

Orange LEP 2011 - Amendment 14 – Schedule 1 Additional Permitted Use for a retail premises - 2 Hanrahan Place

Proposal Title :	Orange LEP 2011 - Amendment 14 – Schedule 1 Additional Permitted Use for a retail premises - 2 Hanrahan Place		
Proposal Summary :	The planning proposal seeks to amend Schedule 1 of Orange Local Environmental Plan 2011 to include 'retail premises (bottle shop)' as an Additional Permitted Use at Lot 87 DP 1167633, 2 Hanrahan Place, Orange NSW.		
PP Number :	PP_2016_ORANG_004_00	Dop File No :	16/08640-1

Proposal Details

Date Planning Proposal Received :	27-Jul-2016	LGA covered :	Orange
Region :	Western	RPA :	Orange City Council
State Electorate :	ORANGE	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	2 Hanrahan Place		
Suburb :	Orange	City :	Orange
Land Parcel :	Lot 87 DP 1167633	Postcode :	2800

DoP Planning Officer Contact Details

Contact Name :	Deniz Kilic
Contact Number :	0268412180
Contact Email :	Deniz.Kilic@planning.nsw.gov.au

RPA Contact Details

Contact Name :	Craig Mortell
Contact Number :	0263938036
Contact Email :	cmortell@orange.nsw.gov.au

DoP Project Manager Contact Details

Contact Name :	Wayne Garnsey
Contact Number :	0268412180
Contact Email :	Wayne.Garnsey@planning.nsw.gov.au

Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	N/A	Consistent with Strategy :	Yes

Orange LEP 2011 - Amendment 14 – Schedule 1 Additional Permitted Use for a retail premises - 2 Hanrahan Place

MDP Number :		Date of Release :	
Area of Release (Ha)		Type of Release (eg Residential / Employment land) :	Employment Land
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	573 m ²	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment : **There have been no known meetings with registered lobbyists.**

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment : **There have been no known meetings with registered lobbyists.**

Supporting notes

Internal Supporting Notes : **The planning proposal seeks to amend Schedule 1 of Orange Local Environmental Plan 2011 to include 'retail premises' as an Additional Permitted Use at Lot 87 DP 1167633, 2 Hanrahan Place, Orange NSW.**

The subject site is located within the 'Hanrahan Place Precinct' at the intersection with the Northern Distributor Road roundabout connecting with Leeds Parade. There are three (3) lots within the precinct, being Lots 85, 86 and 87 DP 1167633. The subject site is within Lot 87 on the northern side of the precinct across a levelled allotment of 4550m2.

The precinct including the subject site itself is zoned SP3 Tourist, in which 'retail premises' are a prohibited land use. The proposal aims to make 'retail premises' permissible with consent for the specific purpose of a 'liquor outlet / bottle shop' on the subject site. It should be noted that a 'liquor outlet' and 'bottle shop' are not defined under the Standard Instrument LEP, and these uses fall within the broader definition of 'retail premises'.

The Hanrahan Place Precinct is subject to a number of existing development approvals from Orange City Council, including a highway service centre, takeaway food and drink premises, restaurant/cafes and neighbourhood shops. The subject site itself has development approval for 3 tenancies to provide a takeaway food and drink premises, a restaurant/café and a neighbourhood shop.

The planning proposal considers the proposed 'retail premises' for the purposes of a 'liquor outlet / bottle shop' to be complementary to an emerging convenience food cluster at the precinct. Council's planning report is supportive of the provision for a 'liquor outlet / bottle shop' as it is consistent with the emerging role of the precinct. The planning proposal addresses potential environmental impacts of the 'liquor outlet / bottle shop' which can be further mitigated through the Development Application process.

The SP3 Tourist zoning of the Hanrahan Place Precinct is primarily intended to provide for the needs of the travelling public. The objectives of the zone also specifies that the zone should provide for a variety of tourist-oriented development. The precinct is emerging partly as intended by the objectives of the SP3 Tourist zoning, however with an emphasis on catering for the needs of the travelling public. The planning proposal considers a 'liquor outlet / bottle shop' to be consistent with the emerging convenience food and drink cluster at the precinct. There is adequate vacant SP3 Tourist zoned land opposite the precinct to cater for other tourist-oriented development, such as tourist / visitor

accommodation and function centre facilities.

