

To permit restaurants or cafes on Lot 3 DP 337280, 122 Centre St, Casino

Proposal Title : **To permit restaurants or cafes on Lot 3 DP 337280, 122 Centre St, Casino**

Proposal Summary : **The planning proposal seeks to amend the Richmond Valley Local Environmental Plan (LEP) 2012 by including restaurants or cafes as an additional permitted use with consent on Lot 3 DP 337280, 122 Centre Street, Casino.**

PP Number : **PP_2016_RICHM_002_00** Dop File No : **16/14748**

Proposal Details

Date Planning Proposal Received : **11-Nov-2016** LGA covered : **Richmond Valley**

Region : **Northern** RPA : **Richmond Valley Council**

State Electorate : **CLARENCE** Section of the Act : **55 - Planning Proposal**

LEP Type : **Housekeeping**

Location Details

Street : **122 Centre Street**

Suburb : City : **Casino** Postcode : **2470**

Land Parcel : **Lot 3 DP 337280**

DoP Planning Officer Contact Details

Contact Name : **Jenny Johnson**

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name : **Tamara Prentice**

Contact Number : **0266416610**

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Land Release Data

Growth Centre : **N/A** Release Area Name : **N/A**

Regional / Sub Regional Strategy : **Far North Coast Regional Strategy** Consistent with Strategy : **N/A**

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MDP Number :	Date of Release :	
Area of Release (Ha) :	Type of Release (eg Residential / Employment land) :	N/A
No. of Lots : 0	No. of Dwellings (where relevant) :	0
Gross Floor Area : 0	No of Jobs Created :	0
The NSW Government Lobbyists Code of Conduct has been complied with : Yes		
If No, comment :	The Department of Planning and Environment's Code of Practice in relation to communication and meetings with Lobbyist has been complied with to the best of the Region's knowledge.	
Have there been meetings or communications with registered lobbyists? :	No	
If Yes, comment :	The Northern Region has not met any lobbyists in relation to this proposal, nor has the Region been advised of any meeting between other officer's within the agency and lobbyists concerning this proposal.	

Supporting notes

Internal Supporting Notes :

External Supporting Notes :

Adequacy Assessment

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

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

Comment : **The statement of objectives adequately describes the intention of the planning proposal. The planning proposal seeks to allow restaurants or cafes as a permitted use on Lot 3 DP 337280. This permissibility will be achieved by including the site within Schedule 1 - Additional Permitted Uses.**

It is noted that the planning proposal includes references to permitting restaurants or cafes and also food and drink premises (the parent term for restaurants and cafes that also includes takeaway food and drink premises and pubs). Council has confirmed that the intent of the proposal is to permit restaurants or cafes and not food and drink premises. To better clarify the intent and scale of the proposal, and to assist the community more clearly understand the proposal during consultation, references to food and drink premises should be removed from the proposal prior to exhibition.

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

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

Comment : **The planning proposal provides a clear explanation of provisions. The proposal currently seeks an amendment to Schedule 1 under the Richmond Valley LEP to permit restaurants or cafes at 122 Centre Street Casino.**

It is noted that Section 2.2 Proposed Amendment to Schedule 1 Additional Permitted Uses contains draft provisions to implement the outcomes of the proposal. The plain english

explanation that is included in the proposal is considered adequate, and these draft clauses should be removed prior to exhibition to ensure no potential inconsistency with the future LEP amendment to be drafted by Parliamentary Council.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

3.1 Residential Zones

* May need the Director General's agreement

3.4 Integrating Land Use and Transport

4.3 Flood Prone Land

5.1 Implementation of Regional Strategies

6.1 Approval and Referral Requirements

Is the Director General's agreement required? **Yes**

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

d) Which SEPPs have the RPA identified?

SEPP No 44—Koala Habitat Protection

SEPP No 55—Remediation of Land

SEPP No 64—Advertising and Signage

SEPP (Infrastructure) 2007

e) List any other matters that need to be considered :

As assessment of the applicable directions and SEPP's is provided in the assessment section of this report.

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

If No, explain :

See the Assessment section of this report.

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment :

No mapping is required as the proposal involves only a change to Schedule 1 of the LEP.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

The planning proposal indicates that a 28 day community consultation period will be undertaken. This period is considered appropriate to provide the community an opportunity to review and comment on a proposal not identified in Council's local growth management strategy.

It is recommended that agency consultation be undertaken with:

- Roads and Maritime Services (RMS) due to site having frontage to two State Highways (Summerland Way and the Bruxner Highway).

- Department of Industry - Lands as the proposal may seek to utilise what is understood to be an unformed Crown road reserve for vehicle access (from the rear of the site to Pratt Street).

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 :

The planning proposal satisfies the adequacy criteria by:

- 1) Providing appropriate objectives and intended outcomes;
- 2) Providing an explanation of the provisions (noting the suggested amendments in this planning team report);
- 3) Providing a justification for the proposed amendments;
- 4) Outlining a proposed community consultation period;
- 5) Completing an evaluation for the issuing of an authorisation to exercise delegation. Delegation is acceptable in this instance due to the minor nature of the proposal;
- 6) Providing a time line for the completion of the proposal.

Council has suggested a time frame of six (6) months. To ensure the RPA has adequate time to complete the proposal it is considered that a timeframe of nine (9) months would be appropriate. This does not restrict Council from finalising the LEP amendment sooner.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation
to Principal LEP :

The Richmond Valley LEP commenced on the 21 April 2012. This planning proposal seeks to make amendments to the Richmond Valley LEP 2012.

Assessment Criteria

Need for planning
proposal :

The subject site is located on the western side of Centre Street, Casino, and has previously been used for commercial office space and health consulting rooms. It adjoins an number of other business on the western side of Centre Street, and is adjacent to the B3 Commercial Core Zone of the Casino CBD located on the eastern side of Centre Street.

