



# **MINTES**

## **Development Assessment Committee Meeting**

**Wednesday, 20 March 2024**

**Date: Wednesday, 20 March 2024**

**Time: 6.00pm**

**Location: Council Chambers, 15 Stead Street, Ballan &  
Online**

**Order Of Business**

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<b>7</b>	<b>Community Planning Reports .....</b>	<b>5</b>
7.1	PA2023176 - Buildings and Works, the Display of Signage, Packaged Liquor Licence associated with a Bottle Shop and Car Parking Reduction at 176 Main Street, Bacchus Marsh.....	5
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<b>12</b>	<b>Meeting Close .....</b>	<b>21</b>

**1 OPENING**

The Mayor opened the meeting at 6pm.

**2 PRESENT AND APOLOGIES**

Cr Ally Munari, Mayor	Woodlands Ward
Cr Rod Ward	East Moorabool Ward
Cr Moira Berry	East Moorabool Ward
Cr Tonia Dudzik	East Moorabool Ward
Cr David Edwards	East Moorabool Ward (online)
Cr Paul Tatchell	Central Moorabool Ward

**IN ATTENDANCE:**

Mr Derek Madden	Chief Executive Officer
Mr Henry Bezuidenhout	Executive Manager Community Planning & Development
Ms Celeste Gregory	Executive Manager Democratic Support & Corporate Governance
Mr Mark Lovell	Coordinator Statutory Planning

**APOLOGIES:**

Nil.

**3 RECORDING OF MEETING**

In accordance with Moorabool Shire Council's Governance Rules, the meeting is livestreamed.

**4 CONFIRMATION OF MINUTES****COMMITTEE RESOLUTION**

Moved: Cr Moira Berry

Seconded: Cr Tonia Dudzik

That the minutes of the Development Assessment Committee Meeting held on Wednesday 21 February 2024 be confirmed.

**CARRIED**

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**5 MATTERS ARISING FROM PREVIOUS MINUTES**

Nil.

**6 DISCLOSURE OF CONFLICTS OF INTERESTS**

Nil.

**PRESENTATIONS/DEPUTATIONS**

<b>Item</b>	<b>Report</b>	<b>Speaker/s</b>	<b>Position</b>	<b>Attendance</b>
7.1	PA2023176 - Buildings and Works, the Display of Signage, Packaged Liquor Licence associated with a Bottle Shop and Car Parking Reduction at 176 Main Street, Bacchus Marsh	Jason Barnfather	Applicant	In Person
7.1	PA2023176 - Buildings and Works, the Display of Signage, Packaged Liquor Licence associated with a Bottle Shop and Car Parking Reduction at 176 Main Street, Bacchus Marsh	Jason Holmes	Applicant	In Person

## 7 COMMUNITY PLANNING REPORTS

Jason Barnfather addressed the Committee as the Applicant to Item 7.1.

Jason Holmes addressed the Committee as the Applicant to Item 7.1.

### 7.1 PA2023176 - BUILDINGS AND WORKS, THE DISPLAY OF SIGNAGE, PACKAGED LIQUOR LICENCE ASSOCIATED WITH A BOTTLE SHOP AND CAR PARKING REDUCTION AT 176 MAIN STREET, BACCHUS MARSH

**Author:** Thomas Tonkin, Statutory Planner

**Authoriser:** Henry Bezuidenhout, Executive Manager Community Planning & Development

**Attachments:** 1. Proposed plans (under separate cover)

#### APPLICATION SUMMARY

**Permit No:** PA2023176

**Lodgement Date:** 4 December 2023

**Planning Officer:** Tom Tonkin

**Address of the land:** 4.255ha

**Proposal:** Buildings and works, the display of signage, packaged liquor licence associated with a bottle shop and car parking reduction

**Lot size:** 4.255ha

**Why is a permit required?** Clause 34.01 Commercial 1 Zone – Buildings and works; Clause 43.02 Design and Development Overlay, Schedule 11 – Buildings and works; Clause 52.05 Signs – Display of business identification signage including internally illuminated signage; Clause 52.27 Licensed Premises – Liquor licence; Clause 52.06-3 Car Parking Reduction

#### COMMITTEE RESOLUTION

Moved: Cr Paul Tatchell

Seconded: Cr Tonia Dudzik

**That the Development Assessment Committee, having considered all matters as prescribed by the *Planning and Environment Act 1987*, issue a Notice of Decision to Grant Planning Permit PA2023176 for Buildings and Works, the Display of Signage, Packaged Liquor Licence associated with a Bottle Shop and Car Parking Reduction at Lot 1 on PS 733215Q known as 176 Main Street, Bacchus Marsh, subject to the following conditions:**

#### Endorsed Plans:

1. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority. All buildings and works must be constructed or undertaken in accordance with the endorsed plans to the satisfaction of the Responsible

**Authority. All buildings and works must be located clear of any easements or water and sewer mains unless written approval is provided by the relevant authority.**

