

SOUTHERN REGIONAL PLANNING PANEL

Panel Reference	PPSSTH-470
DA Number	DA-2024/870
LGA	Wollongong City
Proposed Development	Demolition of existing structures and bulk excavation / earthworks
Street Address	Lot 1 DP 621464, 82 Church Street WOLLONGONG Lot 1 DP 505840, 80 Church Street WOLLONGONG Lot 1 DP 53465, Lot 1 DP 60149, Lot 1 DP 548304 - 163-171 Crown Street WOLLONGONG
Applicant/Owner	Applicant: ADM Architects Owner: 171crown Pty Ltd, Wollongong Golf Club Ltd, Wollongong City Council
DA accepted date	22 November 2024
Total number of Submissions Number of Unique Objections	4 submissions of objection (3 from the same person)
Recommendation	Approval
Regional Development Criteria	This application is required to be reported to the SRPP in accordance with Clause 3 of Schedule 6 of SEPP (Planning Systems) 2021 as the proposal has a capital investment value of more than \$5 million (\$12,382,082) and the application includes land in Council ownership.
List of all relevant s4.15(1)(a) matters	<p>s4.15 (1)(a)(i) Any environmental planning instruments.</p> <ul style="list-style-type: none"> State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Resilience & Hazards) 2021 State Environmental Planning Policy (Transport & Infrastructure) 2021 State Environmental Planning Policy (Biodiversity and Conservation) 2021 <p><u>Local Environmental Planning Policies:</u></p> <ul style="list-style-type: none"> Wollongong Local Environmental Plan (WLEP) 2009 <p><u>Other Policies:</u></p> <ul style="list-style-type: none"> Wollongong City-Wide Development Contributions Plan 2024 <p>s4.15(1)(a)(ii) (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority:</p> <p>N/A</p> <p>s4.15 (1)(a)(iii) Any development control plan:</p> <ul style="list-style-type: none"> Wollongong Development Control Plan 2009 <p>s4.15 (1)(a)(iia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4:</p> <p>Nil applicable</p> <p>s4.15 (1)(a)(iv) the regulations</p> <ul style="list-style-type: none"> EPA Regulations 2021 (clause 66A)

List all documents submitted with this report for the Panel's consideration	Architectural plans by ADM Architects Construction Environmental Management Plan – JN Engineering Asbestos Risk Assessment – Greencap Hazardous Building Materials Survey – Environmental Consulting Services Preliminary Site Investigation & Detailed Site Investigation – Reditus Arborist report by DJD Tree Consultancy Planning documents by MMJ Architects Archaeological Assessment - Austral Archaeology Pty Ltd Geotechnical Report – Geofirst Pty Ltd
Clause 4.6 requests	Nil
Summary of key submissions	<ul style="list-style-type: none"> Construction impacts – noise, vibration, construction traffic Vehicular access impacts for nearby businesses and properties reliant upon access via Globe Lane and Globe Way Impact on nearby businesses
Report prepared by	Theresa Whittaker, City Centre & Major Development Team
Report date	11 February 2025

Summary of s4.15 matters

Yes

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?

Yes

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

Yes

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)?

Not applicable

Conditions

Have draft conditions been provided to the applicant for comment?

Yes

Executive Summary

Reason for consideration by Southern Regional Planning Panel

This application is required to be reported to the Southern Regional Planning Panel (SRPP) for determination in accordance with Clause 3 of Schedule 6 of State Environmental Planning Policy (SEPP) (Planning Systems) 2021 as the proposal comprises development with a capital investment value of more than \$5 million and involves land which is owned by Wollongong City Council.

Proposal

The application seeks consent for the demolition of existing structures and the carrying out of bulk excavation / earthworks to facilitate the future construction of the development granted a deferred commencement consent pursuant to DA-2023/767 by the SRPP on 17/12/2024.

Permissibility

The site is zoned E2 Commercial Centre.

The proposed development comprises demolition and earthworks for the purposes of Wollongong Local Environmental Plan 2009. The works are permissible under the provisions of the LEP.

Key assessment issues

- Impacts of works - noise, vibration, construction traffic management
- Vehicular access impacts for nearby businesses and properties reliant upon access via Globe Lane and Globe Way
- Impact on nearby businesses

RECOMMENDATION

It is recommended that DA-2024/870 be approved subject to the conditions detailed in **Attachment 3**.

1 APPLICATION OVERVIEW

1.1 DETAILED DESCRIPTION OF PROPOSAL

The proposal is the first stage of a broader site redevelopment of a large city centre site occupied by a registered club, the former David Jones department store and its associated carpark, along with a section of Globe Lane.

This application seeks consent for the demolition of existing structures and bulk excavation / earthworks at 80-82 Church Street and Globe Lane, Wollongong. The works will entail:-

- The demolition of all existing structures and surfaces at 80-82 Church Street;
- Demolition of that part of the existing structure(s) located over Globe Lane which is owned by Council;
- The provision of temporary hoarding and make good of the southern façade of existing structure(s) to remain at 163-171 Crown Street;
- Proposed bulk earthworks excavation of land within the boundaries of 80-82 Church Street, to an approximate depth of RL-5.5m AHD;
- Erection of temporary hoarding/scaffolding across all frontages (Burelli Street, Church Street, Globe Lane and Globe Way), including associated security and signage provisions; and
- Installation of temporary tree protection measures to existing trees along Burelli Street and Globe Way frontages.

