

TOWN PLANNING REPORT

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Proposal: Variation to a liquor license (extension to area in which liquor is to be consumed)
Address: 4 Schuss Street, Falls Creek (Ory's)
Applicant: Mountain Planning
Date: May 2024

**ADVERTISED
PLAN**

1.0 Executive Summary

Subject Land	4 Schuss Street, Falls Creek (Allotment 50A Section A, Parish of Darbalang)
Area of Land	Approximately 173sqm
Proposal	Variation to a liquor licence (extension to the area in which liquor is to be consumed)
Zone	Comprehensive Development Zone – Schedule 1 (CDZ1)
Overlays	Bushfire Management Overlay – Schedule 1 Design and Development Overlay – Schedule 2 Erosion Management Overlay – Schedule 1
Planning Permit Triggers	Clause 52.27 for the sale and consumption of liquor (increase in the area in which liquor is to be consumed and supplied)
Summary of Merits	<div data-bbox="488 959 1028 1299" style="border: 2px solid red; padding: 10px; margin-bottom: 10px;"> <p style="text-align: center; color: red; font-weight: bold;">This copied document to be 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</p> </div> <ul style="list-style-type: none"> - The proposal has the support of the RMB. - The subject premises was formerly called Milch which has a long history as a café/restaurant where liquor has been sold and consumed without issue. - The area where the extension is proposed is already used for outside dining with chairs and tables. - The area, the subject of the extension, is very small and will not impact the amenity of the area as it is already used for outside dining, and it will not impact the flow of pedestrians and skiers/snowboarders. - There are no external buildings and works proposed; this is a permit for an extension to the area in which liquor is to be consumed and supplied associated with an existing liquor licence for the subject land.

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2.0 Introduction

This report has been prepared by Mountain Planning on behalf of the lessee to support a planning permit application to the Minister for Planning to vary the existing liquor license so as to extend the area for the consumption and supply of liquor.

The existing premises was previously known as Milch which has been operating from the site since Frueauf Village was constructed. We are unaware of any existing planning permits applying to the land and are therefore lodging an application for a planning permit as opposed to an amendment. If the Department is aware of a current permit, then we would be more than happy to change the application to an amendment application.

The land is zoned Comprehensive Development Zone – Schedule 1 and is covered by:

- Bushfire Management Overlay – Schedule 1
- Design and Development Overlay – Schedule 2
- Erosion Management Overlay – Schedule 1

This application is accompanied by:

- Title information
- Red line plans
- ARV Consent

This report addresses the relevant provisions of the Alpine Resorts Planning Scheme, including the Planning Policy Framework and the Alpine Resorts Planning Strategy.

2.1 Permit requirements under the Alpine Resorts Planning Scheme

The following provisions of the Alpine Resorts Planning Scheme trigger a planning permit in this instance:

- To increase the area permitted to supply and consume liquor pursuant to Clause 52.27.

2.2 Cultural Heritage

The subject land is located within an area of Cultural Heritage Sensitivity. However, the proposal is not a high impact activity as there are no works proposed; this is a use permit only. Furthermore, there will be no significant ground disturbance as no works are proposed.

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3.0 Subject Land and Surrounds

3.1 Subject Land

The subject land is located at 4 Schuss St, Falls Creek. The subject land Frueauf Village, Altitude Physio and Ory's. Ory's is the subject of this application. Ory's is a café/restaurant operating from the premises where Milch once operated.

The area the subject of this application is in front of the existing café and along the Schuss Street frontage. This part of the land has been used for outside dining since Frueauf Village was developed.

The subject land is site comprises two levels with a ground floor area of 85 sqm and a first floor area of 88 sqm, totalling 173sqm in area.

The leasehold allotment is contained within the larger Crown Allotment known as Allotment 50A, Section A, Parish of Darbalang – a copy of the title is provided as **Attachment A**.

The location of the subject land is shown in Figure 3.1.



Figure 3.1: Location of the subject land

Photos of the subject land and existing outdoor dining area are shown in in the following figures.

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Figure 3.2: View from Schuss Street looking at the existing outdoor dining area where liquor is proposed to be consumed



Figure 3.3: Existing outdoor dining area in front of Ory's

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Figure 3.4: Schuss Street outdoor dining looking down to the bottom tier of outdoor dining



Figure 3.5: Subject land and surrounds

Footage showing the revised red line area, outdoor area and site context is available here:

[https://www.dropbox.com/scl/fi/flv7sul6r59o9o06olulw/Video-11-5-2024-12-05-37-](https://www.dropbox.com/scl/fi/flv7sul6r59o9o06olulw/Video-11-5-2024-12-05-37-PM.mov?rlkey=8r73odmlq7b4901mb9uqmrtm0&st=q0qun6yu&dl=0)

[PM.mov?rlkey=8r73odmlq7b4901mb9uqmrtm0&st=q0qun6yu&dl=0](https://www.dropbox.com/scl/fi/flv7sul6r59o9o06olulw/Video-11-5-2024-12-05-37-PM.mov?rlkey=8r73odmlq7b4901mb9uqmrtm0&st=q0qun6yu&dl=0)

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4.0 The Development

It is proposed to extend to the area for the consumption and supply of liquor to the outdoor dining area. The proposal does not seek to change anything else on the subject land. No buildings or works are proposed.

It is important to note that the capacity of the existing space is not proposed to increase. Consequently, the number of patrons will remain the same.

Also, this area has been used for outside dining since Frueauf Village was developed – there will no change to how this area will function, it will simply allow the consumption of alcohol in this area.

The following figures shows the proposed red plans. A complete set of plans are provided as **Attachment B**.

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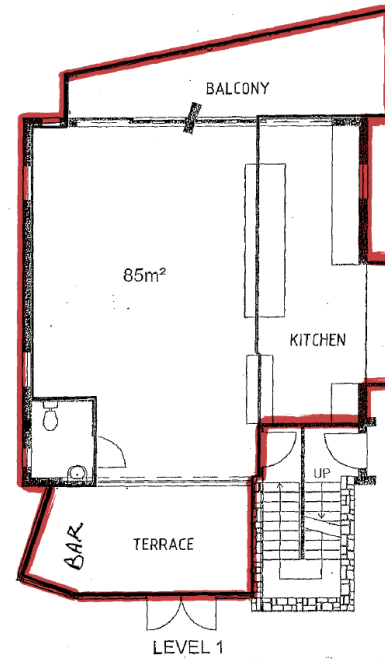


