

NOTICE OF AN APPLICATION FOR PLANNING PERMIT

The land affected by the application is located at:	71 Esplanade PAYNESVILLE VIC 3880 Lot: 7 PS: 436852
The application is for a permit to:	Use of a Restricted Recreation Facility (Wellness centre) and Store (Self-Storage Facility) and buildings and works to an existing building (facade)
A permit is required under the following clauses of the planning scheme:	
Planning Scheme Clause	Matter for which a permit is required
34.01-1 (C1Z)	Use of a Restricted Recreation Facility (Wellness centre) and Store (Self-Storage Facility)
34.01-4 (C1Z)	Construct a building or construct or carry out works
The applicant for the permit is:	Human Habitats
The application reference number is:	5.2026.133.1

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

April McDonald

From: Snapforms Notifications <no-reply@snapforms.com.au>
Sent: Wednesday, 6 May 2026 11:21 AM
To: Planning Unit Administration
Subject: Planning Permit application
Attachments: 03-15624-20260506-PL-Certificate of Title.pdf; 02-15624-20260506-Arch Plans.pdf; 01-15624-20260506-PL-TP Report.pdf; Planning_Permit_Application_2026-05-06T11-21-14_33436152_0.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:

Business trading name: Human Habitats

Email address: Kimberley@humanhabitats.com.au

Postal address : 424/838 Collins Street

Preferred phone number: 0399092202

Owner's business trading name (if applicable):

Owner's postal address:

Street number: 71

Street name: Esplanade

Town: Paynesville

Post code: 3880

Lot number: 7

Plan number: PS436852P

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?: Yes

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

Existing conditions : Vacant former "Foodworks" building; with associated car parking,

Description of proposal : Use of the Site for the purpose of Store and Restricted Recreational facility, and minor works associated with the change of use.

Estimated cost of development: 500000

Has there been a pre-application meeting: No

Invoice Payer:

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

Covenants agreements: [03-15624-20260506-PL-Certificate of Title.pdf](#)

Plans: [02-15624-20260506-Arch Plans.pdf](#)

Planning report: [01-15624-20260506-PL-TP Report.pdf](#)

Full copy of Title: [03-15624-20260506-PL-Certificate of Title.pdf](#)

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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.

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

VOLUME 10593 FOLIO 103

Security no : 124133680902A
Produced 10/04/2026 02:56 PM

LAND DESCRIPTION

Lot 7 on Plan of Subdivision 436852P.
PARENT TITLES :
Volume 10524 Folio 887 Volume 10569 Folio 005
Created by instrument PS436852P Stage 3 16/07/2001

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.

AGREEMENT Section 173 Planning and Environment Act 1987
AC892715N 31/05/2004

DIAGRAM LOCATION

SEE PS436852P 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: "FOODWORKS" 71 ESPLANADE PAYNESVILLE VIC 3880

ADMINISTRATIVE NOTICES

NIL

eCT Control 19650B PARTNERS OF "CAMPBELL & SHAW"
Effective from 12/08/2021

OWNERS CORPORATIONS

The land in this folio is affected by
OWNERS CORPORATION 1 PLAN NO. PS436852P

DOCUMENT END

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Document Type	Plan
Document Identification	PS436852P
Number of Pages (excluding this cover sheet)	12
Document Assembled	10/04/2026 14:58

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PLAN OF SUBDIVISION

STAGE No. LTO USE ONLY PLAN NUMBER

PS436852P

LOCATION OF LAND

PARISH: BAIRNSDALE
TOWNSHIP: _____
SECTION: _____
CROWN ALLOTMENT: 147^B & 147^C (PARTS)
CROWN PORTION: _____
TITLE REFERENCES: _____

LAST PLAN REFERENCE: LOT 2 - PS427849D

POSTAL ADDRESS: ESPLANADE
(At time of subdivision) PAYNESVILLE, 3880

MGA94 CO-ORDINATES: E 563 650
(of approx. centre of land in plan) N 5802 870 **ZONE:** 55

COUNCIL CERTIFICATION AND ENDORSEMENT

COUNCIL NAME: EAST GIPPSLAND SHIRE **COUNCIL REF:** 00/00022/SD

- This plan is certified under Section 6 of the Subdivision Act 1988.
- This plan is certified under Section 11(7) of the Subdivision Act 1988. Date of original certification under Section 6 / /
- This is a statement of compliance issued under Section 21 of the Subdivision Act 1988.

OPEN SPACE

- A requirement for public open space under Section 18 Subdivision Act 1988 has / has not been made.
- The requirement has been satisfied.
- The requirement is to be satisfied in stage
 Council Delegate
 Council seal
 Date / /
 Re-certified under Section 11(7) of the Subdivision Act 1988
 Council Delegate
 Council seal
 Date / /

VESTING OF ROADS AND/OR RESERVES

IDENTIFIER	COUNCIL/BODY/PERSON
NIL	NIL

NOTATIONS

STAGING This is / is not a staged subdivision
 Planning Permit No

DEPTH LIMITATION DOES NOT APPLY

LOTS IN THIS PLAN MAY BE AFFECTED BY ONE OR MORE OWNERS CORPORATIONS - SEE OWNERS CORPORATION SEARCH REPORT FOR DETAILS

BOUNDARIES SHOWN BY THICK CONTINUOUS LINES ARE DEFINED BY BUILDINGS
 LOCATION OF BOUNDARIES THICK DEFINED BY BUILDINGS:
 EXTERIOR FACE : BOUNDARIES MARKED 'E'
 MEDIAN: BOUNDARIES MARKED 'M'
 INTERIOR FACE : ALL OTHER BOUNDARIES
 LOWER LEVEL : UPPER FACE OF SLAB OR AS OTHERWISE SHOWN
 UPPER LIMIT : INSIDE FACE OF CEILING OR AS OTHERWISE SHOWN

SURVEY: THIS PLAN IS / IS NOT BASED ON SURVEY
 THIS SURVEY IS CONNECTED TO PERMANENT MARK No(s)

EASEMENT INFORMATION

LEGEND A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)

SECTION 12(2) OF THE SUBDIVISION ACT 1988 APPLIES TO THE LAND IN THIS PLAN

Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
E-2	SEWERAGE	SEE DIAG	THIS PLAN	EAST GIPPSLAND REGION WATER AUTHORITY & LAND IN THIS PLAN
E-3	SEWERAGE	SEE DIAG	THIS PLAN	EAST GIPPSLAND REGION WATER AUTHORITY & LAND IN THIS PLAN
E-4	POWER SUPPLY	SEE DIAG	THIS PLAN	SPI ELECTRICITY PTY LTD

LTO USE ONLY

STATEMENT OF COMPLIANCE / EXEMPTION STATEMENT

RECEIVED



DATE 8 / 06 / 2000

THIS IS A LAND VICTORIA COMPILED PLAN

FOR DETAILS SEE MODIFICATION TABLE HEREIN

SHEET 1 OF 11 SHEETS

LICENSED SURVEYORS & TOWN PLANNERS
 162 MACLEOD STREET, BAIRNSDALE, VIC., 3875
 TELEPHONE (03) 5152 5011

LICENSED SURVEYOR **PAUL ANTHONY DWYER**

SIGNATURE _____ DATE / /

REF **15973** VERSION **3**

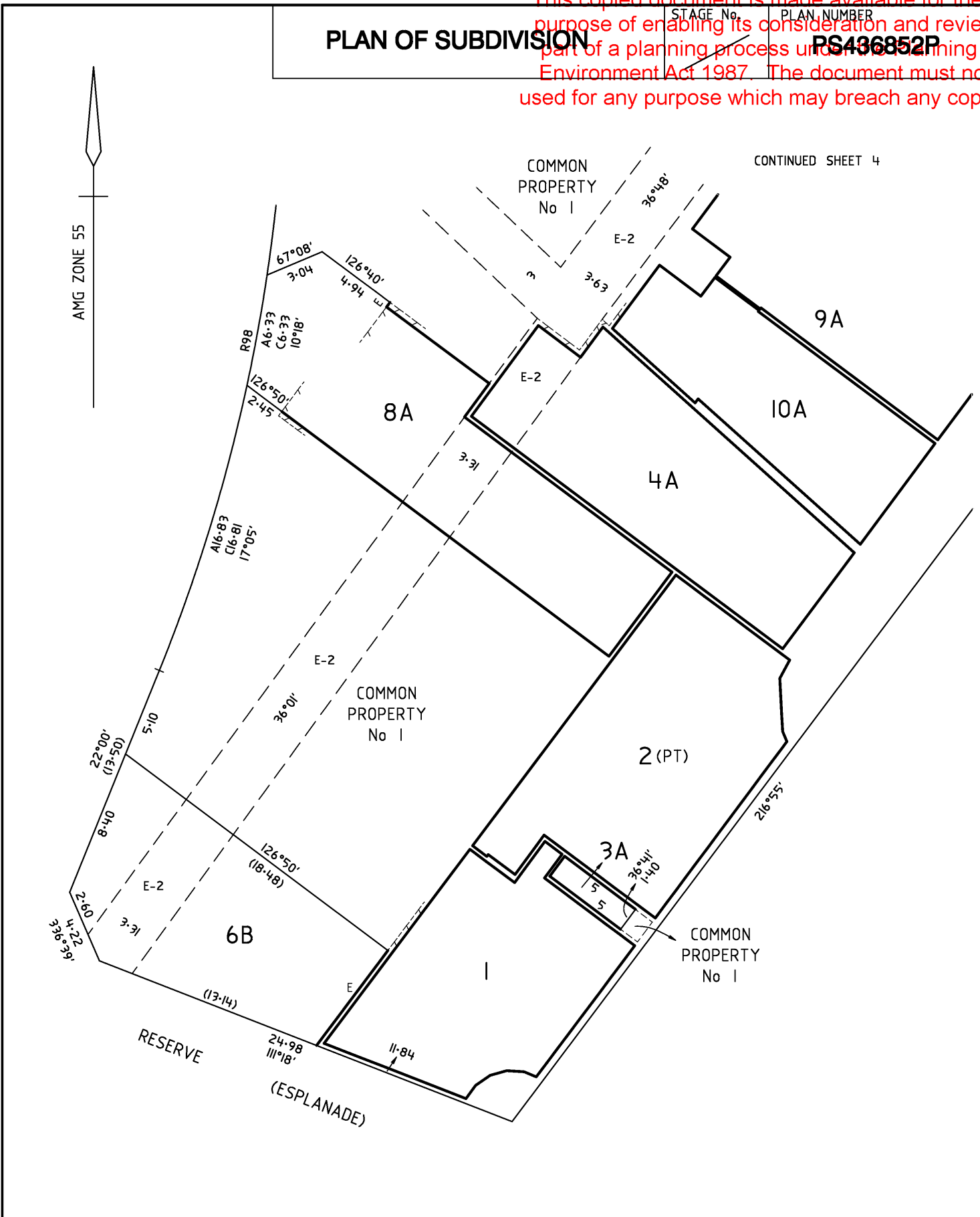
DATE / /
 COUNCIL DELEGATE SIGNATURE

ORIGINAL SHEET SIZE **A3**

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PLAN OF SUBDIVISION

STAGE No. PLAN NUMBER
PS436852P



CONTINUED SHEET 4

Crowther & Sadler Pty. Ltd.
LICENSED SURVEYORS & TOWN PLANNERS
152 MACLEOD STREET, BAIRNSDALE, VIC., 3875
TELEPHONE (03) 5162 5011

SHEET 3

ORIGINAL SCALE

SHEET SIZE A3 SCALE 1:200

LENGTHS ARE IN METRES

LICENSED SURVEYOR PAUL ANTHONY DWYER

SIGNATURE _____ DATE / /

REF 15973 VERSION 3

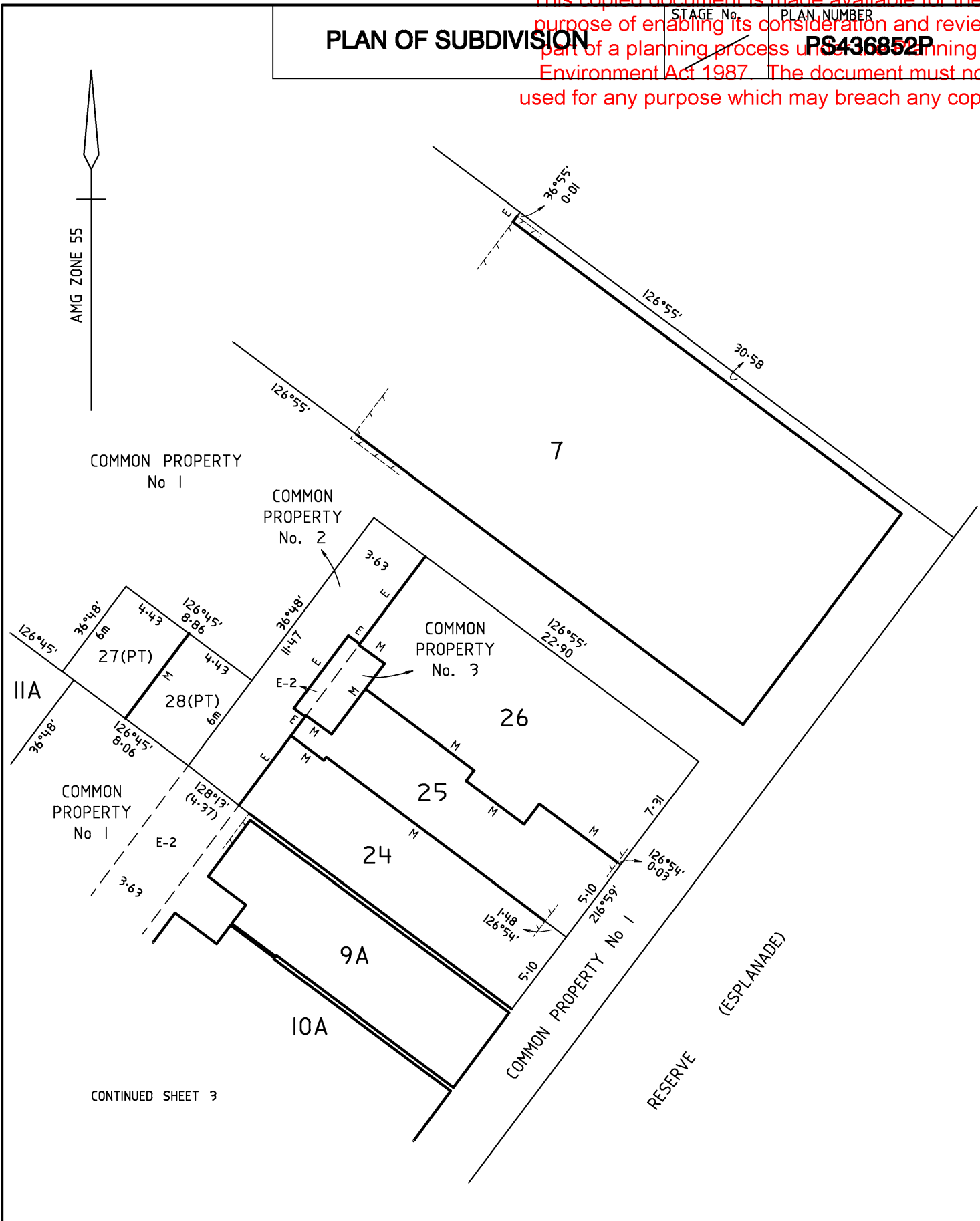
DATE / /

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PLAN OF SUBDIVISION

STAGE No.	PLAN NUMBER
	PS436852P



CONTINUED SHEET 3

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 TELEPHONE (03) 5162 5011

ORIGINAL SHEET SIZE A3	SCALE 1:200	SCALE 2 0 2 4 6 8
LENGTHS ARE IN METRES		

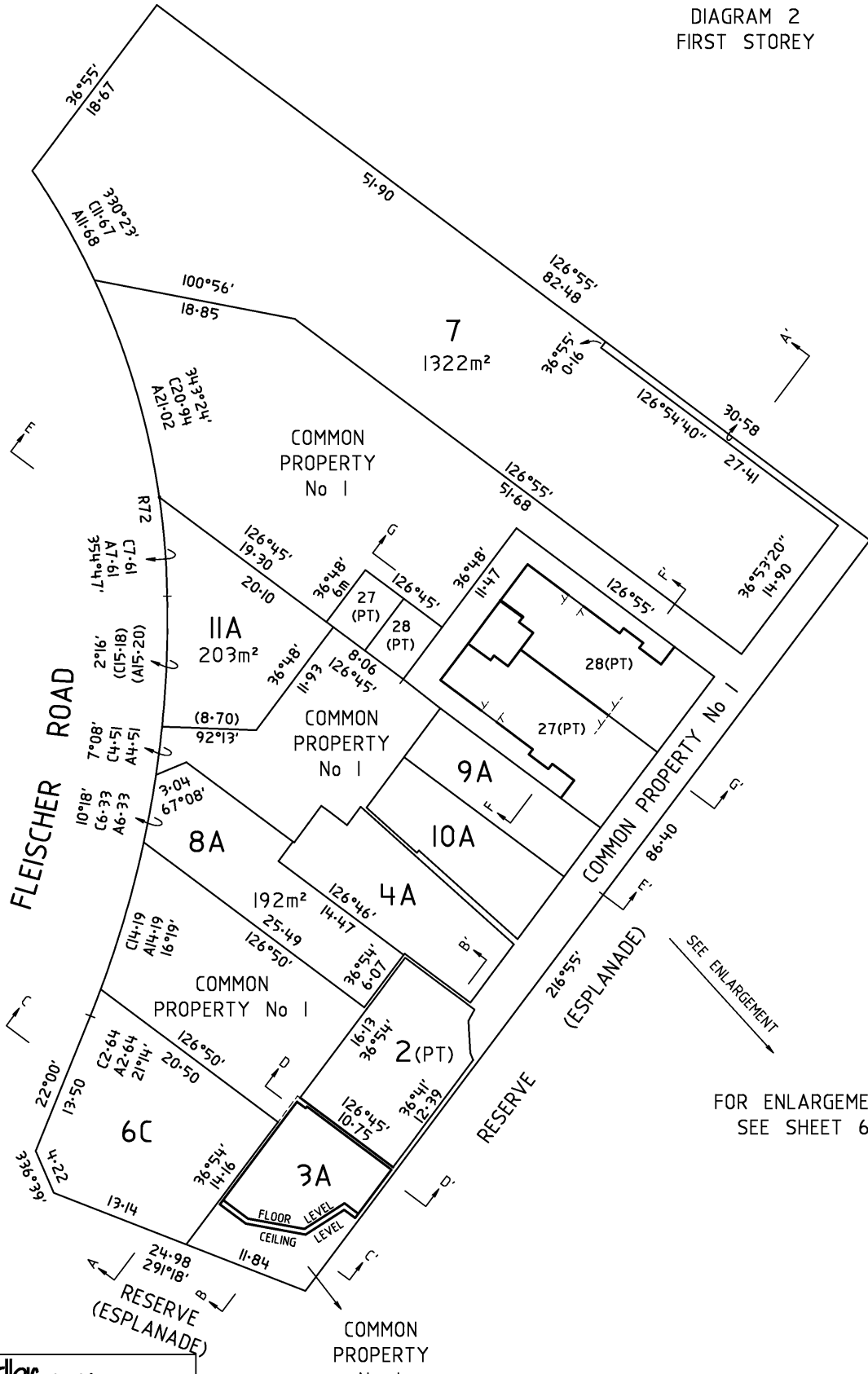
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 SIGNATURE DATE / /
 REF 15973 VERSION 3