DA-2024/870 does not relate to the northern-most allotment which is subject to the broader site redevelopment (DA-2023/767). A separate DA will be lodged seeking consent for the demolition of the building within that site and the pedestrian bridge over the mall. The subject DA relates to the following site:-

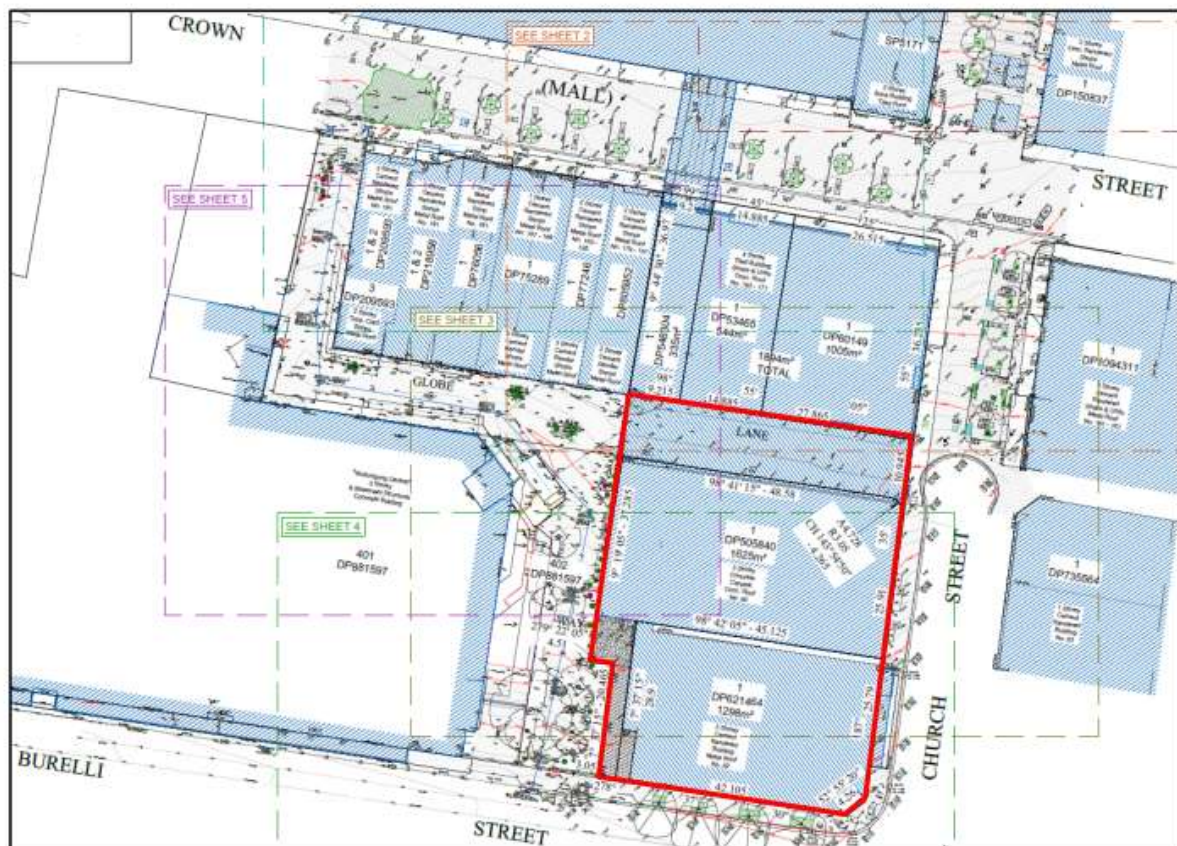


Figure 1 – subject site

Excavation:

It is proposed to undertake excavation across the site to accommodate the future basement car parking construction (DA-2023/767). Excess material will be removed from the site for off-site disposal.

The applicant has advised that a shoring wall system will be adopted to support the proposed excavation around the perimeter of the building footprint, to be constructed in accordance with geotechnical and structural engineering advice.

The applicant had advised that large earthmoving equipment will be floated to site outside of peak traffic periods and will be stored within the site. Excavation is proposed to a maximum depth of RL -5.5m AHD as per the below plan:-

