

STATEMENT OF ENVIRONMENTAL EFFECTS

ALTERATIONS AND ADDITIONS

PROPERTY: 'The Royal Hotel, Casino'
130 Walker Street, Casino

OUR REF: 240096

DATE: April 2024



DOCUMENT AND PROJECT DETAILS

Document title:	Alterations and additions
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Proponent:	RSM Properties Pty Ltd
Date of issue:	23 rd April 2024
Job reference:	240096
Project outline	The proposal seeks to refurbish the existing club and motel on the site to enhance the functionality of the premises and create a new community focused venue.

REVISION HISTORY

Rev	Date	Description	Author	Approved
A	18.04.2024	Draft SEE	SP	KV
B	23.04.2024	Final SEE	SP/KV	KV

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ATTACHMENTS

Attachment 1	Design Plans <i>Tonic Architecture and Design</i>
Attachment 2	Architectural Design Statement <i>Tonic Architecture and Design</i>
Attachment 3	NCC Compliance Report <i>Coastline Building Certification Group Pty Ltd</i>
Attachment 4	Extract from Casino CBD Heritage Conservation Area Main Street Audit <i>Richmond Valley Council/Jane Gardiner</i>

1. Executive Summary

1.1 Development Application

Development consent is sought from Richmond Valley Council for alterations and additions to ‘The Royal Hotel’ located at 130 Walker Street, Casino. The proposed works involve extensive repairs and renovations across the site including the registered club, motel and alfresco beer garden. The project includes, the creation of a new accessible ground-floor motel room and provision of additional on-site parking spaces.

Pursuant to the Richmond Valley Local Environmental Plan 2012 (RVLEP 2012) the site is zoned *E2 – Commercial Centre*. Registered clubs and motel accommodation are both permissible with consent in the within the E2 zone.

The proposal remains generally compliant with the relevant provisions of the RVLEP 2012. The development has also been assessed against the Richmond Valley Development Control Pan 2021 and is generally compliant with the relevant provisions.

This report examines the existing development and site location, how the proposed development relates to the location and the environment, as well as the planning merits of the development with respect to the relevant legislation.

Based on the assessment completed, it is therefore requested that the application be approved subject to reasonable and relevant conditions.

1.2 Site Details

The site details relevant to the proposed development are provided within **Table 1** below.

Table 1: Site Details

Property Address	130 Walker Street, Casino
Property Description	Lot 1 DP186386 Parish of Casino County of Rous
Registered Owner	RSM Properties Pty Ltd
Proponent	RSM Properties Pty Ltd
Applicant	Newton Denny Chapelle for and on behalf of the proponent
Local Authority	Richmond Valley Council
Site Area	1798m ²
Easements	Nil registered.
Existing Land Use	Registered club and motel
Local Planning Instrument	Richmond Valley Local Environmental Plan 2012
Land Zoning	E2 – Commercial Centre

Maximum Building Height	14m
Floor Space Ratio	Not mapped
Integrated Referrals	Nil
Concurrence	Nil
Other Referrals	Nil

1.3 Purpose

This Statement of Environmental Effects (SEE) is intended to accompany the Development Application prepared by Newton Denny Chapelle for and on behalf of the proponent of the subject development being RSM Properties Pty Ltd.

The intent of this report is to describe the site, its existing and proposed uses and to address all the issues relevant to this application’s assessment and subsequent determination.

This report should be read in conjunction with the accompanying Richmond Valley Council Development Application form together with the following plans and technical assessments identified within **Table 2**, which support the development proposal.

Table 2: Accompanying Plans and Technical Assessments

Company	Plan/Report
Newton Denny Chapelle	Statement of Environmental Effects
Tonic Architecture and Design	Design Plans Architectural Design Statement
Coastline Building Certification Group Pty Ltd	NCC 2022 Compliance Report

1.4 Pre-lodgment Discussions

Various liaison has occurred between our clients and senior officers on Richmond Valley Council. Most recently, a meeting and site inspection was held on 7 March 2024 between our clients, the project team and Council’s Ms Angela Jones and Mr Andrew Clark. At this meeting, it was agreed that the proposal represented a significant improvement on the existing situation on the ground. It was also agreed that the design would be developed to a stage to enable lodgement of a development application and construction certificate in quick succession.

1.5 Further Information

Should Council require any additional information, or wish to clarify any technical matter raised by this proposal or submissions made to same, Council is requested to consult with Karina Vikstrom on (02) 6622 1011 or kvikstrom@ndc.com.au prior to determination of this application.

2. Site Description

2.1 Location & Land Use

The subject site is located at 130 Walker Street, Casino (known in cadastral terms as Lot 1 DP186386). The site is situated within the Casino town centre and is known as 'The Royal Hotel'. Being within the town centre, the site is in proximity to a variety of land uses including retail, hospitality, and education.

The property comprises a total land area of 1798m². It is a corner allotment, with frontages to both Walker and Canterbury Streets and an additional access point via Cycad Lane. Of note, the site benefits from two existing vehicle crossovers with Canterbury Street and Cycad Lane.

The property is currently improved with two existing buildings, one being the motel and the other being the registered club. The club building holds the prominent corner position on the site, it is a predominately single storey building with frontages to both Walker Street and Canterbury Street. A small second level is provided at the western end of the building. The club also includes a large alfresco beer garden space. The motel is a two-storey structure, the lower-level houses car parking with the motel rooms situated on the upper level. The motel is positioned along the western portion of the allotment.

Consent was issued by Richmond Valley Council in 2019 for a change of use on the site from a 'pub' to a 'registered club' via DA2020/0060. This proposal seeks to continue the previously approved use on the site.

Plate 1 below provides an aerial view of the subject site, whilst **Plate 2** provides an excerpt of the deposited plan relevant to the land. There are no registered easements or restrictions burdening the land.



Plate 1: Aerial view of subject site

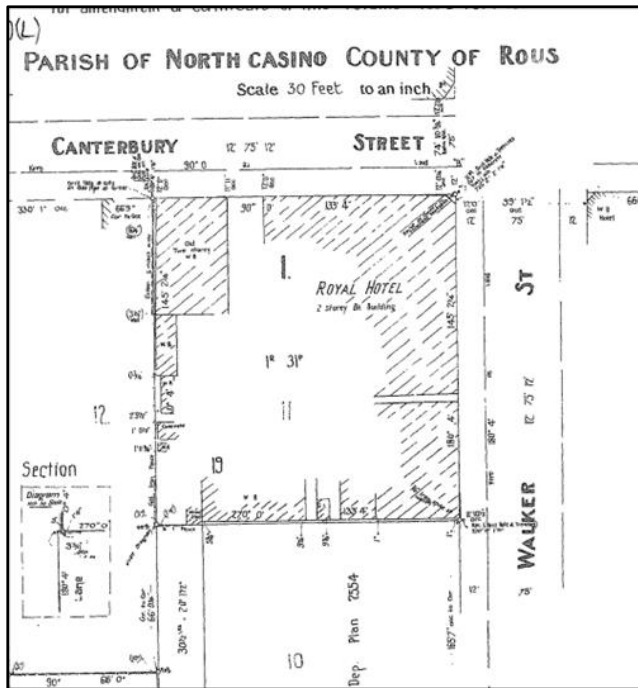


Plate 2: Extract from Deposited Plan 186386

2.2 Site Analysis

Site inspection and searches of local government records indicate the key site characteristics as outlined within **Table 3** below.



Table 3: Site Analysis

Site Characteristics	Comment
Existing structures within the subject site	Club building (inclusive of alfresco beer garden) Motel building
Easements	Nil recorded.
Topography within the subject site	The site is generally flat.
Vegetation within the subject site	The site is highly disturbed and void of any significant vegetation. Landscape plantings within the site comprise 'hardy' common garden plantings including Golden Cane Palms, Draecena and Agave.
Infrastructure services	The property is connected to all required service infrastructure including reticulated water, sewer, electricity and telecommunications.
Hazard Mapping	Flood prone land.
Adjoining land uses	The site is within the Casino CBD - a Salvation Army store adjoins the property along Walker Street while the Casino Civic Hall neighbours the site along Canterbury Street.
Biodiversity Conservation	The land is not mapped on the Biodiversity Values Map. No clearing of any significant vegetation is proposed as part of the application. Further consideration of the Biodiversity Conservation Act 2016 is not warranted in this instance.

2.3 Site Constraints

A review of available online mapping indicates that the land is subject to the following environmental constraints outlined in **Table 4**.

Table 4: Environmental Constraint Mapping

Mapping	Constraint
	<p>Heritage</p> <p>The eastern portion of the site is mapped as being partially within the Casino Central Business District Heritage Conservation Area (CBD HCA). Additionally, the site is within the 50m buffer for a number of nearby heritage items identified within Schedule 5 of the RVLEP 2012 (including I32 Civic Hall Auditorium and I165 Shop C). However, the site itself is not identified as a heritage item under Schedule 5.</p> <p>The proposal has addressed the heritage controls of the RVLEP 2012 in Section 4.2 of this report and the DCP in Section 4.3.</p>
	<p>Flood Prone Land</p> <p>The site is flood prone land, Councils mapping identifies the site as being affected under a 1 in 100 year climate change event. A flood information enquiry confirms the applicable flood planning level for the site is <i>RL 24.2 SW corner, most 24.1m AHD</i>, while the site is a <i>Low</i> flood hazard category.</p> <p>The proposal has addressed the flood requirements of the RVLEP 2012 within Section 4.2 of this report, and the DCP controls within Section 4.3.</p>

2.4 Architectural Design Statement

As identified in **Table 4**, the site is partially within the CBD HCA. The site holds a prominent corner location within the town centre and is within vicinity of several heritage structures. An Architect Design Statement has been prepared to support the proposal and is available within **Attachment 2** of this report. Key components of the Architectural Design Statement have been summarised below for reference.

The existing structure built circa 1960's features red brick and white render, with a low-pitched steel gable roof form with sweeping overhangs over the footpath and is a great example of the mid-century modernist style. The surrounding buildings and streetscape include the adjoining Art Deco Civic Hall circa 1937, the Federation style former ESA bank building circa 1907, the commonwealth Hotel circa 1957 also in mid-century style and the Walker St Shops circa 1934 also in the art deco style. Most buildings in the CBD have roofs set behind parapets featuring red brick or white stucco or render.

The proposal seeks to enhance the functionality of the building and create a new community-focused venue. A number of design solutions were established for the proposal, including:

1. *'The proposed new building design draws on the influences from surrounding buildings within the streetscape, as well as other neighbouring properties. Elements such as red brick, new white render and white brick, FC batten joint cladding, Steel Roof Sheeting, aluminium window awning elements and battened screening. Creating a Palm Springs inspired outdoor garden lounge space connected to the new existing pub through large glass openings internal to the site and connected to the street by creating visual and physical seating opportunities along the boundary threshold'.*
2. *'The size and scale of the proposed building aligns with the current building form – no additional internal spaces are being created outside of the existing roof perimeter. The new street and carpark entry and garage have been designed to continue the building façade form to the Streetscape in both scale and materiality'.*

2.5 Site Photos



Plate 3: Walker Street Frontage



Plate 4: View of Club Building From Motel



Plate 5: Canterbury Street Frontage



Plate 6: Beer Garden

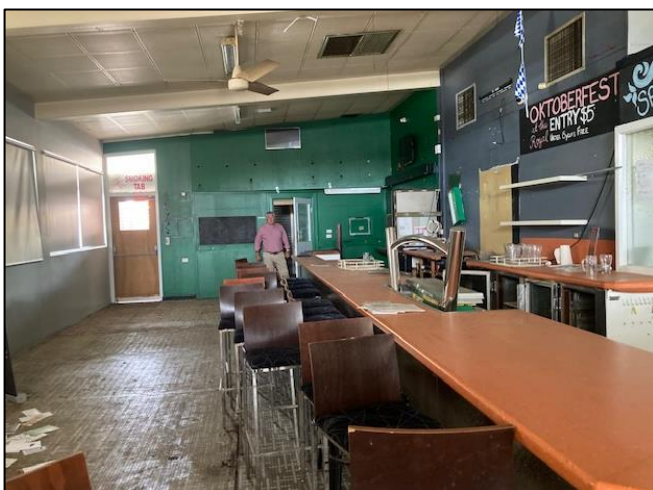


Plate 7: Club Building Interior



Plate 8: Motel Car Parking

3. Development Proposal

3.1 Description of Proposal

Development consent is sought from Richmond Valley Council for alterations and additions at 130 Walker Street, Casino. The proposal seeks to refurbish the site and enhance its functionality to create a community-centric venue. Reference should be made to the architectural design plans prepared by *Tonic Architecture + Design* contained within **Attachment 1** of this report for full detail. However, in summary, the major development components have been outlined below for the Council's consideration.

