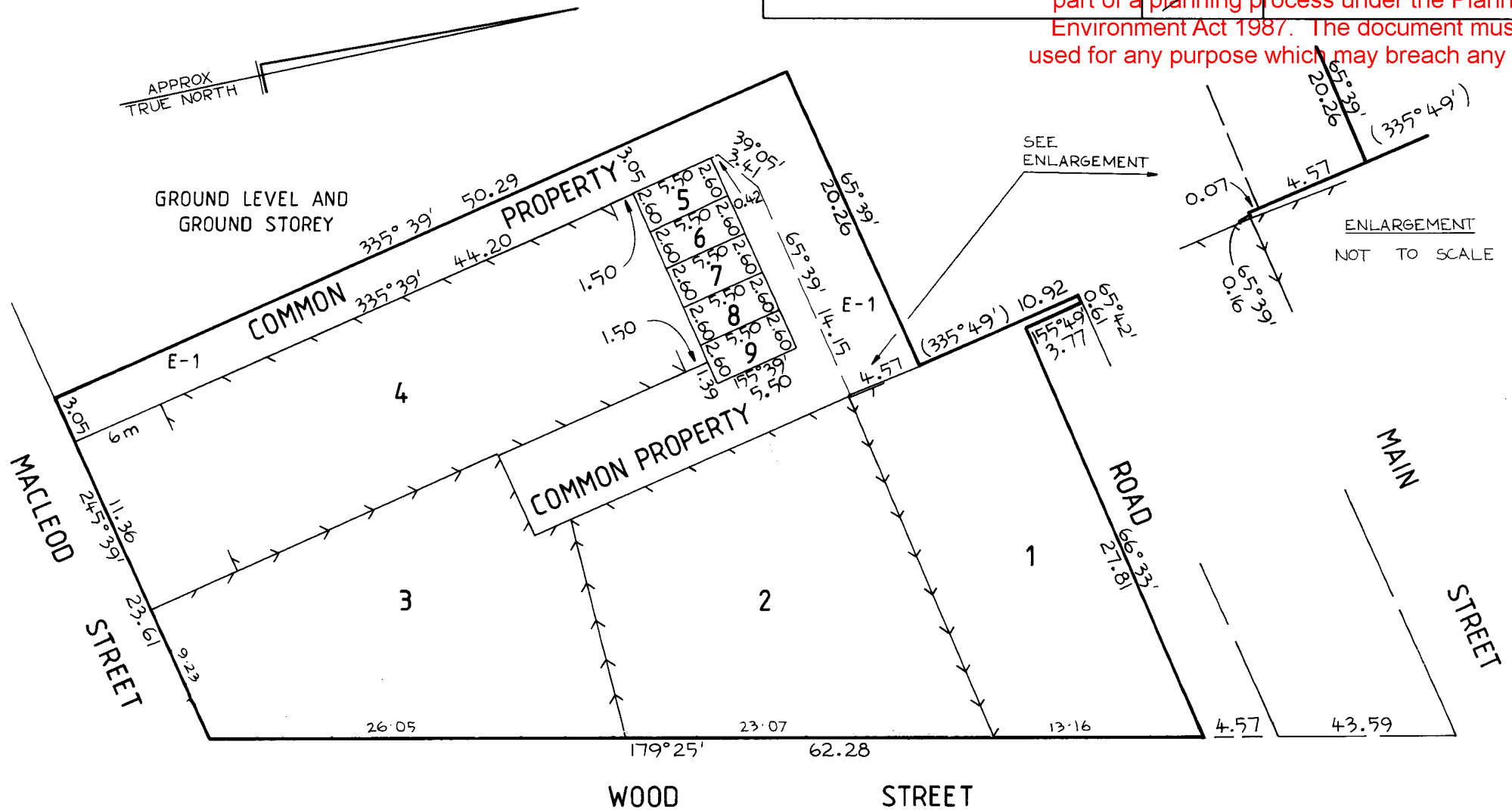
SIGNATURE..... DATE / /

REF B 87 866 F VERSION

DATE / /

COUNCIL DELEGATE SIGNATURE

Printed 19/06/2025




Sheet 2 of 4 Sheets

**KLUGE JACKSON BOWDEN  
CONSULTANTS PTY. LTD.**  
SURVEYORS, ENGINEERS, ESTATE PLANNERS  
76 MAIN STREET, BAIRNSDALE, 3875 (051) 52 6599

ORIGINAL	
SCALE	SHEET
1:250	SIZE A3

SCALE



LENGTHS ARE IN METRES

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

SIGNATURE ..... DATE      /      /

REF B87 866<sup>F</sup> VERSION

DATE        /        /

**COUNCIL DELEGATE SIGNATURE**

# PLAN OF SUBDIVISION

This copied 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.

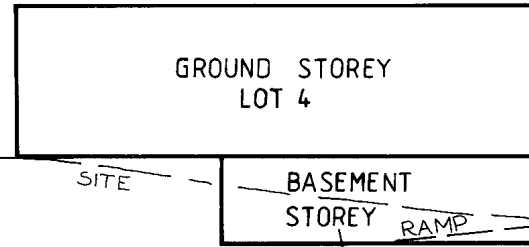
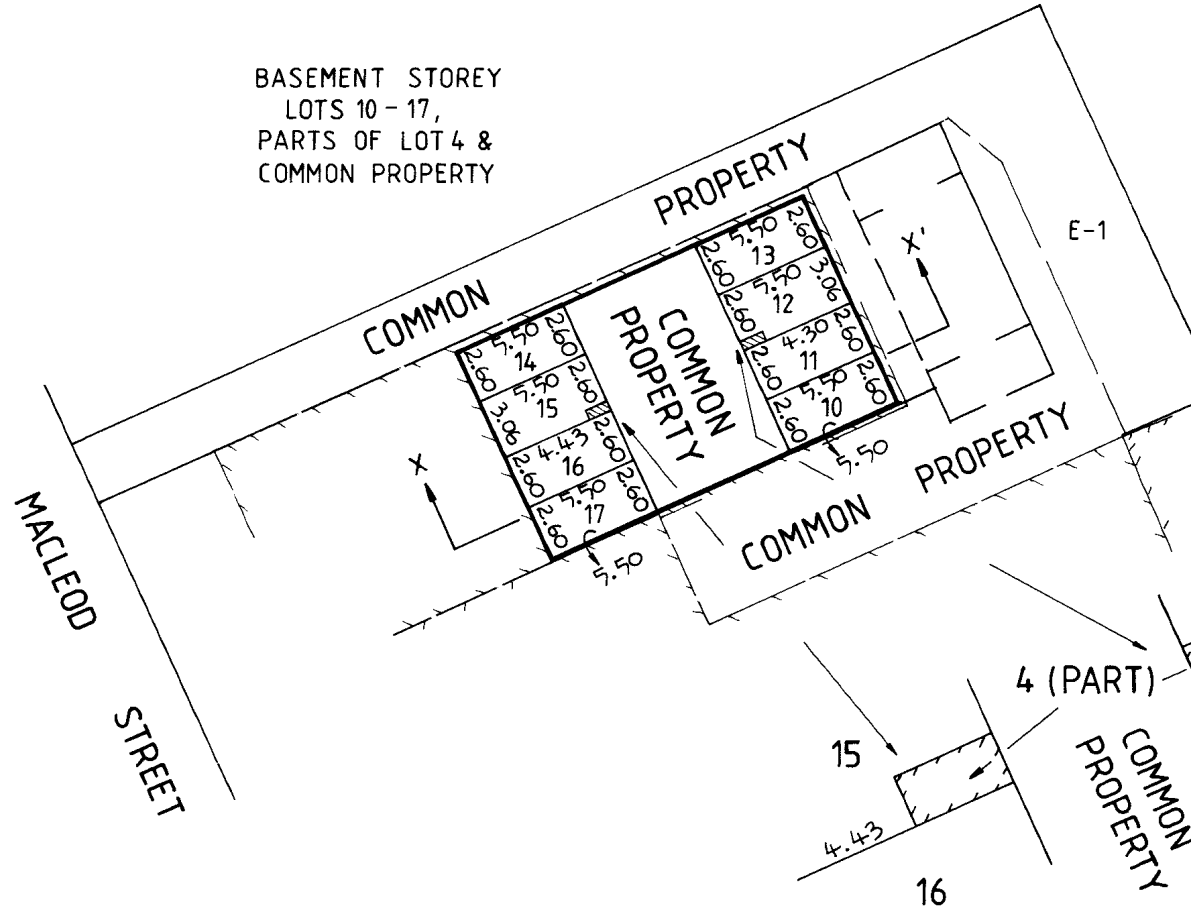
Stage No. Plan Number

PS 304 0730

Delivered by LANDATA® on 16/06/2025 13:01 Page 3 of 4

APPROX  
TRUE NORTH

BASEMENT STOREY  
LOTS 10 - 17,  
PARTS OF LOT 4 &  
COMMON PROPERTY



LOTS 10-17, PARTS OF LOT 4 AND  
COMMON PROPERTY

CROSS SECTION X-X'  
NOT TO SCALE

ENLARGEMENT  
NOT TO SCALE

Sheet 3 of 4 Sheets

KLUGE JACKSON BOWDEN  
CONSULTANTS PTY. LTD.  
SURVEYORS, ENGINEERS, ESTATE PLANNERS  
76 MAIN STREET, BAIRNSDALE, 3875 (051) 52 6599

ORIGINAL  
SCALE SHEET  
1:250 SIZE  
A3

SCALE  
2.5 0 5 10  
LENGTHS ARE IN METRES

LICENSED SURVEYOR (PRINT)..... BRUCE BOWDEN  
SIGNATURE..... DATE / /  
REF B87 866F VERSION

DATE / /  
COUNCIL DELEGATE SIGNATURE

Printed 19/06/2025

Page 9 of 55

ADVERTISED

This copied 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.