- 2. Except with the prior written consent of the Responsible Authority, the use of the land for the sale of packaged liquor is limited to the area shown on the endorsed plans.**

**Operational:**

- 3. Except with the written consent of the Responsible Authority, the sale of packaged liquor must only occur between the hours of:**
  - a) Monday to Saturday, 9am to 9pm**
  - b) Sunday, 10am to 7pm**
  - c) ANZAC Day, 12pm to 9pm**
  - d) Closed Good Friday and Christmas Day**
- 4. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.**
- 5. At all times during the operation of the bottle shop, there must be present on the premises a person who is responsible for ensuring that the activities on the premises and the conduct of persons attending the premises do not have a detrimental impact on the amenity of the locality to the satisfaction of the Responsible Authority.**

**Signs:**

- 6. The signs must not contain any moving parts or flashing lights.**
- 7. The signs must be constructed and maintained to the satisfaction of the Responsible Authority.**
- 8. Except where shown on the endorsed plans, the signs must not be illuminated by external or internal light.**
- 9. This permit as it relates to signs will expire 15 years from the issue date of the permit.**

**Development Infrastructure:**

- 10. Unless otherwise approved by the Responsible Authority there must not be any buildings, trees, structures, or improvements located over proposed drainage pipes and easements on the property.**
- 11. Sediment discharges must be restricted from any construction activities within the property in accordance with relevant Guidelines including Construction Techniques for Sediment Control (EPA 1991) and Civil construction, building and demotion guide (EPA 2020).**
- 12. Prior to the use commencing, the car park areas must be constructed with an all-weather surface, line-marking and drainage to the satisfaction of the Responsible Authority, and shall incorporate the following:**
  - a) Parking bays and aisle widths of the car park shall comply with Clause 52.06-9 Design Standard 2 in the Moorabool Planning Scheme. Disabled parking bays shall comply with Australian Standard AS 2890.1:2004 Off-Street car parking. Disabled Parking bays shall comply with Australian Standard AS2890.1:2009 Off-Street Parking for People with Disabilities.**

- b) Designated loading areas shall be shown on layout plans.
  - c) The parking areas shall be provided with an all-weather surface and associated drainage.
  - d) Concrete kerb of a minimum height of 150mm must be provided between landscaped areas and areas provided for parking and the passage of vehicles.
13. The building shall be provided with disabled access in accordance with the provisions of AS1428 – Design for Access and Mobility.
14. Prior to the commencement of the development and post completion, notification including photographic evidence must be sent to Council’s Asset Services identifying any existing damage to Council assets. Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.

**Permit expiry:**

15. This permit will expire if one of the following circumstances applies:
- a) The development is not started within two years of the date of this permit.
  - b) The development is not completed within four years of the date of this permit.

**CARRIED**

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<b>PUBLIC CONSULTATION</b>	
Was the application advertised?	Yes.
Notices on site:	Yes, one notice.
Notice in Moorabool Newspaper:	Not applicable
Number of objections:	Fourteen.
Consultation meeting:	No.

## **POLICY IMPLICATIONS**

The Council Plan 2021-2025 provides as follows:

**Strategic Objective 1: Healthy, inclusive and connected neighbourhoods**

**Priority 2.4: Grow local employment and business investment**

The proposal is not provided for in the Council Plan 2021-2025 and can be actioned by utilising existing resources.

## **VICTORIAN CHARTER OF HUMAN RIGHTS & RESPONSIBILITIES ACT 2006**

In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited, restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.

## **OFFICER'S DECLARATION OF CONFLICT OF INTERESTS**

Under section 130 of the *Local Government Act 2020*, officers providing advice to Council must disclose any interests, including the type of interest.

*Executive Manager – Henry Bezuidenhout*

In providing this advice to Council as the Executive Manager, I have no interests to disclose in this report.

*Author – Tom Tonkin*

In providing this advice to Council as the Author, I have no interests to disclose in this report.

## **EXECUTIVE SUMMARY**

Application referred?	Yes, Council's Development Infrastructure and Strategic Planning.
Any issues raised in referral responses?	No.
Preliminary concerns?	None.
Any discussions with applicant regarding concerns?	Not applicable.
Any changes made to the application since being lodged?	No.



