

S4.15 Assessment Report and Recommendation
DA-2020/1490 37-39 Burelli Street Wollongong

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSTH-75
DA Number	DA-2020/1490
LGA	Wollongong City Council
Proposed Development	Commercial - demolition of existing structures and construction of a multi-level hotel development
Street Address	37-39 Burelli Street Wollongong Lot 402 DP 715513
Applicant/Owner	Held Property Pty Ltd
Date of DA lodgement	22 December 2020
Total number of Submissions Number of Unique Objections	4 3 unique objections and 1 statement of support
Recommendation	Approval (Deferred commencement)
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	2 General development over \$30 million Development that has a capital investment value of more than \$30 million.
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • relevant environmental planning instruments <ul style="list-style-type: none"> – State Environmental Planning Policy No. 55 - Remediation of Land – State Environmental Planning Policy (Infrastructure) 2007 – State Environmental Planning Policy (State and Regional Development) 2011 – State Environmental Planning Policy (Coastal Management) 2018 – Wollongong Local Environmental Plan 2009 • proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority - Nil • relevant development control plan <ul style="list-style-type: none"> – Wollongong Development Control Plan 2009 • relevant 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 - Nil • relevant regulations <ul style="list-style-type: none"> – EP & A Regulation 2000 clause 92 • coastal zone management plan <ul style="list-style-type: none"> – Wollongong Coastal Zone Management Plan 2017 • Other policies: <ul style="list-style-type: none"> – Wollongong City-Wide Development Contributions Plan 2019 – Wollongong Community Participation Plan 2019
List all documents submitted with this	Attachment 1 Aerial photograph, zoning, height map Attachment 2 Plans Attachment 3 Design Review Panel comments

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report for the Panel's consideration	Attachment 4 – DCP compliance tables Attachment 5 – Draft conditions of consent
Clause 4.6 requests	Not applicable
Summary of key submissions	<ul style="list-style-type: none"> · traffic and parking concerns · view loss · building height
Report prepared by	Anne Starr
Report date	4 August 2021

Summary of s4.15 matters

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

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? Not applicable

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? No

Conditions

Have draft conditions been provided to the applicant for comment? Yes

1 EXECUTIVE SUMMARY

Reason for Consideration by SRPP

This application is required to be reported to the SRPP in accordance with Schedule 7(2) of SEPP (State and Regional Development) 2011 as the proposal has a capital investment value of more than \$30 million.

Proposal

Tourist and visitor accommodation (hotel), involving

- Demolition of existing structures
- Construction of a 14 storey hotel containing:
 - 240 hotel rooms
 - 5 storey podium and 9 level tower
 - Ground floor: waste room; loading dock; substation; back of house including office, housekeeping and kitchen; toilets; dining room; bar; private meeting rooms and lounge; ramp up to car parking levels
 - Level 1: hotel reception and lobby; gym; back of house including office, staff toilets, staff kitchen and store; car parking

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- Levels 2-4: hotel rooms and car parking
- Level 5: hotel rooms and outdoor terrace
- Levels 6-13: hotel rooms
- Total 130 parking spaces
- No basement levels
- Public art on building elevations

Permissibility

The subject site is zoned B3 Commercial Core under the provisions of WLEP 2009. The proposal is defined as 'hotel or motel accommodation', which is permissible with consent.

Consultation

The application has been notified and received four submissions (3 objection and 1 support).

Main Issues

- traffic and parking concerns
- view loss
- building height

RECOMMENDATION

It is recommended that DA-2020/1490 be approved (deferred commencement) subject to the conditions outlined in attachment 5

2 APPLICATION OVERVIEW

2.1 PLANNING CONTROLS

The following planning controls apply to the development

State Environmental Planning Policies

- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy (Coastal Management) 2018

Local Environmental Plans

- Wollongong Local Environmental Plan (WLEP) 2009

Development Control Plans

- Wollongong Development Control Plan (WDCP) 2009

Other Policies/Regulations

- Wollongong Community Participation Plan 2019
- Wollongong City Wide Development Contributions Plan 2019

2.2 DETAILED DESCRIPTION OF PROPOSAL

The proposal comprises demolition of all structures and construction of a 14 level hotel (tourist and visitor accommodation). The hotel operator and accommodation 'star rating' is unknown.

