

HUNTER & CENTRAL COAST JOINT REGIONAL PLANNING PANEL

STATEMENT OF REASONS **for decision under the *Environmental Planning and Assessment Act 1979*** **(NSW)**

The Hunter & Central Coast Joint Regional Planning Panel (JRPP) provides the following Statement of Reasons for its decision under section 80 of the *Environmental Planning and Assessment Act 1979* (NSW)(the Act) to:

Grant consent to the development application subject to conditions.

For:

Proposed 405 Lot Residential Subdivision and associated Open Space and Roads, Drainage and Service Infrastructure, Gwandalan, 85 Kanangra Drive, Gwandalan.

JRPP Reference: 2013HCC022 – Council Reference: DA967/2013

Made by:

Monteath & Powys Pty Ltd.

Type of regional development:

The proposal is defined as a Coastal Subdivision under clause 9 Schedule 4A of the Act.

A. Background

1. JRPP meeting

Hunter & Central Coast Joint Regional Planning Panel meeting was held on:

Date: Thursday 5 June 2014

Time: 4.00pm

Location: Wyong Shire Council, 2 Hely Street, Wyong

Panel Members present:

Garry Fielding – Panel Chair
Kara Krason – Panel member
John Colvin – Panel member
Greg Best – Panel member

Doug Eaton – Panel member

Council staff in attendance:

Scott Cox – Director – Development and Rezoning

Mark Greer – Team Co-Ordinator, Development Assessment

Julie Garratley – Development Planner, Development Assessment

Jane Doyle – Minutes

Apologies: - Nil

Declarations of Interest: Nil

2. JRPP as consent authority

Pursuant to s23G(1) of the Act, the Hunter & Central Coast Joint Planning Panel (the Panel), which covers the Wyong Shire Council area, was constituted by the Minister.

The functions of the Panel include any of a council's functions as a consent authority as are conferred upon it by an environmental planning instrument [s23G(2)(a) of the Act], which in this case is the *State Environment Planning Policy (State and Regional Development) 2011*.

Schedule 4A of the Act sets out development for which joint regional planning panels may be authorised to exercise consent authority functions of councils.

3. Procedural background

A site visit was undertaken by the panel on 5 June 2014.

A final briefing meeting was held with council officers on 5 June 2014.

"Table Concept Approval Part D" provided by Council Officers at the meeting.

A briefing meeting was held with Council officers on 27 February 2014.

B. Evidence or other material on which findings are based

In making the decision, the Panel considered the following:

Environmental Planning and Assessment Act, 1979 s.79C (1) Matters for consideration—general

(a)(i) *the provisions of the following environmental planning instruments:*

- State Environmental Planning Policy No. 71 – Coastal Protection
- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy No. 44 – Koala Protection
- State Environmental Planning Policy Infrastructure 2007

- State Environmental Planning Policy State and Regional Development
- Wyong Local Environmental Plan 1991
- Landscape Policy and Guidelines
- Section 94 Contribution Plan
- Central Coast Regional Strategy
- Wyong Residential Development Strategy

a)(ii) the provisions of any draft environmental planning instrument

- There is no draft EPI that applies to this site.

(a)(iii) the provisions of the following development control plan:

- Wyong Shire Development Control Plan 2005
 - Chapter 14 - Tree Management
 - Chapter 61 – Parking and Access
 - Chapter 66 -- Subdivision
 - Chapter 67 - Engineering Requirements for Developments
 - Chapter 69 - Controls for Site Waste Management
 - Chapter 70 - Notification of Development Proposals

(a)(iia) any planning agreement that has been entered into or any draft planning agreement that the developer has offered to enter into:

- The VPA for the site details measures relating to the proposed development including the dedication of conservation lands, the provision of infrastructure and contributions toward community services and facilities.

The Panel was provided with 7 submissions of objection to the proposal made in accordance with the Act or the regulations. In making the decision, the Panel considered all of those submissions.