Figure 4.1: Existing red line

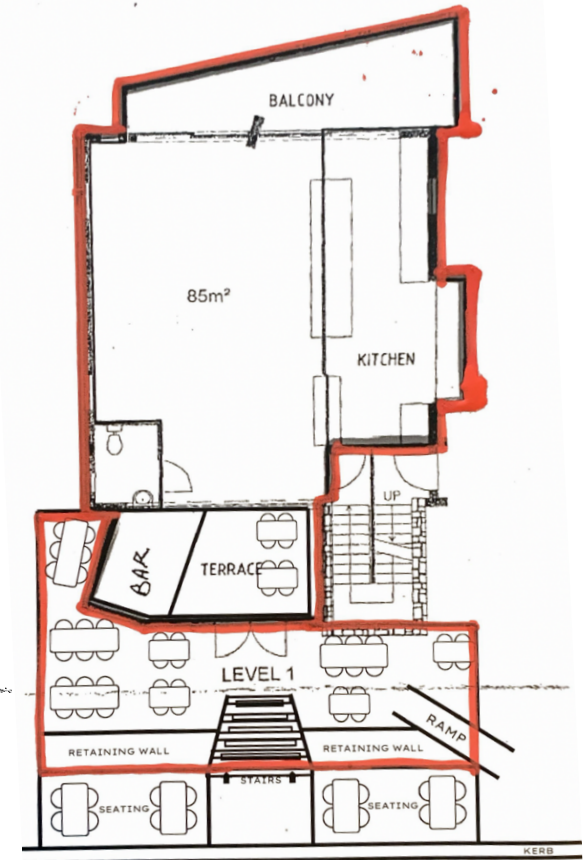


Figure 4.2: Proposed red line plan

5.0 Planning Scheme Controls

5.1 Zone

The site is located within the Comprehensive Development Zone – Schedule 1 (CDZ1) of the Alpine Resorts Planning Scheme. Figure 5.1 shows the zoning of the subject land and surrounds.



Figure 5.1: Zoning of the subject land and surrounds

The relevant purposes of the CDZ1 are:

- To encourage development and the year round use of land for a commercially orientated, alpine resort.
- To provide for residential development in a variety of forms in an alpine environment.
- To encourage development and the use of the land which is in accordance with sound environmental management and land capability practices, and which takes into account the significance of the environmental resources.
- To provide for the integrated development of land in accordance with a comprehensive development plan incorporated in this scheme.

There are no changes to the land use and buildings and works are not required and therefore there are no planning permit triggers under the Schedule 1 to the CDZ.

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5.2 Overlays

The subject land is covered by the following overlays:

- Bushfire Management Overlay – Schedule 1
- Design and Development Overlay – Schedule 2
- Erosion Management Overlay – Schedule 1

5.2.1 Bushfire Management Overlay – Schedule 1

The subject land is covered by Schedule 1 to the Bushfire Management Overlay (BMO). There is no extension to the existing floor area proposed and therefore a planning permit is not triggered under the BMO.

5.2.2 Design and Development Overlay – Schedule 2

The proposal is for an existing use and no buildings or works are proposed. As a result, a planning permit is not required pursuant to Clause 2.0 of Schedule 2 to the Design and Development Overlay.

5.2.3 Erosion Management Overlay – Schedule 1

The proposal is for an existing use and no buildings or works are proposed. As a result, a planning permit is not required pursuant to Clause 3.0 of Schedule 1 to the Erosion Management Overlay.

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5.3 Planning Policy Framework

The Planning Policy Framework (PPF) comprises general principles and objectives of planning in Victoria which planning authorities must take into account and give effect to.

The following PPF policies are considered relevant to the proposed subdivision.

- Clause 1101-1L – Alpine Villages
 - *Promote development within the villages on existing and new lease sites to achieve the consolidation of settlement.*
 - *Encourage the redevelopment of under-utilised sites to optimise development potential within the village.*
 - *Promote the commercial nodes of the villages as the primary focus for commercial, tourism and community activities.*
 - *Support commercial and other non-residential activities in residential areas if it will not result in any adverse impacts on residents.*
- Clause 11.01-1L – Falls Creek Village
 - *Encourage mixed use development to provide a range of major tourist facilities, commercial and retail uses, visitor services and high density residential accommodation.*
 - *Create a secondary activity area for accommodation, commercial, community, entertainment and recreational activities at the Village Bowl.*
 - *Integrate development with existing buildings and infrastructure, particularly along the southern and eastern edges of the Village Bowl.*
 - *Ensure that development does not conflict with skier access and ski field infrastructure at key entry points such as Village Plaza, Village Bowl and Gully Portal.*

- Clause 17.04-1L – Alpine Tourism
 - *To provide for year-round recreation, having regard to environmental, social, ecological, economic, aesthetic and safety considerations.*
 - *Provide for a range of tourism and recreation opportunities and facilities that are compatible with the alpine environment of the resorts.*
- Clause 17.04-1L – Falls Creek Tourism
 - *To develop a range of year-round tourism, commercial and recreation facilities in multipurpose venues compatible with the alpine environment of Falls Creek.*

The proposed development is consistent with the Planning Policy Framework for the following reasons:

- The proposed is for a minor change to the existing red line plans and will not impact skier access or ski infrastructure.
- The extension of the liquor area to incorporate the existing outdoor dining area will value add to the existing business on site.
- The subject land is located within the commercial node of the Village area and is an appropriate use given the small-scale nature of the variation.
- The small-scale nature of the variation will ensure that there are no impacts on the amenity of residential areas surrounding the subject land.
- The use will further the mixed-use character of the area.
- The development utilises an existing building – and an existing commercial enterprise - within the Village.
- As the building is existing and there is no expansion to the footprint there will be no impacts on skier movements.
- The use will operate year-round which facilitates the objectives for tourism in the alpine region.

Overall, it is submitted that there is substantial policy support for the proposed extension to the area in which liquor may be consumed and supplied.

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Extension to the area in which liquor is to be consumed and supplied

5.4 Alpine Resorts Planning Strategy

It is our assessment that the proposal complies with the vision and strategic directions of the Alpine Resorts Planning Strategy.

Clause 02.03-6: Economic Development strategic directions are:

- *Promoting 'all seasons' visitation through active and passive recreation that operate year round.*
- *Maintaining commercial and service facilities to meet the needs of all visitors.*
- *Facilitating the right mix of commercial, retail, accommodation, entertainment, community and service facilities for the ongoing viability of resorts as year-round destinations.*

It is submitted that the proposed development is consistent with the objectives and strategies of the ARPS for the following reasons:

- The proposal will support an existing commercial enterprise.
- The proposal responds to the existing site context which contains a mix of commercial, retail, accommodation and entertainment facilities.
- The proposal is sympathetic to the existing character of the area.