SHEET 4
 DATE / /
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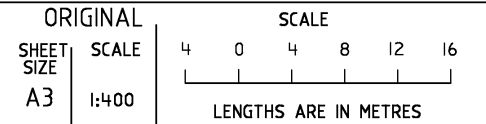
DIAGRAM 2 FIRST STOREY



FOR ENLARGEMENT SEE SHEET 6

Crowther & Sadler Pty. Ltd. LICENSED SURVEYORS & TOWN PLANNERS 152 MACLEOD STREET, BAIRNSDALE, VIC., 3875 TELEPHONE (03) 5162 5011

SHEET 5



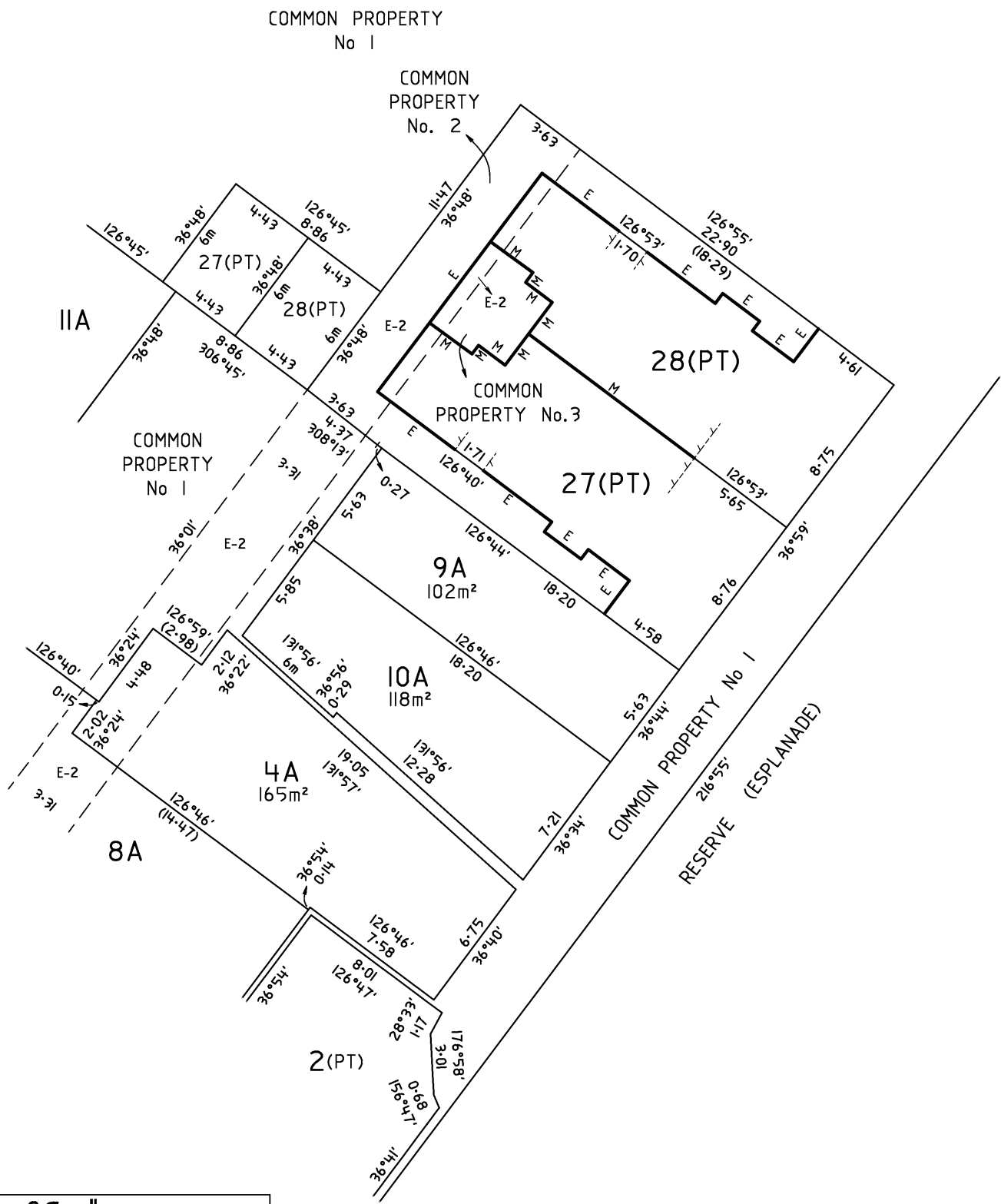
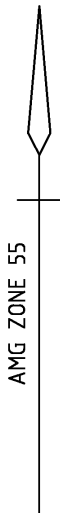
LICENSED SURVEYOR PAUL ANTHONY DWYER SIGNATURE DATE / / REF 15973 VERSION 3

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STAGE No.	PLAN NUMBER
	PS436852P



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 TELEPHONE (03) 5162 5011

SHEET 6

ORIGINAL	SCALE	2 0 2 4 6 8
SHEET SIZE A3	SCALE 1:200	LENGTHS ARE IN METRES

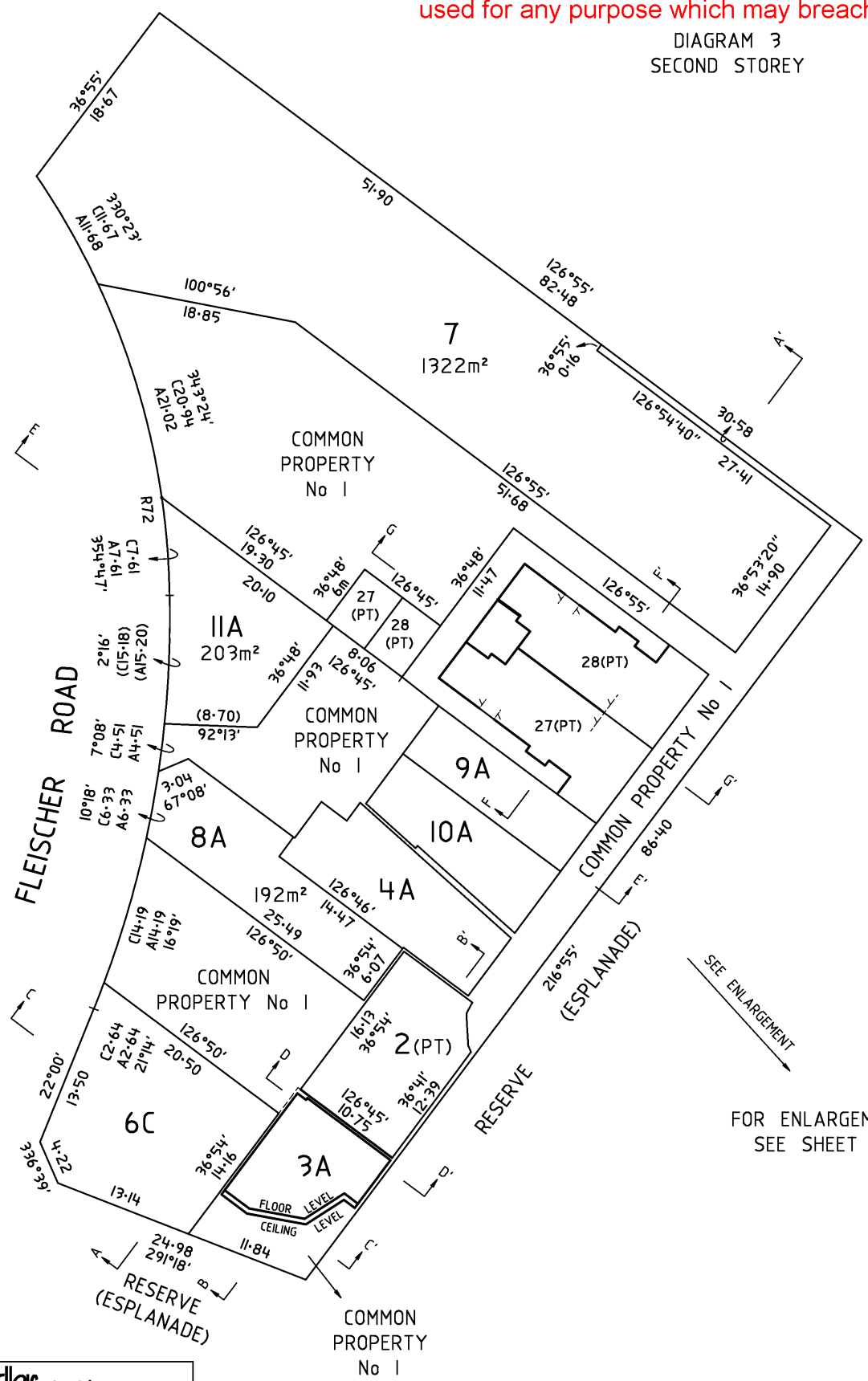
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PLAN OF SUBDIVISION STAGE No. PLAN NUMBER PS436852P

DIAGRAM 3 SECOND STOREY



FOR ENLARGEMENT SEE SHEET 8

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SHEET 7

ORIGINAL SCALE 4 0 4 8 12 16 SHEET SIZE A3 SCALE 1:400 LENGTHS ARE IN METRES

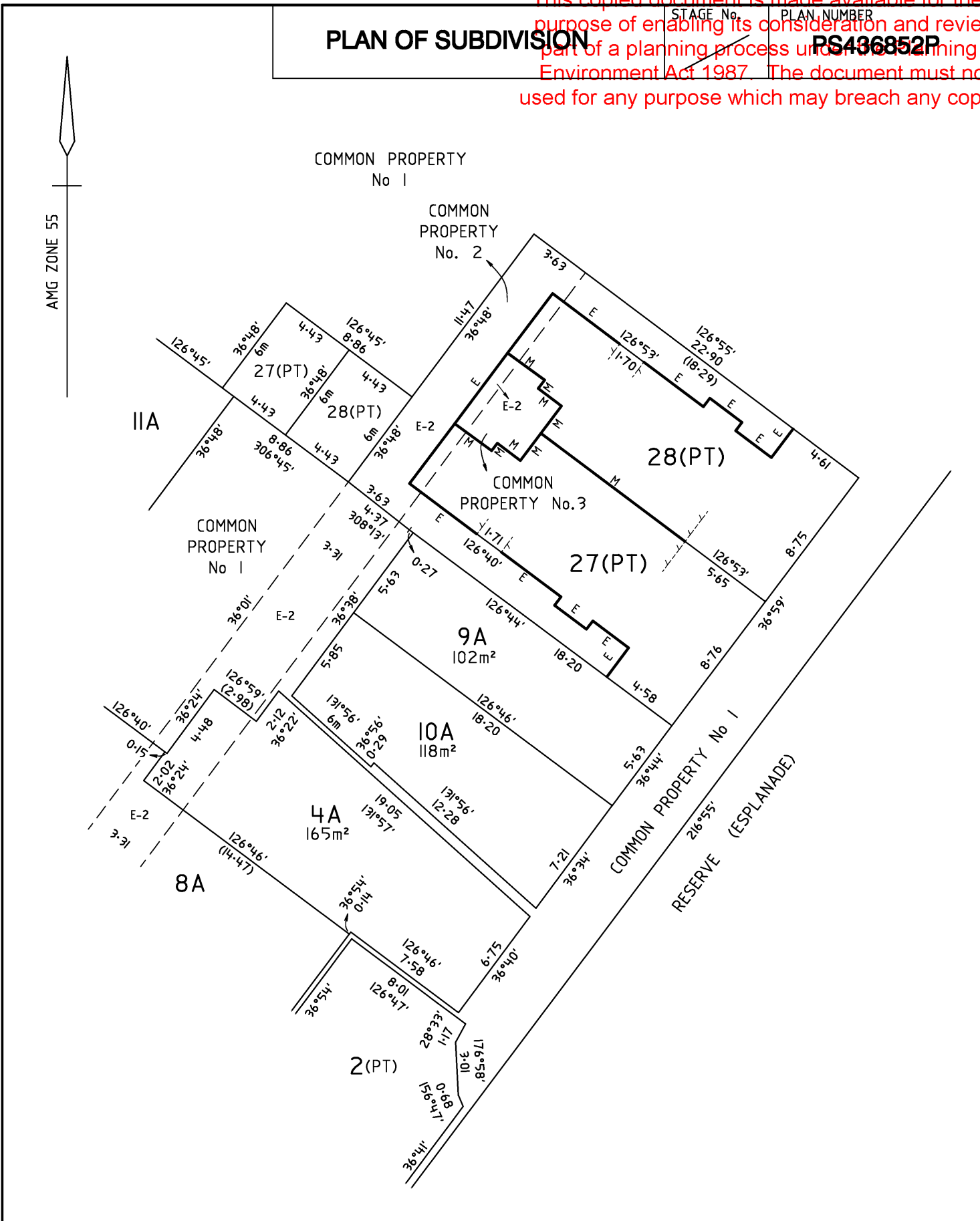
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PLAN OF SUBDIVISION

STAGE No.	PLAN NUMBER
	PS436852P



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 TELEPHONE (03) 5162 5011

ORIGINAL SCALE
 SHEET SIZE A3 SCALE 1:200
 LENGTHS ARE IN METRES

LICENSED SURVEYOR PAUL ANTHONY DWYER
 SIGNATURE _____ DATE / /
 REF 15973 VERSION 3

SHEET 8

DATE / /
 COUNCIL DELEGATE SIGNATURE _____

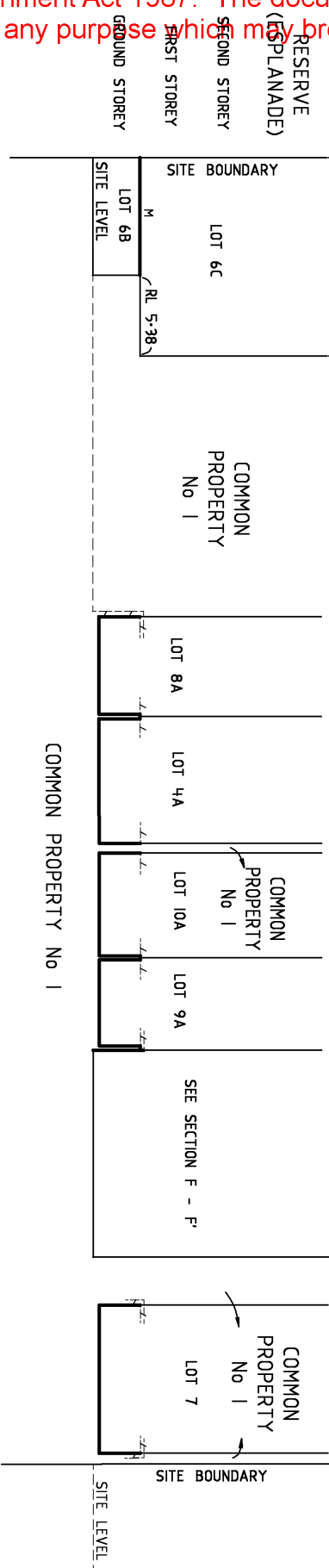
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PLAN OF SUBDIVISION

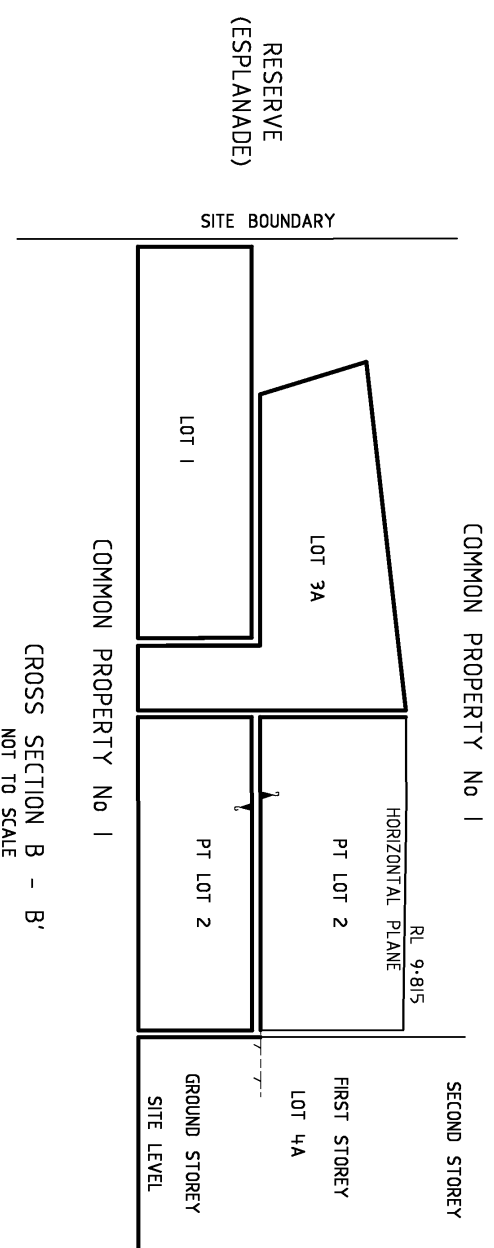
STAGE No.