The development comprises:

- Demolition of existing structures
- Construction of a 14 storey hotel containing:

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- 5 storey podium and 9 level tower
- Vehicle entry and exit on Burelli Street
- Ground floor: waste room; loading dock; substation; back of house including office, housekeeping and kitchen; toilets; dining room; bar; private meeting rooms and lounge; ramp up to car parking levels
- Level 1: hotel reception and lobby; gym; back of house including office, staff toilets, staff kitchen and store; car parking
- Levels 2-13: hotel rooms and service functions
- Outdoor terrace Level 5
- Hotel rooms:
 - § Total 240 rooms
 - § Levels 2-4: 45 x hotel rooms including 1 accessible room on each level
 - § Level 5, 12 and 13: 21 hotel rooms including 1 accessible room on each level
 - § Levels 6-11: 22 hotel rooms including 1 accessible room on each level
- No basement levels
- Public art on certain building elevations
- No signage proposed

Traffic, car parking and servicing

- Left hand turn only when exiting (supported by Transport for NSW and Council)
- Vehicles enter from Burelli Street and use ramp up to parking spaces and hotel lobby/check in reception area
- Car parking:
 - Total 130 spaces
 - Includes 10 staff spaces and 2 designated 'set down' spaces on Level 1 at hotel lobby entrance
 - All parking above ground
- Waste servicing and loading dock on ground floor

Site preparation

- Demolition of all structures
- Removal of 1 street tree on Burelli Street

Use

- Hotel accommodation, including dining room and café on ground floor. The café has an opening to Burelli Street
- 24 hour operation
- Movement through the hotel including the arrival sequence is shown on page 34 of the Architectural Design Report by Andrew Burns Architecture + Spacecraft, dated May 2021

Landscaping

- Planting of 1 compensatory street tree on Burelli Street
- New landscaping outside the site on Council land at western and southern boundaries
- New planting ground floor and Level 5 outdoor terrace
- Public domain works

The development is not integrated or designated development.

2.3 BACKGROUND

No pre-lodgement meeting was held for the proposal.

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The proponent initiated a discussion with Council in 2020 prior to lodging the development application. The contact is recorded as development enquiry DE-2020/39.

Later, the proponent requested a Design Review Panel meeting prior to lodgement (DE-2020/52). The meeting was held 25 February 2021 and the Panel's comment forms Attachment 3.

Council's records indicate the following applications have been approved for development on the land:

Application Number	Description	Decision	Decision Date
DA-1971/485	Service Station & Tunnel Type Car Wash (Min 542)	Approved	20-Dec-1971
BA-1971/3025	Filling Station & Car Wash	Approved	01-Feb-1972
BA-1971/17100	Installation Of 3 Underground Motor Spirit Storage Tanks	Approved	27-Aug-1973
DA-1981/537	Conversion Of Existing Office & Storeroom Into Extended Sales Area & Conversion Of Existing Car Wash Tunnel To Office, Store & Accessory Fitting Bay	Approved	24-Jul-1981
DA-1983/337	Use Of Existing Building For Car Detailing	Approved	08-Jul-1983
DA-1985/161	Subdivision And Consolidation	Approved	01-Apr-1985
DA-1988/24	Mobile Food Van	Approved	17-Mar-1988
RE-1995/7	Demolition of a service station	Approved	10-May-2006
DA-1995/180	Motor/Dealership Workshop ** Amended Consent See 9180/95 ** ** Amended Consent See 8180/95 **	Approved	21-Apr-1995
BA-1995/938	New Motor Vehicle Dealership - Da180/95	Approved	20-Jun-1995
DA-1995/180/A	Motor/Dealership Workshop	Approved	09-Aug-1995
DA-1995/180/B	Motor/Dealer Workshop - Amended Consent - Irrigation System To Be Deleted	None	30-Nov-1995
DA-2010/1050	Conversion of service department into car showroom	Approved	17-Nov-2010
DA-2013/875	Signage - Pylon Sign and Fascia Sign	Approved	11-Sep-2013
CC-2013/160	Signage - advertisements	Approved	20-Sep-2013
PC-2013/971	Conversion of service department into car showroom	Approved	19-Aug-2013
PL-2013/108	Illuminated sign	None	10-Dec-2013

