

CM13.1. Development Application 10.2021.38260.1 - Liquor shop with drive-through facility 29 Diamond Drive Thurgoona

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CONFIDENTIAL	No		
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Summary

This report is presented for Council's determination of Development Application 10.2021.38260.1 for a Liquor Shop with Drive-Through Facility on land described as Lot 503 in DP1268791 and situated at 29 Diamond Drive, Thurgoona. The proposal is for a one-storey building and rear carpark comprising a liquor store with a covered drive-through service facility including standard business identification signage, as shown in the attached DA plan set (Attachment 1).

The proposed hours of operation are Monday to Sunday 9:00am to 9:00pm, excluding public holidays. Delivery times are proposed outside these hours (6:00am to 9:00am on weekdays).

The development proposes seven (7) onsite car parking spaces at the rear, including one (1) space for persons with disabilities, and a two-lane drive-through service each with six (6) stacked car parking spaces (total 13 spaces)

An initial period of public notification occurred between 11 March 2021 and 24 March 2021. No submissions were received.

The report recommends approval of Development Application 10.2021.38260.1 for a Liquor Shop with Drive-Through Facility on land described as Lot 503 in DP1268791 and situated at 29 Diamond Drive, Thurgoona, subject to conditions.

People

Blueprint Planning on behalf of Batten Properties Pty Ltd.

Cost

\$1,353,601.00.

Development Description

The proposal is for a one-storey building with rear carpark comprising a liquor store shop with a covered drive-through service facility with standard business identification signage, as shown in the attached DA plan set (Attachment 1). The building is proposed to have 288m² of retail floor area and

298m² of stock storage area. The site has vehicle access via split traffic island ingress and egress from Diamond Drive facilitating access to and from the rear car parking area as well as one-way access to the drive-through facility and exit only to Diamond Drive.