PS304073D

FOR CURRENT BODY CORPORATE DETAILS  
SEE BODY CORPORATE SEARCH REPORT

Contact: Jun Yu  
Direct line: 03 9691 0238  
Email: jyu@besthooper.com.au  
Partner: Tania Cincotta  
Our Ref: TC:JY:250629

02 June 2025

3/31 The Esplanade  
PAYNESVILLE VIC 3880

Dear ,

### **Advice on Characterisation of Use - 58 Macleod Street, Bairnsdale VIC 3875**

You have sought our advice on the proper characterisation of Esports Collective's proposed use of the land at 58 Macleod Street, Bairnsdale (**Subject Land**), specifically whether it falls within the definition of 'cinema' and whether the use requires planning permission in the Commercial 1 Zone.

We are instructed that:

- (a) Esports Collective's business seeks to allow for school-age children to participate in computer gaming in a friendly, safe and social environment. It may use hardware such as high-powered gaming pc's, games consoles, race car simulators and retro arcade machines.
- (b) Esports Collective currently operates from 3/31 Esplanade, Paynesville, which has a planning permit allowing 'the use of the land for indoor recreation'.

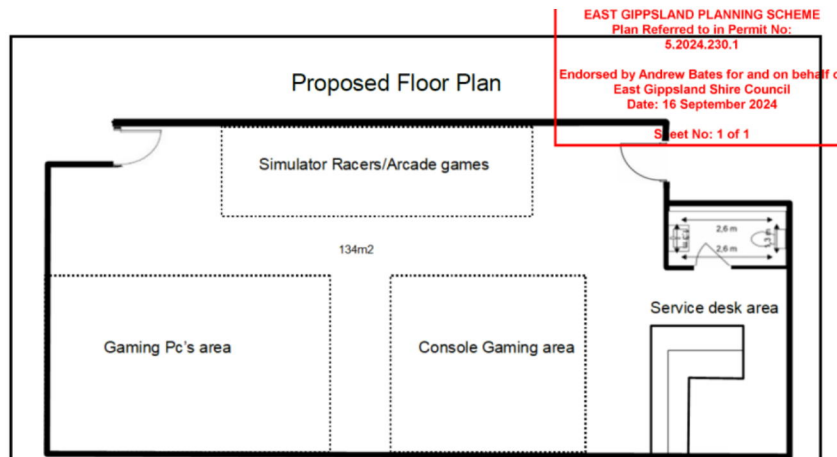


Figure 1: Extract of the endorsed plans under planning permit no. 5.2024.230.1

- (c) Esports Collective is considering a proposal to operate from the Subject Land. The proposed business will be similar to that operating from /31 Esplanade, Paynesville, but may include more active gaming options by incorporating an interactive wall using Multiball Technology.



Land use term	Definition	Includes	Included in
facility	information to the public, in association with the provision of meals or sporting, amusement, entertainment, leisure or retail facilities.		
Indoor recreation facility	A building used for indoor leisure, recreation, or sport.	Dancing studio	Minor sports and recreation facility
Place of assembly	Land where people congregate for religious, spiritual or cultural activities, entertainment, or meetings	Amusement parlour Carnival Cinema Cinema-based entertainment facility Circus Drive-in theatre Exhibition centre Function centre Hall Library Nightclub Place of worship Restricted place of assembly	
Amusement parlour	A building that contains: a) three or more coin, card, or token operated amusement machines; b) one or more coin, card, or token operated amusement machines with more than one screen or console that can be played by three or more people simultaneously; or c) two or more coin, card, or token operated billiard, snooker, or pool		Place of assembly

Land use term	Definition	Includes	Included in
	<p>tables.</p> <p>It does not include coin, card, or token operated children's rides, amusement machines if there is the ability to receive a monetary reward, or premises used for a Bar or Hotel.</p>		

### Relevant VCAT and Planning Panel decisions

4. In *Polmac Pty Ltd and Hoyts vs Whitehorse CC* [1999] VCAT 209 (*Polmac*), the Victorian Civil and Administrative Tribunal (**Tribunal**) considered a proposal to re-develop and refurbish the existing Whitehorse Plaza Shopping Centre comprising the following elements:

- modified retail floor area with a floor area of 11,007 m<sup>2</sup>.
- cinemas with 14 screens and a total of 3,560 seats.
- take away food outlets and a food court.
- restaurants and cafes providing for a total of 478 seats.
- the re-design of the car parking area providing a total of 870 car spaces.
- the cinemas would be located on the upper level of the building (level 7) accessed from the main ticketing area and foyer on level 4 via escalators and lifts. The food court, a restaurant (188 seats) and some shops would also be located on level 4. An outdoor covered terraced balcony is proposed along the Whitehorse Road frontage.

5. The parties in *Polmac* made extensive submissions on whether the development should be described as a cinema based entertainment facility, or a combination of distinct and separate uses. Although the proposal in *Polmac* differs significantly from Esports Collective's proposed use of the Subject Land and this decision is quite old, the Tribunal's comments are nevertheless helpful in understanding the meaning of 'cinema based entertainment facility'.

6. The Tribunal made the following comments:

68. In the Tribunal's view, a cinema based entertainment facility defines a range of uses which are linked or associated with cinemas. Cinemas are the primary activity. This association is, in the Tribunal's view, intended to be both physical and functional:

- a) in physical terms, the uses would be sited near to each other and readily accessible to allow patrons to move between them. They may not be located on the same floor, but direct links are fundamental, with relatively short distances and travel times. They may also share a common design theme or elements.
- b) in functional terms, the co-location of meals or sporting, amusement, entertainment, leisure or retail facilities would be expected to be related to the primary cinema activity in terms of shared patronage and common or compatible opening hours. Premises that sell related products, such as products marketed in association with specific movies, would also be expected. Similarly, outlets that sell goods that are part of a recreational experience could also be appropriate. For example, books shops and music shops are commonly seen in association with cinemas in other activity centres, such as Chadstone. The ability to share

parking facilities, having regard to differing patron or customer peaks, is also a further functional consideration.

...

72. Based on the above discussion, it is the Tribunal's view that the definition of a cinema based entertainment may include all or part of a building or site, where patrons are drawn to the facility largely by the presence of cinemas, as the primary activity. Other retail, leisure and entertainment uses may be physically and functionally associated with the cinemas, in an ancillary capacity. The uses would be expected to be complementary, and their functional association would also include a significant degree of dependence on the cinemas in terms of custom for other activities.

[our emphasis added]

7. In *Polmac*, the Tribunal referred to the Advisory Committee report on the *Review of Cinema Based Entertainment Facilities Development Policy, August 1996*, which provided background information on the formulation of the definitions of 'cinema' and 'cinema based entertainment facility'. The Committee was formed in response to a proposal to develop a new, freestanding 25-screen cinema and entertainment complex located well outside established activity centres. The Committee made several observations regarding the terms 'cinema', 'screen' and 'cinema complex':

Most existing major suburban cinema complexes are in the form of "multiplexes", which comprise between six and ten cinema screens. Attendances at cinemas in Australia and Melbourne have increased over recent years, and many existing operators have indicated they will be expanding their operations to take account of new entertainment trends emerging from overseas which in some cases will mean increasing the number of screens.<sup>1</sup>

...

Cinemas are considered to represent the most significant and important aspect of entertainment provided at shopping centres. Consumers have also expressed the view that they welcome the opportunity or the option of being able to shop and see a movie on the same trip.<sup>2</sup>

...

In response to the "explosion" of suburban cinemas in the late 1980's a draft policy for multiplex cinemas was prepared by the Policy and Projects Division of the Department of Planning. A multiplex cinema complex is defined as having four or more screens, having a common foyer and a common projection box. It was envisaged that a multiplex would accommodate up to 2500 seats with an average gross floor space of 3,000 - 4,000 sq.m ...<sup>3</sup>

□ □

### Recommended Definition

**"Cinema" a place where screen based entertainment or information is provided to the public.**

"Place of assembly" does not include a cinema with facilities exceeding 500 seats or a cinema based entertainment facility.

