

**JOINT REGIONAL PLANNING PANEL
(Hunter Central Coast Region)**

JRPP No	2014HCC004
DA Number	DA/1066/2013
Local Government Area	Wyong Shire Council
Proposed Development	Entertainment Facility - Performing Arts Centre
Street Address	Wyong Memorial Hall, 19-21 Margaret Street, WYONG
Applicant/Owner	Wyong Shire Council
Number of Submissions	None
Recommendation	Approval with Conditions
Report by	Mark Greer, Acting Team Co-Ordinator Development and Rezoning

Assessment Report and Recommendation

WYONG SHIRE COUNCIL

March 2014

To the Hunter and Central Coast Joint Regional Planning
Panel

Development and Building
Department

Proposed Performing Arts and Conference Centre (entertainment facility) including café (restaurant)

MLG:DA 1066/2013

SUMMARY

A development application for 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 other statutory requirements.

Applicant	Wyong Shire Council
Owner	Wyong Shire Council (operational land)
Application No	DA/1066/2013
Description of Land	No.19 & 21 Margaret Street, Wyong, (Lots 1-4, Sec 7 DP 3136)
Proposed Development	Performing Arts and Conference Centre (entertainment facility) including café (restaurant).
Site Area	4046.5m ²
Zoning	3(a) WLEP 1991, (B3 Commercial WLEP 2013)
Existing Use	Wyong Memorial Hall and office building
Employment Generation	11 permanent staff
Estimated Value	\$11.1 million

RECOMMENDATION

- 1 That the Joint Regional Planning Panel grant consent to DA/1066/2013, subject to the conditions contained in Appendix A.***

PRECIS

- The proposal is for the construction of a new Performing Arts and Conference Centre (entertainment facility) including café.
- The development replaces the existing memorial hall which served to accommodate many of the same activities that the new development is designed to host. 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.
- A Deferred Commencement approval was issued in December 2010 for a similar proposal to the current application.
- Variation is sought to the parking provision under Development Control Plan (DCP) 2005 Chapter 61. The proposal will rely upon both on-site and off-site parking 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 the notification of the application.
- The development is for a public purpose that will provide cultural benefits to the central coast community.

INTRODUCTION

The Site

The site comprises four allotments of land, with street frontages to Margaret Street (west), Anzac Avenue (south) and Pauline Lane (east). The site has a primary frontage to Anzac Avenue. The existing Wyong Memorial Hall and community 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.

Development surrounding the site includes the Wyong Courthouse and recently constructed 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. Diagonally opposite the site is Frank Balance Memorial Park.

The site generally falls from the north-west corner to a low point in the south-east corner. 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 present Wyong Memorial Hall 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.

Approval was granted to the demolition of all existing structures under separate development consents, with partial demolition undertaken to date.



Subject site



Existing memorial hall

The Proposed Development

The application seeks approval for 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 500 seat tiered auditorium with stage and orchestra pit.
- A secondary multi-purpose studio with seating for 130 persons.
- A gallery space for display of visual arts.
- A rehearsal room.
- Foyer area for display of Visual Arts.
- 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 to seat 50 persons.
- A fly-tower void over the stage around 20 metres in height.
- Twenty-one (21) on-site parking spaces.
- Removal of 24 trees
- Public domain upgrade
- Landscaping.

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 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 9:00am and midnight and on Sundays and Public Holidays between 10:00am and midnight. Other activities such as cleaning will occur outside these hours.

The performing arts centre will employ approximately 11 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 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.



Façade to Anzac Avenue

Summary

On 16 December 2010, the Hunter and Central Coast Joint Regional Planning Panel (JRPP) determined to issue a deferred commencement development consent to DA 1155/2010, a similar proposal to the current application. Subsequent to the JRPP approval, the applicant elected to prepare a fresh development proposal scaling back the design to suit the intended purpose.

The deferred commencement conditions involved providing off-street car parking to cater for the development. The application provided 21 car spaces on site and 44 car spaces in Council owned car parks nearby – however the application was considered to be 48 car spaces short. The conditions of the deferred commencement approval required the establishment of an off-street car park to cater for (at least) 48 car spaces at a site to be determined.

The parking shortfall in the original application was based on a parking strategy that had a catchment area with a radius of 200 metres. The current application adopts a broader review of local parking scenarios extending the parking study to a 400 metre radius from the site capturing other public parking areas not previously considered in the assessment of the original development application, DA 1155/2010. The adoption of a 400m radius is consistent with parking considerations and pedestrian accessibility for a number of SEPP's.