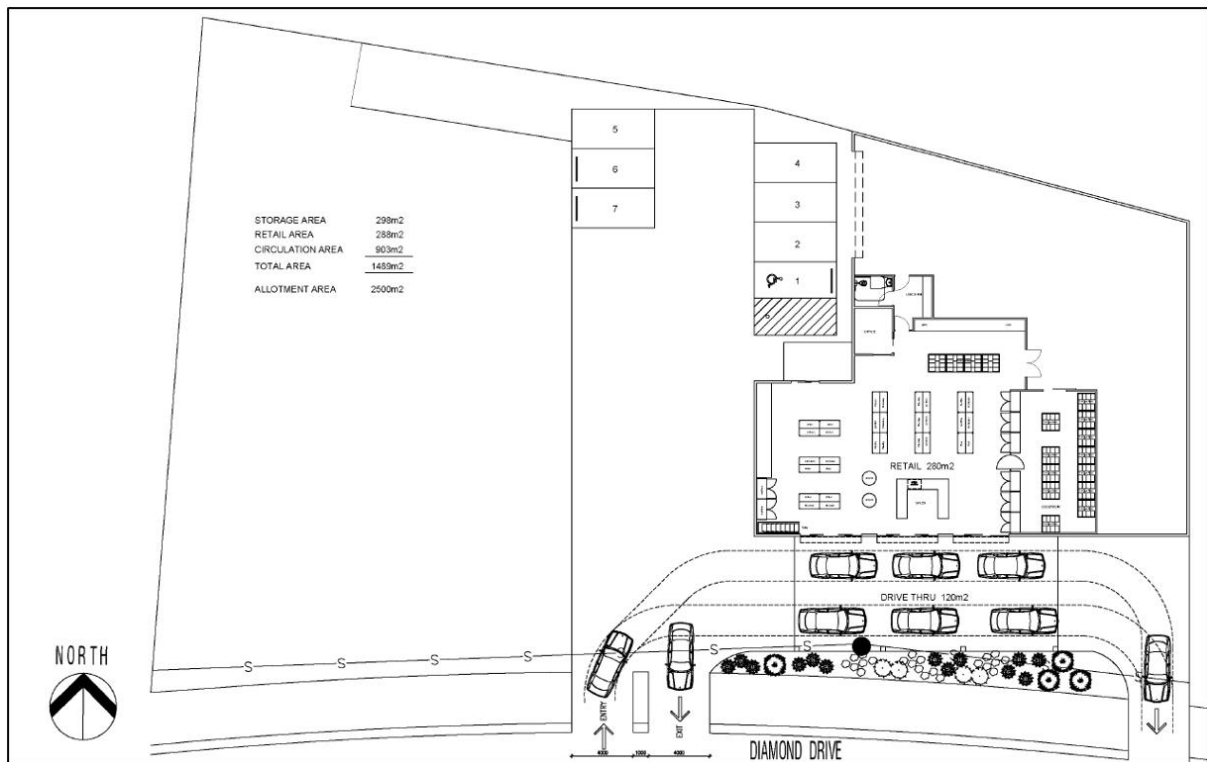


Figure 1: Proposed development

The proposal is shown in the development plans (included in Attachment 1) and described in the Statement of Environmental Effects (included as Attachment 2).

Site and Locality Description

The land is located at 29 Diamond Drive, Thurgoona, and is otherwise known as Lot 503 in DP1268791 (see Figure 2).

The site is zoned “B2 Commercial Centre” and within an area identified as 'Major Neighbourhood Centre 1' (MNC1) land in the *Thurgoona Wirlinga Precinct Structure Plan* (RPS, 2012, pp. 41-43), with vacant land surrounding the site on all sides at present. Other developments have been approved in Diamond Drive already, including a Service Station (already built on Lot 32), a car wash, a childcare centre and a veterinary clinic (on the adjacent Lot 502). Apart from the service station, none of the other approved developments have been constructed yet. The current and proposed built form in the vicinity of the site comprises generally one-storey commercial buildings consisting of detached development. Generally, the streetscape character of Diamond Drive can be regarded as commercial with one-storey buildings in a developing neighbourhood centre precinct.

The land is generally flat and contains no trees or other significant vegetation.



Figure 2: Site locality

Key Issues

Neighbourhood character impact

The proposal for a liquor shop with drive-through service facilities has been referred to the NSW Police Force, who identified the crime risk for the proposed development as low. Police advice regarding crime prevention and the use of CCTV will be attached to the Draft Consent, should Council resolve to approve the application. It is also noted that the development is required to obtain a liquor licence to be able to operate, which will involve further scrutiny of operational requirements.

The design of the proposed building is functional. This is considered adequate in the context of a local commercial centre. The modest and subdued design is appropriate in this instance as the proposal is to provide for local retail needs. The site is located to the rear of the centre and will not be visible from the main thoroughfare, Thurgoona Drive, once the commercial centre is fully developed. Other developments already approved and anticipated in the centre include an eclectic mix of retail and services, such as a service station, car wash, childcare centre and a veterinary clinic. The proposed development, which is for the retail sale of alcohol and does not provide for on-site

consumption, is not out of place in the Diamond Drive commercial centre and is not anticipated to have an adverse impact on the neighbourhood character.

Parking

The development proposes seven (7) car parking spaces including one (1) accessible space for people with a disability at the side/rear of the development and six (6) stacked spaces in the drive-through service area. This is a total of 13 spaces on site.

As per Table 17.1 of the *Albury Development Control Plan (DCP) 2010*, retail premises (shops) less than 3,000m² gross floor area (GFA) require one (1) car parking space per 40m² GFA, which calculates to seven (7) spaces in this instance, which has been provided.

It is noted that the development includes 288m² of shop floor area and an additional 298m² of "stock storage area". This stock storage area is not considered to increase the demand for parking as it is an ancillary storage use. If it were to be considered as a use comparable to 'warehousing', it would require one (1) space per 100m², and therefore an additional three (3) spaces would be required. As mentioned above, there is adequate parking on site as a total of 13 spaces are available.

In addition, Development Consent 10.2018.36431.1 (Land and Environment Court NSW Order dated 16 September 2019) required a centralised designated car parking area on Lot 601 (South of Diamond Drive) per Conditions (D9) and (F8), which is to provide a total of 40 spaces for the benefit of Lots 501 – 504:

'the developer is required to construct a centralised car park with at least 40 car parking spaces for the free and unrestricted benefit and use of proposed Lots 501 - 504 and its authorised users'.

