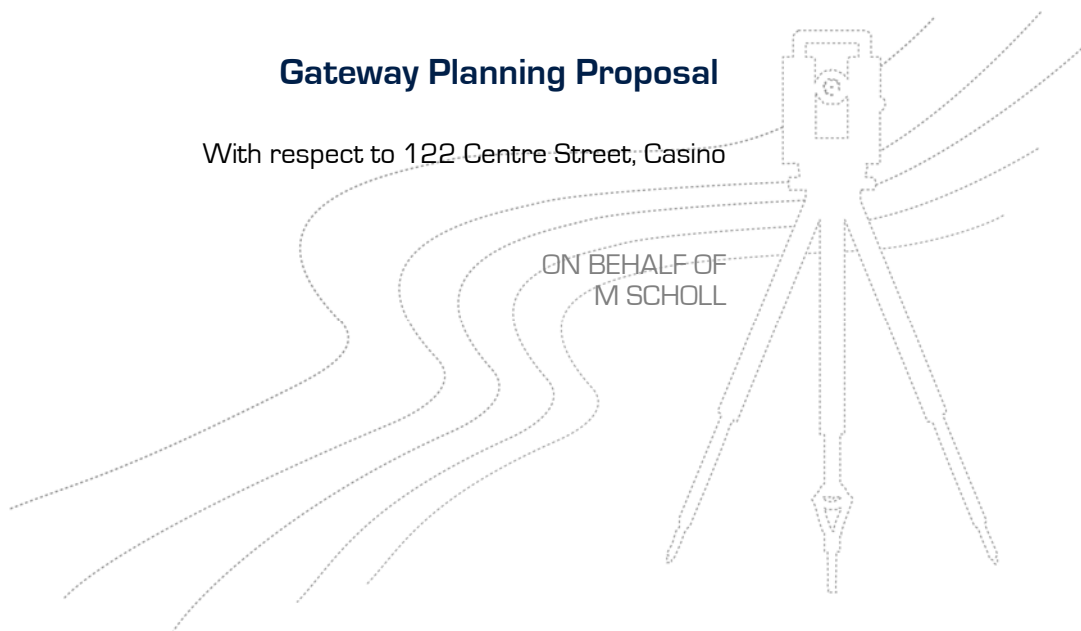


Gateway Planning Proposal

With respect to 122 Centre Street, Casino

ON BEHALF OF
M SCHOLL

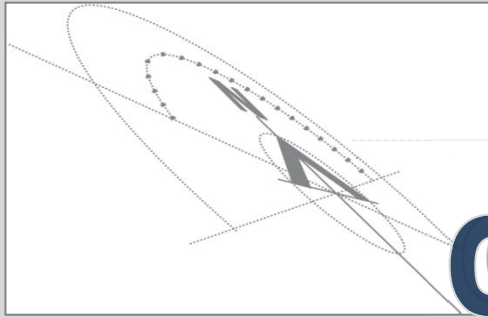


Site: Lot 3 DP 337280

Our Ref: 16/125

Date: June 2016





Document Control Sheet

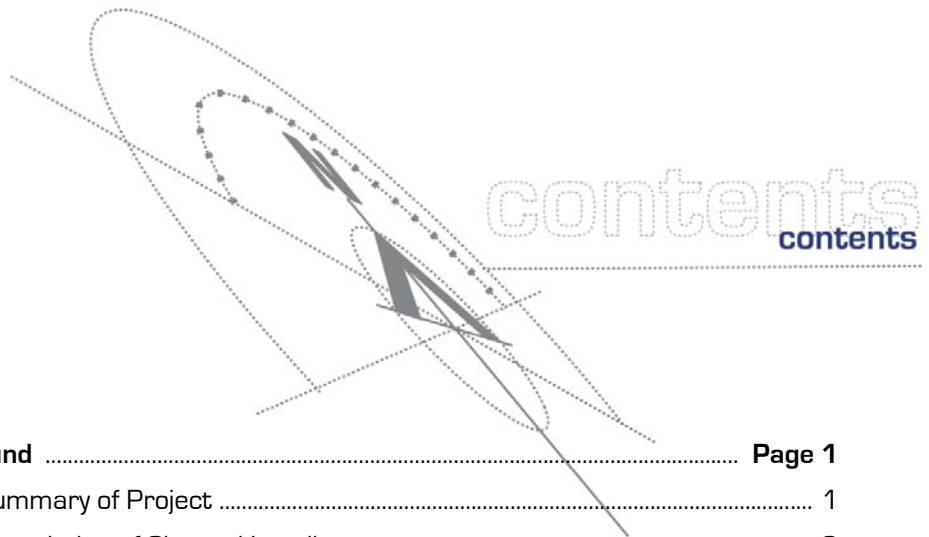
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Author:	Luke Fittock			
Project Manager:	Damian Chapelle			
Date of Issue:	June 2016			
Job Reference:	16/125			
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Checked by:	Luke Fittock			

USAGE NOTE:

This document was prepared for the exclusive use of M Scholl for the development of land described herein and is not to be used for any other purpose or by any other person or corporation. Newton Denny Chapelle accepts no responsibility for any loss or damage suffered howsoever arising to any person or corporation who may use or rely on this document for a purpose other than that described above.

The maps, development plans and exhibits shown in this report are suitable only for the purposes of this report. No reliance should be placed on this information for any purpose other than for the purposes of this report. All dimensions, number, size and shape of lots/buildings as shown on plans in this document are subject to detailed engineering design plans and final survey and may vary subject to conditions of consent issued by Council.

The information contained in this report is based on independent research undertaken by Newton Denny Chapelle. To the best of our knowledge, it does not contain any false, misleading or incomplete information.



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Attachments:

Attachment 1 – Assessment against S117 Ministerial Directions

Attachment 2 – Assessment against State Environmental Planning Policies

Plans:

NDC Plan 1 – Location

NDC Plan 2 – Development Site Analysis

1. Background

1.1 Summary of Project

Newton Denny Chapelle (NDC) has been engaged by the project proponent M. Scholl, to prepare a 'Gateway Planning Proposal' for lodgement with Richmond Valley Council for land located at 122 Centre Street, Casino.

The land comprises a single title being Lot 3 DP 337280 and contains frontage to Centre Street to the east and an unformed road reserve to the rear known as Boyd Lane. Pertinent property details are provided below in **Table 1**.

Table 1: Land Subject to the Planning Proposal

Component	Details
Address	122 Centre Street, Casino
Lot & Deposited Plan No.	Lot 3 DP 337280
Richmond Valley LEP 2012 Land Zoning	R1 General Residential
Total Site Area	569.1m ²

Plan 1 identifies the location of the subject land in a local context with **Plate 1** providing an aerial photo view of the property.

Upon finalisation of the Planning Proposal, Development Consent will be sought on behalf of the Proponent, for a change of use to permit a Food and Drink Premises (café / restaurant) upon the subject land.

Commercial use of the land for a café / restaurant purpose is prohibited under the Richmond Valley LEP 2012 by virtue of the R1 – General Residential zone. To permit the change of use on the property to a Café/Restaurant, a Planning Proposal has been prepared and lodged by Newton Denny Chapelle on behalf of the proponent.