The current application differs from the approved proposal of DA 1155/2010 in the following manner:

- Revised building footprint eliminating stairway encroachment onto footway in public road reserve.
- Revised internal ground floor – rearranged facilities, stores, rehearsal rooms.
- Revised level 1 floor – addition of meeting and “green” room

- and “green” room
- Revised level 2 floor – deletion of dressing rooms
- Revised parking strategy
- Lower level 1 roof profile
- Deletion of basement storage areas.

VARIATIONS TO POLICIES

Clause	3 – Parking requirements
Standard	Variation to parking provision
DCP	Chapter 61 - Carparking
Departure basis	Minimum 95 spaces required by DCP. 44 spaces are available in WSC car parks with 21 provided on site representing a shortfall of 30 car spaces. Report details use of parking opportunities within local area to compensate departure to DCP criteria.

HISTORY

Wyong Memorial Hall was constructed in 1965 on the site.

Development Application No 1155/2010 was granted a deferred commencement approval on 16 December 2010. An operational consent was never issued.

Consent for development application No 297/2013 was granted for demolition of the Memorial Hall. Work commenced on partial demolition in February 2014.

Consent for development application No 957/2013 was granted for demolition of the residence at No 21 Margaret Street, Wyong.

The Joint Regional Planning Panel (JRPP) was briefed on the current development application 1066/2013 on 27 February 2014. The panel raised the following matters for further consideration in the assessment of the application.

- Details of external finishes
- Presentation of building to street
- Photomontage of the proposed building

CONSULTATION

Any submission from the public.

The application was notified 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 to the NSW Police for comment and no objection was received subject to the imposition of recommended conditions of consent.

Internal Consultation

Health and Building Surveyor - no objection subject to appropriate conditions of consent in respect to unisex accessible sanitary compartments, ambulant sanitary facilities, stairways, ramps, lift cart, door schedules, hearing augmentation system, tactile and braille signage demonstrating compliance with the fine detail outlined in AS1428.1-2009.

Trade Waste - no objection subject to appropriate conditions of consent.

Development Design Engineer - no objection subject to appropriate conditions of consent including the following:

- The existing Wyong Memorial Hall building is built over an existing 900mm diameter concrete pipeline connected to the newly re-aligned system within Pauline Lane currently under construction as part Wyong Police Station building works.
- Council has prepared design plans for the construction of the proposed Trunk Drainage System from Pauline Lane connecting to Frank Balance Park. This system will encroach approximately 4.0metres along the Anzac Road frontage of the subject site. The works have been programmed during the 2013/14 financial year and are programmed to commence in March 2014. The Wyong Performing Arts & Conference Centre development cannot commence construction until the new trunk drainage system has been installed and is operational and the existing redundant 900mm pipeline across the site is removed.

Water and Sewer Engineer - no objection subject to appropriate conditions of consent including connections to Council services.

Transportation Engineer - no objection subject to appropriate conditions of consent including the following:

- Provision of a detailed civil design plan showing all signposting and line marking and the location of pedestrian refuges for approval of the Local Traffic Committee.
- The installation of regulatory signposting for this purpose will be subject the approval of the Local Traffic Committee.
- Consideration for the implementation of a “No Parking” zone and “Bus” zone on the eastern side of Margaret Street adjacent to the development. This will allow for the set down and pick up of elderly or disable patrons at the time when on-street parking availability is at its lowest.

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.

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

a) Wyong Local Environmental Plan 1991

Permissibility

The subject site was zoned 3(a) Business Centre under the Wyong Local Environmental Plan 1991 (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.

As the development application was lodged prior to the commencement date of the Wyong Local Environmental Plan 2013 (WLEP 2013) 23 December 2013, the development application is subject to Clause 1.8A of WLEP 2013, which states:

"If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced. "

Given the timing of the lodgement, the development application has been considered as if the current WLEP 2013 had not commenced but was imminent and certain, with the WLEP 1991 being determinate.

The definitions of 'entertainment facility' and 'restaurant' under the WLEP 1991 states:

"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."

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.

Clause 23 - Flood Prone Lands

The site is located within an area that is highly urbanised and is subject to 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.