Customer service actions

There are no outstanding customer service requests relevant to the development.

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2.4 SITE DESCRIPTION

The 2007m² site is located at 37-39 Burelli Street Wollongong and the title reference is Lot 402 DP 715513. The site is a corner allotment with frontage to Burelli and Corrimal Streets.

The site is rectangular in shape with dimensions excluding 33.59m x 60m, excluding the corner splay. The longest frontage is to Corrimal Street. The land is relatively flat, as shown in the survey plan.

The land contains a single storey metal vehicle showroom, built to the western and southern boundaries. The remainder of the site has a hardstand surface previously used to display vehicles. The car sales use has ceased and the land is untenanted.

Adjoining development is:

- North: Burelli Street
- East: Corrimal Street (a classified road)
- South and west: 6279m² L-shaped allotment owned by Wollongong City Council, containing an 11 storey administration and public library building and 5 level public car park

The locality is characterised by multi-storey commercial and shop top housing developments. Attachment 2 shows the zone boundaries and height limits in proximity to the site.

The Council property includes a paved walkway through to Burelli Street between Council's administration building and the site. Consideration of this public thoroughfare was an early concern of Council's and the applicant has responded with a public art design concept in this area.

Property constraints

There are no restrictions on the title.

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

- Filled land
- Potentially contaminated due to previous uses
- Acid sulfate soils class 5
- Flood risk precinct classification under review (previously medium flood risk)

2.5 SUBMISSIONS

The application was exhibited 11-25 January 2021 in accordance with Council's Community Participation Plan 2020. Four submissions (3 objections and 1 support) were received and the issues identified are discussed below. Amended plans lodged 5 May and 6 July 2021 were not required to be exhibited.

Table 1: Submissions - objections

Concern	Comment
1. Insufficient on-site parking	The proposed parking meets the requirements of Wollongong Development Control Plan 2009, for both staff and hotel visitor parking.
2. Existing traffic congestion due to sports stadium, McDonald's and traffic lights.	Transport For NSW and Council requested detailed modelling to determine whether the development would have an adverse impact upon the local traffic network. The advice provided by McLaren Engineering indicates the proposal is acceptable. Retention of the full length of the existing public bus zone on Burelli Street has been prioritised. The 'no right turn' restriction ensures the Burelli and Corrimal Streets intersection is not compromised.

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Concern	Comment
3. View loss from private residential property and the Council building	A view analysis is provided within the 'Burelli Street Hotel Architectural Design Report' by Andrew Burns Architecture + Spacecraft, dated May 2021. The NSW Land and Environment Court planning principle has been addressed by MMJ Planning in correspondence dated 5 May 2021.
4. Tour group bus parking	Tour buses would not access the building. A condition of consent has been recommended by Council's traffic engineer prohibiting tour buses from using the existing bus zone on Burelli Street. This is to ensure the hotel does not adversely impact on the local traffic network.
5. Land ownership - should be public green space	The land is not designated for public space in Council's planning policies. Council did own the site when the Shell service station was operating, however it was sold by Council in 1995 and has been in private ownership since then.
6. Building height	The building does not exceed the maximum height set for the land. The applicant has provided a view analysis and addressed the relevant NSW Land and Environment Court planning principle.
7. Noise generation	The applicant has provided a Noise Impact Assessment prepared by White Noise Acoustics, dated 26 March 2021. It examines potential noise generation by mechanical services equipment, car park and Level 5 outdoor terrace and makes recommendations. Conditions of consent are included in Attachment 5.
8. Building aesthetics	Council's design expert and the Design Review Panel have broadly supported the building exterior.
9. Impact on local residents	It is acknowledged that recent developments around the intersection of Burelli and Corrimal Streets have increased the residential population. However, the applicable planning policies also allow commercial development, and the proposed hotel is permitted by WLEP 2009.