"Cinema based entertainment facility" a cinema with 500 seats or more which may have associated eating, sporting, amusement, entertainment, leisure and related retail facilities.<sup>4</sup>

**[our emphasis added]**

<sup>1</sup> Pdf page 2

<sup>2</sup> Page 9 - 10

Page 22

Page 54

8. Although the Advisory Committee's recommended definition of 'cinema based entertainment facility' was not ultimately included in the Victoria Planning Provisions, the adopted definition of 'cinema' is largely consistent with the Advisory Committee's recommendation. It is clear from the Advisory Committee report that the reference to 'screen' in the definitions of 'cinema' and 'cinema based entertainment facility' refers specifically to cinema screens.
9. However, advances in technology have meant that the term 'screen' in the definitions of 'cinema' and 'cinema based entertainment facility' may be interpreted more broadly than cinema screens. With the emergence of LED displays and other modern visual display technologies, it is now possible to present films, videos, advertisements, and digital information on a range of screen types beyond traditional cinema formats.
10. This issue was partially recognised by the Land Use Terms Advisory Committee, which recommended amendments to the definition of 'cinema' in the Victoria Planning Provisions and made the following statement in its final report:<sup>5</sup>

#### 4.10 Place of assembly

...

**(i) Cinema based entertainment facility**

...

Modern technology has resulted in video art, the augmentation of live music performances with video, screen based entrainment in Hotels (Fox sports) and even the provision of screen based information at tram stops. It was submitted that there was a need to break the “tight nexus between moving image display and Place of assembly definition ...”

While it is appropriate that a 'picture theatre' remains in Place of assembly there should be no planning restriction between the display of a static visual art or moving image in an Art gallery, Hotel, Tavern or Bar. Concerns were also raised about the difficulties of conducting small scale art screenings, especially screenings that may occur in shop galleries.

The definition of Cinema should make it clear that it refers to a particular type of building, that is theatre or auditorium like in its construction and management.

**The Committee recommends in the medium-term:**

**Nest Cinema based entertainment facility under Place of assembly.**

**Change Cinema to read:**

'Land-Building with auditorium or theatre spaces used solely to provide screen based entertainment or information to the public'.

**Change Art gallery to read:**

*'Land used to display works of art, including ceramics, furniture, glass, paintings, screen based art, sculptures, and textiles'.*

[our emphasis added]

11. In *Prestigious Millennium Designs v Melbourne CC* [2006] VCAT 1591 (***Prestigious Millennium***), the Tribunal considered (amongst other things) the proper characterisation of a proposed computer entertainment venue, which had the following features:
- The proposed use was confined to level 2 of an eight-storey commercial building.

<sup>5</sup> Land Use Terms Advisory Committee - Final Report (AC) [2018] PPV 41 (18 May 2018)



13. While the proposal in *Prestigious Millennium* differs from Esports Collective's proposed use of the Subject Land, it is notable that neither the permit applicant nor the Tribunal considered the use to be characterised as a 'cinema' or 'cinema based entertainment facility' on the basis that it provided screen based entertainment.

14. More recently, in *Rushworth v Benalla Rural CC* [2023] VCAT 9, Deputy President Bisucci considered the characterisation of a proposed café and cinema in the context of a declaration application. In that decision, the Tribunal considered the meaning of 'cinema based entertainment facility' in the Planning Scheme. At paragraph 44, the Tribunal commented:

44. The task of characterising land use can be complex. The definition of cinema based entertainment facility makes it clear that there are two components:

- the cinema must be the primary, central or dominant use of the land because the word 'based' follows 'cinema'; and
- the provision of meals, supporting amusement etc must be in association with the cinema, that is, there must be a real relationship between the uses and not simply a co-location of such uses.

### Characterisation of Esports Collective's proposed use of the Subject Land

15. In *Cascone v Whittlesea SC* (1993) 80 LGERA 367, Justice Ashley of the Victorian Supreme Court set out the following principles that are relevant to characterising land uses:

With respect to permit applications, the following principles, in my opinion, emerge from the cases to which I have been referred:

- 1) In characterising the proposed use of the premises the purpose of the proposed use must be ascertained;
- 2) While intended use of premises, in the sense of activities, processes or transactions to be undertaken, will be useful in casting light upon the purpose of the proposed use, it is wrong to determine the relevant purpose simply by identifying activities, processes or transactions and then fitting them to some one or more uses as defined in a scheme; and
- 3) It is wrong to approach the ascertainment of purpose of proposed use on the footing that it must fit within one (or more) of the uses defined in a scheme; at least that is so where there is provision for innominate uses in the scheme.
- 4) The ascertainment of purpose of a proposed use may yield the result that the purpose revealed very largely falls within a defined use. The extent to which it does not may be so trifling that it should be ignored. In that event the purpose as revealed should be taken to fall within the defined use.
- 5) The ascertainment of purpose of a proposed use may yield the result that more than one separate and distinct purpose is revealed. In that event the question initially arises whether one is dominant. The further question that may arise is whether the lesser purpose or purposes are ancillary to the dominant purpose. If the answer to both questions is "yes", and the dominant purpose is available as of right or is permitted, the lesser purpose or purposes are legitimised. Then, in planning terms, there is but one purpose. But if the answer to the first question is "no", each revealed purpose must be available as of right or permitted, else there will be a breach of the scheme. The mere fact that one purpose is authorised will not prevent other revealed purposes from being prohibited.
- 6) In resolving the problems of characterisation raised in the preceding pars (1) to (5) the preferable view, in my opinion, is that the adjectival phrase "real and substantial" qualifying "use" will always be nominally present. But it is unlikely to be of practical importance in many cases. It will always serve to emphasise that there is a distinction between "purpose of use" and "use" in the sense of activities, processes or transactions. It should not be used to cloud the potential for more than one purpose being revealed. It should not be thought to provide a basis for treating a combination of activities, processes or transactions as necessarily attracting the appellation of

"innominate use". It is likely to be of practical importance in cases falling with parts (4) and (5) above."

16. Based on the VCAT and Planning Panel decisions cited above, in our opinion, Esports Collective's proposed use of the Subject Land does not fall within 'cinema' or 'cinema based entertainment facility'.
17. While it may be argued that Esports relies on screens (such as computer monitors, televisions, or mobile devices) to display the virtual gaming environment for both players and spectators, we consider that the reference to 'screen' in the definitions of 'cinema' and 'cinema based entertainment facility' refers to cinema screens or similar, consistent with the decisions that we have referred to above.
18. We note that the definition of 'amusement parlour' in clause 73.03 of the Planning Scheme refers to 'amusement machines with more than one screen or console'. If 'screen' in the definitions of 'cinema' and 'cinema based entertainment facility' were not interpreted as referring to cinema screens or similar, then an 'amusement parlour' could arguably be characterised as a 'cinema' or 'cinema based entertainment facility', as it provides screen based entertainment to the public. Furthermore, this interpretation could also suggest that the use of land to display, for example, an electronic major promotion sign, may constitute a 'cinema' as it provides screen based information to the public. In our view, such interpretations are clearly illogical and contrary to the intended purpose of the land use terms.
19. Based on the material provided (including the proposed floor plan), we understand that Esports Collective's proposed use of the Subject Land is likely to include the following facilities:
  - a) Gaming PC area: including high-performance gaming PCs
  - b) Private gaming rooms: dedicated and comfortable spaces for console gaming, which may also be adapted for social activities such as Just Dance & Karaoke
  - c) Racing simulators area: including racing simulators
  - d) VR rooms: designed as a multi-functional immersive space, combining gaming, simulation, therapy, and education
  - e) Interactive mutliball: include a digital, mixed-reality sports and training system that combines a physical ball game (like soccer, tennis, or handball) with an interactive touchscreen wall
20. In our opinion, Esports Collective's proposed use may be characterised as a 'place of assembly', which is defined as 'land where people congregate for religious, spiritual or cultural activities, entertainment, or meetings'. We consider this to be the more appropriate characterisation rather than an 'indoor recreation facility' that has an emphasis on recreation and leisure but otherwise does not incorporate an entertainment element.
21. Even if our characterisation of the use is incorrect, we consider that Esports Collective's proposed use of the Subject Land does not fall within any of the section 1 – permit not required uses in the Commercial 1 Zone.<sup>6</sup> Accordingly, our view is that the proposed use will trigger the need for a planning permit in a Commercial 1 Zone and on the Subject Land.

<sup>6</sup> Including 'Accommodation (other than Community care accommodation, Corrective institution, Rooming house and Small second dwelling)', 'Art and craft centre', 'Automated collection point', 'Child care centre', 'Cinema', 'Cinema based entertainment facility', 'Community care accommodation', 'Education centre (other than Child care centre)', 'Exhibition centre', 'Home based business', 'Informal outdoor recreation', 'Office', 'Place of worship', 'Railway', 'Retail premises (other than Shop)', 'Rooming house', 'Shop (other than Adult sex product shop)', 'Tramway' and 'Any use listed in Clause 62.01'.

Please do not hesitate to contact us if you have any queries regarding this advice.

