

JRPP No:	2010HCC037
DA No:	DA/1155/2010
PROPOSED DEVELOPMENT	Demolition of existing development and construction of a new Performing Arts and Conference Centre (entertainment facility) including café (restaurant).
APPLICANT:	Wyong Council
REPORT BY:	Wyong Council

Assessment Report and Recommendation

SUMMARY

A development application for demolition of the existing hall and counselling office building and construction of a new Performing Arts and Conference Centre (entertainment facility) including café (restaurant) has been received by Council. The application has been assessed under Section 79C of the Environmental Planning and Assessment Act 1979, and is recommended for approval. The development is beneficial to the Wyong town centre and broader community providing a modern cultural arts facility for the Wyong region.

Applicant	Wyong Shire Council
Owner	Wyong Shire Council (operational land)
Application No	DA/1155/2010
Description of Land	No.19 and 21 Margaret Street, Wyong, Lots 1-4, Sec 7 DP.3136 No.9 and 13 Margaret Street, Lots 9 and 11, Sec.6, DP.3136 (parking only)
Proposed Development	Demolition of existing development and construction of a new Performing Arts and Conference Centre (entertainment facility) including café (restaurant).
Site Area	4046.5m ²
Zoning	3(a) Business Centre
Existing Use	Wyong Memorial Hall and office building
Employment Generation	14 staff
Estimated Value	\$18.5 million

RECOMMENDATION

- 1** *That consent be granted subject to the conditions detailed in the schedule attached to the report.*
- 2** *That Development Control Plan 2005 Chapter 61 be varied to permit the development.*

PRECIS

- The proposal is for the demolition of existing development and construction of a new Performing Arts and Conference Centre (entertainment facility) including café (restaurant).
- The development replaces the existing memorial hall which served to accommodate many of the same activities that the new development is designed to host. Although there is an intensification of the use under the subject application, the site has nearly a fifty year history of being used for the performing arts and there is no change to this fundamental activity on the site under the subject application.
- Variation is sought to the parking provision under Development Control Plan (DCP) 2005 Chapter 61. Additionally, the proposal will rely upon both on-site and off-site parking including the construction of a separate parking area within the vicinity of the site.
- The site is within walking distance to Wyong Railway Station and is located within the Wyong town centre which is serviced by other forms of public transport such as taxis and buses.
- The site is subject to localised flooding.
- No submissions were received from notification of the application.
- The development is for a public purpose that will provide wide reaching benefits to the central coast community.

INTRODUCTION

The Site

The site comprises four (4) rectangular shaped allotments of land, similar in size and orientation with street frontages to Margaret Street (west), Anzac Avenue (south) and Pauline Lane (east). The site has a primary frontage to Anzac Avenue of 50.29m and a combined depth of 80.46m. The existing Wyong Memorial Hall and community garden (Rotary Bicentennial Garden) are located on three of the lots and an existing weatherboard single storey dwelling house used as a child abuse prevention centre is located on the remaining lot.

The site is bounded by Margaret Street to the west, Anzac Avenue to the south and Pauline Lane to the east. Development surrounding the site includes the Courthouse and recently approved Police Station on the opposite side of Pauline Lane to the east. On the opposite side of Anzac Avenue to the south is Wyong RSL with Wyong Council's administration building located adjacent to the RSL both to the east and south. The RSL car park and a row of residential dwelling houses are located directly opposite the site along Margaret Street. These residential sites are all zoned 2(c) Residential under Wyong Local Environmental Plan (WLEP) 1991 which permits medium density residential development. Immediately adjoining the site to the north is a recently constructed single storey dwelling house. Diagonally opposite the site is Frank Balance Memorial Park.

The site generally falls from the north-west corner (RL.8.52) to a low point in the north-east corner (RL.6.94). The site is subject to localised flooding in heavy storm events and is within the vicinity of a local heritage item. There is an existing flag pole on the site at the corner of Anzac Avenue and Margaret Street with a number of time capsules intended to be opened in 2088. The location of the site is within walking distance to Wyong Railway Station and bus interchange.



The Proposed Development

The application seeks approval for demolition of the existing two storey memorial hall, single storey building (used as a counselling office) and other structures on the site and the construction of a new Performing Arts and Conference Facility (entertainment facility). This new centre will provide modern facilities for drama, dance and other creative pursuits of community groups.

The proposed development includes:

- A 510 seat tiered auditorium with stage and orchestra pit.
- A secondary theatre (studio) with seating for 140 persons.
- A gallery space for display of visual arts.
- A rehearsal room.
- Foyer area for display of Visual Arts (only when main auditorium is not in use due to fire safety restrictions).
- Ancillary spaces associated with the theatre including box office, beverage bar and toilets.
- Theatre production offices and associated spaces including dressing rooms and storage areas.
- A loading dock/service bay accessed using Pauline Lane.
- A café/restaurant (two levels) with internal and external seating for up to 100 people.
- A flytower void over the stage around 20 metres in height.
- A rainwater tank (capacity 400m³) is proposed within the building at the basement level.
- Twenty-one (21) on-site parking spaces.

The building façade will be predominantly finished in full height glass interspersed with single storey high façade boxes which project out from the main façade. These will be finished

using compressed fibre cement sheeting with protruding anodised aluminium fins of varying colours. Corrugated iron wall cladding will enclose the upper levels with corrugated iron sheeting for the roof. There will also be a retractable shade curtain that extends from the roofline around the edge of the building to shade the glazed walls when necessary. There are a number of existing trees on the site and along the adjoining streets that will be impacted under the proposal.

The centre will aim to encourage and support the performing arts including dance, drama and amplified and acoustic music however, it will also facilitate and support the visual arts, film, digital media and other arts and cultural activities. The centre will be a venue for the display of performing arts by a range of local users including local theatre and drama groups, orchestras and choirs. It is also anticipated that the facility would be used by local dance groups and schools as part of their performing arts programs. Additional uses to be undertaken within the facility would include the display of visual arts by local artist groups and the like, and the auditorium will be available for hire for conducting conferences. The performing arts centre will be owned by Council and managed and operated by Council staff.

The proposed hours of operation of the centre will be from Monday to Saturday between 8:00am and 11:30pm and on Sundays and Public Holidays between 10:00am and 6:00pm. Other activities such as cleaning will occur outside these hours. It is anticipated that these activities would be finished and the site vacated by 1:00am.

The performing arts centre will employ approximately 14 people who will all generally be present during core hours. This does not include the staff for the café/restaurant which will not be known until a future operator is selected. The employed staff will be responsible for the day to day operations of the centre and will manage all bookings and oversee all productions/performances.

It is intended that the café/restaurant will operate outside of normal show times and will also provide a support facility for those using the site during rehearsal times. A beverage bar is to be provided within the foyer area from which it is proposed to serve drinks and snack foods to patrons before and during shows.