PLAN NUMBER

PS436852P



CROSS SECTION A - A'
NOT TO SCALE



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 TELEPHONE (03) 5182 8011



ORIGINAL SCALE SHEET SIZE
 A3

LICENSED SURVEYOR
 REF 15973

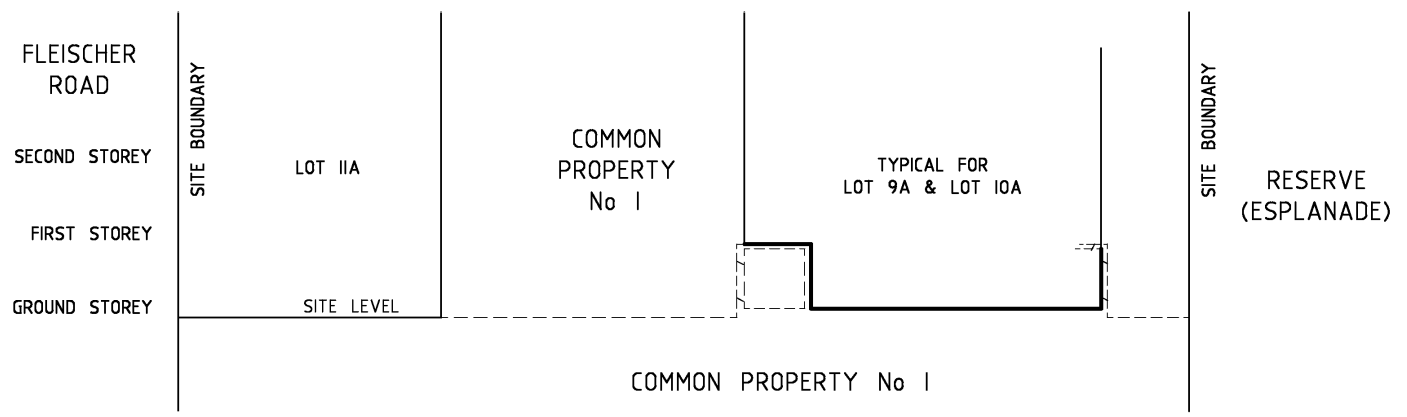
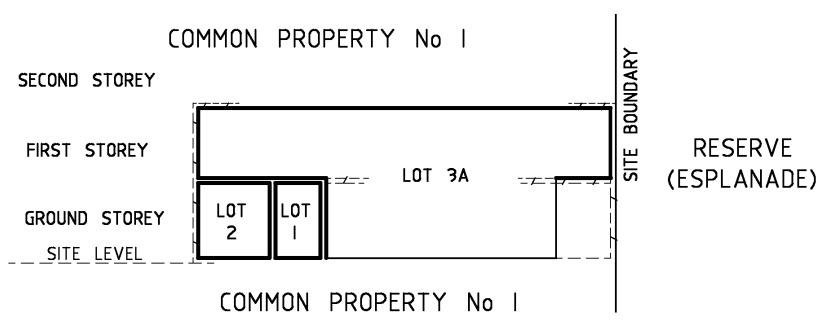
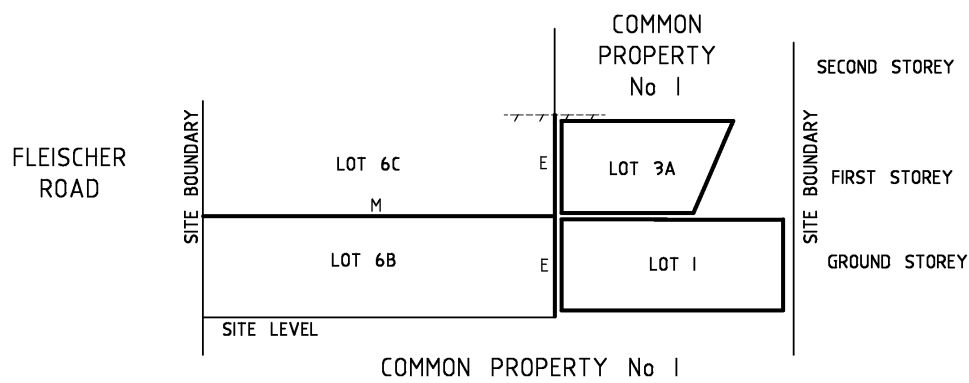
PAUL ANTHONY DWYER
 DATE / /
 VERSION 3

SHEET 9
 DATE / /
 COUNCIL DELEGATE SIGNATURE

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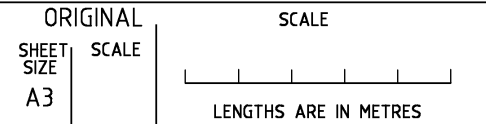
PLAN OF SUBDIVISION

STAGE No.	PLAN NUMBER
/	PS436852P



Crowther & Sadler Pty. Ltd.
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 TELEPHONE (03) 5162 5011

SHEET 10



LICENSED SURVEYOR PAUL ANTHONY DWYER

SIGNATURE _____ DATE / /

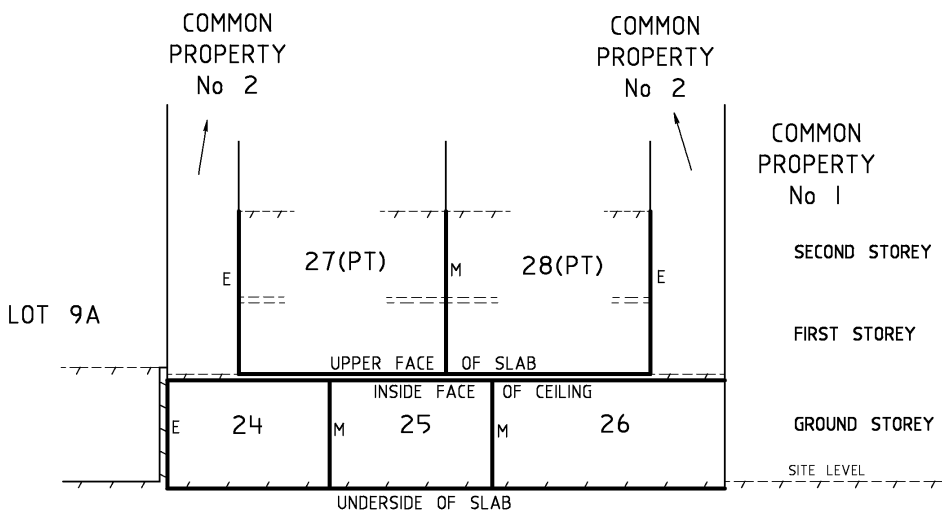
REF 15973 VERSION 3

DATE / /

COUNCIL DELEGATE SIGNATURE _____

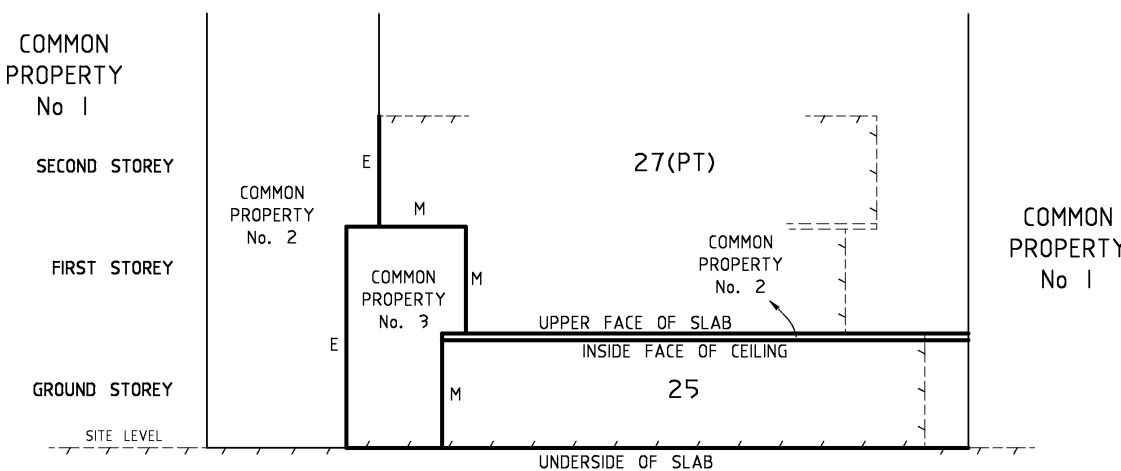
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PLAN OF SUBDIVISION STAGE No. PLAN NUMBER
PS436852P



COMMON PROPERTY No 1

CROSS SECTION F - F'
NOT TO SCALE



COMMON PROPERTY No 1

CROSS SECTION G - G'
NOT TO SCALE

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 LICENSED SURVEYORS & TOWN PLANNERS
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SHEET II

ORIGINAL SCALE
 SHEET SIZE SCALE
 A3
 LENGTHS ARE IN METRES

LICENSED SURVEYOR PAUL ANTHONY DWYER
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PLAN NUMBER
PS 436852P

MODIFICATION TABLE

RECORD OF ALL ADDITIONS OR CHANGES TO THE PLAN
MASTER PLAN (STAGE 1) REGISTERED DATE 14/6/00 TIME 9.30 AM

AFFECTED LAND / PARCEL	LAND / PARCEL / IDENTIFIER CREATED	MODIFICATION	DEALING NUMBER	DATE	TIME	EDITION NUMBER	ASSISTANT REGISTRAR OF TITLES
LOT S2	LOTS 9,10, S3 & ADDIT. COMMON PROPERTY	STAGE 2	X316489F	20/2/2001	9.00 AM	2	GSN
LOTS S3 & 5	LOTS S4 & 7	STAGE 3 AND REMOVAL OF EASEMENT E-1	X583585M	16/7/01	12.30PM	3	GSN
ROAD ABUTTAL		ROAD DISCONTINUANCE	AC382036E	06/10/2003		4	TT.O.
Lot S4	Lots 6, 11 and 23	Stage 4	PS436852P/S4	5/4/07		5	RGM
Lots 3, 4, 6, 8-11, 23, CM, V10720 F619 & V10767 F070	Lots 3A, 4A, 6A, 8A, 9A, 10A, 11A, 23A & Additional Common Property	Redevelopment Sect. 32 Subd. Act	PS436852P/D1	14/4/2008	12.12 pm	6	KMB
LOT 6A	LOTS 6B AND 6C	SECT. 32 SUBD.ACT	PS436852P/D2	14/01/2009	9:42AM	7	AMB
LOT 23A	LOTS 24 to 28 (B.I.) AND COMMON PROPERTY 2 AND 3	SECTION 32 SUBDIVISION ACT	PS436852P/D3	13 / 08 / 2014		8	B.W. 5
LOT 2	DIMENSIONS AMENDED	A.O. IN PS436852P/D3	PS436852P/D3	13 / 08 / 2014		8	B.W. 6



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AC892715N
14/05/2004 \$59 173

NAME: APPLICATION FOR RECORDING OF AN AGREEMENT
SECTION 181(1) PLANNING AND ENVIRONMENT ACT 1987

FEE: Miscellaneous Item 7 Transfer of Land Act (Fees) Regulations

STAMP DUTY: Not payable



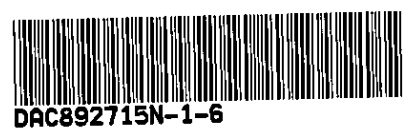
FORM: Form 9.1 - Planning and Environment Act Regulations

LODGING Application

REQUIREMENTS: Copy of Agreement
Certificate of title not required

If agreement is made under Section 21(1)(b)(ii) or Section 17(2)(c) Subdivision Act 1988 this form of application may be used.

Application by
Responsible Authority,
Relevant Authority,
Referral Authority or Council
for the making of a recording of an
agreement
Section 181(1) Planning and Environment Act 1987



Lodged by:
Name: Warren Graham & Murphy
Phone: (03) 51 52 2661
Address: 119 Main Street, Bairnsdale, 3875
Ref: IBC East Gippsland Municipal Plc
Customer Code: 1716W

The authority or council having made an agreement requires a recording to be made in the Register for the land.

Land: Lot 7 on Plan of Subdivision 436852P Certificate of Title Volume 10593 Folio 103.

Authority or council: East Gippsland Shire Council of 273 Main Street Bairnsdale 3875

Section and Act under which agreement made: Section 173 Planning and Environment Act 1987

A copy of the agreement is attached to this application

Date: 14/05/2004 ~~2003~~

Signed: *[Signature]*
JOHN TRAA (STATUTORY PLANNER)

Delegated Planning Officer

Ed 3/15/04

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DAC892715N-2-4

EAST GIPPSLAND SHIRE COUNCIL

Council

-and-

EIGHTH MURRINDAL PTY LTD

the Owner

**Agreement under Section 173 of the Planning and
Environment Act 1987**

Subject Land: Lot 7 on Plan of Subdivision 436852P Certificate of Title Volume 10593 Folio 103.

AC892715N

31/05/2004 \$59 173



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PLANNING AND ENVIRONMENT ACT 1987
SECTION 173 AGREEMENT

THIS AGREEMENT is made the 11th day of may 2004

BETWEEN

EAST GIPPSLAND SHIRE COUNCIL of 273 Main Street Bairnsdale 3875 ("Council")

and

EIGHTH MURRINDAL PTY LTD of 65 Gilsenan Drive, Metung 3904 ("the Owner")

INTRODUCTION

- A. The Council is the Responsible Authority for the Planning Scheme under the Act.
- B. The Owner is the registered proprietor of the Subject Land.
- C. It is a condition of Planning Permit No. 362/2003/P ("the Permit") that the Owner enters into this Agreement to develop and use the land identified in the Permit in accordance with the endorsed plans and conditions of the Permit. A copy of the Permit and endorsed car park plan is attached and marked "A" and "A1".
- D. The parties enter into this Agreement:
 - (a) to give effect to the requirements of the Development Permit; and
 - (b) to achieve and advance the objectives of planning in Victoria and the objectives of the Planning Scheme in respect of the Subject Land.

AC892715N

31/05/2004 \$59 173



DAC892715N-3-2

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IT IS AGREED

1. DEFINITIONS

In this Agreement the words and expressions in this Clause have the following meanings unless the context admits otherwise.

- 1.1 “the Act” means the Planning and Environment Act 1987.
- 1.2 “this Agreement” means this agreement and any Agreement executed by the parties expressed to be supplemental to it.
- 1.3 “the Endorsed Plan” mean the plan, endorsed with the stamp of the Council that forms part of the Development Permit.
- 1.4 “the Owner” means the person or persons registered or entitled from time to time to be registered by the Registrar of Titles as proprietor or proprietors of an estate in fee simple of the Subject Land or any part of it and includes a mortgagee in possession.
- 1.5 “Development Permit” means the Development Permit referred to in Recital C of this Agreement.
- 1.6 “Planning Scheme” means the East Gippsland Shire Planning Scheme and any other planning scheme which applies to the Subject Land.
- 1.7 “Subject Land” means Lot 7 on Plan of Subdivision 436852P Certificate of Title Volume 10593 Folio 103.
- 1.8 “Mortgagee” means the person or persons registered or entitled from time to time to be registered by the Registrar of Titles as Mortgagee of the Subject Land or any part of it.

2. INTERPRETATION

In the Agreement unless the context admits otherwise.

- 2.1 The singular includes the plural and vice versa.
- 2.2 A reference to a gender includes a reference to each other gender.



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- 2.3 A reference to a person includes a reference to a firm, corporation or other corporate body and that person's successors in law.
- 2.4 If a party consists of more than one person this Agreement binds them jointly and each of them severally.
- 2.5 A reference to an Act, Regulation or the Planning Scheme includes any Acts, Regulations or amendments amending, consolidating or replacing the Act, Regulation or Planning Scheme.
- 2.6 The introductory clauses to this Agreement are and will be deemed to form part of this Agreement.
- 2.7 The obligations of the Owner under this Agreement, will take effect as separate and several covenants which are annexed to and run at law and equity with the Subject Land PROVIDED THAT if the Subject Land is subdivided, this Agreement must be read and applied so that each subsequent owner of a lot is only responsible for those covenants and obligations which relate to that owner's lot.

