

COUNCIL ASSESSMENT REPORT

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| Panel Reference | 2017NTH005 |
| DA Number | DA2017/0175 |
| LGA | Richmond Valley Council |
| Proposed Development | Redevelopment of Northern Regional Livestock Exchange |
| Street Address | Dargaville Drive, Casino |
| Applicant/Owner | Richmond Valley Council/Richmond Valley Council |
| Date of DA lodgement | 22 March 2017 |
| Number of Submissions | Nil |
| Recommendation | That development application DA2017/0175 be determined by granting consent subject to conditions. |
| Regional Development Criteria (Schedule 4A of the EP&A Act) | Council related development having a CIV greater than \$5 million |
| List of all relevant s79C(1)(a) matters | <ul style="list-style-type: none"> • Environmental Planning & Assessment Act 1979, Part 4 – Development Assessment. • Environmental Planning & Assessment Regulation 2000, Part 6 – Procedures relating to development applications. • Environmental Planning & Assessment Regulation 2000, Schedule 3 cl. 35 – Alterations and Additions to Designated Development. • State Environmental Planning Policy No. 55 – Contaminated Land • State Environmental Planning Policy No. 44 – Koala Habitat Protection • Richmond Valley Local Environmental Plan 2012 • Richmond Valley Development Control Plan 2015 |
| List all documents submitted with this report for the Panel's consideration | <ul style="list-style-type: none"> • Proposed Design Plans – NRLX Saleyards Redevelopment • NSW Environmental Protection Authority General Terms of Approval • Written request to vary a development standard under clause 4.6 of the Richmond Valley Local Environmental Plan 2012 • Independent consultants report dated 31 May 2017. |
| Report prepared by | Cherie Smith, Development Assessment Planner |
| Report date | 25 May 2017 |

Summary of s79C matters

Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report? **Yes**

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? **Yes**
e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Yes**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S94EF)? **Not Applicable**
Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment? **Yes**
Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

**Northern Rivers Livestock Exchange Upgrade,
Development Application Number DA2017/0175
(JRPP Reference No. 2017NTH005)
Assessment Report and Recommendation Cover Sheet**

1. Executive Summary

1.1. Overview

Development Application DA2017/0175 (JRPP Reference No. 2017NTH005) seeks consent for alterations to the existing Northern Regional Livestock Exchange (NRLX). The project aims to address maintenance, animal welfare, work health and safety and economic viability issues.

The modernisation has been identified as essential to the long term operation of the facility and Richmond Valley Council has been successful in receiving funding under the Federal Governments National Stronger Regions Fund for the project. The project has an estimated CIV of \$6.4 million and comprises the following key components:

- Demolition of existing facilities including; yards and pens, load-in roof, walkways, ramps, lighting and associated infrastructure.
- Construction of a new roof over the saleyards and load-in area. The roof structure is of curved design with a central clearstorey having a maximum height of 13.58m and total area of 11,640m².
- Soft flooring to covered yards and pens.
- Re-construction of the drafting area, mustering and selling pens.
- Installation of a 400KL water tank.
- Ancillary site works including stormwater infrastructure, site security fencing and gates, lighting, vegetation removal, paving and electrical works.

1.2. Reason for consideration by Joint Regional Planning Panel

The determining authority is the Joint Regional Planning Panel pursuant to cl. 23G and Schedule 4A cl. 4 of the Environmental Planning and Assessment Act 1979, being Council related development having a CIV greater than \$5 million.

1.3. Integrated Development

The application is Integrated Development, the existing facility operates under a licence issued under Protection of the Environment Operations Act 1997. NSW Environmental Protection Authority raised no objection and General Terms of Approval have been granted without any conditions. Their General Terms of Approval are provided in Appendix B.

1.4. Location, History and Permissibility

The development is located on Lot 1 DP 732264, Lot 3 DP 570139 and Lot 102 DP 860152, Dargaville Drive Casino. The site covers an area of approximately 50 hectares within a small industrial area being approximately 4.5 km north-west of the Casino township.

Both Casino and the site have a long history of livestock selling activity. The original Casino saleyards were relocated and the existing site facilities established in 1982. The development seeks consent for redevelopment of the currently operating Livestock Exchange. The existing facility was approved under application number 39/1975 on 20 March 1975.

The site is zoned IN1 General Industrial under Richmond Valley Local Environmental Plan 2012. The proposal is for redevelopment of the existing stock and sale yards. A stock and sale yard is a type of Rural Industry which is permitted with consent in the IN1 zone. The proposal is considered to satisfy requirements for exclusion from being Designated Development pursuant to Part 2 of Schedule 3 of the Environmental Planning and Assessment Regulation 2000.

1.5. Public Exhibition and Notification

The application was exhibited and notified in accordance with the requirements for Nominated Integrated Development. The application was placed on public exhibition from 29 March 2017 to 28 April 2017. No public submissions were received during the exhibition period.

1.6. Legislative Assessment

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act, 1979 and the relevant environmental planning instruments. The application has been assessed and is considered to comply. A further detailed assessment of each provision is provided within the report.

The following environmental planning instruments require particular matters that the consent authority must be satisfied about before granting consent.

- Environmental Planning and Assessment Act 1979 - Section 79(c)
- Environmental Planning and Assessment Regulation 2000 – clause 92 and Schedule 3
- State Environmental Planning Policy No. 55 – Remediation of Land – clause 7
- Richmond Valley Local Environmental Plan 2012 – clauses 4.6(3) & (4), 6.2, 6.3(3), 6.6(3) & (4)

In particular the development proposes a variation to the Height of Building standard prescribed under cl. 4.3 of Richmond Valley Local Environmental Plan 2012. The maximum prescribed height of 8.5m is proposed to be varied to enable construction of the roof to reach a height of 13.3858m. A variation request has been submitted and is attached in Appendix D.

Departure from the building height standard is not considered to result in any adverse environmental impact and is not contrary to its objectives. Under the circumstances of this application strict compliance is considered to be unreasonable and unnecessary and the variation request is recommended to be approved.

The development application, Statement of Environmental Effects and associated records have been provided to an independent Town Planning Consultant to review Council's assessment processes and this report. The subsequent response and comments have been taken into consideration and amendments made to this report where appropriate. A copy of the report of the planning consultant is attached in Appendix E.

1.7. Recommendation

That development application DA2017/0175 (JRPP Reference No. 2017NTH005) be determined by granting consent subject to the conditions of consent contained within Appendix F.

1.8. Attachments

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|------------|--|
| Appendix A | Proposed Development Plans |
| Appendix B | General Terms of Approval NSW Environmental Protection Authority |
| Appendix C | Resolution of Tomki Shire Council Meeting 20 March 1975, approval of stock selling facilities. |
| Appendix D | Applicants Request to vary LEP Development Standard under Clause 4.6. |
| Appendix E | Statutory Review, Newton Denny Chapelle, 31 st May 2017 |
| Appendix F | Recommended Conditions of Consent |

2. Site Description, Location and History

2.1. Site Description and context

The development site is located upon 3 adjoining lots being Lot 1 DP 732264, Lot 3 DP 570139 and Lot 102 DP 860152, Dargaville Drive Casino, Figure 1. The site is approximately 50 hectares in area and lies around 4.5km to the north west of the Casino township within a small industrial area.

The area is strategically located in proximity to transport corridors and at distance to sensitive receivers.

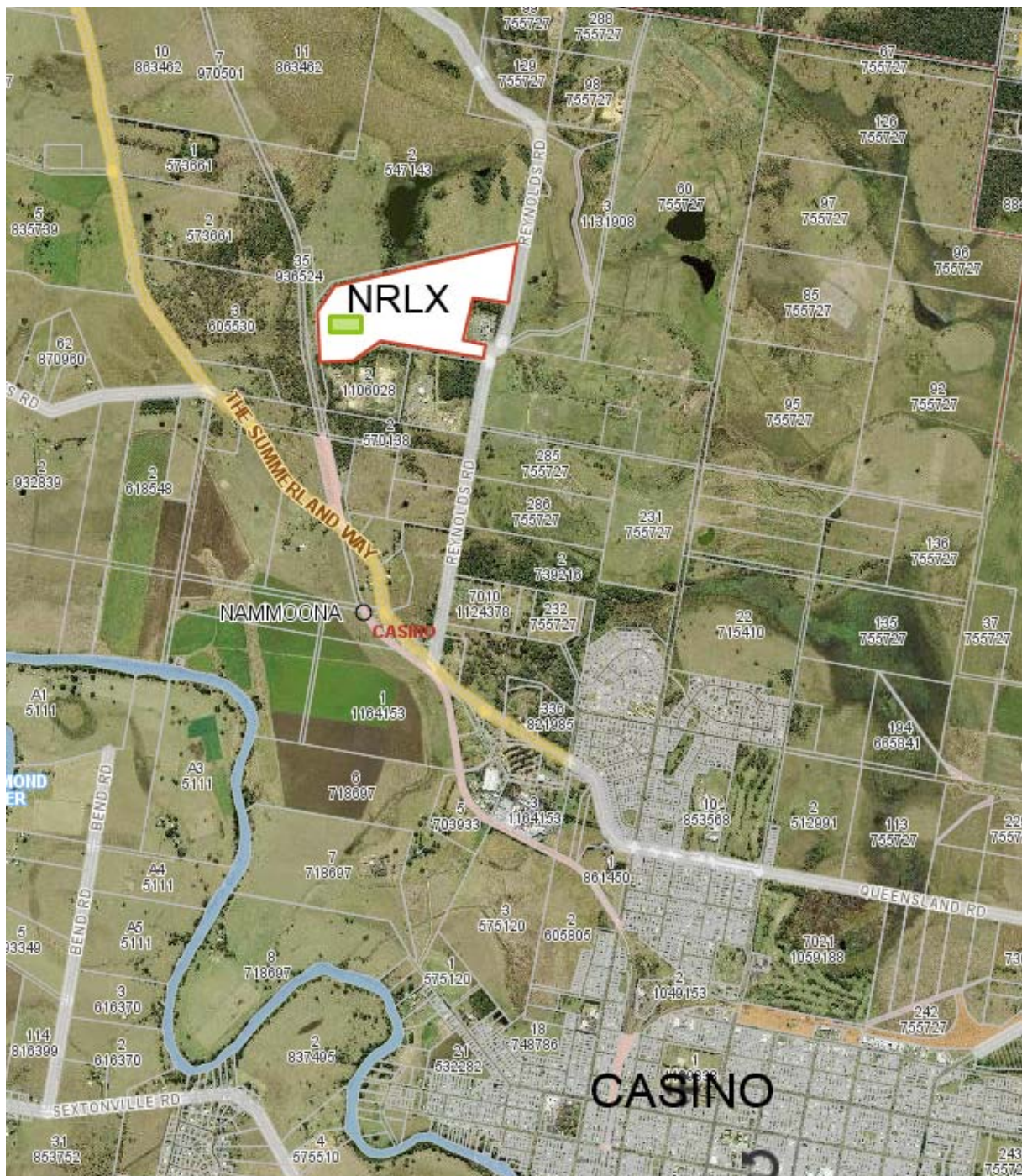


Figure 1: Development Site Locality

The NRLX site is accessed from Dargaville Drive a sealed two way road connecting to Reynolds Road. Reynolds Road is a short 1.6km route to its intersection with the Summerland Way. The site is bounded to the west by the railway line, the north by vacant grazing land and a wetland, to the south east a Landfill facility and to the east by a grain processing industry and Reynolds Road.

The vacant land to south of the Landfill and Timber processing plant, is zoned IN1 General Industrial. The vacant land immediately to the north is the location of an approved (yet to be constructed) Rail Freight Terminal complex. Figure 2 shows the Saleyards in relation to surrounding development.