Registered Club

The proposal includes the refurbishment of the existing club building. The club building has two-levels and is situated in the prominent corner position of the site, with frontages to both Walker Street and Canterbury Street. The club includes the alfresco beer garden which adjoins the building to the south.

To facilitate the refurbishment, several areas within the building and beer garden will be demolished. These works will include the removal of existing floor covers, ceilings, wet areas, fixtures and doors and windows within the club building. Existing structures within the beer garden will be removed, as will the hardstand area in preparation for a new surface.

The new works will focus on the refurbishment and fit-out of the club on the ground level. In this regard, a new main pedestrian entry with Walker Street will be constructed. This entry will lead into a lobby and sign-in area. The club will also be accessible via the internal carpark. A new kitchen and servery including cold and dry storage areas will be constructed. The upgrades will also involve the construction of a main bar and sports bar, along with new male and female amenities. In addition, a gaming area will be developed in the northwestern corner of the building.

On the upper-level, new carpets and new tiling in the bathroom will be installed. This upper-level space will provide a meeting room, staff room and office area.

The refurbishment of the beer garden will create a modern alfresco dining area. The space will be improved with new seating and lounge areas, a stage, games area and several shipping containers to provide articulation and variety to the beer garden space. The beer garden will be accessible from the club building, internal car park and Walker Street.

Motel

The motel building is a two-storey structure, consisting of undercover carparking on the lower level, and rooms on the upper level. Currently, the motel provides for 11 rooms. All rooms are to be renovated, the scope of works will include the removal of the existing bathroom fittings, fixtures and wall finishes. Additionally, the façade wall to all rooms will be demolished. An additional motel room is to be constructed on the ground floor, creating an accessible room on the site. This room is to be 25m² and will include accessible car parking.

3.2 Vehicular Access & Services

As illustrated in the site plan (drawing A_951 within **Attachment 1**) vehicle access to the site is provided via an existing driveway crossover with Canterbury Street. Service vehicle access (MRV) is available, with the vehicle to enter via Canterbury Street and exit in a forward direction via the existing driveway crossover with Cycad Lane to the south of the site. Both entrances will be controlled via security gates.

The site benefits from existing connections to all necessary service infrastructure including reticulated water, Council's wastewater, electricity, stormwater and telecommunications networks. These existing arrangements are to be maintained.

3.3 Architectural Design Plans

Reference should be made to the design plans prepared by *Tonic Architecture and Design* contained within **Attachment 1** of this report.

Table 5: Architectural Design Plans

Tonic Design Architecture and Design				
DWG	Project No.	Title	REV	Date
-	21_06026	Cover Page	-	-
A_951	21_06026	Site Plan and Context Map	04	16.04.2024
A_1000	21_06026	Door and Window Schedule	04	16.04.2024
A_1001	21_06026	Furniture Schedule	03	16.04.2024
A_1050	21_06026	Level 01 Demolition Plan	04	16.04.2024
A_1051	21_06026	Level 02 Demolition Plan	04	16.04.2024
A_1052	21_06026	Level 02 Demolition Elevations	03	16.04.2024
A_1100	21_06026	Level 01 General Arrangement Plan	04	16.04.2024
A_1101	21_06026	Level 02 General Arrangement Plan	04	16.04.2024
A_1600	21_06026	Level 01 Floor Finish Plan	03	16.04.2024
A_1601	21_06026	Level 02 Floor Finish Plan	03	16.04.2024
A_1700	21_06026	Level 01 Reflected Ceiling Plan	03	16.04.2024
A_1701	21_06026	Level 02 Reflected Ceiling Plan	03	16.04.2024
A_1800	21_06026	Level 01 Furniture Plan	03	16.04.2024
A_1851	21_06026	Level 01 Furniture Detail Part-Plan	03	16.04.2024
A_1852	21_06026	Level 02 Furniture Detail Plan	03	16.04.2024
A_1900	21_06026	Level 01 Door and Window Plan	04	16.04.2024
A_1901	21_06026	Level 02 Door and Window Plan	04	16.04.2024
A_2000	21_06026	Smoking Area Details	03	16.04.2024
A_3000	21_06026	General Arrangement Elevations	04	16.04.2024
A_3001	21_06026	General Arrangement Elevations	04	16.04.2024
A_4000	21_06026	General Arrangement Sections	04	16.04.2024
A_7500	21_06026	Kitchen Details	03	16.04.2024
A_7750	21_06026	Bar Details	03	16.04.2024
A_8000	21_06026	Wet Area Details	03	16.04.2024

A_8002	21_06026	Wet Area Details	03	16.04.2024
A_8003	21_06026	Wet Area Details	03	16.04.2024
A_8004	21_06026	Wet Area Details	03	16.04.2024
A_8005	21_06026	Wet Area Details	01	16.04.2024
A_9000	21_06026	Perspective Views	02	16.04.2024
A_9001	21_06026	Perspective Views	02	16.04.2024
A_9002	21_06026	Perspective Views	02	16.04.2024

3.4 NCC 2022 Compliance Report

A NCC 2022 Compliance Report has been prepared by *Coastline Building Certification Group Pty Ltd* and is contained within **Attachment 3** of this report. The report undertakes a review of the existing buildings on the site as well as provide an assessment of the proposed works.

3.5 Heritage

The site is identified as being partially within the CBD Heritage Conservation Area. A review of the *Casino CBD Heritage Conservation Area – Main Street Audit August 2020* was undertaken with an extract from the relevant section of the audit relevant to the subject site is contained within **Attachment 4** of this report. Of note, the audit confirms the site is a non-contributory item and recommends that the site is suitable for redevelopment.

4. Statutory Assessment

4.1 Introduction

Section 4 documents the range of planning controls applicable in the subject case pursuant to Section 4.15(1)(a) of the Act and tabulates the effect of these instruments in the circumstances of the development proposal described at Section 3. Section 4 also examines policy adopted by Council or other authority applicable in the subject matter which, whilst relevant, are not controls within the meaning of Section 4.15(1)(a).

4.2 Richmond Valley Local Environmental Plan 2012

4.2.1 Introduction

Table 6 summarises the provisions of the RVLEP 2012 and its applicability to the current application.

Table 6: RVLEP 2012 Applicability

Richmond Valley Local Environmental Plan 2012		Applicable
<u>Part 4: Principal development standards</u>		
4.1	Minimum subdivision lot size	<input type="checkbox"/>
4.1AA	Minimum subdivision lot size for community title schemes	<input type="checkbox"/>
4.1A	Minimum subdivision lot size for strata plan schemes in certain rural, residential and environmental protection zones	<input type="checkbox"/>
4.1B	Minimum lot sizes for dual occupancies	<input type="checkbox"/>
4.1C	Exceptions to minimum lot size for dual occupancies	<input type="checkbox"/>
4.2	Rural subdivision	<input type="checkbox"/>
4.2A	Exceptions to minimum lot sizes for certain rural subdivisions	<input type="checkbox"/>
4.2B	Erection of dual occupancies and dwelling houses on land in Zone RU1, R5 and E3	<input type="checkbox"/>
4.2C	Exceptions to minimum subdivision lot size for lot boundary adjustments	<input type="checkbox"/>
4.3	Height of buildings	<input checked="" type="checkbox"/>
4.4	Floor space ratio	<input type="checkbox"/>
4.5	Calculation of floor space ratio and site area	<input type="checkbox"/>
4.6	Exceptions to development standards	<input type="checkbox"/>
<u>Part 5: Miscellaneous provisions</u>		
5.1	Relevant acquisition authority	<input type="checkbox"/>
5.1A	Development on land intended to be acquired for public purposes	<input type="checkbox"/>
5.2	Classification and reclassification of public land	<input type="checkbox"/>
5.3	Development near zone boundaries	<input type="checkbox"/>
5.4	Controls relating to miscellaneous permissible uses	<input type="checkbox"/>
5.5	Controls relating to secondary dwellings on land in a rural zone	<input type="checkbox"/>
5.6	Architectural roof features	<input type="checkbox"/>
5.7	Development below mean high water mark	<input type="checkbox"/>
5.8	Conversion of fire alarms	<input type="checkbox"/>
5.9	Dwelling house or secondary dwelling affected by natural disaster	<input type="checkbox"/>
5.10	Heritage conservation	<input checked="" type="checkbox"/>
5.11	Bushfire hazard reduction	<input type="checkbox"/>
5.12	Infrastructure development and use of existing buildings of the Crown	<input type="checkbox"/>
5.13	Eco-tourist facilities	<input type="checkbox"/>
5.14	Siding Spring Observatory – maintaining dark sky	<input type="checkbox"/>
5.15	Defence communications facility	<input type="checkbox"/>

5.16	Subdivision of, or dwellings on, land in certain rural, residential or conservation zones	<input type="checkbox"/>
5.17	Artificial waterbodies in environmentally sensitive areas in areas of operation of irrigation corporations	<input type="checkbox"/>
5.18	Intensive livestock agriculture	<input type="checkbox"/>
5.19	Pond-based, tank-based and oyster aquaculture	<input type="checkbox"/>
5.20	Standards that cannot be used to refuse consent – playing and performing music	<input type="checkbox"/>
5.21	Flood planning	<input checked="" type="checkbox"/>
5.22	Special flood considerations	<input checked="" type="checkbox"/>
5.23	Public bushland	<input type="checkbox"/>
5.24	Farm stay accommodation	<input type="checkbox"/>
5.25	Farm gate premises	<input type="checkbox"/>
Part 6: Additional local provisions		
6.1	Acid sulfate soils	<input type="checkbox"/>
6.2	Essential services	<input checked="" type="checkbox"/>
6.3	Earthworks	<input checked="" type="checkbox"/>
6.4	Protection of historic New Italy village area	<input type="checkbox"/>
6.5	(Repealed)	<input type="checkbox"/>
6.6	Terrestrial biodiversity	<input type="checkbox"/>
6.7	Landslide risk	<input type="checkbox"/>
6.8	Riparian land and watercourses	<input type="checkbox"/>
6.9	Drinking water catchments	<input type="checkbox"/>
6.10	Wetlands	<input type="checkbox"/>
6.11	Airspace operations	<input type="checkbox"/>
6.12	Development in areas subject to aircraft noise	<input type="checkbox"/>
6.13	Development of The Glebe, Coraki	<input type="checkbox"/>
6.14	Rural workers' dwellings	<input type="checkbox"/>
6.15	Location of sex services premises	<input type="checkbox"/>

4.2.2 Zoning

Defined Land Use

The proposed development is defined as a 'registered club' and 'motel' pursuant to the RVLEP 2012. A copy of the relevant definitions are reproduced below.

registered club means a club that holds a club license under the Liquor Act 2007

hotel or motel accommodation means a building or place (whether or not licensed premises under the Liquor Act 2007) that provides temporary or short-term accommodation on a commercial basis and that –
 (a) comprises rooms or self-contained suites, and
 (b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles, but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

*Note – hotel or motel accommodation is a type of tourist and visitor accommodation.

tourist and visitor accommodation means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following – (a) backpackers accommodation, (b) bed and breakfast accommodation, (c) farm stay accommodation, (d) hotel or motel accommodation, (e) serviced apartments, but does not include – (f) camping grounds, or (g) caravan parks, or (h) eco-tourist facilities.

