

PLANNING PROPOSAL

**Proposed Liquor Outlet as an Additional Permitted Use
Lot 87 in DP 1167633
Hanrahan Place, Orange**

**Prepared for
Orange Service Centre Pty Ltd
November 2015**

Ref: PP – PJB13013

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1.0 INTRODUCTION

1.1 OVERVIEW

This Planning Proposal describes a proposed amendment to Orange Local Environmental Plan (LEP) 2011. It seeks to include the subject land in Schedule 1 of Orange Local Environmental Plan 2011 to permit a liquor outlet as an Additional Permitted Use.

The subject land is identified as Lot 87 DP 1167633 and is zoned SP3 Tourist under Orange Local Environmental Plan 2011. The current zoning provisions do not permit a liquor outlet (retail premises).

The Planning Proposal has been prepared in accordance with Section 55 of the Environmental Planning & Assessment Act 1979 (the Act) and the Department of Planning's advisory document *A Guide to Preparing Planning Proposals*.

It represents the first step in the process of amending the LEP and the intent is to provide enough information to determine whether there is merit in the proposed amendment proceeding to the next stage of the plan-making process

A Gateway determination under Section 56 of the Act is requested. It is acknowledged that the Gateway determination will confirm the information (which may include studies) and consultation required before the LEP can be finalised.

1.2 BASIS FOR THE PLANNING PROPOSAL

The basis for the Planning Proposal is explained as follows:

- The subject land is within the Hanrahan Place precinct which is zoned SP3 Tourist.
- There are three lots in the precinct, being Lots 85, 86 and 87 DP 1167633. Each of these lots has received development approval for the following uses:
 - A complex for 3 tenants on the subject land itself (Lot 87 DP 1167633) to provide a takeaway food and drink premises; a restaurant/cafe; and a neighbourhood shop.
 - Highway service centre (including service station and takeaway food and drink premises) on the adjoining land to the north (Lot 86 DP 1167633) which is now under construction.
 - A stand-alone takeaway food and drink premises with a drive-through facility on Lot 85 DP 1167633 along with a complex for 4 tenants that is proposed to comprise 2 smaller takeaway food and drink premises; a restaurant/cafe; and a neighbourhood shop.

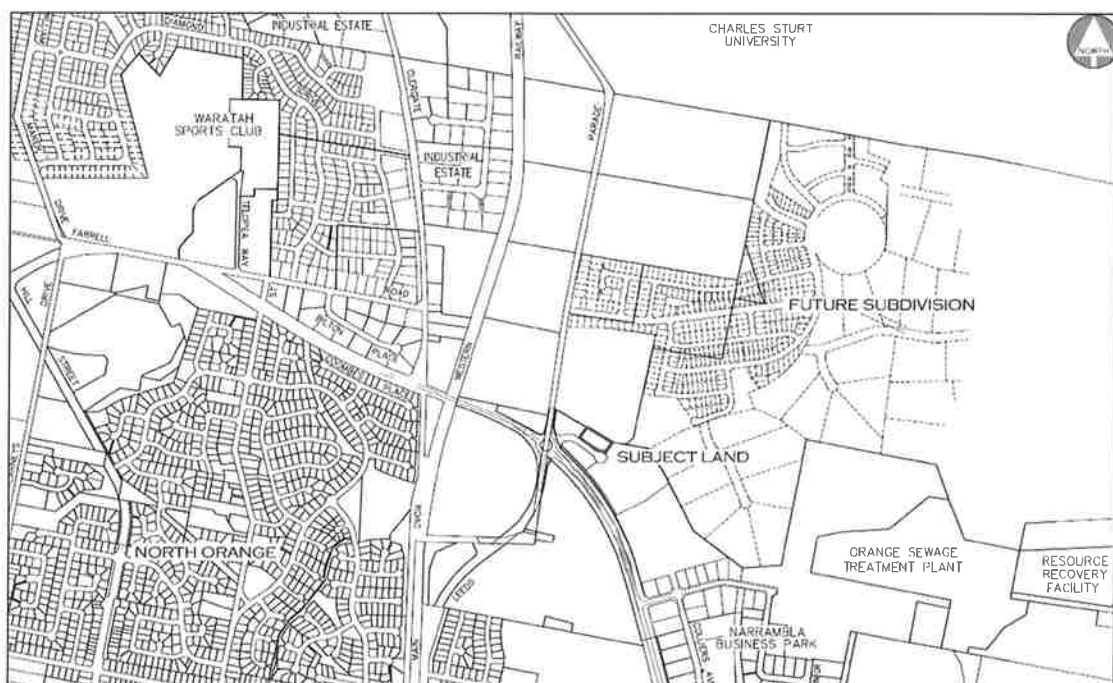
- In conjunction with each other, the abovementioned developments will form a service/convenience precinct that will be of benefit not only for travellers along the Northern Distributor Road but also for the expanding North Orange area which includes existing and proposed residential areas; the Narrambla industrial estate; and Charles Sturt University.
- The proposal to establish a liquor outlet on Lot 87 DP 1167633 would complement the approved development in this precinct by enhancing the range of goods and services that are offered, essentially in a “one-stop or “one-trip” arrangement. Notwithstanding the need for an LEP amendment, the proposed liquor outlet was foreshadowed as a possible future element for this precinct in the DA for Lots 85 and 87 DP 1167633 (being DA 278/2014(1)).
- The SP3 Zone permits the following uses: *Community facilities; Environmental facilities; Food and drink premises; Function centres; Highway service centres; Information and education facilities; Neighbourhood shops; Passenger transport facilities; Recreation areas; Recreation facilities (indoor); Roads; Signage; Tourist and visitor accommodation*
- Whilst the SP3 Zone permits a range of uses, those that are considered most likely or appropriate for this precinct have already been approved. As a result of the recent approvals the precinct will offer:
 - A highway service centre (service station)
 - 1 stand alone take away food and drink premises
 - 4 small tenancy takeaway food and drink premises
 - 2 restaurants or cafes
 - 2 neighbourhood shops
- In the context of the currently approved developments, the potential for other land uses that are permitted in the SP3 Zone to become established in this precinct is considered minimal/unlikely due to the following:
 - The development as approved to date is focussed on providing service and convenience (food, beverages, fuel) to the travelling public and to local residential and workforce populations. In this context, *community facilities; environmental facilities; information and education facilities; and recreation facilities* would be out of character and unlikely in this precinct.
 - The currently approved developments would leave insufficient land available to establish *tourist and visitor accommodation* at a reasonable and economic scale.