Overall, it is submitted that the proposed development is consistent with the ARPS.

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5.6 Particular Provisions

5.6.2 Clause 52.27 – Licensed Premises

Pursuant to Clause 52.27 (Licensed Premises) a planning permit is required for the sale and consumption of liquor if ‘the area that liquor is allowed to be consumed or supplied under a licence is to be increased.’

Table 5.1 lists the decision guidelines to Clause 52.27 and provides a response of compliance.

Clause 52.27 Decision Guidelines	Response
The Municipal Planning Strategy and the Planning Policy Framework	<i>The Municipal Planning Strategy and the Planning Policy Framework have been considered, refer to the sections above.</i>
The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.	<i>The impact of the proposal is not anticipated to have any impact upon the amenity of the surrounding area.</i> <i>The surrounding area is commercial and mixed use in nature where amenity impacts are created through a range of commercial uses. The small scale of this extension to the red line area will not create amenity impacts over and above the existing land uses occurring within close proximity to the site.</i>
The impact of the hours of operation on the amenity of the surrounding area. The impact of the number of patrons on the amenity of the surrounding area.	<i>We submit that the sale and consumption of liquor will be the same as the existing permit requirements and the number of patrons will not be increased.</i>
The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.	<i>The guidelines of Planning Practice Note 61 are to be assessed when a proposal has the ability to create a benefit from its use. In particular, new applications for a licensed premises should be assessed against the guidelines of PPN61 if:</i>

	<p>- A premises will be licensed and open after 11pm; and</p> <p>- the proposal is within an area where there is a cluster of licensed premises.</p> <p>The current proposal is a new application for a licensed premises.</p> <p>As none of these are applicable to this proposal, the practice note does not apply.</p>
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6.0 Key Considerations

In assessing this proposal, two key points must be taken into consideration:

- Is the proposed change to the liquor licence appropriate within the relevant policy and planning context?
- Will the proposed change to the liquor licence give rise to unacceptable amenity impacts?

As discussed throughout this report, the proposed change to the liquor licence is a minor change only to amend the red line plan allowing the sale and service to the existing outdoor seated dining area. No buildings and works are proposed, and no changes are proposed in the application to the overall patron numbers or hours of operation.

The existing operation and site context is unchanged. The extension of the red line plans to enable to service and consumption of alcohol in the existing outdoor dining area is unlikely to result in any additional amenity impacts.

We are conscious that the Ory's is located within a residential development and therefore impacts on the amenity must be considered.

In *Sedgley v Port Phillip CC* [2021] VCAT 387 (26 April 2021) the Tribunal considered a similar proposal. The Tribunal made the following relevant comments:

It is clear that commercial activities such as bars which are located in the C1Z (within an activity centre) are contemplated by State policies, subject to the appropriate mitigation of amenity impacts such as noise.

I have already stated that the subject land is located within the C1Z, and it is located within the Fitzroy/Acland Streets Major Activity Centre. It also has direct abuttals to dwellings that are in the NRZ1.

Whilst nearby residents should be aware of the existence of the venue, and adjust their expectations regarding their amenity accordingly, the operators of the venue need to acknowledge that they operate in a partly residential context. Given that the venue is not located in an area that consists of solely of non-residential uses (where there would be less likelihood of unreasonable amenity impacts) the adjoining dwellings are a constraint on the operation of the venue.

Relevantly, SEPP N-2 does not set out appropriate noise levels for patron noise. The council suggested, and I agree that patron noise in this case can be managed by controlling the hours of operation and patron numbers.

A reduction in the hours of operation of the Outdoor Area will mean that patron noise generated in the Outdoor Area should generally not intrude into surrounding areas after 11.00pm on Thursday to Saturday, or after 10.00pm on Sunday to Wednesday. In combination with the limits on patron numbers in the Outdoor Area (discussed below) this will assist to minimise the impact of the venue on the amenity of the surrounding dwellings. This is consistent with policies in the Scheme including those which seek to support entertainment uses within the Fitzroy/Acland Street Activity Centre whilst at the same time ensuring that community amenity is not reduced by noise emissions (see clause 13.05-1S, Noise abatement, clause 17.02-1S Business, and strategy 3.2 at clause 21.04-2 Activity Centres);

Noise in the Outdoor Area after 10.00pm should be appropriately managed. According to SEPP N-2, 10.00pm is generally the time that the 'night' period commences.

I find that the impact of the proposed change to an on- premises licence is acceptable in terms of any cumulative impact, for the following reasons:

- *The proposed change to an on- premises licence will not increase the number of patrons near sensitive uses, as there will be no change to the number of patrons permitted to be on the premises. The venue already operates with a maximum capacity of 200 patrons, and the conditions will require a reduction in the number of patrons permitted to be in the Outdoor Area;*
- *The venue is located in the Fitzroy/Acland Street Major Activity Centre. Local policies identify the Fitzroy/Acland Street Major Activity Centre as an appropriate location for bars (see Table 1 at clause 21.04-2 Activity Centres) and discourage the location of new entertainment uses outside designated activity centres: and*

- Conditions regarding patron numbers and music noise will assist to minimise the amenity impacts associated with the change to an on-premises liquor licence, in circumstances where the proposal does not create an additional licensed venue.

Subject to compliance with the conditions I have imposed, I am satisfied that the change to the on premises liquor licence will appropriately minimise the potential impacts on nearby residents, in a context where the operation of the venue as a bar under an on- premises licence in this location is contemplated by policies in the Scheme. In reaching this conclusion I have been mindful of clause 71.02 of the Scheme which requires decision makers to endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.

We have carefully considered the decision of the Tribunal in the above-mentioned case there are similarities with the subject application being within a precinct containing a mix of commercial and residential uses. The findings of the Tribunal have been taken into consideration in preparing this application and we submit that the proposal strikes an appropriate balance as required by Clause 71.03 by providing further entertainment in Falls Creek whilst minimising amenity impacts for the following reasons:

- There will be no additional patrons permitted
- The front of the building will be limited to only 32 patrons
- The preparation of food will remain the dominant use
- There will be no changes to the hours of operation or the sale and consumption of liquor
- Live music will not occur out the front.
- The SEPP N-2 will apply

As a result, we submit that the proposed change to the liquor licence is appropriate within both the policy and planning context.

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7.0 Conclusion

It is proposed to vary the existing liquor license at Ory's Falls Creek to extend the red line area to encompass the existing outdoor dining area. The proposal is for a minor change only and has the support of the ARV.

No buildings and works are proposed, and no changes are proposed in the application to the overall patron numbers or hours of operation.