There is no signage included as part of this application as it will be the subject of a future application at a later stage. The existing flag pole on the site is to be relocated to Frank Balance Park located opposite the site and the buried time capsules are to be relocated to within the foyer floor of the development.

The site currently accommodates Wyong Memorial Hall which is considered to be at the end of its useful life and does not provide for the range of activities currently required by the community. The existing floor area of the hall to be demolished is approximately 828m². It is noted that the new performing arts centre replaces the existing memorial hall which has a seating capacity for 394 persons and a total capacity for all the existing rooms on the site of 525 persons. The existing car parking area adjacent the site within Pauline Lane accommodates 35 car parking spaces including 2 disabled spaces. The proposed development will encroach into this area and provide 21 new car parking spaces including a disabled parking space.

A pick up/drop off zone designed to accommodate 3 cars is to be provided within Margaret Street to service the development.

Internal Referrals

The application has been referred within Council to:

- Senior Health and Building Surveyor
- Senior Planning Engineer (Hydrology)
- Arborist & Landscape Design Assessment Officer
- Supervisor, Trade Waste
- Senior Development Design Engineer
- Transportation Engineer

The issues raised in the referral process are discussed in the report and where reflected in the conditions of consent

Summary

During the assessment of the application, a number of issues were raised in relation to the proposed design of the development and supporting documentation. The issues raised in relation to the proposal included:

- Acoustic report and noise impacts of the development
- Fire safety and BCA compliance
- Materials for building including curtain.
- Parking shortfall and provision of spaces.

Amended plans and an amended acoustic report have been submitted for the proposal which (when included with the recommended conditions of consent) will address the concerns raised.

VARIATIONS TO POLICIES

Clause	3 – Parking requirements
Standard	Variation to parking provision
DCP	Chapter 61 - Carparking
Departure basis	Minimum 121 spaces required by DCP

HISTORY

- Wyong Memorial Hall was constructed in 1965 on the site.
- Development Consent No.369/88 (Application No.420/88) was approved on 21 June 1988 for the erection of flagpole and footings containing time capsules.
- Building Application No. 1464/91 was approved on 24 June 1991 for additions to the memorial hall for a storeroom.
- Development Application No.339/1991 was approved on 13 June 1991 for a storage area.
- Building Application No.661/1993 was approved on 25 March 1993 for a sign.

PERMISSIBILITY

The subject site is zoned 3(a) Business Centre under the WLEP 1991. The proposal includes construction of a performing arts centre defined as an 'entertainment facility' with a café defined as a 'restaurant' together with ancillary office space.

The definition of 'entertainment facility' and 'restaurant' under the LEP reads:

Entertainment facility means *a building or place designed, equipped and used for the purpose of sport, entertainment, exhibitions or displays, and includes:*

- (a) sports stadiums, showgrounds, race courses and the like, and*
- (b) theatres, cinemas, music halls, concert halls, open air theatres, and drive-in theatres and the like.*

Restaurant means *a building or place, the principal purpose of which is the provision of food to people for consumption on the premises or via a drive-through facility or both.*

Clause 10 of the WLEP requires that *Council must not grant consent to the carrying out of a development...unless, in the opinion of the Council, the proposed development is compatible with the objectives of the zone within which the development is proposed to be carried out.*

The proposed use as an 'entertainment facility' and 'restaurant' is not identified as a prohibited use under the zoning table and is thereby permissible with consent within the 3(a) zone. The objectives of the 3(a) Business Centre zone are:

- (a) to provide the primary opportunity for the development of retail and commercial activities that are appropriate to the character and needs of individual business centres within the retail hierarchy proposed by a development control plan prepared by the Council for the purpose, and*
- (b) to provide for higher intensity retail and commercial uses, while allowing for low intensity retail and commercial uses in other business zones, and*
- (c) to enable the Council to provide more detailed guidelines about preferred retail distribution and development issues in a development control plan.*

The development is considered to be compatible with the 3(a) zone objectives by providing a public entertainment facility that will not detract from the Wyong business centre but will serve to reinforce its cultural identity as an important town centre for retail and commercial activities. The additional uses within the development including a café/restaurant and ancillary office space also serve to reinforce this role.

RELEVANT STATE/COUNCIL POLICIES AND PLANS

The Council has assessed the proposal against the relevant provisions of the following environmental planning instruments, plans and policies:

- State Environmental Planning Policy No. 71 – Coastal Protection
- State Environmental Planning Policy (Major Projects) 2005
- Wyong Local Environmental Plan 1991
- Wyong Shire Development Control Plan 2005
 - Chapter 7 - Wyong Town Centre
 - Chapter 14 - Tree Management
 - Chapter 61 - Carparking
 - Chapter 67 - Engineering Requirements for Developments
 - Chapter 69 - Controls for Site Waste Management

Chapter 70 - Notification of Development Proposals
Chapter 76 - Conservation of the Building Environment
Chapter 81- Retail Centres
Chapter 99 - Building Lines
Chapter 112 – Public Art

- Landscape Policy and Guidelines
- Waste Management Guidelines
- Wyong/ Tuggerah Planning Strategy
- Section 94 Contributions Plans

ECOLOGICALLY SUSTAINABLE PRINCIPLES

The proposal has been assessed having regard to ecologically sustainable development principles and is considered to be consistent with the principles.

The proposed development is considered to incorporate satisfactory stormwater, drainage and erosion control and the retention of vegetation where possible and is unlikely to have any significant adverse impacts on the environment and will not decrease environmental quality for future generations. The proposal does not result in the disturbance of any endangered flora or fauna habitats and is unlikely to significantly affect fluvial environments.

Climate Change

The potential impacts of climate change on the proposed development have been considered by Council as part of its assessment of the application. This assessment has included consideration of such matters as potential for more intense and/or frequent extreme weather conditions including storm events, drought, and flood as well as how the proposed development may withstand these potential impacts. The stormwater design including an upgrade to the capacity of the system has taken into consideration the potential for more intense and frequent storm events. The design also includes rainwater tanks for reuse of rainwater within the development. The will inclusion of this alternate the water supply will assist in buffering the development from potential impacts of climate changes like drought.

ASSESSMENT

Having regard for the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act 1979 and other statutory requirements, Council's policies and Section 149 Certificate details, the assessment has identified the following key issues, which are elaborated upon for the Panel's information.

THE PROVISIONS OF RELEVANT INSTRUMENTS/PLANS/ POLICIES (s79C(1)(a)(i-iv):

State Environmental Planning Policy 71 – Coastal Protection

State Environmental Planning Policy No.71 – Coastal Protection applies to the development. The site is located within a coastal protection zone under the SEPP and in accordance with Clause 7, the proposal has been assessed within the context of the matters for consideration outlined under Clause 8 and found to be satisfactory. The proposal has also been considered under Part 4 of the SEPP and is consistent with the aspects identified under this part. The proposal is considered consistent with the aims of the policy.

