

<b>DATE OF DETERMINATION</b>	30 July 2024
<b>DATE OF PANEL DECISION</b>	30 July 2024
<b>DATE OF PANEL MEETING</b>	28 May 2024
<b>PANEL MEMBERS</b>	Chris Wilson (Chair), Juliet Grant, Grant Christmas, David Brown
<b>APOLOGIES</b>	Marjorie Ferguson, Tina Christy
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held by videoconference on 28 May 2024, opened at 2pm and closed at 3.45pm.  
Papers circulated electronically on 21 May 2024, 23 May 2024 and 28 May 2024 and as described in Schedule 1.

#### **MATTER DETERMINED**

PPSSTH-200 – Wollongong – DA-2022/1126 at Innovation Campus 7-9 Squires Way NORTH WOLLONGONG NSW 2500 – St George Illawarra Dragons Community and High-Performance Centre.

The development proposal includes site preparation works, construction of a two-storey building, two playing fields, a car parking area and associated landscaping, tree removal and public domain works (as described in Schedule 1).

#### **PANEL CONSIDERATION AND DECISION**

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

On the 28 May 2024 the Panel held a determination meeting for the development application. As noted above, the determination meeting included representations from community members. Whilst the Panel accepted that Council had undertaken a comprehensive assessment of the development application, it agreed that there was some ambiguity in relation to several matters that in the Panel's mind required clarification. This included matters raised by community members. It also noted that the Applicant had objected to several key conditions recommended by the Council relating to development contributions, flooding, and stormwater management.

Given the above, the Panel deferred the determination of the matter pending:

- The Applicant providing clear details on the overall function of the facility and operational parameters (including the use of function space);
- The Applicant providing clarification of parking requirements, provision and justification as to why the facility will not have an impact on existing street parking;
- The Applicant providing details relating to surveys and methodology underpinning the noise impact assessment, particularly as it relates to the use of the community field (Field 2);
- The Applicant providing written justification for its objections to any recommended draft conditions of consent to which they are unable to provide agreement including justification for:
  - its proposed exemption from Council contributions
  - deferring the final design of the building and car park as it relates to flooding and stormwater outcomes (including from a statutory perspective)
- The Applicant providing comment on the additional draft conditions recommended by the community; and
- The Council providing a supplementary assessment report, and if applicable, updated recommended draft conditions of consent.

A supplementary Council assessment report and revised draft recommended conditions of consent were circulated to the Panel on 25 July 2024 for consideration.

### **Development application**

The Panel considered all relevant material including the Council's supplementary assessment report and revised recommended conditions and determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The Panel determined to approve the application for the reasons outlined in the Council's Assessment and Supplementary Assessment Reports subject to the recommended draft conditions as amended. The Panel was satisfied that:

- The matters the subject of the deferral had been satisfactorily addressed;
- The preconditions to the grant of consent had been satisfied;
- A thorough assessment in terms of Section 4.15 of the *Environmental Planning and Assessment Act, 1979* had been undertaken;
- The proposal is unlikely to result in any unacceptable amenity, environmental or land use safety impacts subject to the imposition of the conditions of consent as amended;
- The development would provide:
  - additional sporting and community facilities for the broader community.
  - a High-Performance Centre for the St George Illawarra Dragons Community.
  - opportunities for innovation in sports science in collaboration with the University of Wollongong consistent with the objectives of the Innovation Campus.

Given the above, the Panel was satisfied that the development was in the public interest.

The decision of the Panel was unanimous.

### **CONDITIONS**

The Development Application was approved subject to the conditions in the Council's Supplementary Assessment Report. It is noted that several amendments were made to strengthen the conditions of consent following issues raised by the community and the Applicant. Of note are amendments to the following:

**Condition 156** has been strengthened to limit the number of functions (within the function space) to 6, which must cease by 11pm, with no use of balcony areas after 10pm.

**Condition 23** has been amended to include the words "and Cowper Street" alongside references to private properties in Elliot Street adjoining the site. This ensures no increase in the level or duration of water ponding to these sites in prescribed flood events.

There were a number of other minor administrative amendments which did not affect the intent of those conditions.

The Panel notes that the Applicant agreed to all conditions (as revised) on 22 July 2024

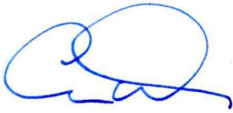



### **CONSIDERATION OF COMMUNITY VIEWS**

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the Panel. The Panel notes that issues of concern included:

- Function of the proposal;
- Exacerbated flood conditions;
- Impacts on residential amenity including noise (from users of sporting fields, traffic/car noise), light spill, poor language; hours of operation;

- Visual impact of 20m light towers associated with the community field;
- Impact of lighting on fauna;
- Lack of car parking to service the development and potential impact on car parking elsewhere;
- Traffic generation including concerns regarding the safety of the Elliotts Road/ Squires Way intersection;
- Use of the facility for functions;
- The need for additional conditions; and
- Bus movements through Cowper St and bus drop off/ and pick up points and bus parking.