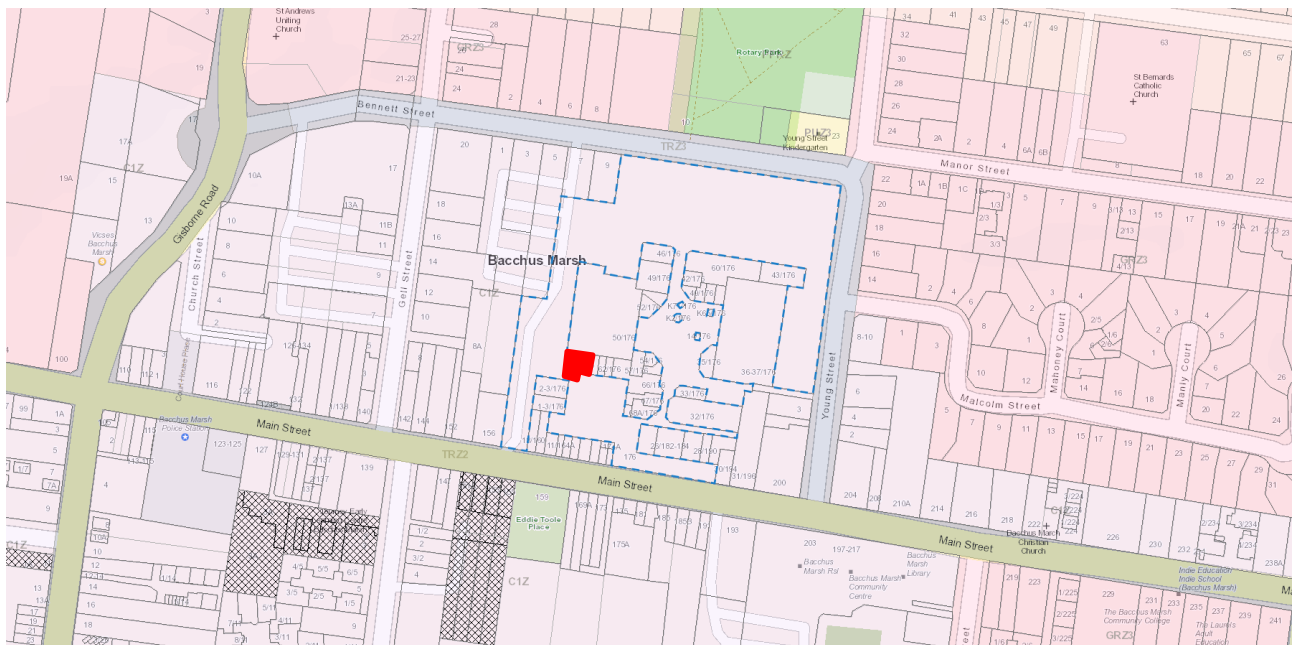
Brief history.	Not applicable.
Previous applications for the site?	<p>PA2012082 – Use of an existing retail premises as an indoor recreation facility (fitness centre) and illuminated signage was approved under delegation on 31 July 2012.</p> <p>PA2013266 – Buildings and works associated with an existing shopping centre was approved under delegation on 3 December 2013.</p> <p>PA2014085 – Buildings and works associated with an existing shopping centre, waiver of car parking and creation of access to a Road Zone, Category 1 was approved under delegation on 26 September 2014.</p> <p>PA2014098 – Buildings and works associated with an existing retail shopping centre (gymnasium) was approved under delegation on 1 October 2014.</p> <p>PA2015215 – Two lot subdivision and removal of easements was approved under delegation on 18 November 2015.</p> <p>PA2015245 – Display of business identification signage, including internally illuminated signage was approved under delegation on 23 November 2015.</p> <p>PA2017140 – Use for service industry (hand car wash) and display of business identification signage was approved under delegation on 2 July 2018.</p> <p>PA2021272 – The construction of buildings and the construction and carrying out of works, a reduction of the car parking requirement, alteration of access to a road in a Transport Zone 2, and the construction and putting up for display of advertising signs was approved by VCAT on 10 January 2024.</p>
General summary.	<p>The application is for buildings and works, display of signage and a packaged liquor licence associated with a bottle shop and reduction in car parking requirement. The application was advertised, and 14 objections were received. The concerns raised through objections included number of bottle shops within the vicinity, lack of variety in local retail offerings, the removal of car parking spaces and lack of access for maxi taxis, and the health and social problems caused by the availability of alcohol including packaged liquor.</p> <p>The proposed liquor licence is generally consistent with the particular provisions and Planning Practice Note 61: Licensed Premises: Assessing Cumulative Impact.</p> <p>The signage is sufficient for business identification and</p>

	<p>the reduction of car parking is considered appropriate under the Planning Scheme and based on recent VCAT decisions.</p> <p>Subject to conditions, the proposal meets the relevant requirements of the Scheme and is recommended for approval.</p>
<p><b>Summary of Officer’s Recommendation</b></p>	
<p>That, having considered all relevant matters as required by the <i>Planning and Environment Act 1987</i>, the Development Assessment Committee issue a Notice of Decision to Grant Planning Permit PA2023176 for Buildings and Works, the Display of Signage, Packaged Liquor Licence associated with a Bottle Shop and Car Parking Reduction at Lot 1 on PS 733215Q known as 176 Main Street, Bacchus Marsh, subject to the conditions contained within this report.</p>	

**SITE DESCRIPTION**

The subject site and surrounding land (south, west, and east) is located within the Commercial 1 Zone and forms part of the Bacchus Marsh Main Street Activity Centre, developed for a mix of commercial and community uses. The land north of the subject site, across Bennett Street, is General Residential Zone, Public Park and Recreation Zone and Public Use Zone and is developed for a mix of uses including dwellings, a senior citizens centre, a public park and a childcare centre.