3. SPECIFIC OBLIGATIONS OF THE OWNERS



The Owner covenants and agrees that:

3.1 Development in accordance with Development Permit

The Subject Land shall only be developed in accordance with the Endorsed Plans and conditions of the Development Permit or any subsequent amendment to the Permit approved by the Council.

3.2 Prior to the commencement of the use of the extension of the existing Supermarket as approved by the Permit, the Owner will fully construct the required car parking spaces nominated by the Permit to be located on Council owned land to the satisfaction of Council Officers and at no cost to the Council.

3.3 Council's Costs to be Paid

The Owner must pay to the Council, the Council's reasonable costs and expenses (including legal expenses) of and incidental to the preparation, drafting, finalisation, engrossment, execution, registration and enforcement of this Agreement and until those costs are paid they will remain a debt of the Owner to the Council.

4. FURTHER OBLIGATIONS

The Owner further covenants and agrees that:



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4.1 Notice and Registration

The Owner will bring this Agreement to the attention of all prospective purchasers, mortgagees, transferees and assigns;



4.2 Further actions

4.2.1 the Owner will do all things necessary, including signing any further agreements, undertakings, covenants and consents, approvals or other documents necessary for the purpose of ensuring that the Owner carries out the Owner's covenants under this Agreement and to enable the Council to enforce the performance by the Owner of such covenants and undertakings;

4.2.2 the Owner will consent to the Council making application to the Registrar of Titles to make a recording of this Agreement in the Register on the Certificate of Title of the Subject Land in accordance with Section 181 of the Act to do all things necessary to enable the Council to do so including signing any further agreement, acknowledgement or document or procuring the consent to this Agreement of any mortgagee or caveator to enable the recording to be made in the Register under that Section.

4.3 Exemption

The Owner will exempt the Council, its employees, contractors and agents from and against all costs, expenses, losses or damages whatsoever which they or any of them may sustain incur or suffer, or be or become liable for or in respect of any suit, action, proceeding, judgement or claim brought by any person whatsoever arising from or referable to this Agreement or any non-compliance thereof.

5. AGREEMENT UNDER SECTION 173 OF THE ACT

The Council and the Owner agree that without limiting or restricting their respective powers to enter into this Agreement and, insofar as it can be so treated, this Agreement is made pursuant to Section 173 of the Act.

6. OWNER'S WARRANTIES

Without limiting the operation or effect which this Agreement has, the Owner warrants that apart from the Owner and any other person who has consented in writing to this Agreement, no other person has any interest, either legal or equitable, in the Subject Land which may be affected by this Agreement.

7. SUCCESSORS IN TITLE

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Without limiting the operation or effect which this Agreement has, the Owner must ensure that until such time as a memorandum of this Agreement is registered on the title to the Subject Land, successors in title shall be required to;

- 7.1 give effect to and do all acts and sign all documents which requires those successors to give effect to this Agreement; and
- 7.2 execute a deed agreeing to be bound by the terms of this Agreement.

8. GENERAL MATTERS

8.1 Notices

A notice or other communication required or permitted to be served by a party on another party must be in writing and may be served:

- 8.1.1 by delivering it personally to that party;
- 8.1.2 by sending it by prepaid post addressed to that party at the address set out in this Agreement or subsequently notified to each part from time to time; or
- 8.1.3 by sending it by facsimile provided that a communication sent by facsimile shall be confirmed immediately in writing by the sending party hand delivery or prepaid post.

8.2 A notice of other communication is deemed to be served:

- 8.2.1 if delivered, on the next following business day;
- 8.2.2 if posted, on the expiration of two business days after the date of posting; or
- 8.2.3 if sent by facsimile, on the next following business day unless the receiving party has requested retransmission before the end of that business day.

8.3 No Waiver

Any time or other indulgence granted by the Council to the Owner or any variation of the terms and conditions of this Agreement or any judgement or order obtained by the Council against the Owner will not in any way amount to a waiver of any of the rights or remedies of the Council in relation to the terms of this Agreement.

8.4 Severability

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If a court, arbitrator, tribunal or other competent authority determines that a word, phrase, sentence, paragraph or clause of this Agreement is unenforceable, illegal or void then it must be severed and the other provisions of this Agreement will remain operative.

9. COMMENCEMENT OF AGREEMENT

Unless otherwise provided in this Agreement, this Agreement commences from the date of this Agreement.

10. ENDING OF AGREEMENT

This Agreement may be ended by agreement between Council and the Owner.

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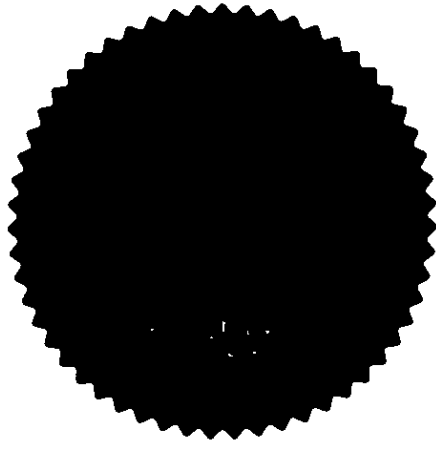


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EXECUTED by the parties on the date set out at the commencement of this Agreement.

The COMMON SEAL of EAST GIPPSLAND SHIRE COUNCIL was affixed on behalf of Council by authority of the Chief Executive Officer on the 11th day of May, 2004 in exercise of the power delegated under Administrative Procedures (Use of Common Seal) Local Law in the presence of



[Handwritten Signature]
.....
M Bennett

THE COMMON SEAL of EIGHTH MURRINDAL PTY LTD was affixed in the presence of authorised persons:



Director:.....
Full Name: CHARLES H. HEATH

Usual Address: 575 KINGSFORD DRIVE MURRINDAL

Director:.....
(or Secretary)

Full Name: ROSS CHARLES HEATH

Usual Address: PINNOCK STREET, BAIRNSDALE

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PLANNING PERMIT

Permit No: 362/2003/P
Planning Scheme: East Gippsland
Responsible Authority: East Gippsland Shire

Form 4.4

ADDRESS OF THE LAND

71 Esplanade PAYNESVILLE VIC 3880
Lot 7 LP 436852

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BN: 80550 7

THE PERMIT ALLOWS

Development of extensions to existing supermarket and dispensation for car parking in accordance with the endorsed plans..

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

- (1) Before the use and or development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided.
- (2) The plans must be generally in accordance with the plans submitted with the application but modified to show car parking for at least 12 cars at the rear of the proposed supermarket extension and development of a further 19 car parking spaces at least on the Council land at the rear of the site, showing how it can be satisfactorily extended at a future date to allow for further car parking should the need arise.
- (3) The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
- (4) Before the commencement of any works or development the owner of the land must enter into an agreement with the Responsible Authority in accordance with Section 173 of the Planning and Environment Act 1987 which will covenant that:-

prior to the commencement of the use of the extension of the existing supermarket as approved by this permit, the permit holder will fully construct the required car parking spaces nominated by this permit to be located on Council owned land, to the satisfaction of Council Officers and at no cost to Council.

The agreement may be ended wholly or in part or as to any part of the land by the Responsible Authority with the approval of the Minister or by agreement between the Responsible Authority and all persons who are bound by any covenant in the agreement.

The agreement will bind the applicant as the owner and must run with the land so that all successors in title are bound by the agreement. This agreement will be prepared at the applicant's cost and to the satisfaction of the Responsible



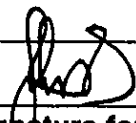
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Authority, and must be registered on the title in accordance with Section 181 of the Planning and Environment Act 1987.

- (5) Prior to the commencement of any of the works on the Council land, all relevant approvals, including appropriate planning approval, must be in place.
- (6) All car parking areas, driveways and vehicle manoeuvring areas must be designed, set out and marked in accordance with the requirements of AS 2890.1 Parking facilities Part 1: Off-street Car Parking. Particular emphasis must be paid to ensuring car parking spaces are of appropriate size allowing for overhang and provision is made for "blind aisle" turning movements where required. Additionally provision is to be made for disabled access car parking.
- (7) Car parking pavements must be constructed and sealed to Council Officers' satisfaction with an appropriate surface treatment. Pavements and pavement marking (on the applicant's property) must be maintained to the satisfaction of the Responsible Authority at all times.
- (8) The stormwater drainage system for the development (both car parking and building) must be designed to the satisfaction of and approved by Council Officers prior to the commencement of construction. Design of the stormwater drainage system must give consideration to dispersing surface runoff to any pervious or landscaped areas on site.
- (9) The stormwater drainage system must be designed in accordance with standard engineering practice for the collection and control of all stormwater runoff, resulting from a storm having an ARI of 1 in 20 years, and concentrated by buildings, pavements, and/or siteworks to avoid damage or inundation to any other neighbouring property.
- (10) Stormwater outlets must be fitted with a suitable device to prevent litter, debris and sediment from entering Council's stormwater drainage system. Details of the device/structure must be provided to and approved by Council Officers prior to construction.
- (11) Any portion of Council's existing infrastructure damaged as a result of work undertaken on the site or associated with the development must be repaired/reinstated to Council's satisfaction at the developer's expense.
- (12) Temporary debris and sediment control measures must be installed to prevent debris and sediment from entering Council's drainage system during all construction stages of both the land division and future development on the proposed allotments. Pollution prevention measures, must be in accordance with the Environment Protection Authority's Publication Number 275 Construction Techniques for Sediment Pollution Control.

Date Issued: 8 January 2004

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**Signature for the
 Responsible Authority**



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Printed 13/05/2026

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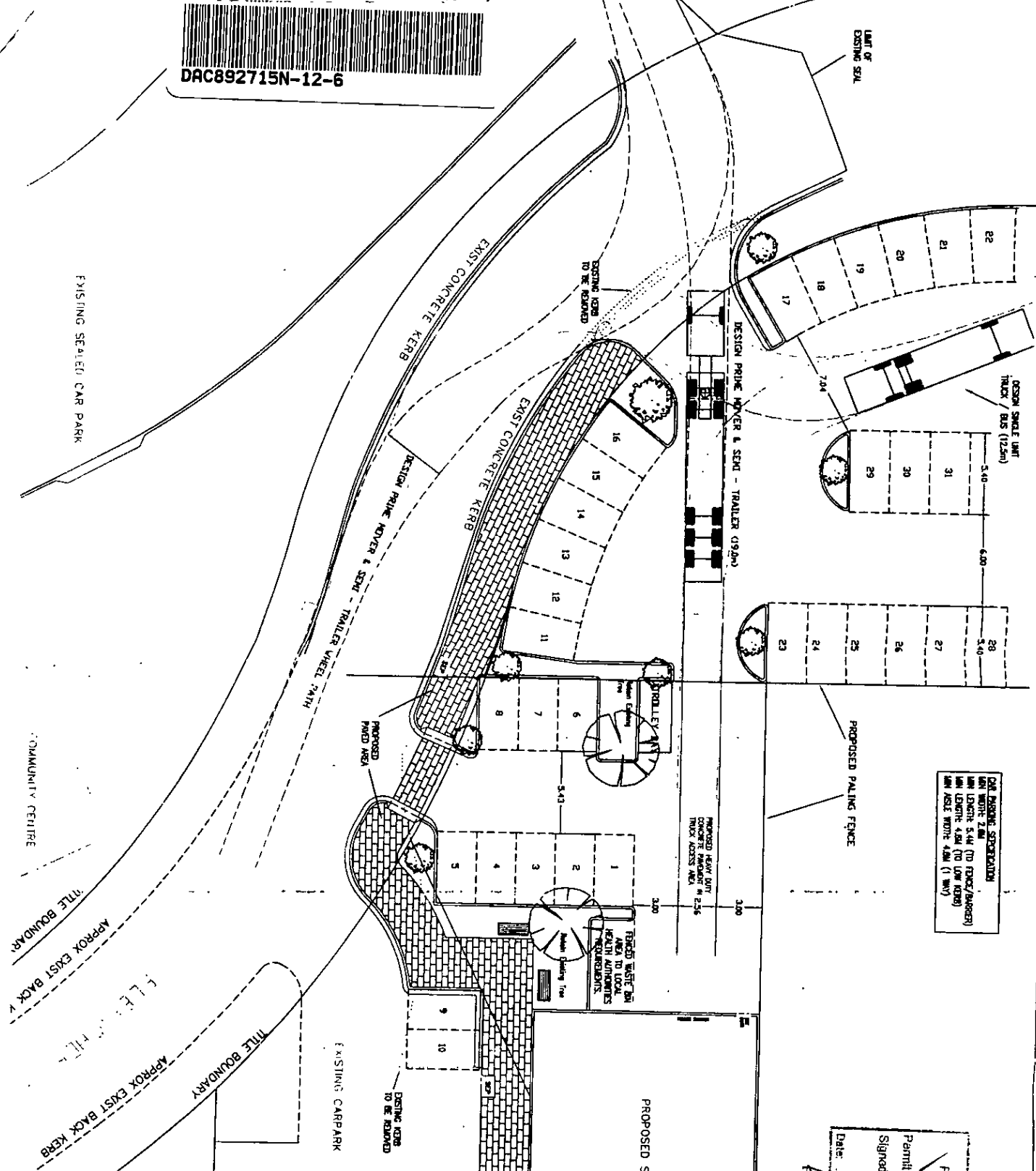
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FOR BARRING SPECIFICATION
BAR WIDTH 2.0M
BAR LENGTH 5.4M (TO EDGE/NUMBER)
BAR SPACING 4.5M (TO LOW KERB)
BAR SPACING 4.5M (1 WAY)

Endorsed Plan
Planning and Environment Act 1987
East Gippsland Planning Scheme
Permit No. 367/2003/10
Signed: [Signature]
Date: 3/5/04 Page: 1 of 1

Approved car parking plan only.

Project: PAYNESVILLE SUPERMARKET THE ESPLANADE PAYNESVILLE
Client: [Blank]
Date: April 2004
AS Scale: 1:250
Designed: W GABLE
Drawn: R SUPPLITT
Sheet No: 1 OF 1
Job No: 19676

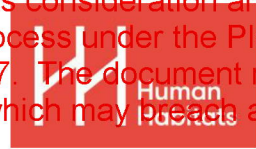
gam logo
www.gamcorp.com.au
18 Nicholson Street Bendigo Victoria 3480
Project: PAYNESVILLE SUPERMARKET THE ESPLANADE PAYNESVILLE
Client: [Blank]

TOWN PLANNING REPORT

ADDRESS: 71 ESPLANADE, PAYNESVILLE

PREPARED FOR: [REDACTED]

DATE: 6 MAY 2026



Document Information

Issue Date	6 May 2026	Prepared for	
Prepared by	GC	Reviewed by	JV
Project No.	15624	Project Name.	71 Esplanade, Paynesville

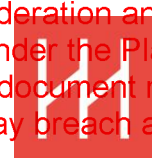
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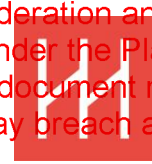
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1 Introduction

Human Habitats has been engaged by [redacted] to prepare this planning application for the proposed change of use and associated buildings and works at 71 (Lot 7 on PS436852P) Esplanade, Paynesville.

The proposal seeks to utilise the existing building for the purpose of a restricted recreation facility (wellness centre) and store (self-storage). Minor demolition and façade works are proposed to facilitate this.

The subject site is located in the Commercial 1 Zone of the East Gippsland Planning Scheme and is not subject to any Overlays. It is our assessment that the proposal provides an appropriate response to the objectives of State & Local Planning Policy and the Commercial 1 Zone objectives for Paynesville and East Gippsland more broadly. The proposal is of a high-quality design which will sit comfortably within the surrounding environment. In coming to this conclusion, we have considered the following key questions:

- **Planning Policy** - Does the proposal demonstrate an appropriate outcome considering the strategic planning drivers for Commercial development in East Gippsland?
- **Amenity** - Will the proposal result in acceptable amenity impacts on the surrounding area?
- **Traffic** - Will the proposal ensure the safe and efficient operation of the surrounding road network?

1.1 Permit Requirement

A Permit is required for the following:

- Clause 34.01-1: To use the land for the purpose of a restricted recreation facility (wellness centre) and store (self-storage) in the Commercial 1 Zone.
- Clause 34.01-4: To carry out works (minor façade works) in the Commercial 1 Zone.

1.2 Supporting Documents

This application is supported by the following documents:

- Architectural Plans prepared by Interlandi Mantesso Architects dated April 2026
- Certificate of Title Documents dated April 2026

2 Subject Site and Context

2.1 Subject Site

The subject site is located at 71 Esplanade, Paynesville and is formally known as Lot 7 on PS436852P.

The broader PS436852P is 4748.88sqm, with frontage to the Esplanade and Fleischer Street. The Site hosts a number of mixed/commercial uses including restaurant, bakery, salon, real estate agent and bank.

The development site (Lot 7 on PS436852P), however, is approximately 1,322sqm with the existing building occupying approximately 858.8sqm of this site. The building was historically occupied by a supermarket use (Foodworks) and represents one of the larger commercial premises on the Esplanade.