State Environmental Planning Policy (Major Projects) 2005

Under the provisions of State Environmental Planning Policy (Major Projects) 2005, on the basis of the estimated capital investment value of the proposed project and the involvement of Council as both the landowner and applicant, the application needs to be determined by a Joint Regional Planning Panel being the Hunter and Central Coast Joint Regional Planning Panel.

Wyong Local Environmental Plan 1991

Clause 10 - Zoning

The subject site is zoned 3(a) Business Centre zone under the WLEP 1991. Any purpose is permissible other than those identified as prohibited within the 3(a) Business Centre zoning table. An 'entertainment facility' and a 'restaurant' are both uses that are not identified as prohibited under the zoning table and are both therefore permissible with development consent. As discussed earlier in the report, both of these proposed uses are considered consistent with the 3(a) zone objectives.

Clause 15 - Acid Sulphate Soils

Clause 15 requires special assessment to be given to certain development on land being subject to actual or potential acid sulphate soils. The site is identified as Class 5 - within 500m on the Acid Sulphate Soils Planning Map. There are no works proposed as part of the development that are likely to lower the water table in any adjacent 1, 2, 3 or 4 land to any point below 1 metre AHD.

Clause 23 - Flood Prone Lands

The site is located within an area that is highly urbanised and suffers from urban flooding, which has occurred in 2004 and 2007 along Anzac Street in heavy storm events. The floor level of the proposal has been designed in response to this hazard. The proposed building floor level is RL 8.30 AHD providing a 600mm freeboard above the existing 1% AEP flood level. Additionally conditions are to be imposed to ensure that the development is carried out in a manner that minimises the impacts associated with flooding. This includes preparation of an evacuation management plan and a stormwater design to mitigate the impacts of flooding.

Clause 29 - Services

The property is connected to Council's water supply from a water main located on the eastern alignment of Margaret Street. As part of the development, the applicant is to design and construct a new sewer gravity main along Anzac Avenue to Pauline Lane to connect with the recently upgraded sewer gravity main in Pauline Lane (required under the new Police Station development). Monetary contributions for both water supply and sewerage are applicable to the development.

Clause 35 – Development in the vicinity of heritage items

Clause 35 of Wyong LEP 1991 requires that *Council must take into consideration the likely effects of the proposed development on the heritage significance of the heritage item...and its setting, when determining an application for consent to carry out development on land in its vicinity.* The proposed development is in the vicinity of a local heritage item being the Council administration building on the corner of Hely Street and Anzac Avenue (Item 73 of the Heritage Inventory). The statement of heritage significance under the Inventory advises that the building is of historic significance for its association with the evolution of government

administration in the area. The proposal will not detract from the historic significance of this item but will serve to support the identity both past and present of the Wyong town centre as a centre for civic functions.

Wyong Shire Development Control Plan 2005

Chapter 7 - Wyong Town Centre

The proposed development is consistent with the aims and objectives of DCP Chapter 7 in facilitating development that will reinforce and maintain the cultural identity and unique character of the Wyong Town Centre. The development will enhance the civic character of the area, achieve a complimentary built form and a high quality of urban design.

The DCP adopts a heritage theme for the Wyong Town Centre and the appearance of the new building will be modern in character. This modern architecture will complement and not detract from the heritage theme through the use of non traditional materials that will not compete with the history of other developments.

The DCP requires that new development consider the urban context within which it is located, and design accordingly. The development has been designed to address both street frontages and is setback to the residential zoned land at the rear. The proposal has been assessed within the context of the following additional controls under the DCP. These include overshadowing, energy efficiency, privacy impacts, landscaping, stormwater, and design considerations and the proposal is generally consistent with these DCP requirements. There is no overshadowing of significant public places. The proposal complies with the zero building line and zero boundary setback that applies to retail and commercially zoned land. However, there is a minor encroachment of part of the building containing the entry steps and access ramp that extends onto the pedestrian footway. A condition of consent has been recommended requiring that the plans be amended to remove the building encroachment. There is no specified height limit that applies to the 3(a) zoned site under Chapter 7 of the DCP. The development is a maximum of height 20 metres (for the flytower), however, around the roof edges of the building, the height is more generally 10 metres. The development is considered to be compatible within the existing and likely future broader urban context.

Chapter 14 – Tree management

The applicant prepared and submitted an arborist report with the proposal that assessed all the trees potentially impacted by the proposal. The report identified twenty-four (24) trees that will require removal in order to accommodate the development, seven (7) existing trees along the Margaret Street and Anzac Avenue frontages that will be retained under the proposal, and another four (4) existing trees along Pauline Lane next to the courthouse that will remain unaffected by the development. There is no objection raised to the removal of trees as proposed, subject to conditions. New tree planting (ie. 6 trees) is also included as part of the proposal to be located predominantly in the northern half of the site containing the courtyard and adjoining residentially zoned land.

Chapter 61 - Carparking

The development generates on-site parking on the following basis under Chapter 61 of the DCP:

- Places of Public Assembly parking requirements are 1 space per 10-20m² Gross Floor Area (GFA) depending on location and intended use.
- Commercial parking requirements are 1 space per 30m² GFA

- Restaurants parking requirements are 15 spaces per 100m² GFA or 1 space per 3 seats, whichever is the lesser,
- Provision of at least one (1) accessible space

There are twenty-one (21) parking spaces provided for the new cultural centre on the site directly accessible from Pauline Lane. This configuration requires use of the lane for access and manoeuvring. Under the requirements of DCP Chapter 61, the development would generate parking demand for at least 142 spaces, (as shown in the table below). Twenty-one (21) parking spaces are provided on the site, which results in a shortfall of (a minimum of) 121 spaces for the development under the DCP. By way of comparison, it is noted that under the DCP, a cinema with capacity for 510 seats (auditorium) and 140 seats (studio) would generate a total parking demand for 88 spaces (ie. 69 spaces for the auditorium plus 19 spaces for the studio). This is based on the DCP rate of 1 space every ten (10) seats for 75% of the seats and 1 space per four (4) seats for 25% of the seats.

Use	Gross Floor Area	DCP Parking rate	Parking spaces
Places of Public Assembly - auditorium etc (excludes dressing rooms/amenities, plant, loading, and storage)..	2014 m ²	1 space per 10-20m ² GFA	101 (minimum)
Commercial (offices, meeting rooms)	247 m ²	1 space per 30m ² GFA	8.2
Restaurants (Café)	244 m ² 100 seats	15 spaces per 100m ² or or 1 space per 3 seats, whichever is the lesser.	33
Total	2410m ² .		142 (minimum)

In view of the calculated parking shortfall under the DCP, the following points are of relevance for additional consideration.