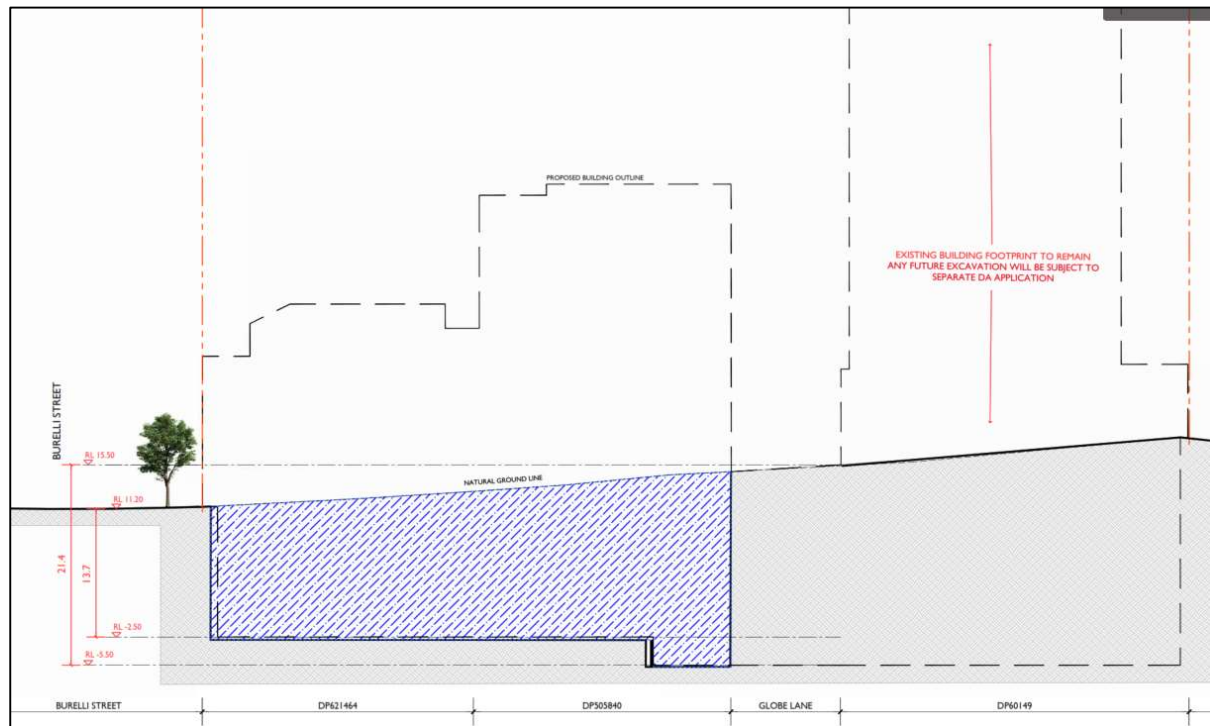


Figure 2 – Excavation plan section

1.2 BACKGROUND

Development History

Various development applications from the mid-1960s onwards relating to the construction, alterations and use of a retail department store and shopping complex. In May 1974, an application was also approved for the construction of a pedestrian bridge across Crown Street.

DA-2023/767 - Consolidation of land holdings, construction of registered club and motel; construction of commercial office building; construction of a hotel with retail/hospitality spaces; construction of basement across the site accommodating car parking, vehicular access, loading, storage, plant and the like; public domain works within Globe Lane, and part public road closure of Globe Lane and associated Stratum subdivision above Globe Way – granted deferred commencement consent by the SRPP on 17 December 2024.

Pre-lodgement Meeting

Pre-lodgement meetings with Council staff and the Wollongong Design Review Panel were held in September 2022 (PL-2022/108 and DE-2022/96) for the broader site redevelopment.

1.3 SITE DESCRIPTION

The site is located in the heart of the Wollongong city centre on the southern side of Crown Street.

The subject site has frontage to Church Street to its east, Burelli Street to its south and Globe Way to its west. The area of the site takes in a portion of the Globe Lane road reserve.

The subject allotments are legally identified as follows:-

DA-2024/870 PPSSTH-470– 80-82 Church Street & 163-171 Crown Street Wollongong

- Lot 1 DP 621464, 82 Church Street WOLLONGONG
- Lot 1 DP 505840, 80 Church Street WOLLONGONG
- Airspace over Globe Lane

The site area is 2923sqm.

The site is currently occupied by numerous buildings including the 'City Diggers' club building and the former David Jones car park building which extends over Globe Lane (airspace), forming an undercroft beneath.

Globe Lane is primarily a pedestrian thoroughfare which is also used to provide limited vehicular access for emergency and service vehicles, including those making deliveries, undertaking building repairs and collecting waste. An area of the laneway is used to store bins and items associated with uses in the mall, e.g. market days.

Separate consent will be sought for the demolition of the building/ structures within the allotment to the immediate north (former David Jones building); this will include the demolition of the pedestrian bridge over the Crown Street mall.

Property constraints

Council records identify the land as being impacted by the following constraints:

- Acid sulphate soils class 5 affectation
- Flood affected - uncategorised flood risk precinct – subject to overland flow.
- Site-specific location – Wollongong City Centre in WLEP 2009, subject to Chapter D13 Wollongong City Centre
- While the site is not heritage listed nor is it located within a heritage conservation area, there are numerous heritage items within the vicinity of the site, as discussed with regard to Clause 5.10 of Wollongong LEP 2009 in section 2.1.6 of this report.

Adjoining Development

- North: - disused large retail building (former David Jones department store) fronting the Crown Street pedestrian mall;
- East: Church Street (north) – pedestrian mall area with limited vehicular access; Church Street (south) including a taxi rank on the eastern side of Church Street; beyond that commercial and retail buildings around 2- 3 storeys in height;
- South: land on the opposite side of Burelli Street is occupied by MacCabe Park and a 2 storey commercial building positioned on the corner of Burelli and Church Streets;
- West: various commercial and retail buildings with heights in the order of around 2 – 3 storeys.

The locality is characterised by a mixture of land uses principally commercial in nature, including office buildings, retail premises (comprising primarily smaller retail outlets within larger shopping centres and individual tenancies fronting the retail streets) and food and drink outlets. The pedestrian mall and pedestrianised sections of Church Street form part of the public domain and feature paving, street furniture, landscaping and are used for pedestrian thoroughfare, markets, public gatherings and performances.