Figure 2: NRLX Saleyards local context.

The NRLX main infrastructure is located on the western portion of the site includes the main saleyards facility, selling pens, yards, walkways, load-in/out facilities, car/truck parking areas, and the truck wash bays. The central and eastern portions contain grassland, scattered vegetation areas and the sites effluent management system, ponds and irrigation areas.



Figure 3: Aerial showing existing NRLX infrastructure, cattle pens, yards, walkways & loading facilities

The area of proposed works is located primarily upon the south western portion of the site as shown below in Figure 4.

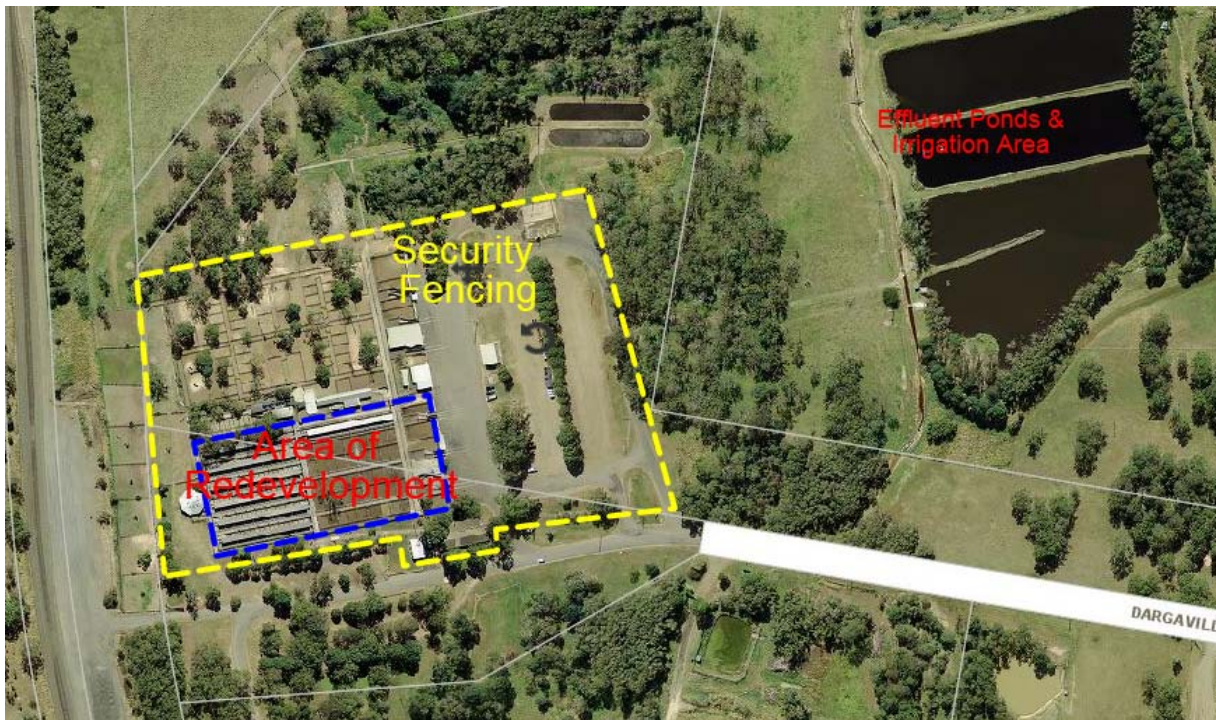


Figure 4: Area of proposed Redevelopment and proposed Security Fencing

2.2 Northern Regional Livestock Exchange Operations and Facilities

The NRLX is a regionally significant saleyard facility. The Casino township started as a beef cattle area 142 years ago and the industry remains a significant economic contributor today. The original Casino Saleyards were located in Hotham Street, nearby the now expanded Casino township.

Construction of a new Saleyard facility commenced shortly after its approval by the former Tomki Shire in 1975, and operations were completely relocated from the Hotham Street facility on 10 September 1982. Casino Saleyards have always remained within the top 5 saleyards in the State, with cattle being drawn from as far away as the Tablelands, Queensland border and Kempsey.

Throughput averages around 115,000 head per annum, although varies widely from year to year due to weather conditions, herd rebuilding, demand for exports, value of the Australian dollar and prevalence of disease outbreaks in other countries. Records show a peak of 147,000 head in 1998, current throughput is lesser being around 100,000 head per annum for the past 4-5 years. Regular sales occur on Wednesdays and most Fridays.

Figure 5 below shows the Northern Regional Livestock Exchange annual throughput back to 1988.

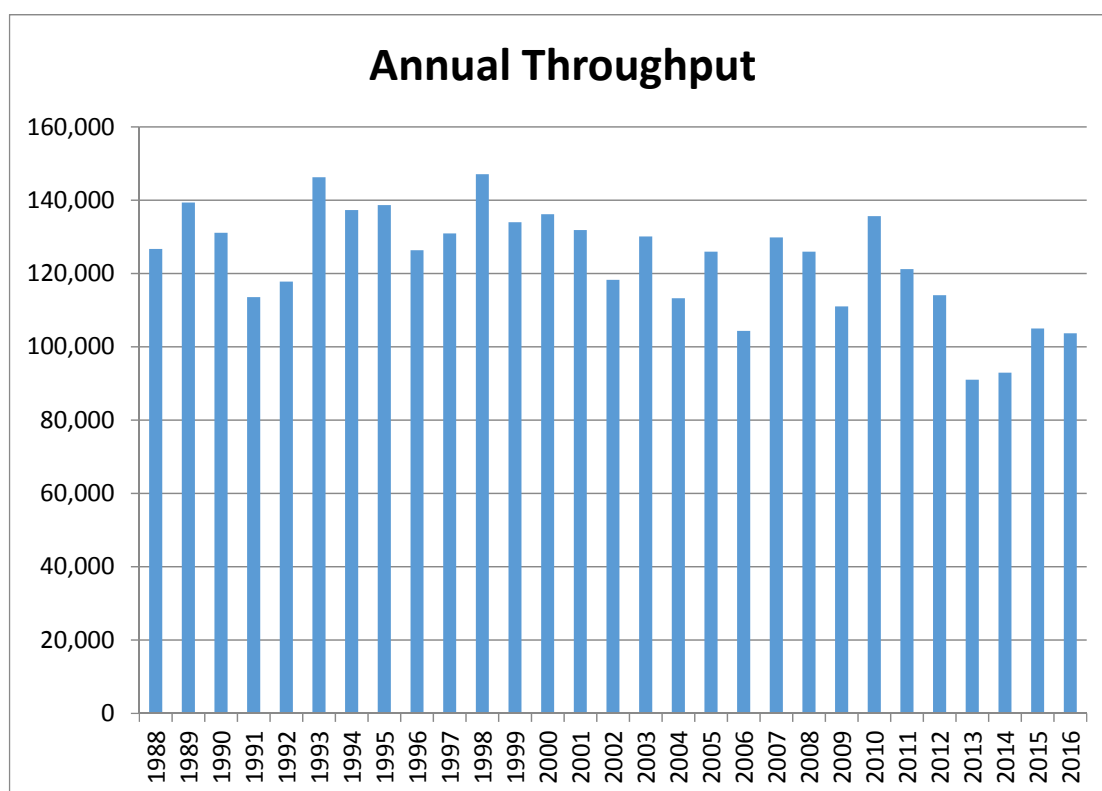


Figure 5: NRLX Annual stock throughput 1988 to 2016

Source: Richmond Valley Council

Facilities on the site are concentrated toward the western area and are the subject of the current redevelopment. The existing site layout and images of typical infrastructure are shown below in figures 6-10.

The existing site facilities in this area include;

- selling pens/yards,
- mustering and holding yards,
- bull ring,
- buyer and auctioneer walkways,
- load-in and out facilities,
- weighing facilities
- dip facility and yards
- car/truck parking areas,
- truck wash area,
- site offices, amenities and a canteen
- storage and maintenance sheds

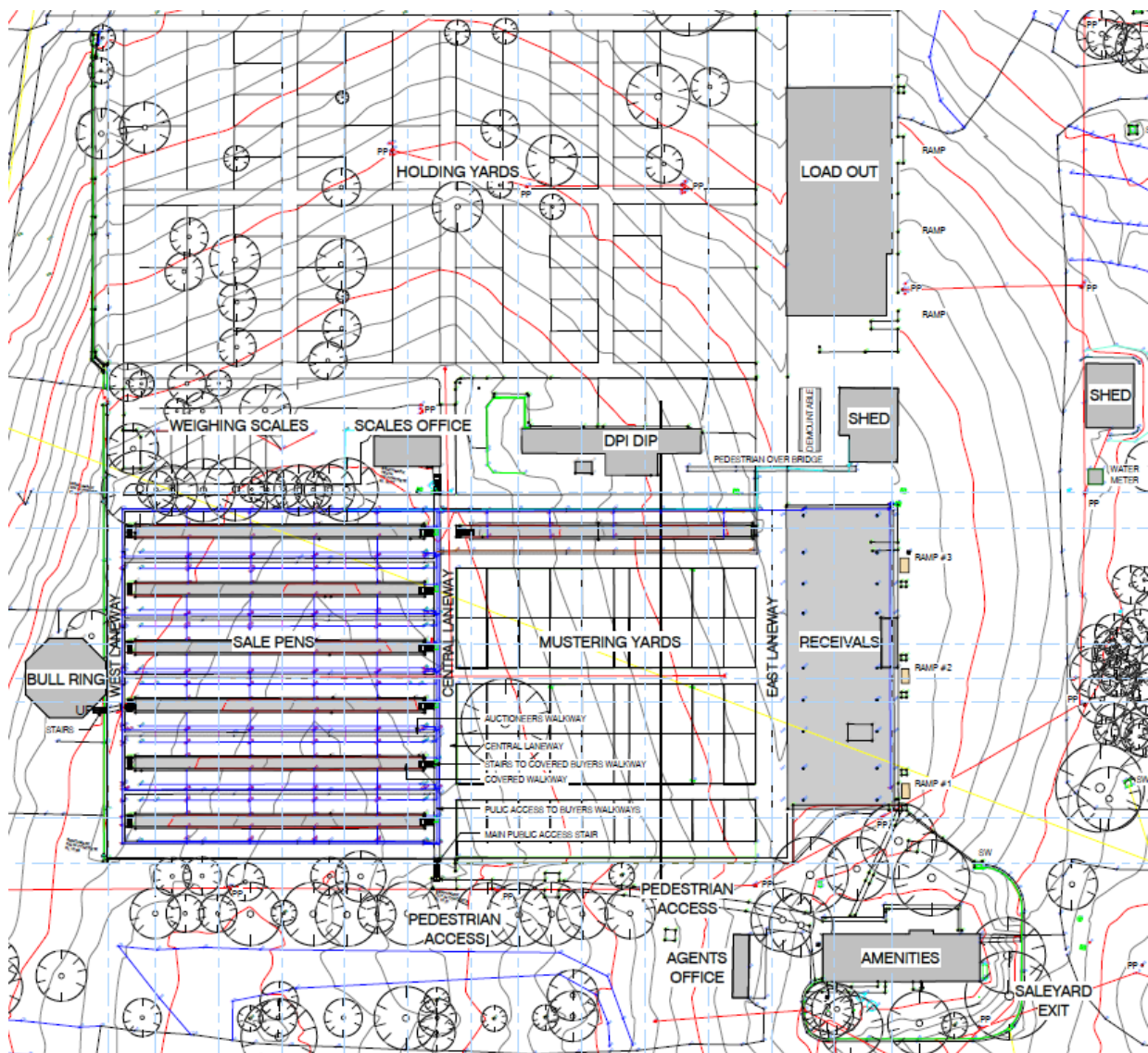


Figure 6: Existing Site Layout

Source: Statement of Environmental Effects



Figure 7: Selling Pens



Figure 8: Yards



Figure 9: Selling Yards & Buyers walkways, Auctioneers walkway above



Figure 10: Load in/out area

2.3 Site History and Background of current proposal

The former Shire of Tomki approved the building and use of land for stock selling facilities at the current site under application number 39/1975 on 20 March 1975. The approval was granted pursuant to the Local Government Act 1919. A copy of the Council resolution approving the application is provided in Appendix C.