2.6 CONSULTATION

2.6.1 INTERNAL CONSULTATION

The following Council officers have reviewed the proposal and recommended conditions of consent:

- Cultural development officer
- Environment officer
- Geotechnical engineer
- Health officer
- Heritage officer
- Landscape architect
- Stormwater engineer
- Traffic engineer
- Statutory property officer

Strategic planner

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Council's strategic planner reviewed the initial plans and noted that the minimum floor levels as dictated by flooding requirements compromised attainment of level access on active street frontages, particularly at Burelli Street. The revised plans have attempted to resolve this tension, however it is recommended that further refinement is undertaken as detailed in deferred commencement condition.

Design expert

Council's design expert has reviewed the final proposed plans having regard to the comments of the Design Review Panel. Council's design expert has identified matters raised by the DRP that are not considered satisfactorily resolved. These matters are:

- **Context and neighbourhood character**
 - The revisions have provided slightly better amenity by removal of part of the boundary wall and the addition of a large undercroft planter, as well as a future proposal for public art. While the addition of public art is commendable, no detail has been provided at this stage.
 - While the proposed planter will provide some increased outlook of the walkway adjoining the Council administration building, it is unlikely to activate the space any better, providing views to a driveway, and poses a number of other issues, most notably CPTED issues of concealment, as well as potentially facilitating unwanted pedestrian access to the basement and driveway.
 - Screening this area is also likely to remove any added benefits of the landscaping, which will also be difficult to maintain as highly shaded. An analysis and perspectives of the laneway to inform architectural decisions has not been provided.
 - There is a height differential of approximately 0.5m between the paved walkway on Council land and the undercroft planter. The landscape plan shows new plantings on Council's land, which could grow to a height that would obscure visual connection between the walkway and planter. Council's landscape designer has not endorsed the proposed species, instead recommending a condition of consent requiring a detailed landscape plan prior to issue of Construction Certificate.
 - As noted by the DRP this space could have been highly activated through a small café popup, which is likely to capture the high pedestrian traffic through this laneway. Additionally, had the public art project been completed now it may have informed design outcomes beyond landscaping alone.
- **Built Form and Scale**
 - The brickwork at the lower grounds has been removed in favour of a continuation of the tower's white concrete finish. However, the break of the tower forms overall is supported in favour of a better outcome and relationship between the two halves of the tower at the top. The massing is generally acceptable and appropriate.
 - Generally, wayfinding has been improved as part of the amended design and a movement plan has been provided as a part of the architectural report. However, a few issues still remain:
 - § It is acknowledged that this is a difficult site to balance flooding and access, however the disabled access ramp should still be collocated with the main entry. This could be achieved by shifting the main entrance next to the ramp. This also then provides a clear entryway for hotel residents to enter and find a clear path to the lift lobby which takes them to the hotel reception on Level 1, without having to navigate the various dining arrangements. This would likely require a small shift in façade treatments and pushing the bar and lounge towards Corrimall St, potentially with another secondary entrance there.
 - § The ramp should be internalised to prevent unwanted people gathering in this space.
 - The large stairs and void have not been relocated, which again could have facilitated better wayfinding.
 - The applicant has chosen to explore the DRP's comments regarding the three vertical modules. While it is likely retaining the original podium with an articulated separation

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between tower and balcony may have been Council's preferred option, architecturally the proposed design has produced an interesting articulation of building form. Despite being inconsistent with Council's preferred setbacks and street wall heights, the proposed design is acceptable and responds to the site's conditions with the large Council building to the west and traffic-oriented Corrimal Street to the east.