Main Street is in a Transport Zone 2 managed by the Department of Transport and Planning whilst Bennett and Young Streets are in a Transport Zone 3 managed by Council.



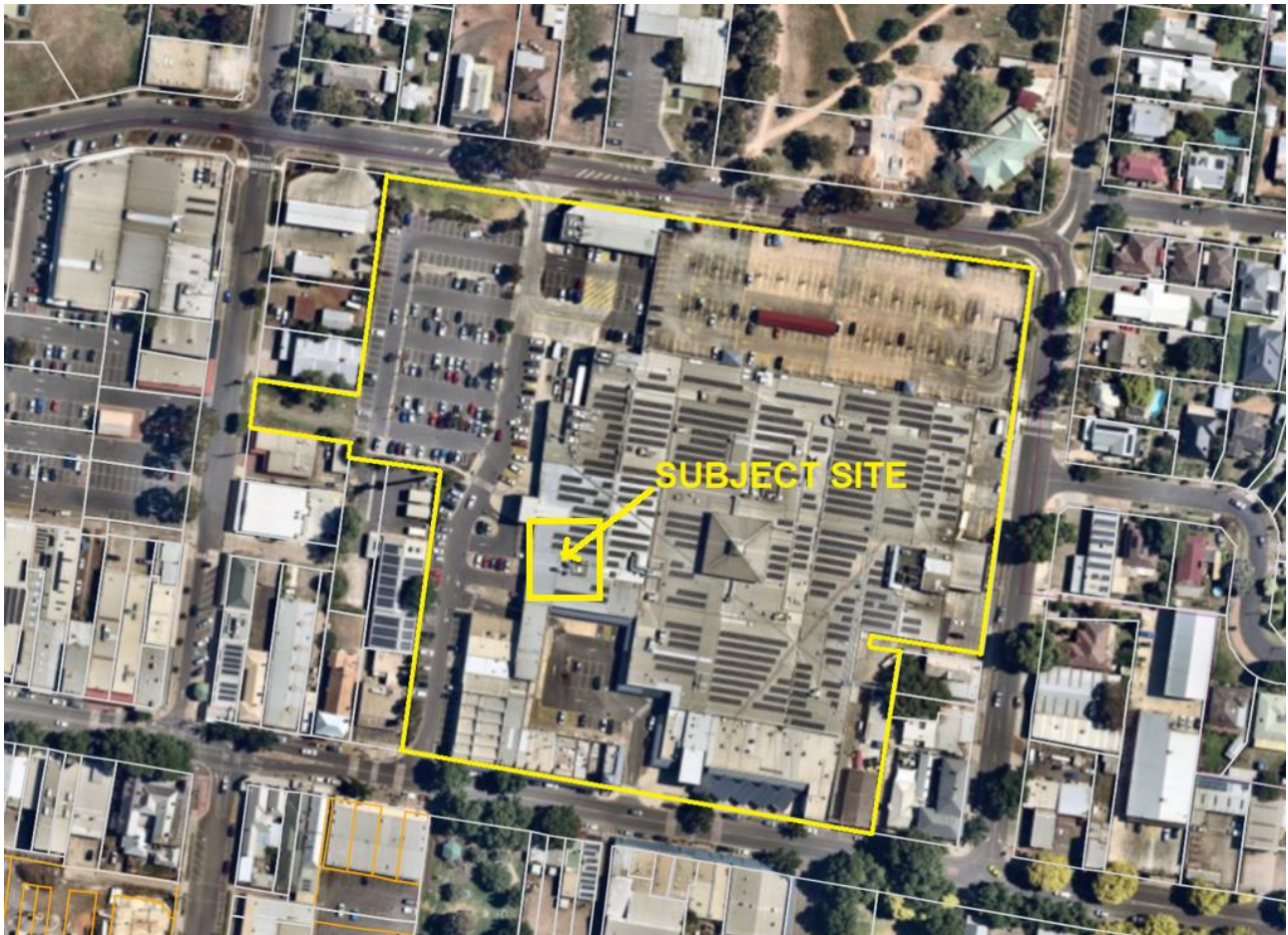
**Figure 1:** Site context map

The subject site, identified as Lot 1 on PS733215Q and known as 176 Main Street, Bacchus Marsh, is an irregular shaped parcel located in the Bacchus Marsh Village Shopping Centre complex. The site is located on the north side of Main Street, bound by Bennett, Young and Gell Streets. Existing vehicle access and egress is via crossovers to Main, Young and Bennett Streets. An internal road runs north-south through the site from Main Street to Bennett Street, providing access to car