Since its original construction various minor alterations and additions have been undertaken to the saleyards. A review of Councils records has been undertaken and the following chronology of approvals compiled.

- BA1986/0124 New amenities building and relocation of building
- BA1986/0125 Roof to saleyard
- BA1987/0018 Roof over part of saleyards
- BA1987/0069 Toilet additions
- BA1989/0091 Office
- BA1990/0006 Workshop and Storage Area
- BA1991/0085 Roof over Cattle Dip
- BA1991/0096 Steel overhead walkway
- BA1991/0091 Shed
- BA1993/0060 Shelter
- BA1993/0096 Steel walkway
- BA1994/0015 Covered Area
- BA1995/0184 Shed Additions
- BA1996/0078 Shed additions
- DA1996/0046 Subdivision
- DA1997/0028 Extractive Industry
- BA1997/0076 Selling pens and walkway
- DA2005/0155 Shed
- DA2003/0373 Work shed and office store rooms
- DA2010/0116 Earthworks
- DA2012/0039 Awning to Elevated Walkway (Selling Pens 121 to 140)
- DA2014/0078 Covered Roof over existing stalls

More recently Richmond Valley Council has undertaken reviews into the current saleyards. In 2012 a Saleyards Strategic Review by Huefner and Associates Pty Ltd found the NRLX structure and function were affecting the its performance and profitability. The NRLX was concluded to require substantial investment to remain economically viable, reduce WH&S risks and optimise animal welfare. The current development proposal has been initiated to address these issues and revitalise the facility.

3. Development Proposal

Development Application DA2017/0175 (JRPP Reference No. 2017NTH005) seeks consent for alterations to the existing Northern Regional Livestock Exchange (NRLX). The current facility requires modernisation to implement best practice animal welfare, work health and safety initiatives and to deliver improved environmental performance, site security and operational efficiencies.

The project does not propose to alter the existing NRLX operations, throughput, employee numbers, or traffic generation. Rather the proposal has been prepared to enable essential infrastructure replacement and renewal to occur with no increase in the footprint of the facility or change to any other aspect of its operations.

The application includes the following key components and activities;

1. Demolition and update of redundant facilities:
 - Load in roof structure, ladder and associated components.
 - Mustering yards including rails, posts and services.
 - Buyers and auctioneers walkways.
 - Remove 23 trees from within the saleyards footprint and along boundaries.
2. Construction of:
 - Reconfigured mustering yard area to provide drafting and selling pens.
 - Reconfigured receivals area including dual purpose mustering and selling pens.
 - New roof over saleyards and receivals area.
 - New 400KL water tank for collection of rainwater, ancillary pipeline and drainage work including new headwall, and earth bunds.
 - New 1800m high perimeter security fencing including vehicle and pedestrian gates.
 - Associated lighting, paving and electrical works.

The principal and most prominent component of the development is the construction of the new roof. The structure is 155.85m x 74.5m (11,640m²) of curved design having a central clearstorey. The clearstorey feature enables light, ventilation, and heat to be managed. Being curved the roof rises towards its centreline having its maximum height of 13.58m at this point. Figures 11 and 12 show the roof design and area of coverage, detailed elevations are included in Appendix A.

The roof serves many purposes and delivers significant benefits including:

- Weather protection for livestock, staff and other users of the facility.
- Enables the installation of soft flooring to cattle yards, reducing slippery surfaces, improves animal comfort and safety.
- The use of soft flooring reduces water demand and reduces the generation of wastewaters currently occurring as a result of cleaning the yards and stormwater overflows.
- Delivers improved environmental outcomes through the diversion of a significant volume of contaminated stormwater from the existing wastewater treatment and effluent management system.
- Facilitates capture of clean rainwater and potential water reuse opportunities.

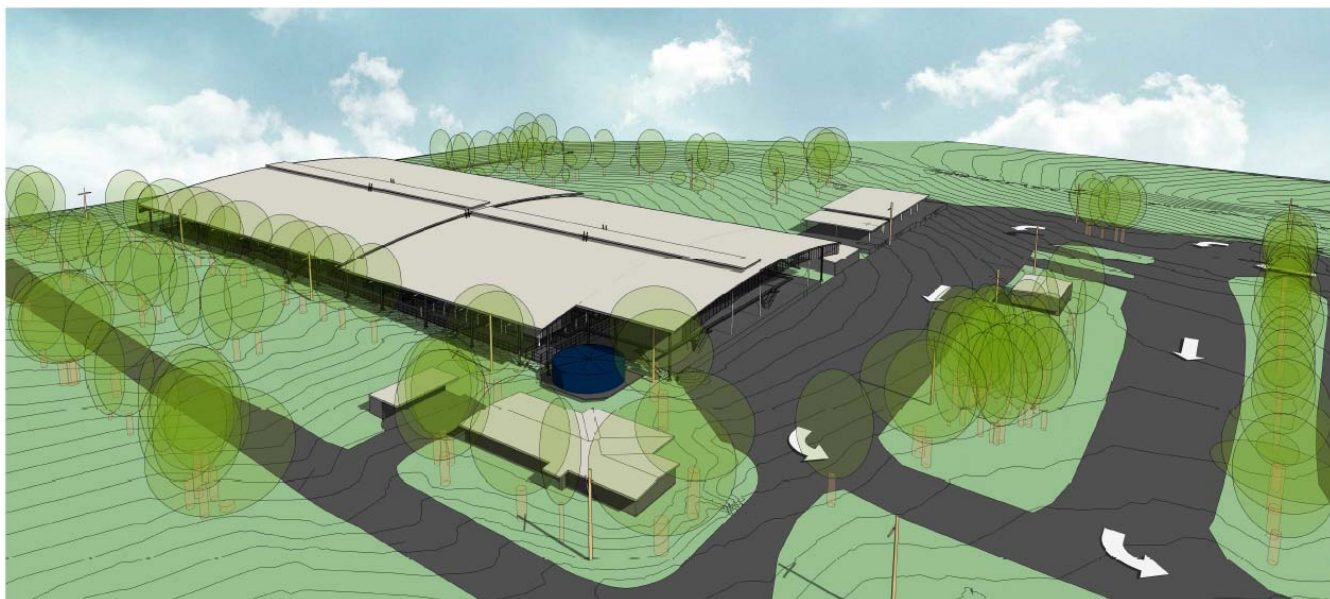


Figure 11: Concept drawing showing new roof and rainwater tank

Source: SEE

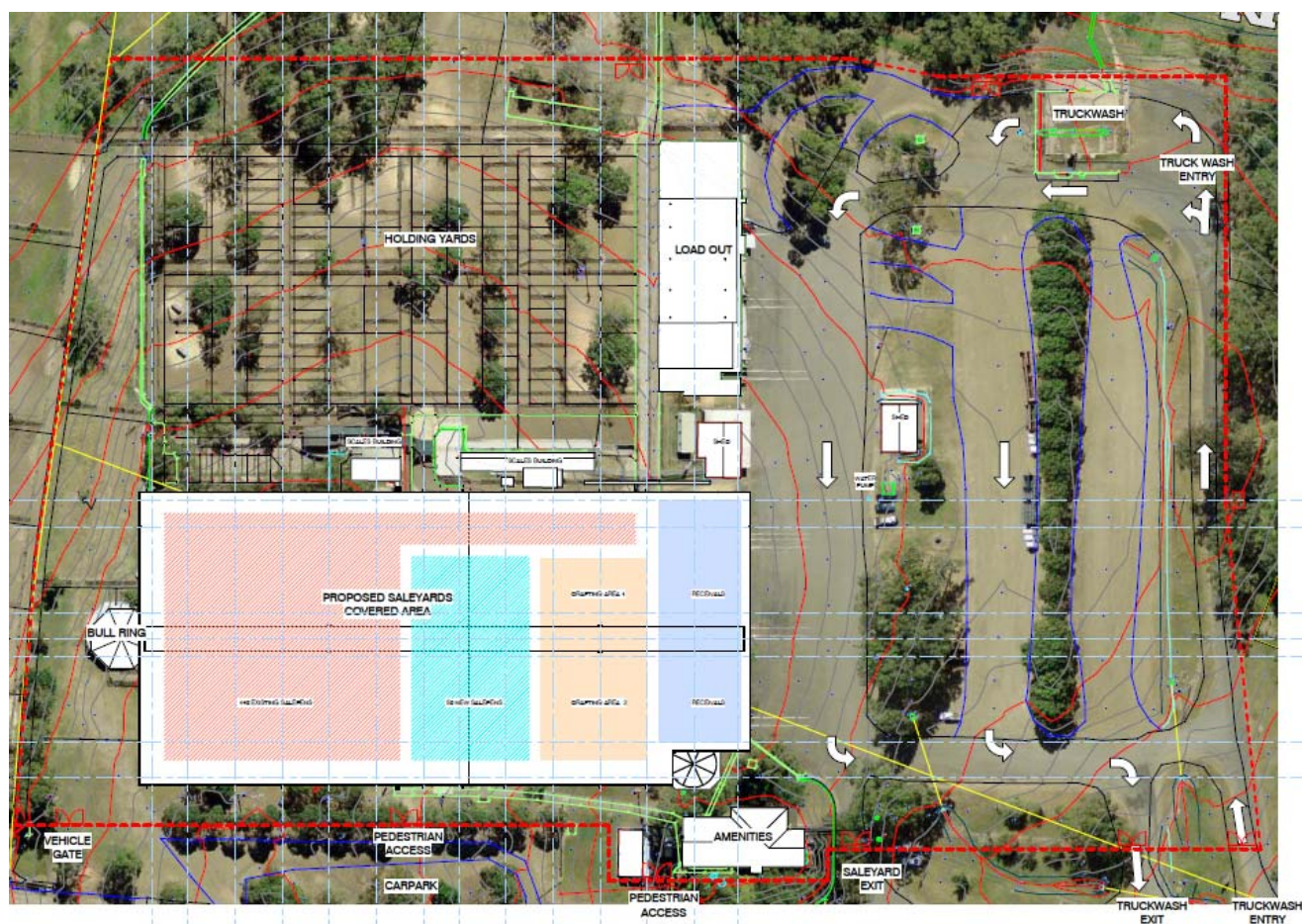


Figure 12: Area of New Roof over existing NRLX

Source: Statement of Environmental Effects

4. Referrals

The following referrals were undertaken as part of the assessment process:

External

| Authority | Comment |
|---|---|
| NSW Environmental Protection Authority | General Terms of Approval provided 30 March 2017 with nil conditions. Additional information being an amended Stormwater Management Plan was notified and EPA advised on 8 May 2017 that no amendments to the General Terms of Approval were required. |

Internal

| Authority | Comment |
|-----------------------------|-----------------------------------|
| Environmental Health | Acceptable subject to conditions. |
| Development Engineer | Acceptable subject to conditions. |
| Building Surveyor | Acceptable subject to conditions. |

5. Environmental Planning and Assessment Act 1979

Clause 23G: Consent Authority

The JRPP is the determining authority for the application being Council related development with a CIV greater than \$5 million pursuant to Schedule 4A of the EP&A Act.

Clause 76A: Development that needs consent

The proposal is seeking consent under Part 4 of the Act.