Both registered clubs and hotel and motel accommodation are permissible with development consent in the E2 zone. This proposal seeks to continue these existing approved uses on the site.

E2 Zone Objectives

The site is zoned E2 – Commercial Centre pursuant to the RVLEP 2012. The relevant objectives of the E2 zone are addressed below, together with the proposal's response.

The objectives of the zone are:

- *To strengthen the role of the commercial centre as the centre of business, retail, community and cultural activity.*
- *To encourage investment in commercial development that generates employment opportunities and economic growth.*
- *To encourage development that has a high level of accessibility and amenity, particularly for pedestrians.*
- *To enable residential development only if it is consistent with the Council's strategic planning for residential development in the area.*
- *To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public places.*

Comment: The proposal relates to alterations and additions to an existing approved registered club and motel on the subject site. The proposal will facilitate the refurbishment of the premises. Given that the club is currently closed, these works are a critical step in reopening the establishment. The reopening of the premises will create employment opportunities and contribute towards creating an active street frontage in this part of the CBD.

4.2.3 Applicable Provisions

Clause 1.2 – Aims of the Plan

The aims of the plan set out under Clause 1.2 are as follows:

- (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
- (a) to encourage the proper management, development and conservation of natural and man-made resources,*
- (b) to support and encourage social and economic benefits within Richmond Valley,*
- (c) to ensure that suitable land for beneficial and appropriate uses is made available as required,*
- (d) to manage appropriate and essential public services, infrastructure and amenities for Richmond Valley,*
- (e) to minimize the risk of harm to the community through the appropriate management of development and land use.*

Comment: The proposal relates to alterations and additions to an existing approved registered club and motel. The premises are currently closed, however the proposed works are a key step in the reopening of the establishment. The reopening of the establishment is expected to generate economic benefits including job opportunities.

Clause 4.3 – Height of Buildings

Comment: Pursuant to Clause 4.3 and the associated *Height of Buildings Map*, the maximum height for buildings on the subject site should not exceed 14m. The proposal does not alter the existing height of the club or motel buildings on the site. The uppermost point of the club building is 6.79m. While the uppermost point of the motel building is 5.82m. As such, both buildings are below the maximum allowable height limit for the site.

Clause 5.10 – Heritage Conservation

RVLEP 2012 Heritage Map (sheet HER_006A) confirms the eastern elevation of the subject site is within the 'Casino Central Business District Heritage Conservation Area (CBD HCA)'. The building itself is not identified as a heritage item pursuant to Schedule 5 of the RVLEP 2012. The relevant heads of consideration established by Clause 5.10 are addressed below.

(4) The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under clause (6).

Comment: The proposed development seeks to refurbish all structures within the subject site. However, only the eastern elevation of the club and beer garden fall within the CBD HCA. Despite being within the CBA HCA, the CBD Main Street Audit 2020 (refer to **Attachment 4**) confirms the site is suitable for redevelopment. The proposed refurbishment represents a significant improvement on the existing building form on site.

The proposed works within the club and beer garden are largely focused on a new fit-out, no new buildings are proposed to be constructed within the subject site. As illustrated in drawings A_1052 and A_3000 (**Attachment 1**) exterior works to the façade includes the replacement of perimeter windows and beer garden security fence, relocation of the main entry door, painting of brickwork and replacement of a galvanised security fence with a brickwork balustrade.

The Architectural Design Statement contained within **Attachment 2** validates the design intent seeks to maintain the key elements of the existing buildings façade. New elements and materials have been selected to complement the existing building and surrounding building types and styles. The proposed works do not change the size and scale of the building and improve the levels of amenity, connectivity, security and functionality of the site. As such, it is considered that the proposal will contribute positively to the CBA HCA.

Clause 5.21 – Flood Planning

As identified within **Table 4** the site is flood prone land. The relevant heads of consideration as established by Clause 5.21 are addressed below.

(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development – (a) is compatible with the flood function and behaviour of the land, and (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties.

Comment:Registered premises

The footprint of the club building and associated beer garden will remain unchanged. The works will involve the fit out of the premises. It is noted some elements of the building's façade will be altered (including the installation of new doors and windows). The existing structures located within the beer garden will to be removed, with a new garden bar/café and stage area to be constructed. These works are not expected to alter the existing flood function and behaviour of the site given the built form of the club and beer garden are largely being retained.

Motel

Council has advised that the applicable flood planning level for the site is RL 24.2 in the SW corner and mostly 24.1m AHD, while the site is a Low flood hazard category.

The proposal involves the refurbishment of the existing 11 upper-floor motel rooms. Additionally, a new accessible ground-level motel room is to be constructed. The new room will have a finish floor level of approximately 22.89m AHD.

Whilst acknowledging that the accessible room will be below the flood planning level for the site, the cost of providing the accessible room on Level 1 is prohibitive for the project. Given the long lead times for flood inundation in the CBD, it is considered that this matter can be suitably addressed via a flood evacuation plan (should Council deem this to be necessary).

(c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and

Comment: During a flood event it is expected the motel and associated beer garden will not be operational. The motel is existing on site and currently provides 11 motel rooms, the proposal seeks to construct 1 additional motel room. The increase by one room is considered minor and is not expected to exceed the capacity of existing evacuation routes in the area. To ensure the efficient and safe evacuation of the motel guests an evacuation plan may be prepared as part of the occupation certificate stage of the development (should Council deem this to be necessary).

(d) incorporates appropriate measures to manage risk to life in the event of a flood, and

Comment: As state above, it is assumed during a flood event the registered premises will not be operational. Should Council require, an evacuation management plan will be prepared by a suitably qualified professional for the motel component of the development. This plan is to ensure the efficient and safe evacuation of guests during a flood event, including when and how guests are to evacuate.

(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.

Comment: The proposal is focused on the refurbishment of the existing structures. No new buildings are to be erected on the site. The site is well removed from the Richmond River, which is situated approximately 300m to the southeast. Appropriate sedimentation and erosion controls will be implemented for construction activities in accordance with the conditions of development consent. Subsequently, no adverse impacts on the environment or causes of erosion, siltation, destruction of riparian vegetation or a reduction in the stability of the riverbank or watercourse are expected to arise.

Clause 5.22 – Special Flood Considerations

(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered whether the development – (a) will affect the safe occupation and efficient evacuation of people in the event of a flood, and (b) incorporates appropriate measures to manage risk to life in the event of a flood, and

Comment: If required by Council, a flood evacuation management plan will be prepared by a suitably qualified professional for the motel component of the site. This plan would ensure the efficient and safe evacuation of guests during a flood event.

(c) will adversely affect the environment in the event of a flood.

Comment: The proposal involves the refurbishment of existing buildings on the site. Given the nature of the development no adverse impacts on the environment in the event of a flood are expected to arise.

Clause 6.2 – Essential Services

Comment: As discussed in **Section 3.2** the site benefits from existing connections to all necessary services including water, wastewater and telecommunications. The existing stormwater arrangements on the site are to be maintained. Vehicle access on site is via an existing crossover with Canterbury Street. As depicted in the site plan (drawing A_951 **Attachment 1**) service vehicles will enter the site via the Canterbury Street crossover and exit the site in a forward direction through the existing driveway crossover with Cycad Lane.

Clause 6.3 - Earthworks

Comment: Minor earthworks will be required to establish the additional motel room and install a new hardstand surface in the beer garden. These works will involve the removal existing hardstand slab to on the ground level of the motel in preparation for the installation of a new slab and internal floor coverings associated with the additional motel room. In addition, the existing pavers and concrete hardstand in the beer garden area will be removed and prepped for the installation of a new surface. Appropriate sedimentation and erosion controls will be implemented in accordance with the conditions of development consent. Given the minor nature of these works they are not expected to create adverse environmental impacts.

4.3 Richmond Valley Development Control Plan

4.3.1 Introduction

The DCP applies to the Richmond Valley Council Local Government Area and as such the subject site. The provisions contained within the DCP are intended to form a guideline under which development can take place that meet the underlying objectives of the RVLEP 2012. Where demonstrated, scope exists to allow meritorious assessment through alternate solutions where practicable.

Table 7 below summarises the application of the Tweed Development Control Plan.

Table 7: Richmond Valley DCP Applicability

Richmond Valley Development Control Plan 2021		Applicable
Part A: Residential Development		<input type="checkbox"/>
A-1	Dwelling houses in the R1 General Residential and RU5 Village zones	<input type="checkbox"/>
A-2	Dwelling houses in the RU1 Primary Production, R5 Large Lot Residential and E3 Environmental Management zones	<input type="checkbox"/>
A-3	Dual Occupancies in the R1 General Residential and RU5 Village zones	<input type="checkbox"/>
A-4	Dual Occupancy in the RU1 Primary Production, R5 Large Lot Residential and E3 Environmental Management zones	<input type="checkbox"/>
A-5	Secondary dwellings in the R1 General Residential, RU5 Village and R5 Large Lot Residential zones	<input type="checkbox"/>
A-6	Ancillary residential development in R1 General Residential and RU5 Village zones	<input type="checkbox"/>
A-7	Ancillary residential development in the RU1 Primary Production, R5 Large Lot Residential and E3 Environmental Management zones	<input type="checkbox"/>
A-8	Multi-dwelling Housing and Residential Flat Buildings	<input type="checkbox"/>
A-9	Shop Top Housing	<input type="checkbox"/>
A-10	Seniors Housing and Affordable Housing	<input type="checkbox"/>
A-11	DCP Explanatory Notes	<input type="checkbox"/>
Part B: Commercial Development		<input checked="" type="checkbox"/>
Part C: Industrial Development		<input type="checkbox"/>
Part D: Rural Land Uses		<input type="checkbox"/>
D-1	Roadside Stalls	<input type="checkbox"/>
D-2	Kiosks	<input type="checkbox"/>
D-3	Intensive Livestock Agriculture	<input type="checkbox"/>
Part E: Visitor Accommodation, Caravan Parks and Manufactured Home Estates		<input type="checkbox"/>
E-1	Eco-tourist Facilities	<input type="checkbox"/>
E-2	Bed and Breakfast Accommodation	<input type="checkbox"/>
E-3	Serviced Apartments	<input type="checkbox"/>
E-4	Hotel and Motel Accommodation	<input checked="" type="checkbox"/>
E-5	Backpackers Accommodation	<input type="checkbox"/>
E-6	Farm Stay Accommodation	<input type="checkbox"/>
E-7	Manufactured Home Estates, Caravan Parks and Camping Grounds	<input type="checkbox"/>
Part F: Signage		<input checked="" type="checkbox"/>
Part G: Subdivision		<input type="checkbox"/>
Part H: Natural Resources and Hazards		<input type="checkbox"/>
H-1	Flood Planning	<input checked="" type="checkbox"/>
H-2	Acid Sulfate Soils (ASS)	<input type="checkbox"/>
H-3	Natural Resources (NRS)	<input type="checkbox"/>
Part I: Other Considerations		<input type="checkbox"/>
I-1	Environmental Heritage	<input checked="" type="checkbox"/>
I-2	Development in, on, over or under a Public Road	<input type="checkbox"/>

I-3	Building Setbacks	<input checked="" type="checkbox"/>
I-4	Car Parking Provisions	<input checked="" type="checkbox"/>
I-5	Landscaping Guidelines	<input type="checkbox"/>
I-6	Animal Boarding and Training Establishments	<input type="checkbox"/>
I-7	Noise Impact Assessment (NIA)	<input type="checkbox"/>
I-8	Social Impact Assessment (SIA)	<input type="checkbox"/>
I-9	Water Sensitive Urban Design (WSUD)	<input type="checkbox"/>
I-10	Crime Prevention through Environmental Design (CPTED)	<input checked="" type="checkbox"/>
I-11	Land Use Conflict Risk Assessment (LUCRA)	<input type="checkbox"/>
I-12	Context and Site Analysis	<input checked="" type="checkbox"/>
I-13	Use of Shipping Containers	<input type="checkbox"/>
I-14	Sex Service Premises, Restricted Premises and Home Occupations (Sex Services)	<input type="checkbox"/>
I-15	Lane Widening and Access to Narrow Streets	<input type="checkbox"/>
I-16	Historic New Italy Village Area	<input type="checkbox"/>

4.3.2 Part B Commercial Development

The relevant sections of Part B Commercial Development of the DCP are discussed below within **Table 8**.

