



Colac Otway  
SHIRE

PLANNING COMMITTEE MEETING

MINUTES

Wednesday 13 October 2021

at 2:00 PM

by videoconference



# COLAC OTWAY SHIRE COUNCIL PLANNING COMMITTEE MEETING

Wednesday 13 October 2021

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## **COLAC OTWAY SHIRE COUNCIL PLANNING COMMITTEE MEETING**

MINUTES of the **PLANNING COMMITTEE MEETING OF THE COLAC OTWAY SHIRE COUNCIL** held by videoconference on Wednesday 13 October 2021 at 2:00 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  
Errol Lawrence, General Manager, Corporate Services  
Tony McGann, General Manager, Environment & Infrastructure  
Ian Seuren, General Manager, Development & Community Services  
Marlo Emmitt, Manager, Governance & Communications  
Lyndal McLean, Governance Coordinator  
Doug McNeill, Manager, Planning, Building & Health  
Bláithín Butler, Statutory Planning Coordinator  
Ian Williams, Senior Statutory Planner

#### **3 APOLOGIES AND LEAVES OF ABSENCE**

Nil

#### **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: This Planning Committee meeting was livestreamed with the exception of matters identified as confidential items. This included the public participation sections of the meetings.

As soon as practicable following the open Council and Planning Committee meetings, the recording of the live stream will be accessible on Council's website. Recordings are also made to facilitate the preparation of the minutes of open Council and 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 Planning Committee 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 11 August 2021.

#### **RESOLUTION**

*MOVED Cr Chris Potter, SECONDED Cr Joe McCracken*

*That the Planning Committee confirm the minutes of the Planning Committee Meeting held on 11 August 2021.*

*CARRIED 7 : 0*

#### **7 VERBAL SUBMISSIONS FROM APPLICANTS/OBJECTORS**

**Objector:**  
Nil

**Applicant:**  
John Riches

**Item: 8.1**

**PP76/2021-1 - 111-117 Great Ocean Road, Apollo Bay - Proposed Extension of Bar, General Liquor Licence and Four Lot Subdivision**

<b>ADDRESS AND PROPERTY DETAILS</b>	111-117 Great Ocean Road, Apollo Bay	<b>APPLICATION NUMBER</b>	PP76/2021-1
<b>PROPOSAL</b>	Extension to Commercial Building (Bar), Liquor Licence, Reduction of Car Parking (4 spaces), Variation of Easement and Four (4) Lot Subdivision		
<b>PERMIT TRIGGERS</b>	Clause 34.01-3 - Subdivision - C1Z Clause 34.01-4 - Buildings and works - C1Z Clause 43.02-2 - Buildings and works - DDO5 Clause 43.02-3 – Subdivision - DDO5 Clause 52.02 - Variation to carriageway and drainage easements Clause 52.06 - Reduction in parking (for tavern and restaurant) Clause 52.27 - Use land to sell or consume liquor Clause 52.29 - Subdivision of land adjoining RDZ1		
<b>TRIGGER FOR DETERMINATION BY COMMITTEE</b>	Four (4) objections		
<b>ZONE</b>	Commercial 1 Zone (C1Z)	<b>OVERLAYS</b>	Design and Development Overlay, Schedule 5 (DDO5) Parking Overlay, Schedule 2 (PO2)
<b>COVENANTS</b>	Nil	<b>CULTURAL HERITAGE</b>	Yes
<b>OFFICER</b>	Ian Williams	<b>GENERAL MANAGER</b>	Ian Seuren
<b>DIVISION</b>	Development & Community Services		
<b>ATTACHMENTS</b>	1. Application Form - Redacted [8.1.1 - 4 pages] 2. Title Information [8.1.2 - 4 pages] 3. Plans - Redacted [8.1.3 - 12 pages] 4. Traffic Plans [8.1.4 - 8 pages] 5. Photos [8.1.5 - 5 pages] 6. PP165/2012-1 - VCAT Order [8.1.6 - 28 pages] 7. PP165/2012-1 - Endorsed Plans - Redacted [8.1.7 - 5 pages] 8. Draft Conditions [8.1.8 - 8 pages]		

## RECOMMENDATION

Cr Bell left the meeting at 2:04pm; returned at 2:07pm

*That the Planning Committee resolves to issue a Notice of Decision to Refuse to Grant a Permit for an extension to the existing commercial building to create a bar, use of the land for the sale and consumption of liquor, reduction of car parking from the specified rate (4 car spaces), variation to carriageway and drainage easements and a four (4) lot subdivision at 111-117 Great Ocean Road, Apollo Bay (Lot 2 PS309031), on the following grounds:*

- 1. The front section of the proposed first floor extension, which would project over the pavement rather than being recessed from the street, would constitute an incongruous, prominent and bulky form of development out of keeping with the character of the area and detrimental to the streetscape. As such, the proposal is contrary to Schedule 5 to the Design and Development Overlay (DDO5) and the Decision Guidelines in Clause 65 of the Colac Otway Planning Scheme.*
- 2. The proposed development would not respect and respond to the character or context of the existing upper levels within this part of Apollo Bay, or promote best practice urban design, and is therefore contrary to clauses 11.03-5R (The Great Ocean Road Region), 11.03-6L (Apollo Bay and Marengo) and 15.01-1S (Urban Design).*
- 3. The proposed development would not achieve a building design outcome that contributes positively to the local context and enhancement of the public realm and would not respect the identified heritage values of the Great Ocean Road, contrary to clauses 15.01-2S (Building Design) and 15.03-1S (Heritage Conservation).*

## REVISED OFFICER RECOMMENDATION

*MOVED Cr Chris Potter, SECONDED Cr Graham Costin*

*That the Planning Committee resolves:*

- 1. To issue a Notice of Decision to Refuse to Grant a Permit for an extension to the existing commercial building to create a bar, use of the land for the sale and consumption of liquor, reduction of car parking from the specified rate (4 car spaces), variation to carriageway and drainage easements and a four (4) lot subdivision at 111-117 Great Ocean Road, Apollo Bay (Lot 2 PS309031), on the following grounds:*
  - a) The front section of the proposed first floor extension, which would project over the pavement rather than being recessed from the street, would constitute an incongruous, prominent and bulky form of development out of keeping with the character of the area and detrimental to the streetscape. As such, the proposal is contrary to Schedule 5 to the Design and Development Overlay (DDO5) and the Decision Guidelines in Clause 65 of the Colac Otway Planning Scheme.*
  - b) The proposed development would not respect and respond to the character or context of the existing upper levels within this part of Apollo Bay, or promote best practice urban design, and is therefore contrary to clauses 11.03-5R (The Great Ocean Road Region), 11.03-6L (Apollo Bay and Marengo) and 15.01-1S (Urban Design).*



*The meeting was declared closed at 3:00pm.*

**CONFIRMED AND SIGNED** at the meeting held on 10 November 2021.

.....MAYOR