Our assessment has found the following:

- The proposal is consistent with the objectives of the Zone, overlays and other relevant policy.
- The proposal will support the on-going viability of the existing business on the subject land.
- The proposal has the support of the ARV.

Having regard to the relevant matters of the Alpine Resorts Planning Scheme we find that the proposal is acceptable and that a planning permit can be granted.

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Crown – Change in Land Administrator

AW916212Q

Legislation: Financial Management Act 1994

Lodged by:

Name: Secretary To The Department Of Energy, Environment And Climate Action

Phone:

Address:

Reference:

Customer Code: 240C

The outgoing Land Administrator assigns to the incoming Land Administrator the specific Crown Land subject to the statuses and encumbrances affecting the land including any created by dealings lodged for registration before the lodgement of this notification.

Land: *(volume and folio reference, SPI reference and/or Crown description)*

See attached Spreadsheet

Value: *(Valuer General Victoria: financial report valuation and date of report)*

NA

Outgoing Land Administrator: *(full name – legal entity, not trading name)*

FALLS CREEK ALPINE RESORT MANAGEMENT BOARD

Incoming Land Administrator: *(full name – legal entity, not trading name and address including post code)*

ALPINE RESORTS VICTORIA

Grounds for Land Administrator Change: *(Government Gazette / Order in Council / Act)*

s.4 Alpine Resorts (Management) Act 1997 as inserted by s.8 Alpine Resorts Legislation Amendment Act 2022.

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Crown – Change in Land Administrator

AW916212Q

Date: 11/05/2023

Date:

Julie Gale

Signature of outgoing Land Administrator's Representative:

Signature of incoming Land Administrator's Representative:

Full name: Julie Gale

Full name:

Position: Senior Technical Officer (Crown Land)

Position:

Legal entity: DEECA – LMP

Legal entity:

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AW916212Q

Vol/Folio	SPI	Crown Description
11724/556	2010\PP2361	Crown Allotment 2010, Parish of Carruno
11724/557	2009\PP2361	Crown Allotment 2009, Parish of Carruno
11729/379	37~A\PP2486	Crown Allotment 37, Section A, Parish of Darbalang
11729/380	36B1~A\PP2486	Crown Allotment 36B1, Section A, Parish of Darbalang
11729/381	36A1~A\PP2486	Crown Allotment 36A1, Section A, Parish of Darbalang
11729/382	252~A\PP2486	Crown Allotment 252, Section A, Parish of Darbalang
11729/384	250A~A\PP2486	Crown Allotment 250A, Section A, Parish of Darbalang
11729/385	253~A\PP2486	Crown Allotment 253, Section A, Parish of Darbalang
11729/386	251A~A\PP2486	Crown Allotment 251A, Section A, Parish of Darbalang
11729/387	25~A\PP2486	Crown Allotment 25, Section A, Parish of Darbalang
11729/388	4B~A\PP2486	Crown Allotment 4B, Section A, Parish of Darbalang
11729/389	49A~A\PP2486	Crown Allotment 49A, Section A, Parish of Darbalang
11729/390	48~A\PP2486	Crown Allotment 48, Section A, Parish of Darbalang
11729/391	4C~A\PP2486	Crown Allotment 4C, Section A, Parish of Darbalang
11729/392	91~A\PP2486	Crown Allotment 91, Section A, Parish of Darbalang
11729/393	8~A\PP2486	Crown Allotment 8, Section A, Parish of Darbalang
11729/394	92~A\PP2486	Crown Allotment 92, Section A, Parish of Darbalang
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11729/396	97A~A\PP2486	Crown Allotment 97A, Section A, Parish of Darbalang
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11729/398	98~A\PP2486	Crown Allotment 98, Section A, Parish of Darbalang
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11729/403	100A~A\PP2486	Crown Allotment 100A, Section A, Parish of Darbalang
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11729/415	2035\PP2486	Crown Allotment 2035, Parish of Darbalang
11729/416	2013\PP2486	Crown Allotment 2013, Parish of Darbalang
11729/419	9H\PP2486	Crown Allotment 9H, Parish of Darbalang
11729/423	9~A\PP2486	Crown Allotment 9, Section A, Parish of Darbalang
11729/425	2009\PP2486	Crown Allotment 2009, Parish of Darbalang
11729/426	200A~A\PP2486	Crown Allotment 200A, Section A, Parish of Darbalang
11729/427	2010\PP2486	Crown Allotment 2010, Parish of Darbalang
11729/428	216~A\PP2486	Crown Allotment 216, Section A, Parish of Darbalang
11729/429	218~A\PP2486	Crown Allotment 218, Section A, Parish of Darbalang
11729/430	219B~A\PP2486	Crown Allotment 219B, Section A, Parish of Darbalang
11729/431	219A~A\PP2486	Crown Allotment 219A, Section A, Parish of Darbalang
11729/432	21A~A\PP2486	Crown Allotment 21A, Section A, Parish of Darbalang
11729/433	73~A\PP2486	Crown Allotment 73, Section A, Parish of Darbalang
11729/434	72B~A\PP2486	Crown Allotment 72B, Section A, Parish of Darbalang
11729/435	75~A\PP2486	Crown Allotment 75, Section A, Parish of Darbalang
11729/436	7A~A\PP2486	Crown Allotment 7A, Section A, Parish of Darbalang
11729/437	74~A\PP2486	Crown Allotment 74, Section A, Parish of Darbalang
11729/438	82A~A\PP2486	Crown Allotment 82A, Section A, Parish of Darbalang