- **Landscape**

- The landscaping and terrace plan has been updated to include further detail as well as adding two large trees in planters and some seating under umbrellas. While this is a satisfactory response, no further amenity has really been provided and it misses a number of opportunities as outlined by the DRP, with all areas being used for a similar purpose. Notably: the areas provided do not aim to combat the urban heat island effect and are predominantly paved; There are no play areas for children, which while unlikely to be the main clients of the hotel will still be brought here occasionally; and the function terrace's relationship to hotel rooms has not been resolved.
- Additionally, the 900mm non-climbable zone appears to be abandoned in the cabana area, with no detail as to how this is mitigated.

- **Amenity**

- The issues regarding the drop off zone have not been resolved. This is particularly important as many travellers will likely come via rideshare services from the train station, which will impede traffic. While acknowledged this is hard to resolve, the outcome remains less than ideal.

A deferred commencement condition of consent is recommended seeking amended plans to address these outstanding matters.

2.6.2 EXTERNAL CONSULTATION

Transport for NSW

The application was referred to Transport for NSW (TfNSW), as required by State Environmental Planning Policy (Infrastructure) 2007. TfNSW has an advisory role.

TfNSW had early concerns about impacts upon the signalised intersection and bus stopping bay. The applicant provided further traffic studies and modelling and proposed exit signage preventing right turn manoeuvres. It is noted that Burelli Street bollards shown on the landscape plans have been deleted from the proposal.

TfNSW has issued approval, conditional upon inclusion of recommended conditions of consent. These conditions are in Attachment 5.

Endeavour Energy

The application was referred to Endeavour Energy as required by State Environmental Planning Policy (Infrastructure) 2007. Endeavour Energy has an advisory role and provided advice as to future servicing requirements. This was referred to the applicant. No conditions of consent were recommended.

Design Review Panel

The application was reviewed by the Design Review Panel under the requirements of Wollongong Local Environmental Plan 2009. The Panel's comments dated 25 February 2021 form Attachment 3. Council's Design Expert reviewed the revised plans submitted in response to matters raised by the DRP. Generally, the DRP concerns have been resolved, however some matters remain unsatisfactory. These outstanding matters are the subject of a recommended deferred commencement condition.

3 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

1.7 Application of Part 7 of Biodiversity Conservation Act 2016

This Act has effect subject to the provisions of Part 7 of the Biodiversity Conservation Act 2016 (BC Act) 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

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 development application does not involve clearing of native vegetation and 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.

The development would therefore not be considered to result in adverse impacts on biodiversity and is consistent with the provisions of the Biodiversity Conservation Act 2016.

3.1.1 STATE ENVIRONMENTAL PLANNING POLICY (KOALA HABITAT PROTECTION) 2021

The State Environmental Planning Policy (Koala Habitat Protection) 2021 applies to the Wollongong Local Government Area, identified as being in the South Coast koala management area.

12 Development assessment process—other land

Consent can be issued for development on the subject land if Council is satisfied that the land is *not* core koala habitat.

The land has not been assessed by a suitably qualified and experience 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 native vegetation. As such, the land is not considered to core koala habitat and consent can be granted for the proposed development in this regard.

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

3.2.1 STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – REMEDIATION OF LAND

Clause 7 of SEPP 55 requires the consent authority to be satisfied of certain matters prior to granting development consent.

Prior development consent included use of the land for a Wollongong Council works depot, and later, a Shell service station. The service station use ceased in 1994 and underground storage tanks were removed as part of the decommissioning and remediation. More recently, the site has been used as a motor vehicle showroom.