Table 8: Part B Commercial Development

Element	DCP Requirement	Comment
B2 – Building Height		
1	The maximum height a development may be built is depicted within the Height of Buildings Map – Sheet HOB_INDEX within the Richmond Valley Local Environmental Plan 2012.	Complies. As described in Section 4.2.3 the maximum height for buildings on the subject site should not exceed 14m. The proposal does not seek to increase the height of the existing buildings of the site. The uppermost point of the club building is 6.79m. While the uppermost point of the motel building is 5.82m.
2	Building height within the core of a commercial centre is required to be in proportion to any existing CBD street or other commercial district hierarchy, particularly as viewed from the primary street.	N/A. The proposal does not involve an increase to the existing height of the buildings on the site.
B3 – Building Setbacks		
B3.2 – Street Setback		
1	Street setbacks for in the various commercial centres are set out in table B.2.	N/A. Pursuant to the DCP, the site benefits from a zero minimum front building line setback. The proposal does not seek to alter the existing setback arrangements afforded to the site.
2	The Casino CBD area, covered by parts of Barker and Walker Streets, is included in a Heritage Conservation Area. Development above the height of the	N/A. As described above, the proposal does not alter the existing height of buildings on the site.

Element	DCP Requirement	Comment
	facade of existing development must achieve street setback of 10 metres to ensure the new construction does not impact upon the significance of this heritage streetscape.	
B3.3 – Side and Rear Setbacks		
1	Side and rear boundary setbacks for commercial centres are set out in table B.3.	N/A. The DCP stipulates a zero side and rear setback for that part of development 3 storeys or less. The proposal does not seek to alter the existing setback arrangements afforded to the site.
B4 – Streetscape and Character		
1	The design of a building must relate to its locality in terms of scale, form proportions and materials; and contribute to the development of an attractive streetscape and town character.	Complies. As confirmed in the design statement contained within Attachment 2 , the proposal draws on influences from surrounding buildings within the streetscape. Examples of such elements include red brick, new white render and white brick. The size and scale of the existing buildings on the site are to be maintained. While the refurbishment of the beer garden and hotel will provide improved connections to the street through visual opportunities along the boundary.
2	Proposed commercial development of a heritage item, or adjacent to a heritage item or proposed within the Casino heritage conservation area must comply with the applicable heritage requirements in Part I-1 of this DCP.	Complies. The site is identified as partially being within the HCA. Part I1 of the DCP has been considered within Table 4.3.6 .
3	Commercial development, particularly in the main streets and business districts, is to be consistent with existing streetscape elements, including: <ul style="list-style-type: none"> <li data-bbox="427 1626 836 1659">i. Overall scale and setbacks <li data-bbox="427 1666 762 1700">ii. Roof form and pitch <li data-bbox="427 1706 863 1879">iii. Materials and colour of external walls, awnings, and embellishments such as decorative detail on gable ends <li data-bbox="427 1886 778 1995">iv. Scale and position of windows and other architectural features <li data-bbox="427 2002 671 2036">v. Landscaping 	Complies. The proposal does not alter the existing footprint of any buildings within the subject site, as such, all setbacks are unchanged. The works are focused on the refurbishment of the hotel and motel structures, with no change in built form. As confirmed in the Architectural Design Statement contained in Attachment 2 the proposals design drawn influence from surrounding buildings, elements such as red and white bricks and render are implemented in the design.

Element	DCP Requirement	Comment
4	New development shall incorporate active retail or office uses and provide direct and inviting access from the street level.	N/A. The proposal is not considered new development. The site is currently improved with an existing hotel and motel on the site.
5	For commercial premises permitted in residential areas, the street setback and landscaping is to comply with the requirements applying for residential development in the street.	N/A. The site is within the CBD and is not within a residential area.
B5 – Access and Loading		
1	Vehicular access, parking and loading/unloading must comply with: (a) Australian Standard AS2890; and (b) Council’s Vehicular Accessway Policy.	Complies. Existing vehicular access arrangements afforded to the site are maintained under the proposal. As illustrated in drawing A_951 vehicles will enter and exit the site from Canterbury Street. Service vehicles will also enter the site from the Canterbury Street crossover, however, they will exit the site in a forward direction via the Cycad Lane crossover. Additional on-site parking will be provided by the development. Compliance with AS2890 is expected to form a condition of development consent.
2	Loading areas for new developments should be located so as to: (a) reduce on-street loading; and (b) be freely available for use at all times.	Complies. No on-street loading will occur. An on-site service vehicle loading area is provided adjacent to the beer garden area as shown in drawing A_951 (Attachment 1). Service vehicles will enter the site from Canterbury Street and exit in a forward moving direction via the existing driveway crossover with Cycad Lane.
3	Access and Loading Requirements – Change of Use A development application involving a change of use must demonstrate that existing access and loading facilities are suitable for the intended use, or can be modified to provide adequate and safe access and loading arrangements for the proposed new use.	N/A. The proposal seeks to maintain the existing approved uses over the site.
4	Lane Widening In limited cases, lane widening may be required as part of proposed development in Casino. Those areas designated as requiring road	N/A. The site is not identified by Part I-15 as being affected by any future lane widening.

Element	DCP Requirement	Comment
	widening are outlined within Part I-15 of this DCP. Council will assess the need for road widening or re-alignment when considering a development application for the land and will have regard to the existing and likely future traffic needs of the locality.	
B6 – Car Parking		
1	Car parking is required to be provided onsite in order to protect the street and amenity of the area from unnecessary congestion. The number of car parking spaces required on a property is dependent upon the type of development proposed and any past credit for car parking which may be assumed from historic uses conducted on the site.	<p>Complies.</p> <p>The proposal does not result in an increase in GFA of the club building. As such, no additional parking requirements associated with the club are triggered pursuant to control 4 of section B6 of the DCP.</p> <p>The additional motel room triggers a single additional parking space pursuant to Part I-4 of the DCP (refer to Section 4.3.6 for full detail).</p> <p>The proposal will formalise parking arrangements on the site thereby providing for four additional spaces on site.</p>
2	On site parking is only permitted within the street setback where it is not inconsistent with the established development pattern in a commercial centre, and the landscaping requirements outline in this chapter are achieved.	<p>N/A.</p> <p>No on site carparking within the street setback is proposed.</p>
3	For commercial premises in the R1 General Residential Zone or the residential precincts in the RU5 Zone, on site parking within the street setback is not supported unless the landscaped area requirements outlined below can be satisfied.	<p>N/A.</p> <p>The site is not located within the R1 or RU5 zone.</p>
4	Table B.1 contains the minimum car parking requirements for commercial premises.	<p>N/A.</p> <p>Table B.4 of the DCP stipulates the following parking rate: <i>pub/hotel premises restaurants or cafes</i> = 1 per 30m² of GFA (<1000m²) or 1 per 40m² of GFA (>1000m²).</p> <p>The proposal does not increase the existing GFA of the commercial premises. As such, no additional parking is triggered by the club building. Parking</p>

Element	DCP Requirement	Comment
		requirements associated with the motel are addressed within Section 4.3.6 .
5	Parking Requirements – Change of Use	<p>N/A.</p> <p>The proposal seeks to maintain the existing approved uses over the site, as such parking requirements associated with a change of use have not been considered.</p>
B7 – Amenity		
1	<p>Development in commercial centres which has an interface with residential accommodation and other sensitive uses such as parks, childcare centres and community facilities sensitive is to be compatible with its surroundings, having regard to:</p> <p>(a) the physical impacts of the development (including noise, odour, overshadowing, view loss, privacy, traffic and parking, loading, hours of operation, constraints on development of the adjoining sites), and</p> <p>(b) the visual impact (whether the proposal is in harmony with the buildings around it and the character of the street).</p>	<p>N/A.</p> <p>The proposal relates to the refurbishment of the existing approved registered club, beer garden and motel on the site.</p> <p>Given the proposal does not involve a change of use or alteration to operating hours no noise impact assessment has been prepared. This approach was confirmed with Council Officers at the meeting referenced in Section 1.4.</p>
2	The control above also applies to commercial premises in all other zones.	
3	Depending on the type of development proposed and its hours of operation, a noise or social impact assessment may be required. Part I of the DCP contains design criteria for noise and social impact. Where required to do so under the provisions of Part I, the development shall provide for noise and/or social impact reports, and design the development to meet any recommendations in the report/s.	<p>Complies.</p> <p>The proposal has considered the requirements of Part I of the DCP – refer to Section 4.3.6. However, given the uses are existing and approved on the site, no noise or social impact assessments have formed part of this project.</p>
B8 – Safety and Security		
1	The design of any proposed development needs to demonstrate compliance with the Crime Prevention Through Environmental Design (CPTED) guidelines. More information concerning Crime Prevention Through Environmental Design (CPTED) is outlined within Part I-10 of this DCP.	<p>Complies.</p> <p>The proposal has considered the requirements of Part I of the DCP – refer to Section 4.3.6.</p>
B9 - Signage		
1	All signage intended for the development	N/A.

Element	DCP Requirement	Comment
	in commercial centres must be outlined within formal application for the development. Part F of this DCP relates to signage. In addition, some forms of Business Identification Signage may be carried out as exempt development under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.	No signage components form part of this proposal. Signage associated with the site will proceed through an alternative planning pathway.
2	If the property is heritage listed, adjoins a heritage item or in a heritage conservation area, any new or replacement signage, shall complement the heritage characteristics of the building or locality having regard to the colour scheme, location, design and number of signs proposed. Refer to the heritage provisions in Part I-1 Environmental Heritage for further information.	N/A. No signage components form part of this proposal. Signage associated with the site will proceed through an alternative planning pathway.
3	An elevation of the proposed development detailing signage size, colour and style for approval purposes, is required to form part of the development application.	N/A. No signage components form part of this proposal. Signage associated with the site will proceed through an alternative planning pathway.
B10 – Landscaping		
1	Where onsite carparking is located within the street frontage within a commercial centre, a 2m wide landscape strip is to be provided within the site along each street boundary.	N/A. No car parking is proposed within the street frontage of the site.
2	A landscaping component is also required in commercial centres in situations where adjoining uses and overall built form also incorporates landscaping. Where the proposed development adjoins residential development, particularly where car parking areas are required, landscaping shall be incorporated to screen these areas from adjoining land uses.	Complies. As demonstrated in drawing A_1100 new landscape plantings are proposed along the interface of the beer garden with Walker Street. Additional plantings will occur within the internal area of the beer garden. Internal car parking is situated on the ground level of the motel, and between the club and motel building on the site. Given the location of this parking it is well screened from neighbouring properties and the street frontage.
3	In Zone B1 – Neighbourhood Centre and for the development of commercial premises outside of the commercial centres, landscaping is to be provided as part of the development where the	N/A. The site is zoned E2 – commercial centre, the equivalent zoning under old zoning is B3 – commercial core.

