

## DETERMINATION AND STATEMENT OF REASONS

### WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

<b>DATE OF DETERMINATION</b>	29 August 2023
<b>PANEL MEMBERS</b>	Robert Montgomery (Chair), Larissa Ozog, Scott Lee, Bernard Hibbard (Community Representative)

Public meeting held at Wollongong City Council, Level 9 Function Room, 41 Burelli Street, Wollongong on 29 August 2023 opened at 5:00pm and closed at 6:03pm.

#### MATTER DETERMINED

DA-2023/461 - Lot 100 DP 1257652, University of Wollongong 2 Northfields Avenue, Keiraville (as described in detail in schedule 1).

#### PUBLIC SUBMISSIONS

The Panel was addressed by three (3) submitters.

The Panel heard from the applicant and their representative.

#### PANEL CONSIDERATION AND DECISION

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

The Panel determined to approve the development application as described in Schedule 1, subject to additional conditions, and in particular, that the maximum number of persons per day shall be fixed at 25,000 annually for the entire six (6) year consent period, pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

#### REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

- The Panel considers that insufficient information has been provided to justify a maximum of 40,000 persons per day in years 2-6. Accordingly, and in recognition of the potential impacts of this larger number, the consent should be restricted to a maximum of 25,000 people per day for the entire 6 years.
- The Panel acknowledges that specific approvals must be obtained for each event from various agencies, and considers that stakeholder engagement following each event is critical to identifying successes and failures and to ensure continual improvement and finessing of the multiple management plans and aspects of the festival. An appropriate condition is added.
- The applicant requested amendments to some of the conditions. The Panel has considered this request and agrees to some amendments. However, the requested change to noise monitoring requirements is not supported.

#### CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with the following amendments.

- *Condition No.2 is amended to read;*

The dates and hours of operation for the event shall be restricted to:

- Bump in from 6 October and 13 October 2023 between the hours of 7:00am to 6:00pm.
- Event times:
  - 11:00am to 11:00pm 14 October 2023
  - 11:00am to 10:00pm 15 October 2023
- Bump out between 16 and 20 October 2023 between the hours 7:00am-6:00pm.

Events are permitted over two consecutive days only annually for a maximum period of six (6) years. For consecutive years, events are to be run over a weekend and bump in days shall not exceed eight (8) days and bump out days shall not exceed five (5) days and bump in and out times are to be the same as those stipulated for the 2023 event.

- *Condition 3 is deleted and replaced with:*  
*"A maximum number of 25,000 patrons per day is permitted".*
- A new condition to be added which reads:  
*"The event organisers are to meet with relevant stakeholders and authorities following each year's event within a period of 21 days following the finalisation of the Post Event Noise Monitoring Report in accordance with condition 19 of this consent. The meeting is to provide stakeholders and authorities with an opportunity to raise issues and matters for consideration prior to the next years event."*
- Condition 13 is deleted and replaced with:  
*"The licensee must ensure that the requirements of the event notification plan are satisfied at least three (3) weeks prior to the date of commencement.*  
*Prior to the commencement of the notification to residents, the festival operator is to provide a map of the locality surrounding the site to Council which indicates the properties/occupants that are to be notified of the upcoming event as part of the notification documentation to residents. The operator is required to provide a phone number and email address to surrounding residents for enquiries/complaints during the festival and bump in and bump out times."*
- Condition 14 is amended by adding the following words at the end:  
*", as amended prior to each event."*
- Condition 37 is deleted.
- Condition 38 is amended by adding the following words to the end of the first paragraph:  
*", as amended prior to each event."*
- A new condition is added which reads;  
*"All relevant management plans and the acoustic reporting shall be updated annually prior to an event to ensure legislative requirements are satisfied and copies of plans are to be provided to Council and any other relevant agencies and stakeholders".*

Should the decision be legally appealed, the Panel delegates any function of the Panel to defend the matter in accordance with S2.20(8) of the Act to Council.

PANEL MEMBERS	
 Robert Montgomery (Chair)	 Larissa Ozog
 Scott Lee	 Bernard Hibbard (Community Representative)

SCHEDULE 1		
1	DA NO.	DA-2023/461
2	PROPOSED DEVELOPMENT	Temporary use of the site for the Yours and Owls Music Festival for two (2) days annually, for a period of six (6) years
3	STREET ADDRESS	University of Wollongong 2 Northfields Avenue KEIRAVILLE NSW 2500
4	APPLICANT	Yours and Owls Events Pty Ltd
5	REASON FOR REFERRAL	The proposal received 11 objections and 1 supportive submission during exhibition.
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 (Transport and Infrastructure) 2021</li> <li>State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>State Environmental Planning Policy – (Housing) 2021</li> <li>Wollongong Local Environment Plan 2009</li> </ul> </li> <li>Wollongong Development Contributions Plan</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Wollongong Development Control Plan 2009</li> </ul> </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 dated 29 August 2023</li> <li>Written submissions during public exhibition: 12</li> <li>Verbal submissions at the public meeting: three (3)</li> </ul>
8	SITE INSPECTIONS BY THE PANEL	Site inspection 29 August 2023. Attendees: <ul style="list-style-type: none"> <li><u>Panel members</u>: Robert Montgomery (Chair), Larissa Ozog, Scott Lee, Bernard Hibbard (Community Representative)</li> <li><u>Council assessment staff</u>: John Wood, Jacob Williams</li> </ul>
9	COUNCIL RECOMMENDATION	Approve
10	DRAFT CONDITIONS	Attached to the council assessment report