A Preliminary Site Investigation (PSI) dated November 2020 and Detailed Site Investigation (DSI) dated April 2021 have been submitted with the application. Both reports were prepared by Douglas Partners. The DSI concluded:

- *One identified soils hotspot area at Bore 107 has been identified;*
- *The condition of the site, almost completely hardstand, has prevented thorough inspection of the condition of surface soils between and beyond sampling locations;*
- *No management or remediation of groundwater at the site is considered to be warranted.*

The DSI recommended:

- *Management and / or remediation is considered to be required at the identified soil hotspot area at Bore 107;*

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- *The management and / or remediation strategies should be developed and could comprise treatment, formal on-site containment, off-site disposal or a combination of strategies. The strategy may also include recommendation for further delineation investigation at the hotspot location;*
- *An inspection of the condition of the surface soils at the site be undertaken at such time as existing hardstand surfaces are removed as the development progresses;*
- *If any material is proposed to be removed from the site, it will require a waste classification in accordance with the NSW EPA Waste Classification Guidelines 2014 or an appropriate Resource Recovery Order under Part 9, Clause 93 of the Protection of the Environment Operations (Waste) Regulation 2014 prior to its removal from the site. Additional sampling and analysis may be required to prepare a waste classification; and*
- *An unexpected finds protocol (UFP) should also be developed.*
- *Subject to the appropriate implementation of the above recommendations, any unexpected finds being addressed during construction and based on the findings of this DSI, it is considered that the site is suitable for the proposed hotel development.*

Council's environmental officer has endorsed the conclusions and recommendations of the DSI. Conditions reflecting these recommendations are contained in Attachment 5.

3.2.2 STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

Clause 101 relates to development with a frontage to a classified road, in this case Corrimal Street. Matters for consideration under clause 101 are satisfactory. Vehicle access is provided from Burelli Street, and the driveway is in a location adequate to accommodate existing bus queuing. Traffic modelling indicates no adverse impacts on the intersection of Burelli and Corrimal Streets or the local network.

The application was referred to Transport for NSW (TfNSW) in accordance with clause 104 traffic generating development. Following various amendments to the proposal, TfNSW has advised it has no objection to the development, subject to imposition of certain conditions of consent. These conditions are included in Attachment 5.

The application was referred to Endeavour Energy in accordance with clause 45. Endeavour Energy has advised on connection requirements.

3.2.3 STATE ENVIRONMENTAL PLANNING POLICY (STATE AND REGIONAL DEVELOPMENT) 2011

Part 4 Regionally significant development

The is classified as general development with a value exceeding \$30 million. The Southern Regional Planning Panel is the determining authority.

3.2.4 STATE ENVIRONMENTAL PLANNING POLICY (COASTAL MANAGEMENT) 2018

Part 2 Development controls for coastal management areas

Division 4 Coastal use area

Part of the land is identified as being within the coastal use area. Matters for consideration under clause 14 are considered satisfactory.

Division 5 General

In relation to clause 15, the development is not considered likely to cause increased risk of coastal hazards on the development site or other land.

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Clause 16 requires the consent authority to consider relevant provisions of any certified coastal management program that applies to the land. Council's Wollongong Coastal Zone Management Plan 2017 does not identify the site as being subject to coastal hazards.

The proposal is therefore considered satisfactory with regard to the aims of the CZMP and the matters outlined for consideration.

3.2.5 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Clause 1.4 Definitions

The development is defined 'hotel or motel accommodation':

hotel or motel accommodation means a building or place (whether or not licensed premises under the [Liquor Act 2007](#)) that provides temporary or short-term accommodation on a commercial basis and that—

(a) comprises rooms or self-contained suites, and

(b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles,

but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

Note—

Hotel or motel accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

Clause 1.8A Savings provision relating to pending development approvals

Not applicable.

