



Colac Otway
SHIRE

PLANNING COMMITTEE MEETING

MINUTES

Wednesday 9 February 2022

at 4:00 PM

by videoconference



COLAC OTWAY SHIRE COUNCIL PLANNING COMMITTEE MEETING

Wednesday 9 February 2022

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COLAC OTWAY SHIRE COUNCIL PLANNING COMMITTEE MEETING

MINUTES of the *PLANNING COMMITTEE MEETING OF THE COLAC OTWAY SHIRE COUNCIL* held at by videoconference on Wednesday 9 February 2022 at 4:00 PM.

MINUTES

1 DECLARATION OF OPENING OF MEETING

OPENING PRAYER

Almighty God, we seek your blessing and guidance in our deliberations on behalf of the people of the Colac Otway Shire. Enable this Council's decisions to be those that contribute to the true welfare and betterment of our community.

AMEN

2 PRESENT

Cr Kate Hanson (Mayor)
Cr Graham Costin (Deputy Mayor)
Cr Jamie Bell
Cr Stephen Hart
Cr Joe McCracken
Cr Chris Potter
Cr Margaret White

Anne Howard, Chief Executive Officer
Jo Grainger, Acting General Manager Corporate Services
Tony McGann, General Manager Environment and Infrastructure
Ian Seuren, General Manager Development and Community Services
Marlo Emmitt, Manager Governance and Communications
Lyndal Redford, Governance Officer
Dani Wright, Communications Coordinator
Doug McNeill, Manager Planning, Building and Health
Bláithín Butler, Coordinator Statutory Planning
Julia Repusic, Statutory Planner
Madeleine Bisits, Manager Assets and Project Delivery
Timothy Brain, Coordinator Infrastructure Development - Capital Works

3 APOLOGIES AND LEAVES OF ABSENCE

Errol Lawrence, General Manager Corporate Services

4 WELCOME AND ACKNOWLEDGEMENT OF COUNTRY

Colac Otway Shire acknowledges the original custodians and law makers of this land, their elders past, present and emerging and welcomes any descendants here today.

RECORDING AND PUBLICATION OF MEETINGS

Please note: All Council and Planning Committee meetings are live streamed and recorded (where it is practicably possible to do so), and the meeting location has the required equipment and internet capability. This includes the public participation sections of the meetings. However, matters identified as confidential items in the Agenda will not be live streamed or recorded.

By participating in open Planning meetings, individuals consent to the use and disclosure of the information they share at the meeting (including any personal and/or sensitive information).

As soon as practicable following each open Council and Planning Committee meeting, the live stream recording will be accessible on Council's website. Recordings are also taken to facilitate the preparation of the minutes of open Council and Planning Committee meetings and to ensure their accuracy. Recordings will be retained by Council for a period of four years.

As stated in the Governance Rules, other than an official Council recording, no video or audio recording of proceedings of Council Meetings will be permitted without specific approval by resolution of the relevant Planning Meeting.

5 DECLARATIONS OF INTEREST

Nil

6 CONFIRMATION OF MINUTES

- Planning Committee Meeting held on 8 December 2021.

RESOLUTION

MOVED Cr Stephen Hart, SECONDED Cr Margaret White

That the Planning Committee confirm the minutes of the Planning Committee Meeting held on 8 December 2021.

CARRIED 7 : 0

7 VERBAL SUBMISSIONS FROM APPLICANTS/OBJECTORS

Item 8.1: PP329/2021-1 – 135 Great Ocean Road Apollo Bay – Packaged Liquor Licence, Alterations to Building Façade and Display of Business Identification and Internally Illuminated Signage

Objectors: Michael Wescombe
Michael Wescombe, on behalf of Sally Cannon and Jane Johnston
Phillip Tsartas, on behalf of Ms Athanasiou
Andrew Buchanan
Vanessa Rice
Vanessa Rice, on behalf of Jan Lewis