Figure 1: Subject Site Aerial (Subject Lot shaded in red and PS436852P outlined)



Figure 2 - Building Subject to Development (former 'Foodworks' Site)

2.1.1 Existing Development

The existing building is currently vacant, with a total floor area of approximately 1,044 sqm, comprising the following components:

- Ground Floor: 859 sqm
- Mezzanine Level: 169 sqm

In terms of car parking provision, the site benefits from 7 spaces located on Site, access to 16 spaces located on abutting common property and access to 45 spaces available within the adjoining car park area (constructed as per Instrument AC892715N).

2.1.2 Certificate of Title

The subject site is Lot 7 of Plan of Subdivision PS436852P; outlined below.

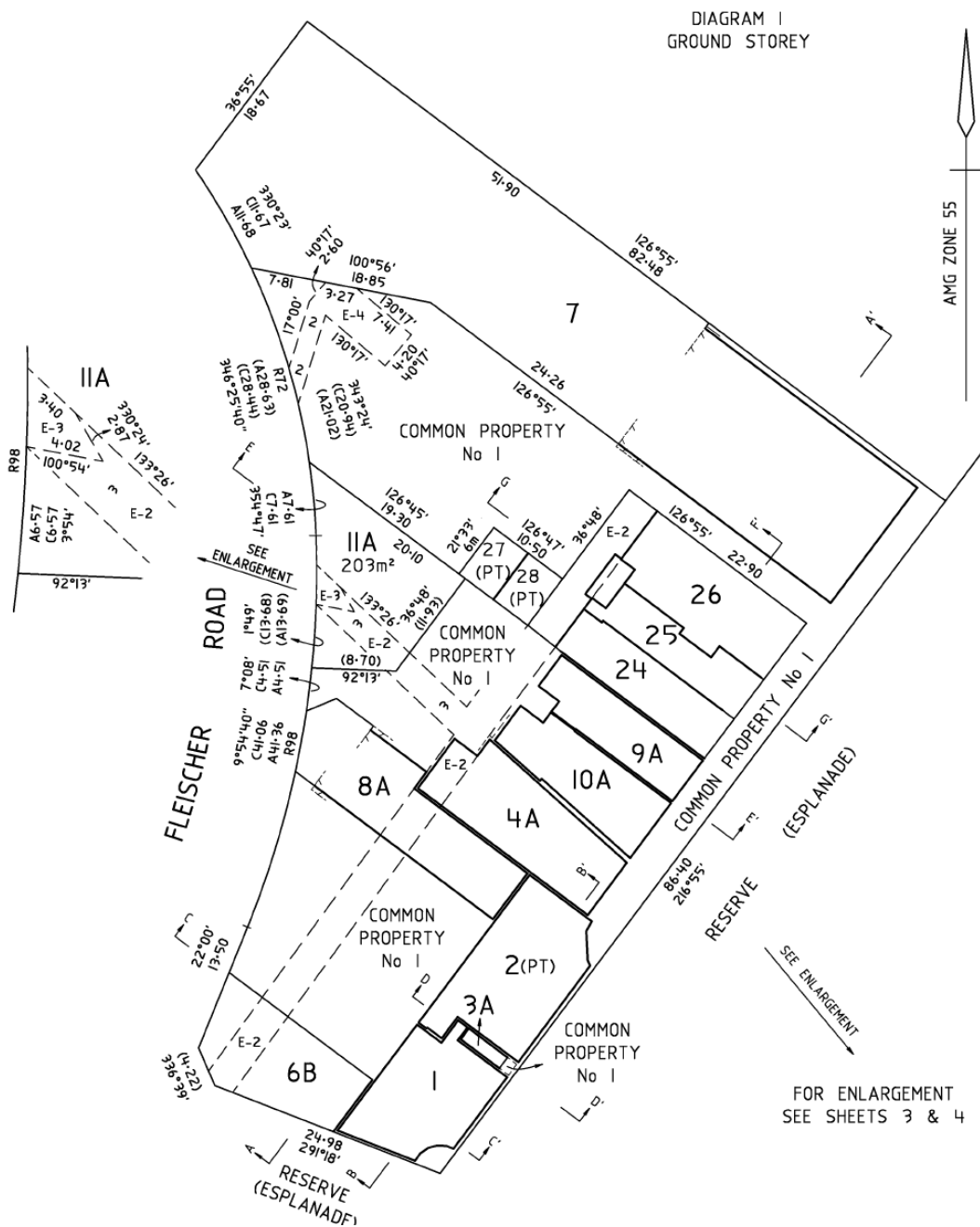


Figure 3 - Lot 7 of Plan of Subdivision PS436852P

As per the Title Search dated 10 May 2026, Agreement AC892715N applies (dated 11 May 2004).

The agreement sets out requirement in line with Planning Permit No, 362/2003/P (i.e. the supermarket extension permit) that the Owner must develop the land in accordance with the Permit. In particular, prior to the commencement of use of the Supermarket extension, the Owner must have fully constructed the required nominated car parking spaces by the Permit at no cost to Council. This includes on Site car parking, and parking to the rear located on Council land.

It is considered that the agreement has been fulfilled given all required car parking has been constructed.

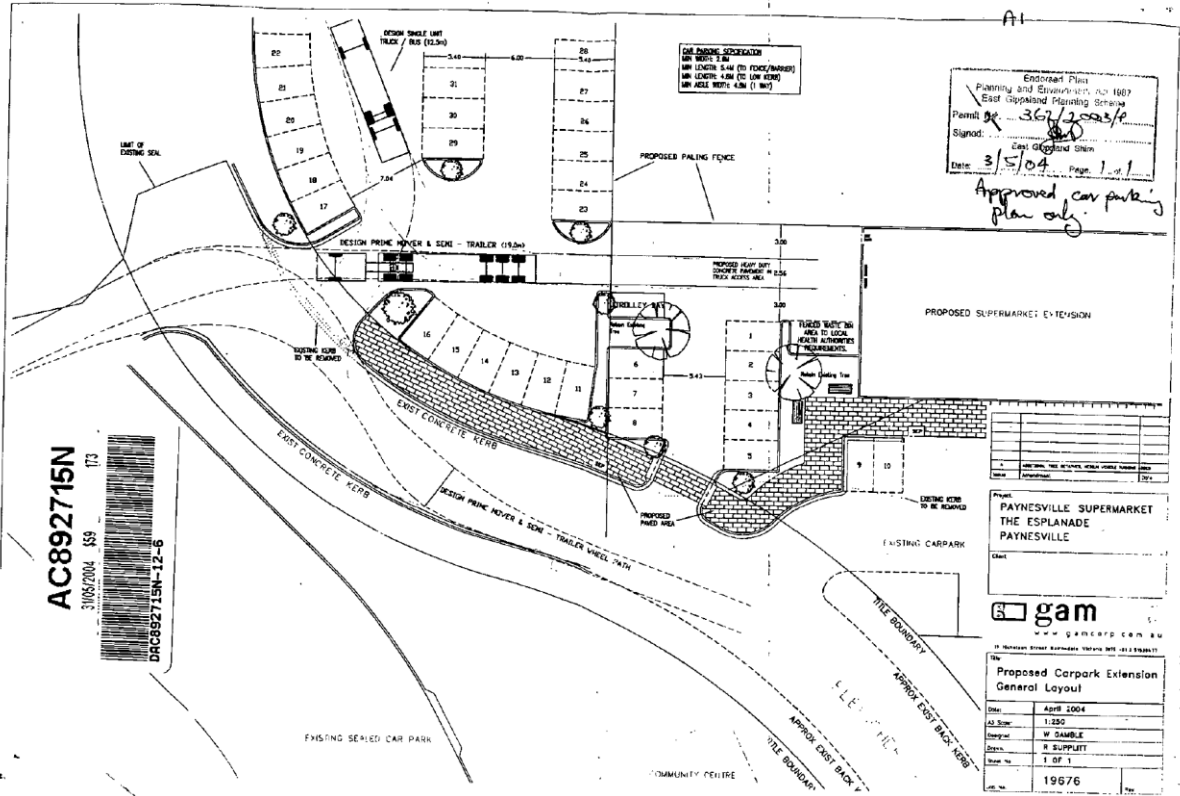


Figure 4 - Car Parking Plan; Agreement AC892715N

2.2 Surrounding Context

2.2.1 General Context

The subject site is located at 71 Esplanade, Paynesville, within the Shire of East Gippsland, approximately 293 kilometres east of the Melbourne CBD and 17 kilometres south of Bairnsdale. Paynesville is established as the primary waterfront town within the Gippsland Lakes region and is one of the leading 'boating' locations of Victoria, situated at the eastern end of Lake Victoria near its confluence with Lake King.

The town functions as a significant tourist destination and regional service centre, drawing visitors and permanent residents seeking water-based recreation, canal living, and the amenity of the foreshore environment. The broader locality is characterised by its relationship to the Gippsland Lakes system.

The property is located within Paynesville's most prominent retail and commercial area, The Esplanade. The precinct provides a combination of established and modern single and multi-storey commercial, retail, restaurant and service uses, in addition to a number of residential properties.



Figure 5: Surrounding Context

2.2.2 Northern Interface

To the north, the site is separated from an adjoining takeaway restaurant and bottle shop by an existing accessway. Beyond these uses, a series of commercial properties, including hotels, cafés, and various retail premises extend along the Esplanade before the precinct transitions to residential land further north on Burrabogie Island and Fort King Island.



Figure 6: Northern Interface

2.2.3 Eastern Interface

To the east, the site enjoys approximately 15 metres of frontage to the Esplanade. The roadway separates the subject land from a nature strip located opposite. Beyond the nature strip, boats are moored within the Mitchell River Silt Jetties, with residential land on Raymond Island situated further east.



Figure 7: Eastern Interface

2.2.4 Southern Interface

To the south, the site adjoins a covered pedestrian walkway that provides access to the rear car park. Beyond this walkway, a range of commercial uses, including restaurants, bakeries, pharmacies, and a bank, occupy the Esplanade frontage. Further south, the Gippsland Lakes Yacht Club is positioned along the waterfront.



Figure 8: Southern Interface

2.2.5 Western Interface

To the west, the site is bounded by Fleischer Street, which separates it from the Paynesville Medical Centre and a substantial area of public open space comprising Gilsenan Reserve, the Paynesville Skatepark, and the Paynesville Maritime Museum. Beyond these facilities, the surrounding land is predominantly residential, with commercial uses continuing along the Esplanade.



Figure 9: Western Interface

3 The Proposal

The proposal seeks to utilise the existing commercial building for the purpose of two tenancies; a wellness centre (restricted recreation facility) and a self-storage (store).

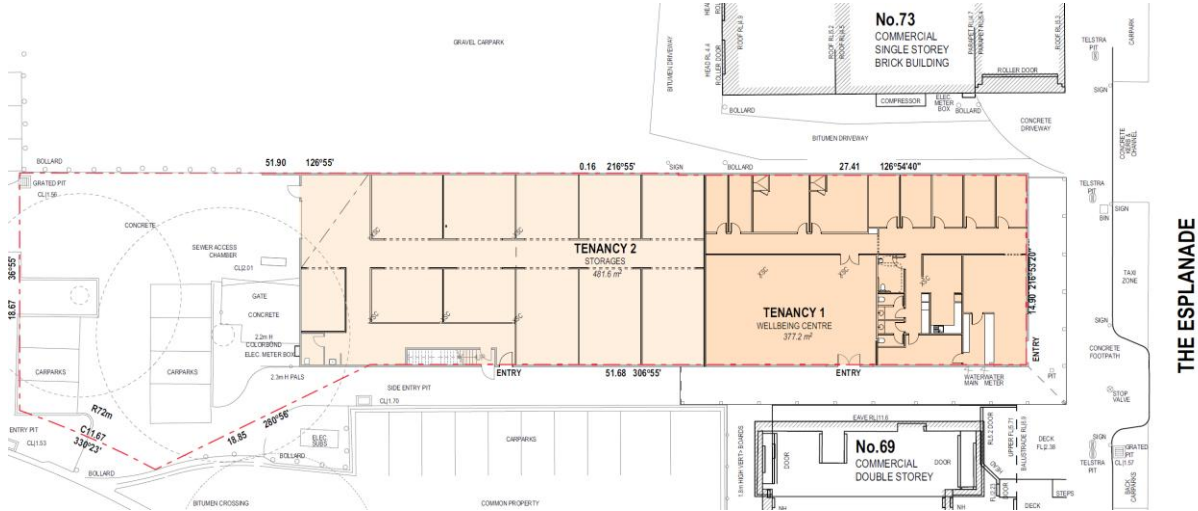


Figure 10 - Proposed Plan

3.1 Works Proposed

Proposed works are largely internal and do not require a permit, however minor works are proposed to the façade. Relevant to proposed works, the following is confirmed:

- Internal reconfiguration of the building to establish two tenancies across a combined ground floor area of 858.8 square metres;
- External works limited to the east elevation, comprising installation of a new aluminium-framed window and new door opening (to Esplanade), requiring partial demolition of an existing external wall;
- No additional built form is proposed;
- No changes proposed to the south or west elevations;
- No change to the building's overall height, footprint, or site coverage;
- No change to the mezzanine;
- No changes to vehicular access arrangement; and
- No changes to existing car parking arrangements.

3.1.1 Proposed Works to East Elevation (Requiring a Permit)

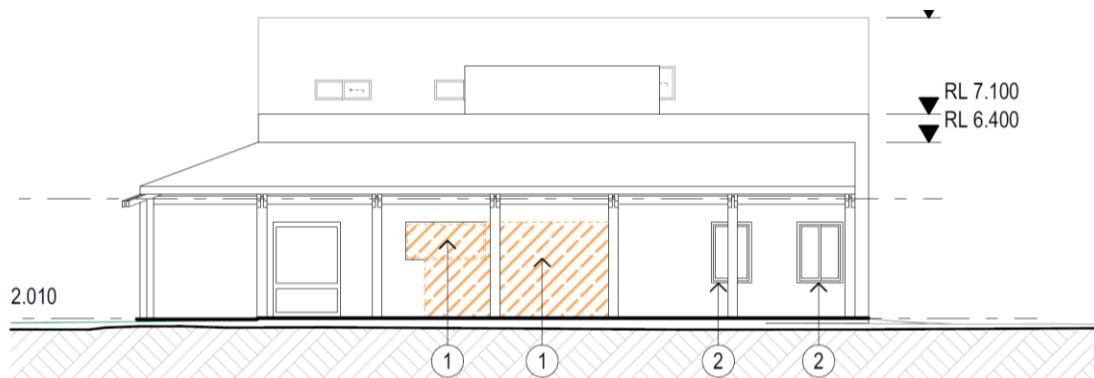


Figure 11 - Proposed Demolition (East Elevation - To Esplanade)

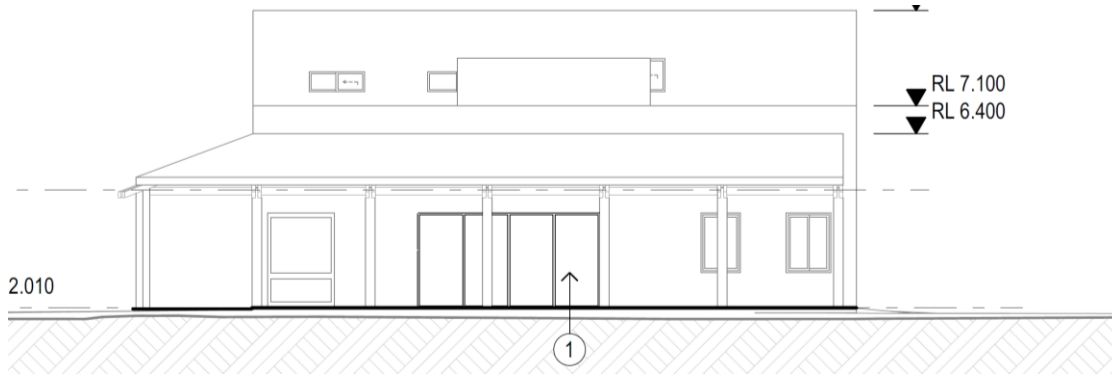


Figure 12 - Proposed Works (East Elevation - To Esplanade)

3.2 Use Proposed

Relevant to the proposed use, the following is proposed:

- **Tenancy 1** (377.2 sqm): Wellbeing Centre incorporating a gym, float tanks, saunas, treatment rooms, reception, kitchen, and associated amenities.
- **Tenancy 2** (481.3 sqm): Self-storage units (11 in total) with associated access and circulation.