- The development replaces the existing memorial hall which served to accommodate many of the same activities that the new development is designed to host. Although there is an intensification of the use under the application, the site has a fifty year history of being used for the performing arts and there is no change to this fundamental activity on the site under the application.
- The site is within walking distance to Wyong Railway Station and is located within the town centre that is serviced by other forms of public transport like taxis and buses.
- The site is strategically located in close proximity to Council's administration buildings and the parking facilities that service the Council buildings can be utilised outside of business hours for the Performing Arts and Conference Centre.
- Council intends to develop land in the vicinity of the site for construction of a public car park to serve the development and consideration for this has been included within the budget for the development .
- The development is for a public purpose that will provide wide reaching benefits for the Central Coast community.

Further to this, the applicant has prepared a parking report that takes into consideration additional aspects of the development that result in a reduced demand for on-site parking

than that identified under the DCP. In this regard, the parking report identifies three distinct operating circumstances for the performance centre that generate varied parking demands.

The first is the 'weekday (no show)' operation of the performing arts centre where an estimated parking demand of 50 spaces is generated by the development.

The second is the 'weekday matinee' operation of the performing arts centre where an estimated parking demand of 69 spaces is generated by the development. This is based on the assumption of an operating capacity of 90% for the theatre and 50% for the studio. The matinee performances will be predominantly used by schools, community groups and retirement villages and on this basis 90% of visitors are assumed to be travelling to/from the site by bus.

The third is the 'weekday evening and weekend (matinee and evening)' operation of the performing arts centre where an estimated parking demand of 90 spaces is generated by the development.

Due to the higher public transport availability in Wyong and the proximity to the railway station, the traffic and parking assessment report assumed a car mode split of 85% and an average car occupancy of 2.5 people per vehicle. On the basis of 21 on-site spaces being available, the estimated variation under the applicant's parking report is as shown in the table below.

Operating scenario	On site parking	Applicant's parking Assessment required	Parking shortfall
Weekday (no show)	21	50	29
Weekday matinee (show)	21	69	48
Weekday evening and weekend performance	21	90	69

The applicant's parking report also outlines areas that are available at certain times to be used for additional parking for the facility. These additional parking areas include the existing Council owned parking areas in Margaret Street that serve the Council's administration building. These two parking areas can accommodate parking for 44 cars but are only available for use on weekday evenings and weekends. The applicant's report also identifies an area used for informal (off-street) parking fronting Hope Street (located to the rear of the existing park) with a capacity to accommodate 69 spaces out of standard working hours. The report therefore argues that the parking demand shortfall for 'weekday evening and weekend' operation (calculated 69 spaces) can be accommodated within Council's existing carparks located along Margaret Street and Hope Street, and that these carparks combined have the capacity to accommodate 113 vehicles. Additionally, the report outlined the availability of on street parking in streets surrounding the site on weekday evenings and weekends but not during business hours Monday to Friday. The on street parking surrounding the site within Anzac Avenue and Margaret Street and Pauline Lane was identified in the report as being in the order of 158 spaces (ie. 40 spaces along Pauline Lane).

The most significant parking shortfall was identified under the Transport Impact Statement as the weekday matinee (ie. 48 spaces). This is based upon the fact that patrons attending the weekend and weekday evening performances would be able to utilise parking within Council's existing carparks around the site. However, these same spaces would not be available during normal business hours on weekdays.

However, the parking area located in Hope Street referred to in the applicant's report is currently not approved for parking purposes although it is being used informally for this

purpose. Although the access contains some bitumen surface, there is no identified, linemarked parking spaces. It would therefore not appear to be warranted to attribute this informal parking area to accommodate any direct parking demand for the development. On this basis, contrary to the applicant's traffic report, there would not only appear to be a shortfall of 48 spaces at the 'weekday matinee' operation, but also a shortfall of 25 spaces at the 'weekday evening and weekend (matinee and evening)' operating scenario (ie. 69 minus 44 spaces). The provision of a minimum of 48 new spaces to service the development will address the identified shortage for both operating scenarios.

Ordinarily Council could require that a contribution be required for the provision of 48 spaces under Section 94 or alternatively a voluntary planning agreement be executed for provision of the additional parking spaces in the vicinity of the site. However, Council's Section 94 Plan does not apply to the site and a VPA is not possible given that Council is the applicant for the development. Therefore, a deferred commencement condition is recommended requiring the provision of an off street parking area (within 200 metre distance of the site) containing a minimum of 48 spaces to be designed, constructed and available for use by the development.

Of additional consideration in relation to the issue of parking is the availability of alternate transport modes to and from the site. The site is well serviced by public transport and this is one of the advantages of the continuing the location of the arts centre on a site within the town centre. Wyong Railway Station and the bus interchange are located at a distance of 600m walk from the subject site. There are two major bus services operating within the Wyong Town Centre including Red Bus Company providing six bus routes and Busways operating five bus routes. The closest bus stop is located within 200m from the subject site and four other bus stops for various services within 300 metres of the site.

Conditions will be also be included requiring the provision of safe, convenient bicycle parking and the provision of a green travel plan that identifies measures to encourage the use of public transport to and from the premises. The proposal also includes servicing of the site by buses and coaches at the weekday matinee times. A condition will also be included requiring the preparation of a Traffic Management Plan that demonstrates how bus and coach set-down and pick-up will be managed for weekday matinee events.

Chapter 67 - Engineering Requirements for Developments

All civil works associated with the proposal will be designed and constructed to achieve compliance with DCP Chapter 67 – Engineering Requirements for Developments. Stormwater plans have been submitted and reviewed for the development and no objection is raised subject to the inclusion of conditions relating to the drainage design and associated works. Conditions will also be included to address sediment and erosion control measures required for the development.

Chapter 69 - Controls for Site Waste Management

In accordance with the requirements of DCP Chapter 69, a Waste Management Plan was submitted with the application outlining the waste disposal, re-use and recycling (on and off site) for each stage of the development (ie. demolition, construction and ongoing use). This includes the types and estimated volume of waste generated and waste minimisation strategies. A condition is recommended to ensure the development is carried out in accordance with the submitted Waste Management Plan.

Chapter 81- Retail Centres

Under Chapter 81 of the DCP, Wyong is identified as a district town centre and the administrative centre for Shire. The proposal is consistent with this identification and will reinforce the functions of Wyong as a district town centre. An additional 244m² retailing floor space is proposed in the form of the café. The café is consistent with the evaluation criteria under the DCP in that it does not exacerbate the amount of existing vacant floor space currently available in the centre, it contributes to the overall viability of the town centre and diversifies the range of services available within the trading catchment and it reinforces the identified role of the centre.