Council has prepared design plans with approval for the construction of the proposed trunk drainage system from Pauline Lane connecting to Frank Balance Park. This system will encroach approximately 4.0metres along the Anzac Road frontage of the subject site. The works have been programmed during the 2013/14 financial year and are programmed to commence in March 2014. The Wyong Performing Arts & Conference Centre development cannot commence construction until the new trunk drainage system has been installed and is operational and the existing redundant 900mm pipeline across the site is removed.

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. The proposal will not detract from the historic significance of this item due to the separation in distance by Anzac Road.

Wyong Local Environmental Plan 2013

The application is assessed under WLEP 1991, however due consideration is given to WLEP 2013. In this regard the site adopts the B3 ‘Commercial Core’ zone. The proposed development is a permissible land use in the B3 zone and considered to be consistent with the zone objectives.

A significant inclusion in WLEP 2013 is a height limitation that includes the subject site. WLEP 1991 did not contain any height limitations. Clause 4.3 ‘Height of Buildings’ in WLEP 2013 refers to a height limit for buildings on the site of 23 metres. The proposed

development is less than the height limit with the top of the tower 20 metres above the ground.

The development is not subject to any other special provisions in WLEP 2013.

b) Relevant State Environmental Planning Policies (SEPP)

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 (JRPP).

c) Relevant Development Control Plans and Planning Strategies

Wyong Development Control Plan 2005

A complete assessment of the proposal was undertaken having regard to the relevant chapters of DCP 2005. The requirements of DCP 2005 are discussed below:

Similar to the Wyong Local Environmental Plan 2013 savings provisions, Development Control Plan 2013 includes a clause enabling the application to be assessed under 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.

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 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,
- Provision of at least one (1) accessible space

It is noted that a strict interpretation of “gross floor area” in the DCP suggests that all areas within the walls (with certain exclusions) be considered in the floor calculations.

While this method may suit other places of assembly, the theatre scenario requires a more detailed examination with respect to utilising a “net floor area” for the foyer or congregating areas adjoining the auditorium. In this regard, when the audience is seated the foyer becomes vacant or vice versa. Therefore it would be reasonable to conclude that the foyer floor area could be excluded from the calculation for parking numbers.

There are twenty-one (21) parking spaces provided for the new cultural centre on the site directly accessible from Pauline Lane. Under the requirements of DCP Chapter 61 and with due regard to the aforementioned interpretation on GFA and NFA, the development would generate parking demand for at least 95 spaces, (as shown in the table below). Forty-four (44) spaces are available in WSC car parks (both in Margaret Street), twenty-one (21) parking spaces are provided on the site, which results in a shortfall of (a minimum of) 30 spaces for the development under the DCP.

Use	Gross and Net Floor Areas (GFA & NFA)	DCP Parking rate	Parking including foyer GFA -	Parking excluding foyer - NFA
Places of Public Assembly -auditorium etc (excludes dressing rooms/amenities, plant, loading, and storage).	1384 m ² with foyer 894m ² without foyer	1 space per 10 - 20m ² GFA (average 15)	92	60
Commercial (offices, meeting rooms)	271 m ²	1 space per 30m ² GFA	9	9
Restaurants (Café)	175 m ²	15 spaces per 100m ²	26	26
Total	1830m ² with foyer 1340m ² without foyer		127	95

The above table represents the difference between GFA and NFA. The assessment focuses on NFA, revealing required parking for 95 vehicles.

In view of the calculated parking shortfall under the DCP, the following points are relevant:

- 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.
- Adjacent to the site are 31 car spaces in Pauline Lane generally unused during the evening periods.
- The site is within walking distance to Wyong Railway Station car parks (total 300 spaces) 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.
- The development is for a public purpose that will provide wide reaching benefits for the Central Coast community.
- The facility is likely to reach theatre capacity on rare occasions only. The expectation from the applicant is that during weekday matinee sessions the auditorium will average 65% capacity while the studio may reach 90%.

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 less than 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 95 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 shared car occupancy of 2.5 people per vehicle.

The applicant's parking report 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 on 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 parking demand shortfall for 'weekday evening and weekend' operation can be accommodated within Council's existing carparks located along Margaret Street and Wyong Rail Station. 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.

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 using the existing location within the Wyong Town Centre for the proposed Performing Arts 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 providing a number of varied bus routes. The closest bus stop is located within 220m from the subject site in North Road and four other

bus stops for various services within 300 metres of the site in Pacific Highway and Alison Road. All bus stops are served with footpaths for pedestrian access.

