

	<p align="center"><b>RICHMOND VALLEY COUNCIL</b></p> <p>Offices: Cnr Graham Place and Walker Street, Casino  Cnr Woodburn Street &amp; School Lane, Evans Head  Postal Address: Locked Bag 10, CASINO NSW 2470  Email Address: council@richmondvalley.nsw.gov.au  Casino Telephone: (02) 6660 0300 - Fax: (02) 6660 1300  Evans Head Telephone: (02) 6682 4392 - Fax: (02) 6682 4252</p>	<p>Development Application No.</p> <p>DA: _____</p> <p>Date: _____</p>
<p align="center"><b>REQUEST TO VARY LEP DEVELOPMENT STANDARDS  CLAUSE 4.6 (FORMALLY SEPP 1 OBJECTION)</b></p>		

**Applicant/s Name:** Richmond Valley Council \_\_\_\_\_

**Address:** Locked Bag 10, Casino NSW 2470. \_\_\_\_\_

**Property Description:** Lot 1 DP 1240949 (formerly Lot 3 DP 570139, Lot 1 DP 732284, and Lot 102 DP 860152). \_\_\_\_\_

**1. What is the name of the environmental planning instrument that applies to the land?**

Richmond Valley Local Environmental Plan 2012.

**2. What is the zoning of the land?**

IN1 General Industrial.

**3. What are the objectives of the zone?**

- 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.

**4. What is the development standard being varied? e.g. height, lot size**

Height of buildings.

**5. Under what clause is the development standard listed in the environmental planning instrument?**

Clause 4.3 of the Richmond Valley Local Environmental Plan 2012.

**6. What are the objectives of the development standard?**

- (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.

**7. What is the numeric value of the development standard in the environmental planning instrument?**

Maximum Building Height 8.5 metres (Height of Building Map, Sheet HOB\_006)

[http://www.legislation.nsw.gov.au/maps/0cdebaca-cb63-e8ed-b23b-ca2b8d276215/6610\\_COM\\_HOB\\_006\\_080\\_20120131.pdf](http://www.legislation.nsw.gov.au/maps/0cdebaca-cb63-e8ed-b23b-ca2b8d276215/6610_COM_HOB_006_080_20120131.pdf)

**8. What is proposed numeric value of the development standard in your development application?**

Proposed maximum building height of approximately 14 metres at the structure's highest point, above the corresponding ground level directly below (according to drawing SK013 – Elevations - in Appendix A).

Much of the structure is less than the maximum height above ground level due to the curvature of the roof form and ground level variations across the site.

**9. What is the percentage variation (between your proposal and the environmental planning instrument)?**

64.7% variation to Development Standard.

**10. How is strict compliance with the development standard unreasonable or unnecessary in this particular case?**

The exceedance of the development standard is not considered to be significant or unreasonable in the context of the site and proposed Stage 2 of the redevelopment. Stage 1 of the redevelopment proposed a maximum building height of 13.585 metres and was approved and has been constructed.

The Proposal for Stage 2 of redevelopment of the NRLX requires a variation to the building height requirement to allow construction of the Stage 2 curved roof over the holding yards and associated facilities. This structure would seamlessly integrate with the Stage 1, with a very comparable height (differences in height are only influenced by a small variation in ground level across the site).

The proposed height is required to allow for an effective design that provides for a roof over the second half of the NRLX and adequate space/height to accommodate the associated infrastructure, including yards/pens, walkways and elevated platforms, as well as a pop-up central clerestory roof for ventilation and heat escape. As discussed in the Statement of Environmental Effects, 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 within a rural/industrial setting and lack of proximal sensitive receivers. Hence the height and variation sought is considered acceptable and strict compliance is unnecessary.

**11. How would strict compliance hinder the attainment of the objects specified in Section 5(a) (i) and (ii) of the Act?**

*S5(a)(i) To encourage the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*

*S5(a)(ii) To encourage the promotion and co-ordination of the orderly and economic use and development of land*

The Proposal for an upgraded and completely roofed NRLX facility will be an addition to the existing NRLX facility and the already approved and constructed Stage 1 roof. The NRLX is an important local and regional asset within the primary industries sector. The alterations and additions would facilitate improvements that 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. Stage 2 carries on from the completed Stage 1 and will see completion of improvements at the facility that will address maintenance, animal welfare, and Work, Health and Safety issues which currently exist given the age of the facility.