It is deemed appropriate to identify a 'retail premises' as an Additional Permitted Use for the purposes of a 'liquor outlet / bottle shop' to be permissible with consent at the subject site under the Orange LEP 2011. It is noted that a 'liquor outlet' and 'bottle shop' are not defined under the Standard Instrument LEP, and these uses fall within the broader definition of 'retail premises'. However, in order to preserve the emerging role of the precinct as a convenience and service cluster, the permissible retail floor space across the site should be prescribed as part of the Additional Permitted Use provisions under Schedule 1 of the Orange LEP 2011.

The following wording is recommended to amend Schedule 1 of the Orange LEP 2011 to include:

"Use of certain land at 2 Hanrahan Place, Orange,

(1) This clause applies to certain land at 2 Hanrahan Place, Orange being Lot 87, DP 1167633.

(2) Development for the purposes of a retail premises (bottle shop) is permitted with development consent.

(3) Development consent under subclause (2) may only be granted if the retail floor space on the site is no more than 600 m2.

Bottle shop means premises that sell packaged liquor for consumption away from a licensed premises as defined under the Liquor Act 2007."

The planning proposal will also require a mapping amendment to identify the subject site on the Additional Permitted Use Map on a newly generated Map Sheet APU_007D.

Council has requested delegation to complete the planning proposal and this is considered appropriate, given the matter is of local significance.

It should be noted that Council may strategically reconsider the SP3 Tourist zoning of the Hanrahan Place Precinct to reflect the precinct's emergence as a convenience food and drink cluster, or reconsider the 'Permitted with consent' provisions of the SP3 Tourist zone Land Use Table under the Orange LEP 2011.

It is recommended the planning proposal proceed to Gateway determination with conditions.

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment :

The planning proposal states that its objectives are "to broaden the range of uses to which the subject land may be put, but only to the extent of permitting a 'liquor outlet' which is regarded as complementary to other development already approved in the precinct." The proposal also states that it 'would not have an unreasonable impact on the primacy of the Orange CBD or the hierarchy of existing business zones in Orange.'

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment :

The planning proposal states that its objectives and intended outcomes would be achieved by "inclusion of the subject land in Schedule 1 of Orange Local Environmental Plan 2011 to allow a 'liquor outlet'".

Orange LEP 2011 - Amendment 14 – Schedule 1 Additional Permitted Use for a retail premises - 2 Hanrahan Place

It is noted that the proposed land use, 'liquor outlet', is not defined as a land use under the Orange LEP 2011 or the Standard Instrument Principle Local Environmental Plan (SI LEP). Therefore, it would be appropriate to identify the subject site under Schedule 1 of the Orange LEP 2011 to permit a 'retail premises' as an Additional Permitted Use with development consent. A 'liquor outlet' or 'bottle shop' operation would be permissible within the definitions of a 'retail premises'.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA : **3.4 Integrating Land Use and Transport**
6.3 Site Specific Provisions

* May need the Director General's agreement

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified? **SEPP No 55—Remediation of Land**

e) List any other matters that need to be considered : **The planning proposal is consistent with relevant section 117 Ministerial Directions including 3.2 Integrated Land Use and Transport and 6.3 Site Specific Provisions, as well as SEPP No. 55 Remediation of Land.**

3.4 Integrated Land Use and Transport – The Ministerial Direction is relevant as the planning proposal seeks to alter a provision relating to urban land zoned for tourist purposes. The proposal is consistent with the objectives of the direction, especially in reducing travel demand as the precinct emerges as a 'one-stop-shop' convenience cluster catering for the travelling public. Any traffic generation is expected to integrate with the existing local traffic regime. It is noted that the proposal is supported by a Traffic and Parking Assessment Report.