- Whilst the approved pattern of development may be able to accommodate a *function centre*, it is unlikely because the available area would not permit sufficient off-street parking. Further, the roadside setting with nearby industrial development may detract from the type of ambience desired for a function centre.
- The approved pattern of development would be unlikely to accommodate a *passenger transport facility*. The most likely form of passenger transport would be buses (in this regional area). There would be insufficient space to accommodate the swept paths of such vehicles without impacting upon approved parking resources.
- Due to the current approvals, the land already provides a generous offering of food and drink premises and neighbourhood shops. The creation of more food and drink premises or neighbourhood shops may be excessive in this precinct.

Hence, the proposed liquor outlet is considered an appropriate option in these particular circumstances because it increases the diversity of uses within the site but importantly represents a use that is considered complementary to the range of uses already approved.

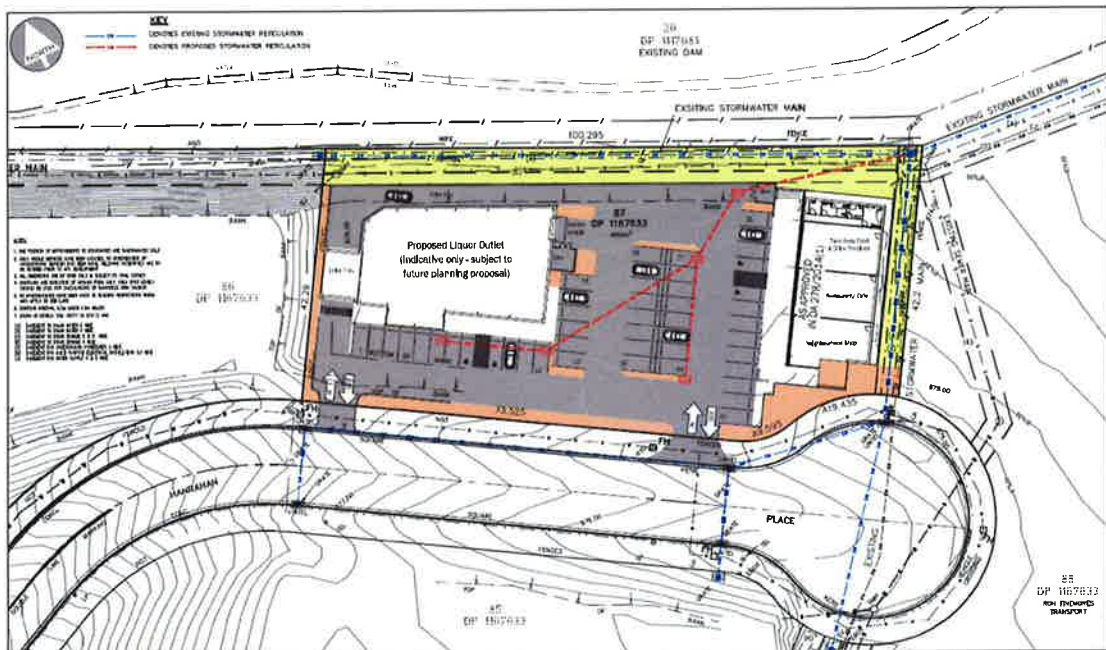
1.3 LOCATION OF SUBJECT LAND

The subject land is located on the northern side of Hanrahan Place in a precinct that is adjacent to the Northern Distributor Road in North Orange (refer below and attached Figure).