Yours faithfully  
**BEST HOOPER**

**Tania Cincotta**  
Partner



## Planning Permit Application

Use of land for Place of Assembly  
(Community Esports and Digital Learning Centre)

# 58 Macleod Street, Bairnsdale

---

**Date Submitted**

11 Jun 2025

---

**Submitted to:**

East Gippsland Council  
Planning Department

---

**Submitted by:**

ESports Collective



10 Jun 2025

**Planning Department  
East Gippsland Shire  
Bairnsdale 3875**

Dear Planning Officers,

We submit this planning permit application for the use of land at 58 Macleod Street, Bairnsdale for a Place of Assembly to operate a Community Esports and Digital Learning Centre.

ESports Collective is a local family business founded with the vision of serving the broader Bairnsdale community. Our initial attempts to secure premises in Bairnsdale were unsuccessful, as landlords were hesitant to accommodate a youth-focused gaming venture and as a result, we established operations in Paynesville in September 2024, where we have operated successfully for nine months with zero complaints and strong community support.

The opportunity to relocate to 58 Macleod Street allows us to fulfill our original mission while refocusing our operations toward NDIS capacity building and digital education programming for the wider community to ensure long-term sustainability. This shift aligns with identified community needs and provides a more stable revenue model than recreational gaming alone.

The 58 Macleod Street location is well-positioned within Bairnsdale's commercial core, providing good regional accessibility while maintaining compatibility with the mixed-use commercial character. Our proven operational management protocols ensure community amenity is preserved.

The accompanying planning report demonstrates full compliance with the East Gippsland Planning Scheme and details how this proposal strengthens the regional service center role while delivering genuine community benefits.

We welcome Council's consideration of this application and are available to address any questions during the assessment process.

Yours sincerely,

**ESports Collective**

# Table of Contents

<b>Summary</b>	<b>4</b>
<b>Introduction</b>	<b>5</b>
Site And Surrounds	6
<b>Proposal</b>	<b>11</b>
Summary	11
Equipment and Infrastructure	11
Services	13
Operational Parameters	14
Parking and Access	16
Community Need & Benefits	17
Site Context and Suitability	19
Location Advantages	19
Operational Compatibility	19
Acoustic Considerations	19
<b>Planning Assessment</b>	<b>20</b>
Municipal Planning Strategy	20
Clause 2 Strategic Directions	20
Clause 02.03-1 Settlement and Housing	20
Clause 02.03-6 Economic Development	20
Planning Policy Framework	20
Clause 11 Settlement	20
Clause 11.03-1S Activity centres	20
Clause 11.03-1L-01 Bairnsdale CBD	20
Clause 11.03-1L-01 - Bairnsdale CBD	20
Clause 15 Environmental Risk and Amenity	20
Clause 13.07-1S Land Use Compatibility	20
Clause 17 Economic Development	20
Clause 17.01-1L Diversified Economy	20
Clause 17.02-1S Business	20
Clause 17.04-1L Tourism-Shire	20
Planning Assessment Summary	21
Zone Overview	22
Amenity Assessment	23
Particular Provisions	25
CLAUSE 52.06 CAR PARKING	25
CLAUSE 52.34 BICYCLE FACILITIES	26
Conclusion	27

# Summary

This application requests Place of Assembly use at 58 Macleod Street, Bairnsdale, to enable ESports Collective to relocate and expand their operations in Bairnsdale CBD with an enhanced focus on NDIS capacity building and digital education program.

## Address

58 Macleod Street, Bairnsdale 3875

## Title

Lot 4 PS 304 073D

## Land Size

330m<sup>2</sup>

## Zoning

Commercial Zone Schedule 1

## Overlays

None

## Permit Triggers

Commercial Zone 1 Clause 34.01-1 (Place of Assembly use)

## Key Provisions

Clause 52.06 (Car parking)  
Clause 52.34 (Bicycle facilities)

# Introduction

The Collective was born from a passion for gaming and a desire to create a positive space for young people in the wider Bairnsdale area. After moving to Paynesville from the city five years ago, Anna and Deryck, local parents themselves, identified a gap in entertainment and extra-curricular activities outside the realm of traditional sports options for tweens and teens and set about being part of the solution.

While Bairnsdale was always the preferred location to serve the broader community, landlords were reluctant to accommodate a youth-focused gaming venue when ESports Collective first opened. This led to ESports Collective opening in Paynesville in September 2024, where it has provided a fun, safe and friendly space for people to come together and connect with likeminded individuals.

Community feedback since opening has been overwhelmingly positive, with a clear message emerging - ESports Collective needs to be in Bairnsdale. With In Your Own Way vacating 58 Macleod Street, an unexpected but welcomed opportunity has presented itself for ESports Collective to relocate and fulfill their original mission of serving the broader Bairnsdale community from a central location.

Alongside ESports gaming, The Collective seeks to include innovative interactive entertainment options such as Multiball Interactive walls at the new location, creating a comprehensive entertainment destination that combines digital gaming with active, physical interactive experiences. This expanded service offering aims to cater to diverse interests and activity preferences, providing both competitive gaming opportunities and engaging physical activities that promote movement and social interaction.

This planning report addresses the applicable planning requirements of the East Gippsland Planning Scheme. The proposal has been taken into consideration and is consistent with Planning Policy Frameworks including the Municipal Planning Strategy, and purpose, application requirements and decision guidelines of relevant zone and Particular Provisions.

Application documentation:

- ✓ Town planning report
- ✓ Planning permit application form
- ✓ Certificate of title
- ✓ Proposed floor plan

## Site And Surrounds

The subject land is located at 58 Macleod Street within the central business district of Bairnsdale and comprises a ground floor commercial building most recently used as an office location for NDIS Provider "In Your Own Way".

The building is of solid construction with a contemporary shopfront presentation to Macleod Street. The rectangular-shaped building has a floor area of 320m<sup>2</sup> and currently provides two toilet facilities, which will be upgraded for disabled access as part of this permit application to better accommodate NDIS participants and people with disabilities.

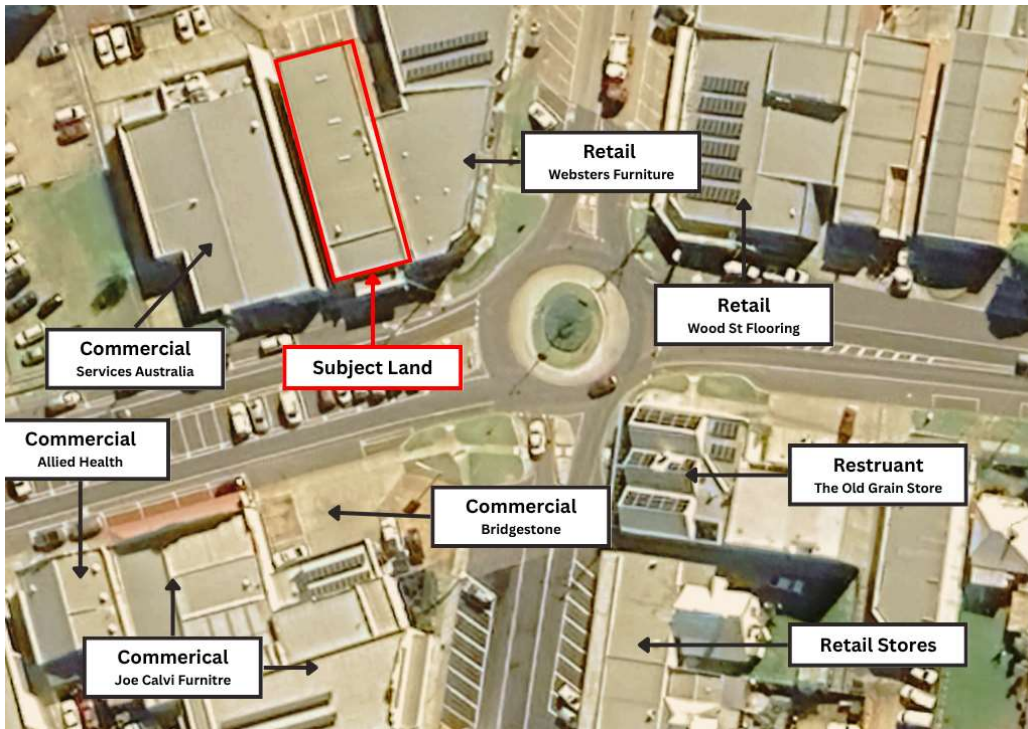
Access to the premises is provided via two points: primary access through front sliding doors facing Macleod Street, with a secondary access point at the rear of the building serving as a fire escape. The property includes four car parking spaces located at basement level, which will be utilised for staff parking.

The subject land is strategically positioned within Bairnsdale's commercial core on Macleod Street, which runs parallel to and adjacent to Main Street (Princess Highway), forming part of the township's primary retail and commercial precinct. The location benefits from excellent connectivity, being within comfortable walking distance of Bairnsdale Railway Station, providing convenient public transport access for visitors from surrounding areas. The site is also within walking distance of complementary recreational facilities including the Cinema, All Abilities Playground and Skate Park, creating a cluster of youth and family-oriented activities in the area.

