

<b>DATE OF DEFERRAL</b>	Wednesday, 15 April 2020
<b>PANEL MEMBERS</b>	Gordon Kirkby (Chair), Renata Brooks, Tim Fletcher, David Brown and Michael Mantei
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held at Teleconference Call on Wednesday, 15 April 2020, opened at 2:10pm and closed at 3:00pm.

#### **MATTER DEFERRED**

PPSSTH-3 – Wollongong City Council – DA-2019/698 at Dapto Public School 66 Sierra Drive HORSLEY NSW 2530 – Dapto Public School (as described in Schedule 1)

#### **REASONS FOR DEFERRAL**

The Panel agreed to defer the determination of the matter until the applicant has provided Council with amended plans and additional information as detailed in the minutes below..

The Panel is concerned about the impact on views of the escarpment from the properties in Denham Drive caused by proposed block I, and the conclusions reached in the applicant's Visual Impact Assessment. The Panel is not convinced the view impact is acceptable, when combined with the exceedance by the proposed building with the maximum building height limit under Wollongong LEP 2009. The Panel is not convinced that the proposed roof form is the only design option for proposed block I. The Panel considers that a more skilful design is potentially available for the roof of proposed block I that will lessen view loss. Given that compliance with planning controls is a factor in the assessment of view loss under the planning principles established by the Land and Environment Court in *Tenacity Consulting Pty Ltd v Warringah Council*, the exceedance by the proposed development of the maximum height control under Wollongong LEP 2009 exacerbates the degree of view loss. Accordingly, the Panel does not agree with the conclusion of the applicant's Visual Impact Assessment.






The Panel is also concerned that the clause 4.6 variation request is not well founded having regard to the matters in clause 4.6(4) of the Wollongong LEP 2009. In particular the Panel is not satisfied that the variation request adequately identifies sufficient environmental planning grounds to justify the contravention given the particular roof form proposed, nor is the Panel satisfied that the proposal will be in the public interest having regard to the objectives of the R2 low density residential zone and the height standard, given the impact on views from properties in Denham Drive.

The Panel requests submission of the following amended plans and further information from the Applicant:

1. Revised plans showing a modified roof form (e.g. skillion) for the proposed Block I which reduces the building height.
2. A revised or addendum visual impact assessment showing, for the Denham Drive properties (Viewpoint 14):
  - the current view
  - the proposed view with a compliant building height
  - the proposed view with the amended DA
  - the proposed view with the modified roof form required in 1. above.
3. A revised Clause 4.6 Variation Request for the modified roof form required in 1. above

When this information has been received and assessed by Council officers, the Panel will determine the matter electronically.

The decision to defer the matter was unanimous. The Panel adjourned at the conclusion of the meeting to deliberate on the matter and formulate a resolution.

PANEL MEMBERS	
 Gordon Kirkby (Chair)	 Renata Brooks
 Tim Fletcher	 David Brown
 Michael Mantei	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSTH-3 – Wollongong City Council – DA-2019/698
2	PROPOSED DEVELOPMENT	Removal of 15 demountable classrooms, minor demolition works and tree removals. Construction of 20 new classrooms -Blocks H & I, alterations and additions to Blocks A, C & D, new carpark and associated site works and landscaping.
3	STREET ADDRESS	Dapto Public School 66 Sierra Drive HORSLEY NSW 2530
4	APPLICANT/OWNER	Department of Education (DoE)
5	TYPE OF REGIONAL DEVELOPMENT	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>○ SEPP No. 55 – Remediation of Lan</li> <li>○ SEEP (State and Regional Development) 2011</li> <li>○ SEPP (Educational Establishments and Child Care Facilities)</li> <li>○ SEPP (Infrastructure) 2007</li> <li>○ SEPP (Coastal Management) 2018</li> <li>○ Wollongong Local Environmental Plan 2009</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Wollongong Development Control Plan 2009</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: s4.15(1)(a)(iv) eg. Regs 92,93,94,94A and 288</li> <li>• Coastal zone management plan: Wollongong Coastal Zone Management Plan</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: 3 April 2020</li> <li>• Clause 4.6 variation request to vary the development standard in Clause 4.3 of Wollongong Local Environmental Plan 2009</li> <li>• Written submissions during public exhibition: 24</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ Ben Mason, Glen Bradley, Anna Watson and Alan Timbs</li> <li>○ Council assessment officer - Nil</li> <li>○ On behalf of the applicant – Judith McCombe, James Sierakowski, Susan Pongia and Amy Cropley</li> </ul> </li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Briefing: Wednesday, 18 September 2019 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Pam Allan (Chair), Alison McCabe, David Brown and Michael Mantei</li> <li>○ <u>Council assessment staff</u>: John Wood, Maria Byrne, Rodney Thew and Charlie Bevan</li> </ul> </li> <li>• Site inspection: Wednesday, 18 September 2019 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Pam Allan (Chair), Alison McCabe, David Brown and Michael Mantei</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>○ <u>Council assessment staff</u>: John Wood, Maria Byrne, Rodney Thew and Charlie Bevan</li> <li>• Final briefing to discuss council's recommendation, 15 April 2020 Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Gordon Kirkby (Chair), Tim Fletcher, Renata Brooks, David Brown and Michael Mantei</li> <li>○ <u>Council assessment staff</u>: John Wood and Maria Byrne</li> </ul> </li> </ul>
9	<b>COUNCIL RECOMMENDATION</b>	Approval
10	<b>DRAFT CONDITIONS</b>	Attached to the council assessment report