

## DETERMINATION AND STATEMENT OF REASONS

### SOUTHERN REGIONAL PLANNING PANEL

<b>DATE OF DETERMINATION</b>	Friday, 31 July 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 DETERMINED

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)

#### 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.

#### Deferral of Determination

Subsequent to the public meeting held on 15 April 2020, the panel agreed to defer the determination of the matter pending the submission of revised documentation.

The panel was of the view that the clause 4.6 variation request that accompanied the development application was not well founded having regard to the matters in clause 4.6(4) of the Wollongong LEP 2009 (WLEP). In particular the panel was not satisfied that the variation request adequately identified sufficient environmental planning grounds to justify the contravention given the particular roof form proposed, nor was the panel satisfied that the proposal would be in the public interest having regard to the objectives of the R2 low density residential zone and the height standard, given the potential impact on views from properties in Denham Drive.

The Panel required submission of the following further information from the Applicant:

1. Revised plans showing a modified roof form (e.g. skillion) for the proposed Block I which further 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

The additional information and Council Supplementary Report was received by the Panel on 17 July 2020. The proponent provided amended plans that included a revised gable roof profile for Block I and was accompanied by a revised Visual Impact Assessment and a revised Clause 4.6 variation request.

#### Application to vary a development standard

The amended plans submitted by the Applicant show Block I as having a revised maximum building height of 10.47m (at the southern eave of the building) which represents an exceedance of the WLEP maximum

building height limit of 1.47m. The exceedance of the maximum building height at the ridgeline of the roof (visible from adjoining land owners) is between 0.17m at the eastern end of Block I and 0.276m at the western end.

The Applicant submitted a revised written request, made under cl 4.6 (3) of the WLEP, that has demonstrated that:

- a) compliance with cl.4.3 (Height of Buildings) is unreasonable or unnecessary in the circumstances; and
- b) there are sufficient environmental planning grounds to justify contravening the development standard

the panel is satisfied that:

- a) the applicant's revised written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP; and
- b) the development is in the public interest because it is consistent with the objectives of cl. 4.3 (Height of Buildings) of the LEP and the objectives for development in the R2 Low Density Residential zone; and
- c) the concurrence of the Secretary has been assumed.

### **Development application**

The panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

### **REASONS FOR THE DECISION**

- The proposed development is permissible with consent and generally consistent with the zone objectives in the R2 Low Density Residential Zone under WLEP.
- The Panel is satisfied that proposed development, as amended, meets the design quality principles in Schedule 4 of the Education SEPP.
- The cl. 4.6 variation request is comprehensive and given the broader public interest, justifies the relatively small height exceedance. The Panel notes that while there is a 16% exceedance of the height limit along the southern eave of Block I, this is not visible from adjoining residences to the north of the site.
- The proposed height of the roof ridgeline of Block I, visible from residences, represents a significantly lesser exceedance of 3% over the WLEP maximum height limit.
- While there is still some view loss and amenity impact on adjoining landowners to the north, the impact of that part of the amended roof design above the 9m maximum height, is minimal.
- Privacy issues are able to be mitigated through proposed vegetation screening;
- The Panel is satisfied that the traffic and car parking demand generated by the proposed development is unlikely to impact on the local road network
- The Panel is satisfied that the proposed development, subject to the amended conditions of consent, is suitable for the site and will have an acceptable impact on the locality and neighbouring properties.

### **CONDITIONS**

The development application was approved subject to the conditions in the Addendum Council assessment report






### **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:

- Visual impact

- Privacy
- Noise
- Overdevelopment of the site
- Traffic

The panel considers that concerns raised by the community have been adequately addressed in the assessment report and the Addendum Report. The panel notes that in addressing these issues revised plans were prepared and submitted by the Applicant which emended the roof form of Block I to reduce the height of the building from RL 35.5 to RL 33.765. The Panel is satisfied that the revisions to Block I reduce the visual impact of the development to a satisfactory outcome when viewed from residences in Denham Drive.

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 Land</li> <li>○ SEPP (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 Supplementary report: 17 July 2020</li> <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>
<b>9</b>	<b>COUNCIL RECOMMENDATION</b>	<b>Approval</b>
<b>10</b>	<b>DRAFT CONDITIONS</b>	Attached to the council assessment report