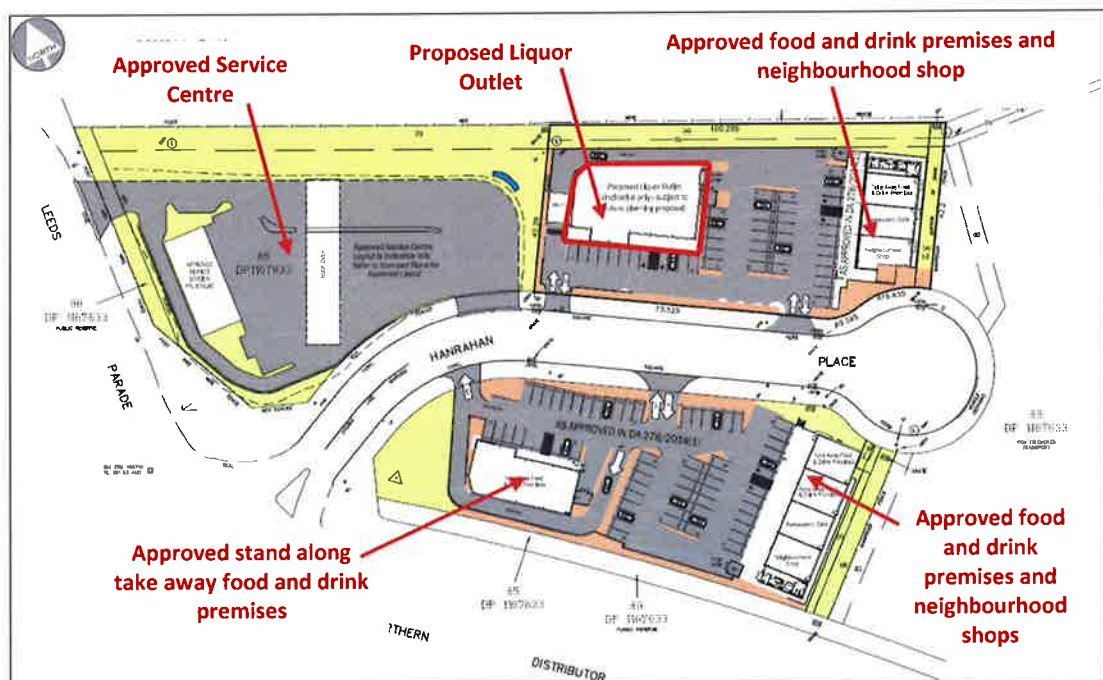
1.4 SITE DESCRIPTION

The subject land is described as Lot 87 DP 1167633. It is presently is a vacant allotment of 4,550m². The majority of this lot has been formed as a level pad with formed batters and does not contain any trees.



Approval has been obtained via DA 278/2014(1) to establish a complex in the eastern end of the site for 3 tenants to provide a takeaway food and drink premises; a restaurant/cafe; and a neighbourhood shop (refer diagram above and attached Figure 2). The site of the proposed liquor outlet is in the western half of the lot.

The subject land is set within a precinct centred on Hanrahan Place. There are three lots in the precinct, being Lots 85, 86 and 87 DP 1167633.



The relationship between the proposed liquor outlet and other approved development in the precinct is depicted in the above diagram and in the attached Figure 4.

In combination, the approved developments will form a service/convenience precinct that will be of benefit not only for travellers along the Northern Distributor Road but also for the expanding North Orange area which includes existing and proposed residential areas; the Narrambla industrial estate; and Charles Sturt University.

1.5 SURROUNDING DEVELOPMENT

Beyond this emerging Hanrahan Place precinct, the surrounding development pattern includes:

- Zoned but undeveloped business land to the north.
- Zoned but undeveloped residential land to the north and north east, including a recently approved 88 lot residential estate within the Leeds Parade DCP (which has a total lot yield of some 360 lots).
- The expansive Narrambla industrial estate to the east, commencing with the Finemores road transport depot which adjoins the eastern boundary of the subject land.
- The land to the south on the opposite side of the Northern Distributor Road is a zoned and developing residential area.
- The land to the south west on the opposite side of Northern Distributor Road and Leeds Parade is zoned but undeveloped SP3 Tourist land.
- The land to the west, on the opposite side of Leeds Parade includes the recently approved Bunnings Hardware development.
- The land further to the west and northwest comprises zoned industrial land and then beyond this, the expansive North Orange residential area commences.