The purpose of the Gateway Planning Proposal is to change the town planning provisions applying to Lot 3 DP 337280 by amending Schedule 1 of the Richmond Valley Local Environmental Plan 2012 to permit a site specific use of the land for a Food and Drink Premises.

This Planning Proposal has been completed in accordance with the Department of Planning & Infrastructure's guide to preparing Planning Proposals. A Gateway determination under Section 56 of the Environmental Planning and Assessment Act is sought.

1.2 Description of Site and Locality

The subject land is located at 122 Centre Street, Casino and in cadastral terms is known as Lot 3 DP 337280. The property is located within the Parish of North Casino, County of Rous. The site is illustrated in **Plan 1** and **Plate 1** of this report.

The subject property is currently embellished with a single storey weatherboard structure that was previously used as a dwelling house and more recently as a dental surgery.

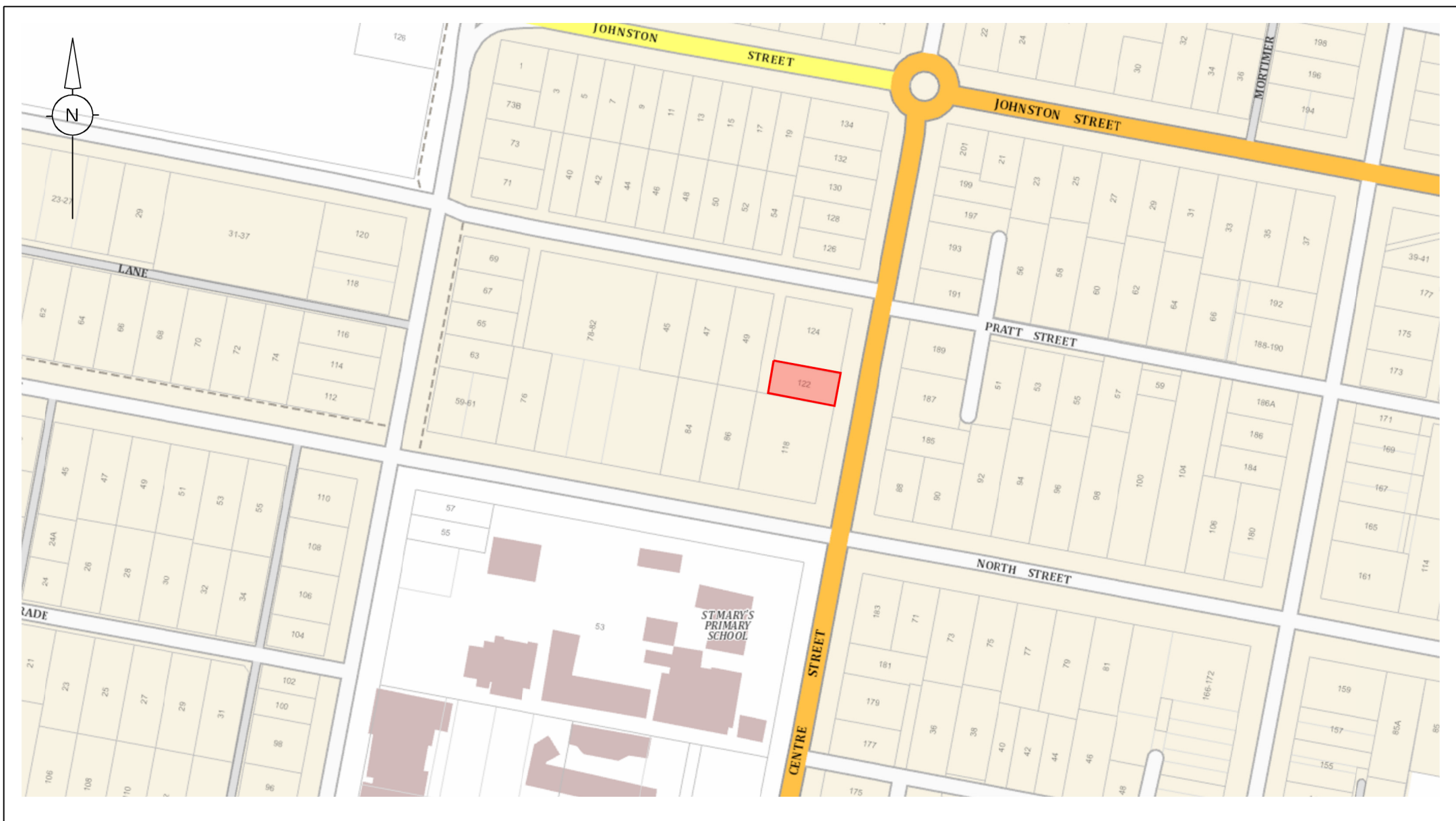
The site has previously been granted numerous development approvals by Richmond Valley Council (formerly Casino Council) for the following purposes identified in **Table 2**:

Table 2: Development Consents Issued

Component	Details
80/032	Dwelling
89/55	Change of use to dental surgery
91/161B	Alterations to office and dental surgery

The property has no formal vehicular access arrangement from Centre Street to the rear of the site. Boyd Lane road reserve connects the subject site to Pratt Street to the north, however the road reserve is not constructed. In this regard, on-street car parking currently provides parking for the premises.

The site is adjoined to the north by a dental surgery, to the south by a motel (Milgate Motel), Centre Street to the east and unformed Boyd's Lane road reserve to the west with residential development beyond. Whilst being zoned R1 – General Residential, a mix of commercial and light industrial land uses are also located within proximity of the site with frontage to Centre Street (refer **Plan 2**). Commercial orientated developments form the predominant land uses along Centre Street from Pratt Street to the north to Hare Street to the south which is reflective in part of the B3 – Commercial Core zoning t under the Richmond Valley LEP 2012. **Plate 2** provides an illustration of the Richmond



LEGEND:



SITE BOUNDARY

SOURCE PLAN: www.maps.six.nsw.gov.au - accessed 02.06.16

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NBS
Newton Denny Chapelle
 Surveyors Planners Engineers

Email: office@newtondennychapelle.com.au
 LISMORE 31 Carrington St. Lismore 2480 PH: 6622 1011
 CASINO 100 Barker St. Casino 2470 PH: 6662 5000
 ABN: 86 220 045 469

PLAN 1 - LOCATION

CLIENT: MARIO SCHOLL

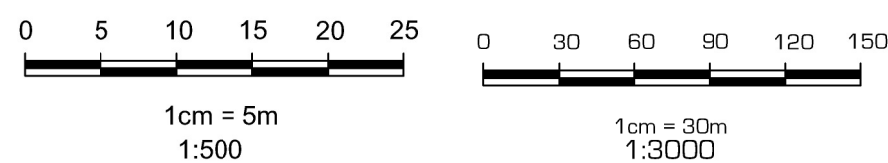
LOCATION: LOT 3 DP 337280
 122 CENTRE STREET
 CASINO NSW