Council previously determined that three (3) of these centralised spaces are to be provided for the benefit of the proposed veterinary clinic on Lot 502 (DA10.2020.37543.1 endorsed by Council on 13 July 2020). That leaves 37 spaces for the benefit of Lots 501, 503 and 504. Whilst it is not considered a requirement for this development, it is noted that the centralised car park has ample additional space.

It is noted on the plans that the travel paths for delivery vehicles are shown to apparently interfere with the proposed parking spaces. Deliveries will occur outside of business hours, and therefore interference with parking spaces is irrelevant. For this reason, the spaces that are located where delivery vehicles will travel outside of business hours, have no wheel stops.

Build-to-boundary (zero) setbacks

Part 11 of *Albury DCP 2020* (Development in Commercial zones) generally permits a nil side boundary setback in the Commercial zones. However, side setbacks to zones other than the Commercial zones, must be a minimum of 6 metres. In this instance, the site's side boundaries do not adjoin zones other than the B2 Commercial zone. It is acknowledged that the rear boundary directly adjoins the 'E3 Environmental Management' zone. However, the rear boundary is not specified in this control.

Even if the intent of the control was to include the rear boundary, the adjoining Environmental zone is not habitable and provides a buffer to land use further north (RE1 Public Recreation – Thurgoona Oval). Furthermore, enforcing a 6m setback on the rear boundary will have no benefit to the adjoining zone, as such a setback may cause adverse impacts, potentially caused by vehicle access, movement, and outdoor storage.

Bushfire

The subject site is identified as being bush fire prone. However, the bushfire map has not been updated since tree removal. The subdivision application to create Lot 503 (Development Consent 10.2018.36431.1) was referred to the Rural Fire Service (RFS), who approved the application subject to conditions.

The nature of the proposed development does not require referral to RFS under the *Rural Fires Act 1997*. However, a Bushfire Assessment Report for the proposal was provided with the application. The proposal is for a commercial use (not a residential or sensitive accommodation, education or public use) and the development has been designed to afford adequate protection to occupants in the event of a bushfire in the reserve land to the north of the site.

Council staff have considered the application and appropriate conditions of consent have been recommended to ensure compliance with the Building Code of Australia and *Planning for Bush Fire Protection 2006*.

Submissions

No submissions have been received.

Options

Council has the following options in relation to this report:

1. Approve the application without conditions; or
2. Approve the application subject to conditions; or
3. Defer the application for further information or redesign; or
4. Refuse the application.

Based on the assessment of the application, this report recommends that Council resolves to approve the application, subject to conditions contained in the Draft Determination, included as attachment 4 to this report as per Option 2.

Conclusion

Council staff have assessed the proposed development with regard to the submitted information, issues raised during public notification, and planning controls and requirements contained within *Albury LEP 2010*, *Albury DCP 2010* and relevant State and, where applicable, Federal legislation. It is the role of Council staff to objectively weigh and consider the submitted information, as well as any

issues raised during public notification. This involves balancing the issues identified by all parties and will not always result in agreement with the noted opinion of any of these parties.

The development is considered appropriate to the context and setting of the site. The proposed development is considered consistent with the objectives of the B2 Zone and the *Thurgoona Wirlinga Precinct Structure Plan*, and the assessment has concluded that the proposed development provides a suitable and satisfactory planning outcome.

Recommendation

That Council:

- a. Receives the contents of this report; and
- b. Grants consent to Development Application 10.2021.38260.1 for a Liquor Shop with Drive-Through Facility on land described as Lot 503 in DP1268791 and situated at 29 Diamond Drive, Thurgoona, subject to the conditions contained in the Draft Determination, included at Attachment 4 to this report.

Attachments

1. Development Plans (DOC21/124672).
2. Statement of Environmental Effects (DOC21/56107).
3. Development Application Assessment Report (DOC21/117203).
4. Draft Determination (DOC21/120811).