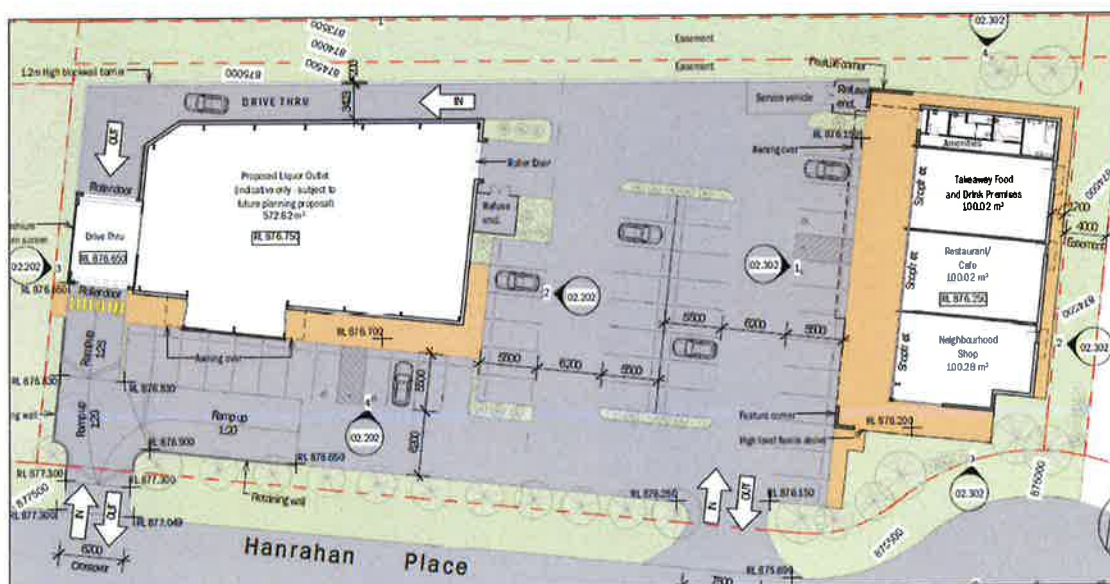
1.6 DEVELOPMENT CONCEPT

The development concept is outlined as follows:

- Construction of a stand-alone building with a floor area in the order of 572m² for use as a liquor outlet.
- The building will comprise retail, storage and loading space.

- A drive-through facility will be provided.
- Off street parking will be provided.

A conceptual plan of the proposal is depicted below and in the attached Figure 5.



The proposed liquor outlet will complement the range of uses that have been approved for this precinct. The approved development which includes a range of food and drink premises; neighbourhood shops; and a service station all offer convenience to travellers, local residents and indeed workers in the area. Accepting that liquor is also a convenience item, the proposed liquor outlet would combine with the other approved uses to contribute to the notion of a “one-stop shop”.

2.0 OBJECTIVES OR INTENDED OUTCOMES

The objectives or intended outcomes of this Planning Proposal 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.
- To demonstrate that the proposal would not generate unacceptable impacts in the locality.
- To ensure that the proposal would not have an unreasonable impact on the primacy of the Orange CBD or the hierarchy of existing business zones in Orange.

3.0 EXPLANATION OF PROVISIONS

The objectives or intended outcomes of this Planning Proposal would be achieved by inclusion of the subject land in Schedule 1 of Orange Local Environmental Plan 2011 to allow a liquor outlet.

This represents a site specific planning provision and would not apply to any other land in the SP3 Zone.

4.0 JUSTIFICATION

4.1 NEED FOR THE PLANNING PROPOSAL

a) Is the planning proposal a result of any strategic study or report?

The Planning Proposal is not the result of any strategic study or report. It represents a submission by the landowner to have the LEP amended to allow a specific additional use without any other change to the zoning provisions.

b) Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

An amendment to the Additional Permitted Use schedule is the best means of achieving the objectives or intended outcomes. The applicant would agree to a term in the Schedule that effectively limits the use to a liquor store only, so that the land cannot be used for any other type of retail premises (except those allowed under the current SP3 Zone).

c) Is there a net community benefit?

The following information is provided to assist with the assessment of net community benefit. The information is based on the Evaluation Criteria (p.25) provided in the NSW Department of Planning *Draft Centres Policy, Planning for Retail and Commercial Development*.

1. Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800 metres of a transport node)?

There are no State or regional strategies applicable to the proposal.

2. Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/sub-regional strategy?

No.

3. *Is the LEP likely to create a precedent or change expectations of the landowner or other landholders?*

The LEP amendment is likely to create a change in expectations of other landowners because the current zoning provisions do not permit retail premises of the type proposed by this application.

However, the change in expectations caused by this Planning Proposal can be justified to on the basis that the current development approvals for the subject and adjacent land already seek to create a service/convenience precinct in Hanrahan Place. The proposed liquor outlet will complement the range of uses already approved for the precinct.

The likelihood for the Planning Proposal to create a precedent is considered minimal due to the following:

- The circumstances upon which the proposed liquor outlet is justified are unique.
- The Proposal seeks to permit a site specific use that will integrate with the suite of approved uses that combine to create a service/convenience precinct.
- It is a reasonable submission that the theme of this precinct was not foreseen when the current zoning provisions were developed. The Proposal responds to this evolution of the precinct by seeking to permit the liquor outlet as a complementary use in these particular circumstances.
- The need for a precinct of this type and mix elsewhere in the SP3 Zone is unlikely to be required in the foreseeable future.

4. *Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?*

We are not aware of any spot rezonings that have been approved in the locality.