DATE: 08.06.16
 SCALE: nts

REF: 16/125
 DRAWN: bk



SCALE: 1 : 500 @ A3

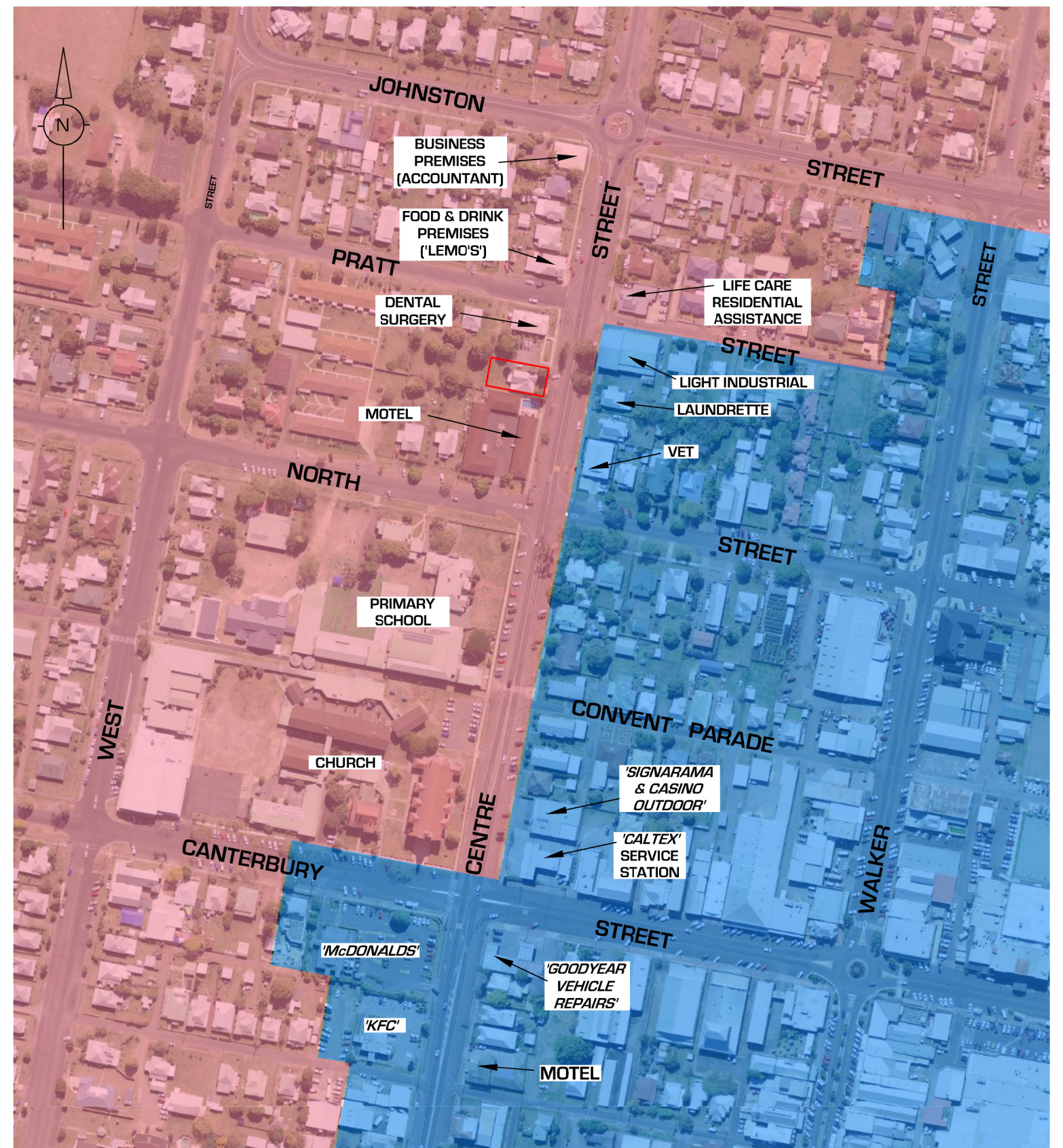


LEGEND

- SITE BOUNDARY
- ZONE R1 - GENERAL RESIDENTIAL
- ZONE B3 - COMMERCIAL CORE

NOTE:

This preliminary layout has been completed in accordance with the instructions provided by Mario Scholl. In this respect preliminary desktop data has been used to form this layout. The final layout is subject to the completion of a detailed survey & engineering plans. Accordingly, the conclusions reached within this report may be modified by the author upon the completion of the final design plans & site inspection. Newton Denny Chapelle accepts no responsibility for any loss or damage suffered, however so arising, to any person or corporation who may use or rely on this report.



SCALE: 1 : 3000 @ A3

REV	DATE	AMENDMENT
A		
B		
C		
D		
E		

SOURCE PLAN: www.maps.six.nsw.gov.au - accessed 02.06.16

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CASINO 100 Barker St. Casino 2470 PH: 6662 5000
ABN: 96 220 045 469

PLAN 2 - SITE ANALYSIS

CLIENT: MARIO SCHOLL

LOCATION: LOT 3 DP 337280
122 CENTRE STREET
CASINO NSW

DATE: 08.06.16 REF: 16/125
SCALE: AS ABOVE DRAWN: bk

Valley LEP 2012 land zoning.

Other commercial developments fronting Centre Street within proximity of the subject land fall within the R1 – General Residential zone.

Reference should be made to the following plans:

- **NDC Plan 1** provides a locality plan of the site;
- **NDC Plan 2** provides a site analysis of the property and surrounds.

