

DETERMINATION AND STATEMENT OF REASONS

WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

DATE OF DETERMINATION	7 November 2018
PANEL MEMBERS	Alison McCabe (Chair), Steven Layman, Sue Hobley, Bernard Hibbard (Community Representative)

Public meeting held at Wollongong City Council, Level 9 Function Room, 41 Burelli Street, Wollongong on 7 November 2018 opened at 5:00pm and closed at 7:55pm.

MATTER DETERMINED

DA-2018/1037 – Lots 2-6, Sec 2, DP 979169, 4 Auburn Street, Wollongong (as described in detail in schedule 1).

PUBLIC SUBMISSIONS

The Panel was addressed by nine submitters who raised issues regarding:

- Cumulative impact of mental health facilities in the locality.
- Resident and customer amenity and safety.
- Parking.
- Impact on local businesses.
- Potential crime increase.
- Impact on tourists and school children.
- Site suitability.
- Compatibility with likely future development.
- Vehicular access/lot consolidation.
- Hours of operation.
- NSW Health Guidelines for Methadone Clinics.

The Panel also heard from the applicant's planner, social impact consultant, lawyer and the operator who addressed the concerns raised by the public.

The applicant's representatives accepted the conditions of consent and the need for a Plan of Management to elaborate on the operation of the centre and provide a mechanism for feedback from the public.

PANEL CONSIDERATION AND DECISION

The Panel considered the matters listed at item 7, and the material presented at meetings 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* subject to the addition of the following conditions:

- 1 That the development consent for 49 Denison Street, Wollongong for a drug and rehabilitation centre be surrendered within 60 days of an occupation certificate or commencement of operation whichever is the latest.
- 2 The preparation of a Plan of Management that makes provisions which are consistent with the Land and Environment Court Planning Principle including matters such as the management of patient behaviour, particularly in the 30 minutes prior to opening and closing of the premises and identification of a primary contact point. In addition, the Plan of Management shall incorporate a complaints mechanism that enables members of the public to communicate their concerns about the operation and functioning of the clinic. A register of all complaints is to be kept which is to

record actions taken in response. There shall be a 12 month review mechanism for the Plan of Management. The Plan of Management is to be prepared to Council's satisfaction and be submitted to Council prior to the release of an Occupation Certificate.

The decision was unanimous.



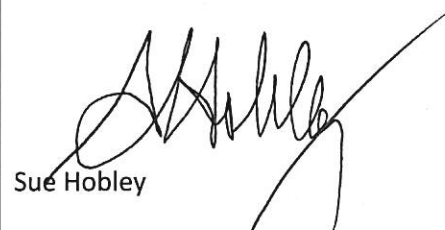

REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

- The proposal is a permitted use of the site and no change to the visual character of Lowden Square is proposed.
- The clinic has operated within the Piccadilly/Wollongong station locality for over 24 years and the police raised no objection to it relocation within the locality.
- The Panel is satisfied that the safety and amenity concerns of the residents can be addressed through an appropriate Plan of Management required by condition of consent. The Panel notes that the proposal includes the security measures such as CCTV and the employment of security personnel.
- Parking concerns of residents and neighbours can be satisfactorily addressed through consolidation of the lot. The Panel is satisfied that legal access is available to the site and that appropriate conditions have been included should this access cease to exist.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report and the conditions identified above.

PANEL MEMBERS	
 Alison McCabe (Chair)	 Steven Layman
 Sue Hobley	 Bernard Hibbard (Community Representative)

SCHEDULE 1		
1	DA NO.	DA-2018/1037
2	PROPOSED DEVELOPMENT	Change of use to a drug and alcohol counselling centre
3	STREET ADDRESS	4 Auburn Street, WOLLONGONG Lots 2-6, Sec 2 DP 979169
4	APPLICANT/OWNER	DLO Drafting & Design
5	REASON FOR REFERRAL	The proposal is captured by Clause 2(b) of Schedule 2 of the Local Planning Panels Direction of 1 March 2018, having received over 10 unique submissions by way of objection.
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (Infrastructure) 2007 ○ State Environmental Planning Policy No 55 – Remediation of Land • Wollongong City Wide Development Contributions Plan 2018 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Wollongong Development Control Plan 2009 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: <ul style="list-style-type: none"> - Clause 92 – Demolition works in accordance with AS2601 - Clause 93 – NA as building work is also proposed - Clause 94 – Consent authority may require buildings to be upgraded • Coastal zone management plan: NA – site is outside the coastal area • 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
	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council assessment report dated 7 November 2018 • Written submissions during public exhibition: 84 • Verbal submissions at the public meeting: nine (9)
8	SITE INSPECTIONS BY THE PANEL	Site inspection 7 November 2018. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Steven Layman, Sue Holey, Bernard Hibbard (Community Representative) ○ <u>Council assessment staff</u>: Pier Panozzo, Rebecca Welsh
9	COUNCIL RECOMMENDATION	Approve
10	DRAFT CONDITIONS	Attached to the council assessment report