

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 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: Entertainment Facility – Performing Arts Centre

Address – Wyong Memorial Hall, 19-21 Margaret Street, Wyong

Council Reference Number: DA1066/2013 - JRPP Reference Number : 2014HCC004

Made by: Wyong Shire Council

Type of regional development:

Development with a Capital Investment Value over \$5m which is Council related.

A. Background

1. JRPP meeting

Hunter & Central Coast Joint Regional Planning Panel meeting held:

Date: 24 April 2014

Place: Wyong Shire Council, 2 Hely Street, Wyong

Time: 2.00 pm

Panel Members present:

Garry Fielding - Chair

Jason Perica

Bob McCotter

Doug Eaton

Greg Best

Council staff in attendance:

Mike Whittarker

Sott Cox

Mark Greer

Julie Vaughan

Mike Haron
Jane Doyle

Apologies: None

Declarations of Interest: Councillor D Eaton and Councillor G Best informed the meeting of their insignificant non-pecuniary interest in the matter and of their actions in taking no part in Council's consideration of the DA assessment report, as well as vacating the Council Chamber when the matter was considered by the Council.

2. JRPP as consent authority

Pursuant to s 23G(1) of the Act, the Hunter & Central Coast Joint Planning Panel (the Panel), which covers the Wyong Shire Council's 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 [s 23G(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 briefing meeting was held with council on 27 February 2014.

A site visit was undertaken by Garry Fielding – Chair, Jason Perica, Bob McCotter, Doug Eaton on 24 April 2014 with Council Officer – Mark Greer.

It is noted that Councillor G Best advised at the meeting that he has visited the site on numerous occasions.

A final briefing meeting was held with Council planning staff on 24 April 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

79C (1) Matters for consideration—general

(a) the provisions of:

(i) any environmental planning instrument,

- State Environment Planning Policy No 55 – Remediation of Land
- State Environmental Planning Policy (Infrastructure)

- State Environmental Planning Policy No. 71 – Coastal Protection
- State Environmental Planning Policy (Major Projects) 2005
- Wyong Local Environmental Plan 2013
- Wyong Local Environmental Plan 1991

(ii) any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority

- Not applicable

(iii) any relevant development control plan

- Wyong Development Control Plans 2005 and 2013

(iiia) any relevant planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F

- Not applicable

(v) any coastal zone management plan

- Not applicable

(iv) relevant regulations:

- EP & A Regulation 2000

The Panel was provided with no submissions made in accordance with the Act or the regulations. No submissions were received on the proposal.

In making the decision, the Panel also had regard to the following material:

1. Council's Assessment Report on the application dated March 2014.
2. Statement of Environmental Effects prepared by Glendinning Minto & Associates Pty Ltd and associated appendices.
3. Architectural plans and photomontage prepared by Tonkin Zulaikha Greer.

There were no submissions made at the meeting of the Panel on 24 April 2014.

C. Findings on material questions of fact

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

(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 and subsequent email advice in relation to the environmental planning instruments referred to in Section B.

(b) Development control plan. The Panel has considered the Wyong Development Control Plans 2005 and 2013 referred to in Section B.

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

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

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

The panel had regard to the positive cultural and economic aspects of the proposal.

(d) Suitability of site. Based on a consideration 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.

(e) Public Interest. Based on a consideration 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.

D. Why the decision was made

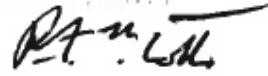
In light of the Panel's findings in Section C, the Panel decided unanimously to grant consent to the development application, subject to the conditions specified in Appendix A as amended at the meeting.

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JRPP member (chair)
Garry Fielding

A blue ink signature, likely of Jason Perica, written in a cursive style.

JRPP member
Jason Perica

A black ink signature, likely of Bob McCotter, written in a cursive style.

JRPP member
Bob McCotter

A black ink signature, likely of Doug Eaton, written in a cursive style.

JRPP member
Doug Eaton

A black ink signature, likely of Greg Best, written in a cursive style.

JRPP member
Greg Best