



Colac Otway
SHIRE

PLANNING COMMITTEE MEETING

MINUTES

WEDNESDAY 14 FEBRUARY 2018

AT 4PM

COPACC

COLAC OTWAY SHIRE COUNCIL PLANNING COMMITTEE MEETING

14 FEBRUARY 2018

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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
COPACC on 14 February 2018 at 4pm.

MINUTES

1. I DECLARE THIS MEETING OPEN

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
Cr Stephen Hart
Cr Joe McCracken (Mayor)
Cr Chris Potter
Cr Jason Schram
Cr Chris Smith
Cr Terry Woodcroft

Tony McGann, Acting Chief Executive Officer
Errol Lawrence, General Manager, Corporate Services
Ian Seuren, Acting General Manager, Infrastructure & Leisure Services
Gareth Smith, General Manager, Development & Community Services
Sarah McKew, Manager, Governance & Customer Service
Lyndal McLean, Acting Governance Officer
Doug McNeill, Manager, Planning, Building & Health
Bláithín Butler, Statutory Planning Coordinator
Sarah Osborne, Acting Communications Coordinator

3. APOLOGIES

Nil

4. WELCOME & ACKNOWLEDGEMENT OF COUNTRY

I would like to start today by acknowledging the traditional custodians and law makers of this land, their elders past and present and welcome any descendants here today.

I would also like to advise that all Council meetings are audio recorded, with the exception of confidential matters. This includes the public participation sections of meetings.

Audio recordings of meetings are taken to facilitate the preparation of the minutes of open Council and Committee meetings and to ensure their accuracy.

In some circumstances a recording will be disclosed to a third party. Those circumstances include, but are not limited to, circumstances such as where Council is compelled to disclose an audio recording because it is required by law, such as the *Freedom of Information Act 1982*, or by court order, warrant, or subpoena or to assist in an investigation undertaken by the Ombudsman or the Independent Broad-based Anti-corruption Commission.

Council will not use or disclose the recordings for any other purpose. It is an offence to make an unauthorized recording of the meeting.

5. DECLARATIONS OF INTEREST

Nil

6. CONFIRMATION OF MINUTES

- Planning Committee held on 6 December 2017.

RESOLUTION

MOVED Cr Stephen Hart seconded Cr Chris Potter

That the Planning Committee confirm the above minutes.

CARRIED 6 : 1

DIVISION

For the Motion: Cr Stephen Hart, Cr Terry Woodcroft, Cr Kate Hanson, Cr Joe McCracken, Cr Chris Potter, Cr Jason Schram

Against the Motion: Cr Chris Smith

7. VERBAL SUBMISSIONS FROM APPLICANTS/OBJECTORS

Nil

PLANNING COMMITTEE
**RESTAURANT AND SHOP AT 73-75 MAIN
 STREET BEEAC (PP93/2016)**

PC181402-1

ADDRESS AND PROPERTY DETAILS	73 and 75 Main Street Beeac	GENERAL MANAGER	Gareth Smith
PREPARED BY	Helen Evans	TRIM FILE	F16/4191
DIVISION	Development & Community Services	CONFIDENTIAL	No
PERMIT TRIGGERS	Township Zone (use and development); Environmental Significance Overlay Schedule 1 (Warrion Groundwater Area); Heritage Overlay (HO301 – Beeac Commercial Precinct); Clause 52.05 - Signage; Clause 52.06 – Reduction of Parking Requirement; Clause 52.27 - Sale and Consumption of Liquor		
TRIGGER FOR DETERMINATION BY COMMITTEE	Waiver of more than 5 car parking spaces		
APPLICATION NUMBER	PP93/2016-1		
PROPOSAL	Use and Development of the Land for a Restaurant and Shop, Use of the Land for the Sale and Consumption of Liquor (Restaurant and Café Licence), Reduction in Car Parking (13 Spaces), Display of Business Identification Signage, External Alterations to the Building and Construction of Fences		
ZONE	Township Zone (TZ) Adjacent Road Zone Category 1 (RDZ1)	OVERLAYS	Heritage Overlay (HO301) and Environmental Significance Overlay Schedule 1 (ESO1)
COVENANTS	Not applicable		
LIST OF ATTACHMENTS	1. Application Plans 2. Site photos		
CULTURAL HERITAGE	Not Applicable		

RESOLUTION

MOVED Cr Chris Potter seconded Cr Jason Schram

That Council resolves to Grant a Permit for the Use and Development of the Land for a Restaurant and Shop, Use of the Land for the Sale and Consumption of Liquor (Restaurant and Café Licence), Reduction in Car Parking (13 Spaces), Display of Business Identification Signage, External Alterations to the Building and Construction of Fences at 73 and 75 Main Street Beeac (Lots 6 and 7 LP: 7085, V/F: 5083/468 and 04513/540 Parish of Ondit), subject to the following conditions:

