

DATE OF DETERMINATION	22 July 2020
PANEL MEMBERS	Paul Mitchell (Chair), Stephen Gow, Penny Holloway and Robert Hayes
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held via teleconference on 22 July 2020, opened at 2:30 pm and closed at 3:00 pm.

MATTER DETERMINED

PPSNTH-41 - Richmond Valley – DA 2020/0201 at 128 Canterbury St, Casino – additions to educational facility (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.

Application to vary a development standard

Following consideration of a written request from the applicant, made under cl 4.6 (3) of the Richmond Valley Local Environmental Plan 2012 (LEP), that has demonstrated that:

- a) compliance with cl. 4.3 (Height of Buildings) is unreasonable or unnecessary in the circumstances; and
- b) there are sufficient environmental planning grounds to justify contravening the development standard

the panel is satisfied that:

- a) the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP; and
- b) the development is in the public interest because it is consistent with the objectives of cl. 4.3 (Height of Buildings) of the LEP and the objectives for development in the R1 zone; and
- c) the concurrence of the Secretary has been provided.

Development application

The panel upholds the applicant's request to vary the height of building's standard in clause 4.3 of the Richmond Valley LEP 2012. 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 approves the application and agrees with the reasons given in the Conclusion of the Council's assessment report (p21), being:

1. That the proposal will improve the education facilities available at the existing St Marys School.
2. That the proposal is generally consistent with the applicable provisions of all relevant planning instruments.
3. That the proposed building will have an appropriate relationship with adjoining heritage items.

4. That the subject site is suitable for the proposal because the development will sit comfortably within the existing school facilities.
5. That there will be no adverse environmental impacts principally because the proposal does not involve any change in student numbers.
6. That demolition of the affected buildings can be managed satisfactorily.
7. That the proposal is in the public interest.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report with the following amendments:

- Condition 3 to be amended to read as follows:


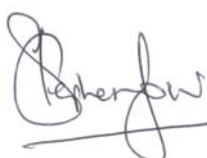


A landscaping plan shall be submitted to approved by Richmond Valley prior to the release of the construction certificate. The landscaping plan shall:

- i. Detail the landscape treatment around the new building and
- ii. Define the curtilage and pathways around St Marys Church and Presbytery and provide for appropriate plantings within the setting of the heritage items which will filter and soften the impact of the new building to the rear of the heritage items.

Reason: To provide suitable landscaping around the new building and ensure the heritage significance of the St Mary's Church and Presbytery are not compromised.

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	
 Paul Mitchell (Chair)	 Stephen Gow
 Penny Holloway	 Robert Hayes

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSNTH-41 - Richmond Valley – DA 2020/0201
2	PROPOSED DEVELOPMENT	Demolition of school rooms, canteen & construction of new science and GLA building
3	STREET ADDRESS	128 Canterbury St, Casino
4	APPLICANT/OWNER	Newton Denny Chappelle
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 (State and Regional Development) 2011 ○ State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 ○ State Environmental Planning Policy No 55 – Remediation of Land ○ 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 2015 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: CI 92(1)(b) - demolition • 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: 8 July 2020 • Clause 4.6 request to vary development standard (building height): 2 May 2020 • Written submissions during public exhibition: nil • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Council assessment officer – Debbie Pinfold ○ On behalf of the applicant – Damian Chappelle and Warren Steele
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Final briefing to discuss council's recommendation, 22 July 2020, 1:30 pm. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Paul Mitchell (Chair), Penny Holloway, Stephen Gow, and Robert Hayes ○ <u>Council assessment staff</u>: Debbie Pinfold, Angela Jones, Andy Edwards, Brian Eggins and Peter Chu
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report