Chapter 81- Retail Centres

Under Chapter 81 of the DCP, Wyong is identified as a district town centre and the administrative centre for Wyong Shire. The proposal is consistent with this identification and will reinforce the functions of Wyong as a district town 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 an appropriate design. The front setback proposed for the new building along both frontages is generally zero and the architectural design of the building is considered appropriate. The setback is therefore considered consistent with the commercial zoning and existing streetscape.

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. Given that the development is for the purpose of exhibiting art, the contribution is considered unnecessary in this instance.

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.

Wyong Cultural and Civic Centre Master Plan

The subject site is identified as part of the cultural precinct of the Wyong Cultural and Civic Centre Master Plan adopted in August 2011. The key principle of the plan is to define Anzac Avenue for cultural purposes including the current Memorial Hall as a site for the proposed Arts Centre.

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 key public areas surrounding the site.

In summary, it is considered that the development is consistent with the objectives of the relevant chapters of Wyong DCP 2005.

d) Relevant Regulations

Nil

THE LIKELY IMPACTS OF THE DEVELOPMENT

Built Environment

The proposed development is the construction of a new Performing Arts and Conference Centre.

Having regard to the new development, the potential impacts on the built form environment has been determined as follows:

Context and setting.

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.

The height of the building is dominated by a flytower void centrally located over the stage area. Overall the flytower is twenty (20) metres above the lower ground floor level, however this represents a small portion of the buildings vertical form. The remainder of the building varies from 6 to 10 metres in height. The building height complies with the height requirements of WLEP 2013 and integrates with the transitional changes in the local area such as the recently constructed Police Centre, Council's administration centre and Wyong Court House.

There is no unreasonable amenity impact resulting from solar access loss to any existing surrounding residential development or public areas as a consequence of the new building. Generally, shadows cast spread over the adjacent roadways. The overall extent of shadowing impact resulting from the proposal is not significant or unreasonable.

There are potential privacy impacts from the development to the dwelling to the north of the northern side boundary. There is a three metre high acoustic wall proposed to be erected along this boundary with a three (3) metre high hedge planting to be established to screen the wall within the courtyard.

Acoustic and vibration impacts.

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

- 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 (three) 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. 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.

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.

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. 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.

Given the above assessment as well as the assessment in terms of the DCP compliance it is considered the proposed development will not have an unsatisfactory impact on the built environment.

Natural Environment

The construction of the new Performing Arts and Conference Centre may have the potential to impact the natural environment in terms of the impact on flora and fauna.

There are twenty-four (24) trees in total that will require removal in order to accommodate the development. None of these trees are hollow bearing and some show signs of poor health and structure. 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.

Given the above assessment it is considered that the proposed development will not have an unsatisfactory impact upon the natural environment.

THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT

A review of Council's mapping system has identified the following constraints:

Flooding

The existing Wyong Memorial Hall building is built over an existing 900mm diameter concrete pipeline connected to the newly re-aligned 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 caused high flooding within Anzac Avenue adjacent the existing Memorial Hall.

A 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 8.3 m AHD providing a 600mm freeboard above the existing 1% AEP flood level. The 8.3metre AHD floor level is considered adequate and complies with Council's DCP2013 and the NSW Flood Plain Development Manual.

Council has prepared design plans with approval for the construction of the proposed trunk drainage system from Pauline Lane connecting to Frank Balance Park. This system will encroach approximately 4.0metres along the Anzac Road frontage of the subject site. The works have been programmed during the 2013/14 financial year and are programmed to commence in March 2014. The Wyong Performing Arts & Conference Centre development cannot commence construction until the new trunk drainage system has been installed and is operational and the existing redundant 900mm pipeline across the site is removed.

Cumulative impacts

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 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 render 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.

Having regard to the above assessment it is considered that the subject site is suitable for the proposed development.

THE PUBLIC INTEREST

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

Contributions

It is proposed that Council waive Section 94A levy given that the application represents a facility for the express purpose of serving the local community and not envisaged as a private commercial venture.

However, water and sewer contributions will be required for the development under the Water Management Act 2000.

CONCLUSION

The proposal has been assessed using the heads of consideration in Section 79C of the Environmental Planning and Assessment Act. It is generally considered the proposed development will not result in any unreasonable built impacts, is suitable for the site and will provide opportunity for cultural events within the local area.

The application is therefore recommended for approval subject to conditions in appendix A.

ATTACHMENTS