Consent is sought for refurbishment of the existing NRLX facility. The NRLX is defined as a stock and sale yard being a type of rural industry. A rural industry is permitted with consent in the IN1 General Industrial zone pursuant to Richmond Valley Council Local Environmental Plan 2012.

Clause 79A: Public Participation

Section 79A identifies the public exhibition and notification requirements for Other Advertised Development.

The development application was placed on Public Exhibition for thirty days being from 29 March 2017 to 28 April 2017. Written notification to land owners was undertaken and a published notice appeared in a local newspaper on 29 March 2017. No submissions were received.

Clause 79C: Evaluation

Section 79C details matters the consent authority is to take into consideration in determining an application. Consideration of the matters is provided in detail throughout this report.

| <i>Provision</i> | <i>Comment</i> |
|---|---|
| Section 79(1)(a)(i) – Environmental planning instruments | Refer to section 6 |
| Section 79(1)(a)(ii) – Draft environmental planning instruments | No proposed instruments are relevant to this proposal |
| Section 79(1)(a)(iii) – Development control plans | Refer to section 7 |
| Section 79(1)(a)(iiia) – Planning Agreements | No planning agreements relate to the application. |
| Section 79(1)(a)(iv) – The Regulations | Refer to section 8 |
| Section 79(1)(a)(v) – Coastal Zone Management Plan | No coastal zone management plan applies to the land. |
| Section 79(1)(b) – Likely impacts of the development | Refer to section 9 |
| Section 79(1)(c)(i) – Site suitability | Refer to section 10 |
| Section 79(1)(d)(i) - Submissions | No submissions were received |
| Section 79(1)(e)(i) – The public interest | Refer to section 11 |

Clause 94B: Section 94 or 94a contributions

A consent authority may only impose a condition relating to contributions if it is a contribution kind allowed and in accordance with a contributions plan.

Richmond Valley Council Section 94A Contributions plan applies and a consent condition consistent with this plan has been included in the recommended conditions.

Division 5: Special procedures for Integrated Development

Section 91 identifies development that requires both consent and one or more approvals under certain legislation as Integrated Development. Before granting consent General Terms of Approval must be obtained and a consent must be consistent with those terms.

The existing development has an Environmental Protection Licence and was referred to the Environmental Protection Authority (EPA). EPA raised no objection to the proposal and advises they are currently working with the licensee to finalise conditions to improve the management of effluent on the site. They confirm roofing of a significant part of the saleyards should enable a significant contribution to improved management of contaminated wastewater. EPA General Terms of Approval were issued with no conditions.

A copy of the General Terms of Approval is provided in Appendix B.

6. Environmental Planning Instruments - Section 79(1)(a)(i)

The Environmental Planning instruments applying to this application are;

- State Environmental Planning Policy 44 - Koala Habitat Protection
- State Environmental Planning Policy 55 – Remediation of Land
- Richmond Valley Local Environmental Plan 2012
- Richmond Valley Development Control Plan 2015

6.1 State Environmental Planning Policy No. 44 - Koala Habitat Protection

SEPP 44 aims to conserve and manage natural vegetation areas that provide habitat for Koala's. Koala Plans of Management are required for areas containing core Koala habitat. Vegetation removal is required for the project however the trees identified for removal are not Koala feed trees and are located within a highly modified setting not comprising Koala habitat.

6.2 State Environmental Planning Policy No. 55 – Remediation of Land

The policy provides for consideration of possible land contamination, and remediation for the purpose of reducing the risk of harm to human health or the environment. Clause 7 requires a consent authority consider whether land is contaminated and if so whether the site is suitable for the intended purpose.

The NRLX site can be considered as being potentially contaminated due to the presence of an active dip site as part of the saleyards infrastructure and its general saleyards activity. The dip is located in close proximity to the area of works, however no works or excavations in the dip site area are proposed

Council Officers have undertaken a preliminary assessment of the site and investigated the dip bath. The bath was made active in September 1982. The first chemical used to charge the dip known as "Casino Saleyards dip" was *Barricade S*. The active constituent of *Barricade S* is Cypermethrin, a synthetic pyrethroid and Chlorfenvinphos, an organophosphate. According to NSW Department Primary Industries officer Mr Larry Falls the organophosphate component is only a small percentage of the active constituent of *Barricade S*.

Apart from Cypermethrin Chlorfenvinphos, the only other chemical used at the dip has been Amitraz which was first used at the dip in 1994 and continues to be used today. Amitraz is rapidly broken down in soil containing oxygen. The half-life in soil is less than one day.

Chlorfenvinphos, is also hydrolysed in soil however its residual properties in the environment varies largely depending on conditions such as soil type, acidity / alkalinity and organic content etc. Based on measured residues, Environment Australia calculated half-lives for chlorfenvinphos of 4.6 weeks for a sandy loam, 5.1 weeks for a medium loam and 22.6 weeks for peat soils.

The northern end of the proposed roof is to be constructed in close proximity to the dip. The yards have been covered by concrete however a small area of exposed natural ground exists between the concrete yards and dip. This is the only area considered a potential risk of contamination.

Due to the proposed use of the site not to be for a more sensitive land-use and the low risk nature of the chemicals used at the dip a sampling program has not been carried out.

A risk assessment has identified that a managed approach during construction can be adopted. A condition is recommended requiring that any soils removed as part of the development located in the exposed natural ground area between the existing concrete flooring of the cattle yards and the dip bath are to be stored separately in a bunded and covered area, and then sampled to determine if contamination exists and disposed of accordingly.

6.3 Richmond Valley Local Environmental Plan 2012

Objectives of the zone

The site is zoned IN1 General Industry as shown in Figure 13. The existing NRLX facilities being a stock and sale yard fall within the rural industry land use definition. Rural industries are permissible with consent in the IN1 land zone. The proposed development therefore involves alterations and additions (refurbishment) of the existing Rural Industry.

rural industry means the handling, treating, production, processing, storage or packing of animal or plant agricultural products for commercial purposes, and includes any of the following:

- (a) agricultural produce industries,*
- (b) livestock processing industries,*
- (c) composting facilities and works (including the production of mushroom substrate),*
- (d) sawmill or log processing works,*
- (e) **stock and sale yards,***
- (f) the regular servicing or repairing of plant or equipment used for the purposes of a rural enterprise.*

Note. Rural industries are not a type of industry—see the definition of that term in this Dictionary.

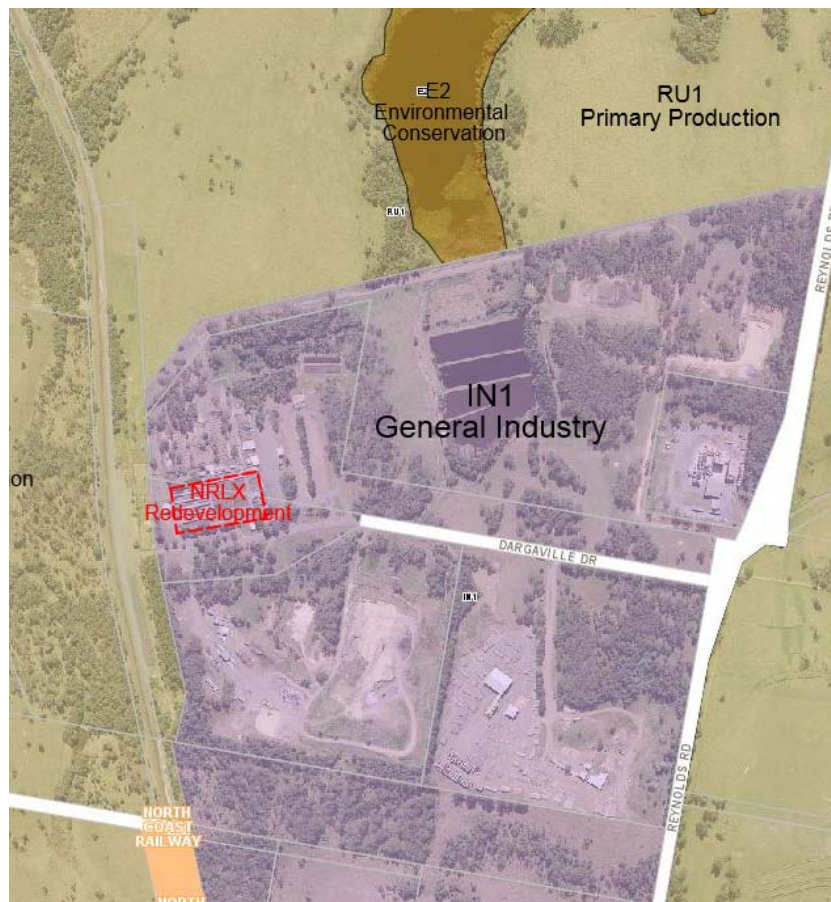


Figure 13: LEP Land Zone Map

The IN1 zone objectives are:

- To provide a wide range of industrial and warehouse land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of industry on other land uses.
- To support and protect industrial land for industrial uses.
- To enable development that is associated with, ancillary to, or supportive of, industry or industrial employees.

The proposed development involves ancillary works to the existing saleyards activity. The proposal is considered consistent with the objectives as the redevelopment provides for the continued operations of the existing Rural Industry. The proposed development supports the ongoing economic and social benefits of the NRLX to rural communities both local and regionally.

The LEP provisions applicable to the proposed development are listed below.

| Clause | Provision | Comment |
|--|--|---|
| 2.7 Demolition | The demolition of a building or work may be carried out only with development consent. | Complies Development consent is sought for the demolition of parts of the existing infrastructure to enable its renewal. |
| 4.3 Height of buildings | Maximum height of 8.5m applies. | Non compliance A building height of 13.585m is proposed. This represents a variation of 59.8%. |
| 4.6 Exceptions to development standards | Flexibility and provisions relating to exceptions to development standards | Complies A request to vary Clause 4.3 Height of Building development standard has been submitted and is further considered in section 6.3.a. |
| 5.9AA Trees or vegetation not prescribed by development control plan | Permits the clearing of trees not prescribed by a development control plan without consent | Complies 23 trees are proposed to be removed, such trees are not prescribed by a development control plan and may be removed without consent. |
| 6.2 Essential services | Requires a consent authority consider that essential services (water, electricity, sewage, stormwater drainage and road access) are available or suitable arrangements for its provision have been made. | Complies All site services are existing. If required redesign/augmentation in accordance with the service providers requirements will occur. Further comments relating to stormwater drainage is provided in section 9.2. |
| 6.3 Earthworks | Development consent is required for earthworks unless they are ancillary to other | Complies Minor ancillary earthworks, being excavations for footings and |

| | | |
|------------------------------|---|---|
| | <p>development having consent. The consent authority must consider the likely effect on;</p> <ul style="list-style-type: none"> • existing drainage and soil stability, • future use or redevelopment of the site • the quality of fill or soil to be excavated, • disturbance of relics, • adverse impacts on watercourses, catchments or environmentally sensitive areas • any measures proposed to avoid, minimise and mitigate impacts. | <p>stormwater, as well as construction of two earth berms for stormwater management will occur.</p> <p>The proposal provides opportunity to divert existing stormwater flows from overland contaminating sources and the sites water treatment system. It reduces the environmental impacts of the existing development.</p> <p>Excavation of soils is limited to that required for footings and subsurface stormwater pipes. Consent conditions are recommended to manage erosion and sediment control, and any potentially contaminated soils.</p> <p>Relics are not anticipated due to the existing highly modified facility.</p> <p>A detailed Stormwater Management Plan has been provided outlining measures to avoid and mitigate any potential impacts. Overall the diversion of clean stormwater away from the Water Treatment System will provide significant environmental improvements to the facility.</p> |
| 6.6 Terrestrial biodiversity | <p>Requires a consent authority consider likely impacts on ecological values, significant flora and fauna, habitat values, connectivity and any potential to diminish biodiversity.</p> | <p>Complies</p> <p>The land is mapped as having terrestrial biodiversity values. Negligible biodiversity impacts resulting from tree removal are anticipated. Further details are provided in section 6.1.</p> |

6.3.a Variation to Clause 4.3 Height of Buildings

Clause 4.3(2) of the Richmond Valley Local Environmental Plan 2012 identifies a maximum building height of 8.5m for the site. The objectives of clause 4.3 Height of Buildings are;

- (a) to establish the maximum height for buildings,
- (b) to ensure that the height of buildings complements the streetscape and character of the area in which the buildings are located,
- (c) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development.