Figure 3 – Aerial Photograph



Figure 4 – WLEP 2009 zoning map

1.4 SUBMISSIONS

The proposal was notified in accordance with Council’s Community Participation Plan 2023. There were 4 submissions received at the conclusion of the notification period (3 from the same person), in objection to the proposal. The following table discusses the concerns raised in the submissions received:-

Concern	Comment
<p><u>Construction impacts</u></p> <p>The construction phase is likely to result in significant impacts on access, along with noise and vibration impacts in the locality.</p>	<p>Detailed consideration has been given to the potential impacts of construction activities, which are likely to be significant and extend across a lengthy period of time. Impacts associated with demolition, excavation and construction are unavoidable and have the potential to impact on the amenity of the neighbourhood and may cause inconvenience to nearby businesses, vehicles and pedestrians.</p> <p>Conditions are proposed to minimise nuisance during construction including those which relate to hours of work; excavation techniques; erosion and sedimentation controls; traffic and pedestrian management; site remediation works; employment of a detailed construction management plan; dust mitigation; works in the road reserves; excavation; protection of neighbouring buildings; dilapidation requirements; waste management; and use of any crane, hoist, plant or scaffolding.</p> <p>A preliminary Construction Management Plan (CMP) was submitted with the DA. A detailed construction management plan will be required to be submitted prior to the commencement of works on the site to ensure that construction activities are managed in a sensitive way in accordance with applicable standards.</p> <p>Substantial excavation is required for the multi-level basement carpark, involving hard bedrock which will result in noise and vibration impacts on nearby commercial and retail receivers. An Acoustical Assessment was submitted with the DA which considers the construction noise impacts and notes that, notwithstanding that the predicted noise levels are within the construction noise design noise goals (NSW EPA Guidelines), recommendations were provided which should form part of the Construction Noise and Vibration Management Plan (CNVMP), along with other engineering and management noise controls.</p> <p>Council's Geotechnical Engineer has considered the geotechnical report supplied with the DA and has advised that its recommendations are appropriate.</p> <p>Vehicular access to properties fronting Globe Lane will be affected for the duration of works. Alternative access arrangements will need to be made during this time.</p> <p>A Construction Traffic Management Plan (CTMP) has been submitted by the applicant which outlines how traffic associated with the demolition and excavation works will be managed. This CTMP, along with Traffic Guidance Scheme /Traffic Management Plan submitted to the Local Traffic Committee, and recommended consent conditions, seek to manage traffic impacts associated with the works as best as possible – with regard to safety of vehicles and pedestrians moving through, around and near the site; pedestrian movement in the locality; vehicular access, servicing and waste collection arrangements for nearby businesses; and broader traffic impacts on the local road network (e.g. minimising impacts on the bus routes, safe and efficient haulage routes). Road occupancy licenses will be issued under s138 of the Roads Act 1993 for site hoardings.</p> <p>The Traffic Guidance Scheme /Traffic Management Plan includes provisions for bin storage, Council market storage, work zones, alternative loading zones and service and maintenance access. These arrangements will require ongoing</p> <p>Consultation by the builder with emergency services has occurred in the process of preparing the TMP. Emergency Services confirmed the closure of Globe Lane will not impact emergency service access.</p>
<p>Noise and vibration during construction should be minimised so as not to</p>	<p>A construction management plan will be required to be implemented dealing with these and other construction related impacts.</p>

Concern	Comment
impact surrounding retail trade	
<p><u>Noise and vibration</u> – impacts on businesses. Objector noted 3+ year long construction phase and proposed hours of work being 7am to 5pm Monday to Saturday with some respite around lunch time. Objector requested narrowing of these hours to limit retail losses.</p>	<p>The construction phase will be lengthy. Narrowing the permitted working hours will lengthen the construction phase which is not in the public interest. However, the condition for</p> <p><i>Rock Breaking, Rock Hammering, Rock Sawing, Sheet Piling, Pile Driving</i> provide for respite.</p>
<p><u>Dust Mitigation</u></p> <p>Can the site be covered in dust barrier up to 3 storeys in height to minimise impacts on nearby buildings?</p>	<p>Conditions are recommended for imposition in relation to dust mitigation during works.</p>
<p><u>Road Closure</u></p> <p>Globe Lane Road closure and acquisition and Globe Way closure – impacts on local building/ business owners - where permanent acquisition is proposed. Impacts on vehicular access to buildings in Globe Lane for loading, repairs/ maintenance; impact on pedestrian amenity/ foot traffic access; adverse economic impacts on those businesses.</p>	<p>These issues will form a significant part of the considerations for the road closure process. It is proposed to close Globe Lane and consolidate this into the development site area (i.e. road closure, followed by acquisition and consolidation). An easement will be registered on title which will preserve public access over Globe Lane. This will accommodate both pedestrian and vehicular movement in a shared way arrangement, though vehicles will be limited to service and emergency vehicles only.</p> <p>It is agreed that there will be an impact on nearby businesses at least during the construction period, however it is hoped that with the mitigation measures required to be employed, (as per the consent conditions) and associated traffic management plan approvals (referenced above) that construction impacts will be managed appropriately.</p>
<p>Concerns around adequacy of proposed 'public right of way' or 'easement' (elsewhere) compared to Council ownership to deliver permanent quality public thoroughfares – for section of Globe Lane proposed to be acquired and the Globe Lane - Church St Mall connection.</p>	<p>Council's Property Division has advised that an easement will be registered on title which will preserve public access over Globe Lane. This will accommodate both pedestrian and vehicular movement, though it is intended that the lane will be used by service and emergency vehicles only. This concern will be addressed in greater detail in the road closure process.</p>
<p>Concerns around bin storage / collection</p>	<p>There are a number of bins currently stored within Globe Lane, which is unsightly and compromises pedestrian amenity within the space.</p> <p>The Traffic Management Plan considered by the Local traffic Committee on 11 February provides for a bin storage zone in the eastern end of the Globe Lane undercroft area (adjacent to Church Street) for businesses to use.</p>

Concern	Comment
Public toilets need to be provided in Globe Lane/ Globe Way.	This is a matter for Council and is unrelated to the development application.
<u>Globe Lane Closure</u> Will Globe Lane be closed to delivery, trade and emergency vehicles required to access the loading bar at the rear of the business fronting Globe Lane? If not, how will access work?	The separate (permanent) road closure process will deal with this matter. It is intended that access to Globe Lane will be maintained for service and emergency vehicles.
How will trade, delivery and emergency vehicles reach my building during construction?	A detailed construction traffic management plan will be required to be implemented dealing with these and other construction related impacts. Refer to discussion above.
<u>Building</u> Design and finishes Wind effects Overshadowing Excessive height Airconditioning plant Public domain works	These concerns are not relevant to the current application; these matters were addressed in the assessment of the application for the site redevelopment (DA-2023/767).
<u>Local heritage</u> The existing building should be restored and added to help maintain local history	The re-development of the site has been endorsed via DA-2023/767. Council's Heritage Officers have reviewed both this and the 2023 development applications and have provided recommendations in relation to heritage interpretation.