Chapter 99 – Building Lines

Under Chapter 99 of the DCP, the building lines within 3(a) Business Centre zones are determined on merit being a zero boundary setback but subject to a satisfactory design. The front setback proposed for the new building along both frontages is generally zero and the architectural design of the building is satisfactory. The setback is therefore considered consistent with the commercial zoning of this section of the streetscape. However, there is a minor encroachment of part of the development containing the entry steps and access ramp that extends into the pedestrian footway. Concern was raised regarding this design as it discharges patrons onto the narrow footway at the busy corner of Margaret Street and Anzac Avenue. The design of the development encourages patrons to congregate on the corner thereby conflicting with pedestrians using the footway. The proposed building encroachment at this corner potentially worsens the safety concerns by reducing the available width of the footway for patrons and other pedestrian users. A condition of consent is recommended requiring that the plans be revised to remove the building encroachment. The northern setback distance adjoining an existing residential dwelling house is variable between 4 - 28 metres. The proposed setback of the development to the northern boundary provides a suitable transition that addresses the existing residential character of this end of Margaret Street.

Chapter 112 – Public Art

DCP Chapter 112 requires major development with an estimated construction value of over \$5 million or greater to implement public art as part of the development. Under the DCP a minimum of 1% of the total cost of the development is to be dedicated to this end. A condition requiring the provision of public art in accordance with the DCP has been recommended to address this matter as the proposal exceeds a construction cost of \$5 million.

Wyong/Tuggerah Planning Strategy

Under the Wyong/Tuggerah Planning Strategy, the role of Wyong includes the provision of *the Shire's central area for civic, health, post high school education and administrative services* including enhancement of its role as *a focus for community and social service providers*. The proposal will assist in strengthening Wyong's civic functions and enhance its role as a major centre for the Central Coast community. The proposal is consistent with the vision identified under the strategy that Wyong be the cultural and heritage focus for the Shire, and that it provide a culturally based tourist destination for people visiting and living on the Central Coast. The Strategy, identifies the need *to establish and resource a performing arts centre to provide a focus for community cultural activity and pride and to nurture youth performing arts*. The proposal is consistent with the planning strategy for Wyong.

Landscape Policy and Guidelines

Council's Landscape Policy and Guidelines requires the landscape design for the development to be done as a Category 3 development that requires the expertise of an approved Landscape consultant. A landscape plan accompanied the application that complies with the requirements of the Landscape Policy. A condition will be included to ensure that the landscape works are constructed and maintained in accordance with Council's Policy including the engagement of an approved landscape consultant and contractor to undertake the work.

THE LIKELY IMPACTS OF THE DEVELOPMENT (s79C(1)(b)):

The relationship to the regional and local context and setting.

Locality and Streetscape

The proposal will not adversely impact on the character and amenity of the locality and streetscape. The scale, form, character and density of the development is acceptable within the locality. The proposal involves the redevelopment of the site to allow for an upgraded continuation of the current use as a cultural and performing arts centre within the locality.

Solar access and over shadowing

Shadow diagrams have been prepared for the development at intervals of 9:00am, midday and 3:00pm, on 21 June, and 21 December. The diagrams indicate the scenario mid-winter on the shortest day of the year as well as mid-summer on the longest day of the year in order to ascertain shadowing impacts from the development throughout the year.

The mid-winter diagrams indicate that during the morning period, shadowing resulting from the new building extends across Anzac Avenue and Margaret Street and to a minor extent across the RSL building and car park. By midday, the shadowing has receded and is contained within the roadway of Anzac Avenue. During the afternoon period the shadowing extends across Pauline Lane and the courthouse building. There is no significant or unreasonable amenity impacts resulting from solar access loss to any existing surrounding residential development or public areas as a consequence of the new building. The overall extent of shadowing impact resulting from the proposal is not significant or unreasonable.

Privacy and overlooking

There are a number of residential dwellings surrounding the site to the north and west adjoining the area containing the outdoor dining courtyard for the cafe. There are potential privacy impacts from the development to the dwelling houses and rear yards of those dwellings located along to the north of the northern side boundary (particularly No.35 immediately adjoining the subject site). There is a 3 metre high acoustic wall proposed to be erected along this boundary with a 3 metre high hedge planting to be established to screen the wall within the courtyard. This wall and planting aims to mitigate potential privacy impacts (both visual and acoustic privacy) to this and the other adjoining dwellings.

There is also a potential privacy impact from the upper level of the building containing the café, administration area and manager's office. Overlooking from these areas will be largely screened by the proposed tree planting within the courtyard and to an extent the proposed 3 metre high boundary hedge and 3 metre high wall once established. However, this will need to be supplemented by some additional tree planting along this northern boundary to ensure that the amenity of the adjoining dwelling is preserved. A condition has been recommended

to address this requirement. The remainder of the building has generally been designed to minimise the potential for overlooking to the adjoining residential properties.

The access, transport and traffic management measures.

The applicant prepared a traffic report for the development that identifies the likely traffic to be generated by the development at various times of the day and week. The report considered three operating scenarios being 'the weekday (no show)', 'the weekday matinee performance' and 'the weekday and weekend evening performance'. The majority of traffic will be generated for the 'weekday and weekend evening performance' with an estimated 128 trips generated. The 'weekday matinee performance' will generate an estimated 55 trips and the weekday (no show) will generate around 17 trips and is solely based on traffic associated with the café. These estimated trips are based on an average car occupancy of 2.5 persons for all scenarios and upon a car modal split of 85% for two of the three scenarios with the 'weekday matinee performance' scenario assuming a car modal split of 20% for the theatre and 50% for the theatre. The modal split is based on the higher availability of public transport within Wyong town centre including the proximity to the station and availability of buses.

The applicant's report assumes that 90% of weekday matinee patrons will arrive by bus or coach as the development (at this daytime period) will predominantly be used by schools, community groups and retirement villages. This may require approximately 5 to 6 buses accessing the site at a similar time. A condition has been recommended requiring the applicant to prepare a Traffic Management Plan for the development that demonstrates how bus and coach set-down and pick-up will be managed for weekday matinee events.

The proposed arts and cultural centre will generate significant pedestrian activity at the intersection of Anzac Avenue and Margaret Street, particularly if future parking for the centre is to be provided (or overflow parking occurs) at locations south of Anzac Avenue. The development also includes uses such as the café and gallery that will attract pedestrian movement to and from the town centre. Council has designed and listed the construction of a temporary roundabout at the Margaret Street and Anzac Avenue intersection to improve traffic safety with the ultimate plan to provide traffic signals at this intersection. As an interim measure the provision of temporary pedestrian refuges within the Margaret Street and Anzac Avenue carriageways are recommended to facilitate safe pedestrian movements to the centre. The temporary refuges are to be located in close proximity to the main pedestrian entry podium and will remain in place until the installation and operation of a signalised Margaret Street and Anzac Avenue intersection. Conditions have been recommended to address this. The refuges will result in the loss of some on street parking. The works shall incorporate adjustment to the existing line marking, signage and the on street parking within the immediate area.