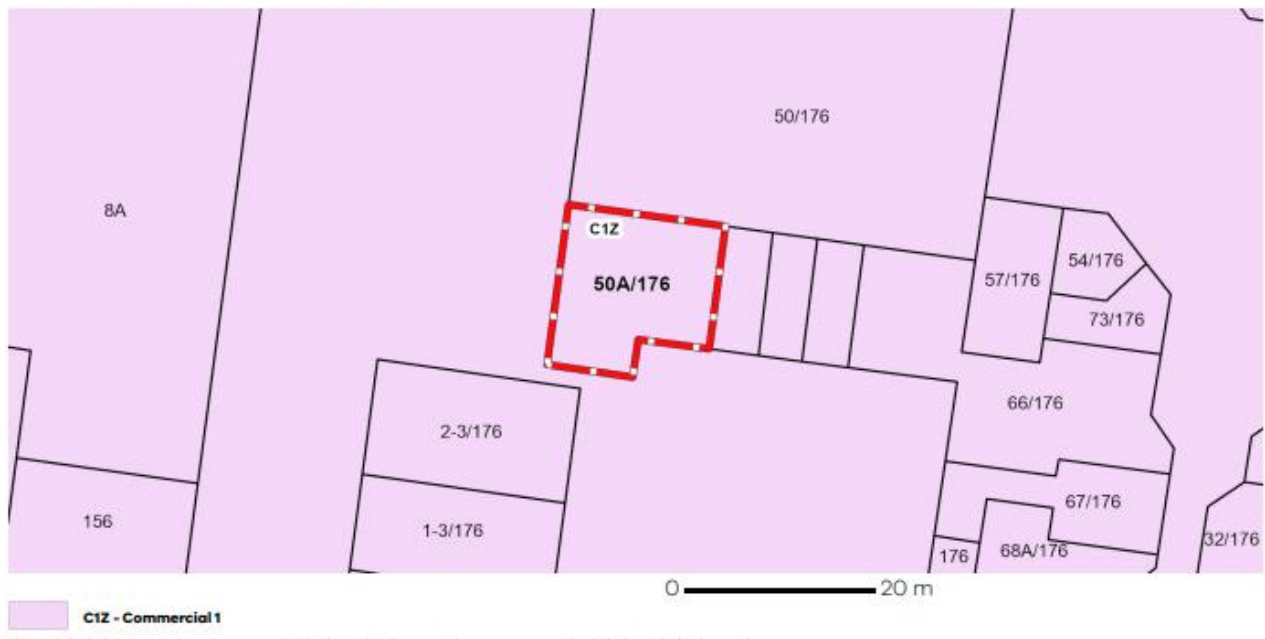
parking areas located along the western portion of the site, with a two-storey car park on the northeast part of the site abutting Bennett and Young Streets.

There are 729 existing on-site car parking spaces, including six DDA compliant parking spaces.

The existing shopping centre is a free-standing centre, anchored internally by large supermarket retailers Coles and Aldi supported by smaller specialty shops.



**Figure 2:** Aerial map

COMMERCIAL 1 ZONE (C1Z)SCHEDULE TO THE COMMERCIAL 1 ZONE (C1Z)

**Figure 3: Zone Map**

## PROPOSAL

The following is proposed:

- A packaged liquor licence associated with a new Dan Murphy's bottle shop. The operating hours would be as follows:
  - Monday to Saturday, 9am – 9pm
  - Sunday, 10am – 7pm
  - Anzac Day, 12pm – 9pm
  - Good Friday and Christmas Day closed
- Buildings and works comprising alterations to the west façade of the building to install a glazed pedestrian door and associated ramp providing direct access between the bottle shop and adjoining car park, and provision of trolley bays.
- The display of multiple business identification signs as follows:
  - On the west façade of the premises, facing the car park, wall mounted signs, including one internally illuminated sign, comprising the following:
    - 1 x 2.92sqm (0.7m x 4.185m) non-illuminated sign including the text 'Dan Murphy's loading bay' incorporating corporate text fonts and colours.
    - 1 x 4.05sqm (0.8m x 5.065m) internally illuminated sign including the text 'Dan Murphy's' incorporating corporate text font and colours.
    - 1 x 4.09sqm (0.9m x 4.55m) non-illuminated sign displaying icons to indicate the 'direct to boot' loading option and location of associated car parking.
    - 1 x 2.99sqm (0.96m x 3.12m) non-illuminated sign including the text 'Pick up direct to boot' and associated image.