6.3 Site Specific Provisions – The Ministerial Direction is relevant as the planning proposal seeks to allow a particular development to be carried out, in this case a retail premises. The proposal is consistent with the direction as it will create flexibility in allowing a particular development to be carried out. In this case, that development would be a 'retail premises' to be used for the purposes of a 'liquor outlet / bottle shop'.

SEPP No. 55 Remediation of Land – The Policy requires the potential for land contamination to be considered in the preparation of an environmental planning instrument. The planning proposal states that the site is not affected by contamination. The matter of potential contamination on the site can be investigated further if required, at the Development Application stage, upon negotiations with Council.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **Adequate indicative mapping is provided, clearly identifying the subject site.**

Final LEP mapping is to be submitted for assessment as part of the section 59 (Making of local environmental plan by Minister) process. The subject site should be identified on the Additional Permitted Use Map Sheet APU_007D.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Community consultation is proposed with an exhibition period of 28 days. The planning proposal states that the consultation process will involve a notice in the local**

Orange LEP 2011 - Amendment 14 – Schedule 1 Additional Permitted Use for a retail premises - 2 Hanrahan Place

newspaper and on Council's website notifying the commencement of the exhibition period. Written notification is proposed to adjoining and surrounding land owners.

The proposed community consultation process is adequate.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **Orange LEP 2011 was notified on 24 February 2012. The Principle LEP has had approximately 12 amendments to date, three pending notification.**

Assessment Criteria

Need for planning proposal : **The proposal aims to identify an Additional Permitted Use that is otherwise prohibited on the subject site under the SP3 Tourist zone of the Orange LEP 2011. The planning proposal is needed to identify 'retail premises' as an Additional Permitted Use at Lot 87 DP 1167633, 2 Hanrahan Place, Orange NSW.**

The planning proposal is required for Council to make an assessment and determine a development application for a 'retail premises' for the purposes of a 'liquor outlet / bottle shop' operation on the subject site.

Orange LEP 2011 - Amendment 14 – Schedule 1 Additional Permitted Use for a retail premises - 2 Hanrahan Place

Consistency with strategic planning framework :

A Business Centre Strategy Review Study originally prepared in 2005 and updated in 2010 provides the background data that informs the Orange LEP 2011. The Study identifies the hierarchy of commercial centres in Orange and sets the strategic principles to guide and inform decisions on commercial, retail, industrial and tourism lands.

The planning proposal is broadly consistent with the Study in that the proposal would not result in an out-of-CBD centre. Rather, the proposal recognises North Orange and South Orange business precincts as mid-level centres while preserving the primacy of the Orange CBD. The proposal would not conflict with the long held strategic objective that seeks to consolidate the Orange CBD as the dominant retail centre.

The planning proposal states that the Hanrahan Place Precinct was broadly identified in the original 2005 Study as a site that could cater for the identified long-term retail needs of North Orange. However, since then the precinct has been zoned SP3 Tourist to service the convenience and accommodation needs of the travelling public along the Northern Distributor Road. Notwithstanding, the proposal for an Additional Permitted Use to identify a ‘retail premises’ to be permissible with consent at the subject site is expected to have a negligible impact on the retail function of existing commercial centres and the Orange CBD. The proposed ‘retail premises’ for the purposes of a ‘liquor outlet / bottle shop’ would complement the emerging role of the precinct as a convenience and service cluster for the travelling public and residents of North Orange.

Further at the broader regional context, the draft Central West and Orana Regional Plan applies to the subject site and Orange LGA. Among its many goals and directions that aim to manage growth, the draft Regional Plan includes mapping that identifies strategic land uses within Orange Regional City. Figure 19 of the draft Regional Plan depicts the subject site as a ‘Special Use Area’ adjacent to the Narrambla and Clergate Industrial Estates and the North Orange Business Precinct. The ‘Special Use Area’ is a reflection of the SP3 Tourist zoning of the subject site under the Orange LEP 2011. The proposal is consistent with the broad aims, goals and mapping of the draft Regional Plan.

Environmental social economic impacts :

The proposal is unlikely to cause environmental impacts, which can be addressed through the development application process. The planning proposal has addressed the potential visual, noise and traffic/parking impacts of the proposed ‘retail premises’, accompanied by package of supporting documents including a Noise Impact Assessment, and a Traffic and Parking Report.