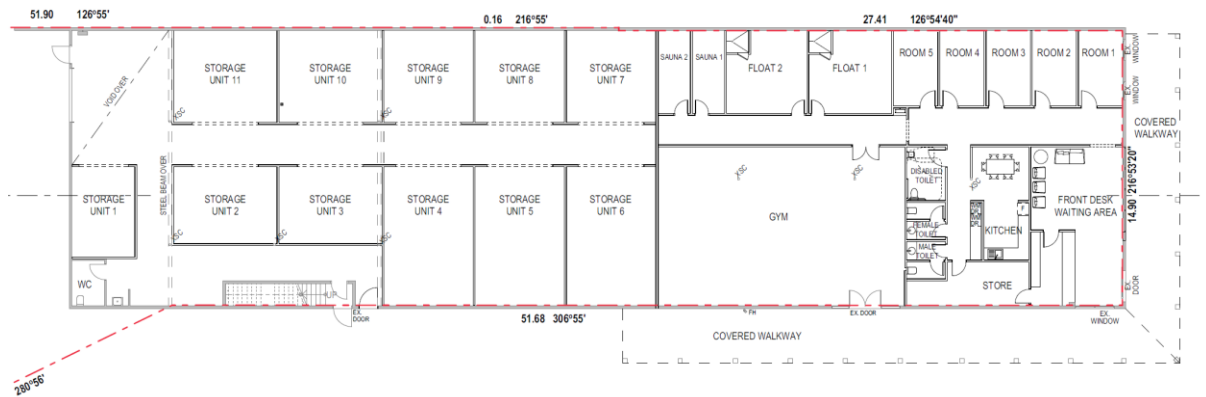


Figure 13 - Proposed Use Plan

Tenancy 1 and 2 will operate as follows:

3.2.1 Tenancy 1: Wellness Centre (Restricted Recreation Facility)

The proposed Tenancy will be utilised as a wellness centre, defined by the Scheme as a Restricted Recreation Facility. Details of operation are as follows:

Area	Proposal
Area	377.2 sqm
Use	<ul style="list-style-type: none"> ▪ x5 Private treatment/consultation rooms; ▪ x1 Gym; ▪ x2 Float tanks; ▪ x2 Saunas; and

	Proposal
	<ul style="list-style-type: none"> Associated reception/waiting area, kitchen, and amenities (male, female, and accessible toilets). <p><u>Consultation Room Operation</u> Rooms will provide general wellness consultation, treatment and wellbeing services (i.e. massage, myotherapy etc). For clarity, the rooms will not be used for clinical or medical use (i.e. physiotherapy etc).</p>
Hours of Operation	8am – 8:30pm
Staff	Maximum of 8 staff at any time
Patrons	Maximum of 20 patrons at any time

3.2.2 Tenancy 2: Self-Storage (Store)

The proposed Tenancy will be utilised as self-storage, defined by the Scheme as a Store. Details of operation are as follows:

	Proposal
Area	481.3 sqm
Use	x11 individual self-storage units <ul style="list-style-type: none"> Personal, low-intensity, boutique self-storage operation No specialised, hazardous or offensive storage activity is proposed (i.e. no purpose listed in the table to Clause 53.10) No heavy vehicle activity or 24-hour operation is intended
Hours of Operation	8am – 8:30pm
Staff	Maximum of 1 staff member on Site at any time

3.2.3 Car Parking Arrangements

The proposal does not seek to alter the existing car parking arrangements. For clarity, the site benefits from 7 spaces located on Site, access to 16 spaces located on abutting common property and access to 45 spaces available within the adjoining car park area (constructed as per Instrument AC892715N).

4 Planning Policy Framework/Controls

4.1 State and Local Planning Policy

The following planning policies and controls are considered relevant to this proposal:

- **Clause 02.01: Context:** Policy sets out East Gippsland Shire's Vision; relevant to Paynesville, as a key node within the Gippsland Lakes region, policy identifies tourism, hospitality, health care, and allied wellbeing services as priority industries for economic growth and diversification.
- **Clause 02.03-1: Settlement:** Policy seeks to direct growth within established settlement boundaries in accordance with each town's designated role and function, prioritising efficient use of existing urban zoned land over spatial expansion. Paynesville is identified as a District Town, recognised as a moderate-to-larger population centre and popular visitor destination. Policy seeks to support District Towns to facilitate population growth, diverse medium-density infill development, and a secondary commercial, retail, and service centre role.
- **Clause 02.03-5: Built environment and heritage:** Policy seeks to ensure development complements the built form, character, and landscape values of its location, while supporting environmentally sustainable outcomes and protecting places of heritage significance.
- **Clause 02.03-7: Economic development:** Policy seeks to protect and grow East Gippsland's key industries; including tourism, hospitality, and health care services, while supporting economic diversification through emerging industries that generate local employment and business activity.
- **Clause 02.04: Strategic framework plan – Paynesville district town:** Policy identifies Paynesville as a 'District Town', with the vision for district towns identified in Clause 02.03-1.
- **Clause 11.01-1S: Settlement:** Policy seeks to facilitate the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.
- **Clause 11.03-1L-02: Paynesville Activity Centre:** Policy seeks to guide the growth and development of Paynesville by promoting higher residential densities near areas of high amenity, supporting quality tourism and eco-tourism facilities that encourage year-round visitation, and protecting the town's significant foreshore, landscape, and environmental values. Relevant to the subject site, policy encourages commercial and tourism-oriented uses within the town centre, promotes network linkages between the activity centre and foreshore, and supports development that contributes to Paynesville's role as a vibrant waterfront destination without undermining the primacy of the town centre.
- **Clause 13.07-1S: Land Use Compatibility:** Policy seeks to protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.
- **Clause 15.01-1S: Urban Design:** Policy seeks to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.
- **Clause 15.01-1L: Urban Design:** Policy seeks to ensure development achieves high standards of design that complement the character and amenity of coastal and lakeside settings, with particular emphasis on avoiding overshadowing of foreshores, supporting transparent ground floor frontages in commercial developments, and ensuring signage is consistent with the built form and character of the locality.
- **Clause 15.01-2S: Building Design:** Policy seeks to achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development.
- **Clause 17.01-1S: Diversified Economy:** Policy seeks to strengthen and diversify the economy.
- **Clause 17.01-1L: Diversified Economy:** Policy seeks to encourage new and emerging businesses that provide employment opportunities.

- **Clause 17.04-1S: Facilitating tourism:** Policy seeks to encourage tourism development to maximise the economic, social and cultural benefits of developing the state as a competitive domestic and international tourist destination.
- **Clause 17.04-1L: Tourism - East Gippsland:** Policy seeks to develop East Gippsland as a major tourist destination by encouraging well-located, site-responsive tourism proposals that utilise existing services and infrastructure, and ensuring tourist facilities are designed in keeping with the landscape and character of the area.

4.2 Particular Provisions

- Clause 52.06 – Car Parking
- Clause 65 – Decision Guidelines

4.3 Commercial 1 Zone

The subject site is located within the Commercial 1 Zone. The purpose of this zone is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.
- To provide for residential uses at densities complementary to the role and scale of the commercial centre.

4.3.1 Permit Requirement

Pursuant to Clause 34.01-1, the use of this land for the purposes of a ‘Store’ (warehouse), is a Section 2 use, meaning that a Permit is required.

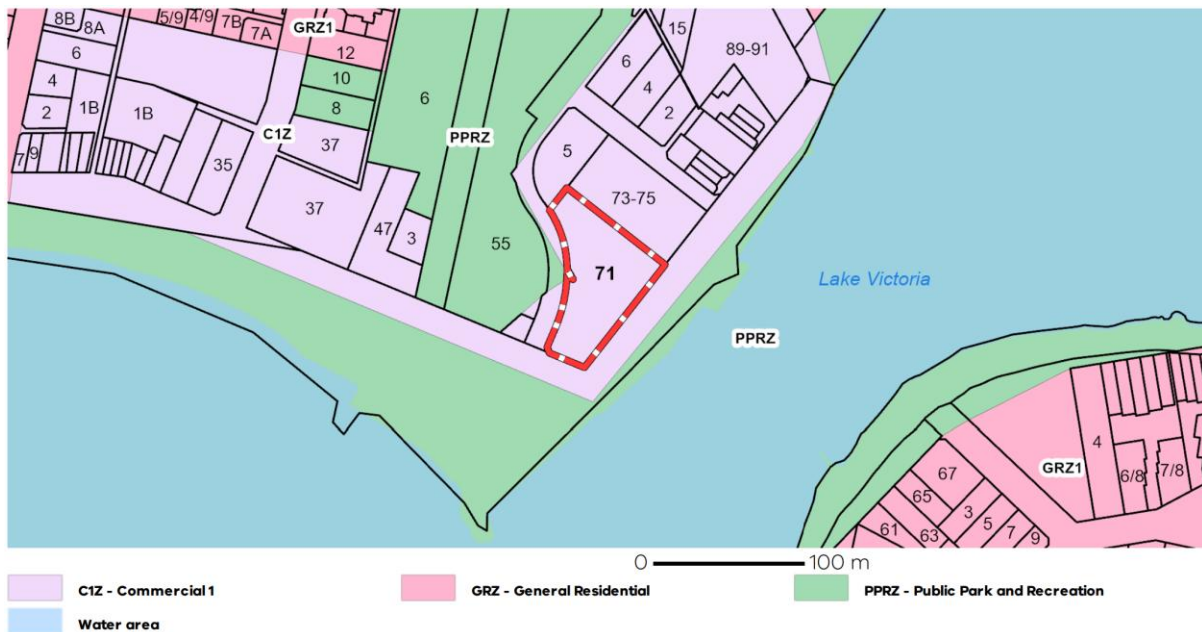


Figure 14: Commercial 1 Zone

4.4 Area of Aboriginal Cultural Heritage Sensitivity

The subject site is located within an area of Aboriginal Cultural Heritage Sensitivity; however, it is submitted that a Cultural Heritage Management Plan (CHMP) is not required given significant ground disturbance has previously occurred. Further, proposed works are minor and occur within the current building footprint. No excavation, ground disturbance, or building works are proposed outside the current footprint.



Figure 15: Area of Aboriginal Cultural Heritage Sensitivity

5 Planning Considerations

The proposal is considered to provide an excellent response to the land use and built form aspirations of East Gippsland. In coming to this conclusion, we have considered the following key questions:

- **Planning Policy** - Does the proposal demonstrate an appropriate outcome considering the strategic planning drivers for Commercial development in East Gippsland?
- **Amenity** - Will the proposal result in acceptable amenity impacts on the surrounding area?
- **Traffic** - Will the proposal ensure the safe and efficient operation of the surrounding road network?

5.1 Planning Policy

We submit that the proposal responds well to key policy drivers of the East Gippsland Planning Scheme as follows:

- **Clauses 02.01 (Context), 02.03-1 (Settlement), 02.04 (Strategic Framework Plan – Paynesville District Town), 11.01-1S (Settlement), and 11.03-1L-02 (Paynesville Activity Centre)** collectively establish Paynesville's role as a District Town within the Gippsland Lakes region; seeking to direct growth, encourage efficient use of existing urban land, and support commercial and tourism-oriented uses within the town centre to ensure Paynesville's continued vitality as a waterfront destination.

The proposal responds directly to these objectives by adaptively reusing a substantial and currently vacant commercial building within Paynesville's primary retail and commercial precinct on the Esplanade. Rather than expanding the urban footprint, the proposal makes productive use of an existing 859 sqm ground floor tenancy, consistent with the settlement policy objective of prioritising infill. The wellness centre and self-storage uses introduce activity and employment into a large building that has been vacant since the closure of the former Foodworks supermarket, supporting the town centre's continued function as a commercial and service hub for both residents and visitors. Clause 11.03-1L-02 specifically encourages commercial uses within the town centre and supports network linkages between the activity centre and the foreshore; the new proposed entry to the Esplanade frontage directly reinforces this connection. The reactivation of the dormant commercial tenancy is considered integral in reactivating the centre in the context of the long-term vacancy of the building.

- **Clauses 15.01-1S (Urban Design), 15.01-1L (Urban Design – East Gippsland), 15.01-2S (Building Design), and 02.03-5 (Built Environment and Heritage)** collectively seek to ensure development achieves high design standards that complement the character of local settings. The proposed external works, while limited in scope, directly respond to these objectives through providing uplift to the Esplanade. The installation of a new aluminium-framed window and door opening to the Esplanade elevation introduces visual permeability and active frontage at the ground floor, consistent with the policy emphasis on transparent commercial frontages. The works improve passive surveillance and pedestrian legibility along Paynesville's most prominent commercial street, without altering the building's overall height, footprint, or massing. No works are proposed to the south or west elevations, and the proposal introduces no new built form, ensuring the development's scale and presentation remain consistent with the established character of the Esplanade precinct. The modest and considered nature of the external works is considered to provide uplift while remaining respectful of the existing context.
- **Clauses 02.03-7 (Economic Development), 17.01-1S (Diversified Economy), and 17.01-1L (Diversified Economy – East Gippsland)** collectively seek to protect and grow East Gippsland's key industries, including tourism, hospitality, and health care services, while supporting economic diversification through emerging industries that generate local employment and business activity.

The proposed wellness centre (Tenancy 1) responds to these objectives by establishing wellbeing use; aligned with that similar to tourism, hospitality and health. The use will operate with up to 8 staff and 20 patrons at any time, where the wellness centre introduces meaningful employment and economic activity into a currently vacant premises, contributing to the vitality of the Esplanade precinct.

The self-storage use (Tenancy 2), while lower in employment intensity, provides a local service function that supports residents and businesses within the region. Its co-location with the wellness centre ensures

productive activation of the full building footprint, where both uses contribute to economic diversification in a manner consistent with Paynesville's role as a District Town and the Shire's broader objectives for emerging business activity.

- **Clauses 17.04-1S (Facilitating Tourism)** and **17.04-1L (Tourism – East Gippsland)** seek to develop East Gippsland as a tourist destination by encouraging well-located, site-responsive tourism proposals that utilise existing services and infrastructure and ensure tourist facilities are designed in keeping with the landscape and character of the area.

The proposed wellness centre responds directly to these tourism objectives by establishing a visitor-oriented facility within the Paynesville town centre that is well-placed to serve both the local community and the substantial tourist population drawn to the Gippsland Lakes region. Float tanks, saunas, treatment rooms, and associated wellness amenities represent a complementary offering to Paynesville's existing water-based tourism activities, supporting year-round visitation and contributing to the breadth of experiences available within the town. The site's location on the Esplanade, within close proximity to the foreshore and existing hospitality and retail uses, ensures the proposal is well-integrated with the established tourism precinct and does not require new infrastructure. The use is well aligned to support and service Paynesville's year-round visitation, providing a strong contribution to Paynesville's waterfront economy and visitor experience.

From the above, the proposal responds well to State and Local policy, delivering economic development, tourism, urban design, and settlement outcomes consistent with the strategic objectives of the East Gippsland Planning Scheme.

5.1.1 Commercial 1 Zone Decision Guidelines

In determining whether a permit should be granted, the Responsible Authority must consider and decide whether the proposal will produce acceptable outcomes in terms of the Decision Guidelines set out in Clause 65. With reference to Clause 65 (Decision Guidelines), we note the proposal:

- Is consistent with the purpose and intent of the Policy Framework as outlined in this submission; and
- Is consistent with the objectives of the Commercial 1 Zone as discussed throughout this submission.

We submit that the proposal appropriately responds to the Decision Guidelines as set out in Clause 34.01-8:

Decision Guidelines	Proposal Response
General	
<i>The Municipal Planning Strategy and the Planning Policy Framework.</i>	The proposal responds to the Municipal Planning Strategy and the Planning Policy Framework. This is addressed throughout this Planning Report, and at length in Section 5.1.
<i>The interface with adjoining zones, especially the relationship with residential areas.</i>	As discussed in Section 4.3 of this report, the proposal is located within the Commercial 1 Zone, with the subject lot abutting the Commercial 1 Zone to all sides. Regardless, the proposal acknowledges that the site is located within Paynesville's primary commercial precinct on the Esplanade – where residential land uses are located further north, and to the west beyond the medical centre. The proposed uses are appropriately commercial in nature, with operation to be low-intensity, operating in standard business hours, and not involving activities that would adversely affect residential amenity at these distances.
Use	

Decision Guidelines	Proposal Response
<i>The effect that existing uses may have on the proposed use.</i>	Existing commercial uses within the surrounding precinct, including restaurants, hospitality venues, and retail premises, are compatible with the proposed wellness centre and self-storage uses. No existing uses are identified that would adversely affect the operation or amenity of the proposed tenancies. The Esplanade precinct represents an active and established commercial environment well-suited to the proposed uses.
<i>The drainage of the land.</i>	No changes to drainage infrastructure are proposed. The development is confined to internal reconfiguration and minor external facade works to the east elevation. Existing drainage arrangements are retained, and no increase in impervious surface area will result from the proposal.
<i>The availability of and connection to services.</i>	The site is located within an established commercial precinct and is served by existing reticulated water, sewer, electricity, and telecommunications infrastructure. No new service connections are anticipated to be required beyond those that may be necessary for the internal fit-out of the two tenancies.
<i>The effect of traffic to be generated on roads.</i>	Uses are expected to generate modest traffic demands. The wellness centre (maximum 20 patrons) and self-storage facility (maximum 1 staff member) will each generate significantly less traffic than the former Foodworks supermarket use. The site is well-served by existing car parking provision, and no adverse impacts on the surrounding road network are anticipated.
<i>The interim use of those parts of the land not required for the proposed use.</i>	Not applicable. The proposal utilises the extent of the ground floor area of the existing building across the two proposed tenancies.
Buildings and works	
<i>The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.</i>	The proposal does not alter existing vehicular access arrangements to the site. Access is maintained via the existing crossovers from the Esplanade and Fleischer Street, with no new accessways proposed. The Esplanade is a well-established commercial street with footpaths providing pedestrian connectivity along the precinct. The proposed new entry door to the Esplanade frontage (Tenancy 1) will improve pedestrian accessibility and activation of the street edge consistent with the existing commercial character. Waste removal and service vehicle access is accommodated via existing arrangements to the rear of the building. Emergency vehicle access is maintained across the site. No adverse impacts on pedestrian, cyclist, or vehicle movement are anticipated.
<i>The provision of car parking.</i>	The site benefits from substantial car parking provision, comprising 7 spaces on title, 16 spaces on

Decision Guidelines	Proposal Response
	<p>common property, and 45 spaces within the adjoining car park; a total of 68 spaces readily accessible to the site. The proposed wellness centre (maximum 20 patrons at any time) and self-storage facility (maximum 1 staff member on site) each generate modest parking demand relative to this supply, and relative to the demand historically generated by the former Foodworks supermarket.</p>
<p>The streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.</p>	<p>The proposal improves the streetscape presentation of the existing building to the Esplanade. The proposed external works to the east elevation introduce a new aluminium-framed window and door opening, replacing an existing blank wall section with a more permeable and active frontage.</p>
<p>The storage of rubbish and materials for recycling.</p>	<p>Given the low-intensity nature of both uses, no significant waste generation is anticipated beyond standard commercial tenancy requirements.</p> <p>Details of waste storage locations for each tenancy are to be confirmed at permit stage if required by the Responsible Authority.</p>
<p>Defining the responsibility for the maintenance of buildings, landscaping and paved areas.</p>	<p>Maintenance responsibilities for common property areas, including the shared car park and accessways, are managed in accordance with existing arrangements under the plan of subdivision. Maintenance of the proposed tenancies will be the responsibility of the respective tenants and/or building owner. No new landscaping is proposed as part of the current application.</p>
<p>Consideration of the overlooking and overshadowing as a result of building or works affecting adjoining land in a General Residential Zone, Housing Choice and Transport Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.</p>	<p>No additional built form is proposed. The existing building's height, footprint, and massing are entirely unchanged. No new overshadowing or overlooking impacts will result from the proposed works. The adjoining interfaces to the north and south are commercial in nature. Residential land is not immediately adjoining the development site, and any residential areas in proximity are separated by commercial uses, roads, or public open space.</p>
<p>The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Housing Choice and Transport Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.</p>	<p>No additional built form is proposed, and the building's height and footprint are unchanged. No new shadow impacts on adjoining rooftop solar systems will result from the proposal.</p>
<p>The availability of and connection to services.</p>	<p>The site is located within an established commercial precinct and is connected to all reticulated services including water, sewer, electricity, and telecommunications. No new external service connections are anticipated to be required. Internal service connections for the fit-out of both tenancies</p>

Decision Guidelines	Proposal Response
	will be managed as part of any building permit process.
The design of buildings to provide for solar access.	No additional built form is proposed. The building's overall height, footprint, and orientation are unchanged.
The objectives, standards and decision guidelines of Clause 54, Clause 55 and Clause 57. This does not apply to an apartment development.	The proposal does not involve the construction of dwellings. Clauses 54, 55 and 57 are not applicable to the current application.
For an apartment development, the objectives, standards and decision guidelines of Clause 58.	The proposal does not constitute an apartment development.