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AW916212Q

11729/439	82B~A\PP2486	Crown Allotment 82B, Section A, Parish of Darbalang
11729/440	81~A\PP2486	Crown Allotment 81, Section A, Parish of Darbalang
11729/441	39A~A\PP2486	Crown Allotment 39A, Section A, Parish of Darbalang
11729/443	40~A\PP2486	Crown Allotment 40, Section A, Parish of Darbalang
11729/444	46~A\PP2486	Crown Allotment 46, Section A, Parish of Darbalang
11729/445	41~A\PP2486	Crown Allotment 41, Section A, Parish of Darbalang
11729/446	43~A\PP2486	Crown Allotment 43, Section A, Parish of Darbalang
11729/447	44~A\PP2486	Crown Allotment 44, Section A, Parish of Darbalang
11729/448	47A~A\PP2486	Crown Allotment 47A, Section A, Parish of Darbalang
11729/449	42A~A\PP2486	Crown Allotment 42A, Section A, Parish of Darbalang
11729/450	45~A\PP2486	Crown Allotment 45, Section A, Parish of Darbalang
11729/451	62B~A\PP2486	Crown Allotment 62B, Section A, Parish of Darbalang
11729/452	65~A\PP2486	Crown Allotment 65, Section A, Parish of Darbalang
11729/453	60~A\PP2486	Crown Allotment 60, Section A, Parish of Darbalang
11729/454	62A~A\PP2486	Crown Allotment 62A, Section A, Parish of Darbalang
11729/455	64~A\PP2486	Crown Allotment 64, Section A, Parish of Darbalang
11729/456	61~A\PP2486	Crown Allotment 61, Section A, Parish of Darbalang
11729/457	63~A\PP2486	Crown Allotment 63, Section A, Parish of Darbalang
11729/458	2022\PP2486	Crown Allotment 2022, Parish of Darbalang
11729/459	2024\PP2486	Crown Allotment 2024, Parish of Darbalang
11729/461	2017\PP2486	Crown Allotment 2017, Parish of Darbalang
11729/462	2032\PP2486	Crown Allotment 2032, Parish of Darbalang
11729/463	2031\PP2486	Crown Allotment 2031, Parish of Darbalang
11729/464	2033\PP2486	Crown Allotment 2033, Parish of Darbalang
11729/465	2030\PP2486	Crown Allotment 2030, Parish of Darbalang
11729/467	20~A\PP2486	Crown Allotment 20, Section A, Parish of Darbalang
11729/468	209A~A\PP2486	Crown Allotment 209A, Section A, Parish of Darbalang
11729/469	211A~A\PP2486	Crown Allotment 211A, Section A, Parish of Darbalang
11729/470	210A~A\PP2486	Crown Allotment 210A, Section A, Parish of Darbalang
11729/472	2019\PP2486	Crown Allotment 2019, Parish of Darbalang
11729/475	11~A\PP2486	Crown Allotment 11, Section A, Parish of Darbalang
11729/477	13~A\PP2486	Crown Allotment 13, Section A, Parish of Darbalang
11729/478	13\PP2486	Crown Allotment 13, Parish of Darbalang
11729/479	14A~A\PP2486	Crown Allotment 14A, Section A, Parish of Darbalang
11729/480	14B~A\PP2486	Crown Allotment 14B, Section A, Parish of Darbalang
11729/481	15A~A\PP2486	Crown Allotment 15A, Section A, Parish of Darbalang
11729/482	16A~A\PP2486	Crown Allotment 16A, Section A, Parish of Darbalang
11729/484	22~A\PP2486	Crown Allotment 22, Section A, Parish of Darbalang
11729/485	206~A\PP2486	Crown Allotment 206, Section A, Parish of Darbalang
11729/486	205~A\PP2486	Crown Allotment 205, Section A, Parish of Darbalang
11729/488	27~A\PP2486	Crown Allotment 27, Section A, Parish of Darbalang
11729/489	28A~A\PP2486	Crown Allotment 28A, Section A, Parish of Darbalang
11729/490	68~A\PP2486	Crown Allotment 68, Section A, Parish of Darbalang
11729/491	6A~A\PP2486	Crown Allotment 6A, Section A, Parish of Darbalang
11729/493	69~A\PP2486	Crown Allotment 69, Section A, Parish of Darbalang
11729/494	67~A\PP2486	Crown Allotment 67, Section A, Parish of Darbalang
11729/495	4D~A\PP2486	Crown Allotment 4D, Section A, Parish of Darbalang
11729/496	50A~A\PP2486	Crown Allotment 50A, Section A, Parish of Darbalang
11729/497	58A~A\PP2486	Crown Allotment 58A, Section A, Parish of Darbalang
11729/498	56~A\PP2486	Crown Allotment 56, Section A, Parish of Darbalang

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11729/499	57~A\PP2486	Crown Allotment 57, Section A, Parish of Darbalang
11729/500	55~A\PP2486	Crown Allotment 55, Section A, Parish of Darbalang
11729/501	54~A\PP2486	Crown Allotment 54, Section A, Parish of Darbalang
11729/502	52~A\PP2486	Crown Allotment 52, Section A, Parish of Darbalang
11729/503	59~A\PP2486	Crown Allotment 59, Section A, Parish of Darbalang
11729/504	5A~A\PP2486	Crown Allotment 5A, Section A, Parish of Darbalang
11729/505	88~A\PP2486	Crown Allotment 88, Section A, Parish of Darbalang
11729/506	87A~A\PP2486	Crown Allotment 87A, Section A, Parish of Darbalang
11729/507	86~A\PP2486	Crown Allotment 86, Section A, Parish of Darbalang
11729/508	84A~A\PP2486	Crown Allotment 84A, Section A, Parish of Darbalang
11729/509	85A~A\PP2486	Crown Allotment 85A, Section A, Parish of Darbalang
11729/510	89~A\PP2486	Crown Allotment 89, Section A, Parish of Darbalang
11729/511	2026\PP2486	Crown Allotment 2026, Parish of Darbalang
11729/515	207~A\PP2486	Crown Allotment 207, Section A, Parish of Darbalang
11729/516	208A~A\PP2486	Crown Allotment 208A, Section A, Parish of Darbalang
11729/517	29~A\PP2486	Crown Allotment 29, Section A, Parish of Darbalang
11729/518	2A~A\PP2486	Crown Allotment 2A, Section A, Parish of Darbalang
11729/519	2039\PP2486	Crown Allotment 2039, Parish of Darbalang
11729/520	2042\PP2486	Crown Allotment 2042, Parish of Darbalang
11729/521	2041\PP2486	Crown Allotment 2041, Parish of Darbalang
11729/522	2040\PP2486	Crown Allotment 2040, Parish of Darbalang
11729/523	17~A\PP2486	Crown Allotment 17, Section A, Parish of Darbalang
11729/524	18~A\PP2486	Crown Allotment 18, Section A, Parish of Darbalang
11729/525	19~A\PP2486	Crown Allotment 19, Section A, Parish of Darbalang
11729/526	2011\PP2486	Crown Allotment 2011, Parish of Darbalang
11935/634	2037\PP2486	Crown Allotment 2037, Parish of Darbalang
12001/746	2045\PP2486	Crown Allotment 2045, Parish of Darbalang
12009/203	2015\PP2361	Crown Allotment 2015, Parish of Carruno
12299/193	2053\PP2486	Crown Allotment 2053, Parish of Darbalang
12299/194	2046\PP2486	Crown Allotment 2046, Parish of Darbalang
12307/050	2052\PP2486	Crown Allotment 2052, Parish of Darbalang
12307/753	2054\PP2486	Crown Allotment 2054, Parish of Darbalang
12307/754	2055\PP2486	Crown Allotment 2055, Parish of Darbalang
12359/977	2056\PP2486	Crown Allotment 2056, Parish of Darbalang
12359/978	2051\PP2486	Crown Allotment 2051, Parish of Darbalang