Applicant: Ken Waddell, on behalf of the applicant

Item: 8.1

**PP329/2021-1 – 135 Great Ocean Road Apollo Bay –
Packaged Liquor Licence, Alterations to Building Façade and
Display of Business Identification and Internally Illuminated
Signage**

ADDRESS AND PROPERTY DETAILS	135 Great Ocean Road APOLLO BAY Pt 1 Lot 1, PS 516898 V/F: 10786/027, Parish of Krambruk	APPLICATION NUMBER	PP329/2021-1
PROPOSAL	Packaged Liquor Licence, Alterations to Building Façade and Display of Business Identification and Internally Illuminated Signage		
PERMIT TRIGGERS	<p>Clause 34.01-4 (Commercial 1 Zone) - A permit is required to alter a building</p> <p>Clause 43.02-2 (Design and Development Overlay) – A permit is required for buildings and works, including alterations to a building</p> <p>Clause 52.05 (Signs) - A permit is required to display a business identification sign exceeding 8sqm</p> <p>Clause 52.27 (Licenced Premises) - A permit is required for a packaged liquor licence</p>		
TRIGGER FOR DETERMINATION BY COMMITTEE	More than 3 objections (40 objections received)		
ZONE	Commercial 1 Zone (C1Z)	OVERLAYS	<p>Design and Development Overlay, Schedule 5 (DDO5): Apollo Bay – Town Centre)</p> <p>Parking Overlay, Schedule 2 (PO2): Apollo Bay Commercial Centre)</p>
COVENANTS	Not applicable		

Item: 8.1

**PP329/2021-1 – 135 Great Ocean Road Apollo Bay –
Packaged Liquor Licence, Alterations to Building Façade and
Display of Business Identification and Internally Illuminated
Signage**

CULTURAL HERITAGE	Partially within an area of cultural heritage sensitivity		
OFFICER	Julia Repusic	GENERAL MANAGER	Ian Seuren
DIVISION	Development and Community Services		
ATTACHMENTS	<ol style="list-style-type: none">1. Plan of Subdivision [8.1.1 - 5 pages]2. Owners Corporation [8.1.2 - 2 pages]3. CURRENT Sign Plans [8.1.3 - 12 pages]4. Proposed Licensed Area Plan [8.1.4 - 1 page]5. Title [8.1.5 - 1 page]6. Application Form [8.1.6 - 3 pages]		

RECOMMENDATION

That Council resolves to issue a Notice of Decision to Grant a Permit for the use of land for the sale of liquor (Packaged Liquor Licence), alterations to building and display of business identification and internally illuminated signage at 135 Great Ocean Road, Apollo Bay (Pt 1, Lot 1 PS: 516898 V/F: 10786/027 Parish of Krambruk), subject to the following conditions:

Endorsed Plans

1. *The area in which liquor is allowed to be supplied under a licence must not be increased without the written consent of the Responsible Authority.*
2. *The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.*
3. *The location and details of the signage and any supporting structures, as shown on the endorsed plans, must not be altered without the written consent of the Responsible Authority.*

Trading Hours

4. *The use hereby permitted must operate only between the hours of:*
 - a) *Monday to Sunday between 9:00am and 9:00pm*
 - b) *ANZAC Day between 12:00pm and 9:00pm*

The premises must stay closed on Good Friday and Christmas Day.

Responsible Serving of Alcohol

5. *The permit holder must require that all employees of the premises engaged in the service of alcohol undertake a 'Responsible Serving of Alcohol' course.*
6. *Prior to the use commencing, a Staff Operational Plan must be prepared by the permit holder and submitted to the Responsible Authority. The plan shall be used for the induction of all new staff, including in matters such as the duties and responsibilities of the holder of a Packaged Liquor Licence, responsible serving of alcohol, mandatory signage and evidence of age documentation.*

Once approved by the Responsible Authority, the use shall be operated in accordance with the Staff Operational Plan to the satisfaction of the Responsible Authority.