The surrounding area is characterized by a mix of retail shops, cafes, restaurants, professional services, and commercial premises typical of a regional town centre. The streetscape along Macleod Street features predominantly commercial properties.

Immediate neighbours include Services Australia (Centrelink & Medicare) to the west and Websters Furniture to the east. Across the road are another furniture store, Bridgestone Tyres and an Allied Health provider. Nearby establishments include the Grain Store and Mitchell Tavern, premises that will complement The Collective by providing additional options for families (such as meals out before or after gaming sessions).

Public car parking is available on nearby Macleod and Wood Streets, allowing for 2-hour visits. While the location currently experiences lower pedestrian foot traffic compared to Main Street, the proximity to complementary recreational facilities and the central CBD location provide opportunities for increased activation through the proposed use.



Subject Land



Subject Land and Surrounds



Subject land – Macleod Street



Subject land – Looking East



Subject Land - Looking West



Proposed Floorplan

# Proposal

## Summary

It is proposed to utilise the subject land for a Place of Assembly use. Specifically, the use is for a digital education and learning centre that incorporates ESports and recreational gaming as complementary activities. The operators are known as Esports Collective and are a locally based family seeking to establish East Gippsland's premier community digital learning hub.

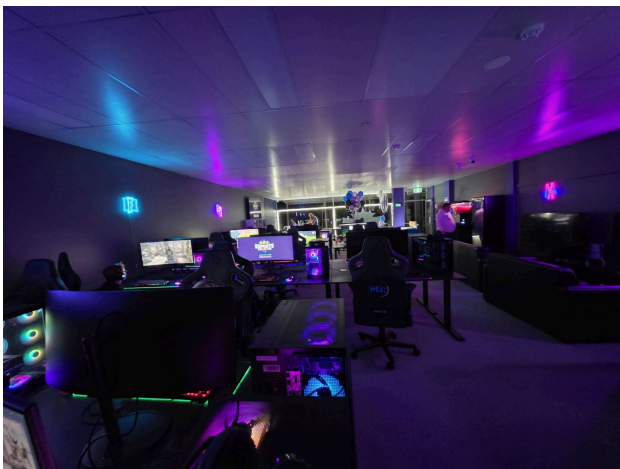
The facility will serve as land where people congregate primarily for educational and cultural activities, with entertainment as a secondary function, targeting young people aged 10-25. Based on 9 months of successful operation in Paynesville since September 2024, strong community demand has emerged for improved accessibility via a Bairnsdale CBD location. The proposed use falls within the definition of 'Place of Assembly' as it is land where people congregate for cultural activities, education, and meetings.

## Equipment and Infrastructure

ESports Collective showcases hardware that limited individuals and families in East Gippsland have access to at home, addressing the digital divide in regional communities. The hardware will initially comprise of:

- 16 high powered gaming PCs
- 4 Console Gaming Booths
- 2 Race Car Simulators
- 1 Retro Arcade machine
- Multiball Interactive Wall

### Equipment @ ESports Collective, Paynesville





## Multiball Examples



## Services

ESports Collective operates as a dual-purpose facility combining essential digital education services with complementary recreational programming. This approach addresses critical gaps in regional digital education while ensuring long-term sustainability through diversified revenue streams that prioritize educational outcomes and community capacity building.

### Primary Services - Education & Skills Development

The primary function of the facility will be educational programming, including:

- Digital literacy workshops and coding classes
- Virtual Drive School using advanced driving simulators
- NDIS Capacity building programs for people with disabilities
- Career pathway exposure in growing digital industries
- Social skill development

The educational programming, particularly the NDIS capacity building and skills development components, forms the core revenue model ensuring the long-term viability and sustainability of the facility as a community resource.

### Secondary Services - Youth Recreation

Recreational activities will complement the educational programming and include:

- Competitive esports training and tournaments (as educational skill development)
- Social gaming sessions and community events
- After-school programs and school holiday activities
- Birthday parties and private celebrations

## Operational Parameters

### Occupancy

While building capacity permits up to 50 people based on building code requirements, typical occupancy is anticipated to sit around 30, distributed across the various gaming stations as follows:

Gaming PC's	16
Sim Racers	2
Console Stations	4
Multiball	8

Higher occupancy will be limited to specific events outside regular business hours, such as parents attending children's birthday parties on weekends or tournament events held on Friday and Saturday evenings for young adults.

The Bairnsdale location will strategically focus on Education & Skills Development Monday through Friday, with Youth Recreation activities operating on weekends and during school holidays. This dual-purpose approach maximises community benefit and facility utilisation.

The venue will maintain a minimum of 1-3 staff members depending on program requirements and occupancy levels, and will offer packaged snacks and soft drinks to complement activities.

### Proposed Hours of Operation

Hours of Operation are expected to follow a flexible scheduling that adapts to customer demand, with distinct timetables for school holidays and term periods. Based on local demand patterns observed in Paynesville, highest traffic is expected during Saturday and Sunday afternoons (1pm-5pm).

The anticipated peak operating hours align with periods when neighbouring businesses are typically closed, minimising impact on local traffic and parking during their business hours.

ESports Collective's targeted operating schedule includes:

### Weekday Operations (Term Time):

- NDIS Capacity Building sessions: 9am-1pm
- Educational programming and recreational gaming: 1pm-5pm

**Weekend Operations:**

- 9am-5pm
- Morning sessions prioritising birthday party bookings
- Afternoon recreational gaming activities

**School Holiday Operations:**

- Extended recreational programming available throughout the day
- Flexible scheduling to accommodate holiday programs

**Extended Hours:**

Subject to sufficient demand, late-night gaming sessions may be offered on Friday or Saturday evenings from 6pm onwards.

## Parking and Access

The property provides four on-site car parking spaces at basement level, which will be allocated for staff use. While no customer parking is available on-site, this arrangement aligns well with the anticipated transport patterns of the target demographic.

During weekday educational programming, participants are predominantly likely to be dropped off rather than drive themselves. This includes NDIS participants and young people with disabilities who typically rely on support workers or family for transport, as well as younger participants in after-school programs.

For weekend recreational gaming sessions, the majority of young people will similarly be dropped off by parents or guardians, or will utilise independent transport methods such as bicycles or scooters.

Under the Planning Scheme (Clause 52.34 – Bicycle Facilities), Place of Assembly uses require 1 bicycle space per 150 square metres of net floor area available to the public. To meet this requirement and accommodate the anticipated demand, secure indoor storage space will be provided for a minimum of 2 bicycles and multiple scooters within the premises.

This transport pattern reduces demand for street parking and aligns with the facility's community-focused approach, ensuring accessibility for the target age group and participant needs.

## Community Need & Benefits

### Demonstrated Community Demand

Nine months of successful operation in Paynesville since September 2024 has revealed substantial unmet demand for diverse entertainment and recreational options for young people in East Gippsland. Community feedback consistently highlights the critical shortage of engaging activities for tweens and teens outside traditional sporting options, particularly during after-school hours, weekends, and school holidays.

Regional young people currently face limited entertainment choices, with many families traveling significant distances to access age-appropriate recreational facilities. The proposed Bairnsdale location responds directly to widespread community requests for accessible, contemporary entertainment options that provide safe social environments for young people to connect and engage with peers.

Parents and community members have expressed strong support for a facility that combines entertainment with educational value, recognizing the need for supervised recreational spaces that offer alternatives to unsupervised activities or screen time at home. The facility addresses the gap between childhood playground activities and adult-oriented entertainment venues, providing purpose-built programming for the often-overlooked 10-25 age demographic.

### Critical Service Gaps

East Gippsland faces significant deficiencies in youth programming and digital infrastructure access. The region's socio-economic profile reveals widespread digital disadvantage, with many families lacking access to current technology and educational opportunities. Critical gaps include:

- **Youth Infrastructure:** Absence of safe, supervised environments for young people during after-school hours and weekends within Bairnsdale CBD
- **Digital Access:** Limited accessible digital literacy education across all age groups and abilities
- **NDIS Services:** Insufficient capacity building programs focused on technology skills and independence development for people with disabilities
- **Structured Programming:** Lack of consistent, professionally-delivered youth engagement services with regular operating hours

### Transformative Community Benefits

#### Educational Excellence:

- **Innovation Hub:** Establishing East Gippsland as a regional leader in digital education and youth development
- **21st Century Skills:** Developing critical life skills including independence, collaboration, problem-solving, and digital literacy
- **STEAM Integration:** Delivering hands-on technology education that enhances and complements formal school curricula

- **Future Workforce Preparation:** Providing direct exposure to high-growth industries including gaming, technology, cybersecurity, and digital media

#### Social Impact:

- **Digital Equity:** Eliminating digital disadvantage through comprehensive literacy education across diverse demographics
- **Disability Support:** Delivering specialized NDIS capacity building programs that promote independence and social inclusion
- **Social Cohesion:** Creating intergenerational learning opportunities and reducing isolation through inclusive community events
- **Family Strengthening:** Supporting parents in developing digital competencies alongside their children

#### Economic Development:

- **Employment Creation:** Generating full-time positions and supported employment opportunities in the growing digital education sector
- **Tourism and Hospitality:** Attracting visitors from across East Gippsland, generating increased patronage for local cafes, restaurants, and retail businesses
- **Regional Competitiveness:** Enhancing Bairnsdale's appeal to young families and professionals seeking quality digital services and youth programming, supporting population retention and growth

This facility represents essential community infrastructure that will deliver measurable social, educational, and economic benefits while addressing critical service gaps in regional East Gippsland.

