

HUNTER & CENTRAL COAST JOINT REGIONAL PLANNING PANEL

Meeting held at **Wyong Council** on **Thursday 27 August 2015 at 1.30 pm**

Panel Members: Garry Fielding (Chair), Kara Krason, Jason Perica, Cr Lloyd Taylor, and Cr Greg Best

Apologies: None

Declarations of Interest: None

Determination and Statement of Reasons

2014HCC029 - Wyong, DA/875/2014, Section 83B staged development application comprising a concept proposal (retails/commercial/residential development) for 2 stages comprising an operational approval for Stage 1 for a 6 storey commercial/retail development, ancillary car parking, demolition of the existing buildings and two (2) lot subdivision, Lots 1-5 Section 1 DP 3136 No's 15-23 Hely Street, Wyong.

Date of determination: 27 August 2015

Decision:

The panel determined to **approve** the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

Panel consideration:

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.


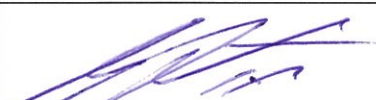
Reasons for the panel decision:

1. The proposal complies with the zoning provisions under WLEP 2013.
2. The proposal as amended complies with the FSR provisions under WLEP 2013.
3. The proposal as amended by condition 2 complies with the height provisions under WLEP 2013.
4. The proposal was supported by the Council's Urban Designer.
5. The proposal was considered to be an important revitalisation project for the Wyong CBD.

Decision: The development application was **approved** subject to the conditions as recommended in the Council Assessment Report but with changes to conditions Nos 2, 11, 52, 54, 63 and 69.

This decision was not unanimous with Kara Krason voting against the motion. Her reason was insufficient information submitted to demonstrate the proposed stage 2 envelope can accommodate a development within the proposed height and gross floor area while satisfying the requirements of SEPP 65.

Panel members:

Garry Fielding	Kara Krason	Jason Perica
		
Cr Lloyd Taylor	Cr Greg Best	

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SCHEDULE 1

1	JRPP Reference – 2014SYW029, LGA – Wyong Council, DA/875/2014
2	Proposed development: Section 83B staged development application comprising a concept proposal (retails/commercial/residential development) for 2 stages comprising an operational approval for Stage 1 for a 6 storey commercial/retail development, ancillary car parking, demolition of the existing buildings and two (2) lot subdivision.
3	Street address: Lots 1-5 Section 1 DP 3136 No's 15-23 Hely Street, Wyong
4	Applicant/Owner: Applicant – CKDS Architecture, Owner: Wyong Shire Council
5	Type of Regional development: The proposed development is a Council related development of \$5 million or more as indicated within Schedule 4A of the Environmental Planning and Assessment Act 1979.
6	Relevant mandatory considerations <ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ State Environmental Planning Policy No. 65 – Design Quality of residential Flat Buildings ○ State Environmental Planning Policy (Infrastructure) 2007 ○ State Environmental Planning Policy 71 – Coastal Protection ○ WLEP 2013 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Wyong Development Control Plan 2013 • Planning agreements: Nil • Regulations: <ul style="list-style-type: none"> ○ Environmental Planning and Assessment Regulation 2000 • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality. • The suitability of the site for the development. • Any submissions made in accordance with the EPA Act or EPA Regulation. • The public interest.
7	Material considered by the panel: At the meeting on 18 June 2015, the application was deferred. The majority of the Panel was of the view that the discretionary powers to notify the DA in Part 2.5 of WDCP 2013 were appropriate in this instance due to potential amenity impacts and community interest. Councillors Eaton and Taylor were of the view that deferral for public notification was not necessary as notification was not mandatory under Clause 2.4 of the DCP, other DAs have not been notified in commercial/industrial zones, the public was fully involved in the rezoning process and "key sites" provisions, including for the site, and there has been some media coverage and public knowledge of the proposal. Council assessment report with draft conditions of consent and Plans.
8	Meetings and site inspections by the panel: 18 June 2015 - Final Briefing meeting. 27 August 2015 – Final Briefing Meeting.
9	Council recommendation: Approval
10	Conditions: Attached to council assessment report