Element	DCP Requirement	Comment
	existing built form incorporates landscaping components.	
4	For commercial premises permitted in residential areas, a minimum of 50% of the street setback is to be landscaped area.	N/A. The site is not within a residential area.
5	A landscaping Plan may be required and should be prepared in consultation with Part I-5 – Landscaping.	N/A. The proposal has considered the requirements of Part I of the DCP – refer to Section 4.3.6 . However, in summary a landscaping plan is not considered necessary given the nature of the proposal.
B11 – Stormwater, Sewage and Water		
1	Where water and sewer connections are not available to a lot in an urban area, Council will require the extension of Council’s main to service that lot at the developers cost. For all infrastructure connections within the property the proponent is required to take into consideration possible subsidence areas (‘Zone of influence’). The Zone of Influence is calculated based on soil type and the depth of the piped infrastructure. The zone must be observed on all plans and all footings either must avoid this zone or be appropriately engineered in accordance with Council standards. See the Explanatory Notes Section of the DCP for further details regarding zones of influence.	N/A. The site benefits from existing water and sewer connections. These are to be maintained. Existing stormwater arrangements on the site are also to be maintained under the proposal.
2	All urban lots are required to connect or maintain adequate connection to town infrastructure where provided and have consideration for Water Sensitive Urban Design principles. All stormwater is to be directed to the street drainage system, or to an inter allotment drainage easement where available.	
3	All greywater and toilets are required to be connected to sewer infrastructure, where provided.	Complies. The site benefits from an existing connection to the sewer network. All greywater and toilets will be connected to the sewer network.
4	Where a commercial development generates liquid trade waste, mechanisms for disposal of liquid waste must be identified as part of the development application. Approval from Council is	Comment. Appropriate approvals will be sought from Council for the grease trap associated the commercial kitchen. This system will be designed in accordance

Element	DCP Requirement	Comment
	required to discharge liquid trade wastes into the sewerage system. Refer to Council's Policy - Discharge of Liquid Trade Waste to the Sewerage System. In areas not connected to the sewerage system, the development application must also demonstrate how liquid trade waste for the proposed development will be managed.	with Council's requirements for such infrastructure.
5	All commercial development is required to be connected to water infrastructure, where provided.	Complies. The site benefits from an existing connection to the reticulated water network. This is to be maintained.
B13 – Garbage Waste and Storage		
1	A garbage and waste storage area for recyclable and non-recyclable waste materials and receptacles for those materials must— <ul style="list-style-type: none"> (a) be provided as part of the development, and (b) be located entirely within the lot on which the development is being carried out and not on a road or road reserve, and (c) comply with the following appendices in the document entitled Better Practice Guidelines for Waste Management and Recycling in Commercial and Industrial Facilities (ISBN 978-1-74293-944-5), published by the NSW Environment Protection Authority in December 2012: (i) Appendices A and B, for the size and location of garbage and storage areas and the size of waste receptacles, (ii) Appendices C and D, for the design of openings of waste storage areas and loading bay turning circles for waste removal vehicles, (iii) Appendix E, for standard signs for waste storage areas, (iv) Appendix F for the design and operational capacity of waste storage areas. 	Complies. A dedicated refuse area is provided on the site on the ground level of the motel building. This area will service the waste requirements for both the motel and club. The area is located wholly within the bounds of the allotment.
2	The waste storage area must: (a) be screened, and (b) be located behind the primary road frontage building line, and	Complies. The waste storage area is located under the upper level of the motel building.

Element	DCP Requirement	Comment
	(c) not be located in any car parking, loading or landscaped area, and (d) not be located on any side of the building that faces an adjoining lot on which there is a dwelling.	This location is screened by the existing motel building and is separated from the surrounding car parking areas via a wall as demonstrated in drawing A_1100 (Attachment 1).
B14 – Natural Hazards and Constraints		
1	<p>Commercial development is required to be designed to endure flooding events of a 1 in 100 year ARI frequency, or as otherwise assessed within an updated Risk Management Plan. Commercial development must have its floor levels located:</p> <ul style="list-style-type: none"> ➤ in the Casino area—above the 1 in 100 year ARI flood event, ➤ in the Mid-Richmond area—above the 1 in 20 year ARI Flood event. A storage area with a floor level greater than or equal to the the 1 in 100 year ARI flood level is to be provided for stock/equipment subject to water damage. ➤ in areas of the Council outside a formal flood study area—to be determined on researching historic data, anecdotal information, and a risk assessment 	<p>Complies.</p> <p>The proposal involves the refurbishment of the club and motel buildings on the site. A flood information enquiry from the Council confirms the flood planning level for the site is as follows:</p> <p><i>RL 24.25W cnr, most 24.1m AHD (minimum habitable floor level).</i></p> <p>The hotel building does not contain any habitable components. The ground-level has a finished floor level of 23.00m AHD. The building features an upper floor which contains a meeting room, staff room, office and bathroom. This upper level is situated 2.8m above the ground floor and can be utilised for flood free storage.</p> <p>The motel building has been designed with vehicular parking and a single accessible room on the ground level. This room has a finished floor level of approximately 22.89m AHD. All other rooms are provided on the upper level which is situated 2.54m above the ground.</p> <p>Providing the accessible room at level one is cost prohibitive for the project. As such, it is proposed to provide this facility at ground level. Suitable Flood Evacuation Plans can be developed to manage flood risk associated with this element. Furthermore, flood compatible materials can be used for those portions of the building below the flood planning level. We note that during the pre-lodgement site visit with Council, no concerns were raised regarding the provision of this additional ground floor room.</p>

Element	DCP Requirement	Comment
2	All works which are likely to impact on ASS will require extra consideration during the construction phase of the development. DCP Part H-2 – Acid Sulfate Soils provides additional information concerning the risks posed by various classes of ASS.	N/A. The site is not identified as containing acid sulfate soils.
3	Contaminated lands may require rehabilitation prior to development being initiated. In exceptional circumstances and where no other remediation method is achievable, containment of the source of contamination may be considered. The foremost option is to locate any proposed development outside any area considered unsafe, however rehabilitation is the most common option for Commercial Development.	N/A. The site is not identified as contaminated land by Richmond Valley Council Mapping.
B16 – Additional Considerations for Alterations and Additions and Change of Use to Existing Commercial Premises		
1	A proposal for alterations or additions to an existing commercial building, or to change to use of the building may require building to be upgraded to comply with the Building Code of Australia. Any upgrade requirements should be taken into account at development application stage as they may impact upon the design of the project or the heritage values of the property.	Complies. As confirmed in the general notes within the design plans contained within Attachment 1 all works are to comply with the BCA Guidelines and all relevant Australian Standards.
2	Common upgrades may include: <ul style="list-style-type: none"> • access for people with a disability to comply with premises standard – affects issues including access and bathroom facilities • Light and ventilation • Fire safety • Energy efficiency • Sanitary and other facilities Consultation with a suitably qualified building consultant early in the process is recommended to understand the requirements and any potential design, heritage and cost implications for the proposal.	Noted. Reference should be made to the NCC Compliance Assessment Report available within Attachment 3 .
3	Some forms of commercial development may also be subject to requirements of other legislation, which govern the fit-out and operational requirements of the proposed development. Common requirements are:	Noted. Any relevant operational requirements are expected to be conditioned as part of the development consent.

Element	DCP Requirement	Comment
	<ul style="list-style-type: none"> • if the new use is food and drink premises—the premises must comply with AS 4674–2004 Construction and fit-out of food premises, and details must form part of the development application. • if the use involves skin penetration, details as to how the fit-out will comply with the requirements of the Public Health Act and Regulations is required. • Water supply, sewerage (including trade waste provision), and stormwater drainage work under s68 of the Local Government Act. • Access for people with a disability will need to comply AS 1428.1 	

4.3.3 Part E Visitor Accommodation, Caravan Parks and Manufactured Home Estates

Part E-4 of the DCP establishes controls relating to hotel and motel accommodation within the LGA. It is noted the controls provide guidance for the establishment of hotel and motel accommodation. The motel accommodation within the subject site is existing and approved. The proposal seeks to retain this existing use and facilitate the refurbishment of the existing rooms. It is noted one additional room is to be provided under the proposal. As such, no further consideration of Part E is considered warranted in this instance.

4.3.4 Part F Signage

Part F of the DCP relates to signage. It is noted that signage does not form part of this proposal, any future proposed signage will proceed via an alternative planning pathway. As such, no further consideration of Part F is warranted in this instance.

4.3.5 Part H Flood Planning

The relevant parts of Part H Flood Planning of the DCP are discussed below within **Table 10**.

Table 10: Part H Flood Planning

Element	DCP Requirement	Comment
Part H1 – Flood Planning		
H1.4 – Flood Planning Controls for Development		
1	Council’s Floodplain Risk Management Plans adopt various flood development control requirements. The Risk Plans should be the primary source of appropriate development controls, however, some have been reproduced below.	Noted. The applicable flood risk management plan for the site is the Casino Floodplain Risk Management Plan (May 2002) [CFRMP]. The requirements of the CFRMP have been considered below.
2	Residential development	N/A. The proposal does not involve residential development.

Element	DCP Requirement	Comment
	<p>(a) The floor level of habitable rooms are to be erected above the Flood Planning Level.</p> <p>(b) No new residential development is permitted where the flood depth of a 1 in 100 year ARI flood event is >2 metres.</p> <p>(c) Some exceptions will be permitted for minor extensions to existing dwellings, or on compassionate grounds, such as where an existing dwelling must be rebuilt after it has been damaged.</p>	
3	<p>Commercial & Industrial Development</p> <p>(a) Areas within the Mid Richmond Floodplain Risk Management Plan are required to have floor levels located above a 1 in 20 year ARI flood level. A storage area with a floor level greater than or equal to the the 1 in 100 year ARI flood level is to be provided for stock/equipment subject to water damage.</p> <p>(b) Areas within the Casino Floodplain Risk Management Plan are requirement to have floor levels located above the 1 in 100 year ARI flood level.</p> <p>(c) A combination of design, flood level and freeboard will be used to determine the suitability of development through consultation of the Risk Plans.</p>	<p>Comment.</p> <p>A flood information enquiry was obtained from Council to confirm the development requirements on the site. The requirements are as follows:</p> <p><i>Flood planning level: RL 24.2SW cnr, most 24.1m AHD (minimum habitable floor level). Casino Floodplain Risk Management Plan (May 2002). Low risk flood hazard category.</i></p> <p>The proposal involves the refurbishment of existing buildings on the subject site. As such, the existing floor levels will be maintained (as is the case throughout the CBD). The design plans contained within Attachment 1 confirm the finished floor level for the commercial components of the site are 23m AHD.</p>
4	<p>(4) Other Development</p> <p>(a) A combination of design, flood level and freeboard will be used to determine the suitability of development through consultation of the Risk Plans.</p>	<p>N/A.</p>

The Casino Floodplain Risk Management Plan (CFRMP) is applicable to development on the subject site. The Flood Planning Matrix contained within Table 1 of the CFRMP establishes the following controls are applicable to low risk flood hazard sites and as such the proposed development. The applicable controls established by the matrix are identified and addressed below within **Table 9**.