## Site Context and Suitability

The 58 Macleod Street location provides an appropriate setting for the proposed Place of Assembly use within Bairnsdale's commercial core. Given the limited availability of suitable commercial premises in Bairnsdale, this location offers several advantages that align well with the facility's operational requirements and community service objectives.

### Location Advantages

- **Commercial precinct heart:** Central Bairnsdale CBD location maximizing accessibility
- **Mixed commercial surrounds:** Professional offices, retail, and health services
- **No residential interfaces:** Commercial-only adjacencies minimizing amenity concerns
- **Transport connectivity:** Walking distance to Main Street, public transport, and parking
- **Complementary youth facilities:** Close proximity to Cinema, All Abilities Playground and Skate Park, enabling participants to access multiple community services independently and supporting multi-purpose family trips

### Operational Compatibility

The proposed operating schedule demonstrates excellent compatibility with surrounding commercial uses. Peak demand periods (Saturday and Sunday afternoons 1pm-5pm, and potential Friday/Saturday evening sessions from 6pm onwards) occur when neighboring businesses including Services Australia, Websters Furniture, and professional services are typically closed. This temporal separation significantly reduces:

- Competition for street parking during business hours
- Traffic conflicts with commercial deliveries and customer access
- Pedestrian congestion during peak retail periods

Weekday educational programming (9am-5pm) operates at lower capacity levels and serves participants who are predominantly dropped off, further minimizing parking and traffic impacts during conventional business hours.

### Acoustic Considerations

The facility's activities are predominantly quiet in nature, involving individual and small group participation in digital learning and gaming activities. The solid construction of the building provides appropriate acoustic separation typical of commercial premises. Operational management will ensure activities remain consistent with the educational and community-focused nature of the facility, maintaining appropriate noise levels for the commercial precinct setting.

# Planning Assessment

## Municipal Planning Strategy

### Clause 2 Strategic Directions

#### *Clause 02.03-1 Settlement and Housing*

- Reinforcing Bairnsdale as the main commercial, retail and service centre for East Gippsland.

#### *Clause 02.03-6 Economic Development*

- Enhancing Bairnsdale's role as the principal commercial and retail centre and as the regional centre for public sector administration.

#### *Clause 02.03-7 25 Transport and infrastructure*

- Encouraging a range of education and health options in the region.
- Maintaining and extending community services, cultural and recreation facilities.

## Planning Policy Framework

### Clause 11 Settlement

#### *Clause 11.03-1S Activity centres*

- Support 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.
- Encourage economic activity and business synergies. Improve the social, economic and environmental performance and amenity of activity centres.

#### *Clause 11.03-1L-01 Bairnsdale CBD*

- Facilitate development of administrative, cultural, recreational and community services within the Bairnsdale CBD.

#### *Clause 11.03-1L-01 - Bairnsdale CBD*

- Facilitate development of administrative, cultural, recreational and community services within the Bairnsdale CBD.
- Support retail and commercial office activities along connecting streets between the Bairnsdale Railway Station and Bairnsdale CBD.

### Clause 15 Environmental Risk and Amenity

#### *Clause 13.07-1S Land Use Compatibility*

- Ensure protection of community amenity while facilitating appropriate commercial uses.
- Ensure that use or development of land is compatible with adjoining and nearby land uses

### Clause 17 Economic Development

#### *Clause 17.01-1L Diversified Economy*

- Encourage new and emerging business including home based businesses that provide employment opportunities.

#### *Clause 17.02-1S Business*

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

#### *Clause 17.04-1L Tourism-Shire*

- Promote recreation and tourist-focused uses within each town

## Planning Assessment Summary

Planning policy at both local and state levels seeks to strengthen Bairnsdale's role as East Gippsland's principal commercial and service center while diversifying commercial and community activities within the CBD. ESports Collective's proposal to relocate and expand operations into Bairnsdale's central commercial precinct directly advances these policy objectives.

The Municipal Planning Strategy emphasizes encouraging diverse education options and extending community services, cultural and recreation facilities throughout the region. The facility responds to these strategic directions by delivering structured digital education and skills development services currently unavailable in East Gippsland, broadening educational opportunities through innovative programming that reinforces Bairnsdale's role as the regional service center.

State planning policy promotes continued growth and diversification of activity centers through recreational and community services that enhance social and economic performance. The relocation introduces specialized regional services while generating economic benefits through direct employment creation and attracting visitors from across East Gippsland who contribute to the broader commercial precinct.

The educational focus and professional management protocols ensure compatibility with existing commercial uses while protecting community amenity. Strategic scheduling—education during business hours, recreation during off-peak periods—demonstrates thoughtful integration within the CBD's mixed-use commercial character.

Planning policy seeks complementary uses that strengthen regional centers and their service delivery capacity. This facility fulfills that objective by providing regional-level educational and recreational services across East Gippsland, reinforcing Bairnsdale's strategic importance as the primary service hub while addressing critical gaps in youth programming and digital education infrastructure.

## Zone Overview

### COMMERCIAL ZONE 1



The subject land at 58 Macleod Street (330m<sup>2</sup>) is located entirely within the Commercial 1 Zone, consistent with the broader Bairnsdale CBD zoning framework. Under Clause 34.01-1 Section 2, a planning permit is required for Place of Assembly use.

### Zone Purpose and Strategic Alignment

The Commercial 1 Zone is designed to "create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses" while providing for complementary residential development. ESports Collective's proposal directly advances this purpose through a dual-function facility that delivers both entertainment and community services within Bairnsdale's commercial core.

### Educational Programming as Community Use:

The NDIS capacity building programs, digital literacy workshops, coding classes, and Virtual Drive School establish essential community services that serve the broader East Gippsland region, directly fulfilling the zone's community use objectives.

### Recreational Activities as Entertainment Use:

Gaming sessions, tournaments, birthday parties, and interactive entertainment provide contemporary entertainment options for young people aged 10-25, addressing the zone's entertainment use purpose while diversifying commercial center offerings.

### Mixed-Use Integration:

The facility complements existing commercial activities including professional services (Services Australia), retail (Websters Furniture), hospitality venues, and allied health providers, contributing to the zone's vision for vibrant, diverse commercial centers.

## Amenity Assessment

Clause 34.01-2 requires that land uses do not detrimentally affect neighborhood amenity, specifically addressing noise, artificial light, vibration, odors, and similar off-site impacts. The proposal demonstrates exceptional amenity compatibility through multiple integrated strategies:

### Operational Compatibility

The proposed Place of Assembly use aligns with commercial zone expectations through its educational focus and strategic operational approach. NDIS Capacity Building and Skills Development form the primary weekday activities (Monday-Friday), creating an office-like environment that respects surrounding business operations. Youth recreation activities remain secondary and are strategically scheduled for Friday-Sunday or integrated within educational programming.

Operating hours align with commercial zone expectations: daytime educational focus during business hours when neighboring businesses operate, with recreational programming during off-peak periods when surrounding commercial activities are reduced or closed.

### Comprehensive Noise Management Framework

ESports Collective employs a multi-layered approach to noise management that integrates design principles, operational controls, and proven management practices to ensure harmonious coexistence with neighboring businesses.

#### Equipment and Technology Strategy

- **Modern Quiet Technology:** All gaming PCs and consoles are specifically selected for minimal noise generation, utilizing advanced cooling systems and sound-dampening components that operate well below typical office equipment noise levels.
- **Headset-Based Audio System:** Gaming audio is delivered exclusively through personal headphones, completely eliminating speaker-generated noise that could affect surrounding areas. This approach ensures audio entertainment remains contained within individual user spaces.

#### Strategic Facility Layout

- **Acoustic-Conscious Design:** The facility incorporates soft furnishings, sound-absorbing materials, and acoustic design principles to minimize noise transmission to adjacent tenancies.
- **Optimized Activity Positioning:** Quieter educational activities are positioned near boundary walls, while more interactive elements like the Multiball system are strategically located along external walls to minimize impact on adjacent commercial tenancies.

### Operational Scheduling and Management

- Educational Priority During Business Hours: Monday through Friday operations prioritize the Supported Work Program (The Creative Studio) and Virtual Driving School, maintaining an office-like environment rather than recreational gaming venue atmosphere.
- Strategic Recreational Scheduling: Higher-activity recreational sessions are deliberately scheduled outside standard business hours or on weekends when neighboring businesses are typically closed, minimizing potential conflicts.