1.5 CONSULTATION

1.5.1 INTERNAL CONSULTATION

Council's Geotechnical, landscape, Heritage, Property Officers have reviewed the application and have provided a satisfactory referral including recommended consent conditions.

Environment Officer

Council's Environmental Assessment Officers considered a wide range of matters including construction management, potential site contamination; demolition and hazardous materials management; air quality / dust impacts; management of acid sulfate soils; tree removal/ ecological considerations; earthworks/ excavation impacts including noise and vibration impacts; groundwater management; soil and water resources and waste management.

A number of conditions were recommended for inclusion on any consent.

1.5.2 EXTERNAL CONSULTATION

WaterNSW

The proposal is integrated development, requiring a Water Supply Work approval from WaterNSW under the Water Management Act (WM Act) 2000. WaterNSW has issued its General Terms of Approval (GTAs) under the WM Act 2000. The GTAs will form part of the development consent.

2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Environmental Planning and Assessment Amendment (Housing and Productivity Contributions) Order 2023

This contribution does not apply as the proposal does not involve any increase in GFA.

2.1 SECTION 4.15(1)(A)(1) ANY ENVIRONMENTAL PLANNING INSTRUMENT

Application of Part 7 of Biodiversity Conservation Act 2016 and Part 7A of Fisheries Management Act 1994.

This Act has effect subject to the provisions of Part 7 of the Biodiversity Conservation Act 2016 and Part 7A of the Fisheries Management Act 1994 that relate to the operation of this Act in connection with the terrestrial and aquatic environment.

NSW BIODIVERSITY CONSERVATION ACT 2016

Section 1.7 of the Environmental Planning and Assessment Act 1979 (EP&A Act) provides that Act has effect subject to the provisions of Part 7 of the Biodiversity Conservation Act 2016 (BC Act).

Part 7 of the BC Act relates to Biodiversity assessment and approvals under the EP&A Act where it contains additional requirements with respect to assessments, consents and approvals under this Act.

Clause 7.2 of the Biodiversity Conservation Regulation 2017 provides the minimum lot size and area threshold criteria for when the clearing of native vegetation triggers entry of a proposed development into the NSW Biodiversity offsets scheme. The proposal does not trigger the requirement for a biodiversity offset scheme.

The site is not identified as being of high biodiversity value on the [Biodiversity Values Map](#).

2.1.1 STATE ENVIRONMENTAL PLANNING POLICY (PLANNING SYSTEMS) 2021

Chapter 2 State and regional development

The proposal involves land in Council ownership (being part of Globe Lane) and has an estimated cost exceeding \$5 million. The development is declared regional development pursuant to Clause 3 of Schedule 6 of the SEPP.

2.1.2 STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

Chapter 4 Remediation of land

Section 4.6 Contamination and remediation to be considered in determining development application

The proposed development has been assessed with regard to the requirements of Chapter 4 of the SEPP with regard to potential land contamination. The proposal has been reviewed by Council's Environmental Scientist with regard to the SEPP and the relevant provisions of Wollongong DCP 2009.

The application was accompanied by a combined Preliminary Site Investigation (PSI) and Detailed Site Investigation (DSI). The report includes a site history and the results of soil and groundwater sampling. The report's findings include there is potential for hazardous materials contained within building materials currently on-site due to the structures being constructed pre-1955, fill material was present, no asbestos was identified within the fill layer, concentrations of contaminants of potential concern in soil were reported below adopted site assessment criteria and concentrations of contaminants of potential concern in groundwater were reported below adopted site assessment criteria, with the two exceptions of marginal exceedances.

The DSI concluded that the site is suitable for the proposed development and that no further contaminated land site assessment or remediation is considered necessary.

Reasons are provided as to why Council and the SRPP may be satisfied the required considerations in Section 4.6 of Chapter 4 Remediation have been met and these are concurred with.

No concerns are raised in regard to contamination as relates to the intended use of the land and the requirements of Clause 4.6. It is noted that conditions will be imposed in relation to the implementation of the recommendations of the DSI; in relation to the safe removal, handling and disposal of hazardous materials; and classification of excavated material before off-site disposal. The requirements and provisions of Section 4.6 are satisfied.

2.1.5 STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021

Division 5 Electricity transmission or distribution

Subdivision 2 - Development likely to affect an electricity transmission or distribution network

It is noted that the earlier development application for the site (DA-2023/767) was referred to Endeavour Energy for comment in accordance with Clause 2.48 as it may involve works within proximity of electricity infrastructure. At the time of referral of that application, it involved demolition and excavation works to facilitate the development.

Endeavour Energy advised on connection requirements only and confirmed it had no objection to the proposal.

2.1.6 STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021

The SEPP applies to the Wollongong Local Government Area, identified as being in the South Coast koala management area.