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CROWN FOLIO STATEMENT

VOLUME 11729 FOLIO 496
No Coft exists

Security no : 124114924349H
Produced 13/05/2024 04:17 PM

CROWN FOLIO

LAND DESCRIPTION

Crown Allotment 50A Section A Parish of Darbalang.
PARENT TITLE Volume 11698 Folio 493
Created by instrument MI080532F 06/08/2016

CROWN LAND ADMINISTRATOR

ALPINE RESORTS VICTORIA of 11 SUMMIT ROAD MOUNT BULLER VIC 3723
AW916212Q 08/06/2023

STATUS, ENCUMBRANCES AND NOTICES

RESERVATION AQ505737V 01/12/2017
PERMANENT
FALLS CREEK ALPINE RESORT
ARA2/3

DIAGRAM LOCATION

SEE CD033619A FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

DOCUMENT END

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Security No : 124114924390N
Produced 13/05/2024 04:17 PM

Volume 11729 Folio 496

ACTIVITY IN THE LAST 125 DAYS

NIL

ADMINISTRATIVE NOTICES

NIL

STATEMENT END

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Number of Pages (excluding this cover sheet)	1
Document Assembled	13/05/2024 16:17

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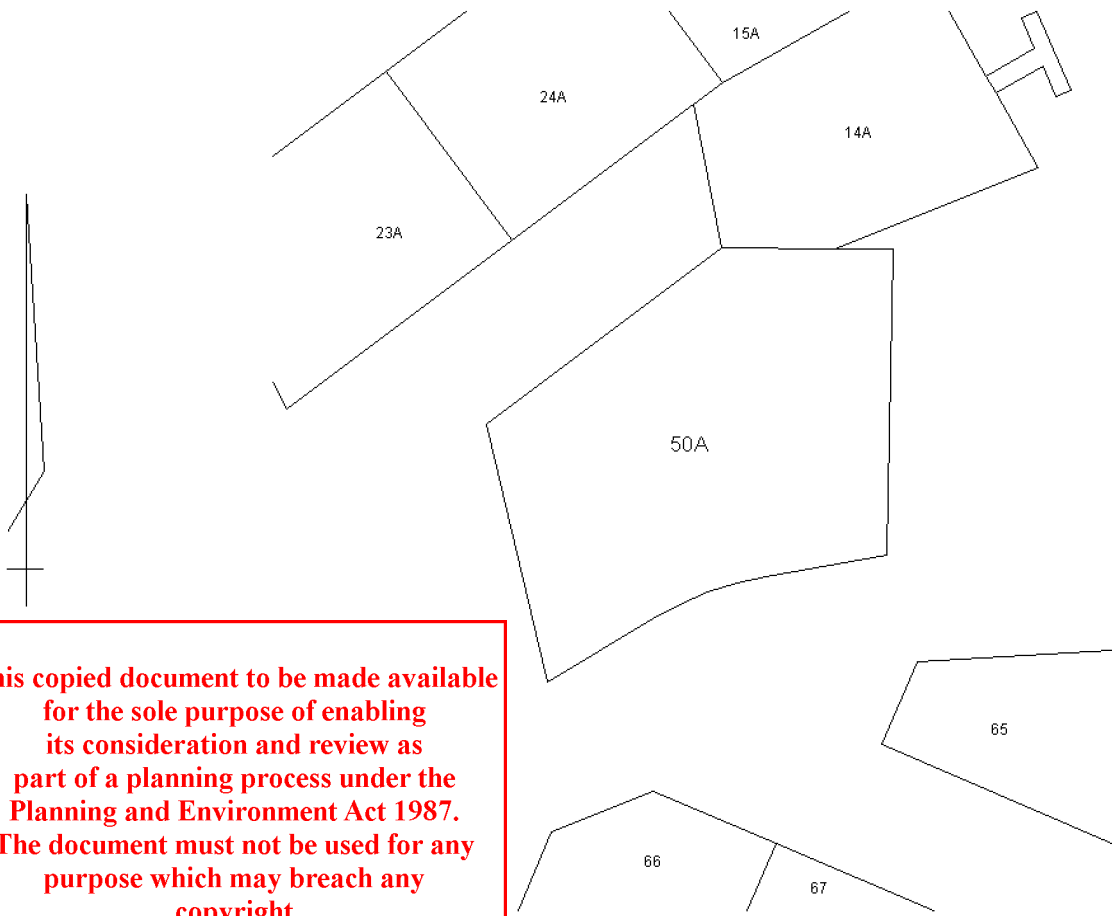
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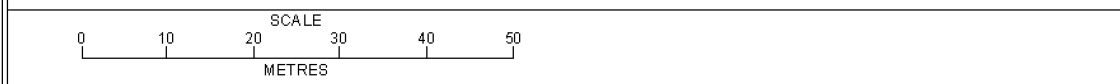
CROWN DIAGRAM	CD033619A
Location of Land Parish : DARBALANG Section : A Allotment : 50A	This plan has been created to assist in locating a Crown Land parcel Warning - No warranty is given as to the accuracy or completeness of this plan Any derived dimensions are approximate
Standard Parcel Identifier (SPI) : 50A~A\PP2486 Vicmap Parcel PFI : 130074076	Coordinate Position MGA : 524780, 5920110 (55) VicRoads Directory Reference : 660 B10 (ed. 7)