Recently, the Joint Regional Planning Panel (Western) considered a Planning Proposal to permit a service station and take away food and drink outlets on Zone R1 land located to the west of the subject land at the corner of Farrell Road and Telopea Way, Orange.

The Panel considered the proposal on 12 October 2015 and decided not to progress the Planning Proposal due to the following reasons:

- a) *The panel is not satisfied that the combination of intersections at Telopea Way, Farrell Road and the Northern Distributor Road will be able to perform at a satisfactory level of service with the cumulative impacts of the current land uses (including Woolworths shopping centre, McDonalds restaurant, childcare centres and residential dwellings), the land use as proposed for the site, and future residential development in the locality;*
- b) *The Panel does not accept that traffic issues associated with the development should be resolved at development application stage given the complex geometry of the intersections.*
- c) *The current R1 General Residential zone will still permit a range of neighbourhood retail and service uses on the site that address the Panel's concern (as expressed during the LEP Gateway Review) that a range of potential future uses be permissible in addition to residential;*
- d) *The approval by Council of a service station (under construction) and six food and drink premises at a site at the corner of Leeds Parade and the Northern Distributor Road, will provide for the equivalent land use on a site that has been identified in the Orange Business Centre Review (2005) and is already zoned SP3 Tourist to permit these uses;*

Reason (d) is relevant to the extent that it acknowledges the consistency of the Hanrahan Place precinct with the *Orange Business Centre Review (2005)*. Building on this acknowledgment, it is submitted that the proposed liquor outlet would reinforce the potential for this precinct to be of service not only to the travelling public but also to nearby residential, workforce and university populations.

5. *Will the LEP facilitate permanent employment generating activity or result in a loss of employment lands?*

Yes. A broadening of the land use options will increase the potential for the land to be used for employment generating activities.

The Planning Proposal does not reduce the current amount of employment lands within the Orange LGA.

6. *Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?*

The Planning Proposal has no impact whatsoever on the supply of residential land.

The subject land is not identified in any planning strategy that identifies the site as an expansion area for the City's residential land supply.

7. *Is the existing public infrastructure (roads, rail, utilities) capable of serving the proposed site? Is there good pedestrian and cycling access? Is public transport available or is there infrastructure capacity to support future public transport?*

The site integrates with existing public infrastructure. In this regard:

- It complements the service centre and convenience theme of this precinct which is located adjacent to the principal road in the City's distributor road network.
- It is within reasonable cycling distance of existing and planned North Orange residential neighbourhoods and the nearby Charles Sturt University campus. A cycle pathway extends along Leeds Parade just to the west of the site.

Pedestrian access is not ideal but this is largely due to the primary focus as a service and convenience precinct for the travelling public and local traffic.

8. *Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?*

The proposal will contribute to the "one-stop shop" aim of the precinct and should therefore facilitate multi-purpose trips at a single location.

As such it is expected to reduce travel distances for the travelling public; residents of North Orange; students at Charles Sturt University; and employees engaged at the nearby industrial estates.

9. *Are there significant Government investments in infrastructure or services in the area whose patronage would be affected by the proposal? If so what is the expected impact.*

There are no significant Government investments of infrastructure or services in the area whose patronage would be affected by this proposal.

10. *Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by factors such as flooding?*

The proposal will not impact on land that the Government has identified a need to protect.

- The land is not constrained by flooding or other factors.

11. Will the LEP be compatible/complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve?

Yes, as explained throughout this Proposal, the primary intent is to permit a use that is considered entirely complementary to the uses that have already been approved in this precinct.

In terms of amenity, *Section 4.3* of the Planning Proposal addresses the key relevant issues, including:

- Visual impacts
- Traffic generation and car parking
- Noise

There are no aspects of the Proposal that would detract from the public domain.

12. Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?

Yes the Proposal has the potential to increase choice and competition because it will facilitate a new retail venture.

13. If a stand alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?

In isolation, the Proposal does not have the potential to develop into a centre in the future.

The Proposal represents a minor amendment to the permitted uses in the SP3 Zone. It will complement development that has been approved already to create a service/convenience precinct.

14. What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?

In terms of the public interest, the Proposal would permit a specific use that is intended to complement the range of uses already approved within the precinct.

To not proceed may limit the development options for the site and reduce its overall appeal as a service/convenience precinct.

4.2 RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

a) Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

There is no Regional Strategy that is relevant to the subject land or Proposal.

b) Is the planning proposal consistent with the local Council's Community Strategic Plan or other local strategic plan?

Yes. The Hanrahan Place precinct was broadly identified in the *Orange Business Centre Strategy Review (2005)* as Site D (located near the intersection of Leeds Parade and Northern Distributor Road).

The *Orange Business Centre Strategy Review (2005)* by Leyshon Consulting made the following comments/assessment of the site:

- The site would cater for the identified long-term retail needs of North Orange.
- The site is considered less suitable than other sites given it is less central to the initial stages of the residential release in North Orange and is not as proximate to existing and proposed community and recreational facilities.
- The site would reduce the amount of zoned industrial land in Orange but this may not be a significant consideration as the area can be made up elsewhere.