In order to achieve the necessary functional criteria the development proposes to construct a roof structure over part of the existing saleyards having a height exceeding the prescribed 8.5m development standard. The proposed roof is to be of curved design having a maximum height of 13.3858m at its highest (central) point. The proposed structure is 4.8858m higher than the prescribed maximum height, this represents a 59.8% exceedance of the development standard.

Figure 14 shows the roof structure.

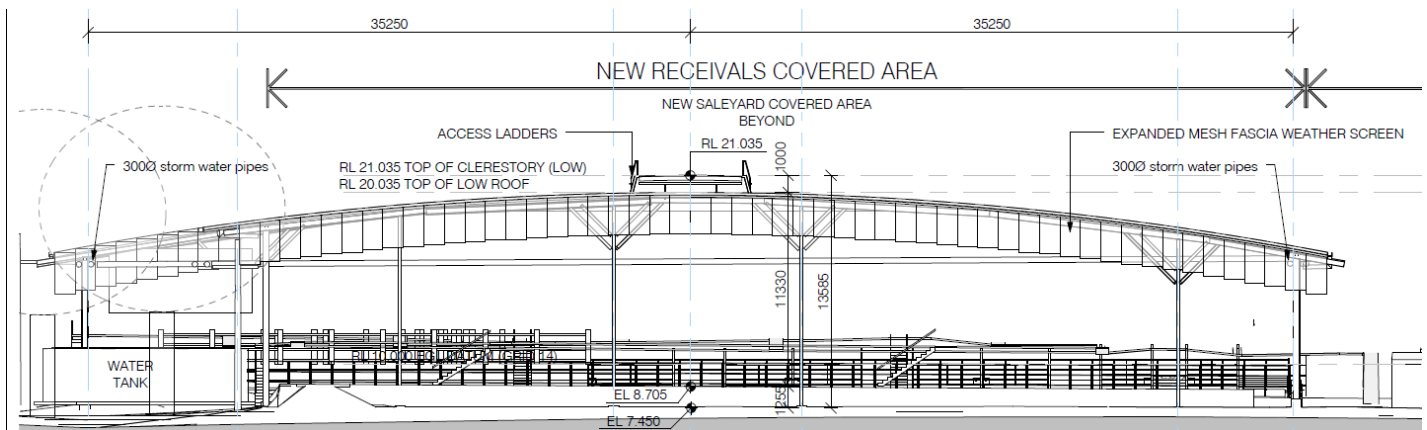


Figure 14: Proposed New Roof

Clause 4.6 of the LEP provides a degree of flexibility in applying certain standards in order to achieve better outcomes for and from development. The clause sets out strict criteria which enable such a variation to be considered and approved. The matters prescribed under clause 4.6 are detailed below.

Clause 4.6 Richmond Valley Local Environmental Plan 2012

Clause 4.6 Exceptions to Development Standards

(1) The objectives of this clause are as follows:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

Comment: The development is seeking flexibility in the application of the Height of Building standard in order to achieve a functional outcome for the development being a roof that provides space for undercover activities including raised walkways, effective spanning of the structure over the existing saleyards area, control of ventilation, light and temperature for animal and human comfort.

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

Comment: The JRPP as the determining authority may grant development consent to the subject proposal notwithstanding it not complying with clause 4.3 of Richmond Valley Local Environmental Plan 2012. Clause 4.3 is not excluded pursuant to subclause (8) below.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.

Comment: The applicant's written request demonstrating that compliance with the development standard is unreasonable or unnecessary and that there are sufficient grounds to justify the variation is provided in Appendix D.

4) Development consent must not be granted for development that contravenes a development standard unless:

- (a) the consent authority is satisfied that:
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
- (b) the concurrence of the Secretary has been obtained.

Comment: The applicant's written request is considered to comprehensively demonstrate and justify that strict compliance with the Height of Buildings standard in this instance is both unnecessary and unreasonable. It further shows there exist sufficient

environmental planning grounds for a consent authority to be satisfied the variation is well founded.

The justification outlined in the written request is summarised as follows;

- The proposal would not result in any adverse amenity impacts (such as visual impact, overshadowing, loss of privacy or solar access) due to the site context and lack of proximal sensitive receivers. The proposal does not interface with a main road therefore does not adversely affect the streetscape.
- The improvements will result in an overall more efficient and productive saleyard operation, with improved conditions for animals and those that work at and use the facility.
- The improvements will address maintenance, animal welfare, and Work, Health and Safety issues which currently exist.
- The proposal will modernise and support the NRLX in becoming a standout facility in the region and be a driver for long-term business operations and socio-economic benefits.
- The development could not efficiently progress if strict compliance with the height restriction were imposed.
- The proposed height is to allow for an effective spanning that provides for a roof over the saleyards and adequate space/height to accommodate the associated infrastructure, including yards/pens, buyers walkways and elevated auctioneer platforms, as well as a pop-up central clerestory roof for ventilation and head escape.
- There are sufficient environmental planning grounds to vary the standard based upon the sites context and separation, character of the industrial area, existing nature of the livestock facility, and surrounding visual screening.
- The objective of the standard being complimenting the streetscape and character of the area while minimising amenity impacts such as visual, loss of privacy and solar access, are upheld notwithstanding non-compliance with the prescribed standard.

The Height of Building clause has the following objectives:

- (a) to establish the maximum height for buildings,
- (b) to ensure that the height of buildings complements the streetscape and character of the area in which the buildings are located,
- (c) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development.

In considering the applicant's written request and justification in conjunction with the objectives of the Height of Buildings clause the following is noted:

- The proposed height is consistent with existing and currently approved structures at other enterprises in the industrial area.
- The nearby grain production facility includes a plant building and numerous silos having a height of greater than 17m.
- Approval has been granted for an additional silo at this site being 22m high.
- The Casino Rail Freight Terminal to be located on the property adjoining to the north will have both buildings and silos exceeding 29m in height with associated elevators and towers around 37m in height.
- No visual, privacy, solar access or view loss impacts would result if the variation request were to be granted.

The objectives of the IN1 General Industrial Zone are:

- To provide a wide range of industrial and warehouse land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of industry on other land uses.
- To support and protect industrial land for industrial uses.
- To enable development that is associated with, ancillary to, or supportive of, industry or industrial employees

The proposed development supports an existing land use that requires investment to enable its ongoing, successful operation including the retention of existing employment and support for rural producers and the wider community. The development will not change any operational aspect of the existing saleyards and will continue to operate compatibly with the adjoining industrial enterprises.

The concurrence of the Director-General of the Department of Planning and Environment is required prior to consenting to the application. Notwithstanding, the Director has notified councils that they may assume concurrence subject to the requirements contained within *Planning Circular PS08-003 Variations to Development Standards* and *Planning Circular PS08-014 Reporting Variations to Development Standards*.

Planning Circular PS08-003 Variations to Development Standards, issued on 9 May 2008, contains notification to Councils that arrangements for the Director-General's concurrence can be assumed in respect of any environmental planning instrument that adopts clause 4.6 of the Standard Instrument LEP. This assumed concurrence is conditional upon reporting all such variations, made under clause 4.6, to the Department on a quarterly basis. Council maintains and reports variations in accordance with the Department's requirements.

It is considered in this instance the applicant's request has satisfactorily address the matters prescribed under subclause (3), the proposed development is consistent with the objectives of the standard and the land zone and the concurrence of the Secretary may be assumed.

5) In deciding whether to grant concurrence, the Secretary must consider:

- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
- (b) the public benefit of maintaining the development standard, and
- (c) any other matters required to be taken into consideration by the Secretary before granting concurrence.

Comment: In accordance with *Planning Circular PS08-003 Variations to Development Standards* and *Planning Circular PS08-014 Reporting Variations to Development Standards*, the concurrence of the Secretary may be assumed in this instance. Notwithstanding contravention of the standard in this instance is not of significance for the region or State. The unique circumstance of this instance being, the proposals location, setting and context, design, and positive outcomes as detailed throughout this report demonstrate there is not diminishing of the public benefit should a variation be granted in this instance.

(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4

Environmental Living if:

- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
- (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

Note. When this Plan was made it did not include Zone RU2 Rural Landscape, Zone RU4 Primary Production Small Lots, Zone RU6 Transition or Zone E4 Environmental Living.

Comment: The proposed development does not relate to a subdivision of land.

(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).

Comment: Required records will be kept by the Council.

(8) This clause does not allow development consent to be granted for development that would contravene any of the following:

- (a) a development standard for complying development,
- (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,
- (c) clause 5.4,
- (ca) clause 6.1.

Comment: The application is not in respect of complying development, or in connection with BASIX commitments. The variation relates to a standard under clause 4.3 of Richmond Valley Local Environmental Plan 2012. It is therefore not excluded from the operation of this clause.

The departure from the building height standard is not considered to result in any adverse environmental impact and is not contrary to its objectives. The request to vary the development standard has been demonstrated to be justified and under the circumstances strict compliance is considered to be unreasonable and unnecessary. It is recommended the request to vary clause 4.3(2) Height of Buildings of Richmond Valley Local Environmental Plan 2012 be granted.

7. Development Control Plans – Section 79(1)(a)(iii)

Richmond Valley Development Control Plan 2015

The DCP provisions applicable to the proposed development are listed below.

| Part | Provision | Comment |
|---|---|--|
| Part C Industrial Development | The DCP provides a range of standards and objectives relating to building lines, side and rear setbacks, height, carparking, signage and amenity impacts. | Complies The Proposal is for redevelopment of the existing NRLX saleyards and related infrastructure. The new roof structure will exceed the maximum height of buildings however as considered in Section 6.3.a the proposed height is considered to be satisfactory. The proposed development is within the existing footprint of the facility therefore does not impact any existing setbacks, carparking or cause any additional amenity impacts. |
| Part H Natural Resources and Hazards | The site has mapped native vegetation resources and is Bushfire Prone | Complies Some vegetation removal is required however this comprises shade trees located within and adjacent the saleyards footprint. The vegetation does not include any threatened species; comprise an endangered ecological community or potential Koala habitat. The development will not increase any hazard relating to bushfire, it is to be constructed of non-combustible materials. |
| Part I Other Considerations | Setbacks and Building Height Car Parking Noise Impacts Water Sensitive Design Crime Prevention Context and Site Analysis | Complies The site maintains existing compliant setbacks. A variation to the Building Height is proposed and addressed in Section 6.3.a. The site has extensive parking and manoeuvring areas existing. Due to the physical separation of the site from sensitive receivers changes to the existing noise |

| | | |
|---|--|---|
| | | <p>impacts are not expected.</p> <p>A detailed stormwater management plan including detention is provided.</p> <p>A new site fence and secure access points are proposed to improve the security and crime prevention at the facility.</p> <p>The site is strategically located having good access and significant distance to sensitive receivers. No changes to operational aspects of the existing development are proposed.</p> |
| Part J Notification and Advertising | | <p>Complies</p> <p>The application was notified and advertised for 30 days.</p> |

8. The Regulations – Section 79(1)(a)(iv)

Designated Development

Development described in Part 1 of Schedule 3 is declared to be designated development, unless it is declared not to be designated development by a provision of Part 2 or 3 of that Schedule.