### Active Management Controls

- *Capacity Management*: While building regulations accommodate up to 50 people, typical operations maintain approximately 30 participants (often fewer during educational programming), ensuring a controlled and manageable environment.
- *Behavioral Standards*: Clear operational guidelines govern noise levels and appropriate conduct, with all participants expected to maintain respectful behavior consistent with the commercial precinct setting.
- *Professional Supervision*: Trained staff continuously monitor activity levels and proactively manage the facility environment to maintain appropriate standards.
- *Community Responsiveness*: A responsive contact system addresses any community concerns promptly and professionally, with regular operational reviews ensuring continuous improvement.

## Particular Provisions

### Clause 52.06 Car Parking

Place of Assembly is listed in Clause 52.06-5 Table 1, requiring 1 space per 4 persons. With a building capacity of 50 people, this generates a requirement of 12.5 (13) car parking spaces.

The property provides 4 basement car parking spaces allocated for staff use. No customer parking is provided on-site, representing a reduction of 9 spaces from the standard requirement.

### Justification for Parking Reduction:

#### Target Demographic and Transport Patterns:

- Weekend recreational activities predominantly serve participants who are dropped off by family members or utilize active transport methods
- NDIS participants of all ages typically do not drive independently, relying instead on family members, or specialized disability transport services (Eg. Driving Miss Daisy Driving Service)

#### Location and Public Parking:

- Central Bairnsdale CBD location provides excellent access to public parking within comfortable walking distance
- Available 2-hour parking on Macleod and Wood Streets accommodates drop-off/pick-up patterns and support worker visit durations
- Operational hours align with periods of moderate commercial parking demand, particularly during weekend recreational programming

#### Alternative Transport Provision:

- Comprehensive bicycle and scooter parking provided within premises to accommodate active transport users
- Proximity to Bairnsdale Railway Station supports public transport access for regional participants
- Central location encourages walking and cycling from nearby residential areas

#### Operational Factors:

- Typical occupancy of approximately 30 participants rather than maximum building capacity
- Strategic scheduling reduces parking conflicts with neighboring commercial businesses

The parking reduction is justified by the specific transport needs of NDIS participants and young people with disabilities, the structured educational service delivery model, central location with abundant alternative transport options, and operational patterns that align with available public parking supply.

## Clause 52.34 Bicycle Facilities

### Requirement Calculation:

- Place of Assembly uses require 1 bicycle space per 150m<sup>2</sup> of net floor area available to the public
- Calculation: 330m<sup>2</sup> ÷ 150m<sup>2</sup> = 2.2 spaces
- **Minimum Required:** 3 spaces (rounded up to nearest whole number)

### Proposed Provision:

- Secure indoor bicycle storage for minimum 3 bicycles plus additional spaces as practical
- Dedicated scooter parking areas within the premises to accommodate popular youth transport method

### Bicycle Infrastructure Strategy:

The indoor bicycle and scooter parking provision aligns with the facility's target demographic and operational approach:

- **Youth Demographic Alignment:** School aged young people commonly utilize bicycles and scooters for independent transport, particularly in central CBD locations with good connectivity
- **Active Transport Encouragement:** Secure, convenient bike parking encourages sustainable transport choices and supports community health objectives
- **Weather Protection:** Indoor provision ensures year-round usability regardless of weather conditions

This provision exceeds planning requirements and demonstrates commitment to supporting active transport objectives appropriate for the youth demographic and central CBD location.

## Conclusion

This application represents a unique opportunity to address critical gaps in East Gippsland's youth services and digital education infrastructure. ESports Collective's proven track record—nine months of successful operation in Paynesville with zero complaints and overwhelming community support—demonstrates their ability to deliver professional, community-focused services that enhance rather than detract from commercial precincts.

The proposal delivers genuine community benefit by addressing the digital divide affecting regional families, providing structured NDIS capacity building programs, and creating pathways for young people into the growing digital economy. The educational focus, combined with professional management protocols, ensures compatibility with Bairnsdale's mixed-use commercial character while diversifying the CBD's service offerings.

Most importantly, this represents more than a commercial venture—it's a local family responding to an identified community need with a sustainable, professionally managed solution. The strategic location in Bairnsdale's CBD will serve the broader East Gippsland region, fulfilling the planning scheme's vision for regional service centers while maintaining amenity standards through evidence-based operational management.

The application demonstrates full compliance with relevant planning provisions while delivering outcomes that strengthen both community infrastructure and commercial vitality. Approval will enable the continuation and expansion of essential services currently limited by location constraints, benefiting hundreds of young people and families across the region.

The educational focus and proven operational model result in development that:

- **Demonstrates compatibility** with Bairnsdale's mixed-use commercial character
- **Supports service diversification** through innovative educational programming
- **Strengthens regional role** by providing specialized digital education services for East Gippsland
- **Provides appropriate access** for diverse transport modes including active transport
- **Maintains amenity standards** through daytime educational focus and managed evening activities
- **Results in orderly development** within the established commercial precinct



## Submission of Additional Information

**Planning Application Reference:** 5.2025.188.1

**Property Address:** 58 Macleod Street, Bairnsdale VIC 3875

**Proposal:** Use of land for place of assembly (Community Esports and Digital Learning Centre)

**Submitted to:** East Gippsland Shire Council - Planning Department

**Date:** June 2025

- Overview of ESports Collective
- Current Business Operations (Paynesville)
- Proposed Bairnsdale Operation
  - Planning Use Classification
  - Primary Services - Education & Skills Development:
  - Secondary Services - Youth Recreation:
  - Types and Numbers of Machines
  - Hours of Operation
  - Staff Numbers
  - Patron Numbers
- Amenity Considerations (Noise Management)
- Other Relevant Information

**Prepared by:** ESports Collective

**Contact:** [REDACTED]

**Applicant:** [REDACTED], ESports Collective

*This document addresses the detailed business description requirements specified in East Gippsland Shire Council's Additional Information Request dated 16 June 2025 for Planning Application 5.2025.188.1.*

## Overview of ESports Collective

ESports Collective is a local family business founded by Gippsland five years ago. As parents in the community, they identified a significant gap in entertainment and activities for young people aged 10-25, particularly options beyond traditional sports.

Currently operating in Paynesville since September 2024, ESports Collective has successfully provided a recreational gaming venue where young people can socialise in a safe, supervised environment. Nine months of operation with zero complaints has demonstrated their ability to deliver community-focused services while maintaining excellent relationships with neighbours and local authorities.

The proposed relocation to Bairnsdale represents an evolution of their proven recreational model. While continuing to offer the gaming and social activities that have made them successful in Paynesville, the move will enable ESports Collective to expand into digital education programming and NDIS capacity building services. This enhanced model addresses both the entertainment needs they currently serve and the broader digital literacy gaps identified across the regional community.

The dual-purpose approach - combining their established recreational programming with new educational services - ensures the business continues serving genuine community needs while achieving greater sustainability and regional impact from a central Bairnsdale location.

---

## Current Business Operations (Paynesville)

**Current Address:** 3/31 Esplanade, Payenville 3880

**Operational Timeline:** ESports Collective opened in Paynesville in September 2024 and has operated successfully for nine months with **zero complaints and strong community support**. While Bairnsdale was always the preferred location, landlords were initially reluctant to accommodate a youth-focused gaming venue, leading to the Paynesville location as an interim solution.

**Current Operation:** The Paynesville venue provides a fun, safe and friendly space for people to come together and connect with like minded individuals. Nine months of successful operation has demonstrated ESports Collective's ability to maintain community amenity, deliver professional services, and build positive community relationships. Community feedback has been overwhelmingly positive, with a clear message emerging: **"ESports Collective needs to be in Bairnsdale."**

**Future of ESports Collective in Paynesville:** The Paynesville venue will close when operations move to Bairnsdale. The opportunity to relocate to 58 Macleod Street allows ESports Collective to fulfill their original mission of serving the broader Bairnsdale community from a central location.

## Proposed Bairnsdale Operation

ESports Collective proposes to relocate and expand their existing operations from Paynesville to 58 Macleod Street, Bairnsdale. This move will allow them to enhance their programming and establish a digital learning hub alongside existing recreational activities. The enhanced venue will combine structured digital education programming with recreational activities, addressing gaps in youth programming and digital access across the broader East Gippsland community.

### Planning Use Classification:

**Why Place of Assembly:** Based on professional legal advice from Best Hooper Lawyers, ESports Collective's proposed use is appropriately characterised as "Place of Assembly" under the East Gippsland Planning Scheme. Place of Assembly is defined as "land where people congregate for religious, spiritual or cultural activities, entertainment, or meetings." This classification recognises that the primary purpose is bringing people together for entertainment and cultural activities, with the facility serving as a community gathering space where people congregate for shared gaming experiences, social interaction, and digital cultural activities.