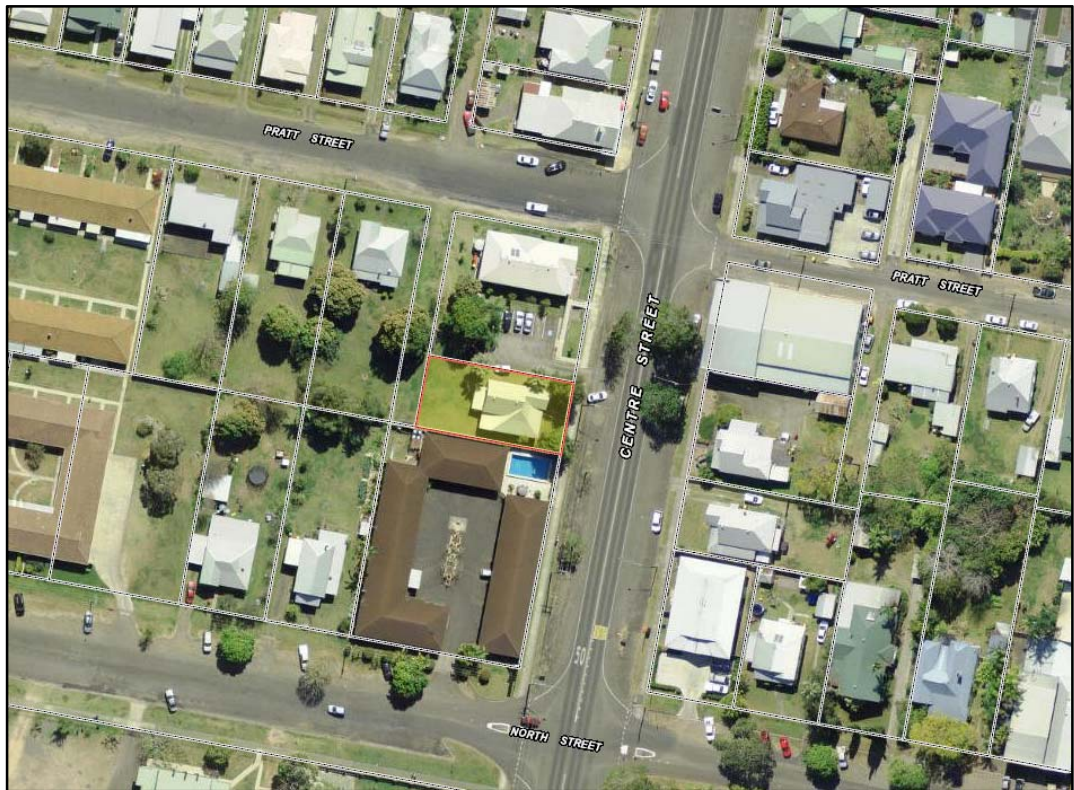


Plate 1 – Aerial Photo of Subject Land

Source: LPMA Six Viewer

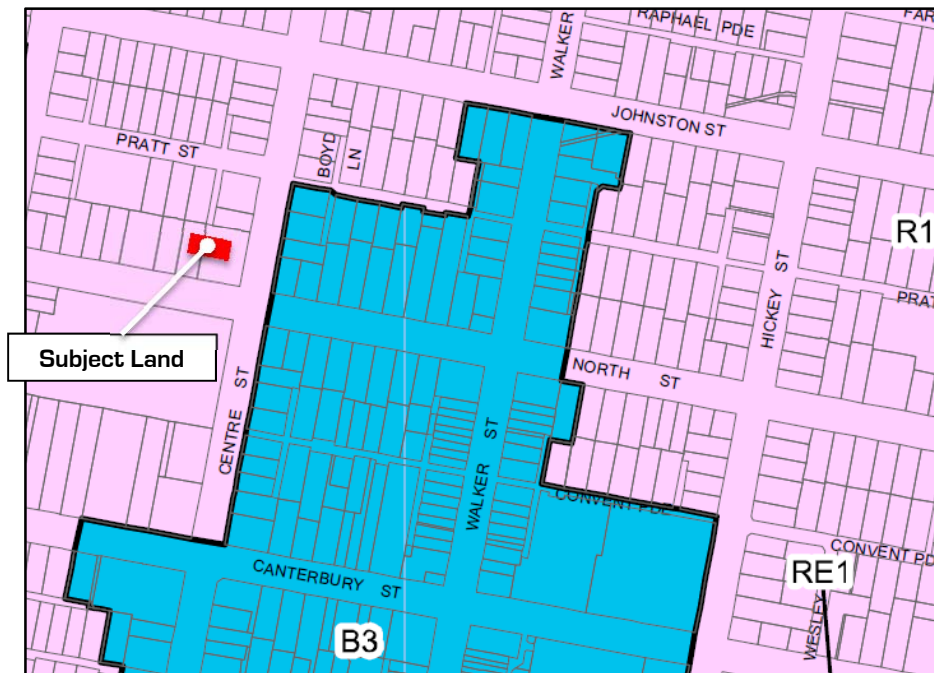


Plate 2 – RVLEP Land Zoning

Source: Richmond Valley LEP 2012

Plates 3 - 5 provide photos of the subject site and adjoining Boyd Lane Road reserve.



Plate 3 – Existing structure proposed for café/restaurant use on Lot 3 DP 337280



Plate 4 – The rear of the site. Note the adjoining concrete driveway to the north servicing Lot 1 DP 1161996.



Plate 5 – Looking south along unformed Boyd Lane towards the rear of the site from Boyd Lane

1.3 Physical Site Constraints

With respect to physical planning considerations, the following comments are made:

- **Topography** – The property can generally be characterised as containing a minor crossfall with elevations generally in the order of between 21.60m AHD – 22.38m AHD based on the Casino Flood Plain Risk Management Plan property survey Oct/Nov 1999.
- **Habitat** - The site comprises a heavily disturbed urban environment and is not identified as containing terrestrial biodiversity on the Richmond Valley Council LEP 2012 Terrestrial Biodiversity Map.
- **Bushfire** – The land is not mapped by Richmond Valley Council as containing bushfire prone land.
- **Heritage** – The site does not contain items of Local Environmental Heritage pursuant to the RVLEP 2012 mapping. An AHIMS search undertaken during the preparation of this Planning Proposal did not identify any Aboriginal sites or places within 50 metres of the subject land.
- **Flooding** – The site is located within the 'Low Hazard - LH' designation under the Casino Floodplain Hazard Category Map.

The proposal involves an adaptive reuse of the existing building and as such there is not expected to be a significant change or increase to the existing building footprint which in turn is not considered to adversely affect flood behaviour in the locality by way of impact on nearby properties or the natural environment. Further assessment against the Casino Floodplain Management Plan and Part H-1 Flood Planning of the Richmond Valley DCP will be required at the development application stage.

An appropriate flood evacuation plan is considered necessary for both property and people during flood events under the provision of EA1 of the Casino 'Flood Planning Matrix'. Accordingly, this may form a condition of consent on a future development consent notice.

With respect to immediate short term impacts, the premises once operating may need to close in time of flood inundation and reopen once floodwaters recede and clean up completed. However in the longer term, the proposed adaption of the building for a café/restaurant is not likely to result in

unsustainable social and economic costs to the community as a consequence of flooding.

- **Acid Sulphate Soils** – The site is not mapped as containing Acid Sulphate Soils [ASS] within the RVLEP 2012 mapping.

1.4 Description of the Development Proposal

Upon finalisation of the Planning Proposal, Development Consent will be sought on behalf of the Proponent M. Scholl for a change of use to permit a Food and Drink Premises [Cafe/Restaurant] upon Lot 3 DP 337280.

Whilst full details of the proposal will be submitted with a development application post Gateway approval, it is envisaged that the existing structure will provide the basis of the Café/Restaurant subject to some alterations and additions as necessary. On-site car parking will be required at the rear of the site to service the development with access to be achieved via the Boyd Lane road reserve connecting the rear of the site to Pratt Street. Alternatively the proponent may seek to negotiate access with the adjoining landowner via right of way through the northern adjoining property Lot 1 DP 1161996 which currently comprises a concrete driveway to service a dental surgery car park.

1.5 Why Submit a Planning Proposal?

The subject land is currently zoned R1 – General Residential under the Richmond Valley LEP 2012. The range of permitted land uses within the R1 zone provides limited opportunity to utilise the property in a manner which is commensurate to the commercial development which dominates Centre Street from Pratt Street to the north through to Hare Street to the south.

Development for the purpose of 'Food and Drink Premises' [which includes Café or Restaurant] is prohibited in the R1 – General Residential Zone. As such, it is necessary for a planning proposal to be completed in order to enable a development application to be lodged for the proposal.

1.6 Pre-lodgement Process

Pre-lodgement discussions were held between Newton Denny Chapelle and Richmond Valley Council Planning staff concerning the Planning Proposal, whilst the proponent has also held discussions with Council.

Whilst other alternatives such as a kiosk were canvassed with Council to enable the café/restaurant to operate from the site under the current planning framework, the best means of enabling the development in a manner which maximised use of the building would be via a Planning Proposal. This potentially could be achieved through either a site specific LEP amendment or alternatively awaiting Richmond Valley Council's LEP review to extend the adjacent B3 commercial zoning over the site, which is likely to commence over the course of the next 12-24 months.