Since the above comments/assessment was made, the following has occurred and supports the Proposal:

- The site has been zoned SP3 Tourist under Orange LEP 2011, thus any concerns about the reduction in industrial land have been allayed.
- Residential releases in North Orange have expanded considerably. The first stage of 88 lots in the Leeds Parade DCP (which is just to the north of the subject land) has been approved. It is understood that the engineering design for this release is well underway.
- The retail function of the area is being bolstered. The new Bunnings development has been approved and is under construction on the site at the north western corner of the Leeds Parade and Northern Distributor Road intersection (just to the west of the subject land).
- The proximity of the site to existing and proposed recreation facilities is improving. Council has resolved to proceed with a major sporting complex and recreation facility on land just 3 kilometres to the east along the Northern Distributor Road.

The *Orange Business Centre Strategy Review (2005)* was most recently updated in the *Business Centres Review Study* by Leyshon Consulting in 2010. It is our submission that the Proposal remains consistent with the Strategy to the following extent:

- The Strategy review estimates that the Orange trade area could support up to 25,490m² of additional retail floorspace between 2009-21 under a low population growth scenario; and up to 40,974m² of additional floorspace under a high population growth scenario. This Proposal represents only a modest addition to the retail floor space supply for the City (and would be limited to a specific purpose as a liquor outlet). Given the projected floor space requirements provided in the Strategy, it is submitted that the impact of this Proposal would be negligible.
- The Proposal would not conflict with the long held strategic objective that seeks to consolidate the City Centre as the dominant retail centre. In this regard:
 - As indicated above, it is recognised at a strategic level that the site has some role to play in serving the retail needs of North Orange. As a result of the SP3 Zone and recently approved development it also has a role to serve the retail needs of the travelling public.
 - The floor area requirement for this Proposal (some 570m²) plus the drive through facility and a satisfactory amount of off-street parking implies a site area of some 2,500m². A site of this size is not easily found or able to be assembled in the CBD.
 - The difficulty in assembling larger sites within the CBD is well summarised in Section 4.2 of the Strategy Review where it states:

In theory, therefore, the City Centre potentially contains sufficient latent capacity to accommodate the potential demand for non-bulky goods retail floorspace demand up to 2021—namely 7,624 sq.m. (under Scenario A) to 15,382 sq.m. (under Scenario C). In practice, however, this capacity may not be able to be realised due to a range of factors such as:

- *the feasibility of redeveloping major sites*
- *difficulty of site amalgamations*
- *City Centre property owners preferring to retain rather than redevelop their property.*

- It is our submission that even if such a site could be assembled in the CBD, it would not benefit the service and convenience needs of North Orange residents and workforce or travellers along the Northern Distributor Road.

- The Proposal would not conflict with the strategic objective that seeks to maintain the viability of other centres. In this regard:
 - The North Orange Shopping Centre is the nearest to the subject land but would be unable to accommodate the proposed liquor outlet. This is due to the fact that the shopping centre footprint and parking areas occupy the entirety of this B2 Zone and the site is subject to a modest FSR of 0.19.
 - The Hanrahan Place precinct is well advanced in its planning to become a service/convenience centre for travellers and the local resident and workforce populations. Development approvals have been achieved and early construction has started. There are no other centres or sites of this type along the Northern Distributor Road.

c) Is the planning proposal consistent with applicable State Environmental Planning Policies?

The Proposal is consistent with the applicable State Environmental Planning Policies (refer to Annexure B).

d) Is the planning proposal consistent with applicable Ministerial Directions?

Section 117 of the Environmental Planning and Assessment Act, 1979 allows the Minister to give directions to Councils regarding the principles, aims, objectives or policies to be achieved or given effect to in the preparation of draft Local Environmental Plans.

A Planning Proposal needs to be consistent with the requirements of the Direction but can be inconsistent if justified using the criteria stipulated. The consistency or otherwise of the planning proposal with the Ministerial Directions is provided in Annexure C.

4.3 ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

a) Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. The subject land is becoming urbanised and has no ecological value.

b) Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The potential impacts of the Planning Proposal are considered below.

(i) Visual Impact

Due to its proximity to the City's distributor road network, the site is considered relatively prominent. It is important for any development to make a positive contribution to the visual amenity of this area.

Whilst the potential visual impacts are a matter for detailed assessment at the DA stage, the following principles should apply:

- The architectural design of the building should be generally commensurate with the development already approved on Lots 85 and 87. In particular:
 - The liquor outlet should maintain appropriate height.
 - The bulk and mass of the building should be addressed by a well articulated facade and architectural detailing that includes commercial glazing; mixed wall finishes; awnings; and parapet treatments.
 - Signage zones should be defined and incorporated in the building design.
- Mechanical plant and equipment should be accommodated below the roof line.
- The design of the development should be such that the development's "back-of-house" elements are not easily viewed from the Northern Distributor Road.
- The site layout should generally accord with that already foreshadowed in DA 278/2014(1).
- A reasonable level of landscaping should be provided so as to provide appropriate softening of the building and vehicle areas.