- 1 x 2.47sqm (1.485m x 1.67m) non-illuminated sign including the text 'Lowest liquor price guarantee\*', 'If you find a lower price, we'll beat it' and '\*Terms & conditions apply', incorporating corporate text fonts.
- Additionally, the entire west façade of the premises would be painted in corporate colours.
- On the east façade of the shopping centre complex, facing Young Street, one 5.4sqm (1.2m x 4.5m) wall mounted internally illuminated light box sign including the text 'Dan Murphy's' and corporate logo and incorporating corporate colours and text font.
- On the existing clocktower structure above the south façade of the shopping centre complex, facing Main Street, one 2.38sqm (0.85m x 2.8m) non-illuminated sign including the text 'Dan Murphy's' incorporating corporate colours and text font.
- On the west façade of the shopping centre complex at the car park entry from Main Street, one 2.38sqm (0.85m x 2.8m) non-illuminated sign including the text 'Dan Murphy's' incorporating corporate colours and text font.
- On the north façade of the main shopping centre building, one 3.36sqm (0.8m x 4.2m) non-illuminated sign including the text 'Dan Murphy's' incorporating corporate colours and text font.
- On the west façade of an existing signage panel above the Anytime Fitness building on Bennett Street, one 4.8sqm (1.2m x 4m) non-illuminated sign including the text 'Dan Murphy's' incorporating corporate colours and text font.
- On the east façade of an existing signage panel above the Anytime Fitness building on Bennett Street, one 4.8sqm (1.2m x 4m) non-illuminated sign including the text 'Dan Murphy's' incorporating corporate colours and text font.
- Reconfiguration of the existing car park adjacent to the premises comprising the following:
  - Conversion of 10 existing car parking spaces to short term 20-minute car parking spaces.
  - The removal of two existing car parking spaces to facilitate the three proposed 'direct to boot' car parking spaces.
  - The removal of two existing car parking spaces to facilitate improvements to pedestrian safety and access through the car park.

## **BACKGROUND TO CURRENT PROPOSAL**

Not applicable.

## **HISTORY**

It is noted that planning permit PA2021272, issued on 10 January 2024 at the direction of VCAT, allows for the expansion of the Bacchus Marsh Village Shopping Centre to provide additional retail and office floor space and reconfigure sections of the car park which would result in a net increase of 12 car spaces but a reduction of the statutory requirement by 89 car spaces.



**PUBLIC NOTICE**

Notice of the application was given by mail to the owners and occupiers of non-commercial zoned on Bennett and Young Streets opposite the subject site and a sign erected on the external wall of the subject premises.

Fourteen objections were received.

**SUMMARY OF OBJECTIONS**

The objections received are detailed below with the officer's accompanying comments:

<b>Objection</b>	<b>Any Relevant Requirement</b>
No further packaged liquor outlets are needed in Bacchus Marsh.	Clause 52.27.
<b>Officer's Response:</b> A packaged liquor licence is appropriate within an established shopping centre that has access to car spaces. There are not an excessive number of packaged liquor licenses in the shopping centre.	
Removal of car parking and associated traffic congestion.	Clause 52.06.
<b>Officer's Response:</b> The removal of four car spaces is justified based on recent VCAT decision that determined there is adequate on site car parking in the Village Shopping Centre after reviewing expert traffic reports.	
Examples of academic research are provided to demonstrate the harms to health and social welfare attributable to alcohol availability, including packaged liquor, and associated consumption, including statistics for Moorabool Shire.	Clause 52.27.
<b>Officer's Response:</b> The information provided is noted and acknowledged, however the permit application is required to be assessed under the provisions of the Moorabool Planning Scheme, and in particular Clause 52.27. More detailed guidance on the relevant assessment is available in the State Government publication PPN61: Licensed premises: assessing cumulative impact.	
There is a limited variety of retail offerings currently available in Bacchus Marsh, and businesses other than bottle shops which are needed.	Not applicable.
<b>Officer's Response:</b> The decisions made by landowners and/or business owners on what type of retail premises they operate are outside the control of Council.	

<p>There are currently inadequate disabled car parking spaces within the shopping centre. Furthermore, those spaces which are available are unsuited for use by 'maxi taxis'. As a result, maxi taxis sometimes use the existing loading bay accessway (to be used by the proposed bottle shop) when not being used for its intended purpose. More often, however, maxi taxis use the 'horseshoe' accessway subject to the proposed removal of car spaces as it is the safest and most convenient option.</p>	<p>Clause 52.06.</p>
<p><b>Officer's Response:</b></p> <p>The proposed configuration of the 'horseshoe' accessway will be largely unchanged as a result of the proposal.</p>	
<p>It is possible to refuse such applications, based on the example provided (Western Australia example)</p>	<p>Clause 52.27.</p>
<p><b>Officer's Response:</b></p> <p>The current permit application is required to be assessed under the provisions of the Moorabool Planning Scheme.</p>	
<p>Abandoned shopping trolleys which damage the amenity of the area and discourage higher demographic spenders.</p>	<p>Clause 65.01.</p>
<p><b>Officer's Response:</b></p> <p>The application includes the provision of trolley return bays proximate to car parking areas within the shopping centre.</p>	

## PLANNING SCHEME PROVISIONS

Council is required to consider the Victoria Planning Provisions and give particular attention to the Municipal planning strategy and Planning Policy Framework (PPF).

