

Minutes

Meeting of Council
Tuesday 9 August 2022

Video conference

Zoom

Commenced at 6:00 pm

Council:

Cr Libby Stapleton (Mayor)
Cr Gary Allen
Cr Paul Barker
Cr Mike Bodsworth
Cr Kate Gazzard
Cr Rose Hodge
Cr Liz Pattison
Cr Adrian Schonfelder
Cr Heather Wellington

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1 Procedural Matters

1.1 Present

Cr Libby Stapleton (Mayor)
Cr Gary Allen
Cr Rose Hodge
Cr Adrian Schonfelder
Cr Heather Wellington

Chief Executive Officer - Robyn Seymour
General Manager Place Making & Environment - Chris Pike
General Manager Strategy & Effectiveness - Rebecca Leonard
General Manager Community Life - Gail Gatt
Acting Manager Governance - Jake Brown
Governance Officer - Stacey Ylstra

Council Resolution

Moved Cr Schonfelder, Seconded Cr Hodge

That apologies were received from Cr Pattison, Cr Gazzard & Cr Bodsworth.

CARRIED 5/5

For	Against	Abstained
Cr Libby Stapleton Cr Gary Allen Cr Rose Hodge Cr Adrian Schonfelder Cr Heather Wellington	Nil	Nil

1.2 Opening

Cr Stapleton opened the meeting.

The Surf Coast Shire local government area spans the traditional lands of the Wadawurrung People and the Eastern Maar People. The main Council offices in Torquay are on Wadawurrung Country. Being an online meeting today, we wish acknowledge the Traditional Owners of the lands on which each person is attending and pay respect to Elders past and present. Council also acknowledges other Aboriginal people that may be attending the meeting today.

1.3 Pledge

Cr Stapleton recited the pledge on behalf of all Councillors.

As Councillors we carry out our responsibilities with diligence and integrity and make fair decisions of lasting value for the wellbeing of our community and environment.

1.4 Confirmation of Minutes

Nil.

1.5 Conflicts of Interest

Nil.

2 Place Making and Environment

2.1 Planning Application 22/0040 - Use of the land for the sale and consumption of liquor (General License) and display of associated business identification signage - 85 Great Ocean Road, Anglesea

Author's Title:	Coordinator Statutory Planning
General Manager:	Chris Pike, General Manager Place Making & Environment
Department:	Planning and Compliance
Division:	Place Making and Environment
Attachments:	1. 2022-08-09 Special Council Meeting for Hearing Submissions - LIST OF SPEAKERS - 22-0040 - 85 Great O [2.1.1 - 1 page]

Officer Conflict of Interest: No officer declared a conflict of interest under the *Local Government Act 2020* in the preparation of this report.

Status: This report and attachments contains no confidential information under section 66(2) of the *Local Government Act 2020*.

Purpose

The purpose of the Special Council Meeting for Hearing Submissions is to consider submissions made to Planning Permit Application 22/0040 for the use of the land for the sale and consumption of liquor (General License) and display of associated business identification signage at 85 Great Ocean Road, Anglesea.

Background

Planning Application 22/0040 was lodged for the use of the land described above. The site will operate predominantly as a bottle shop with an ancillary wine bar and a food offering generally comprising of antipasto and cheese platters, biscuit boards and deli lines.

The wine bar component will comprise of a seating arrangement for 8 patrons indoors and 20 patrons on the footpath. The proposed hours are:

- Monday to Saturday between 9am and 11pm
- Sunday between 10am and 11pm.

The application was advertised and 10 objections were received including one petition consisting of 270 signatures with main objections being:

- There are already too many licensed premises within the area
- Congestion and public safety concerns on the street and footpath due to tables and chairs and restricted access
- Too much signage
- Concerns in regards to the consumption of alcohol on the health and wellbeing of the community, which is inconsistent with the Surf Coast Shire's Alcohol and Other Drug: Action Plan 2018-2021
- Concerns regarding the effect the use will have of the viability of existing liquor outlets
- The proposed trading to 11pm seven nights a week is not consistent to trading times of other nearby shops and will encourage anti-social behaviour in street and surrounds
- The use will change the "nature", "atmosphere" and "character" of Anglesea and for the small community and tourists
- Car parking concerns
- Amenity concerns associated with deliveries to the rear
- This type of liquor outlet does not contribute to the community like the existing supermarket and Hotel liquor outlets.