Compiled from VICMAP cadastral mapping data
 Date: 15/11/2011



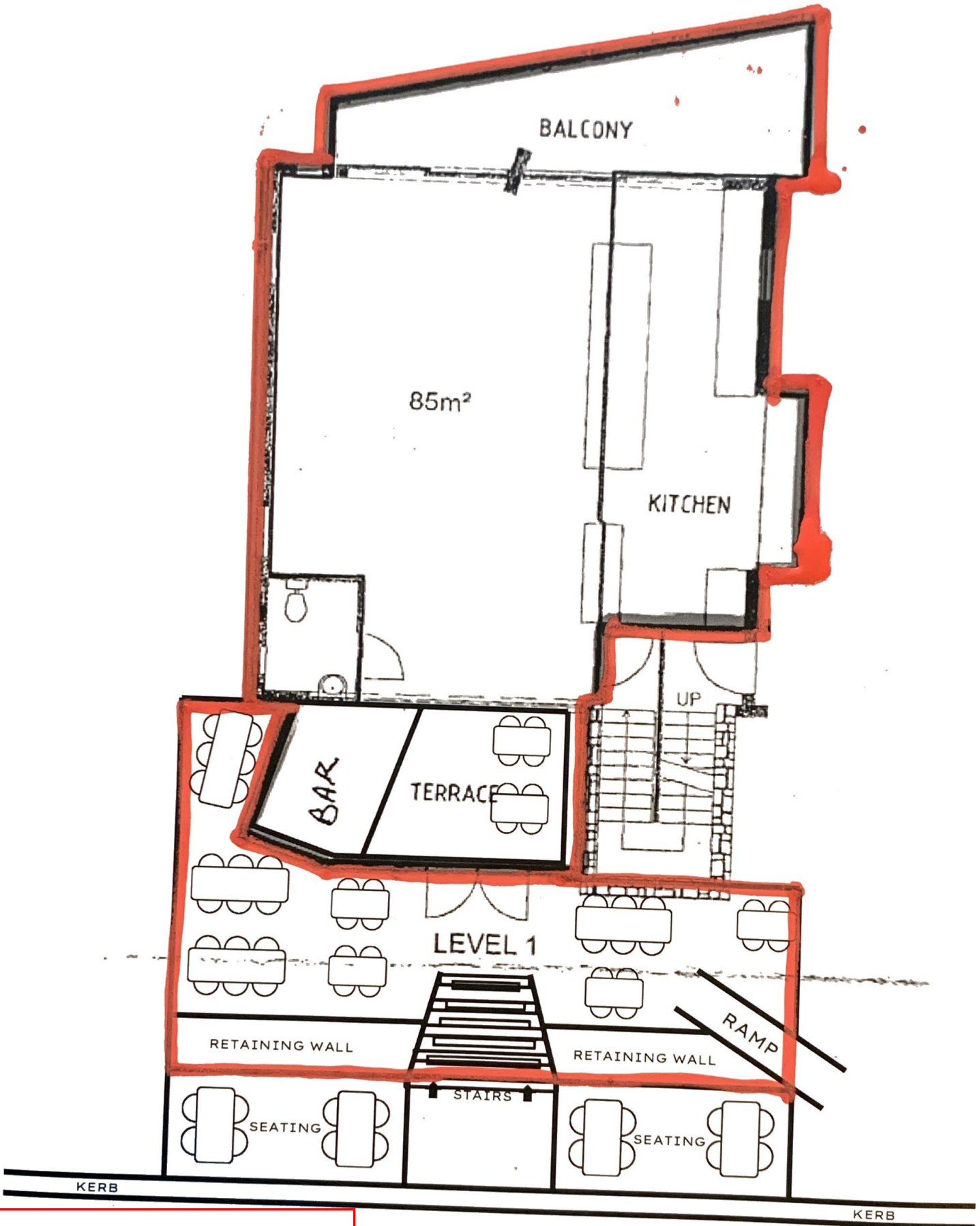
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Attachment B – Development Plans

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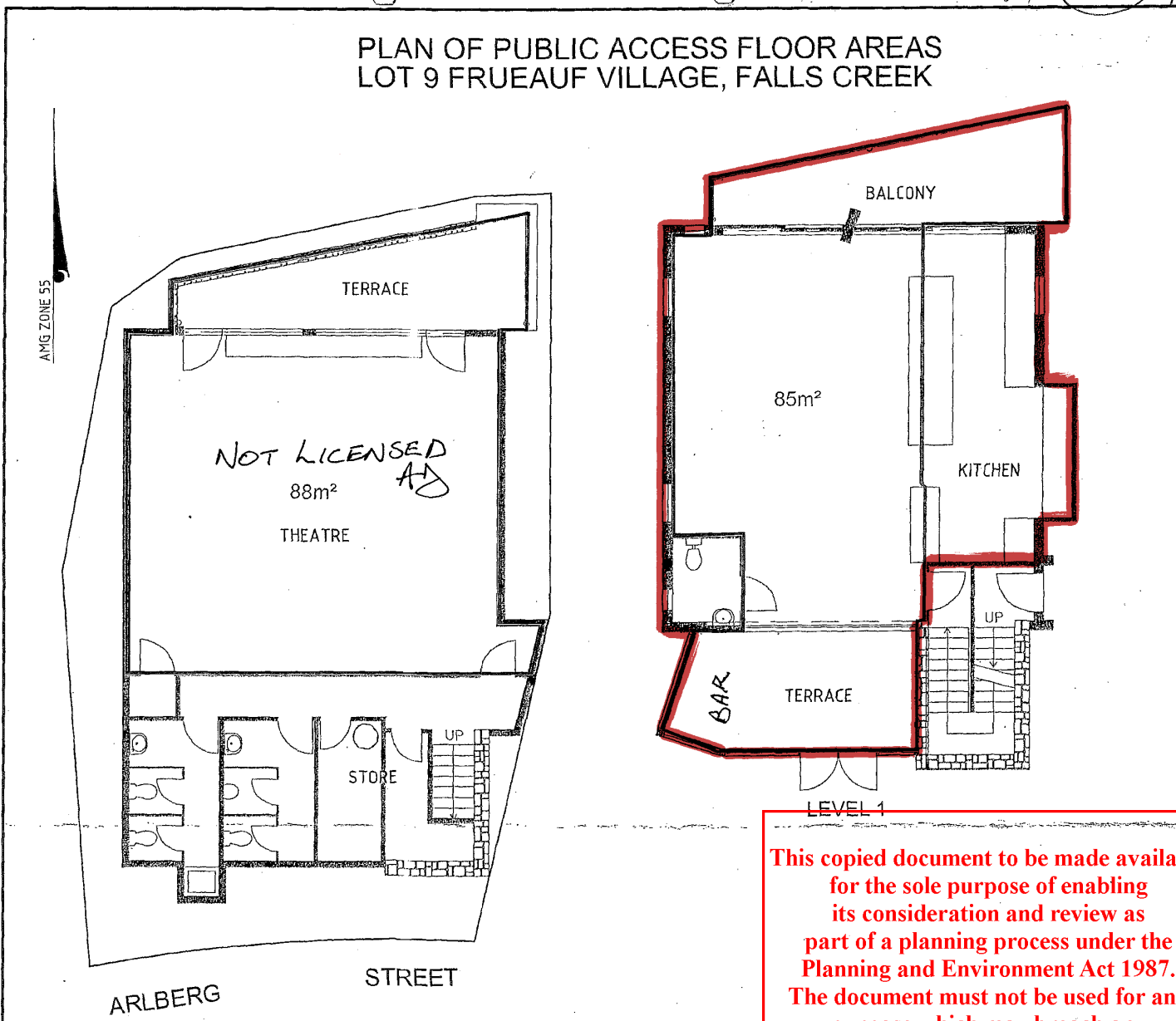
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32256958

31599 A12
31599 P04

2/2

PLAN OF PUBLIC ACCESS FLOOR AREAS LOT 9 FRUEAUF VILLAGE, FALLS CREEK



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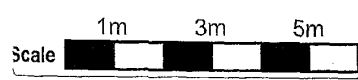
APPROVED PLAN
Andrea Jones 1014 114
Delegate of the V.C.G.L.R.

