

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:

Alternations and Additions to club building & car park with new motel accommodation, 4 & 5 Tyrell St, Wallsend

JRPP Reference: 2013HCC005 – Council Reference: DA2012-1418

Made by:

Wallsend RSL and Community Club Ltd.

Type of regional development:

The proposal is a council related application and has a Capital Investment Value of over \$5 million.

A. Background

1. JRPP meeting

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

Date: Thursday 10 April 2014

Time: 12.00pm

Location: Newcastle City Hall, Newcastle Room, 290 King Street, Newcastle

Panel Members present:

Garry Fielding – Panel Chair

Kara Krason – Panel Member

Jason Perica – Panel Member

Brad Luke – Panel Member

Sharon Waterhouse – Panel Member

Council staff in attendance:

Wesley Wilson

Ian Glendinning (consultant engaged by Council)

Apologies: Nil

Declarations of Interest: Nil

2. JRPP as consent authority

Pursuant to s 23G(1) of the EPA Act 1979 ("the Act"), the Northern Joint Planning Panel (the Panel), which covers the Newcastle 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

An arranged site visit was undertaken by Garry Fielding, Kara Krason and Sharon Waterhouse with Wesley Wilson (Council staff) and Ian Glendinning (Council's Consultant Planner) on 10 April 2014.

A final briefing meeting was held with council on 10 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

s.79C (1) Matters for consideration—general

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

- Newcastle Local Environmental Plan 2012

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:

- Newcastle Development Control Plan 2012 commenced on the 15 June 2012 and applies to this development.

The following sections of Newcastle DCP 2012 apply to the proposal and are addressed within the Council's report:

- Section 3.0.9 – Tourist and Visitor Accommodation

- Section 4.01 – Flood Management
- Section 5.05 - Heritage Items
- Section 4.04 – Safety and Security
- Section 7.01 – Building Design Criteria
- Section 7.03 – Traffic and Parking
- Section 7.05 – Energy Efficiency
- Section 7.06 – Stormwater
- Section 7.07 – Water Efficiency
- Section 7.08 – Waste Management
- Section 7.09 – Outdoor Advertising and Signage

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

- There are no planning agreements

(a)(iv) any matters prescribed by the Regulations:

- Not applicable

The Panel was provided with 2 submissions of objection and 2 submissions of support 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 2 April 2014.
2. Statement of Environmental Effects prepared by EJE Architecture.
3. Traffic Report prepared by TPK & Associates Pty Ltd.
4. Architectural plans prepared by EJE Architecture.
5. Statement of Heritage Impact prepared by EJE Architecture.
6. Flood Assessment by SMEG.
7. Plans of the original and revised development.

In making the decision, the Panel also considered the following verbal submissions made at the meeting of the Panel on 10 April 2014:

1. Submissions addressing the Panel against the application:
Nil
2. Submissions addressing the Panel in favour the application:
John Hume, Chief Executive Officer, Wallsend Diggers Club on behalf of applicant.

C. Findings on material questions of fact

The Panel has carefully considered all of 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 generally agrees with and adopts the analysis in Council's Assessment Report in relation to each of the environmental planning instruments referred to in Section B, with the exception of the categorisation of the proposal as a "recreation facility". The correct categorisation is a "registered club", which is permissible with consent in the B2 Local Centre zone applying to the site. At the meeting, Council's consultant planner agreed this was a more appropriate categorisation of the development.

(b) Development control plan. The Panel has considered the Newcastle Development Control Plan 2012 referred to in Section B.

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

(c) Regulations.

The Panel noted advice provided at the meeting that, in accordance with the Clause 98D of the EP&A Regulation 2000, the maximum number of persons proposed to occupy the registered club premises was referenced on the DA form submitted by the applicant which forms part of the application and thereby approval.

(d) 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 developments on the natural environment of Council's Assessment Report.

(e) 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 developments on the built environment of Council's Assessment Report.

(f) 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 developments of Council's Assessment Report.

(g) 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.

(h) 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.

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 and subject to advisory note J1 becoming condition A3.



JRPP member (chair)
Garry Fielding



JRPP member
Jason Perica



JRPP member
Kara Krason



JRPP member

SHARON WATERHOUSE