Under Part 1 of Schedule 3 the existing NRLX would fall within the livestock intensive industries criteria of clause 21(5)(a). The existing NRLX is a stock and saleyard having a throughput greater than 50,000 head of cattle per annum.

The proposed development is for alterations and additions to the existing NRLX. Subsequently Part 2 of Schedule 3 allows alterations or additions to be not Designated Development if the alterations do not significantly increase the environmental impacts of the total development having regard to certain factors set out in clause 36. The criteria under clause 36 are to be considered by the consent authority in forming its opinion.

The criteria are addressed below.

| <i>the impact of the existing development having regard to factors including:</i> | |
|---|--|
| (i) previous environmental management performance, including compliance with the conditions of any consents, licences, leases or authorisations by a public authority and compliance with any relevant codes of practice, | <p>NRLX was approved by the Council in 1975 and has numerous minor development approvals granted since its establishment.</p> <p>EPA have issued an Environmental Protection Licence for the Saleyards and have provided support for the current development application.</p> <p>The facility is operating in accordance with its subject approvals.</p> |
| (ii) rehabilitation or restoration of any disturbed land, | <p>The existing site retains areas of native vegetation through its central and perimeter areas. Tree removal is limited to isolated trees directly within the development footprint.</p> |
| (iii) the number and nature of all past changes and their cumulative effects, | <p>Past changes outlined in section 2.3, have resulted in minor works to the site. The current application is the most significant to date and will deliver improved environmental performance, animal welfare and WH&S outcomes.</p> |
| <i>the likely impact of the proposed alterations or additions having regard to factors including:</i> | |
| (i) the scale, character or nature of the proposal in relation to the development, | <p>The redevelopment is ancillary to the existing approved land-use, its purpose is to refurbish existing infrastructure and to construct additions (new roof) to address staff and visitor safety, animal welfare, and environmental performance.</p> <p>The roof will be prominent however as demonstrated in section 6.3.a the roof is consistent with the character of the site, scale and nature of the surrounding development. The proposal is entirely contained within the existing</p> |

| | |
|---|--|
| | saleyards footprint. |
| (ii) the existing vegetation, air, noise and water quality, scenic character and special features of the land on which the development is or is to be carried out and the surrounding locality, and | Impacts to existing vegetation are limited and negligible. No changes to air or noise quality are anticipated, rather the development will result in improvements to water quality due to a reduction in pollutant loads from the water treatment system. Impacts to scenic quality are minor and limited to the immediate vicinity within the sites boundaries and surrounding industrial area. |
| (iii) the degree to which the potential environmental impacts can be predicted with adequate certainty, and | Impacts have been investigated and can be accurately predicted. General Terms of Approval for the development have been issued by the EPA. Consent conditions are recommended to ensure environmental protections are implemented and maintained. |
| (iv) the capacity of the receiving environment to accommodate changes in environmental impacts, and | The development delivers improved environmental impacts particularly in relation to contamination of stormwater. The roof is a visually prominent change in the environment, however the sites distance to sensitive receivers and screening, limit its impact beyond its surroundings. |
| any proposals: | |
| (i) to mitigate the environmental impacts and manage any residual risk, and | Impacts are primarily confined to construction activities and safeguards to protect soils and water resources are proposed by way of stormwater management, erosion and sediment control measures. These are included within the recommended consent conditions. |
| (ii) to facilitate compliance with relevant standards, codes of practice or guidelines published by the Department or other public authorities. | The development will comply with relevant construction standards. The EPA have issued General Terms of Approval with no conditions. Consent conditions are recommended to ensure compliance with standards and codes. |

The criteria above demonstrate the proposed development does not significantly increase the environmental impacts of the total development; conversely the proposal to redevelop NRLX will deliver significant environmental improvements. It is therefore considered the development application may be declared not to be Designated Development.

Other matters relevant to the application as provided in the Environmental Planning and Assessment Regulation are detailed below.

| Environmental Planning and Assessment Regulation 2000 | | |
|--|---|---|
| Part | Provision | Comment |
| Clause 5 | Certain applications are identified as Nominated Integrated Development also Other Advertised Development | The site has an existing Environmental Protection Licence. For the purposes of the regulation the application was treated as Other Advertised Development and exhibited in accordance with requirements. |
| Cause 25J and 25K | Section 94A levy— determination of proposed cost of development Maximum percentage | A consent condition is recommended to address the 94a levy and to consider the cost of development for the purposes of calculating the levy. |
| Part 6 Division 3 | Procedures for Integrated development. | General Terms of Approval were obtained and are attached in Appendix B. |
| Part 6 Division 7 | Public participation – Other Advertised Development | The Application was advertised and notified as required. |
| Part 6 Division 8 | Additional matters to be considered: Coastal Policy Demolition Paper Subdivisions Dark Sky Planning | Site is not located within the coastal zone, is not part of a subdivision under Schedule 5 of the Act, and is not within a dark sky planning area. Consent conditions are included to require demolition to be undertaken in accordance with AS2601. |
| Part 6 Division 12A | Provisions relating to Regional Panels | The application is referred to the Joint Regional Planning Panel for determination. |
| Part 9 | Fire Safety and BCA compliance | Consent conditions are included to require compliance with BCA and fire safety as required . |

9. The Likely Impacts of the Development - Section 79(1)(b)

The proposed development is not considered to have any potential significant adverse impacts. The facility currently operates as a saleyards and would continue to undertake activities in the same manner. No changes to the operational aspects of the existing development are proposed.

The development proposes two notable long term changes at the site, the physical prominence and visual change resulting from the roof structure, and the improved environmental performance of the facility resulting from improved stormwater management. Both of these changes are considered in detail below.

Short term minor impacts are expected and are related to the construction phase of the development. The impacts are well predicated, short term and able to be mitigated and managed by way of standard construction management practices and consent conditions as recommended in Appendix F.

9.1 Visual Amenity

Given the scale and form of the proposed roofed structure its visual impact will be a significant change in the local environment. The site is benefited by its physical separation from dwellings and screening from the surrounding rural landscape. Figure 15 shows the location of residential dwellings and extent of surrounding vegetation.

The submitted Statement of Environmental Effects includes a Visual Impact assessment which found;

- The nearest dwellings are located along, or access from, Summerland Way and are between 500m to 1km away from the development site.
- Their surrounding views consist of a rural setting having scattered and clustered vegetation throughout local landscape.
- Views toward the NRLX facility are filtered and in most cases concealed due to distance and the presence of vegetation between the development site and potential receivers.
- The site is not directly visible from the surrounding road networks, including the Summerland Way and Reynolds Road. It only becomes visible from within Dargaville Drive.
- These features ensure the site and proposed roof will be filtered and in most cases substantially concealed from surrounding viewpoints.

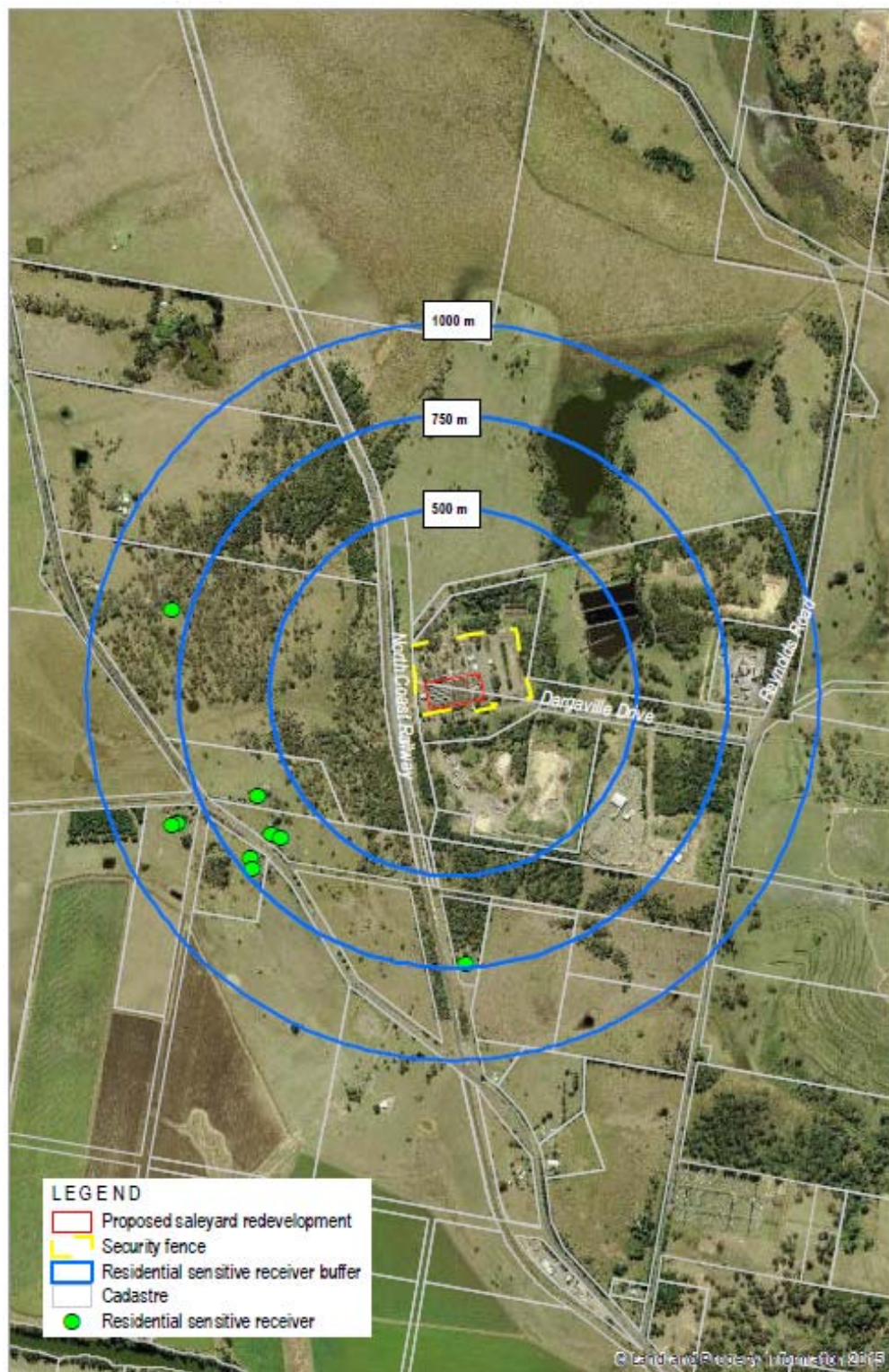


Figure 15: Location of nearby dwellings and screening vegetation.

9.2 Stormwater Management

Stormwater from the existing site currently discharges in the north eastern corner. It is conveyed to this point by a series of pipes, open channels and overland sheet flow. There are two main stormwater channels from the saleyards area, with stormwater flowing along the northern and southern boundaries of the site. Figure 16 below shows the flow of stormwater over the site. The existing saleyards have largely impervious surfaces, with floors being either concrete or heavily compacted ground, therefore the construction of a roof over this area will not increase stormwater runoff.

Currently stormwater falling over the existing saleyards collects high levels of pollutants as it falls and runs over the facility. This high volume of contaminated water is directed via drainage lines to the sites effluent treatment system. The new roof provides significant environmental benefits as it enables the diversion of clean water away from polluting sources and significantly reduces the volume of pollutants entering the sites drainage and effluent system.