**Why Not Indoor Recreation:** While the facility includes recreational elements, "Indoor Recreation Facility" is defined as "a building used for indoor leisure, recreation, or sport" with an emphasis on physical recreation and leisure activities. The Indoor Recreation classification does not adequately capture the entertainment and community assembly aspects that are central to ESports Collective's operation. The proposed use goes beyond simple recreation to provide entertainment, cultural activities, and community gathering opportunities that align more closely with the Place of Assembly definition.

### Primary Services - Education & Skills Development:

- NDIS Capacity building programs for people with disabilities
- Digital literacy workshops and coding classes
- Virtual Drive School using advanced driving simulators
- Career pathway exposure in growing digital industries
- Social skill development programming

### Secondary Services - Youth Recreation:

- Competitive esports training and tournaments (delivered as educational skill development)
- Social gaming sessions and community events
- After-school programs and school holiday activities
- Birthday parties and private celebrations
- Interactive entertainment combining digital and physical activities

**Target Demographic:** Young people aged 10-25 and gamers of all ages.

## Types and Numbers of Machines

ESports Collective showcases hardware that limited individuals and families in East Gippsland have access to at home, addressing the digital divide in regional communities. The hardware will comprise of the following:

Equipment Type	Quantity	Purpose
High-powered Gaming PCs	16	Digital education, recreational gaming
Console Gaming Booths	4	Gaming activities, educational programming
Race Car Simulators	2	Virtual Drive School programming, recreational gaming
Retro Arcade Machine	1	Recreational gaming
Multiball Interactive Wall	1	Educational programming, Interactive entertainment

## Hours of Operation

Hours follow flexible scheduling that adapts to customer demand, with distinct timetables for school holidays and term periods. Peak operating hours align with periods when neighbouring businesses are typically closed, minimising impact on local traffic and parking.

### Regular Operations:

- **All days:** 9:00am - 6:00pm

### Programming Focus:

- Morning sessions (9:00am - 1:00pm): NDIS Capacity Building sessions
- Afternoon sessions (1:00pm onwards): Educational programming and recreational gaming
- Weekend mornings: Birthday party bookings prioritised
- Thursday-Saturday evenings: Extended recreational gaming for older demographics

### School Holiday Operations:

- Extended recreational programming available throughout the day
- Flexible scheduling to accommodate holiday programs

**Extended Hours:** Subject to sufficient demand, late-night gaming sessions may be offered on Friday or Saturday evenings from 6:00pm onwards. There is demonstrated community demand for adhoc late night recreational gaming and "lock-in" sessions, particularly from older teenagers and young adults seeking supervised social gaming experiences outside standard hours.

## Staff Numbers

The venue will maintain a **minimum of 1-3 staff members** depending on program requirements and occupancy levels.

### Staffing Strategy:

- The Bairnsdale location will strategically focus on Education & Skills Development Monday through Friday
- Youth Recreation activities operating on weekends and during school holidays
- This dual-purpose approach maximizes community benefit and facility utilization
- Professional supervision ensures appropriate standards maintained at all times

## Patron Numbers

**Building Capacity:** Up to 50 people based on building code requirements

### Typical Occupancy:

- **Weekday operations:** Expected to be around 16 people, based on Gaming PCs available for educational programming
- **Weekend/event operations:** Anticipated to reach around 30 people, distributed across all gaming stations:
  - Gaming PCs: 16 simultaneous users
  - Sim Racers: 2 users
  - Console Stations: 4 users
  - Multiball: 4 users + 4 spectators

**Higher Occupancy Events:** Limited to specific events outside regular business hours, such as:

- Parents attending children's birthday parties on weekends
- Tournament events held on Friday and Saturday evenings for young adults

## Amenity Considerations (Noise Management)

ESports Collective employs a **comprehensive noise management framework** developed and proven through 9 months of successful operation in Paynesville (zero complaints received).

### Equipment and Technology Strategy:

- **Modern Quiet Technology:** All gaming PCs and consoles specifically selected for minimal noise generation, utilising advanced cooling systems and sound-dampening components that operate well below typical office equipment noise levels
- **Headset-Based Audio System:** Gaming audio delivered exclusively through personal headphones, completely eliminating speaker-generated noise that could affect surrounding areas

### Strategic Facility Layout:

- **Acoustic-Conscious Design:** Facility incorporates soft furnishings, sound-absorbing materials, and acoustic design principles to minimize noise transmission
- **Optimized Activity Positioning:** Quieter educational activities positioned near boundary walls, while more interactive elements like the Multiball system are strategically located along external walls

### Operational Scheduling:

- **Educational Priority During Business Hours:** Monday through Friday operations prioritize NDIS Capacity Building and Virtual Driving School, maintaining an office-like environment
- **Strategic Recreational Scheduling:** Higher-activity recreational sessions deliberately scheduled outside standard business hours or on weekends when neighboring businesses are typically closed

### Active Management Controls:

- **Capacity Management:** Typical operations maintain approximately 30 participants, ensuring a controlled and manageable environment
- **Behavioral Standards:** Clear operational guidelines govern noise levels with trained staff continuously monitoring activity levels
- **Proven Track Record:** 9 months of operation with zero noise complaints demonstrates effective management protocols

## Other Relevant Information

### Community Benefits:

- Addresses critical gaps in East Gippsland's youth programming and digital infrastructure access
- Provides essential digital literacy education addressing regional digital disadvantage
- Delivers specialized NDIS capacity building programs focused on technology skills and independence development
- Creates employment opportunities and attracts visitors from across East Gippsland to Bairnsdale CBD

### Facility Features:

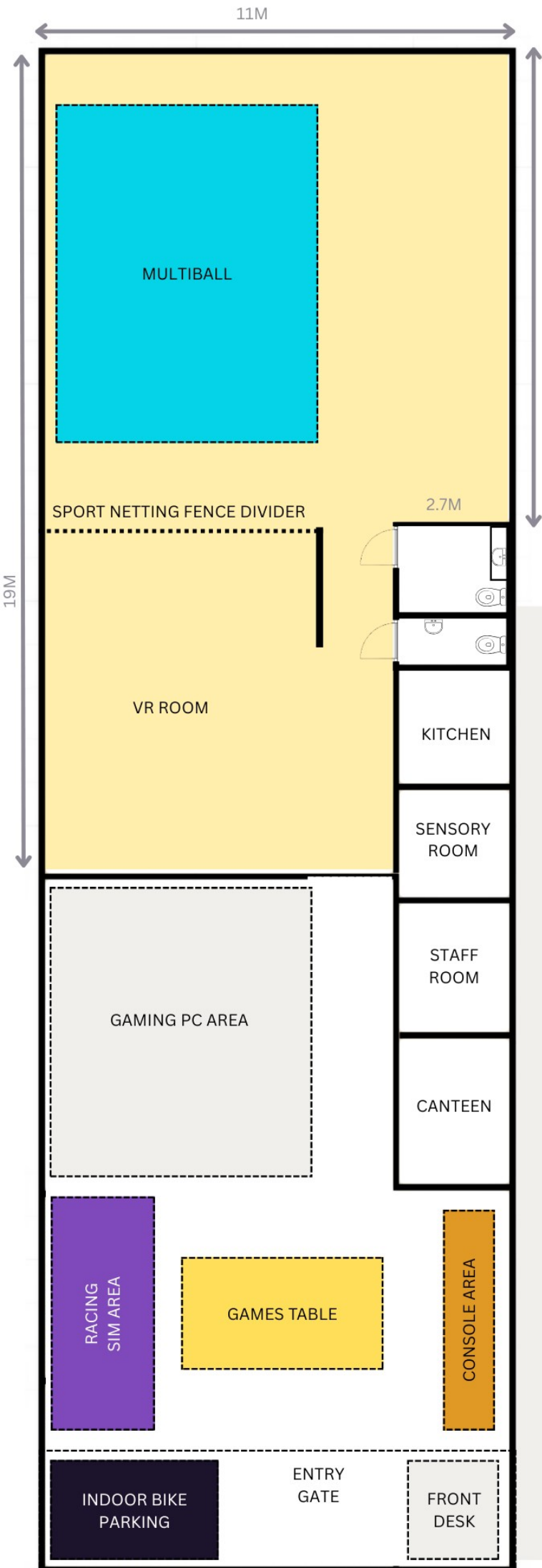
- Building floor area of 320m<sup>2</sup> with solid construction and contemporary shopfront
- Two toilet facilities to be upgraded for disabled access to better accommodate NDIS participants
- Four basement car parking spaces for staff use
- Secure indoor bicycle and scooter parking for patrons
- Primary access through front sliding doors, secondary access/fire escape at rear

### Proven Operational Model:

- 9 months successful operation demonstrates community compatibility
- Zero complaints received showing effective amenity management
- Strong community support with consistent demand for Bairnsdale location
- Professional management protocols ensuring ongoing community harmony

### Planning Compliance:

- Application addresses all relevant provisions of East Gippsland Planning Scheme
- Commercial Zone 1 location appropriate for proposed Place of Assembly use
- Strategic CBD location enhances regional accessibility and service delivery
- Operational compatibility with surrounding commercial uses demonstrated



11M

WEBSTERS