(ii) Traffic Impact

A traffic assessment has been undertaken by Terraffic Pty Ltd in respect of the approved development in Lots 85 and 87 pursuant to DA 278/2014(1). A copy of the traffic assessment is included in Annexure D of this proposal.

The traffic assessment foreshadowed the proposed liquor outlet and made the following findings in regard to the traffic implications of the proposed development:

- Access, internal layout and servicing arrangements will be provided in accordance with AS 2890.1:2004 and AS 2890.2 – 2002; and
- The road network will be able to accommodate the additional traffic from the proposed development.

(iii) Parking

A parking assessment was undertaken in respect of the approved development in Lot 87 pursuant to DA 278/2014(1). The assessment considered the 3 approved tenancies within this site plus the potential liquor outlet.

The parking requirements under Council's DCP are summarised in the table below.

Lot 87 Parking Assessment			
Proposed Use	DCP requirement	Calculation Unit	Spaces Required
Retail premises (liquor outlet subject to rezoning)	6.1 spaces/100m ² GFA	Allow GFA 572m ²	35
Neighbourhood shops	6.1 spaces/100m ² GFA	Allow 1 tenancy GFA 100m ²	6
Restaurant or Cafe	Greater of 1 space per 10m ² of GFA or 1 space per 3 seats	Allow 1 tenancy GFA of 100m ²	10
Fast food (no seating, no drive through)	12 spaces/100m ² GFA	Allow 1 tenancy GFA of 100m ²	12
TOTAL PARKING REQUIREMENT FOR PROPOSED DEVELOPMENT LOT 87			63
TOTAL PARKING PROVIDED LOT 87			47
SHORTFALL			16 SPACES

Council accepted the shortfall of 16 spaces for Lot 87 on the basis of the following justification provided in the traffic assessment undertaken by Terraffix Pty Ltd (refer Annexure D):

- 1. The proposed drive-through facility serving the future liquor shop can accommodate 2 parked cars and a queue of up to 8 cars (a total of 10 vehicles) which will effectively reduce the parking shortfall to only 6 spaces.*
- 2. It is anticipated that customers of one component of a development will also patronise another (dual use of parking). For instance, a proportion of customers to the neighbourhood shop or restaurant can be expected to patronise the future liquor shop.*
- 3. Complementary use of parking spaces occurs when the peak parking demand of one component of a development does not coincide with the peak parking demand of another. In this case, the peak parking demand of the future liquor outlet or restaurant may be after 5pm weekdays and on weekends, whereas the peak parking demand of the neighbourhood shop is throughout the weekday (9am-5pm).*

In terms of the proposed parking resources, the traffic assessment states:

In the circumstances, it can be concluded that the parking provision incorporated in the development proposal is adequate such that the proposed development has no unacceptable parking implications.

(iv) Noise

A noise assessment for the approved development on Lots 85 and 87 (including the potential liquor outlet) has been prepared by Wilkinson Murray Pty Ltd and is attached this report as Annexure E. In summary:

- The assessment was conducted in accordance with the NSW Industrial Noise Policy (EPA, 2000).
- The assessment identified the following properties as the most affected receivers (refer image below):
 - R1 Existing residence on Lot 20 DP 1117081
 - R2 Existing residence on Lot 8 DP 7214
 - R3 Existing residence on Lot 6 DP 1065309
 - RC1 Potential future residential area Lot 100 DP 1198640
 - RC2 Potential future residential area Lot 7 DP 1065309



- The assessment considered the potential operational noise impacts upon nearby receptors. The noise predictions for potential future receivers in RC1 and RC2 are based on the assumption that a 2.1 metre boundary fence is located between the dwellings and the proposed development.
- In regard to mechanical plant:
 - The assessment assumes items will run on a 24 hour basis and that the mechanical plant items are located in the centre of each roof, and not surrounded by any type of enclosure.
 - The assessment found that the predicted mechanical plant noise levels comply with relevant noise criteria.
- In regard to car park activities (including cars starting, doors and boots closing, trolley movements and people talking):
 - The assessment predicted noise levels based on the peak period that was predicted in the Traffic Impact Assessment by Terraflow (i.e. Saturday afternoon with 176 vehicle movements in Lot 85 and 98 vehicle movements in Lot 87).
 - The assessment found that predicted car-park noise levels at nearby receivers comply with relevant noise criteria.
- In regard to truck deliveries:
 - The assessment adopts a conservative approach and assumes that truck deliveries would be conducted via 19 metre trucks (despite the proposal that much smaller trucks are likely to be used).
 - The assessment of truck delivery noise considers the trucks arriving, manoeuvring and unloading within Lots 85 and 87.
 - The assessment found that predicted truck delivery noise levels at nearby receivers comply with relevant noise criteria.
- In terms of cumulative impacts:
 - An assessment of all sources operating under worst case conditions has been predicted.
 - The assessment indicates that cumulative noise levels would likely exceed the night time criterion at future residential receptors in RC2.
 - If night time trading is proposed in the future, it is considered most likely that noise criteria could be met through careful selection and installation of mechanical plant items, and management of car-park activities.