Stormwater falling on the roof is captured by a new 400KL rainwater tank. Overflows from the tank are piped under existing hardstand and grass carpark and discharge to the east into the existing open grass areas. Erosion control is provided at pipe ends and a berm will deflect flows along the slope to allow spreading of the flows and infiltration.

Consultation with Council's staff during the assessment resulted in modelling and refinement of the Stormwater design to improve the interactions of stormwater flows and the sites effluent treatment system. An amended stormwater management plan was submitted that incorporated an earth bund located above the drainage channel. The proposed arrangement for stormwater flow and infrastructure is shown in Figure 17.

This bund is designed to deflect residual flows to enter the drainage line at a point further downstream of the effluent pond weir. The lower berm is located to maximise the infiltration area, not direct flows onto the existing irrigation area, and to be as far downstream of the weir so that interaction is minimised.

Both the original and amended stormwater designs were provided to the Environmental Protection Authority for consideration. The EPA have no objection to the proposal and advise roofing of a significant part of the saleyards at NRLX should enable a significant contribution to improved management of contaminated wastewater.

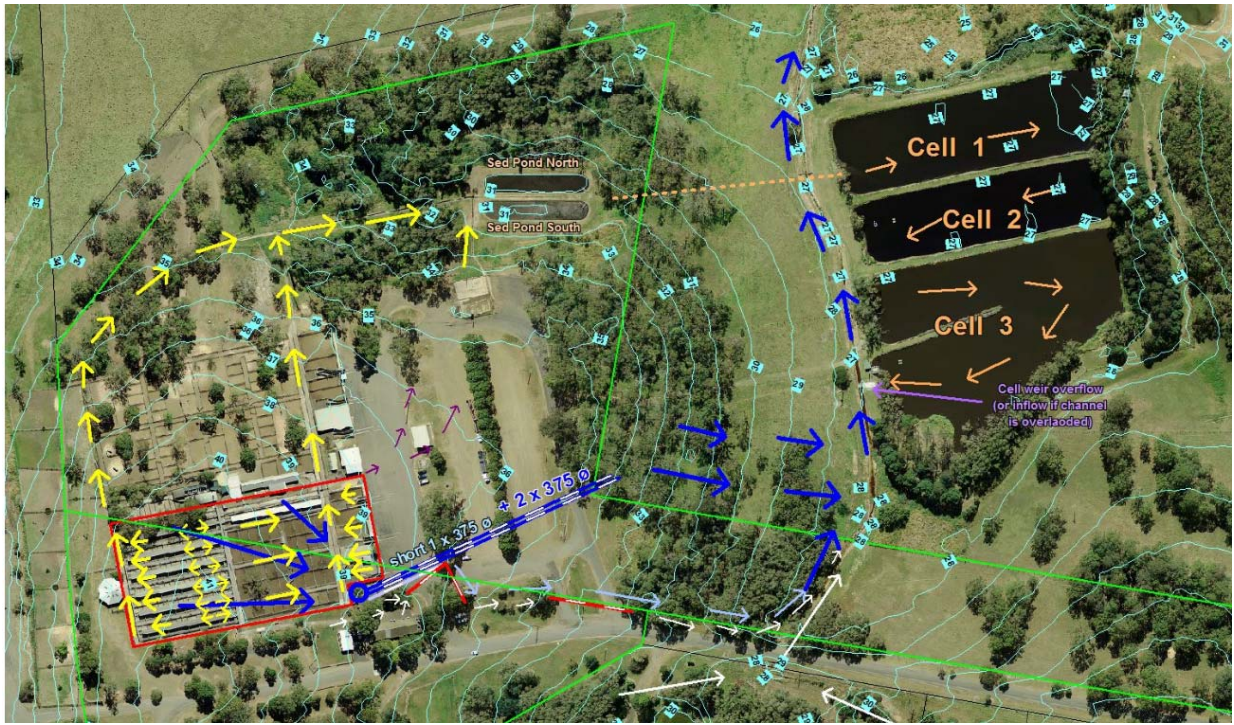


Figure 16: NRLX stormwater flow arrangement – Yellow arrows show existing flows, blue arrows are the new proposed arrangement.

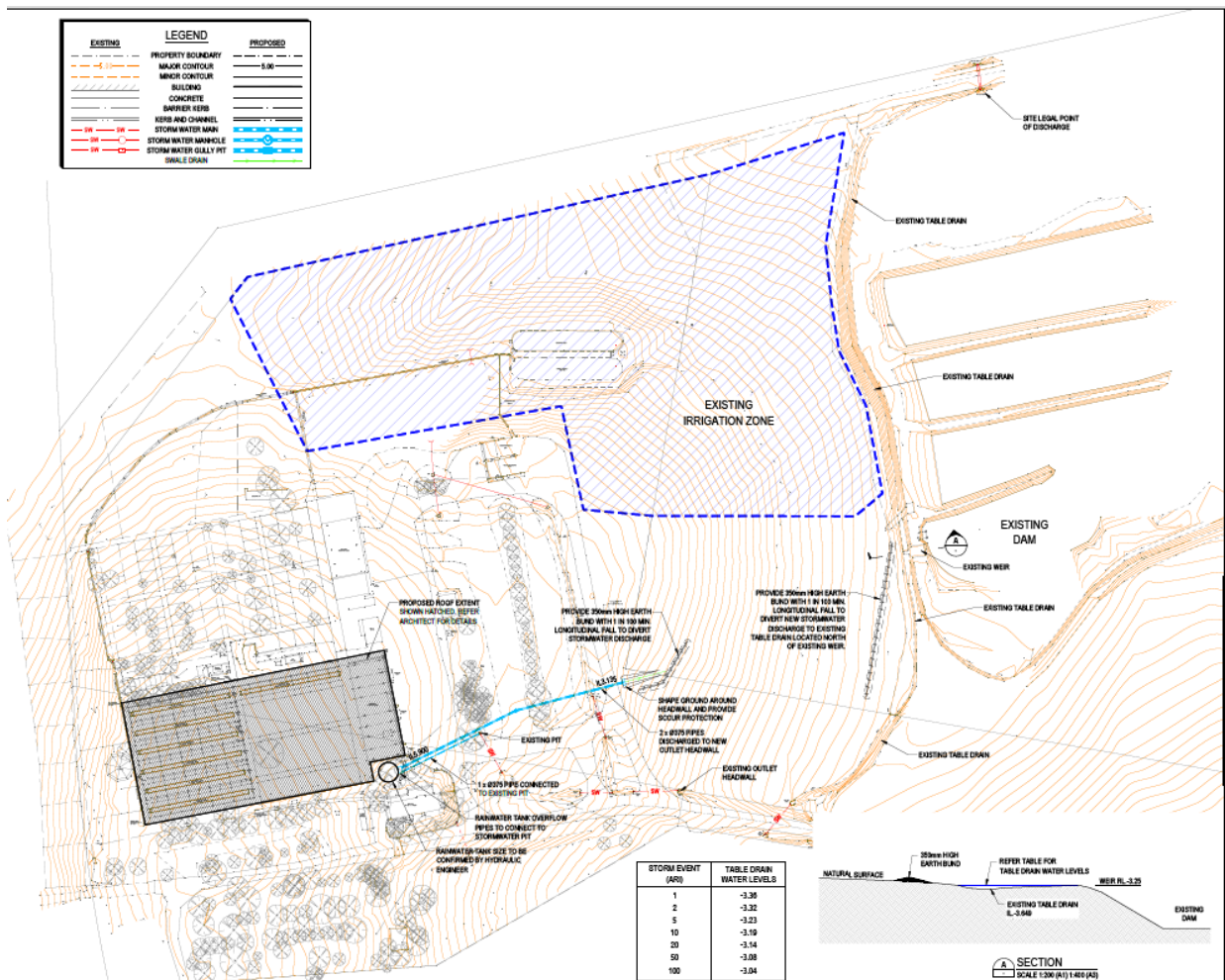


Figure 17: Proposed Stormwater Infrastructure

9.3 Construction Impacts

a) Noise

- In order to maintain the normal saleyard operation and given the absence of nearby sensitive receivers, construction work is proposed to be undertaken seven days a week.
- Noise from the Proposal would be typical of that associated with construction work however, this noise would be temporary and not present any significant noise impacts given the location and the nature of the works.

b) Soils & Water

- No natural watercourses exist on the site however existing drainage over the site results in stormwater flows being directed either to the sites effluent treatment system or overland to a central drainage line. Flows from the central drainage line discharge to wetland area located on the adjoining property.
- Works during the construction phase will result in ground disturbance and therefore risks from erosion and sedimentation are possible.
- To address these matters a detailed Stormwater Management Plan has been submitted and includes detailed erosion and sediment control measures. The erosion and sediment control plan is referenced in the approved plans as drawing number 00C011-3.
- Excavated soils are to be stockpiled with environmental controls (bundling, covering and diversion of stormwater) being implemented. Additionally a consent condition is recommended for a management plan to be developed and approved by Council for any stockpiles, inclusive of contamination analysis being undertaken.

c) Waste

- It is proposed to stockpile and re-use as much of the existing steel as possible with any excess being reused/recycled on other projects.
- Waste will be sorted and stored onsite in suitable enclosures.
- Products unable to be reused will be recycled where appropriate and transported off-site for disposal to a licensed landfill or recycling
- The proposed soft fall has an expected life span of at least 12 months. It will be removed and replaced at the necessary time. The waste material does not have an identified disposal method at the current time however is required to be disposed of in a lawful manner. It is anticipated options for its reuse/recycling may be available and these will be investigated.
- As a safeguard a consent condition is recommended requiring a detailed management plan be submitted to Council addressing any proposed stockpiling, maintenance, end use and disposal methods. Further consents may be required to stockpile, treat or otherwise deal with the soft fall on site, alternatively it may be disposed of at a facility approved to receive the waste material.

d) Traffic

- Dargaville Drive is a sealed two-way road, with an appropriate intersection to Reynolds Road. There are separate entry/exit points that enable circular flow of traffic.
- Traffic movements associated with construction employees, delivery of plant and equipment will not be greater than existing regular traffic generated from deliveries of stock to and from the saleyards. Traffic from the construction activities is short term and not likely to cause any adverse impacts.

10. Site suitability - Section 79(1)(c)(i)

The NRLX site has a long history of livestock selling activity. The site is strategically located within a small industrial area, having good connections to major road networks and located at distance to sensitive receivers. The area is appropriately zoned General Industry and is immediately surrounded by other Council infrastructure facilities and rural industries.

The wider rural surrounds screen and provide suitable buffers for the subject site and its neighbouring industries. The site is not impacted by significant hazards, does not have any significant environmental features or biodiversity values.

The proposed additions to the existing facility are considered suitable in this location.

11. The Public Interest - Section 79(1)(e)(i)

Redevelopment of the NRLX project delivers substantial community benefits. The project will address the facilities current maintenance, animal welfare, work health and safety, environmental and economic viability considerations. In particular the development will:

- modernise the facility and enhance its long-term productivity and economic activity,
- improve animal welfare and introduce best practice soft flooring,
- facilitate WH&S improvements, including reduced slippery surfaces during rainfall and high heat (heat stroke) events due to current exposure levels,
- provide weather protection for cattle, operators and users,
- reduce waste water discharge to the water treatment system,
- reduce pollutant loads to the water treatment system,
- harvest rainwater and enable water conservation and reuse on-site

Wider social and economic benefits for the local community will flow from the proposed redevelopment and include:

- support ongoing direct employment, indirectly support employment of local contractors and suppliers at, to and from the NRLX,
- support the community through capital investment in the region and employee spending,
- support primary producers and cattle farmers in the region by providing a local and consistent saleyard facility with quality conditions and infrastructure,
- improve the longevity and competitiveness of the NRLX,
- cater for on-going and future cattle sale activity with enhanced efficiency.