The applicant has submitted a response to the objections with no proposed changes to the application, except for being accepting of a condition that requires the outdoor area to be closed earlier in the evenings should the application be supported.

Issues

The application is required to be assessed against the Surf Coast Planning Scheme. The relevant policies within the Scheme that must be considered include:

Clause 17.01-1R (Diversified Economy – Geelong G21) which includes strategies to:

- *Build on the region's competitive strengths, including tourism and agricultural land resources and economic, social and natural assets.*
- *Support new businesses that provide employment and innovation opportunities in identified employment nodes across the region.*
- *Support industries that utilise skills within the region.*

Clause 17.02-1L (Business in Surf Coast) includes general strategies to:

- *Direct commercial facilities to land within settlement boundaries or in locations with convenient access to existing infrastructure, except where it is located in the Cape Otway Road Australia (CORA) Sports, Tourism and Accommodation Development.*

This Clause also includes strategies for Coastal Towns, with the following being of relevance:

- *Reinforce the primacy of the Anglesea Shopping Centre (identified on the Anglesea framework plan in Clause 02.04) as Anglesea's commercial focal point.*
- *Discourage non-tourist related retail uses in Anglesea from locating outside the Anglesea Shopping Centre.*

The Commercial 1 Zone includes the following purpose:

- *To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.*

It also includes the following decision guidelines when considering an application to use land:

- *The interface with adjoining zones, especially the relationship with residential areas.*
- *The effect that existing uses may have on the proposed use.*
- *The availability of and connection to services.*
- *The effect of traffic to be generated on roads.*

Clause 52.27 (Licensed Premises) which has the following decision guidelines:

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.*
- *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.*
- *The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.*

With regards to the consideration of signage, the land is covered by the Design and Development Overlay Schedule 9, which includes the following relevant provisions

- *Signs should be designed to integrate with the architectural style and character of the building and streetscape image, and should be included as an integral part of the design theme of a development.*
- *Signs attached to buildings should not obscure architectural features and supporting structures should not be obtrusive when viewed from public areas.*
- *Signs at veranda height and above should be limited to business identification signs and should be fixed flush to the building façade unless the design is particularly innovative and will enhance the streetscape.*
- *Signs should not dominate or obscure other signs as a result of visual clutter.*
- *Signs should not emit excessive glare or reflection from internal or external illumination or cause detriment to the amenity of nearby dwellings*

Recommendation

That Council:

1. Receives and notes the submissions relating to Planning Permit Application 22/0040 for the use of the land for the sale and consumption of liquor (General License) and display of associated business identification signage at 85 Great Ocean Road, Anglesea.
2. Considers the submissions in a report regarding Planning Permit Application 22/0040 at its 23 August 2022 Meeting.

Council Resolution

Moved Cr Allen, Seconded Cr Wellington

That Council:

1. Receives and notes the submissions relating to Planning Permit Application 22/0040 for the use of the land for the sale and consumption of liquor (General License) and display of associated business identification signage at 85 Great Ocean Road, Anglesea.
2. Considers the submissions in a report regarding Planning Permit Application 22/0040 at its 23 August 2022 Meeting.

CARRIED 5/5

For	Against	Abstained
Cr Libby Stapleton Cr Gary Allen Cr Rose Hodge Cr Adrian Schonfelder Cr Heather Wellington	Nil	Nil



**Hearing of Submissions
Tuesday 9 August 2022 - 6:00pm
Via Video Conference (Zoom)**

Application No: 22/0040 - Use of the land for licensed premises (General) and display business identification signs

ORDER OF SPEAKERS

Application No: 22/0040 - Use of the land for licensed premises (General) and display business identification signs	
Order of Speakers	Name
1	Ryan Calvert
2	Sukoon Bedi from Urbis - presenting on behalf of the Applicant

3 Close of Meeting

The Special Council Meeting for Hearing Submissions closed at 6:50pm.