Table 9: Casino Floodplain Risk Management Plan Flood Planning Matrix for Commercial and Industrial Development within an Urban Area

Area	Control	Comment
Land Use Suitability and Fill Level	N/A.	-
Flood Level	Building Extension (FL4a) - All floor levels to be as close to the minimum flood level above (habitable or other) as practical and not less than the floor level of the existing building being extended if the existing flood level is less than or equal to the minimum flood level. If the extended weatherproof area exceeds 50% of the existing weatherproof area, the extension is treated as a new building. The extended weatherproof area is measured as the cumulative area of any previous extensions plus the proposed extension.	The proposal does not increase the GFA of the club building. The proposal does include the addition of a ground floor accessible motel room totalling 25m ² . The design plans contained within Attachment 1 confirm the finished floor level on the site of approximately 23m AHD. During a pre-lodgement site inspection with Council no concerns were raised regarding flood impacts associated with this minor building element. Flood compatible materials will be utilised in the development. Additionally, a flood evacuation plan will be prepared as part of the future occupation certificate stage of the development to ensure the safe and efficient evacuation of motel guests.
Building Components	Buildings to have flood compatible material below the higher of (a) the minimum floor level or (b) the 1 in 100year flood level plus 0.5m.	
Structural Soundness	No structural soundness requirements for the force of floodwater, debris & buoyancy.	-
Flood Effect	Building Extension (FE1) - No action required.	-
Evacuation and Access	N/A.	-
Flood Awareness	FA2 S149(2) Certificates to notify possible affectation by a flood in the Richmond River and/or one of its tributaries. The severity of flooding can be determined by comparison of surveyed levels of the site with predicted flood heights, and also the flood hazard.	-

4.3.6 Part I Other Considerations

The relevant parts of Part I Other Considerations of the DCP are discussed below within **Table 10**.

Table 10: Part 1 Other Considerations

Element	DCP Requirement	Comment
Part I-1 Environmental Heritage		
I-1.2 RVLEP 2012		
1	Clause 5.10 of the LEP contains Heritage Conservation provisions. The clause generally requires consent to demolish, move, or alter heritage items or items within a conservation area, however there are nominated exceptions. These points are explained further in this Chapter. Schedule 5 and the Heritage Map identify heritage items and conservation areas under the LEP. Data collected from Heritage Studies is maintained by Council and available to the public on-line from the NSW Office of Environment and Heritage's website at:	Complies. Clause 5.10 of the RVLEP 2012 is addressed within Section 4.2.3 of this report.
2	Furthermore, the clause provides special consideration of Aboriginal places of heritage significance and archaeological sites.	
3	Development consent is required to: (a) demolish or move, or alter the exterior of any: ➤ heritage item, or ➤ Aboriginal object, or ➤ building, work, relic or tree within a heritage conservation area (b) make structural changes to the interior of a heritage building. (c) make non-structural changes to the interior of a heritage building where the interior has been specified within Schedule 5. (d) disturb or excavate an archaeological site where it is likely that a relic will be discovered, exposed, moved, damaged or destroyed. (e) disturb or excavate an Aboriginal place of heritage significance. (f) erect a building on land: ➤ containing a heritage item, or ➤ that is within a conservation area, or ➤ on which an Aboriginal object is	Complies. The site is not identified as a heritage item; however, the eastern portion of the club and beer garden fronting Walker Street is identified as being within a Heritage Conservation Area. The proposal seeks to refurbish the club and beer garden. Works are largely focused on the internal fit out of the building. No new buildings are to be erected on the site. As illustrated in drawing A_1052 minor alterations to the exterior of the club building are proposed. Exterior works on the eastern frontage include: – replacement of perimeter windows. – removal of existing timber screens. – removal of beer garden corrugate/lattice fence, replace with new security fence. – relocation of the main entry door.

Element	DCP Requirement	Comment
	<p>located or that is within an Aboriginal place of heritage significance.</p> <p>(g) subdivide land:</p> <ul style="list-style-type: none"> ➤ containing a heritage item, or ➤ that is within a conservation area, or ➤ on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance. 	<ul style="list-style-type: none"> – removal of the galvanized security fence, and replace with a brickwork balustrade. – painted brickwork. <p>The proposal's design has drawn on influences from surrounding buildings within the streetscape and neighbouring properties. The works do not alter the size and scale of the building.</p> <p>The motel structure is not identified as being within the HCA, subsequently it has not been considered.</p> <p>Additionally, the site has been identified as appropriate for redevelopment by the Casino CBD Heritage Conservation Area Main Street Audit (August 2020). Refer to Attachment 4.</p>
4	<p>Development consent under clause 5.10 is not required if:</p> <p>(a) Council has responded in writing, to the applicant's notification of the proposal, and indicated that it is satisfied that the proposed development:</p> <ul style="list-style-type: none"> ➤ is of a minor nature, or ➤ is for the maintenance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or a building, work, relic, tree or place within a conservation area, and ➤ would not adversely affect the heritage item, Aboriginal object, Aboriginal place, archaeological site or a building, work, relic, tree or place within a conservation area. <p>(b) the development or work is consistent with Local Site Specific Exemptions adopted for a specific item, place or area.</p> <p>(c) the development is within a cemetery or burial ground to:</p> <ul style="list-style-type: none"> ➤ create new graves or monuments, or ➤ excavate or disturb land for the purpose of conserving or repairing a monument or grave marker, and ➤ there will be no disturbance to human remains, relics, Aboriginal 	<p>Complies.</p> <p>Refer to Section 4.2.3 of this report for assessment against Clause 5.10 of the RVLEP 2012.</p>

Element	DCP Requirement	Comment
	<p>objects in the form of grave goods, or to an Aboriginal place of heritage significance.</p> <p>(d) it involves removal of a tree or other vegetation that Council is satisfied is a risk to human life or property.</p> <p>(e) is exempt development.</p>	
5	<p>Prior to granting development consent, consideration is required of the effect of the proposed development on the heritage significance of the item or area. To assist with this assessment, additional information may be required in the form of a Heritage Impact Statement, a Heritage Conservation Management Plan, or a Heritage Management Document</p>	<p>Complies.</p> <p>The proposal will offer improved levels of amenity, connection, security and functionality within the Casino CBD HCA. The refurbishment of the property will create a new venue based destination for both the local community and visitors.</p>
6	<p>A Heritage Impact Statement prepared by a qualified heritage consultant will be required for significant alterations to heritage items, including demolition.</p>	<p>N/A.</p> <p>The site is not identified as a heritage item pursuant to Schedule 5 of the RVLEP 2012. As such, a heritage impact statement has not been prepared to accompany the application.</p>
<p>I-1.3 General Heritage Principles</p>		
1	<p>Heritage is protected and managed by various levels of government under a number of State and Federal Acts, as well as international conventions and treaties. The majority of heritage items in the Richmond Valley Council area are listed at a local level. These items are assessed by Council and subject to the controls in clause 5.10 of the LEP, and this DCP. A few items are listed at the State level and need to obtain necessary approvals for works through the Heritage Act 1977, via the NSW State Government.</p>	<p>N/A.</p> <p>The site is not identified as a heritage item pursuant to Schedule 5 of the RVLEP 2012.</p>
2	<p>The list of heritage items in Schedule 5 of the LEP is supported by community based heritage studies which were completed by Council in 2004 and 2007 (being the Copmanhurst Community Based Heritage Study, and Richmond Valley Community Based Heritage Study, respective). The final study reports are available on the Heritage Study web page</p>	
<p>I-1.7 Materials, Finishes and Colours</p>		
1	<p>Materials for repairs and maintenance</p>	<p>Complies.</p>

Element	DCP Requirement	Comment
	<p>should match as closely as possible to the original. Materials for new works such as extensions should be compatible and complementary to the original, but do not need to match exactly. Eg. a weatherboard extension may be suitable at the rear of an original sandstone brick house in keeping with outbuildings which were generally of a more lightweight nature.</p>	<p>The materials selected for use on the façade of the club building have been drawn from surrounding buildings within the streetscape. Examples of such elements include red brick, new white render, white bricks, batten cladding and screening, and aluminium window awnings.</p>
2	<p>Colour schemes are to reflect the period and detail of the property.</p>	<p>Complies. The club building was constructed in the 1960's, its design features red brick and white render with a steel gable roof. The building is reflective of the mid-century modernist style. The materials selected for use in the façade of the building have drawn inspiration from surrounding buildings and streetscapes.</p>
3	<p>Painting or rendering face brick is generally not supported because it extremely difficult, if not impossible, to return to its original brick.</p>	<p>N/A. As describe above, red and white bricks have been selected for use in the façade. Some elements of the façade will also be painted as detailed in the design plans (Attachment 1). Given the site is identified as suitable for redevelopment by the Casino CBD Heritage Conservation Area Main Street Audit (refer to Attachment 4) it is requested the painting of elements of the buildings façade be supported by the Council.</p>
I-1.10 Development in the Vicinity of a Heritage Item		
1	<p>Development in the vicinity of a heritage item can have an impact upon the heritage significance of the item, in particular through impacting its setting. Determining whether a property is within the setting of a heritage item is a necessary component of the site analysis for proposals. Advice from Council's Heritage Advisor may be required to determine this. The analysis should consider historical property boundaries, significant vegetation and landscaping, archaeological features, and significant views.</p>	<p>Complies. The proposals design has been informed by the surrounding buildings within the CBA HCA. New building elements and materials which complement the existing building and surrounding/adjoining building types and styles have been utilised. Reference should be made to the Architectural Design Statement contained within Attachment 2 for full detail on how surrounding building styles have influenced the proposals design.</p>
1a	<p>The adaptive reuse of a heritage item is to minimise alterations or interference.</p>	<p>N/A.</p>
1b	<p>Alterations and additions to buildings and structures, and new development</p>	<p>N/A.</p>

Element	DCP Requirement	Comment
	<p>are to be designed to respect and compliment the heritage item in terms of building envelope, proportions, materials, colours, finishes and building street alignment.</p>	<p>The proposal maintains the existing GFA of the club and beer garden. A ground floor addition is proposed to the motel, however, this component of the site is not within the CBA HCA and is not readily visible from the street frontage.</p>
1c	<p>Development in the vicinity of a heritage item is to minimise the impact on the setting of the item by:</p> <ul style="list-style-type: none"> ➤ Providing an adequate area around the heritage item to allow its interpretation. ➤ Providing an adequate area around the heritage item to allow its interpretation. ➤ Retaining original or significant landscaping associated with the heritage item. ➤ Protecting and allowing the interpretation of archaeological features associated with the heritage item. ➤ Retaining and respecting significant views to and from the heritage item. 	<p>Complies. Refer to assessment against Element 1 above.</p>
I-1.11 Development in the Casino Central Business District Conservation Area		
1	<p>The Casino Central Business District Conservation Area extends along Barker and Walker Streets Casino, see Figure I-1.1. This commercial precinct comprises buildings from the Victorian, Edwardian and Inter War periods. While most shopfronts at ground level have been altered, the above awning period detail has in the main been retained. Important considerations for future proposals are sympathetic facade treatments, signage and colour schemes. Council has detailed guidelines for alterations and additions, and colour schemes for buildings from a Main Street Study conducted by the former Casino Council in 1992.</p>	<p>Complies. The subject site is mapped as being partially within the CBA HCA. Figure I-1.1 of the DCP confirms the site is identified as a 'neutral' item within the HCA.</p> <p>The Casino CBD HCA Main Street Audit document confirms the history of the site. It notes '<i>A grand hotel was originally built on the site in 1887...The building was demolished and replaced by the current Hotel/Motel which demonstrates the architectural fashion of the 1960s era.</i>'. The audit recommends that the site is suitable for redevelopment and holds potential to enhance the historic CBD. Refer to Attachment 4 for an extract of the Audit which is relevant to the site.</p>
2	<p>Retain original elements and features, especially facades above awning level, of contributory buildings and heritage listed items (see Figure I-1.1).</p>	<p>Complies. The proposal maintains the size and scale of the existing buildings on the site. The existing building is reflective of the size and scale of other buildings within the CBD. Additionally, the building design utilises materials which complement the</p>

Element	DCP Requirement	Comment
		surrounding buildings. Refer to the Architectural Design Statement within Attachment 2 for further detail.
3	Encourage reinstatement of front verandahs and awnings based on historic information.	N/A. Existing awnings are being retained, with linings to be replaced. A new paint finish is also proposed.
4	Where original shopfronts, verandahs or awnings have been altered, their replacement should be based on historic information and/or the interpretation of period details.	N//A. Awnings are to be retained, with new paint finish and linings proposed.
5	Additional storeys can be considered if: <ul style="list-style-type: none"> ➤ set at least 10 metres back from road frontage(s). ➤ the design and materials used for the extensions minimise detrimental impact on contributory building facades. 	N/A. No additional storeys are proposed. The project maintains the existing built form of the structures on the site.
6	Service elements (solar panels, solar heating, antennas, satellite dishes, air conditioning units and the like) are to be placed to the rear of the properties or on rear outbuildings, preferably so they are not visible from Barker or Walker Streets.	Complies. No service elements are positioned within the Walker Street frontage.
7	Rendering or painting face brick is not supported.	N/A. As describe above, red and white bricks have been selected for use in the façade. Some elements of the façade will also be painted as detailed in the design plans (Attachment 1). Given the site is identified as suitable for redevelopment by the Casino CBD Heritage Conservation Area Main Street Audit (refer to Attachment 4) it is requested the painting of elements of the building's façade be supported by the Council.
8	Infill development should: <ul style="list-style-type: none"> ➤ Design infill and replacement buildings are to reflect the general historic character of the precinct and capture characteristic elements from contributory buildings and heritage items in the vicinity, see Figure I-1.1. ➤ Maintain a two storey building height at the street frontage. This two storey height restriction may be relaxed where such construction is setback 10 metres from road frontages. Refer to 	N/A. The proposal does not alter the footprint of the existing buildings on the site. No buildings are being replaced.