Rear Access

7. *Public access to the site must be from the Great Ocean Road only, and customers must not be allowed to enter or exit the premises through the rear access to the building.*

Amenity

8. *Mechanical equipment associated with the use, including generators, must at all times comply with the Environment Protection Regulations 2021, Part 5.3 Division 3, in relation to noise limits from commercial, industrial and trade premises, and with EPA publication 'Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues' (Publication 1826.4 dated 20 May 2021, or as amended).*
9. *Prior to the commencement of the use hereby permitted, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plan must include:*
 - a) *details of the types of waste generated by the use, and where waste would be stored*
 - b) *details of collection arrangements*

The site must be managed in accordance with the approved Waste Management Plan at all times and the prior written approval of the Responsible Authority must be sought for any changes to the approved arrangements.

Signage

10. *All signage must be constructed and maintained to the satisfaction of the Responsible Authority.*

Expiry

11. *This permit will expire if one of the following circumstances applies:*
 - a) *The use is not commenced within two years of the date of this permit.*
 - b) *The development, including the signage, is not commenced within two years of the date of this permit.*
 - c) *The development is not completed within four years of the date of this permit.*

In accordance with section 69 of the Planning and Environment Act 1987, an application may be made to the Responsible Authority to extend the periods referred to in this condition.

Notes

1. *The applicant is reminded that the provision of liquor is also subject to the issue of a Liquor Licence, pursuant to the provisions of the Liquor Control Reform Act 1988 (as amended), which must be obtained prior to the commencement of the use hereby permitted.*

RESOLUTION

MOVED Cr Graham Costin, SECONDED Cr Chris Potter

That the Planning Committee:

1. *Resolves to Refuse to Grant a Permit for the use of land for the sale of liquor (Packaged Liquor Licence), alterations to building and display of business identification and internally illuminated signage at 135 Great Ocean Road, Apollo Bay (Pt 1, Lot 1 PS: 516898 V/F: 10786/027 Parish of Krambruk) on the following grounds:*
 - i. *The proposed packaged liquor licence would significantly increase the density of high-volume bottle shop liquor outlets in Apollo Bay and, cumulatively with existing bottle shops, pubs and other licenced premises, is expected to have a detrimental impact on:*
 - i. *the community's vision and business community's strategic positioning of Apollo bay as a "unique, welcoming and tranquil fishing village" in a competitive tourism market*
 - ii. *the incidence and outcomes of domestic violence and other forms of physical and verbal abuse in a small remote town without a 24-hour police service and limited medical emergency services*
 - iii. *community health and wellbeing in a small remote town with limited alcohol abuse health support services*
 - iv. *resident and visitor enjoyment of the foreshore park, beach and summertime family carnival located immediately across the road from the proposed packaged liquor outlet*
 - ii. *The proposed signage and treatment of the building would be out of keeping with the character of the area, and detrimental to the streetscape and visual amenity of this coastal town, contrary to the aims of Clause 52.05.11 (Signs) and Clause 34.01-8 (Commercial 1 Zone – Decision Guidelines) of the Colac Otway Planning Scheme, and Clause 43.02.5.*
2. *In representing community views about this matter:*
 - i. *Notes that a liquor licence application has already been lodged in advance of the Responsible Authority determination on the planning application, and does not support the grant of such a licence due to the potential social impacts on the Apollo Bay community and detriment to amenity in the surrounding area.*
 - ii. *Determines that the relevant submissions (subject to addressing privacy requirements) should be forwarded to the Victorian Gambling and Casino Commission (VGCCC), seeking that these submissions be considered in its determination about the issuance of a liquor licence.*
3. *Requests that officers prepare a Business Case for the 2022/23 budget process for Councillors consideration to undertake strategic work regarding the social impact of licensed premises across the Shire.*

CARRIED 4 : 3


DIVISION

For the motion: Cr Graham Costin, Cr Stephen Hart, Cr Chris Potter, Cr Margaret White

Against the motion: Cr Kate Hanson, Cr Jamie Bell, Cr Joe McCracken

The meeting was declared closed at 5.24pm.

CONFIRMED AND SIGNED at the meeting held on 9 March 2022.


.....MAYOR