4.10 Development assessment process—other land

Consent can be issued for development on the subject land if Council is satisfied that the land does not have an approved koala plan of management applying to the land or is not core koala habitat. The land has not been assessed by a suitably qualified and experienced person as being highly suitable koala habitat, and Council has no record of the presence of koalas on the site currently or within the previous 18 years. The proposal does not include the removal of extensive native vegetation, and the land is not considered to comprise core koala habitat.

2.1.7 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Clause 2.2 – zoning of land to which Plan applies

The zoning map identifies the land as being zoned E2 Commercial Centre.

Clause 2.3 – Zone objectives and land use table

The development is consistent with the objectives of the zone:

- *To strengthen the role of the commercial centre as the centre of business, retail, community and cultural activity.*
- *To encourage investment in commercial development that generates employment opportunities and economic growth.*
- *To encourage development that has a high level of accessibility and amenity, particularly for pedestrians.*
- *To enable residential development only if it is consistent with the Council's strategic planning for residential development in the area.*
- *To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.*
- *To encourage development that is consistent with the centre's position in the centres hierarchy.*
- *To strengthen the role of the Wollongong city centre as the business, retail and cultural centre of the Illawarra region.*

The proposed development is consistent with the objectives of the E2 zone in that the proposed demolition and earthworks will facilitate the redevelopment of the site for the purposes of a hotel, motel, club and office building.

The redevelopment is expected to generate a significant number of employment opportunities and economic growth within the CBD and more broadly across the region.

The land use table does not list demolition or earthworks however these works are permitted by Clauses 2.7 and 7.6 of the WLEP.

Clause 2.7 Demolition requires development consent

Consent for the demolition of existing structures is sought in this application.

Part 4 Principal development standards

Nil applicable.

Part 5 Miscellaneous provisions

Clause 5.10 Heritage conservation

The site is not within a heritage conservation area nor does it contain any heritage items. It is, however, positioned in a prominent location in the CBD area, adjacent to the following heritage listed item:-

- #61103 Commercial frontage, located in 179–181, 183–185 and 187–189 Crown Street

The site is also in the vicinity of the following listed items:-

- #6232 Shop known as 83 Church Street located in 149–161 Crown Street (part)
- #6587 'Canary Island Date Palms' (trees) located to the western edge of MacCabe Park, noting these are some 150m from the subject site.
- #6324 Wollongong War Memorial and Frank Andrews Monument, located to the eastern edge of MacCabe Park.
- #6284 -The 'Row of Hills Figs' (trees) located within the southern Burelli Street road reserve between Kembla Street and Church Street.

Plus being located in the proximity of other various heritage items and the Market Street Heritage Conservation Area. The proximity of the listed items to the subject site is depicted in the below extract of the LEP heritage map:-

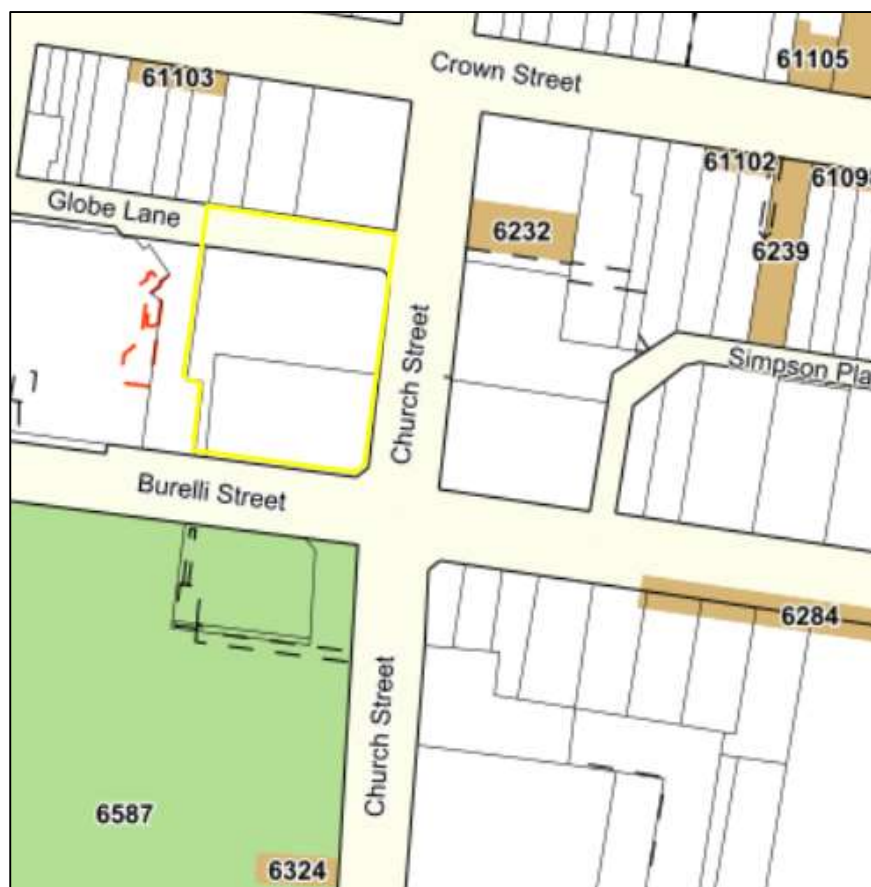


Figure 5 - WLEP 2009 Heritage Map

Clause 5.10(5) *Heritage assessment* states that the consent authority may, before granting consent to any development—

- (a) on land on which a heritage item is located, or
- (b) on land that is within a heritage conservation area, or
- (c) on land that is within the vicinity of land referred to in paragraph (a) or (b).

require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

Development application DA-2023/767 for the broader site development was accompanied by a Historic Archaeological Report and a Statement of Heritage Impact. The same Historic Archaeological Report was also lodged with this application.