Part 2 Permitted or prohibited development

Clause 2.2 – zoning of land to which Plan applies

The zoning map identifies the land as being zoned B3 Commercial Core.

Clause 2.3 – Zone objectives and land use table

The objectives of the zone are as follows:

1 Objectives of zone

- To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.
- To encourage appropriate employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To strengthen the role of the Wollongong city centre as the regional business, retail and cultural centre of the Illawarra region.
- To provide for high density residential development within a mixed use development if it—
 - (a) is in a location that is accessible to public transport, employment, retail, commercial and service facilities, and
 - (b) contributes to the vitality of the Wollongong city centre.

The proposal is satisfactory with regard to the above objectives.

The land use table permits the following uses in the zone.

2 Permitted without consent

Building identification signs; Business identification signs; Home occupations

3 Permitted with consent

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Advertising structures; Amusement centres; Boarding houses; Car parks; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Exhibition homes; Function centres; Helipads; Home businesses; Hostels; Hotel or motel accommodation; Information and education facilities; Medical centres; Oyster aquaculture; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Self-storage units; Seniors housing; Service stations; Sex services premises; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation; Veterinary hospitals; Wholesale supplies

4 Prohibited

Pond-based aquaculture; Any other development not specified in item 2 or 3

The proposal is categorised as 'hotel and motel accommodation', which is a subset of 'tourist and visitor accommodation' as defined above and is permissible in the zone with development consent.

Clause 2.7 Demolition requires development consent

A demolition plan indicates that all on-site structures are proposed for demolition. A construction and demolition waste management plan has also been provided.

Part 4 Principal development standards

Clause 4.3 Height of buildings

The maximum permitted building height is 48m.

The proposed building height is 47.89m.

Clause 4.4A Floor space ratio – Wollongong city centre

The maximum permitted floor space ratio (FSR) is 6:1 (12042m²), as the land has a site area equal to or greater than 2000 square metres and a street frontage equal to or greater than 20 metres.

The proposed gross floor area of 8909.4m² results in an FSR of 4.43:1 which is less than the maximum permitted.

Part 5 Miscellaneous provisions

Clause 5.10 Heritage conservation

The proposed development has been considered with regard to potential heritage impacts, given its proximity to the Wollongong Town Hall and former Council Chambers (item 6381), former post office (item 6370), State heritage listed shop (item 6283) and Californian Flats (item 6226). The land is also in proximity to a known archaeological site on the northern side of Burelli Street, opposite the site.

Council's heritage officer has reviewed the Historic Archaeological Assessment by Austral Archaeology dated November 2020.

Council's heritage officer has advised they have no objection, subject to recommended conditions of consent regarding unexpected finds protocol for archaeological and indigenous heritage.

Part 7 Local provisions – general

Clause 7.1 Public utility infrastructure

The application was referred to Endeavour Energy for comment. Conditions of consent are recommended regarding utility connections.

Clause 7.3 Flood planning area

The site is identified as flood affected, with the risk classification currently under review. The flood level varies across the site reflecting the change in ground level, and incrementally reduces to the south on Corrimal Street.

Council's Stormwater Engineer has assessed the application including the flood study by Greenview Consulting and recommended conditions of consent. These are contained in Attachment 5.

Clause 7.5 Acid Sulfate Soils

The proposal is identified as being affected by class 5 acid sulfate soils.

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Clause 7.13 Certain land within business zones

The proposal complies with matters detailed under sub clause 3; specifically, the ground floor will not be used for residential accommodation and each street frontage has multiple openings.

Clause 7.18 Design excellence in Wollongong city centre and at key sites

The Design Review Panel and Council's Design Expert have considered whether the proposal exhibits design excellence.

The proposal is considered to be capable of design excellence, subject to minor amendments detailed in the recommended deferred commencement condition.