5.2 Amenity

As the site is located within an identified commercial area, there are no sensitive interfaces to which the proposed use may cause adverse amenity impacts. The proposed restricted recreation facility and store uses are compatible with the expected uses to be established within the area. Specifically, clause 13.07-1S (Land Use Compatibility) is satisfied, with both proposed uses operating at low intensity, during standard daytime hours, and without any hazardous or offensive activities, ensuring no adverse off-site amenity impacts on the surrounding commercial and residential context.

5.3 Car Parking & Access

The proposed traffic and access arrangements are considered appropriate. Given works are largely internal (with the exception of minor window/door alterations), access and parking arrangements existing on site remain.

In addition, it is considered that the change of use; supermarket to store and restricted recreation facility represent a decrease in the intensity of the use, where the existing access arrangements therefore will remain safe and appropriate. The site is already designed to accommodate supermarket, which previously generated regular vehicle and pedestrian movements. The proposed self-storage and wellness centre uses will generate only modest additional traffic, with retail activity limited to standard business hours. It is therefore considered that new uses introduced will not compromise safety or efficiency of access, and the existing arrangements are sufficient to accommodate the proposal without adverse traffic impacts.

5.3.1 Car Parking Arrangements

The subject site is identified within 'Category 1', therefore, Category 1 rates apply. Pursuant to Clause 52.06-5, 132 sqm of car parking is required to be provided. The existing arrangements provide well in excess of this (~462 sqm on Site, with additional car parking accessible in common property and the abutting Council car park).

In determining the car parking rate applied, given that the restricted recreation facility is not a nominated use (with parking arrangements to the satisfaction of the Responsible Authority), the store rate of car parking has been applied to the whole site. This was considered appropriate in this instance given the scale of the Site (1322 sqm); where the store tenancy occupies less than half of the site (481.3 sqm), and the wellness centre occupies 377.2 sqm of the site.

Refer to the below which sets out car parking requirements and arrangements for existing and proposed uses on Site.

Use	Requirement	Required	Provided
Existing Uses			
Supermarket (1,028sqm)	5 to each 100 square metres of leasable floor area	51	<ul style="list-style-type: none"> 7 spaces located on Site; and

Use	Requirement	Required	Provided
			<ul style="list-style-type: none"> 16 spaces located on abutting common property <p>Total: 23 car spaces on Site, with additional car parks provided off site via AC892715N.</p>
Proposed Uses			
Store	10% of Site area	132 sqm	Total: 23 car spaces as provided by the existing arrangements.
Restricted recreation facility	To the satisfaction of the Responsible Authority	To the satisfaction of the Responsible Authority	

For clarity, the proposal does not alter the existing car parking arrangements and given the intensity and scale of the proposed uses, overall car parking demand is decreased by the proposal. As such, given the proposal does not alter the number of car parking spaces provided, and the proposed uses require less car parks than the existing supermarket use, pursuant to Clause 52.06-3, no permit is required to reduce the number of car parking spaces required.

6 Conclusion

The proposed use and works on site will deliver an acceptable planning outcome for the following reasons:

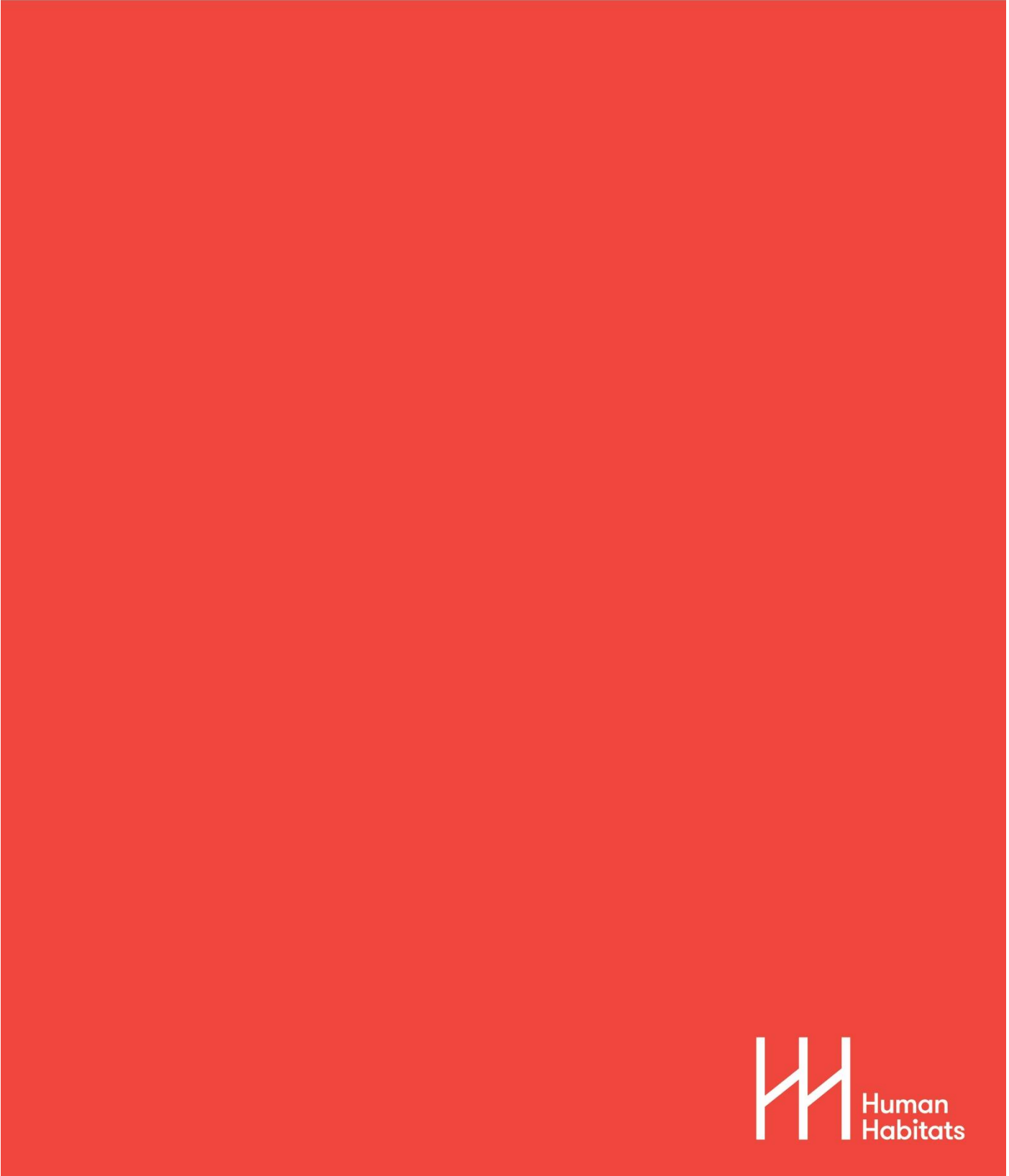
- Proposal involves adaptive reuse of the largest vacant commercial tenancy in Paynesville, consistent with settlement policy prioritising infill over urban expansion.
- Wellness centre (Tenancy 1) and self-storage (Tenancy 2) reactivate a building vacant since the closure of the former Foodworks supermarket, supporting the town centre's commercial, service and tourism function.
- All works are to the existing building (i.e. no increase in built form footprint), ensuring no impact on streetscape character, overlays, or adjoining amenity.
- The uses are compatible with surrounding commercial activities and will not adversely affect nearby residential areas.
- Traffic and parking impacts are minimal, supported by controlled operating hours, and location within the town centre.
- The proposal aligns with State and East Gippsland Planning vision, objectives and guidelines to support a diversified economy, local employment, and vibrant commercial precincts.

Overall, the proposal offers a suitable, practical and policy-supported use of commercial land, and is considered to represent a positive contribution to the local area. For the reasons outlined in this report we believe the proposal is worthy of Council support, subject to standard conditions.

Human Habitats Pty Ltd

ADVERTISED

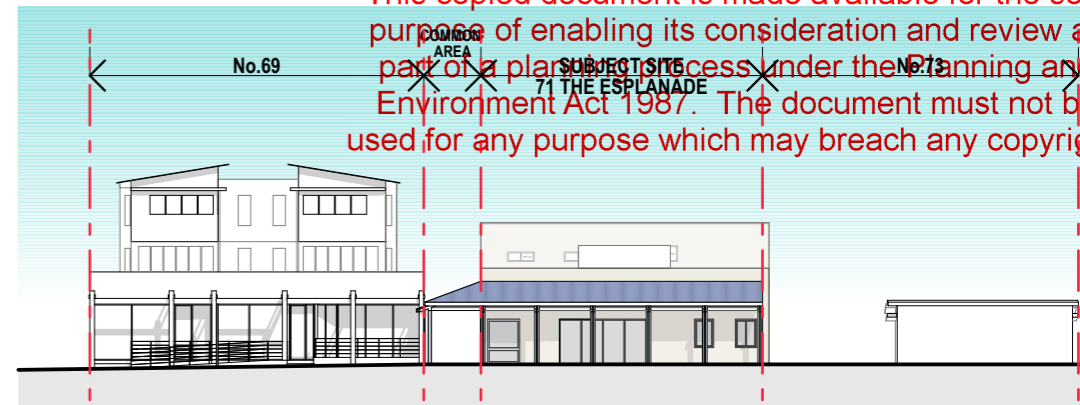
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LOCALITY PLAN
N.T.S



STREETSCAPE COLOURED ELEVATION
N.T.S

		
ROOF (EXISTING) COLORBOND DEEP BLUE	RENDER & PAINT FINISH: "DARK BEIGE"	ALUMINIUM FRAME: BLUE (TO MATCH EXISTING) ARTISTIC IMPRESSION ONLY.

DEVELOPMENT SUMMARY

SITE INFORMATION

SITE AREA:	1,321.7 m ²
SITE COVERAGE :	858.8 m ² (65%)
(NO CHANGE IN SITE COVERAGE)	
TENANCY 1 AREA:	377.2 m ²
TENANCY 2 AREA:	481.3 m ²

CARPARK

NUMBER OF CARPARKS:	7
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DRAWING REGISTER:

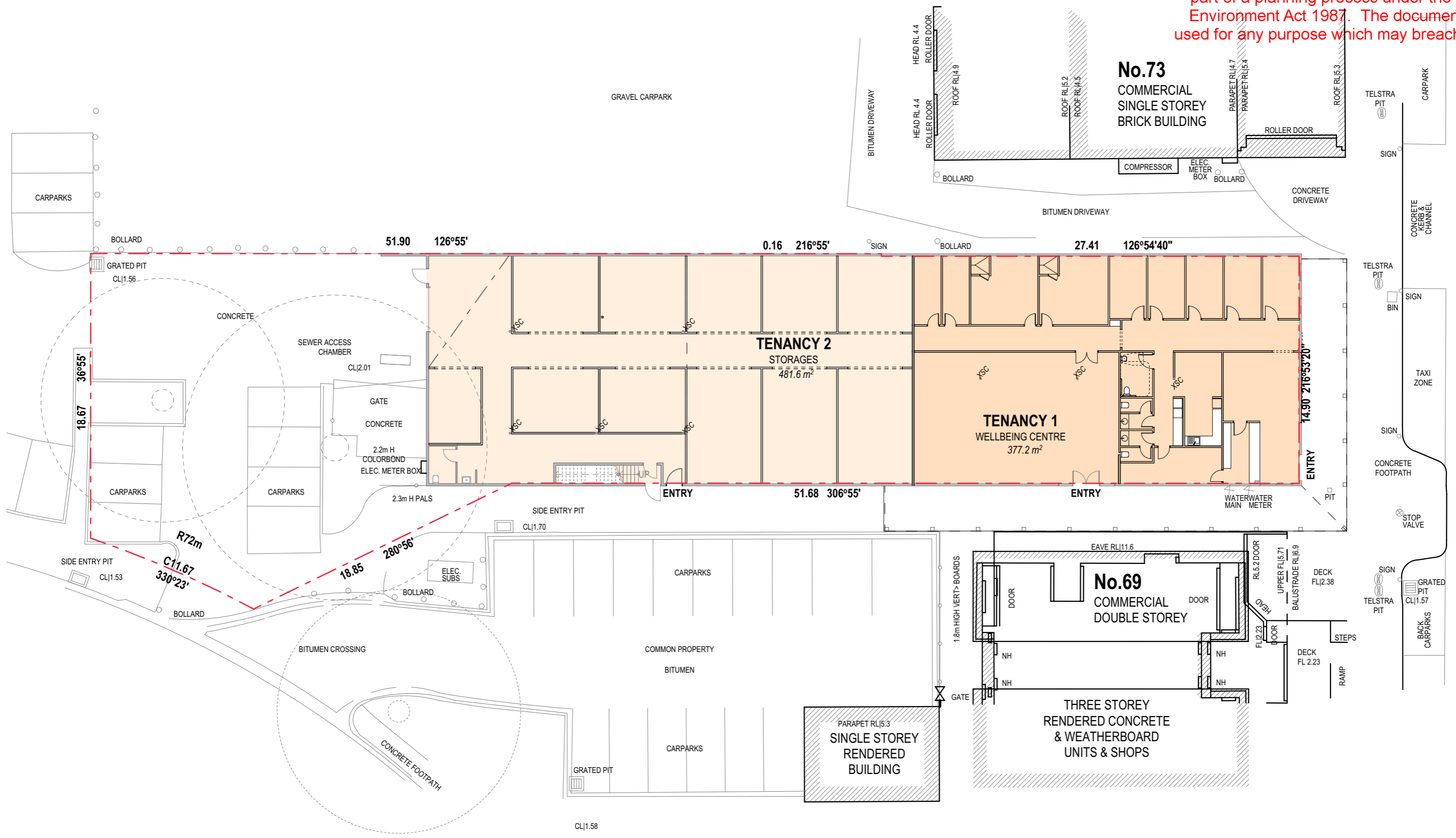
TP1.00	PROPOSED SITE PLAN
TP1.01	EXISTING/ DEMOLITION FLOOR PLANS
TP1.02	PROPOSED GROUND FLOOR PLAN
TP2.01	EXISTING / DEMOLITION ELEVATIONS
TP2.02	PROPOSED ELEVATIONS
TP3.01	SECTIONS