The proposal has been considered by Council's Heritage Officers with regard to the provisions of Clause 5.10 of the LEP and was considered satisfactory subject to the imposition of consent conditions. Specific conditions are recommended in relation to the requirement for a Heritage Demolition Management Plan or addendum to the Construction Management Plan, which includes suitable measures to ensure the protection of the adjacent heritage items at 179-189 Crown Street from inadvertent damage during the demolition and construction phases of the development. The Heritage Demolition Management Plan should also recommend a suitably qualified Archaeologist to be engaged to monitor (during demolition) the retrieval of the 1965-time capsule and foundation stones from within the RSL Club and include unexpected Historic Archaeological and Aboriginal Cultural Heritage finds procedures.

The recommended conditions are contained within the list at **Attachment 3**.

Clause 5.21 Flood planning

The site is mapped as being flood affected and is located within an uncategorised flood risk precinct. It is noted that the flooding at and adjacent to the site is considered overland flow (and not mainstream flooding). Council's Stormwater Engineer has reviewed the proposal and has no objection to the development. Matters for the consent authority detailed in subclause 2 are satisfactory.

Part 7 Local provisions – general

Clause 7.5 Acid Sulfate Soils

Clause 7.5 specifies where consent is required for certain works involving acid sulfate soils and circumstances where an Acid Sulfate Soils Management Plan is required.

Parts of the site are identified as being affected by class 5 acid sulphate soils. Excavation for the basement carpark is proposed within about 470 metres of adjacent Class 3 land that is below 5 metres Australian Height Datum, but the water table would not be likely to be lowered below 1 metre Australian Height Datum on the adjacent Class 3 land. On this basis, an acid sulfate soils management plan is not required.

Council's Environmental Assessment Officer has recommended conditions in relation to unexpected finds; see **Attachment 3**.

Clause 7.6 Earthworks

Substantial excavation is proposed to facilitate the construction of the development inclusive of the basement levels. Council's Geotechnical Engineer has reviewed the proposal and raised no concerns subject to recommended consent conditions requiring structural support and geotechnical supervision during construction.

As discussed with regard to submissions received, excavation of hard bedrock will result in noise and vibration impacts on nearby commercial and retail receivers. This will require careful management during works to ensure impacts are not unreasonably adverse.

Groundwater is likely to be encountered, requiring a tanked basement design. WaterNSW has issued its general terms of approval for the 'water supply work' under the provisions of the Water Management Act 2000.

Excess excavated material will need to be classified according to the NSW EPA (2014) *Waste Classification Guidelines* before disposal.

The earthworks have been considered in relation to the matters for consideration outlined in Clause 7.6 and are not expected to have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features of surrounding land, subject to mitigation measures being employed as required by the consent conditions and relevant policies and standards.

Clause 7.22 Development in local centres

This clause applies to land in the E2 zone and states that development consent must not be granted to development unless the consent authority has considered—

(a) *the impact of the development on—*

(i) *the amenity of surrounding residential areas, and*

(ii) *the desired future character of the local centre, and*

(b) *whether the development is consistent with the hierarchy of centres.*

Consideration has been given to the above matters and no concerns are raised.

Part 8 Local provisions—Wollongong city centre

While the site is located within the area defined as the Wollongong city centre by the LEP and this part of the LEP is of relevance to the proposal, there are no provisions particularly applicable to the proposed works.

2.2 SECTION 4.15(1)(A)(II) ANY PROPOSED INSTRUMENT

Nil applicable.

2.3 SECTION 4.15(1)(A)(III) ANY DEVELOPMENT CONTROL PLAN

2.3.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

CHAPTER A1 – INTRODUCTION

The development has been assessed against the relevant chapters of WDCP 2009 and found to be satisfactory. The full table of compliance can be found at **Attachment 2** to this report.

2.3.2 WOLLONGONG CITY WIDE DEVELOPMENT CONTRIBUTIONS PLAN 2023

Wollongong City-Wide Development Contributions Plan - City Centre

The Wollongong City-Wide Development Contributions Plan applies to the subject property. This Plan levies a contribution based on the estimated cost of development. As the proposed cost of development* is over \$250,001, a levy rate of 2% applies.

2.4 SECTION 4.15(1)(A)(IIIA) ANY PLANNING AGREEMENT THAT HAS BEEN ENTERED INTO UNDER SECTION 7.4, OR ANY DRAFT PLANNING AGREEMENT THAT A DEVELOPER HAS OFFERED TO ENTER INTO UNDER SECTION 7.4

The applicant has offered to enter into a planning agreement, however, remains under negotiation and as such is considered to not affect the development at this time.

2.5 SECTION 4.15(A)(IV) THE REGULATIONS (TO THE EXTENT THAT THEY PRESCRIBE MATTERS FOR THE PURPOSES OF THIS PARAGRAPH)

Environmental Planning and Assessment Regulation 2021

61 Additional matters that consent authority must consider

(1) In determining a development application for the demolition of a building, the consent authority must consider the Australian Standard AS 2601—2001: *The Demolition of Structures*.

As the proposal involves demolition of some existing built elements, AS2601 - 2001: *The Demolition of Structures* is a prescribed matter for consideration. Demolition practices and procedures will be required to be undertaken in accordance with AS2601 – 2001. Conditions should be applied requiring compliance with the standard.