It is noted that Richmond Valley Council are proposing a strategic review of the Richmond Valley Local Environmental Plan 2012 within the next 12-24 months which will include a review of the western side of Centre Street. Due to the existing nature of land uses in the area (only 6 dwellings remain in a 1.7km area between Johnston and Light Street), it is considered likely some form of business zone may be applied in the future.

Due to the existing nature and land uses in this area of Centre Street, and the previous use of the building for commercial and health consulting purposes, the proposal is considered to be consistent with the existing and likely future uses of this area.

The proposed change via an amendment to Schedule 1 is considered appropriate in this instance as:

- it would be premature prior to Council's strategic review to rezone the land for business purposes; and
- permitting restaurants and cafes throughout the R1 General Residential Zone is not supported to resolve the issue for this single site.

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Consistency with strategic planning framework :

FAR NORTH COAST REGIONAL STRATEGY

The proposed amendment is considered not to be inconsistent with any of the outcomes or actions of the Far North Coast Regional Strategy.

DRAFT NORTH COAST REGIONAL GROWTH PLAN

The proposed amendment is considered not to be inconsistent with any of the outcomes or actions of the draft North Coast Regional Growth Plan.

STATE ENVIRONMENTAL PLANNING POLICIES

The proposal is considered to be consistent with all relevant SEPPs.

S117 DIRECTIONS

This proposal is consistent with all s117 Directions except the following:

3.1 Residential Zones

The proposal is inconsistent with this direction as does not encourage the provision, variety or choice of housing on the land. This inconsistency is considered to be of minor significance as:

- the site was used for commercial purposes between 1989 to 2010; and
- the existing nature of land uses in the area, with only 6 dwellings remaining in a 1.7km area between Johnston and Light Street.

4.3 Flood Prone Land

The proposal is inconsistent with this direction as it permits an increase in the development potential of flood prone land. This inconsistency is considered to be of minor significance due to the previous use of the site for commercial purposes and as the proposal will be an adaptive reuse of the existing building (which will not adversely affect the existing flood behaviour in the locality).

Environmental social economic impacts :

No negative environmental impacts have been identified as likely to occur as a result of the proposal. The site is an existing developed site in an urban area that is mostly devoid of vegetation with the exception of a few ornamental plantings.

The site is flood prone, but as discussed above, the reuse of the building is considered unlikely to cause any adverse flooding issues. If necessary this matter can also be considered in further detail at the development application stage should the owner seek to make more significant building alterations on the site.

No adverse social, heritage or cultural impacts are considered likely. The site is not identified as a heritage site and an AHIMS search has been undertaken which did not identify any sites of concern.

The past uses of the site, its existing developed nature, and the proposed reuse of the existing building make any potential site contamination risks associated with the proposal unlikely.

Should the development seek to use the unformed Crown Reserve from the rear of the site to Pratt street, this may cause some noise and light issues for the owner of 49 Pratt Street. The proposal also notes that a ROW may be possible through the adjoining dental centre carpark from Centre St to serve the site. As various options exist, it considered that this can be appropriately considered and resolved at the development application stage.

Assessment Process

Proposal type : **Minor** Community Consultation Period : **28 Days**

Timeframe to make LEP : **9 months** Delegation : **RPA**

Public Authority Consultation - 56(2)(d) : **Transport for NSW - Roads and Maritime Services Other**

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
2016-11-15 PP2016-05 Planning Proposal (version 2) - 122 Centre Street Casino.pdf	Proposal	Yes
2016-11-11 Planning Proposal 122 Centre St Letter.pdf	Proposal Covering Letter	Yes

Planning Team Recommendation

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

S.117 directions: **3.1 Residential Zones
3.4 Integrating Land Use and Transport
4.3 Flood Prone Land
5.1 Implementation of Regional Strategies
6.1 Approval and Referral Requirements**

Additional Information : **It is recommended that the Acting Director Regions, Northern , as delegate of the Minister for Planning, determine under section 56(2) of the EP&A Act that an amendment to the Richmond Valley LEP 2012 to permit restaurants or cafés on Lot 3 DP 337280, 122 Centre Street, Casino, should proceed subject to the following conditions:**

1) The planning proposal is required to be updated prior to community consultation to:

- (a) remove any references to food and drink premises and replace if necessary with restaurants or cafes; and
- (b) update Part 2 - Explanation of Provisions to remove 2.2 'Proposed Amendment to Schedule 1 Additional Permitted Uses'.

2) Community consultation is required under section 56(2) and 57 of the Environmental Planning and Assessment Act 1979 (EP&A Act) as follows:

- (a) the planning proposal must be made publicly available for 28 days; and
- (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 available along with the planning proposal as identified in section 5.5.2 of 'A guide to preparing local environmental plans (Planning and Infrastructure 2013)'.

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

- (a) Roads and Maritime Services
- (b) Department of Industry - Lands

4) A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the 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).

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

6) The Secretary's delegate agree to the planning proposal's inconsistencies with s117 Directions 3.1 Residential Zones and 4.3 Flood Prone Land.

7) Delegation to finalise the planning proposal be issued to Richmond Valley Council.

Supporting Reasons :

The reason for the above recommendations for the planning proposal are as follows:

- The recommended conditions to the Gateway are required to provide adequate consultation, accountability and progression.
- The proposal by Council to permit restaurants or cafés as a permitted use in Schedule 1 Additional Permitted Uses is appropriate to proceed.

The issue of delegation to Council to finalise the planning proposal is appropriate in this instance.

Signature:



Printed Name:

Craig Diss

Date:

25/11/16

