

DETERMINATION AND STATEMENT OF REASONS

WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

DATE OF DETERMINATION	18 July 2023
PANEL MEMBERS	Robert Montgomery (Chair), Steve Fermio, Helena Miller, Trish McBride (Community Representative)

Public meeting held at Wollongong City Council, Level 9 Function Room, 41 Burelli Street, Wollongong on 18 July 2023 opened at 5:00pm and closed at 5.54pm.

MATTER DETERMINED

DA-2022/767 - Pt Lot 7304 DP 1142283 Crown Reserve 83095 Lots 11-15 DP 7871 (Stanwell Park Recreation Area) Stanwell Park Recreation Area 2A Station Street, Stanwell Park ((as described in detail in schedule 1).

PUBLIC SUBMISSIONS

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 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 notes that the Stanwell Park Recreation Area is passive open space with a number of dwellings located in close proximity. The Panel considers that the number of patrons proposed is excessive and that operating on Sundays is likely to give rise to unacceptable impacts on the amenity of nearby residents.
- Given the above concerns, the Panel has amended the conditions as detailed below.
- Notwithstanding the Officer's recommendation, it is considered that a 6:00am start on weekdays is reasonable.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report, as modified by the following:

Condition 8 is amended to read:

"8 Capacity

The participant capacity of the licence areas shall be limited to the following:

SPR02: 20 participants

SPR03: 20 participants

The area marked 'SPR01' is not approved and shall not be used for or in conjunction with any commercial fitness training activities."

Condition 13 is amended to read:

“13 Restricted Hours of Operation

The hours of operation of the development shall be restricted to the following:

6:00am to 8:00pm Monday to Friday

7:00am to 8:00pm Saturdays

No operation is permitted on Sundays

Any alteration to the approved hours of operation will require separate Council approval.”

Panel Note

The Panel notes that Council has an adopted policy concerning the use of public open space for commercial fitness training. The Panel considers that the policy is laudable, particularly in providing a range of fitness options to the community. The Panel is of the view that to minimise conflict with residents, the policy should include recommended hours of operation and maximum participant numbers based on the use of the recreation area (ie passive or active) and the proximity to nearby residents. It is suggested that these matters be examined in the next review of the policy.

PANEL MEMBERS	
 Robert Montgomery (Chair)	 Steve Fermio
 Helena Miller	 Trish McBride (Community Representative)

SCHEDULE 1		
1	DA NO.	DA-2022/767
2	PROPOSED DEVELOPMENT	Commercial fitness training activities
3	STREET ADDRESS	Stanwell Park Recreation Area 2A Station Street, Stanwell Park STANWELL PARK NSW 2508
4	APPLICANT	Wollongong City Council
5	REASON FOR REFERRAL	Under Clause 1(a) of Schedule 2 of the Local Planning Panels Direction of 30 June 2020, Wollongong City Council is the applicant.
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ◦ State Environmental Planning Policy (Resilience and Hazards) 2021 ◦ State Environmental Planning Policy (Biodiversity and Conservation) 2021 ◦ Wollongong Local Environment Plan 2009 • Wollongong Development Contributions Plan • Development control plans: <ul style="list-style-type: none"> ◦ Wollongong Development Control Plan 2009 • Coastal zone management plan • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council assessment report dated 18 July 2023 • Stanwell Park Reserve and Bald Hill Lookout Plan of Management 2021 • Commercial Fitness Training Activities on Public Open Space Council Policy dated 12 September 2022 • Written submissions during public exhibition: 4 oppose, one neutral. • Verbal submissions at the public meeting: Nil
8	SITE INSPECTIONS BY THE PANEL	No site inspection was carried out by the Panel.
9	COUNCIL RECOMMENDATION	Approve
10	DRAFT CONDITIONS	Attached to the council assessment report