The relevant clauses are:

- Clause 02.03-5 – Built environment and heritage
- Clause 02.03-7 – Economic development
- Clause 11.03-1S – Activity centres
- Clause 11.03-1L – Activity centres
- Clause 11.03-3S – Peri-urban areas
- Clause 15.01-1S – Urban design
- Clause 15.01-1L – Urban design
- Clause 18.01-3L – Sustainable personal transport

- Clause 18.02-1S – Walking

## **ZONE**

The subject site is in the Commercial 1 Zone.

A bottle shop is a Section 1 use in the table of uses in Clause 34.01-1 and does not require a permit.

Under Clause 34.01-4 a permit is required to construct buildings and works. There are no relevant exemptions.

Overall, the proposed development is consistent with the purpose and decision guidelines of the Zone.

## **OVERLAYS**

The site is affected by Design and Development Overlay, Schedule 11 and partially affected by the Environmental Audit Overlay and Land Subject to Inundation Overlay, Schedule 1.

### Design and Development Overlay, Schedule 11

Under Clause 43.02-2 a permit is required to construct buildings and works.

Overall, the proposal is consistent with the provisions of this clause.

### Land Subject to Inundation Overlay, Schedule 1

The area proposed to be developed is not affected by the Land Subject to Inundation Overlay and accordingly a permit is not required under this Clause.

### Environmental Audit Overlay

The area proposed to be developed is not affected by the Environmental Audit Overlay and accordingly a permit is not required under this Clause.

## **Relevant Policies**

Council's Parking Provision and Management Policy (July 2023).

## **Particular Provisions**

### Clause 52.05 Signs

Pursuant to Clause 34.01-9, under Clause 52.05-11 a permit is required to erect or display the following signs:

The proposal entails the display of multiple business identification signs, exceeding 8sqm in total. An internally illuminated sign is proposed within 30m of residential zoned land on Young Street.

### Clause 52.06 Car Parking

Under Clause 52.06-5 the following car parking spaces are required for the proposed use:

It is noted that the proposed bottle shop replaces two existing shops and thus there is no change floor area. The removal of four existing car spaces due to the reconfigured car park requires a permit under Clause 52.06-3.

The proposed car space and accessway dimensions meet the requirements of Clause 52.06-9, Design standard 2.



### Clause 52.27 Licensed Premises

Under Clause 52.27 a permit is required for certain types of liquor licences including packaged liquor licence.

Planning Practice Note 61: Licensed Premises: Assessing Cumulative Impact provides further direction when assessing licenced premises applications. Overall, the proposal is consistent with the provisions of this clause and the practice note.

### Clause 52.45 Bicycle facilities

Pursuant to Clause 52.34-1, the proposed bottle shop replaces existing shops, and the proposed buildings and works would not increase the floor area. A permit is therefore not required under this clause.

## **DISCUSSION**

### Liquor licence

The purpose of Clause 52.27 is to ensure that licensed premises are situated in appropriate locations and to ensure that the impact of the licensed premises on the amenity of the surrounding area is considered.

The subject site is in the Commercial 1 Zone and within the Bacchus Marsh Main Street Activity Centre where retail uses are encouraged. The proposed premises is centrally located within the site, approximately 130m from the nearest sensitive uses being dwellings to the north, on Bennett Street.

The premises would operate until 9pm Monday to Saturday and 7pm on Sunday being within the ordinary trading hours. The only alcohol permitted for consumption on the premises would be tastings which is common for bottle shops, managed by staff, and not expected to cause any anti-social behaviour on or off premises. It is noted that the proposed trading hours differ slightly to the two existing bottle shops within the shopping centre, which on most days open earlier and close earlier than the proposed bottle shop.

There will be permit a condition on any permit to issue requiring the person present on the premise to manage the conduct of patrons to ensure the amenity of surrounding shops and nearby residents is not adversely affected.

Additionally, in relation to cumulative impact, *Planning Practice Note 61: Licensed Premises: Assessing Cumulative Impact* states the following matters should be considered when assessing the cumulative impact of licensed premises:

- Planning policy context
- Surrounding land use mix and amenity
- The mix of licensed premises
- Transport and dispersal
- Impact mitigation

The following assessment is made by the Statutory Planning officers with regard to the above:

- The subject site is appropriately zoned and located within the retail core Bacchus Marsh Town Centre.