The Proposal will complete the modernisation and support the transition of the NRLX in becoming a standout facility in the region and be a driver for long-term business operations and socio-economic benefits for the local community and broader region. The design has taken into account the relevant matters to be addressed and sought to resolve them in the most effective and suitable manner, which results in the proposed building height. This development could not effectively progress if strict compliance with the height restriction was imposed and this would not be consistent with Section 5(a)(i) & (ii) of the *Environmental Planning and Assessment Act 1979*. The height ensures the redevelopment is fit for purpose and is an integral feature of the design.

**12. Is the development standard a performance based control? Give details.**

No.

**Additional matters to address**

*As outlined in "Varying Development Standards: A Guide" there are other additional matters that applicants should address when applying to vary a development standard.*

**13. Would strict compliance with the standard, in your particular case, be unreasonable or unnecessary? Why?**

It would be both unreasonable and unnecessary to pursue strict compliance with the building height control at the NRLX. The issues to be addressed at the existing facility and design criteria for the project have determined the most suitable building height for the roof over the saleyards and their associated infrastructure, which happens to be above the 8.5 metre control. Stage 1 of the redevelopment, involving the erection of a comparable structure has been approved and completed. Stage 2 is to build a second match roof to the north, with a bridging roof between the two main structures. There would be a seamless integration between the structures from Stages 1 and 2 and there is no reason Stage 2 should not also be approved and constructed.

The majority of the operations are not visible from public spaces beyond the NRLX facility and there would be no adverse amenity impacts to the surrounding environment or properties. The development would appropriately integrate into the site and relates to Stage 1. It achieves the primary objectives behind the Proposal, which include (amongst other things) providing weather protection for people and animals, improving animal conditions through the provision of better flooring and expansive roofing, improving stormwater runoff and effluent discharge and providing a modernised facility that can enhance and progress its economic viability and competitiveness as a regional saleyard.

Approving the height variation is considered a logical and an environmentally, socially and economically responsible decision.

**14. Are there sufficient environmental planning grounds to justify contravening the development standard? Give details.**

There are sufficient environmental planning grounds to justify contravening the development standard for this proposal. Approval of a variation to the building height standard for Stage 2 of NRLX redevelopment is consistent with the determination/consent for Stage 1 which has now been completed. Although the structure is large, completion of Stage 1 demonstrates that the Proposal and height variation is acceptable within the context of the site and results in no adverse or unreasonable impacts.

The structure design and requested height variation are integral to the redevelopment's success and the functional needs of the livestock facility. In this instance, a variation is justified as the objectives of the standard would still be achieved notwithstanding noncompliance with the standard. The standard's primary objectives relate to ensuring building height complements the streetscape and character of an area, whilst also minimising amenity impacts such as visual impact, loss of privacy and solar access.

As assessed in the SEE for this development application, the proposal is located within an industrial zone and relates to an established rural industry. The site is already highly developed with associated infrastructure (including the approved and constructed Stage 1 roof structure) and therefore the Proposal would effectively integrate with the existing character of the site and surrounds. The Proposal does not interface with a main road or street and would therefore not adversely impact a streetscape. Furthermore, as assessed, there would be no significant visual or off-site amenity impacts due to the site context, substantial separation from more sensitive land uses, and nature of the proposal. The objectives of the building height standard would be upheld by the Proposal.

Considering the objectives of the IN1 General Industrial zone in which the Proposal is located, the proposal and height variation are further justified as it would attain the primary objectives for this zone without any unreasonable detriment to the locality or other surrounding land uses as follows:

- The zone is to allow for a wide range of industrial and warehouse uses. This Proposal reflects this.
- The Proposal supports employment opportunities and the competitiveness of the facility.
- As assessed, there would be no significant adverse effects on other land uses.

- The Proposal remains consistent with the existing use, the completed Stage 1 structure, and furthers the benefit of the facility for the region.
- The development is directly associated with and enhances the existing rural industry which is a regionally important livestock exchange.

Based on these considerations, the Proposal and associated variation remain consistent with the objectives and intent of the Richmond Valley Local Environmental Plan 2012. The variation is suitable and supported by both the physical and environmental planning context of the site. It is a reasonable request that would on balance result in a positive development outcome and one that would be in the public interest and is consistent with Stage 1 of the redevelopment which has been approved and constructed. Approval of such a variation would not result in undesirable outcomes or cumulative impacts, and is justified on its merits and sound planning grounds.

Applicant's Signature .....

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

Date 12/4/18