The planning proposal adequately considers potential social and economic impacts to the Hanrahan Place Precinct and to Orange City, given the complementary nature of the proposal to serve the needs of the travelling public and residents of North Orange. The social impacts of a ‘retail premises’ for the purposes of a ‘liquor outlet’ or ‘bottle shop’ can be addressed through the development application process and licencing requirements process with the Department of Justice - Liquor and Gaming NSW.

Assessment Process

Proposal type :	Minor	Community Consultation Period :	28 Days
Timeframe to make LEP :	9 months	Delegation :	RPA
Public Authority Consultation - 56(2)(d) :	Department of Attorney General and Justice - DoJ - Liquor & Gaming NSW Transport for NSW - Roads and Maritime Services		

Orange LEP 2011 - Amendment 14 – Schedule 1 Additional Permitted Use for a retail premises - 2 Hanrahan Place

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Att 4 Evaluation Criteria for delegations.pdf	Proposal	Yes
Council Resolution - Planning Proposal - Hanrahan Place - Bottle Shop Planning and Development Committee 3 May 2016(PDF).pdf	Proposal	Yes
Hanrahan Place Fast Food Complex - Noise Impact Assessment.pdf	Study	Yes
Planning Proposal - 2 Hanrahan Place - Proposed Liquor Outlet.pdf	Proposal	Yes
Planning Proposal - Annexure A1 - Plan Set.pdf	Drawing	Yes
Planning Proposal - Annexure A2 - Plan Set.pdf	Drawing	Yes
Planning Proposal - Annexure B - SEPP schedule of consideration.pdf	Proposal	Yes
Planning Proposal - Annexure C - S117 Directions statement of consistency.pdf	Proposal	Yes
Planning Proposal - North Orange Traffic and Parking Report.pdf	Study	Yes
Report to Council - PDC 3 May 2016 Planning Proposal - Hanrahan Place - Bottle Shop.pdf	Proposal	Yes
s55 Request form for an initial Gateway Determination.pdf	Proposal Covering Letter	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **3.4 Integrating Land Use and Transport
6.3 Site Specific Provisions**

Additional Information : **The Ministers delegate determines and supports the planning proposal, subject to the following conditions:**

1. Community consultation is required under sections 56(2)(c) and 57 of the EP&A Act as follows:

Orange LEP 2011 - Amendment 14 – Schedule 1 Additional Permitted Use for a retail premises - 2 Hanrahan Place

(a) The planning proposal is required to be made publicly available on exhibition for 28 days as described in A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013).

(b) The relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs.

2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- Roads and Maritime Services
- Department of Justice – Liquor and Gaming NSW

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

3. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

4. Prior to submission of the planning proposal under section 59 of the EP&A Act, the final LEP maps must be prepared and be compliant with the Department's 'Standard Technical Requirements for Spatial Datasets and Maps' 2015.

5. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

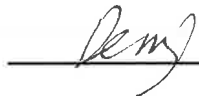
Supporting Reasons :

While the SP3 Tourist zone prohibits the use of land as a 'retail premises', the subject site in this case is located within a precinct that is emerging as convenience food and services cluster, catering for the needs of the travelling public and residents of North Orange. It would be acceptable in this case to utilise Schedule 1 of the Orange LEP 2011 to identify 'retail premises' as an 'Additional Permitted Use' on Lot 87 DP 1167633, 2 Hanrahan Place, Orange NSW.

The proposed 'retail premises' for the purposes of a 'liquor outlet / bottle shop' is considered to be complementary to an emerging convenience food and services cluster at the precinct. It is considered that potential environmental and social impacts can be mitigated with Council's conditions of consent at the development application stage.

The Director Regions, Western can use delegations in this case as the planning proposal is broadly acceptable and is a one off issue. The proposal is a local matter and Council is authorised to utilise delegations to finalise the planning proposal.

Signature:



Printed Name:

Deniz Kilic

Date:

1/8/16

Endorsed
Wynsey 1/8/16
TLWR