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report, Supplementary Assessment Report, and revised conditions of consent.

PANEL MEMBERS	
 Christopher Wilson (Chair)	 Juliet Grant
 Grant Christmas	 David Brown

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSTH-200 – Wollongong – DA-2022/1126
2	PROPOSED DEVELOPMENT	<b>St George Illawarra Dragons Community and High Performance Centre.</b> Site preparation works, construction of a two storey building, two playing fields, a car parking area and associated landscaping, tree removal and public domain works
3	STREET ADDRESS	Innovation Campus 7-9 Squires Way NORTH WOLLONGONG NSW 2500
4	APPLICANT/OWNER	Ella Coleman / University of Wollongong (UoW)
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
		Crown development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>State Environmental Planning Policy (Planning Systems) 2021</li> <li>State Environmental Planning Policy (Biodiversity &amp; Conservation) 2021</li> <li>State Environmental Planning Policy (Industry and Employment) 2021</li> <li>State Environmental Planning Policy (Resilience &amp; Hazards) 2021</li> <li>State Environmental Planning Policy (Transport &amp; Infrastructure) 2021</li> <li>Wollongong Local Environmental Plan (WLEP) 2009</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Wollongong City-Wide Development Contributions Plan (2021)</li> <li>Wollongong Community Participation Plan 2019</li> <li>Wollongong DCP 2009</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2000</i></li> <li>Coastal zone management plan: Nil</li> <li>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>The suitability of the site for the development</li> <li>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Council Assessment Report: 21 May 2024</li> <li>Council Addendum Assessment Report: 21 June 2024</li> <li>Written submissions during public exhibition: 76 (25+51)</li> <li>Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>Sara Tomka, Brendon Wright, Bradley Fowler, Ian Young, John Maguire, Suzanne Karpinski, Darryl Hawker.</li> <li>Council assessment officer – Theresa Whittaker</li> <li>On behalf of the applicant – Michael Oliver, Ryan Webb, Andrew Lancaster</li> </ul> </li> <li>Total number of unique submissions received by way of objection: 39 (25+14)</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Site inspection: 21 February 2023 <ul style="list-style-type: none"> <li><u>Panel members</u>: Chris Wilson (Chair), Grant Christmas, David Brown</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>○ <u>Council assessment staff</u>: Pier Panozzo, Mark Adamson, Amanda Kostovski</li> <li>○ <u>Other</u>: Amanda Moylan (DPHI)</li> </ul> <ul style="list-style-type: none"> <li>• Council / Applicant Briefing: 21 February 2023 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Chris Wilson (Chair), Grant Christmas, David Brown</li> <li>○ <u>Council assessment staff</u>: Pier Panozzo, Mark Adamson, Amanda Kostovski</li> <li>○ <u>Applicant representatives</u>: Sophie Kusznirczuk (Ethos Urban), Marcel Bartrac (Bridge 42), Louis Lemessurier (Bridge 42), Chris Beattie (Neo Grp)</li> <li>○ <u>Other</u>: Amanda Moylan (DPHI), Tracey Gillett (DPHI)</li> </ul> </li> <li>• Council / Applicant Briefing: 24 October 2023 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Chris Wilson (Chair), Juliet Grant, Grant Christmas, David Brown</li> <li>○ <u>Council assessment staff</u>: Theresa Whittaker, Pier Panozzo, April Wilkinson, Amanda Kostovski</li> <li>○ <u>Applicant representatives</u>: Ella Coleman (Ethos Urban), Chris Beattie (Neo Grp), Marcel Batrac (Bridge42), Ryan Webb (Dragons), Kathleen Packer (UOW), Marc in het Panhuis (UOW), Mark Roberts (UOW), Michael Oliver (Ethos Urban), Grant Henman, Al Baxter</li> <li>○ <u>Other</u>: Amanda Moylan (DPHI), Tim Mahoney (DPHI), Tracey Gillett (DPHI)</li> </ul> </li> <li>• Final briefing to discuss council's recommendation: 28 May 2024 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Chris Wilson (Chair), Juliet Grant, Grant Christmas, David Brown</li> <li>○ <u>Council assessment staff</u>: Theresa Whittaker, Mark Adamson, Amanda Kostovski, Andrew Haven, April Wilkinson, Jenna Andrews, Joel Thompson, Linda Davis, Mathew Carden, Rebecca Welsh, Suri More.</li> <li>○ <u>Other</u>: Amanda Moylan (DPHI), Tracey Gillett (DPHI)</li> </ul> </li> </ul>
9	<b>COUNCIL RECOMMENDATION</b>	Approved subject to draft conditions agreed to by the Crown applicant.
10	<b>DRAFT CONDITIONS</b>	Attached to the Council Addendum Assessment Report