

## DETERMINATION AND STATEMENT OF REASONS

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

<b>DATE OF DETERMINATION</b>	17 May 2022
<b>PANEL MEMBERS</b>	Stephen Davies (Chair), Steve Fermio, Sue Hobley, Trish McBride (Community Representative)

Public meeting held at Wollongong City Council, Level 9 Function Room, 41 Burelli Street, Wollongong on 17 May 2022 opened at 5:00pm and closed at 5.56pm.

#### MATTER DETERMINED

DA-2021/987, Lot 34 and 35 DP 241764, Lot 201 DP 788229, Lot 79 DP 32179, Mount Kembla Park, Stones Road, Mount Kembla (as described in detail in schedule 1).

#### PUBLIC SUBMISSIONS

The Panel was addressed by two (2) submitters.

The Panel heard from the applicant.

#### 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 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 agrees with the Council Officer's report subject to an amended condition 13 to change the restricted hours of operation to commence at 7am (Monday to Saturday) due to proximity of residential receptors.
- The Panel is satisfied that Council has formal effective procedures for the licencing and management of Commercial Fitness Activities including complaints resolutions.
- Subject to the inclusion of an additional restricted consent condition enabling a period of 24 months from the date of endorsement due to the potential impacts of the proposed Illawarra Escarpment Mountain Bike Concept Plan – Mount Kembla.

#### CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with the following amendment:

- **13 Restricted Hours of Operation**  
The hours of operation for the development shall be restricted to 7.00am to 8.00pm Monday to Saturday and 7.00am to 10.00am Sundays. Any alteration to the approved hours of operation will require separate Council approval.
- **18 Restricted Consent Period**  
This consent is valid for a period of 24 months from the date of endorsement.

PANEL MEMBERS



Stephen Davies  
(Chair)



Steve Fermio



Sue Hobley



Trish McBride  
(Community Representative)

SCHEDULE 1		
1	DA NO.	DA-2021/987
2	PROPOSED DEVELOPMENT	Commercial fitness training activities
3	STREET ADDRESS	Mount Kembla Park, Stones Road, Mount Kembla
4	APPLICANT/OWNER	Wollongong City Council
5	REASON FOR REFERRAL	Under Clauses 1(a) and 2(b) of Schedule 2 of the Local Planning Panels Direction of 30 June 2020, Wollongong City Council is the applicant and more than 10 submissions have been received.
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 (Resilience and Hazards) 2021</li> <li>○ State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>○ Wollongong Local Environment Plan 2009</li> </ul> </li> <li>• Wollongong City Wide Development Contributions Plan</li> <li>• Draft environmental planning instruments: N/A</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Wollongong Development Control Plan 2009</li> </ul> </li> <li>• Planning agreements: N/A</li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: N/A</li> <li>• Coastal zone management plan: N/A</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 17 May 2022</li> <li>• Written submissions during public exhibition: Eleven (11)</li> <li>• Verbal submissions at the public meeting: Two (2)</li> </ul>
8	SITE INSPECTIONS BY THE PANEL	<p>Virtual Site inspection 17 May 2022:</p> <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Stephen Davies (Chair), Steve Fermio, Sue Hobley, Trish McBride (Community Representative)</li> <li>○ <u>Council assessment staff</u>: Jim Ponton</li> </ul>
9	COUNCIL RECOMMENDATION	Approve
10	DRAFT CONDITIONS	Attached to the council assessment report