Due to the desire of the proponent to expedite the process, Newton Denny Chapelle have been instructed to lodge a site specific LEP amendment to enable a café/restaurant development to operate from the site.

2. Planning Proposal

Part 1 Objectives and Intended Outcomes

The objective of this Planning Proposal is to change the town planning provisions applying to Lot 3 DP 337280 by amending Schedule 1 of the Richmond Valley Local Environmental Plan 2012 to permit a commercial development on the site for the purpose of a Food and Drink Premises [café/restaurant].

Part 2 Explanation of Provisions

2.1 Proposed Changes to Richmond Valley LEP 2012

The proposed outcome will be achieved in the following ways:

- Amend **Schedule 1 Additional Permitted Uses** of the Richmond Valley LEP 2012 to permit a Food and Drink Premises (restaurant or café) upon 122 Centre Street, Casino being Lot 3 DP 337280.

2.2 Proposed Amendment to Schedule 1 Additional Permitted Uses

The proposed amendment of Schedule 1 of the Richmond Valley LEP 2012 is as follows:

3 Use of certain land at 122 Centre Street, Casino

- (1) This clause applies to land at 122 Centre Street, Casino, being Lot 3, DP 337280.
- (2) Development for the purpose of a Food and Drink Premises (Restaurant or Café) is permitted with consent.

Part 3 Justification

1. Is the Planning Proposal a result of a strategic study or report?

No. However this Planning Proposal seeks to enable a land use on the site that is compatible with the existing commercial character of Centre Street.

Pre-lodgement discussions with Richmond Valley Council also identified the potential of the subject site being captured within an extended B3 Commercial Core zoning pursuant to an RVLEP 2012 review which is likely to commence over the next 12 – 24 months. In this regard, the B3 zoning is already in place on the eastern and western sides of Centre Street within close proximity to the subject site (Refer **Plate 2**).

The proposed use of the site is considered commensurate and compatible with the non-residential land uses that are operating within proximity of the site fronting Centre Street of which are either located within the B3 – Commercial Core zone or are still zoned R1 – General Residential. As illustrated on **Plan 2 – Site Analysis** these land uses consist of:

- o Business premises
- o Food and drink premises (Lemos, KFC, and McDonalds)
- o Light industrial premises
- o Dental Surgery
- o Motel Accommodation
- o Educational Establishment (St Mary's School)
- o Laundry
- o Veterinary practice
- o Vehicle Repair Station (Goodyear)

S117 Ministerial Directions

The Planning Proposal is consistent with the provisions of applicable S117 Ministerial Directions with good justification provided concerning the inconsistency with Direction 3.1 'Residential Zones' given the inconsistency is considered of minor significance. An assessment of the project against these requirements is provided at **Attachment 1**.

State Environmental Planning Policies

The Planning Proposal is consistent with the provisions of applicable State Environmental Planning Policies. An assessment of the project against these policies is provided at **Attachment 2**.

2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes – As per Section 1.6 of this report. The Planning Proposal is required in order to amend **Schedule 1 Additional Permitted Uses** of the Richmond Valley LEP 2012 to permit a Food and Drink Premises (Restaurant or Café) on the subject land.

It is the desire of the Proponent to enable the land use on the site to commence earlier than what could potentially be achieved through awaiting the RVLEP 2012 review which is likely to commence over the next 12 – 24 months.

The proposed amendment to Schedule 1 Additional Permitted Uses of the Richmond Valley LEP 2012 maintains the current R1 General Residential land zoning until the strategic review is completed, thereby maintaining the low density residential amenity and permissibility of the site, whilst not impacting on the retail hierarchy of Casino through a zoning change nor any further rezoning by Council.

3. Is the Planning Proposal consistent with the objectives and actions of the Far North Coast Regional Strategy?

The Planning Proposal is not deemed to be inconsistent with the outcomes or actions specified within the Far North Coast Regional Strategy 2006.

The following comments are provided with respect to the Strategy:

Environment and Natural Resources – The proposal relates to urban development and will not remove any rural zones from the Richmond Valley LEP 2012. The R1 General Residential land zoning will be retained.

Due to the site's urban context, the subject land is not identified as Regionally Significant Farmland under the Northern Rivers Farmland Protection Project.

Concerning threatened species, populations and ecological communities or their

habitats having regard to Section 5A of the Environmental Planning and Assessment Act 1979, the proposal is an adaptive reuse of the site within an urban environment and the footprint of the proposal is not considered an area of high biodiversity value.

The subject site is not identified as containing terrestrial biodiversity on the Richmond Valley LEP 2012 Terrestrial Biodiversity Map.

Site inspection has revealed that the construction of a car park would be in the rear of the property which is unencumbered in respect to vegetation, other than grass cover.

Although subject to future engineering design, it appears that access could be achieved into the rear of the site from the adjoining driveway on the property to the north Lot 1 DP 1161996 without having to remove vegetation. Alternatively, access into the site through the adjoining Boyd's Lane reserve would be limited to trimming a mango tree over-hanging the road reserve.

The subject land is not mapped as being impacted by any waterways or wetlands pursuant to the RVLEP 2012 or as being located within a SEPP 71 coastal area.

Cultural Heritage - The subject land is not identified as being an item nor adjoined by an item of heritage significance pursuant to Richmond Valley LEP 2012 heritage mapping.

An AHIMS search undertaken during the preparation of this Planning Proposal did not identify any Aboriginal sites or places within 50 metres of the subject land.

Natural Hazards – The following comments are provided in relation to the natural hazards identified within Chapter 6 of FNCRS:

- *Flooding* – The site is located within the 'Low Hazard - LH' designation under the Casino Floodplain Hazard Category Map.

The proposal involves an adaptive reuse of the existing building and as such there is not expected to be a significant increase or change to the existing building footprint which in turn is not considered to adversely affect flood

behaviour in the locality by way of impact on nearby properties or the natural environment.

Richmond Valley Council has adopted the Casino Flood Plain Risk Management Plan and Part H-1 Flood Planning of the Richmond Valley Development Control Plan which applies various design controls associated with the flood characteristics of the site. Any future development application will need to address these provisions to the satisfaction of the consent authority.

Part H-1 requires commercial development to have floor levels located above the 1 in 100 year ARI flood level, which the subject property appears to be able to comply with based on a desk-top analysis. In this respect, the Casino Flood Study minimum habitable floor levels map (Plan Y2) identifies minimum habitable floor levels ranging between 23.1 – 23.2 metres AHD which minus a freeboard of 0.5 metres, results in peak 100 year flood levels between 22.6 – 22.7 metres AHD. The Casino Floodplain Risk Management Plan (Oct/Nov 1999) identifies an existing floor level of 22.39 metres AHD which is slightly above the 1 in 100 year peak flood level.

An appropriate flood evacuation plan will be considered necessary for both property and people during flood events under the provision of EA1 Casino 'Flood Planning Matrix'. Accordingly, this may form a condition of consent on a future development consent notice.

With respect to immediate short term impacts, the premises once operating may need to close in time of flood inundation and reopen once floodwaters recede and clean up completed. However in the longer term, the proposed adaption of the building for a café/restaurant is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

Notwithstanding the above, an additional flood assessment may be completed post Gateway Determination if deemed necessary by the Department of Planning.