In making the decision, the Panel also considered the following material:

1. Council's Assessment Report on the application received on 21 May 2014.
2. Draft Conditions of Consent.
3. Development Plans.
4. Copies of all submissions.
5. Table Concept Approval Part D provided by Council Officers at the meeting on 5 June 2014.

The Panel has carefully considered all of the material referred to in Section B.

C1. Findings on material questions of fact by the majority

(a) Environmental planning instruments.

The Panel has considered each of the environmental planning instruments referred to in Section B.

The Panel agrees with and adopts the analysis in Council's Assessment Report in relation to the environmental planning instruments referred to in Section B above.

(b) Development control plan.

The Panel has considered the Wyong Shire Development Control Plan 2005:

- Chapter 14 - Tree Management
- Chapter 61 – Parking and Access
- Chapter 66 -- Subdivision
- Chapter 67 - Engineering Requirements for Developments
- Chapter 69 - Controls for Site Waste Management
- Chapter 70 - Notification of Development Proposals

The Panel agrees with and adopts the analysis in Council's Assessment Report in relation to the Development Control Plan.

(c) Planning agreement.

The Panel adopts the relevant part of the Council assessment report relating to planning agreement.

(d) Other legislative provisions.

The Panel adopts the analysis in Council's Assessment Report in relation to the concept plan No. MP 10_0084 approval under Part 3A of the EPA Act.

(e) Regulations.

The Panel adopts the analysis in Council's Assessment Report in relation to the Regulations.

(f) Likely environmental impacts on the natural environment. In relation to the likely environmental impacts of the development on the natural environment, the Panel's findings are as follows.

The Panel agrees with and adopts the analysis in relation to the likely environmental impacts of the development on the natural environment in Council's Assessment Report.

(g) Likely environmental impacts of the development on the built environment.

In relation to the likely environmental impacts of the development on the built environment, the Panel's findings are as follows.

The Panel agrees with and adopts the analysis in relation to the likely environmental impacts of the development on the built environment in Council's Assessment Report.

(h) Likely social and economic impacts.

In relation to the likely social and economic impacts of the development in the locality, the Panel's findings are as follows.

The Panel agrees with and adopts the analysis in relation to the likely social and economic impacts of the development in Council's Assessment Report.

(i) Suitability of site.

Based on a consideration of all of the material set out in Section B and given the Panel's findings in this Section C, the Panel's finding is that the site is suitable for the proposed development.

(j) Public Interest.

Based on a consideration of all of the material set out in Section B and given the Panel's findings in this Section C, the Panel's finding is that granting consent to the development application is in the public interest.

In particular, the proposed development will provide housing in a growth region and is consistent with Council's settlement strategy.

D1. Why the decision of the majority was made

In light of the Panel's findings in Section C1 above, the majority of the Panel (J Colvin, D Eaton and G Best) decided to grant consent to the development application, subject to the conditions recommended in Council's Assessment report.

- The majority considered that the development application was generally consistent with the concept approval for the site.
- The majority considered that the council's assessment report addressed the issues and requirements relevant to legislation and planning controls.
- The majority considered that the development was in the public interest.

C2. Findings on material questions of fact by the minority

- The minority of the Panel (G Fielding and K Krason) voted against the granting of consent at the meeting.
- The minority of the Panel carefully considered all of the material referred to in Section B above.
- The minority of the Panel agrees with and adopts the findings of the majority in Section C1 above in all respects, except as follows:
- The minority could not be satisfied that the proposal was generally consistent with all conditions of the Concept approval.

D2. Why the decision of the minority was made

In this regard the Table Concept Approval Part D was provided to the Panel at the meeting and the minority felt they could not adequately consider the contents of the Table at the meeting and that the matter should be held over until the contents of the table could be adequately considered by them.

		
JRPP member (chair) Garry Fielding	JRPP member John Colvin	JRPP member Kara Krason
		
JRPP member Doug Eaton	JRPP member Greg Best	