

DATE OF DETERMINATION	30 July 2024
DATE OF PANEL DECISION	30 July 2024
DATE OF PANEL BRIEFING	24 July 2024
PANEL MEMBERS	Dianne Leeson (Chair), Stephen Gow, Michael Wright, Robert Hayes and Brendan Logan
APOLOGIES	Eber Butron
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 12 July 2024.

MATTER DETERMINED

PPSNTH-289 – Richmond Valley – DA2024/0096 – 146-152 Johnston Street, Casino – Proposed construction of a shop top housing development, group home, and infill affordable housing. The project is inclusive of parking, waste management, landscaping, associated civil works, and removal of existing vegetation (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 briefings listed at item 8 in Schedule 1.

Development application

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

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the application for the reasons outlined in the amended Council Assessment Report (dated 11 July 2024 and amended on 23 July 2024) and Addendum Report (dated 23 July 2024).

In particular, the Panel is satisfied that:

- The proposed development is permissible with consent, is consistent with the zoning objectives and development standards for the site and is suitable for the development
- Environmental impacts arising from the construction and operation of the facility can be adequately mitigated through the imposition of conditions.

The Panel concluded the proposed development is in the public interest adding to the supply of affordable and essential housing in the Casino area and that it will have positive social and economic benefits. Economic benefits will be derived through the creation of employment opportunities during the construction and operation of the development.

CONDITIONS

The Development Application was approved subject to the conditions in the amended Council Assessment Report and Addendum Report with the following amendments:

- Amend Condition 4 to read as follows:

4. Hours of operation of the commercial premise

Hours of operation of the commercial premises are restricted to the following hours:

- 7:00 am to 7:00 pm – Mondays to Fridays
- 8:00 am to 5:00 pm – Saturdays
- No operations are to be carried out on Sundays or public holidays

All ancillary residential administration (non-commercial) related activities are permissible 24/7.

All deliveries, including loading and unloading, and the collection of waste and recyclables shall be carried out between the hours of 7:00 am and 6:00 pm Monday to Friday, or between 8:00am and 1:00 pm Saturday.

Vehicles servicing the development (including deliveries and waste collection) shall not park and/or wait in the surrounding residential areas prior to 7.00 am or after 6.00 pm Monday to Friday nor prior to 8.00 am or after 1.00 pm Saturday.

Reason: To protect the amenity of the local area.


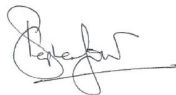
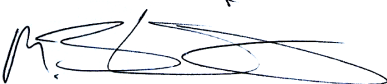


- Amend Condition 8 c) to read as follows:
 - c) The registered community housing provider is to manage who is permitted to access the site in accordance with the plan of management required in Condition 55; and
- Amend Condition 9 to remove the word 'these' and replace with 'this' in the first sentence
- Amend Condition 17 to remove the word 'Time' and replace with 'Tim'
- Amend Condition 24 to insert 'and' at the end of part i)
- Amend Condition 34 Section 64 water and/or sewer headworks development contributions table as follows:

Section 64 Local Govt Act 1993 & Sections 305-307 Water Management Act 2000 Levy Area – Casino Total demand: Water 9.36ET, Sewer11.46ET Less 4 ET credit for 4 existing lots Nett increase: Water 5.36ET, Sewer 7.46ET (1 ET = 1 Equivalent Tenement)	TechOne Code	No. of ET's	\$ / ET for 2024-2025	Amount Payable (\$)
RVC Water Headworks	WatS64Hwks	5.36	\$ 9,994.00	\$ 53,567.84
RVC Sewerage Headworks	SewS64Hwks	7.46	\$ 8,302.00	\$ 61,932.92
Rous Water # Water Headworks	Rous64Hwks	N/A	N/A	not applicable
Total Section 64 contributions (current @ 24/7/2024 but generally applicable for payment 1/7/2024 to 30/6/2025) Payments will be in accordance with Council's Revenue Policy at the time of payment				\$ 115,500.76

- Amend now Condition 55 Plan of Management, by
 - Amending the first sentence, to read as follows:
A plan of management shall be prepared and must be reviewed and updated annually on commencement and use of the site. The plan of management shall be adhered to at all times, and shall include:
 - Amending part a) to read as follows:
 - a) The shop top housing and group home development shall be managed by a registered housing provider and be in accordance with management practices;
- Delete Condition 70 Managing Amenity Impacts and renumber the remaining conditions accordingly
- Delete former Condition 79 Amenity – Vehicles

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel notes that no written submissions were made during public exhibition and therefore no issues of concern were raised.

PANEL MEMBERS	
 Dianne Leeson (Chair)	 Stephen Gow
 Michael Wright	 Robert Hayes
 Brendan Logan	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSNTH-289 – Richmond Valley – DA2024/0096
2	PROPOSED DEVELOPMENT	Proposed construction of a shop top housing development, group home, and infill affordable housing. The project is inclusive of parking, waste management, landscaping, associated civil works, and removal of existing vegetation.
3	STREET ADDRESS	146-152 Johnston Street, Casino (being Lot 155 DP 834821, Lot 156 DP 834821, Lot 157 DP 834821, and Lot 158 DP 834821)
4	APPLICANT/OWNER	Newton Denny Chapelle Pty Ltd Third Sector Australia Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Sustainable Buildings) 2022 State Environmental Planning Policy (Housing) 2021 State Environmental Planning Policy (Industry and Employment) 2021 State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy Transport and Infrastructure) 2021 Richmond Valley Local Environmental Plan 2012 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Richmond Valley Development Control Plan 2021 Planning agreements: Nil Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council Assessment Report: 11 July 2024 and amended (uploaded) on 23 July 2024 Council Addendum report received: 23 July 2024 Written submissions during public exhibition: 0 Total number of unique submissions received by way of objection: 0
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 11 June 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Michael Wright (Acting Chair), Stephen Gow, Robert Hayes and Eber Burton <u>Council assessment staff</u>: Kate Imeson, Cherie Smith and Travis Eggins <u>Department staff</u>: Carolyn Hunt, Lisa Ellis and Daniel Bounvan

		<ul style="list-style-type: none"> • Applicant Briefing: 24 July 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow, Michael Wright, Robert Hayes and Brendan Logan ○ <u>Applicant representatives</u>: Damian Chapelle, Mark Edwards and Damon Maloney ○ <u>Council assessment staff</u>: Kate Imeson, Cherie Smith and Travis Eggins ○ <u>Department staff</u>: Carolyn Hunt and Lisa Ellis • Final briefing to discuss Council's recommendation: 24 July 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow, Michael Wright, Robert Hayes and Brendan Logan ○ <u>Council assessment staff</u>: Kate Imeson, Cherie Smith and Travis Eggins ○ <u>Department staff</u>: Carolyn Hunt and Lisa Ellis
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the amended Council Assessment Report (uploaded on 23 July 2024)