TOTAL FLOOR AREA AVAILABLE TO THE PUBLIC 173m²

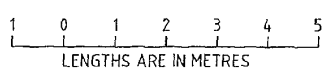
NOTE:
1. AREAS CALCULATED TO INTERNAL FACE OF WALLS.
2. DIMENSIONS ARE BASED ON DESIGN PLAN AND THE PREMISES HAVE NOT BEEN SURVEYED

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Licensed Area = Red Line



EDM Group
PLANNERS SURVEYORS & ENGINEERS
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PO Box 317 WODONGA 3689
Ph (02) 6057 8578
Fax (02) 6056 2392
info@edmgroupp.com.au
ABN 12 532 366 914



ORIGINAL
SCALE 1:100
SHEET SIZE A3

LICENSED SURVEYOR (PRINT) RUSSELL JOHN DOUTHAT
SIGNATURE *[Signature]* DATE 17/05/10
REF 25038D-3 VERSION 01

SHEET 1 OF 1 SHEETS

Attachment C – ARV Letter of Support

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Victorian Liquor Commission
PO Box 1019,
Richmond North
Victoria 3121

23 January 2024

To Whom It May Concern,

I write to endorse the proposal by Orys Falls Creek, Liquor License No. 32256958 for an extension of their current red line precinct.

Alpine Resorts Victoria t/a Falls Creek Alpine Resort does not object to these proposed changes and supports the utilisation of the available space, as highlighted in the attached document (Orys New Redline Revised).

Kind Regards,



Stuart Smythe
Chief Operating Officer
Falls Creek Alpine Resort

M: 0437 471 971

E: stuart.smythe@alpineresortsvic.gov.au

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Attachment D – VLC Letter

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Emailed to accounts@orysfalls creek.com.au on 10 Apr 2024

3 attachments: 31599A18 - Application.pdf (2Mb), 31599A18 - Proposed red line plan.pdf (421kb), 31599A18 - Proposed red line plan 2.pdf (441kb)

File number:31599A18

10 April 2024

Dear Sir/Madam

APPLICATION FOR VARIATION OF LICENCE BY SNOW HOUNDS PTY LTD AT ORYS FALLS CREEK, FRUEAUF VILLAGE, FALLS CREEK

Thank you for lodging an application for variation of licence with the Liquor Control Victoria (the Commission) on 16 January 2024. To assist in your application being determined in the shortest period of time possible, you are required to provide the following supporting documents by 20 May 2024.

If you do not provide the documents detailed in the letter below by the due date, your application may be determined without them, which may result in the application being refused.

Police and council comment

As required by liquor licensing law, a copy of your application has been referred to Victoria Police and to your local council for comment. The Act requires a response within 30 days providing an extension has not been sought. If either party objects to the application, a copy of the objection will be provided to you for comment.

Application fees outstanding

The balance of the application fee, being \$238.50, is outstanding and must be paid to Liquor Control Victoria. To ensure there are no delays in processing your application, please contact us on 9098 5383 to make payment as soon as possible. If payment is not received, the application may be refused.

Application Form

Please amend the attached application form to correct question 1: name of licensee, to the licensee company.

Planning permit

We acknowledge receipt of the letter of support from Alpine Resorts Victoria. Please provide a copy of the planning permit from the local council (or responsible planning authority) showing that you have planning permission to support the proposed variation you are seeking OR a letter from the council advising that a permit is not required for the proposed variation.

Red Line Plan

Please confirm which of the two provided red line plans attached you intend to use for the application. Please resubmit so that the red line is removed from between the bar/terrace and the new area. Please also include the premises address and a compass point showing north.

Demarcation of external/internal areas

Please confirm in writing how the external licensed area will be defined and demarcated. (e.g. walls, fences, planter boxes).

New outdoor area

Please advise if the new outdoor area you are proposing to include in your red line plan is part of your lease agreement and if any of this area includes a public footpath.

Display

The public notice must be continuously displayed from **14 April 2024** to **12 May 2024**. Display of the public notice before the commencement of the display period will not be taken into account.

Steps for completing the public display

1. Print an A3 size [Public Notice](#).
2. Review the display notice [requirements and guidelines](#).

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3. Fill out the relevant sections on the Public Notice, and display it on the premises.
4. After the display period has ended, please complete and return the [Statement of Display form](#).

Amenity submission - external area

A licensed premises with an external area increases the potential for the premises to have an unacceptable impact on the amenity of the surrounding neighbourhood. In order that an informed decision can be made as to the likely amenity impact, please provide the following:

- A written submission as to what steps will be taken to minimise the amenity impact on any neighbouring residential and commercial premises.
- Photographs taken from within any external area (if any) facing outward in all directions and showing the surrounding properties and buildings. The photographs must include views of any residential or commercial premises that may be affected by the operation of the external area.
- A brief written description of those premises in the vicinity of the external area including an estimate of the distance in metres to the premises.

Maximum patron capacity

To endorse a Maximum patron capacity for the new area, Please submit one of the following three documents as evidence: (please note - this calculation is only required for the new area as the rest of the premises already has maximum patron capacities endorsed).

- 1) In the first instance, the most recently issued planning permit which contains a maximum patron capacity.
- 2) If the planning permit does not contain a maximum patron capacity (or the planning permit has not been granted yet), a copy of an occupancy permit showing a prescribed patron capacity. Contact your local council to obtain a copy of the occupancy permit.
- 3) If you are unable to obtain a copy of the occupancy permit, a report from a registered Building Surveyor that states:
 - the area in square metres available to the public for the whole of the internal premises (excluding toilets, passageways and the like) and (if applicable) for any external areas such as courtyards or decks, and
 - the number of patrons that may be accommodated on the internal premises and (if applicable) on any external areas of the premises based on a ratio of one person per 0.75 square metres.

Note: The report from a registered Building Surveyor is required to state the calculations of both internal and external areas separately. Combined totals will not be accepted. Please ensure that the Building Surveyor registration number is displayed on the report.

If you wish to submit the required documentation via email, please send to contact@liquor.vic.gov.au quoting the above file number.

For further information, please contact us by phone on 1300 182 457, quoting the file number 31599A18.

Yours sincerely

Kathleen MacAndrews
Senior Licensing Officer
Delegate of the Victorian Liquor Commission

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