- *Coastal Hazards* - The development is not subject to the SEPP 71 Coastal

Policy;

- *Bushfire Hazard* – The subject land is not mapped as being bushfire prone in accordance with bushfire hazard maps adopted by Richmond Valley Council;
- *Acid Sulfate Soils* – The subject site is not mapped as containing Acid Sulfate Soils within the RVLEP 2012 mapping.
- *Landslip* - The subject site is not mapped as containing areas of landslip within the RVLEP 2012 mapping.

Settlement and Housing – The proposal seeks to retain the R1 – General Residential zoning of the site, whilst the proposal does not displace any areas identified for future urban development within the Casino Urban Land Release Strategy, nor displace a proposed urban release area identified within Richmond Valley Council's 'Changes to Future Urban Growth Boundaries' document (Date 6 January 2015). Commensurate with Council's previous approvals granted over the site under DA 89/55 and 91/161B, the proposal seeks to maintain a non-residential use of the property.

Settlement Character and Design – The proposal relates to the adaptive re-use of the existing built form therefore not significantly altering the character of the urban locality. Further consideration and assessment will be completed at the development application stage when building alteration and addition plans are likely to form part of the application.

Economic development and employment growth – The proposal does not displace or adversely impact on any identified employment lands within the Far North Coast Regional Strategy, nor displace any proposed employment lands identified within Richmond Valley Council's 'Changes to Future Urban Growth Boundaries' document (Date 6 January 2015).

The planning proposal will permit the viability of staff employment resulting from the proposed use of the site for a food and drink premises.

The proposal does not displace any areas identified for future tourism development.

Water and Energy Resources – The proposal is not located within a defined water catchment area within the Richmond Valley LEP 2012 water catchment mapping.

It is not envisaged that any significant demands will be placed on energy supplies having regard to the adaptive reuse of the site.

Regional Transport – The proposal is not considered to disrupt the regional transport network, the Pacific Highway upgrade or any identified rail corridor.

The site will maintain good access to primary transport routes.

4. Is the Planning Proposal consistent with the Council's local strategy or local strategic plan?

This Planning Proposal seeks to enable an adaptive reuse of the site for café/restaurant purposes thereby continuing the non-residential use of the property since development consent 89/55 was issued for a change of use to a dental surgery.

The nature of the proposal is not considered to be inconsistent with the strategic objectives of the R1 General Residential Zone prescribed under the Richmond Valley LEP 2012. In this regard the following justification is provided;

C

R1 – General Residential Zone Objectives

- o To provide for the housing needs of the community.
- o To provide for a variety of housing types and densities.
- o To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- o To ensure that housing densities are generally concentrated in locations accessible to public transport, employment, services and facilities.
- o To minimise conflict between land uses within the zone and land uses within adjoining zones.

The proposal will not displace any land currently used for residential purposes as it will enable a continuance of a non-residential use of the property since development consent 89/55 was issued for a change of use to a dental surgery.

The proposal will facilitate a café/restaurant premise which will service the day to day needs of residents with respect to a dining out experience, whilst the end use of the site is not considered to be a noise generating use that would create land use conflict with surrounding residential and non-residential land uses within the immediate locality. It is also recognised that conditions of consent on a future development approval will ensure the operational use of a café/restaurant is undertaken in a manner to preserve the amenity of surrounding residents (i.e. hours of operation and noise).

The Casino Urban Land Release Strategy (16 August 2005) adopted by Richmond Valley Council aims to (amongst other objectives):

- I. to set aside sufficient land for a range of residential, commercial, industrial and community land uses which will cater for the projected population growth of the Town over the next twenty years to the year 2025’;
- II. To provide for the planned growth of Casino by identifying both development constraints and development opportunities and to outline a strategic sustainable approach to the future growth of the Town; and
- III. To regulate development in Casino in order to achieve a desirable built environment for a growing population and economy which projects and enhances existing and future amenity by minimising land use conflict.

The Planning Proposal is not considered to be inconsistent or antipathetic to the objectives and / or implementation of the intent of the Casino Urban Land Release Strategy.

Concerning Council’s strategic intent for urban release areas and employment lands, the following is submitted:

- o The planning proposal will not displace any areas identified for future urban development within the Casino Urban Land Release Strategy, nor displace a proposed urban release area identified within Richmond Valley Council’s ‘Changes to Future Urban Growth Boundaries’ document (Date 6 January 2015);

- o The proposal does not displace or adversely impact on any identified employment lands identified within Richmond Valley Council's 'Changes to Future Urban Growth Boundaries' document (Date 6 January 2015).

5. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

The Planning Proposal is consistent with the provisions of applicable State Environmental Planning Policies. An assessment of the project against these policies is provided within **Attachment 2**.

6. Is the Planning Proposal consistent with applicable Ministerial Directions (s117 Directions)?

Comment: The Planning Proposal is consistent with the provisions of applicable S117 Ministerial Directions with adequate justification provided concerning the inconsistency with Direction 3.1 'Residential Zones' given the inconsistency is considered a minor significance. An assessment of the project against these requirements is provided at **Attachment 1**.

7. 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?

Comment: As provided above under Question 3, in regards to threatened species, populations and ecological communities or their habitats having regard to Section 5A of the Environmental Planning and Assessment Act 1979, the proposal is an adaptive reuse of the site within an urban environment and the footprint of the proposal is not considered an area of high biodiversity value.

The subject site is not identified as containing terrestrial biodiversity on the Richmond Valley LEP 2012 Terrestrial Biodiversity Map.

A site inspection has revealed that the construction of a car park within the rear of the property is unencumbered in respect to vegetation, with only a grass cover existing.

Although being subject to future engineering design, it appears that access could be achieved into the rear of the site from the adjoining driveway on the property to the north Lot 1 DP 1161996 without having to remove vegetation. Alternatively, construction of an access driveway to service the development through Boyd's Lane reserve would be limited to trimming a mango tree over-hanging the road reserve.

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

Comment: Potential environmental impacts in relation to the development have been identified and addressed below:

- *Contamination* – SEPP 55 consideration will be considered and addressed post Gateway determination;
- *Flooding* – The information contained under Question 3 of this Planning Proposal considers and addresses flooding;
- *Stormwater Drainage* – Stormwater drainage for the development will be considered and addressed post Gateway determination within detailed designs at the future development application and construction stage;
- *Coastal Hazards* - The development is not subject to the SEPP 71 Coastal Policy;
- *Bushfire Hazard* – The subject land is not mapped as being bushfire prone in accordance with bushfire hazard maps adopted by Richmond Valley Council;
- *Acid Sulfate Soils* - The subject site is not mapped as containing Acid Sulfate Soils within the RVLEP 2012 mapping.
- *Landslip* - The subject site is not mapped as containing areas of landslip within the RVLEP 2012 mapping.

9. Has the planning proposal adequately addressed any social and economic effects?

The following comments are provided concerning social and economic effects:

Social Impacts - No social impacts are envisaged in regard to cultural heritage

matters. In this regard:

- The subject land is not identified as being nor adjoined by an item of heritage significance pursuant to Richmond Valley LEP 2012 heritage mapping.
- An AHIMS search undertaken during the preparation of this Planning Proposal did not identify any Aboriginal sites or places within 50 metres of the subject land

The proposal is to be located within a building that was previously used for a dental surgery until the surgery vacated the premises to relocate to the adjoining property at 124 Centre Street.