66A Council-related development applications—the Act, s 4.16(11)

(1) *A council-related development application must not be determined by the consent authority unless—*

(a) *the council has adopted a conflict of interest policy, and*

(b) *the council considers the policy in determining the application.*

(2) *In this section—*

conflict of interest policy means a policy that—

- (a) *specifies how a council will manage conflicts of interest that may arise in connection with council-related development applications because the council is the consent authority, and*
- (b) *complies with the Council-related Development Application Conflict of Interest Guidelines published by the Department and available on the NSW planning portal, as in force from time to time.*

council-related development application has the same meaning as in the Act, Schedule 1, clause 9B as follows:

council-related development application means a development application, for which a council is the consent authority, that is—

- (a) *made by or on behalf of the council, or*
- (b) *for development on land, other than a public road within the meaning of the Local Government Act 1993—*
 - (i) *of which the council is an owner, a lessee or a licensee, or*
 - (ii) *otherwise vested in or under the control of the council.*

The proposal falls under subclause (b)(i) and is required to be considered by the Council adopted a conflict of interest policy. Clause 2 of the Policy requires development applications lodged with the Council that are Council-related development to be referred to the General Manager (or delegate) for a conflict-of-interest risk assessment. A statement documenting the proposed management approach for the proposal must published on the NSW Planning Portal.

The proposal is Council related development as it falls under 2(b)(i) in that the proposal involves Council land (Globe Lane).

Council adopted a conflict of interest policy (CoIP) in accordance with (1)(a) on 31 July 2023.

This report considers the CoIP and guidelines in accordance with (1)(b).

The management control in the CoIP requires that: *Council-related applications and approvals to modify development consents will be referred to the Wollongong Local Planning Panel for determination, as required by Schedule 2 of the Local Planning Panel Directions – Council is not the consent authority.*

In this case, the application is required to be determined by the State Regional Planning Panel.

The guidelines set out the requirements for the council conflict of interest policy required under section 66A, assists councils in meeting these requirements by providing a sample policy and management strategy statement that can be used as a template when developing their policies and provides general information and guidance about the policy.

Councils CoIP complies with the guidelines.

2.6 SECTION 4.15(1)(B) THE LIKELY IMPACTS OF DEVELOPMENT

There are not expected to be unreasonably adverse environmental impacts on either the natural or built environments or unreasonably adverse social or economic impacts in the locality. This is demonstrated through the following:

- The proposal is satisfactory regarding the applicable planning controls as detailed in the body of this report.
- Submissions raised following notification would not preclude the development and where possible, consent conditions are recommended to mitigate impacts and address concerns raised.
- Internal and external referrals are satisfactory subject to appropriate conditions of consent.
- The physical impacts of the proposal are considered acceptable with conditions.
- The overall redevelopment of the subject site is expected to create a large number of employment opportunities during the construction period (per the Economic Impact Assessment Report lodged with DA-2023/767).

The proposal has been assessed regarding the amenity impacts from the development, the applicable planning controls, and heritage impacts, and is considered to be compatible with the locality.

2.7 SECTION 4.15(1)(C) THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT

Does the proposal fit in the locality?

The proposal is considered appropriate with regard to the zoning of the site and the applicable provisions of WLEP 2009 and other applicable environmental planning instruments.

The development is not expected to result in unreasonably deleterious impacts on the amenity of the locality or adjoining developments, subject to the employment of mitigation measures during works. Some adverse social and economic impacts may potentially occur on nearby businesses during the period of works due to changes to pedestrian and vehicular access to the businesses fronting Globe Lane and this part of the city centre. Alternative access is however available, meaning that access to these buildings and businesses will not be precluded.

Are the site attributes conducive to development?

There are no environmental site constraints that would preclude redevelopment of the site. The site constraints have been considered in the assessment of this DA and where appropriate, conditions have been recommended to ensure site constraints are appropriately managed. Detailed construction management plans will be required to be developed and implemented to minimise and mitigate impacts on environmental values and amenity.

2.8 SECTION 4.15(1)(D) ANY SUBMISSIONS MADE IN ACCORDANCE WITH THIS ACT OR THE REGULATIONS

Refer to discussion in Section 1.4 of this report.

2.9 SECTION 4.15(1)(E) THE PUBLIC INTEREST

The proposal is permissible and is appropriate when assessed with regard to the applicable planning controls.

The application is not expected to result in unreasonably adverse impacts on the environment or the amenity of the locality, nor will it give rise to unreasonably adverse social or economic impacts, subject to mitigation measures being implemented.

On balance, approval of the proposal is consistent with the public interest.

3 CONCLUSION

This application has been assessed having regard to the matters for consideration in Section 4.15(1) of the Environmental Planning & Assessment Act 1979.

The proposal is permissible and is acceptable when considered with regard to the applicable planning controls. The provisions of applicable environmental planning instruments have been considered in this report and the proposal is satisfactory.

Internal and external referrals are satisfactory subject to appropriate conditions of consent. The concerns raised in submissions have been considered and have resulted in the imposition of consent conditions where appropriate.

The application is not expected to result in adverse impacts on the environment or the amenity of the locality, nor will it give rise to unreasonably adverse social or economic impacts. The development will facilitate the redevelopment of the site (as per DA-2023/767) which will create significant positive economic impacts in the city and broader region.

On balance, approval of the proposal is consistent with the public interest.

There being no outstanding issues, it is appropriate that the application now be approved.

4 RECOMMENDATION

It is recommended that DA-2024/870 be approved, subject to the conditions of consent detailed in Attachment 3.

ATTACHMENTS

- 1 Plans
- 2 Wollongong DCP 2009 assessment
- 3 Draft conditions of consent