There is a drop off zone on Margaret Street proposed to service the development. A condition has been recommended requiring details of the proposed signage for the drop off zone to be forwarded to the Wyong Local Traffic Committee for consideration. Vehicle access to the proposed facility is from Pauline Lane (via North Road) and from the pick-up /drop off area along the Margaret Street footpath. The twenty-one (21) new on-site car parking spaces will require a continuous low kerb along the eastern wall of the building to provide sufficient length to the spaces in accordance with AS 2890.1.2004. Footpath reconstruction along Margaret Street and Anzac Avenue is required to provide safe pedestrian access to the entry podium and pedestrian ramps. The stairs and ramp encroach into the road reserve and will require amendment of the pedestrian ramp and entry podium area. Conditions have been recommended to address these matters.

The impact on the public domain (recreation, public open space, pedestrian links).

The development is considered to be beneficial to the public domain. The development will increase the public activities and opportunities available in the locality. There is no adverse impact on surrounding pedestrian links or upon the use of the existing public open space opposite the site (ie. Frank Balance Park). The proposal will serve to reinforce the 'civic' landscape character of the area surrounding the site consistent with adjoining development comprising public buildings (ie. the Courthouse, Police station, Council buildings) and associated spaces and pedestrian linkages. The development will increase the pedestrian activity in and around the site and will provide additional public space that will complement the existing use of the park and other existing public areas surrounding the site.

The impact on utilities supply.

A condition is recommended requiring the applicant to consult with various public authorities and utility providers in respect of their requirements for servicing the development prior to commencement of work. The demands of the development have been assessed against the availability and capacity of the water supply and the requirements for servicing by the sewerage system. A condition has been recommended requiring the applicant to obtain a Section 307 Certificate of Compliance under the Water Management Act 2000 for water and sewer servicing requirements for the development.

The effect on heritage significance.

The site is located within the vicinity of an existing heritage item being a Council building located on the corner of Hely Street and Anzac Avenue (ie. Item 73 of the Heritage Inventory). It is noted that the proposed new building is not within the immediate curtilage of the heritage item. The building is of historic significance for its association with the evolution of government administration in the area and the proposal will not detract from the historic significance of this item.

Additionally, the existing hall has been considered for draft heritage listing under Council's Wyong Shire-wide Heritage Review as an example of post war architecture that retains the distinctive original elements and that has significance as a focus of cultural and social activities within the area. Following assessment of the building by the heritage consultants, it was not recommended for inclusion as it satisfied only two of the five criteria applied in determining the heritage significance of a building. However, the site will continue its tradition and historical significance of being used as a focus of cultural and social activities within the area under the redevelopment proposed.

Any effect on other land resources.

The development will not have any adverse impact upon conserving and using valuable land resources such as mineral and extractive resources, agricultural land or any water supply catchment.

Any impact on the conservation of water.

A rainwater tank is proposed to be installed in the basement of the building with a capacity of 400m³ (400,000 litres). The water sourced from this tank is to be reused within the development for the purposes of toilet flushing, garden irrigation and for topping up the cooling tower. This will reduce the reliance of the development on main water supply. Overflow from the tank is to be discharged to Council's stormwater system. Conditions are recommended in relation to the plumbing and maintenance of the proposed rainwater tank and in relation to water management on the site. Additionally, the development is to include

water efficient fixtures to all hydraulic fittings, and the provision of water sub-meters to monitor usage.

Any effect on the conservation of soils or acid sulphate soils.

There are no likely soil management impacts associated with the development related to acid sulphate soils, land slip, land degradation, or contamination. Sediment and erosion control measures will be adopted by the development during construction. Excavation required for the development will be minimal due to the building design with an elevated floor level above the flood level. A geotechnical report was submitted with the proposal in order to provide geotechnical information and advice on subsurface conditions for consideration of excavation works and construction of floor slabs and footings. The report makes recommendation in relation to earthworks, and the design and construction of load bearing works for the building.

Any effect on quality of air and microclimate conditions.

A condition is recommended in relation to dust control during demolition, earthworks and construction requiring adoption of appropriate measures to minimise emissions into the surrounding environment. There is minimal potential for any air pollution, odour, fumes or other air quality impacts associated with the development on the site.

Any effect on the flora and fauna.

There are thirty-seven (37) trees within the vicinity of the site that were reviewed as being potentially impacted by the proposed development. There are twenty-four (24) trees in total that will require removal in order to accommodate the development due to the location of building or because of poor form and structure. These trees to be removed are numbered 4, 6, 7, 8, 9, 12 – 18, 22, 23, 25, 26, 28 – 32 & 35 – 37 on the plan accompanying the arborist report submitted for the development. None of these trees are hollow bearing. The remaining seven (7) trees located along the Margaret Street and Anzac Avenue nature strip fronting the site are to be retained and incorporated into the development. Conditions are recommended in relation to tree protection measures and replacement planting. Another six (6) trees located on adjoining sites remain unaffected by the proposal and will therefore be retained subject to trees protection measures during construction.

Replacement planting will be carried out in accordance with the landscape plan including six (6) new trees being planted along with new landscaped garden beds to screen the loading dock, parking spaces, and within the café courtyard. Additionally, a condition of consent is recommended be included in relation to the pot size and planting maintenance.

The provision of waste facilities.

The development includes provision of an area for waste storage located adjacent to the proposed loading dock. This will enable convenient servicing of the development by waste removal vehicles. This area also caters for storage of items for recycling in a designated recycling room. The design of the waste storage area is not within ready view of the street or within any public place. The waste storage area is within the proposed building and is well setback from any adjoining properties so as to minimise any potential odour impacts.

Whether the development will be energy efficient.

The development design aims to comply with the Green Building Council Australia's (GBCA) Green Star system for a 4 star rating. However, there is currently no applicable rating scheme for this type of development (ie. a public theatre) under which it can be assessed,

as the current Green Star rating tools do not cover this type of development. Council has applied for a custom building pilot rating with the GBCA for this development.

