
2.6 PLANNING PROPOSAL - HANRAHAN PLACE - BOTTLE SHOP

TRIM REFERENCE: 2016/946

AUTHOR: Craig Mortell, Senior Planner

EXECUTIVE SUMMARY

Council is in receipt of a planning proposal to amend Orange Local Environmental Plan 2011 (the LEP) to enable consideration of a liquor outlet retail premises (bottle shop) on land known as Lot 87 DP 1167633 located at 2 Hanrahan Place, Orange NSW.

Hanrahan Place is zoned SP3 Tourism and connects to the Leeds Parade – Northern Distributor Road roundabout. The SP3 zone was selected for this intersection to ensure that Orange could continue to capture passing trade from highway traffic, with least disruption to the NDR's primary role.

Other approvals in Hanrahan Place show that the cul-de-sac is an emerging convenience food cluster. As well as serving passing highway traffic this will likely draw local trade from the northern area of the City. In this context the proposal by Orange Service Centre Pty Ltd could complement the emerging role of Hanrahan Place.

The site has an existing approval for takeaway food and drink premises, restaurant/café and a neighbourhood shop. Issues around parking, traffic volumes and management, stormwater runoff, noise generation, and the like have been found to be workable, and any future development application for a bottle shop would be expected to be designed with similar regard to these matters.

The principal issue is therefore whether Council wishes to allow or prevent the development of a liquor outlet at this location. In recent times most liquor related development applications have attracted some commentary in local media. There is a perceived potential for such developments to contribute to anti-social behaviour and vandalism in their immediate surrounds. The relative isolation of Hanrahan Place from residential areas is in this instance considered to reduce the potential for such negative outcomes as most patrons will arrive and depart by car, with little cause to loiter in the area.

LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan strategy "1.2 Our City - Information and advice provided for the decision-making process will be succinct, reasoned, accurate, timely and balanced".

FINANCIAL IMPLICATIONS

Council has been advised that as a council included in the NSW Government's merger proposals under consideration by the Office of Local Government since referral on 6 January 2016, Council must comply with the merger proposal period guidelines issued under S23A of the Local Government Act 1993.

The guidelines instruct Council it should expend money in accordance with the detailed budget adopted for the purposes of implementing the Delivery/Operational Plan for the 2015/16 year.

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Any expenditure outside the adopted budget requires the identification of clear and compelling grounds and must be approved by Council at a meeting that is open to the public. The guidelines indicate the resolution of Council for increased expenditure must specify the reasons why the expenditure is required and warranted.

If increased expenditure is greater than \$250,000 or 1% of the Council's revenue from rates in the preceding year, whichever is the greater, Council is required to exhibit the increase to the budget and consider comments received.

Council must also avoid entering into contracts or undertakings where expenditure or revenue is greater than \$250,000 or 1% of the Council's revenue from rates in the preceding year, whichever is the greater, unless the contract or undertaking is as a result of a decision or procurement process commenced prior to the merger proposal period or where entering into a contract or undertaking is reasonably necessary for the purposes of meeting the ongoing service delivery commitments of the Council or was previously approved in the Council's Delivery/Operational Plan.

Implications in the report

Nil

POLICY AND GOVERNANCE IMPLICATIONS

Nil

RECOMMENDATION

That Council:

- 1. Note the contents of the attached planning proposal.**
- 2. Request that the Department of Planning and Environment provide a Gateway determination on the planning proposal that provides Council with delegations to make the plan in due course.**
- 3. Undertake any additional studies or reports as may be required by a relevant Gateway determination at the proponent's cost.**
- 4. Subject to the conditions of a relevant Gateway determination, proceed to place the planning proposal on public exhibition for 28 days.**

FURTHER CONSIDERATIONS

Consideration has been given to the recommendation's impact on Council's service delivery; image and reputation; political; environmental; health and safety; employees; stakeholders and project management; and no further implications or risks have been identified.

SUPPORTING INFORMATION

The subject land is within the SP3 Tourism zone, which is primarily intended to provide for the needs of the travelling public. The land has an existing approval for a complex of three tenants comprising a takeaway food and drink premises; a restaurant/café; and a neighbourhood shop.

