

# DETERMINATION AND STATEMENT OF REASONS

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

|                       |  |
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| DATE OF DETERMINATION | 9 June 2020  |
| PANEL MEMBERS         | Sue Francis (Chair), Larissa Ozog, Glenn Falson, Peter Sarlos (Community Representative) |

Public meeting held at Wollongong City Council, Level 9 Function Room, 41 Burelli Street, Wollongong on 9 June 2020 opened at 5:00pm and closed at 6.29pm.

### MATTER DETERMINED

DA-2020/197 – Lot 2 DP 1133785, Lot 3 DP1133785, Lot 31 SP 88010, 124-130 Auburn Street, Coniston (as described in detail in schedule 1).

### PUBLIC SUBMISSIONS

The Panel was addressed by six (6) submitters.

The Panel also 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 defer the development application as described in Schedule 1 pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979* on the grounds that the applicant advised he was not informed as to the matter coming before the Panel and as such was not fully prepared. On checking, Council confirmed that the notification to the applicant did indeed go to a NSW instead of Victorian address.

The decision was unanimous

### REASONS FOR THE DECISION

Notwithstanding deferring the matter for procedural reasons, the Panel agreed with the concerns raised by Council staff in their report and those matters raised by objectors. Accordingly, in deferring the application the Panel requires the following matters be addressed prior to the matter being further considered:

- At present, insufficient information has been provided to allow a full assessment against the provisions of Section 4.15 (1) of the Environmental Planning and Assessment Act 1979 and the following is required:
  - i. A Comprehensive statement of processes and procedures (standard operating procedures) outlining all aspects of business operations and chemical processes. The statement must address the following:
    - a. General description of business (hours, staff etc)
    - b. Workplace, Health and Safety
    - c. Cadaver/Body delivery, storage and handling
    - d. Chemical delivery, storage and handling
    - e. Vehicular loading/unloading (including anticipated vehicle type and movements)
    - f. Outline of Aquamation process (procedure, time, chemicals etc)
    - g. Specifications of equipment
    - h. Remains storage, handling and delivery
    - i. Emergency / Incident management
    - j. Waste storage (see waste management plan)
    - k. Security
    - l. Social impacts (screening of process, protection of public domain etc)
    - m. Business Plan (anticipating level of activity)

This document must be itemised and able to be reviewed and referenced for enforcement purposes and the document form a Plan of Management and a condition of any consent.

- ii. A Waste Management Plan prepared in accordance with Chapter E7 of the Wollongong Development Control Plan 2009.
- iii. A Statement from Waste Contractor confirming they will receive all waste from the development.
- iv. A Statement from NSW Health confirming the proposed activities are permitted under current legislative framework.
- v. Certification from a suitably qualified acoustic consultant confirming the acoustic impacts of the development are acceptable under relevant NSW Environmental legislation.
- vi. Certification from a suitably qualified air quality consultant confirming emissions and odours generated by the development are acceptable in accordance with relevant NSW Environmental legislation.
- vii. Certification from a suitably qualified environmental consultant confirming the waste material generated will not result in contamination impacts.
- viii. Confirmation that appropriate owners' consent has been received from Council. This may involve addressing the details and bye laws from the relevant strata body.
- ix. Detailed plans, fully dimensioned and an explanation of all equipment and its function

This material shall be provided to Council within four (4) weeks from the date of this decision. The Panel delegates the determination of this matter to the Council.

| PANEL MEMBERS   |  |
|---|--|
| <br>Sue Francis<br>(Chair) | <br>Larissa Ozog                               |
| <br>Glenn Falson           | <br>Peter Sarlos<br>(Community Representative) |

| SCHEDULE 1 |                                   |   |
|------------|-----------------------------------|---|
| 1          | DA NO.                            | DA-2020/197   |
| 2          | PROPOSED DEVELOPMENT              | Change of use to water cremation facility   |
| 3          | STREET ADDRESS                    | 124-130 Auburn Street, CONISTON   |
| 4          | APPLICANT                         | Little Red Hen Pty Ltd  |
| 5          | REASON FOR REFERRAL               | The proposal is captured by Schedule 2, 3 & 4(b) of the Local Planning Panels Direction of 1 March 2018. The proposal is the subject of 10 or more unique submissions by way of objection.  |
| 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 (Infrastructure) 2007</li> <li>○ State Environmental Planning Policy No 33—Hazardous and Offensive Development</li> <li>○ State Environmental Planning Policy No 55 – Remediation of Land</li> <li>○ Wollongong Local Environment Plan 2009</li> </ul> </li> <li>· Wollongong Section 94A Development Contributions Plan</li> <li>· Development control plans: <ul style="list-style-type: none"> <li>○ Wollongong Development Control Plan 2009</li> </ul> </li> <li>· Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: <ul style="list-style-type: none"> <li>Cl. 4 What is designated development?</li> <li>Cl. 93 Fire safety and other considerations</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 9 June 2020</li> <li>· Written submissions during public exhibition: 13 (unique)</li> <li>· Verbal submissions at the public meeting: six (6)</li> </ul>   |
| 8          | SITE INSPECTIONS BY THE PANEL     | <p>Site inspection 9 June 2020. Attendees:</p> <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Sue Francis (Chair), Larissa Ozog, Glenn Falson, Peter Sarlos (Community Representative)</li> <li>○ <u>Council assessment staff</u>: Pier Panozzo, Martin Jameson</li> </ul>  |
| 9          | COUNCIL RECOMMENDATION            | Refuse  |
| 10         | DRAFT CONDITIONS                  | Attached to the council assessment report   |