The applicant prepared an energy efficiency and environmentally sustainable development statement to accompany the proposal outlining the ESD measures to be adopted for the development. The aim of these design measures is to minimise greenhouse gas emissions and running and maintenance costs associated with the development. The sustainability measures in the report are based on the Green Star Office Design and Green Star Retail Design (typical 4 star rating) sustainability measures. These measures include:

- Thermal insulation to external walls which avoids the use of ozone depleting substances in both its manufacture and composition.
- Provision of CO2 sensors in the auditorium and foyer in order to ensure the delivery of minimum outside air requirements.
- Low VOC finishes and paints to reduce impacts on occupant health from internal air emissions.
- Incorporation of a retractable shade curtain along the western and southern external walls in order to provide thermal insulation along these walls.
- Energy efficient lighting, equipment and appliances (eg. occupancy sensors, daylight sensors, time clocks, photo cells, low wattage high efficiency fluorescents)
- Smart building control systems to allow programmable control of power and lighting systems within each area to minimise energy consumption.
- Water efficient fixtures to all hydraulic fittings.
- Development of a thermal labyrinth concept (beneath the building) to provide a passive, pre-cooling effect for intake air in order to reduce the cooling requirements of the building.
- Rainwater tank for water reuse within the development.
- Provision of recycling sorting and composting facilities.
- Sourcing timber from sustainable sources and reusing bricks and timber from the existing memorial hall.
- Limited parking availability encouraging the utilisation of alternate modes of transport.
- Provision of bike parking facilities.
- Use of energy efficient plant (eg. for the provision of cooling). The higher capital cost is balanced by the lower energy consumption and durability.
- Building design to maximise natural light (eg. windows, skylights, glass walls).

Additionally, the report assessed the possibility of retaining the existing hall for potential reuse or refurbishment. Based on capital cost and maintenance issues, however, it was not considered feasible to retain the existing building for reuse. It was concluded that the embodied energy costs associated with retaining and maintaining the existing building would outweigh the benefits of reusing it.

Whether the development will cause noise and vibration.

An acoustic report was submitted with the application that identified the potential noise generating activities associated with the proposal. The potential noise sources from the development include noise generated from the:

- theatre and studio (ie. amplified and non amplified voices and music),
- outdoor courtyard
- building services (plant room equipment, exhaust fans etc)
- loading dock (deliveries and waste services etc)
- surrounding traffic noise and noise associated with on street parking within the vicinity of the site

A number of measures are to be adopted as part of the development in order to mitigate the potential impact of noise and vibration. To minimise the impact of the development particularly from the café/restaurant on the adjoining dwelling house (at No. 23 Margaret Street), it is proposed to erect a 3.5 metre high acoustic wall along the common boundary. The building has been designed in a manner that positions major plant and equipment at the opposite end of the building to the adjoining residential dwellings. Additionally, all fans and air handling units will have in-duct attenuation, and all plant and equipment will include noise barriers or shielding and acoustic enclosures for noisy plant. All penetrations of the roof (smoke exhaust grilles and cowls) are to be acoustically treated and laminated external fixed glazing is to be installed (to a nominated thickness) for the glazing wall of the multipurpose studio. Sound attenuation measures are to be adopted for the development to ensure internal design sound levels comply. In any connection with the outside, the theatre is to have at least two doors in series with acoustically treated sound locks and all doors are to be acoustically rated and incorporate acoustic seals.

The acoustic report also examines the issue of construction noise and recommends the implementation of strategies to minimise noise including strategically locating equipment and plant, erecting temporary barriers to shield noise as early as possible, providing alternative systems to reversing beepers, adopting quieter choices for equipment and plant and maintaining it regularly, using quieter methods of construction as an alternative, providing good communication between neighbours and staff before and during construction, documenting complaints and responding quickly, appropriate scheduling of noisy work activities, ensuring periods of respite, keeping truck drivers informed of designated routes, stopping areas and delivery hours, and abiding by approved construction hours. A condition is recommended should consent be granted to ensure that the development is carried out in accordance with the acoustic report.

Ongoing operational conditions to address noise are also recommended to be imposed on the development to mitigate any adverse impact upon the amenity of surrounding occupants including restrictions on the hours for deliveries and waste collection.

Any risks from natural hazards (flooding, tidal inundation, bushfire, subsidence, slip etc).

Flooding

The existing Wyong Memorial Hall building is built over an existing 900mm diameter concrete stormwater pipeline connected to the newly re-aligned drainage system within Pauline Lane currently under construction as part Wyong Police Station building works. The existing stormwater drainage system within the catchment suffers from frequent urban flooding with surcharge flows upstream causing high hazard flooding along Anzac Avenue. Recent 2004 and 2007 high intensity flood events have caused high flooding within Anzac Avenue adjacent the existing Memorial Hall. Council's Senior Planning Engineer (Hydrology) and Senior Development Design Engineer have reviewed the proposal and provided advice in relation to drainage and flooding.

A draft report "Wyong Town Centre – Detail Stormwater Drainage Investigation and Options Analysis – Stage 1" prepared by Cardno Lawson Treloar (June 2010) indicates that the flood level adjacent the site during the 1% AEP flood event along Anzac Avenue is approximately RL 7.68 m AHD. The proposed building floor level is RL 8.3m AHD providing a 600mm freeboard above the existing 1% AEP flood level. The 8.3 metre AHD floor level is considered adequate and complies with Council's Policy and the NSW Floodplain Development Manual.

The development will require the extension of the new trunk drainage system (3.6m x 1.2m box culvert) within Pauline Lane to connect into the piped stormwater system within Frank Balance Memorial Park. Trunk drainage augmentation works are required as part of this development, as the proposed building is directly over the top of the existing stormwater drainage line. The Trunk Drainage works are to be designed to accommodate the 1%AEP storm event in accordance with the Stormwater Drainage Investigation prepared by Cardno Lawson Treloar (June 2010) and must be operational prior to the removal of the existing 900mm diameter pipeline that traverses the site and the commencement of the building construction works. Conditions have been recommended requiring the submission and approval of detailed stormwater plans prepared in accordance with the Drainage Investigation prepared by Cardno Lawson Treloar (June 2010) and Council's Development Control Plan 2005, Chapter 67 - Engineering Requirements for Development.

The ongoing operation of the Performing Arts and Conference Centre will require a flood emergency evacuation management plan and a condition is included to address this. The plan is to ensure the public is aware of the potential flood risk along Anzac Avenue, and alternate egress points from the building should the building be occupied when a flood occurs.

Any risks from technological hazards.

There is no likely risk to people, property or the environment from any industrial and technological hazards related to the development. There is no evidence of the site being contaminated, no flammable or hazardous goods storage and the development has been design to comply with the BCA fire safety requirements. Conditions are recommended in relation to asbestos removal during the demolition of the existing hall.

Whether the development provides safety, security and crime prevention.

The principles for Crime Prevention Through Environmental Design (CPTED) have been considered under the design of the proposed new development. The proposal incorporates design features and passive security management measures to discourage anti social behaviour and minimise the opportunities for criminal activities. Entrapment spaces have been minimised and surveillance opportunities maximised. The cafe will provide activity and a presence of people in and around the centre at times outside of performances or exhibitions within the centre. It is proposed to offset any opportunities for crime within the courtyard area by installing motion sensor lighting and CCTV with related signage. An intruder alarm system will provide monitoring of areas within the building like external fire isolated stairways and exits. A condition has been recommended to ensure that the development is consistent with the CPTED principles and requirements for safety, security and crime prevention.