The noise assessment concludes that: *Potential noise impacts have been assessed in accordance with relevant NSW Government guidelines and policies, and the proposed development is predicted to comply with all relevant noise criteria.*

(v) Lighting

The proposed lighting system will provide effective illumination of the development without causing light scatter or disturbance to either the road network or neighbours.

(vi) Water Quality

The proposal does not involve any processes or activities that would impact on water quality.

(vii) Air Quality

The proposal does not involve processes or activities that would affect the neighbourhood in terms of waste, dust, odour or atmospheric discharges.

(viii) Overshadowing

The proposal does not create the potential for overshadowing.

(ix) Archaeology

Due to its urbanised state, the potential for Aboriginal archaeology to occur within the site is considered minimal.

(x) Land/Site Contamination

The site is not affected by contamination.

c) How has the planning proposal adequately addressed any social and economic effects?

The social and economic benefits of the Planning Proposal are considered to be positive due to the following:

- Complements the services and facilities on offer in the Hanrahan Place precinct to benefit travellers along the Northern Distributor Road.
- Provides services and facilities on offer in the Hanrahan Place precinct to benefit the North Orange residential and workforce populations.
- Increases expenditure in Orange due to operational spending.
- Increases expenditure in Orange due to construction spending.

- Creates additional employment, both during the construction period and, more importantly, once the liquor outlet is operational.
- Complements and enhance the role of Orange as a major regional business centre.
- The retail floor space that would become available as a result of the proposal is relatively modest, even in conjunction with the other approved tenancies within Lots 85 and 87. As such the development is certainly not of a size or configuration that would represent “large scale retail premises” that pose a threat to the viability of the City’s other business centres.

Should the proposal proceed through the Gateway, the social impacts of the development will be addressed at the DA stage as part of the licensing requirements of the NSW Department of Liquor Gaming and Racing). The licensing process may commence but a licence cannot be issued until development consent for the premises is issued.

4.4 STATE AND COMMONWEALTH INTERESTS

a) Is there adequate public infrastructure for the Planning Proposal?

Yes. The Planning Proposal applies to existing and developed urban zones. All urban utilities and relevant infrastructure are available.

b) What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

The view of State and Commonwealth public authorities are not required on the Planning Proposal until after the Gateway determination.

5.0 COMMUNITY CONSULTATION

The Planning Proposal will be subject to public exhibition and agency consultation as part of the Gateway process. The Gateway determination will specify the community consultation that must be undertaken on the Planning Proposal.

This Planning Proposal is considered to be a minor proposal for the following reasons:

- This Planning Proposal provides information to demonstrate that it is not adverse to the relevant strategic planning framework.

- Issues pertaining to infrastructure servicing are not significant and can be adequately addressed.
- The Planning Proposal is not for a principal LEP.
- The Planning Proposal does not seek to reclassify public land.

Community consultation would involve:

- An exhibition period of 28 days.
- The community is to be notified of the commencement of the exhibition period via a notice in the local newspaper and on Council's website. The notice will:
 - Give a brief description of the objectives or intended outcomes of the planning proposal;
 - Indicate the land affected by the planning proposal;
 - State where and when the planning proposal can be inspected;
 - Provide the name and address for the receipt of submissions; and
 - Indicate the closing date for submissions.
- Written notification to adjoining and surrounding land owners.

During the exhibition period, it is expected that Council would make the following material available for inspection:

- The Planning Proposal in the form approved for community consultation by the Director General of Planning;
- Any studies (if required) relied upon by the planning proposal.

Electronic copies of relevant exhibition documentation to be made available to the community free of charge. At the conclusion of the notification and public exhibition period Council staff will consider submissions made in respect of the Planning Proposal and prepare a report to Council.

6.0 CONCLUSION

This Planning Proposal warrants support due to the following:

- It is not adverse to the relevant strategic planning framework.
- It will permit a site specific use that will integrate with the suite of approved uses that combine to create the Hanrahan Place a service/convenience precinct.
- It is a reasonable submission that the theme of the Hanrahan Place precinct was not foreseen when the current zoning provisions were developed. The Proposal responds to the evolution of this precinct by seeking to permit the liquor outlet as a complementary use in these particular circumstances.
- It encourages economic development and therefore would assist to increase employment and retain spending within Orange and create a stronger business destination that would better serve the needs of the surrounding population.
- For the reasons outlined in this report the Proposal would not threaten the viability and function of the City's existing business centres.
- For the reasons outlined in this report, the Proposal is not likely to set a precedent.

Yours faithfully

Peter Basha Planning & Development



Per:

PETER BASHA

Annexure A

Plan Set

Annexure B

State Environmental Planning Policies Schedule of Consideration

Annexure C

Section 117 Directions Schedule of Consideration

Annexure D

*Traffic Impact Assessment for DA 287/2014
(inclusive of potential liquor outlet)*

Annexure E

*Noise Impact Assessment for DA 287/2014
(inclusive of potential liquor outlet)*