TOWN PLANNING ISSUE

PROPOSED ALTERATION TO EXISTING
COMMERCIAL / RETAIL BUILDING
71 THE ESPLANADE, PAYNESVILLE, VIC

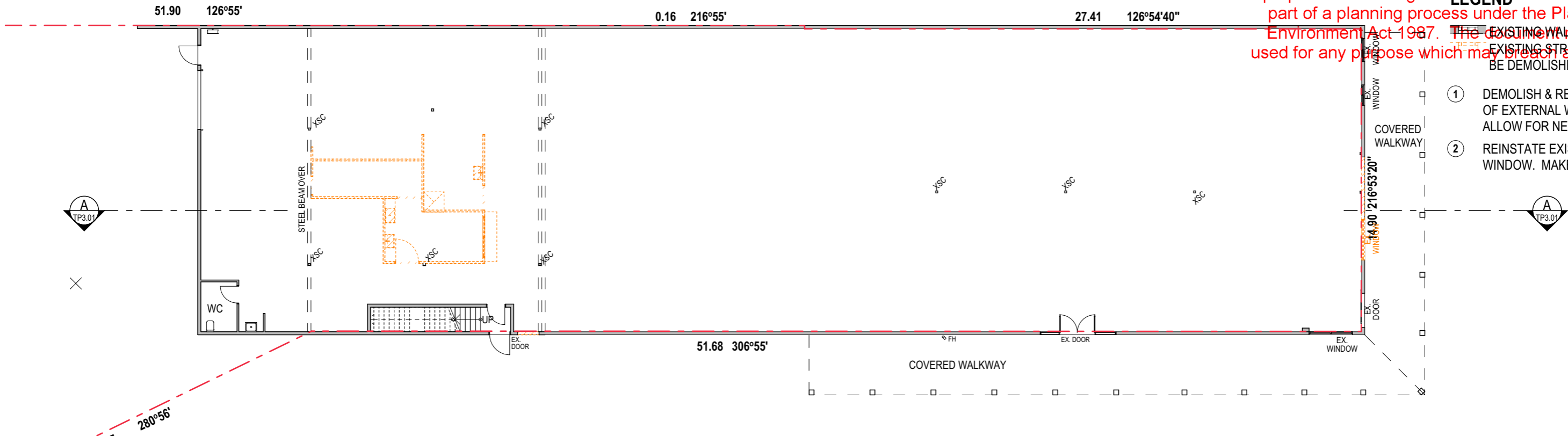


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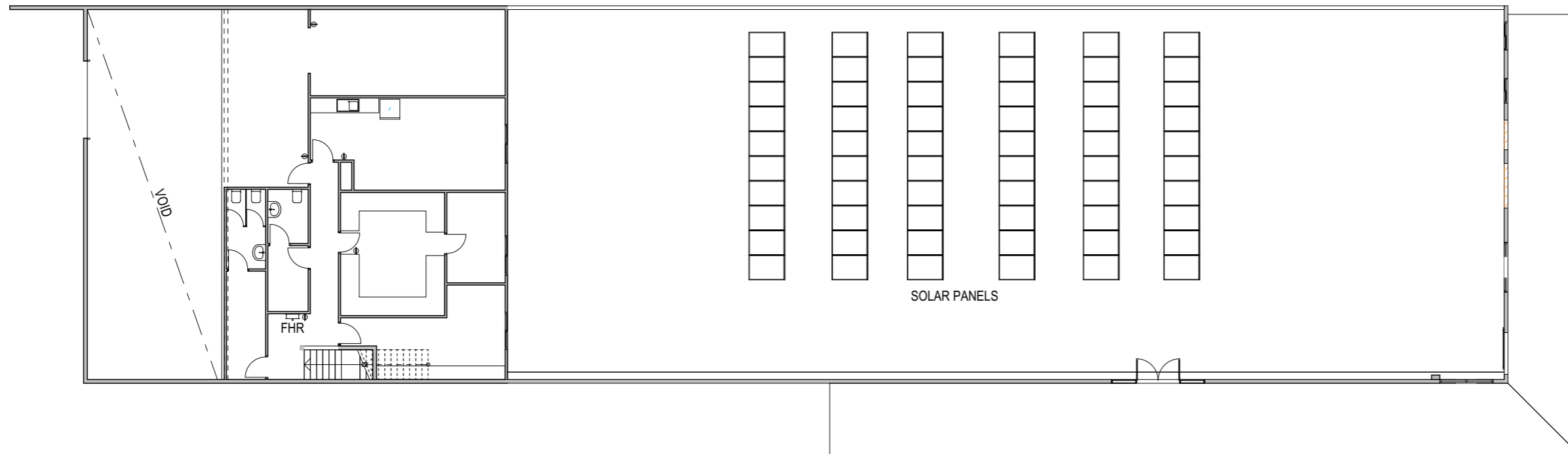


THE ESPLANADE

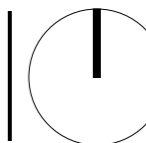
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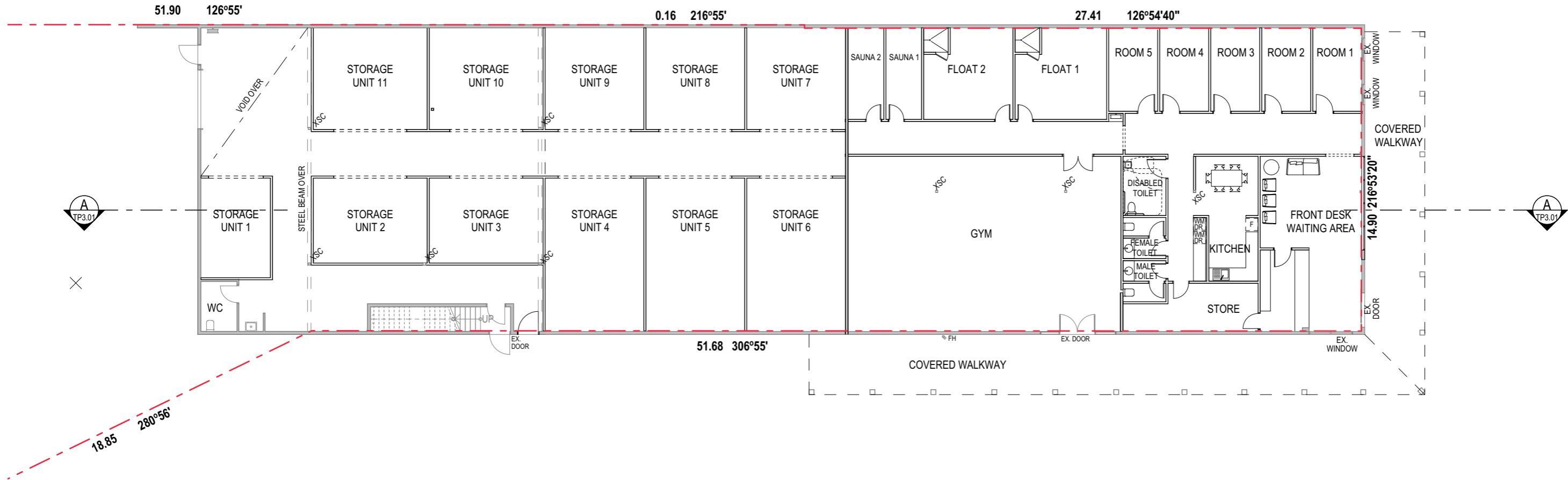


EXISTING / DEMOLITION GROUND FLOOR

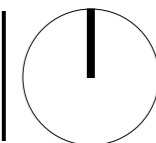


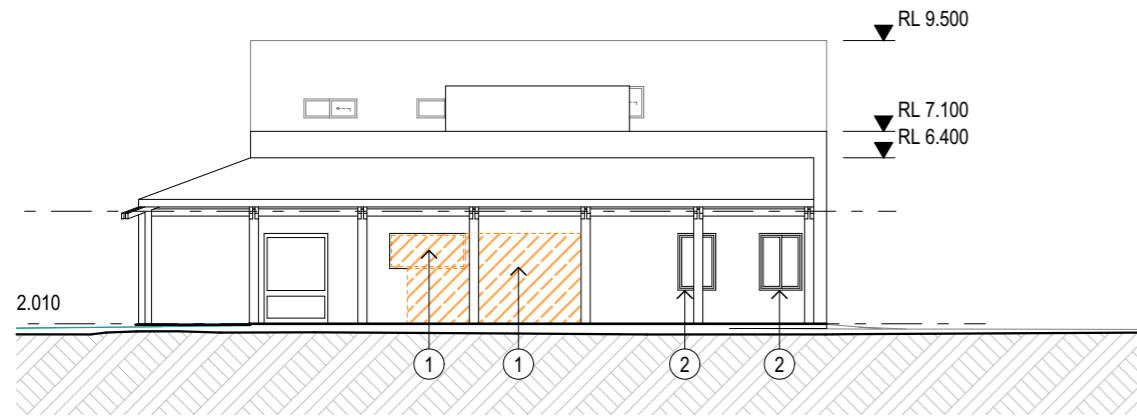
EXISTING / DEMOLITION MEZZANINE FLOOR PLAN



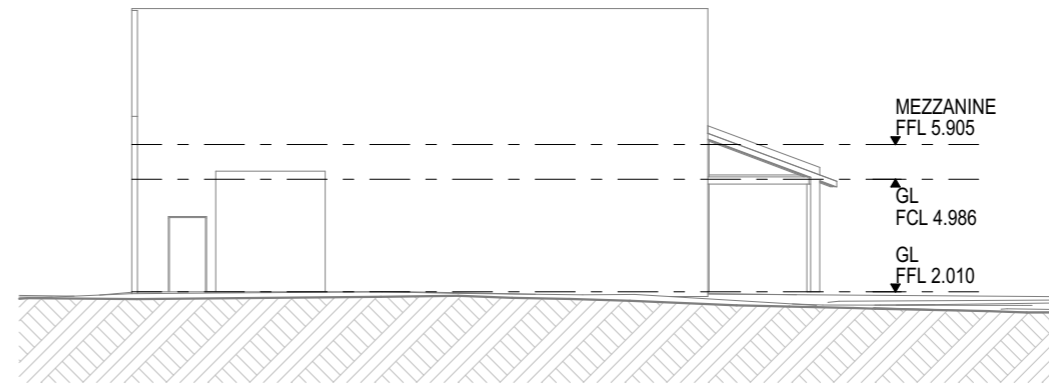


GROUND FLOOR PLAN

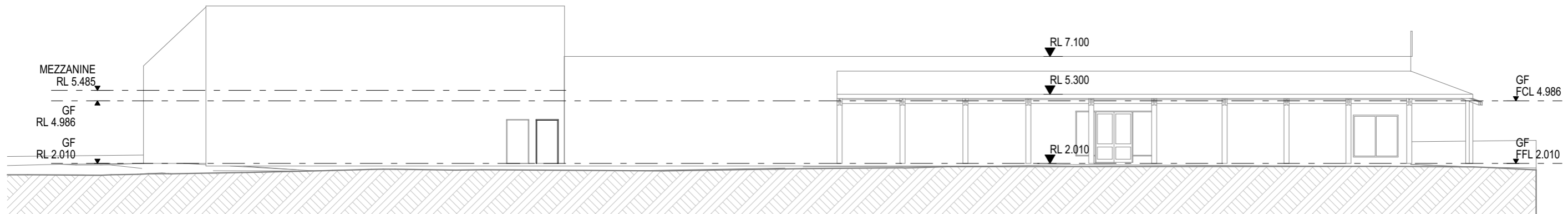




EXISTING / DEMOLITION EAST ELEVATION



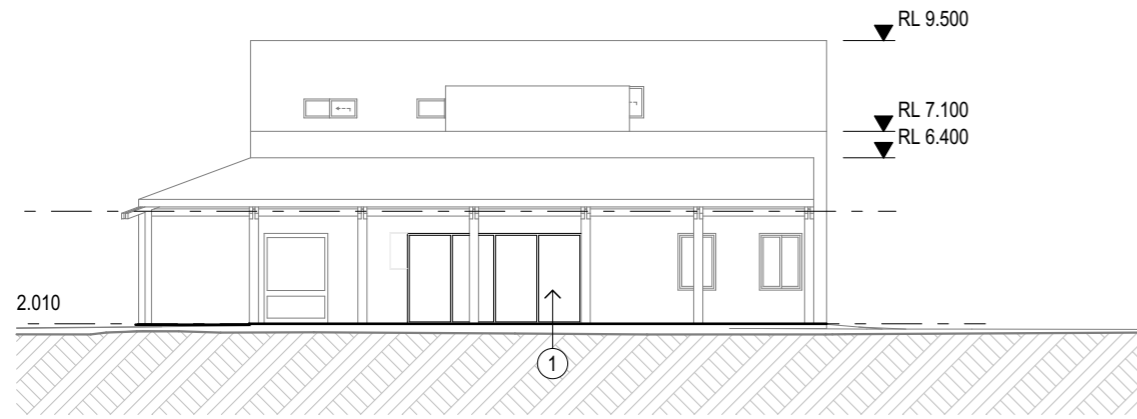
EXISTING / DEMOLITION WEST ELEVATION



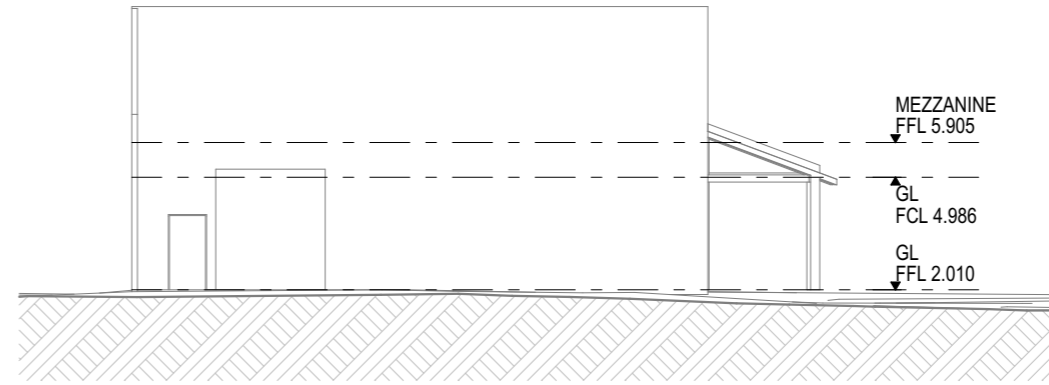
EXISTING / DEMOLITION SOUTH ELEVATION

LEGEND

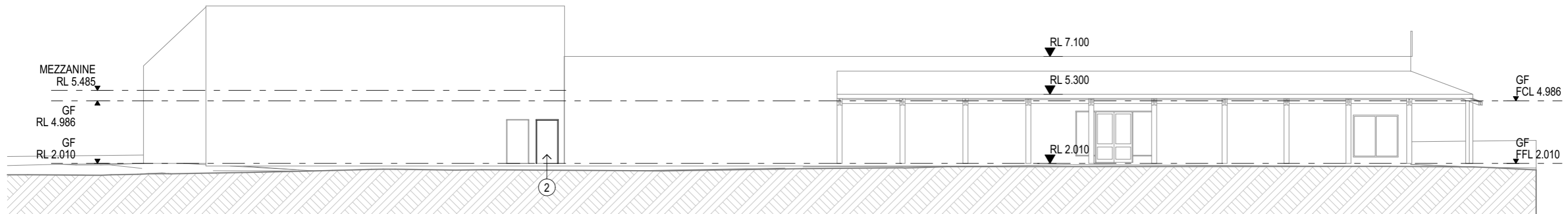
- ① DEMOLISH & REMOVE PART OF EXTERNAL WALL TO ALLOW FOR NEW OPENING.
- ② REINSTATE EXISTING WINDOW. MAKE GOOD.



PROPOSED EAST ELEVATION



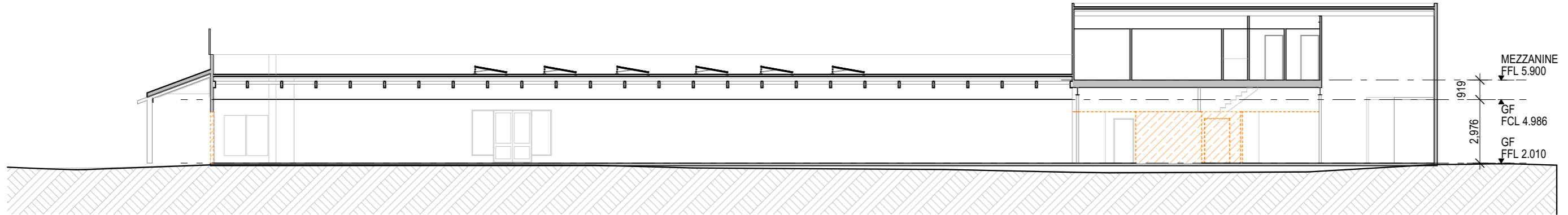
PROPOSED WEST ELEVATION
(NO PROPOSED WORK)



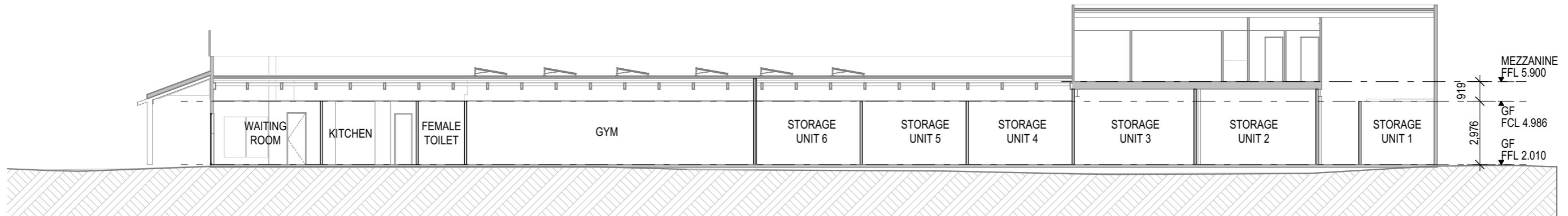
PROPOSED SOUTH ELEVATION
(NO PROPOSED WORK)

LEGEND

- ① NEW ALUMINIUM FRAMED WINDOW.
- ② NEW DOOR.



SECTION A - EXISTING / DEMOLITION



SECTION A - PROPOSED