Any social impact in the locality.

The proposed development will be a valuable asset for the local and regional community by providing a venue for a range of cultural activities in a central location for a range of local community groups and residents. The proposed development will encourage and support the performing arts including dance, drama and amplified and acoustic music as well as facilitating and supporting the visual arts, film, digital media and other arts and cultural activities. The Centre will assist in facilitating both local and regional activities and increasing community involvement by providing a community venue which various local user groups, organisations, schools and member of the community can utilise. The development will provide a venue for local theatre and drama, orchestras, choirs, local dance groups, the

performing arts programs of local schools, the display of visual arts by local artist groups and the auditorium will be available for hire for conducting conferences.

Any economic impact in the locality.

The proposal will result in direct and indirect employment opportunities for Wyong and its businesses, suppliers and support services. The additional employment opportunities created under the proposal will be economically beneficial for the existing Wyong town centre.

Any impact of site design and internal design.

Development and Site Design

The development design is sensitive to the site context, environmental conditions and site attributes. The building is positioned on the site to suitably respond to the residential context at the northern boundary.

Accessibility

An access report was prepared and submitted for the proposal which assesses the development's consistency with the relevant standards and BCA requirements pertaining to access for people with a disability. The building has been designed for access by people with a disability via the ramped entry (1:14 gradient), internal lift and appropriate internal circulation space to comply with AS1428.1 to satisfy Part D3.3 of the Building Code of Australia (BCA) and Disability Discrimination Act (DDA) Access Code. Identified wheel chair seating locations are provided within the auditorium (10 spaces) and studio (3 spaces). The report identifies that two accessible on street parking spaces are to be provided for the development (a condition is recommended requiring accessible parking to be shown on the plans). An accessible path of travel shall be provided between the accessible parking spaces and the development. The plans show three (3) unisex accessible toilets (two at ground floor and one at level 2 dressing room area).

External finishes

An external finishes plan has been submitted with the proposal and is considered satisfactory. However, concerns were raised regarding the limited level of details provided for the proposed external shade curtain across the southern and western building facades. This shade curtain will perform both an aesthetic function and an energy efficiency function for the building façade. Additionally, the architect has indicated that the shade curtain may also perform a public art function for the development as a canvas for community art although details for this have not been provided. Concerns were raised regarding the appearance, energy efficiency performance, cost and durability of the proposed shade curtain as no materials had been identified by the architect for this important element of the building. In response an additional plan was submitted outlining further details regarding the proposed façade curtain including the fundamental roles that this curtain element will perform. A condition will be imposed requiring the applicant to provide further details regarding this façade element to ensure that it performs to all of the identified objectives.

Any impacts of construction activities (construction site management, protection measures).

Conditions have been recommended requiring the adoption of sediment and erosion control measures and requiring the preparation a plan of management for works during construction of the development prior to commencement of any works.

Any cumulative impacts.

It is anticipated that there will likely be cumulative impacts from increasing parking demand within the Wyong Town Centre from a variety of increasing activities being undertaken surrounding the site and the proposed development will likely contribute to this. In response to this concern, a condition has been recommended requiring Council to provide off street parking for a minimum of 48 spaces in the vicinity of the site that will allow for some additional parking spaces to be utilised when the performing arts centre is not in peak operation and that can accommodate some of the increased parking demand resulting from other activities within the centre.

THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT (s79C(1)(c)):

The site is located on the edge of the retail/commercial area of the Wyong Town Centre adjoining medium density 2(c) residential zoned land. The existing memorial hall currently operates on the site along with a community services activity. The location of the site is well serviced by public transport being in reasonable vicinity to Wyong railway station. Subject to some additional intersection works, the surrounding roads are capable of accommodating additional traffic movements associated with the proposal.

The design of the proposed development is in an appropriate form, layout and scale that suitably balances the opportunities and constraints of the site. There are no site constraints which would designate the site unsuitable for the development. The siting, massing, form and design of the proposal is appropriate to the existing and likely future streetscape context. The design of the development is a high quality contemporary building which responds well to the site and contributes positively to the character of the area.

ANY SUBMISSION MADE IN ACCORDANCE WITH THIS ACT OR REGULATIONS (s79C(1)(d)):**Any submission from the public.**

The application was advertised in accordance with DCP 2005 Chapter 70-Notification of Development Proposals with no submissions being received.

Any submission from public authorities.NSW Police

The application was referred through to the NSW Police for comment and no objection was received.

THE PUBLIC INTEREST (s79C(1)(e)):**Any Federal, State and Local Government interests and community interests.**

The proposed development is considered to be in the local and regional community interest and it will provide a centrally located community venue which can be utilised by various local user groups, arts and cultural organisations.

OTHER MATTERS FOR CONSIDERATION

Section 94 Contributions

The above proposal falls within the Development Servicing Plan (DSP) for Wyong. A condition has been imposed requiring payment of any relevant contributions under the applicable Section 94 plan and DSP that apply to the development of the site.

CONCLUSION

The proposal seeks approval for redevelopment of the site currently containing the Wyong Memorial Hall and an existing community facility that would include the demolition of the existing development and construction of a new performing arts and conference centre (entertainment facility) including a café (restaurant). The surrounding site context within the Wyong Town Centre includes a variety of civic buildings on one side and residential development on the other side. The design of the development suitably responds to this unique site context. Occupying the site currently is the existing Wyong Memorial Hall which is no longer able to accommodate the range of activities that the community requires. The proposal will allow for the continued use of the site as a performing arts centre but with upgraded facilities and an increased capacity that represents an important future asset for the Wyong town centre and broader Central Coast community. The development is consistent with the commercial zoning of the site and the site is considered appropriate for the design and form of development proposed. The new building will contribute positively to the existing streetscape and will not detract from the heritage theme of the precinct. The development is considered to be in an appropriate architectural form, layout and scale that suitably balances the opportunities and constraints of the site.

With the exception of parking provision (which can be addressed through the conditions of consent), the development is consistent with Council's LEP and DCP controls for the site. Although there is an intensification of the existing cultural and arts functions that have previously taken place on the site, the additional impacts on the surrounding streets from the parking shortfall are not unreasonable considering the commercial and medium density zoning of the site within Wyong Town Centre. The location of the new performing arts and cultural centre is well serviced by public transport. Consideration should be given to the broader benefits that the development will provide to the local and regional community. This location of the site near Council's administration building allows for the complimentary functioning of the operations and parking facilities for both developments. The application is therefore recommended for conditional approval that would include the requirement under a deferred commencement consent for the provision of 48 parking spaces within the vicinity of the site to service the development.

Attachment 1
Attachment 2

Locality Plan (1 page)
Draft Conditions