

COUNCIL RESOLUTION

66/17 Moved Cr Gardiner, seconded Cr Holliday that Council consider the item of urgent business as tabled by the Chief Executive Officer titled ‘Small Brewery and Beer Garden - Lot 212 Melbourne Street Moora’.

CARRIED 7/0

11.1 SMALL BREWERY AND BEER GARDEN - LOT 212 MELBOURNE STREET MOORA

FILE REFERENCE: TP/PA26/1617

REPORT DATE: 24 May 2017

APPLICANT/PROPONENT: Peter & Shirley Derrick

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Peter Williams, Manager Development Services

ATTACHMENTS: Plans

PURPOSE OF REPORT:

Council is in receipt of a development application from Peter and Shirley Derrick seeking Councils permission to develop a small brewery and beer garden at their property at Lot 212 Melbourne Street, Moora.

BACKGROUND:

Lot 212 is located in the Industrial Zone and a brewery is a use that is not described in the Shire of Moora Town Planning Scheme Zoning Table of which Council has discretion. Mr and Mrs Derrick the proponents have applied for a Small Brewery Producers Licence and a Tavern Licence which has an “X” classification. A Tavern is a use not permitted in the Industrial Zone and the proponents have been made aware of this.

ZONING TABLE

3.2.1 The Zoning Table indicates, subject to the provisions of the Scheme, the several uses permitted in the Scheme Area in the various zones, such uses being determined by cross reference between the list of uses on the left hand side of the Zoning Table and the list of zones at the top of the Zoning Table.

3.2.2 The symbols used in the cross reference in the Zoning Table have the following meaning:

"P" means that the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme;

"D" means that the use is not permitted unless the local government has exercised its discretion by granting approval;

"A" means that the use is not permitted unless the Local government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 7.3;

"X" means a use that is not permitted by the Scheme.

3.2.3 Where in the Zoning Table a particular use is mentioned it is deemed to be excluded from any other use which by its more general terms might otherwise include such particular use. AMD 09 GG 11/03/11

3.2.4 If the use of land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the use categories the Local government may: AMD 09 GG 11/03/11

a) determine that the use is consistent with the objectives and purposes of the particular zone and is therefore permitted; or

- b) determine that the proposed use may be consistent with the objectives and purposes of the zone and thereafter follow the 'A' advertising procedures of clause 7.3 in considering an application for planning approval; or
- c) determine that the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted.

COMMENT:

Council has the discretion to determine whether as a small brewery or a producer licence as what will be applied for, is a use that is in keeping with the zoning in the industrial area. A Tavern is not a permitted use in the Industrial Zone under the Zoning Table. A brewery is required to be advertised being a use that is not described under the Shire of Moora Town Planning Scheme No 4 Amendment 11, Zoning Table. Under the Liquor and Gaming Act and Local Planning Scheme the applicant is required to advertise the intention to provide a brewery in this area to see if there are any objections to this proposal. A Producer Licence does allow consumption though it can be limited to the number of toilets provided i.e. one toilet 25 persons only allowed at one time, two toilets 50 persons.

POLICY REQUIREMENTS:

There are no known policy requirements related to this item

LEGISLATIVE REQUIREMENTS:

Shire of Moora Town Planning Scheme No 4 Amendment 11; Liquor Licencing Act 1988 and Liquor Licencing Regulations 1989.

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

There are no known significant environmental implications associated with this proposal.

➤ **Economic**

There are no known significant economic implications associated with this proposal.

➤ **Social**

This may have social implications related to sale of alcohol.

FINANCIAL IMPLICATIONS:

There are no financial implications to Council in relation to this item.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

67/17 Moved Cr Gardiner, seconded Cr Humphry that Council advertise the development proposal from Proponents Peter and Shirley Derrick for a Small Brewery (with Producer's Licence) to be located in the Industrial Zone at Lot 212 Melbourne Street Moora in accordance with the provisions of the Shire of Moora Local Planning Scheme No 4.

CARRIED 7/0