- The zoning and planning policy context supports commercial development within the Main Street precinct and the proposal is consistent with this policy directive.
- Land immediately adjoining and surrounding the subject site is predominantly used and developed as part of the Bacchus Town Centre with a range of commercial built forms and land uses.
- The nearest residentially zoned property is across Bennett Street, north of the subject site, and has no direct interface with the bottle shop.
- The proposed bottle shop seeks the sale of package liquor rather than for consuming on premises. Whilst parking is available for 'direct to boot' customers, the short term 20-minute car parking spaces and the nature of this type of land use means that consumption is off-site.
- Whilst it is acknowledged that there are other existing liquor outlets within proximity of the site, there is a diversity of existing licences. This includes general licences, restaurant / café licences, BYO licences and on-premises licences. Each of these licences are associated with a separate business entity.
- The proposed hours of operation are considered typically acceptable.
- The proposed packaged liquor licence is not considered to adversely affect the functioning of the Bacchus Marsh activity centre.
- Statutory Planning officers consider that whilst the proposed additional bottle shop will raise the number of liquor licences within the area, any potential negative cumulative impact can be suitably managed via conditions of the permit as well as through a future Liquor Control Victoria licence.

### Signage

The proposal includes multiple business identification signs located in various areas of the shopping centre complex, to identify the bottle shop from outside the site on each of the three street frontages and within the site on the external wall of the bottle shop premises. It is noted that signage inside a building does not require a permit. One proposed sign would be internally illuminated.

The signage is compatible with the site's location in an activity centre where signage is part of the established character. The signage on the bottle shop premises not only identifies its location but also provides information including the location of the 'direct to boot' car spaces and loading bay. The signage would be located and of a size and appearance which, given the extent of the building façade, would avoid creating visual clutter.

### Building alterations

The proposed building façade alterations are relatively minor, comprising the installation of a pedestrian access door and associated ramp to provide direct access between the bottle shop and adjacent car park.

The proposal would improve pedestrian access to the premises and enable more convenient loading of vehicles parked nearby. The proposal would activate the building frontage, improving its appearance and enabling passive surveillance of the adjacent car park. The proposed alterations would not be readily visible from outside the site and in any case would have negligible impact given their modest scale.

Car parking removal and reconfiguration of car park

The proposed reconfiguration of car parking spaces, including the allocation of 10 existing spaces to short term timed parking of 20 minutes duration, and enhancement of pedestrian safety and access within the car park are deemed to be appropriate. The proposed changes to improve pedestrian safety and amenity would not compromise driver safety or convenience. The allocation of car spaces to short term car parking is deemed appropriate to manage access to car spaces and would be available for all users of the car park.

The reduction of the car parking requirement by four spaces is considered acceptable. VCAT recently approved a reduction of 89 car spaces at the same shopping centre. Evidenced by the car parking survey results, even with provision of a reduced number of car spaces, customers of the shopping centre, medical centre, chiropractor clinic and individuals accessing the post boxes will be able to park on site. A further reduction of four spaces will not adversely affect the functionality of the shopping centre car parking area and will be consistent with the survey results that showed ample on site car parking availability with a maximum of 73% occupancy.

**GENERAL PROVISIONS**

Clause 65 - Decision Guidelines have been considered by officers in evaluating this application.

Clause 66 - Stipulates all the relevant referral authorities to which the application must be referred.

**REFERRALS**

Authority	Response
Council's Development Infrastructure	Consent with conditions.
Council's Strategic Planning	No objection.
Council's Community Development	Not supportive of the application with regards to saturation of licenced premises within 500m of the subject site and taking into consideration Council's Health and Wellbeing Plan.

**FINANCIAL IMPLICATIONS**

The recommendation to approve this application has no financial implications for Council.

**RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES**

The recommendation to approve this application does not have any risk or OH&S implications for Council.

**COMMUNICATIONS STRATEGY**

Notice was undertaken for the application, in accordance with s.52 of the *Planning and Environment Act 1987*, and further correspondence is required to all interested parties to the application as a result of a decision in this matter. The applicant and submitters were invited to attend this meeting and address the Council if required.

**OPTIONS**

- Issue a Notice of Decision to Grant a Permit in accordance with the conditions in the recommendation of this report; or
- issue a Refusal to Grant a Permit on specified grounds. The Development Assessment Committee would need to consider what reasonable grounds there would be to refuse the application under the Moorabool Planning Scheme. This option may result in the applicant appealing the Committee's decision at VCAT.

**CONCLUSION**

The proposed buildings and works, display of signage, packaged liquor licence associated with a bottle shop and car parking reduction are assessed as being generally in accordance with the relevant provisions of the Moorabool Planning Scheme. The proposal would contribute to local economic activity without any detrimental amenity impacts. The associated buildings and works and display of signage would complement the commercial character of the area without detriment to residential amenity. The car parking reduction totalling four spaces can be absorbed by the existing car parking areas. It is recommended that the application be approved, subject to conditions.

**8 UPDATE ON TRENDS, ISSUES AND OTHER MATTERS**

Nil.

**9 UPDATE ON VCAT DECISIONS**

Nil.

**10 OTHER BUSINESS**

Nil.

**11 DATE OF NEXT MEETING**

Wednesday 17 April 2024.

**12 MEETING CLOSE**

The Meeting closed at 6.19pm.

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**CHAIRPERSON**