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Other lots in Hanrahan Place have similar approved developments, including a highway service centre (service station and takeaway food and drink premises), and a standalone takeaway food and drink premises with four smaller tenants proposed to comprise two smaller takeaway premises, a café and a neighbourhood shop.

It is considered that the above mix of premises is forming a convenience food cluster. Provision of a liquor outlet would be consistent with this emerging role. The location in Hanrahan Place means that the vast majority of patrons will arrive and disperse by vehicle – reducing the potential for antisocial behaviour to become established in the precinct.

Hanrahan Place is also segregated from residential areas by industrial land to the east and west, the B7 Business Park zone to the north and the NDR to the south. Many of the other developments, such as service stations and takeaway food and drink premises, are likely to operate 24 hours a day, providing a degree of passive monitoring by both staff and patrons of those establishments.

The attached planning proposal has addressed the range of criteria required by the Department of Planning and Environment. The commentary and conclusions of that document are broadly supported by staff.

Servicing

All utilities are available to the site and anticipated demand is within the capacity of each service.

Traffic and Parking

The site is connected to the road network via Hanrahan Place. This cul-de-sac has been designed to accommodate the 24 hour logistics hub at 3-4 Hanrahan Place. Trucks associated with the logistics centre are generally parked off-street. Each development in Hanrahan Place has or will provide off-street parking, as will the subject proposal. The planning proposal confirms that a conceptual design would have a shortfall in parking of 16 spaces. While essentially a development application matter, mitigating factors for the shortfall include:

- A drive-through accommodating 10 vehicles (reducing the shortfall to 6 spaces);
- Coincidence of use - the likelihood that patrons of the bottle shop will also be patrons of other establishments and are therefore able to park at one and attend others; and
- Divergence of peak periods – different land uses attract patrons at differing times of day such that overflow during a peak period for one use can be accommodated in underused parking areas of another “off-peak” use.

Future development application assessment can evaluate the merits of the above factors and/or result in a reduction of floor space from the conceptual design. Accordingly, the operation of Hanrahan Place is unlikely to be compromised by the proposal.

Noise Generation

Hanrahan Place is within the area affected by traffic noise from the NDR and already accommodates a 24 hour Ron Finemores logistics centre. Other approvals within Hanrahan Place are likely to operate 24 hours. Acoustic measures were required for the Finemores development to reduce impacts to the residentially zoned land on the southern side of the NDR.

The operational hours for a future bottle shop are not currently known (being a matter to be considered during assessment of a development application). However, it is considered unlikely that the proposal would operate 24 hours. As such, any noise generation from the proposal is likely to be minimal and occur at times that are already subject to other noise sources. Additionally, being on the northern side of Hanrahan Place, which has a lower elevation compared to the NDR, the site is segregated to a degree from residential land to the north and south of the subject land, and other noise sensitive receivers. Notwithstanding the above, any future development application assessment would need to evaluate the merits of noise impacts and determine what, if any, mitigation measures are required to support the development at that time.

Visual Impact

Number 2 Hanrahan Place is located on the low, northern side of Hanrahan Place, and will therefore be less visible to the southern side. A stand of vegetation along the northern boundary on the neighbours' land provides a visual screen to the north. Western and eastern neighbours are commercial and industrial sites. The visual prominence of the site is therefore considered to be minor. Signage would be limited.

Stormwater Management

The site is located just above a large dam on the neighbour's property. This dam is part of a defined watercourse. Any subsequent development application for a bottle shop may be classed as integrated development and will need to incorporate appropriate stormwater detention measures. Stormwater management has been considered during the assessment of the existing development and neighbouring developments, which illustrates that appropriate design responses are achievable.

Overall the proposal is considered to be a reasonable addition to an emerging convenience food cluster that will provide for the needs of both the travelling public and the local community with negligible impact. Public exhibition will gauge community interest, including that of the NSW Police, consistent with Council's Planning frameworks.

ATTACHMENTS

- 1 Planning Proposal, D16/16442
- 2 Planning Proposal - Plan set, D16/16453
- 3 Planning Proposal - SEPP Schedule, D16/16448
- 4 Planning Proposal - s117 Direction responses, D16/16451
- 5 Planning Proposal - Traffic and Parking Report, D16/16452
- 6 Planning Proposal - Noise Impact Assessment, D16/16446