Element	DCP Requirement	Comment
	<p>facade treatment above.</p> <ul style="list-style-type: none"> ➤ Where sites are amalgamated, use articulation to reflect the former subdivision pattern. ➤ Maintain a balance of solid areas over voids—Large areas of plate glass curtain walls are generally not suitable and may not be supported. ➤ Use awnings and verandahs to reduce the bulk and scale of buildings. ➤ Use of articulation in facades such as string courses, cornices, pilasters and other features that break up the scale of facades is encouraged. 	
9	<p>Signage should:</p> <ul style="list-style-type: none"> ➤ Painting of facades in bold, primary, vivid, intense or neon colours is not supported. ➤ Corporate identify should be expressed through limited area of signage in appropriate locations, however, Corporate colours may also need to be amended as a requirement of consent, to a more subtle version of the standard colour palette in order to be sympathetic to the values of the Heritage Conservation Area or Heritage Item context. 	<p>N/A. No signage is within scope of works.</p>
10	<p>An applicant may request that Council review the need for development consent, under Clause 5.10(3) of the LEP. Council needs to be satisfied that the proposed development is of a minor nature or is for maintenance and will not adversely affect heritage significance. This process can be simple, reflecting minor one-off proposals, or complex, capturing a number of minor works or recurrent works at the site. It is for the purposes of the later that Council and the Owner of a property may enter into an agreement, known as a Local Site Specific Exemption, to exclude certain identified works from requiring development consent. Such an agreement should include:</p> <ul style="list-style-type: none"> ➤ a description of the works covered by the Local Site Specific Exemption, ➤ conditions that must be employed to 	<p>N/A. A local site specific exemption is not sought.</p>

Element	DCP Requirement	Comment
	enable the exceptions to be used <ul style="list-style-type: none"> ➤ a description of the land to which the agreement applies, ➤ a statement of heritage significance, and ➤ a period of time after which the agreement will expire. 	
11	Once an agreement has been endorsed it will run with the land. This means a new owner of that property is not required to enter into a new agreement for them to be used.	
12	Council or the Owner may at any time withdraw support to a Local Site Specific Exemption. Such a withdrawal needs to be in writing and is effective immediately. Where it is Council that withdraws its support for an agreement it shall identify the reasons in its written notice.	
Part I-3 Building Setbacks		
-	Table I-3.1 Minimum Setbacks <i>B3 Commercial Core Zone – all other development – zero minimum street setback.</i>	N/A. The proposal does not alter the existing setback of either building within the subject site. It is noted the buildings benefit from a zero setback from the street frontages.
-	Vehicle access to the land will be prohibited across side or rear boundaries.	N/A. No changes proposed to existing vehicle access arrangements on the site. It is noted the site benefits from an existing vehicle crossover with Canterbury Street and Cycad Lane.
Heritage Conservation Area		
-	Development within the Casino CBD Heritage Conservation Area is required to be setback 10 metres for that part of the development above the height of the existing facade.	N/A. The club building falls partially within the CBD HCA. No new development is proposed above the height of the existing façade. Noting that the upper level of the hotel building is existing.
-	This setback is to provide for retention of existing facades while accommodating additional storeys outside the conservation area (10 metres deep measured from the front boundaries along Barker and Walker Streets)	
-	Further design considerations apply. See Chapter I-1.11.	Noted. Refer to assessment against Section I-1.11 below.

Element	DCP Requirement	Comment
Roads Subject to Widening		
-	Notwithstanding any other provision of this Chapter, the Front Building Line Setback to a road subject to widening shall be increased by width of land to be resumed by the widening.	N/A. The site is not identified as being impacted by future road widening by Part I-15 of the DCP.
-	In the case of: (a) Lane Widening proposed in Chapter I-15 of this DCP—the setback shall be increased by 3 metres to accommodate the proposed widening, (b) land identified as Classified Road (SP2) on the Richmond Valley LEP 2012 Land Reservation Acquisition Map—the setback shall increase by the width of identified resumption.	
I-3.4 Side Boundary and Rear Boundary Setbacks		
1	Table I-3.2 establishes the following setback requirements for the site. <i>B3 Commercial Core Zone – commercial premises – refer to Part B Commercial Development.</i>	Noted. Refer to Section 4.3.2 for assessment against Part B – Commercial Development of the DCP.
2	Setback Formula – for side and/or rear boundaries where specified in Table I-3.2.	N/A.
Part I-4 Car Parking Provisions		
I-4.2 On-site Parking		
1	On-site car parking is required to be provided at the rates established in the Section I-4.4 General Car Parking Rates for: (a) new development, (b) additional gross floor area—within an existing development, and (c) a change of use—where the new use has a higher demand for car parking.	Complies. The proposal involves alterations and additions on the subject site. The existing uses on the site are to be maintained. <u>Club Building</u> The works within the club building are wholly contained within the footprint of the existing building and beer garden. No new floor area is created, subsequently, no additional parking is generated. <u>Motel Building</u> The motel currently contains 11 rooms on the upper level and provides 11 car parking spaces on the ground level. The proposal seeks to provide an additional room on the ground level of the motel building. This new room has an area of 25m ² . Pursuant to Table I-4.1 of the DCP a parking rate of 1 per unit is required for motel/hotel accommodation.

Element	DCP Requirement	Comment
		<p>Subsequently, a total of 12 car parking spaces are required.</p> <p>The proposal will provide 13 car parking spaces (inclusive of 1 disabled access). A service vehicle loading space is also provided which will also serve as an additional 2 staff parking spaces when not in use by a service vehicle. Additionally, a second disabled access space is provided noting that this space also serves as an additional loading space when required.</p> <p>Based on the above the proposal exceeds the parking requirements triggered under the DCP.</p>
I-4.6 Car Parking Construction and Design		
1	<p>A vehicle parking, manoeuvring, and access plan is to be submitted to Council for approval. The Plan should:</p> <p>(a) show delineated car parking spaces, including those designated as disabled spaces, and loading bays.</p> <p>(b) clearly show where access to the property is proposed and detailing manoeuvring area(s) and the direction of traffic flow.</p> <p>(c) be designed to meet the relevant Australian Standards (ie. AS2890 – Parking facilities).</p> <p>(d) demonstrate compliance with any Council design standards for driveways, parking, and/or manoeuvring (unless an Australian Standard applies).</p> <p>(e) contain specifications for the construction of entrance/exits to public roads, including line-of-sight distances for exiting vehicles.</p> <p>(f) show how underground car parking will be ventilated.</p>	<p>Complies.</p> <p>Drawing A_951 (Attachment 1) confirms the site access arrangements. Service vehicles will enter the site via the crossover with Canterbury Street, these vehicles will then exit the site in a forward moving direction and leave via Cycad Lane. General vehicles will enter and exit the site via Canterbury Street. Both vehicle entrance points are controlled with security gates.</p>
2	<p>All works required to be undertaken, including those on public land, must be funded by the Applicant/Owner of the development, unless other arrangements have been made such as through a VPA.</p>	<p>N/A.</p> <p>Both driveway crossovers on the site are existing. As such, no works on public land have been identified as being required.</p>
3	<p>Council reserves the right to determine whether the placement of an access onto a public road is suitable and safe.</p>	<p>N/A.</p> <p>The vehicle crossovers on the site are existing. No changes are proposed to these existing arrangements.</p>

Element	DCP Requirement	Comment
4	Car parking spaces should be constructed of a hard stand surface, and be clearly delineated.	Complies. The existing hardstand surface of the internal driveway and parking areas are to be resurfaced. New line marking will be implemented to identify the parking spaces.
Part I-10 Crime Prevention through Environmental Design (CPTED)		
1	<p>A security management plan may be required to be submitted with the development application. The security management plan should set out all relevant methods to be used to prevent crime and improve safety of the development.</p> <p>The following types of development proposals are required to be referred to the NSW Police Force for comment. The following list is not comprehensive, and the decision as to whether a proposed development is required to be submitted for police comment lies with the consent authority.</p> <ul style="list-style-type: none"> ➤ Mixed use developments (with 20 or more dwellings) ➤ New or upgraded commercial/retail developments (major work) ➤ New industrial complex (ie multiple industrial units) ➤ New or upgraded schools, child care centres and hospitals ➤ Railway stations ➤ Large sports/community facilities ➤ Clubs/hotels, (ie extended hours, gaming rooms) ➤ Service stations/convenience stores ➤ Unusual developments (ie arcades, brothels, amusement centres, upgrade of Department of Housing properties/estates). 	N/A. The development does not require referral to the NSW Police Force. The land use is already established and approved on site. This proposal seeks to refurbish the site with no increase in GFA to the club.
2a	Natural Surveillance Avoid Blind Corners—'Blind corners' or concealed areas make people feel uneasy and unsafe. Not knowing 'what is around the next corner' can discourage genuine users of a space to use and maximise it.	Complies. The proposal does not result in any blind corners on the site.
2b	Communal/Public Areas Provide natural surveillance for communal and public areas. This serves two main purposes:	Complies. The motel provides passive surveillance over the car park and the club building. Motel room 1 includes a window which

Element	DCP Requirement	Comment
		<p>overlooks Canterbury Street. While rooms 11 and 12 include windows which overlook the southern boundary towards Cycad Lane.</p> <p>The hotel and beer garden provide passive surveillance opportunities over both Canterbury and Walker Streets. Of note the veranda situated on the corner of the site includes seating creating a strong connection with the street.</p>
2c	<p>Provide entries which are clearly visible. Prominent entrances allow:</p> <ul style="list-style-type: none"> ➤ Natural surveillance from street, ➤ Users to feel safe and to easily access the area, ➤ Emergency services to access the property rapidly. Entrances should be at prominent positions within development design, easily accessible from well-lit street areas and within areas providing natural surveillance opportunities. Design entrances in such a way as to allow users to see in before entering. 	<p>Complies.</p> <p>Vehicle entry to the site is via a crossover with Canterbury Street. Service vehicles will exit the site through the existing crossover with Cycad Lane. Both crossovers will be controlled with security gates.</p> <p>Pedestrian entry to the club is via a main entry door positioned along Walker Street. The club can also be accessed via an entry adjacent to the internal car park.</p> <p>Access to rooms 1 to 11 of the motel is via two sets of stairs. While room 12 is accessed via the ground level.</p>
2d	<p>Although high fences may provide privacy, they restrict natural street surveillance from potential intruders. Fencing below one meter, or open design fencing allows for adequate privacy and adequate levels of natural surveillance.</p>	<p>Complies.</p> <p>Proposed fencing on the eastern elevation of the beer garden offers an open design allowing for surveillance of Walker Street. The security gates proposed on both Cycad Lane and Canterbury Street are also open design.</p>
2e	<p>Avoid landscaping which obscures natural surveillance. As with 'blind corners' or general concealed areas, the large size of certain vegetation obstructs visibility and makes people feel uneasy and unsafe. Perceiving that something may be 'behind those bushes' can discourage genuine use of a space.</p>	<p>Complies.</p> <p>No landscaping proposed is expected to obscure natural surveillance on the subject site.</p>
2f	<p>Adequate lighting is essential in making people feel safe and in deterring illegitimate users. Good lighting design should;</p> <ul style="list-style-type: none"> ➤ Allow people to be able to see ahead progressively into areas along paths and accessways, 	<p>Complies.</p> <p>As confirmed in the design plans include external lighting between the club and motel building. Final detail on lighting design is to be confirmed by an electrical consultant as part of the construction certificate phase of the project.</p>