12. Conclusion

Development consent is sought for additions to the existing Northern Regional Livestock Exchange. The development proposes to construct a roof over part of the existing saleyards, reconstruct the existing yards, pens, walkways and ramps, introduce soft flooring, construct a site security fence and undertake ancillary works.

The project delivers significant improvements to animal welfare, work health and safety, environmental performance and economic viability. The modernisation has been identified as essential to the long term operation of the facility and Richmond Valley Council has been successful in receiving funding for the project.

The NRLX site has a long history of livestock selling activity, the development is permissible with consent in the zone and complies with the relevant Environmental Planning Instruments. A variation to the LEP Height of Buildings standard has been submitted and it is considered strict compliance with the standard is unreasonable and unnecessary in this instance.

The roof structure will be the most visibly prominent feature of the development, although not out of context in its surroundings and is benefited from screening afforded by surrounding vegetation. The roof enables capture of stormwater, use of soft flooring and reduction in pollutant loads to the water treatment system.

The application was exhibited and notified with no public submissions being received. The application has been referred to and is supported by the Environmental Protection Authority.

The proposed development complies with legislative requirements, has appropriately considered potential impacts, is suitable for the location and will have substantial social and economic benefits. The development is not considered to be inconsistent with the public interest subject to proceeding in accordance with the Statement of Environmental Effects and recommended consent conditions.

It is recommended that development application number DA2017/0175 (JRPP Reference No. 2017NTH005) be approved subject to conditions contained in Schedule of recommended Consent Conditions at Appendix E.

Appendix A – Development Plans

(Please refer to separate attachment)

Appendix B – General Terms of Approval issued by the Environmental Protection Authority

Protection of the Environment Operations Act 1997

General Terms of Approval - Issued



Notice No: 1550619

Richmond Valley Council

Locked Bag 10

CASINO NSW 2470

Attention: Cherie Smith

| | |
|---------------|----------------------------|
| Notice Number | 1550619 |
| File Number | EF13/3502, DOC17/187666-02 |
| Date | 30-Mar-2017 |

Re: Alterations and Additions to Northern Rivers Livestock Exchange (DA 2017/0175)

Issued pursuant to Section 91A(2) Environmental Planning and Assessment Act 1979

I refer to the development application and accompanying information provided for the alterations and additions to the Northern Rivers Livestock Exchange (NRLX) at Dargaville Drive, Casino received by the Environment Protection Authority (EPA) on 27 March 2017.

EPA has reviewed the information provided and notes that the premises is subject to Environmental Protection Licence 3878.

The EPA is currently working with the licensee to finalise license conditions to improve the management of effluent on the site and the roofing of a significant part of the saleyards at NRLX should enable a significant contribution to this improved management of contaminated wastewater. Separate correspondence will be issued to the licensee enclosing proposed variations to licence conditions to improve environmental performance of the site.

The EPA has no objection to the development as proposed in the documents and information currently provided to EPA. In the event that the development is modified either by the applicant prior to the granting of consent or as a result of the conditions proposed to be attached to the consent, it will be necessary to consult with EPA about the changes before the consent is issued. This will enable EPA to determine whether its general terms need to be modified in light of the changes.

If you have any questions, or wish to discuss this matter further please contact Janelle Bancroft on 6640 2513.

General Terms of Approval - Issued



Notice No: 1550619

Yours sincerely

A handwritten signature in black ink, appearing to read 'Graeme Budd', written over a horizontal dotted line.

Graeme Budd

Head Environmental Management Unit

North - North Coast

(by Delegation)

Cherie Smith

From: Janelle Bancroft <Janelle.Bancroft@epa.nsw.gov.au>
Sent: Monday, 8 May 2017 4:22 PM
To: Cherie Smith
Subject: (DWS Doc No 1306945) RE: (DWS Doc No 1294610) Alterations and Additions to the Northern Rivers Livestock Exchange, DA 2017/0175

Hi Cherie

Thanks for the email. No amendment to the GTA's and no need to send through the files.

The letter about the public submissions was received on Friday.

Cheers

Janelle Bancroft

Senior Operations Officer – North Coast

North Branch, NSW Environment Protection Authority

02 6640 2513 0447 139 638

janelle.bancroft@epa.nsw.gov.au www.epa.nsw.gov.au [@EPA_NSW](https://twitter.com/EPA_NSW)

Report pollution and environmental incidents 131 555 (NSW only) or +61 2 9995 5555



From: Cherie Smith [<mailto:cherie.smith@richmondvalley.nsw.gov.au>]
Sent: Tuesday, 2 May 2017 2:20 PM
To: Janelle Bancroft <Janelle.Bancroft@epa.nsw.gov.au>
Subject: RE: (DWS Doc No 1294610) Alterations and Additions to the Northern Rivers Livestock Exchange, DA 2017/0175

Hi Janelle,

Councils engineers have been working with the applicants to improve stormwater management on the site and as a result have a slightly amended stormwater plan for the site. As there are no conditions with your GTA's this minor change does not impact any matter prescribed by the GTA's however, I note your correspondence does request consultation if there are any amendments to the proposal prior to determination.

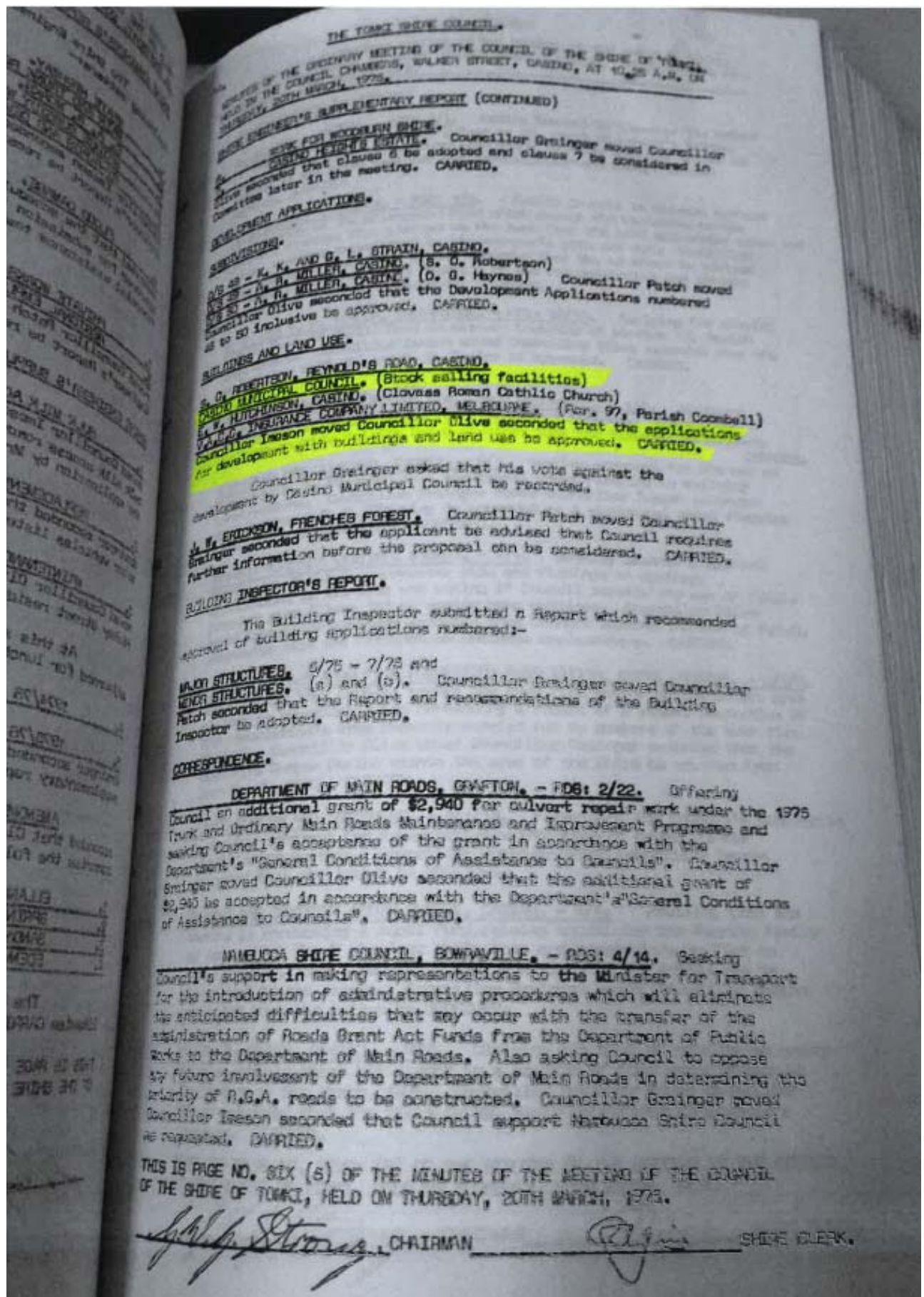
I can confirm the amendment does not alter any other aspect of the proposal. The additional information received has many large files attached to it so it is difficult to send it all, however if you need an idea of what is involved I have attached the updated drainage layouts. Of course if you need all of the associated documents please let me know and I see if I can get them to you.

I have assumed the GTA's will not be required to be amended however, if this is incorrect could you please let me know ASAP.

You may also receive correspondence shortly confirming there were no public submissions made relating to this application.

Kind regards

Appendix C –Resolution of Tomki Shire Council Meeting 20 March 1975 approval of Stock Selling Facilities



SCHEDULE OF DEVELOPMENT APPLICATIONS FOR SUBMISSION TO THE MEETING OF COUNCIL TO BE HELD ON THURSDAY, 20TH MARCH, 1975.

RESUBDIVISIONS.

D/S 48 - K. K. & G. L. STRAIN, CASINO. Excision of one 2.718h.a. lot with residence erected thereon from Lot 2 (134.1 h.a.) previously portion 103, Parish Wooroowoolgan.

D/S 49 - A. R. MILLER, CASINO. Resubdivision of lots 5 and 6, D.P. 558836, Parish North Casino, owned by S. O. Robertson. This is a revised proposal arising out of Council's rejection of D/S 47 considered on 18th February, 1975, creates two lots of 11.29 h.a. and 4237 m² respectively.

D/S 50 - A. R. MILLER, CASINO. Excision of one lot of 20 acres and residence lots 3 and 4, D.P. 101920, Parish Bundock, owned by D. G. Haynes.

BUILDINGS AND LAND USE.

D/S 49 - ROBERTSON, REYNOLD'S ROAD, CASINO. Erection of residence on lot 7 created subdivision proposal D/S 49.

D/S 51 - ERICKSON, FRENCHS FOREST. Erection of 15 residences on rural property valued at about \$60,000, residences to be occupied by families of co-operative farmers who will run property as an agricultural concern. Property will not be divided to provide separate titles to residences.

D/S 52 - MUNICIPAL COUNCIL. Erection of Stock Selling facilities on 32 acres owned by S.O. Robertson, adjacent to Council's holding paddocks and along Reynold's Road, being lot 3, D.P. 570139, Parish North Casino.

PAGE NO. ONE (1) OF THE SCHEDULE OF DEVELOPMENT APPLICATIONS FOR SUBMISSION TO THE MEETING OF COUNCIL TO BE HELD ON THURSDAY, 20TH MARCH,

G. Strong CHAIRMAN R. J. in SHIRE CLERK.

**Appendix D – Copy of Applicants Request to Vary LEP Development Standard
under clause 4.6 Richmond Valley Local Environmental Plan 2012**

(Please refer to separate attachment)

Appendix E – Statutory Review Newton Denny Chapelle

(Please refer to separate attachment)

Appendix F - Schedule of Recommended Consent Conditions

(Please refer to separate attachment)