The adaptive use of the vacated premises will not adversely impact on or displace any educational establishments (i.e. schools), or existing health services facilities such as medical centres or hospitals.

Economic Impacts – Discussions with local Casino real estate agent PRD National have identified that there is a current void within the Casino commercial property market of free standing properties that have the ability to self-contain car parking on-site to facilitate the purpose of a restaurant or café. In this regard, the proposed use of the site fills this void in the current Casino environment. The proposal will not displace any existing retail tenancies within the Casino CBD that are either occupied or that are vacant which would be better suited for retail type development.

The proposed development does not displace or adversely impact on any employment lands identified within the Far North Coast Regional Strategy. The proposed use of the site will create employment opportunities through the operation of the café (i.e. staff) with positive local economic flow on effects resulting in the supply of goods and products.

As submitted above, the Planning Proposal will not displace or adversely impact on any identified employment lands identified within Richmond Valley Council's 'Changes to Future Urban Growth Boundaries' document [Date 6 January 2015].

10. Is there adequate public infrastructure for the planning proposal?

Comment: Yes. The site is located within an urban environment and will be serviced by a power supply, telephone service, reticulated water and sewer.

The proposal will have good access to the public road network which is considered adequate to attend to the proposed café/restaurant.

11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway Determination?

Comment: To be completed following receipt of the Gateway Determination.

Part 4 Mapping

Nil mapping required by this Planning Proposal.

Part 5 Community Consultation

It is expected that the Planning Proposal will be exhibited for a period of 28 days in accordance with standard procedures.

Part 6 Project Timeline

Plan Making Step	Estimated Completion
Council Resolution	October 2016
Gateway Determination (Anticipated)	November 2016
Government Agency Consultation	Concurrent with public exhibition
Public Exhibition Period	December 2017
Submissions Assessment	January 2017
Council adopt Planning Proposal	February 2017
Submission of Endorsed LEP to DP&I for finalisation	February 2017
Anticipated date RPA will make plan (if delegated)	March 2017
Forwarding of LEP Amendment to DP&I for notification (if delegated)	March 2017

REFERENCES

- o A Guide to Preparing Planning Proposals NSW Planning and Infrastructure 2012.
- o Richmond Valley Local Environmental Plan 2012
- o Richmond Valley Development Control Plan 2015
- o Richmond Valley Council – Casino Urban Land Release Strategy (16 August 2005)
- o Richmond Valley Council – Changes to Future Urban Growth Boundaries (6 January 2015)

ATTACHMENT 1

Assessment Against S117 Ministerial Directions

Assessment Against S117 Ministerial Directions

Section 117 Direction	Applies?	Comments
1. Employment and Resources		
1.1 Business and Industrial Zones	N/A	-
1.2 Rural Zones	N/A	-
1.3 Mining, Petroleum Production and Extractive industries	N/A	-
1.4 Oyster Aquaculture	N/A	-
1.5 Rural Lands	N/A	-
2. Environment and Heritage		
2.1 Environmental Protection Zones	N/A	-
2.2 Coastal Protection	N/A	-
2.3 Heritage Conservation	N/A	The subject land is not identified as being nor adjoined by an item of heritage significance pursuant to the Richmond Valley LEP 2012 heritage mapping. An AHIMS search undertaken during the preparation of this application did not identify any Aboriginal sites or places within 50 metres of the subject land
2.4 Recreation Vehicle Areas	N/A	-
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones	Applies	The objectives of this direction are: <i>(a) to encourage a variety and choice of housing types to provide for existing and future housing needs;</i> <i>(b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services;</i> <i>(c) to minimise the impact of residential development on the environment and resource lands.</i> Item 3 advises that “this direction applies when a relevant planning authority prepares a planning proposal that will affect land within: <i>(a) an existing or proposed residential zone (including the alteration of any existing residential zone boundary);</i> <i>(b) any other zone in which significant residential development is permitted or proposed to be permitted.</i>

		Items 4 & 5 advise the following: <i>[4] A planning proposal must include provisions that encourage the provision of housing that will:</i> <i>(a) broaden the choice of building types and locations available in the housing market, and</i> <i>(b) make more efficient use of existing infrastructure and services, and</i> <i>(c) reduce the consumption of land for housing and associated urban development on the urban fringe, and</i> <i>(d) be of good design.</i> <i>[5] A planning proposal must, in relation to land to which this direction applies:</i> <i>(a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and</i> <i>(b) not contain provisions which will reduce the permissible residential density of land.</i> Item 6 of the Direction advises that a planning proposal may be inconsistent with this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are: <i>(a) justified by a strategy which:</i> <i>(i) gives consideration to the objective of this direction, and</i> <i>(ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and</i> <i>(iii) is approved by the Director-General of the Department of Planning, or</i> <i>(b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or</i> <i>(c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or</i> <i>(d) of minor significance.</i> This planning proposal is deemed inconsistent with the directions required by items 4 & 5, however is considered acceptable due to the following justification that the inconsistency is of 'minor significance'. • The Planning Proposal does not remove the R1 General Residential land zoning currently applying to the site or alter the residential density provisions applying to the site
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		under the Richmond Valley Council DCP; - The proposal will not displace any land currently used for residential purposes and will enable a continuance of a non-residential use of the property since development consent 89/55 was issued some 25 years ago for a change of use to a dental surgery; - The site analysis provided on Plan 2 illustrates that the use of the land for a commercial purpose is commensurate with other non-residential uses operating within close proximity of the site, including within the current R1 – General Residential zone on the western side of Centre Street
3.2 Caravan Parks and Manufactured Home Estates	N/A	-
3.3 Home Occupations	N/A	-
3.4 Integrated Land Use and Transport	Applies	The objective of this Direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives: <i>(a) improving access to housing, jobs and services by walking, cycling and public transport, and</i> <i>(b) increasing the choice of available transport and reducing dependence on cars, and</i> <i>(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</i> <i>(d) supporting the efficient and viable operation of public transport services, and</i> <i>(e) providing for the efficient movement of freight.</i> Comment: The subject site is located in close proximity to the Casino Town Centre on the western edge of the Casino CBD being an approximate 2-3 minute walk from Barker Street. An existing bus service (Casino Bus Service Pty Ltd) have routes that service within walking distance of the subject site including North West Route 672, East Route 673 and South Route 674. Pedestrian footpaths service the site from the identified bus routes with a pathway running directly past the subject site. Carparking will be provided on site once the development is constructed post DA stage.
3.5 Development Near Licensed Aerodromes	N/A	-
3.6 Shooting Ranges	N/A	-