Element	DCP Requirement	Comment
	<p>(ii) Encourages legitimate users to use a facility after daylight hours with the result their presence will deter potential illegitimate users,</p> <ul style="list-style-type: none"> ➤ Facilitates formal surveillance (by Police or security patrols). Care should be taken to ensure lighting does not produce glare or dark shadows. Entrances, exits, service areas, pathways, car parks etc. should be well lit after dark when they are likely to be used. ➤ Use diffused flood lights and/or movement sensitive lights. ➤ Direct these lights towards access / egress routes to illuminate potential offenders, rather than towards buildings or resident observation points. ➤ Lighting should have a wide beam of illumination, which reaches to the beam of the next light, or the perimeter of the site or area being traversed. Avoid lighting spillage onto neighbouring properties as this can cause nuisance and reduce opportunities for natural surveillance. ➤ As a guide, the areas should be lit to enable users to identify a face 15m away. ➤ Use energy efficient lamps /fittings /switches to save energy 	
2g	<p>Mixed land uses allow for natural surveillance of areas across a range of hours and times (ie weekday or weekend, AM or PM). To the extent that all other provisions within this DCP allow, mixed land uses offer a way of ensuring surveillance of an area will promote increased use and security.</p>	<p>Complies. The site presents a mixed use with a motel and club on the site.</p>
2h	<p>Traditional security related equipment will help make a space more difficult for intruders to break into, however its overuse may impinge on adequate levels of natural surveillance</p>	<p>Complies. Security gates are proposed on both vehicle crossovers with Canterbury Street and Cycad Lane. Security fencing along the eastern elevation of the beer garden is to be replaced. Both the security gates and screen are of an open design.</p>
2i	<p>Clear building identification prevents unintended access and assists persons trying to find the building - particularly</p>	<p>Noted. No signage is proposed as part of this development application. Future signage</p>

Element	DCP Requirement	Comment
	emergency vehicles in an urgent situation.	will proceed through an alternative planning pathway.
2j	Use materials which reduce the opportunity for vandalism.	Noted.
2k	Spaces should be clearly defined to express a sense of ownership and reduce illegitimate use/entry.	Complies. The use of security fencing, a main entry door the club building and security gates at the property vehicle crossovers with Canterbury Street and Cycad Lane clearly define the bounds of the property from areas of surrounding public space.
2l	A sense of community pride in a particular area will help maintain an area and will easily identify illegitimate behaviour.	Complies. Given the site is currently closed, the proposed refurbishment will contribute towards establishing a sense of community pride.
Part I-12 Context and Site Analysis		
-	It is imperative that a site analysis include likely impacts of the proposed development and the measures proposed to mitigate these impacts. It should also show where the site has been unable to incorporate the opportunities and constraints of the site and the requirements of the DCP. Written and graphical explanations should be provided, for any site analysis, ultimately showing the suitability of the site for the proposed use.	Complies. The design plans incorporate a site analysis for the project.

4.4 State Environmental Planning Policies

4.4.1 Introduction

Table 11 summarises the State Environmental Planning Policies which apply to the land and form of development.

Table 11: SEPP Applicability

State Environmental Planning Policy (SEPP)	Applicable
SEPP (Biodiversity and Conservation) 2021	<input type="checkbox"/>
SEPP (Exempt and Complying Development Codes) 2008	<input type="checkbox"/>
SEPP (Housing) 2021	<input type="checkbox"/>
SEPP (Industry and Employment) 2021	<input type="checkbox"/>
SEPP No.65 – Design Quality of Residential Apartment Development	<input type="checkbox"/>
SEPP (Planning Systems) 2021	<input type="checkbox"/>
SEPP (Precincts – Central River City) 2021	<input type="checkbox"/>
SEPP (Precincts – Eastern Harbour City) 2021	<input type="checkbox"/>
SEPP (Precincts – Regional) 2021	<input type="checkbox"/>
SEPP (Precincts – Western Parkland City) 2021	<input type="checkbox"/>
SEPP (Primary Production) 2021	<input type="checkbox"/>
SEPP (Resilience and Hazards) 2021	<input checked="" type="checkbox"/>
SEPP (Resources and Energy) 2021	<input type="checkbox"/>
SEPP (Sustainable Buildings) 2022	<input checked="" type="checkbox"/>
SEPP (Transport and Infrastructure) 2021	<input type="checkbox"/>

4.4.2 SEPP (Resilience and Hazards) 2021

Chapter 4 Remediation of Land

The objective of Chapter 4 of SEPP (Resilience and Hazards) 2021 is to promote the remediation of contaminated land for the purpose of reducing risk of harm to human health or any other aspect of the environment.

Clause 4.6 of the SEPP relates to contamination and remediation that should be considered in determining a Development Application. A consent authority must firstly consider whether a site is contaminated. If the land is contaminated, the consent authority must be satisfied that the land is suitable in its contaminated state, or it will be suitable after remediation, for the proposed development.

The proposal relates to the refurbishment of the subject site. No new additional buildings are proposed, with all works occurring within the existing development footprint. As such, a preliminary contaminated lands assessment is not considered warranted in this instance.

4.4.3 SEPP (Sustainable Buildings) 2022

Chapter 3 Standards for Non-Residential Development

Chapter 3 of the SEPP (Sustainable Buildings) 2022 establishes provisions for non-residential development. Projects involving alterations of existing buildings for non-residential use with a capital investment value of \$10million or more trigger compliance with the standards. The proposal does not have a capital investment value of \$10million or more. Subsequently, no further consideration of Chapter 3 is considered warranted.

4.5 Section 4.15 Evaluation

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of this application.

Table 12: Section 4.15 Matters for Consideration

S4.15 Matters for consideration	Response
(a) the provisions of: (i) any environmental planning instrument;	All relevant provisions of the RVLEP 2012 have been considered within this report.
(ii) Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved);	No draft EPI is considered to adversely impact the application.
(iii) any development control plan;	The relevant provisions of the DCP are addressed within Section 4.3 of this report.
(iiia) and planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4;	The subject land is not known to be subject to a planning agreement.
(iv) the regulations (to the extent that they prescribe matters for the purpose of this paragraph)	
1 Demolition of Structures	Yes. Internal demolition works are proposed to enable the refurbishment of the existing structures on the subject site. All works will occur in accordance with the applicable Australian Standards.
2 Land subject to a Subdivision Order	N/A
3 Dark Sky Planning Guideline	N/A
4 & 5 Application for a manor house or multi dwelling housing (terraces).	N/A
6 Residential building in Penrith City Centre	N/A
7 Wagga Wagga Special Activation Precinct Master Plan	N/A
7A Moree Plains Special Activation Precinct Master Plan	N/A
8 Subsections (7) and (7A) do not apply to a development application made on or after 30 September 2022	N/A
(v) (Repealed)	
(b) The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality;	
Context and setting	The subject land is zoned E2 under the RVLEP 2012. Both registered clubs and motels are

S4.15 Matters for consideration	Response
	permissible with development consent within the E2 zone. The proposal seeks to refurbish the existing buildings on site, as such it is not considered to alter the existing development pattern.
Access, transport and traffic	Pedestrian access to the club will be via a main entry positioned on the property's Walker Street frontage. Vehicle access to the site is via an existing driveway crossover with Canterbury Street. Service vehicles will enter the site via Canterbury Street and exit the site in a forward moving direction via the existing driveway crossover with Cycad Lane.
Utilities	The site benefits from connections to all require utilities.
Heritage	The site is identified as being partially within the CBA HCA. Refer to Section 3.5 and Section 4.2.3 of this report for detail.
Water	The site benefits from an existing connection to the reticulated water supply. This existing arrangement is to be maintained.
Soils	Erosion and sedimentation controls will be implemented by the proponent prior to construction of the development in accordance with conditions of consent.
Air & Microclimate	Appropriate measures will be incorporated into the construction phase of the development to minimise any opportunities for noise and dust impacts.
Flora and fauna	The proposal does not require the removal of any significant vegetation. Existing landscape species are hardy 'common' garden plantings include Golden Cane Palms, Agaves and Dracaenas. These will be removed as part of the redevelopment of the site.
Natural hazards	The site is mapped as flood prone land. Flood compatible materials will be utilised within the development. The club will be closed during a flood event and an evacuation management plan will be developed for the motel land use (should Council deem necessary).
Waste	Waste shall be collected and disposed in accordance with Richmond Valley Council requirements. Waste storage areas are provided on site as demonstrated in drawing A_1100 (Attachment 1). All waste associated with

S4.15 Matters for consideration	Response
	construction activities will be disposed of at a licensed waste facility.
Safety, Security & Crime Prevention	Future occupants of the site may incorporate target hardening measures within the development such as security alarm systems and locks etc. CPTED has been addressed within Section 4.3 of this report.
Social Impact	The premises are currently closed. However, the proposed works are a key step in the reopening of the establishment. The reopening of the establishment is expected to generate economic benefits including job opportunities.
Energy	The proposal provides for the refurbishment of an existing dilapidated commercial structure. No formal energy assessment has been completed at this stage of the project.
Noise & Vibration	Construction activities will adhere to Council's specified hours of operation and consent conditions.
Site design and internal design	The proposal does not alter the existing built form and density of the subject site. As such the development is considered to be consistent with the existing type and density of development within the Casino CBD.
Construction	Construction activities will be completed in accordance with Council conditions of consent and Work Cover requirements. Appropriate sedimentation measures will be installed during the construction phase to mitigate opportunities for soil erosion and water pollution.
(c) The suitability of the site for the development:	
Does the proposal fit within the locality?	<p>Council's town planning framework provides for the development of the site for commercial purposes and in this regard the proposal is deemed consistent with this framework.</p> <p>The design is compatible with existing and likely future developments within the surrounding locality.</p>
Site attributes conducive to the development?	As with all of the Casino CBD, the development proposal is located on flood prone land. This report provides an assessment of the proposal relative to the applicable RVLEP and RVDCP provisions relating to this matter.
(d) Any submissions made in accordance with this Act or the regulations;	The proposal is compliant with the relevant legislation, as addressed within this report.

S4.15 Matters for consideration	Response
	Council will consider any submissions to the application as part of the assessment process.
(e) The public interest.	This project has been designed to be compatible with the existing and desired future amenity of the Casino CBD. The proposal will support the use of the land for commercial purposes and will create employment opportunities and contribute towards creating an active street frontage.

5. Conclusion

This Town Planning report when read in conjunction with the accompanying documents successfully addresses the issues relevant to Council's assessment of this application.

In consideration of the issues and information provided, approval of the Development Application is warranted in the manner prepared, subject to the application of reasonable and relevant conditions.

The grounds for this approval are summarised below:

- The application accords with the relevant provisions of the Richmond Valley Local Environmental Plan 2012;
- The proposal adequately addresses the relevant provisions of the Richmond Valley Development Control Plan; and
- The proposal has been designed to accord with the building form and scale of surrounding development in the area.



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