

<b>DATE OF DETERMINATION</b>	Wednesday 25 July 2018
<b>PANEL MEMBERS</b>	Garry West (Chair), Stephen Gow, Pamela Westing
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	Cr Robert Hayes declared a non-pecuniary conflict as he is a Councillor and it is a Council DA under consideration.

Public meeting held at Richmond Valley Council Committee Room, Corner Walker Street & Graham Place Casino on 25 July 2018, opened at 10am and closed at 10.30am.

#### **MATTER DETERMINED**

2018NTH012 – Richmond Valley – DA2018/0202 at 74 Dargaville Drive Casino (as described in Schedule 1)

#### **PANEL CONSIDERATION AND DECISION**

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to approve the development application pursuant to section 4.16 (previously section 80) of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

#### **REASONS FOR THE DECISION**

**The reasons for the decision of the Panel to approve the Clause 4.6 variation were:**

- The Panel has considered the Applicant's request to vary the development standards contained in the Richmond Valley Local Environment Plan 2012 Clause 4.3 relating to height of buildings.
- The Panel is satisfied that the request has adequately addressed the matters to be demonstrated by the Applicant under Clause 4.6 (3). The Panel considers compliance with the standards would be unreasonable and unnecessary in the circumstances of this case as:
  - The recent completion of the Stage 1 roof demonstrates although a large structure it is compatible and has no detrimental amenity impacts on the surrounding area;
  - The site is benefited by its physical separation from dwellings.

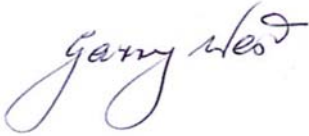


**The reasons for the decision of the Panel to the development application are:**

- SEPP 44 – there is no evidence of Koala use and therefore no further assessment is required;
- SEPP 55 – whilst the site can be considered as being potentially contaminated due to the presence of an active NSW DPI cattle dip, the dip itself is not disturbed. A preliminary assessment of the site has been undertaken. A small area of exposed natural ground exists between the concrete yards and the dip and is the only area considered a potential risk of contamination. A condition has been adopted requiring the top 300mm of soil be removed within 30m of the dip bath and stored separately in a bunded and covered area and then sampled to determine if contamination exists and disposed of accordingly;
- The project is an important second stage in the redevelopment of the NRLX delivering substantial community benefits both locally and throughout the wider Northern Rivers area.
- The project addresses the facilities current maintenance, animal welfare, work health and safety, environmental and economic viability considerations.
- The NSW EPA have issued appropriate GTA's for the development.

## CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with the following amendments.:

- Condition 14 was amended to clarify compliance with the 2001 Australian Standard;
- Condition 17 was amended to clarify the fire safety requirements for the application for a Construction Certificate;
- Integrated Development General Terms of Approval No 2 was amended as agreed by the NSW EPA for the stormwater system be designed to suit a 1 in 10 year ARI flood;
- A new advisory note (9) was added to require Council to review provision of amenities to ensure adequate dedicated or unisex facilities for females and males;
- A new advisory note (10) was added to clarify that Gate 11 as referred to in the Site Plan Proposed Detail is to remain an exit gate.

PANEL MEMBERS	
 Garry West (Chair)	 Stephen Gow
 Pamela Westing	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018NTH012 – Richmond Valley – DA2018/0202
2	PROPOSED DEVELOPMENT	Northern Regional Livestock Exchange – Stage 2 Upgrade
3	STREET ADDRESS	74 Dargaville Drive Casino
4	APPLICANT/OWNER	Richmond Valley Council/Richmond Valley Council
5	TYPE OF REGIONAL DEVELOPMENT	Council related development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>Biodiversity Conservation Act 2017</li> <li>State Environmental Planning Policy No.55 – Contaminated Land</li> <li>State Environmental Planning Policy No.44 – Koala Habitat Protection</li> <li>Draft Amendment to State Environmental Planning Policy No.44 – Koala Habitat Protection</li> <li>Richmond Valley Local Environmental Plan 2012</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Richmond Development Control Plan 2015</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Ecological Impact Assessment 27 May 2018</li> <li>Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: <ul style="list-style-type: none"> <li>Part 4 – Development Assessment</li> <li>Part 6 – Procedures relating to development applications</li> <li>Schedule 3 cl.35 – Alterations and Additions to Designated Development</li> </ul> </li> <li>Coastal zone management plan: Nil</li> <li>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>The suitability of the site for the development</li> <li>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Council assessment report: 4 July 2018, received 9 July 2018</li> <li>Richmond Valley Council Request to vary LEP Development Standard Clause 4.6</li> <li>Supplementary Statement re EPA Submission 24 July 2018</li> <li>Revised conditions dated 24 July 2018</li> <li>Written submissions during public exhibition: one</li> <li>Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>Support – Mrs. Carol Hill, with suggestions</li> <li>Object – NIL</li> <li>On behalf of the applicant – Ben Zeller, Manager, Projects and Performance, Richmond Valley Council.</li> </ul> </li> </ul>
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Site inspection: 25 July 2018</li> <li>Final briefing meeting to discuss Council's recommendation, 25 July 2018. Attendees: <ul style="list-style-type: none"> <li><u>Panel members</u>: Garry West (Chair), Stephen Gow, Pamela Westing</li> </ul> </li> </ul>

		<ul style="list-style-type: none"><li>○ <u>Council assessment staff</u>: Cherie Smith, Development Assessment Planner; Brian Eggins, Senior Development Engineer; Andrew Hanna, Manager, Development and Environment; and Ryan Slater, Building development Certifier.</li></ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report, as amended at the meeting.