Amended Plans

1. *Prior to commencement of the use and/or development, 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 three copies must be provided. The plans must be generally in accordance with the plans submitted with the application, but modified to show:*

a) *details of the location, height and design of the proposed fences.*

Endorsed Plans

2. *The use and development as shown on the endorsed plans, including the location and details of the signage and any supporting structures, must not be altered without the written consent of the Responsible Authority.*

3. *The area in which liquor is allowed to be consumed or supplied under a licence hereby permitted must not be altered without the written consent of the Responsible Authority.*

Liquor Licence hours

4. *The sale and consumption of alcohol is only permitted during the following hours:*

- *11.00am to 10.00pm from Monday to Thursday*
- *11.00am to 11.00pm from Friday to Sunday*

Limit on number of persons

5. *No more than 36 patrons may be present in the licensed cafe premises at any one time unless otherwise approved in writing by the Responsible Authority.*

Right of Way

6. *Prior to the commencement of any of the uses hereby permitted, the right of way identified on LP7085, which provides vehicular access to the rear of the site, must be constructed with a minimum 100mm depth of gravel and a minimum 3.5 metre width to the satisfaction of the Responsible Authority. The pavement must be maintained by the owner(s) of 73 and 75 Main Street, Beeac to the satisfaction of the Responsible Authority. All costs associated with these works will be at the owner's/owners' expense.*

Car park construction

7. *Prior to the commencement of any of the uses hereby permitted, the area set aside for the parking of vehicles as shown on the endorsed plans must be:*

- a) constructed;
- b) properly formed to such levels that it can be used in accordance with the plans;
- c) surfaced with crushed rock or gravel and treated to the satisfaction of the Responsible Authority to prevent dust;
- d) drained;
- e) marked to indicate each car space;

to the satisfaction of the Responsible Authority.

The area must be constructed, and drained to prevent diversion of flood or drainage waters, and maintained in a continuously useable condition to the satisfaction of the Responsible Authority.

Car spaces, access lanes and driveways must be kept available for these purposes at all times.

Stormwater runoff

- 8. All runoff from stormwater, including overflow from water storage, must be taken to a legal point of discharge to the satisfaction of the Responsible Authority.

Wastewater

- 9. An all waste septic tank disposal system must be constructed prior to the commencement of the café use so that all liquid waste is at all times contained within the curtilage of the lot. The design and installation of any wastewater disposal system for any building on the land must comply with the septic tanks 'Code of Practice - Onsite Wastewater Management', July 2016, (Publication No. 891.4) published by the Environment Protection Authority, to the satisfaction of the Responsible Authority.
- 10. All works and development associated with this permit must be carried out in strict conformity with the Land Capability Assessment and Septic Design by Provincial Geotechnical (Ref. 8628F, dated 14 August 2017) or as otherwise agreed by the Responsible Authority.

Amenity of the area

- 11. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
 - a) transport of materials, goods or commodities to or from the land;
 - b) appearance of any building, works or materials;
 - c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
- 12. The owner/operator must take all responsible measures to ensure that patrons consuming alcohol remain within the licensed area, so as not to breach conditions of the liquor licence, and that patrons' behaviour is acceptable, so as not to create a nuisance to pedestrians or road users.
- 13. Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy (Control of Music Noise from Public Premises), No. N-2.
- 14. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purposes.

15. *All security alarms or similar devices installed on the land must be of a silent type in accordance with any current standard published by Standards Australia International Limited and must be connected to a security service.*

Southern Rural Water conditions

16. *In the absence of a reticulated sewer disposal system permits for buildings with the potential to generate effluent, the site must be capable of containing an appropriate water treatment system and that the setback distance for the disposal of septic tank effluent must be in accordance with EPA's Code of Practice – Onsite Wastewater Management 2016 (publication 891.4).*
17. *The proposed sewer disposal system must be supported with a Land Capability Assessment approved by the responsible authority.*

Expiry

18. *This permit will expire if one of the following circumstances applies:*
 - a) *The development and/or any use has not commenced within two years of the date of this permit.*
 - b) *The development, including signage, 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. *This permit does not authorise the commencement of any building works. Prior to the commencement of development, it will be necessary to apply for and obtain building approval.*
2. *A separate application to install an all waste septic tank system must be submitted to and approved by Council's Health Protection Unit prior to the commencement of works.*
3. *The premise is required to comply with all State Legislation, in particular the Health (Eating House and Food Premises) Regulations 1984. Trading must not commence until the prior approval of Council's Health Protection Unit has been obtained and the registration of the property under the Food Act 1984 has been completed.*
4. *The provision and or consumption of liquor within the development hereby permitted must not commence until such time as a Liquor Licence has been issued, pursuant to the Liquor Control Reform Act 1988, as amended.*
5. *Prior to commencement of the development, an application to undertake works within the road reserve must be submitted to and approved by the Council.*

CARRIED 7 : 0



The meeting was declared closed at 4.08pm

CONFIRMED AND SIGNED at the meeting held on 13 JUNE 2018

A handwritten signature in purple ink, appearing to read "J. McCracken", written over a horizontal dotted line. A long horizontal stroke extends from the end of the signature.