4. Hazard and Risk		
4.1 Acid Sulfate Soils	N/A	The subject site is not mapped as containing Acid Sulfate Soils within the RVLEP 2012 mapping.
4.2 Mine Subsidence and Unstable Land	N/A	The subject site is not mapped as containing areas of landslip within the RVLEP 2012 mapping.
4.3 Flood Prone Land	Applies	The objectives of this direction are: <i>(d) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and</i> <i>(e) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.</i> Item 5 of the Direction advises that a planning proposal “<i>must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone</i>”. Item 6 of the Direction advises that a planning proposal must not contain provisions that apply to the flood planning areas which: <i>(a) Permit development in floodway areas;</i> <i>(b) Permit development that will result in significant flood impacts to other properties</i> <i>(c) Permit a significant increase in the development of that land</i> <i>(d) Are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or</i> <i>(e) Permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development.</i> Comment: The proposal does not seek to alter the current R1 – General Residential land zoning but rather insert an additional permitted use within Schedule 1 of the RVLEP. Concerning Item 6, flooding has been considered and addressed under Questions 3 of this Planning Proposal for Council review and consideration. In this regard: - o The subject site is not located within a floodway - o The proposal involves an adaptive reuse of the existing building and in this regard there is not expected to be a significant increase or change to the existing building footprint which in turn is not considered to adversely affect flood behaviour in the locality by way of impact on nearby properties or the natural environment. Further assessment against the Casino Floodplain Management

		Plan and Part H-1 Flood Planning of the Casino DCP will be required at the development application stage. Richmond Valley Council has adopted the Casino Flood Plain Risk Management Plan and Part H-1 Flood Planning of the Richmond Valley Development Control Plan which applies to various design controls associated with the flood characteristics of the site. A future development application will need to address these provisions to the satisfaction of the consent authority. Part H-1 requires commercial development to have floor levels located above the 1 in 100 year ARI flood level, which the subject property appears to be able to comply with based on a desk-top analysis. In this respect, the Casino Flood Study minimum habitable floor levels map (Plan Y2) identifies minimum habitable floor levels ranging between 23.1 – 23.2 metres AHD which minus a freeboard of 0.5 metres, results in peak 100 year flood levels between 22.6 – 22.7 metres AHD. The Casino Floodplain Risk Management Plan (Oct/Nov 1999) identifies an existing floor level of 22.39 metres AHD which is slightly above the 1 in 100 year peak flood level. Notwithstanding the above, an additional flood assessment may be completed post Gateway Determination if deemed necessary by the Department of Planning.
4.4 Planning for Bushfire Protection	N/A	The subject land is not mapped as bushfire prone on Richmond Valley Council's adopted bushfire hazard mapping.
5. Regional Planning		
5.1 Implementation of Regional Strategies	Applies	As submitted within the Planning Proposal, the development is not deemed to be inconsistent with the outcomes or actions specified within the Far North Coast Regional Strategy 2006.
5.2 Sydney Drinking Water Catchments	N/A	-
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	N/A	-
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A	-
5.5 Development in the Vicinity of Ellalong, Paxton and Milfield (Cessnock LGA).	N/A	-
5.6 Sydney to Canberra Corridor	N/A	-

5.7 Central Coast	N/A	-
5.8 Second Sydney Airport: Badgerys Creek	N/A	-
6. Local Plan Making		
6.1 Approval and Referral Requirements	Applies	No referral or concurrence requirements proposed within the Planning Proposal.
6.2 Reserving Land for Public Purposes	N/A	-
6.3 Site Specific Provisions	N/A	-
7. Metropolitan Planning		
7.1 Implementation of the Metropolitan Plan for Sydney 2036	N/A	-

ATTACHMENT 2

Assessment Against State Environmental Planning Policies

Assessment Against State Environmental Planning Policies

State Environmental Planning Policy	Applies?	Comments
SEPP 1 Development Standards.	N/A	-
SEPP 14 Coastal Wetlands.	N/A	-
SEPP 15 Rural Land-Sharing Communities.	N/A	-
SEPP 19 Bushland in Urban Areas.	N/A	-
SEPP 21 Caravan Parks.	N/A	-
SEPP 26 Littoral Rainforests.	N/A	-
SEPP 29 Western Sydney Recreation Area.	N/A	-
SEPP 30 Intensive Agriculture	N/A	-
SEPP 32 Urban Consolidation (Redevelopment of Urban Land).	N/A	-
SEPP 33 Hazardous & Offensive Development.	N/A	-
SEPP 36 Manufactured Home Estates.	N/A	-
SEPP 39 Split Island Bird Habitat.	N/A	-
SEPP 44 Koala Habitat Protection.	Applies	The application does not require the removal of any identified koala habitat.
SEPP 47 Moore Park Showground.	N/A	-
SEPP 50 Canal Estate Development.	N/A	-
SEPP 52 Farm Dams & Other Works in Land & Water Management Plan Areas.	N/A	-
SEPP 55 Remediation of Land.	Applies	A preliminary contaminated land assessment in accordance with the requirements of SEPP 55 will be prepared post Gateway determination.
SEPP 59 Central Western Sydney Economic & Employment Area.	N/A	-
SEPP 62 Sustainable Aquaculture.	N/A	-
SEPP 64 Advertising & Signage.	Applies	The provisions of SEPP 64 will need to be considered and addressed at the Development Application stage with respect to business identification signage for the café/restaurant given the frontage to Centre Street.

State Environmental Planning Policy	Applies?	Comments
SEPP 65 Design Quality of Residential Flat Buildings.	N/A	-
SEPP 70 Affordable Housing (Revised Schemes).	N/A	-
SEPP 71 Coastal Protection	N/A	The development is not subject to the SEPP 71 Coastal Policy.
SEPP (Affordable Rental Housing) 2009	N/A	-
SEPP (Building Sustainability Index: BASIX) 2004	N/A	-
SEPP (Exempt and Complying Development Codes) 2008	N/A	-
SEPP (Housing for Seniors or People with a Disability) 2004	N/A	-
SEPP (Infrastructure) 2007	Applies	Comment: Concerning Clause 101, a traffic assessment may be completed post Gateway Determination should it be deemed warranted by the Department of Planning. A future development application on the site for a café/restaurant will be required to be forwarded to the Roads and Maritime Services for comment in accordance with the provisions of Clause 104 of SEPP (Infrastructure) should the development trigger such requirement. Under Schedule 3 of the SEPP the threshold for a refreshment room is: - o 200 or more motor vehicles for a site with access to any road (Column 2), or - o 300m² for a site with access to classified road or to road that connects to classified road (if access within 90m of connection, measured along alignment of connecting road (column 3). Section 3 'Land use traffic generation' of the RTA's Guide to Traffic Generating Developments identifies a DVT = 60 per 100m² GFA for restaurants.
SEPP (Kosciuszko National Park – Alpine Resorts) 2007	N/A	-
SEPP (Kurnell Peninsula) 1989	N/A	-
SEPP (Major Development) 2005	N/A	-
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	N/A	-

State Environmental Planning Policy	Applies?	Comments
SEPP (Miscellaneous Consent Provisions) 2007	N/A	
SEPP (Penrith Lakes Scheme) 1989	N/A	-
SEPP (Rural Lands) 2008	N/A	-
SEPP (SEPP 53 Transitional Provisions) 2011	N/A	-
SEPP (State and Regional Development) 2011	N/A	-
SEPP (Sydney Drinking Water Catchment) 2011	N/A	-
SEPP (Sydney Regional Growth Centres) 2006	N/A	-
SEPP (Three Ports) 2013	N/A	-
SEPP (Urban Renewal) 2010	N/A	-
SEPP (Western Sydney Employment Area) 2009	N/A	-
SEPP (Western Sydney Parklands) 2009	N/A	-