Part 8 Local provisions—Wollongong city centre

Clause 8.1 Objectives for development in Wollongong city centre

The development is consistent with objectives for the Wollongong city centre:

- (a) to promote the economic revitalisation of the Wollongong city centre,*
- (b) to strengthen the regional position of the Wollongong city centre as a multifunctional and innovative centre that encourages employment and economic growth,*
- (c) to protect and enhance the vitality, identity and diversity of the Wollongong city centre,*
- (d) to promote employment, residential, recreational and tourism opportunities within the Wollongong city centre,*
- (e) to facilitate the development of building design excellence appropriate to a regional city,*
- (f) to promote housing choice and housing affordability,*
- (g) to encourage responsible management, development and conservation of natural and man-made resources and to ensure that the Wollongong city centre achieves sustainable social, economic and environmental outcomes,*
- (h) to protect and enhance the environmentally sensitive areas and natural and cultural heritage of the Wollongong city centre for the benefit of present and future generations.*

The proposal is satisfactory with regard to the above objectives

Clause 8.2 Wollongong city centre – land to which this Part applies

The site is situated within the Wollongong city centre.

Clause 8.4 Minimum building street frontage

The site has frontages greater than 20m.

Clause 8.6 Building separation within Zone B3 Commercial Core or Zone B4 Mixed Use

The development complies with these requirements. Adjoining development is located on the southern and western elevations and is commercial. Only the western neighbouring building (the Council administration building) is of a comparable height. For the purpose of this clause, the proposed development does not contain 'dwellings'.

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

None applicable.

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

3.4.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

Attachment 4 details requirements of WDCP 2009.

3.4.2 WOLLONGONG CITY WIDE DEVELOPMENT CONTRIBUTIONS PLAN

Contributions are payable where capital investment value (CIV) exceeds \$100,000.

The estimated cost of works is \$41,620,000. The levy payable is 2% of the CIV as the site is located within the B3 Commercial Core zone in the Wollongong City Centre.

3.5 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

There are no planning agreements entered into or any draft agreement offered to enter into under S7.4 which affect the development.

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

92 What additional matters must a consent authority take into consideration in determining a development application?

Conditions of consent are recommended with regard to demolition.

93 Fire safety and other considerations

Not applicable

94 Consent authority may require buildings to be upgraded

Not applicable

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

The proposal is considered acceptable with regard to the likely impacts.

Context and Setting:

The development site is located in a B3 Commercial Core zone, which permits a range of commercial and residential activities.

Access, Transport and Traffic:

Vehicular access is provided on Burelli Street, consistent with the limitations of redeveloping land with frontage to a classified road. Council's traffic engineer and Transport for NSW have liaised with the applicant over several design revisions, to ensure the proposed hotel does not compromise the existing traffic network. A 'no right turn' upon exiting is required.

Public Domain:

New footpath, landscaping and civil works are proposed, in accordance with Council's Public Domain Technical Manual. The works are supported by Council's landscape and engineering staff.

Utilities:

The proposal is not envisaged to place an unreasonable demand on utilities supply. Existing utilities are adequate to service the proposal.

Heritage:

No heritage items will be impacted by the proposal.

Other land resources:

The proposal is considered to contribute to orderly development of the site and is not envisaged to impact upon any valuable land resources.

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Water:

Standard conditions requiring connection to Sydney Water facilities are recommended.

The proposal is not envisaged to have unreasonable water consumption. Water sensitive urban design initiatives are proposed.

Soils:

The land is identified as containing acid sulfate soils class 5. The works will not be within 500m of class 1-4 land that is below 5m AHD and the water table is not likely to be lowered below 1m AHD on adjacent Class 1-4 land.

Air and Microclimate:

The proposal is not expected to have an adverse impact on air or microclimate.

Flora and Fauna:

One street tree is would be removed. A compensatory street tree is proposed to be planted.

Waste:

Waste storage and collection is via the ground level carparking area. Council's traffic engineer has no objection to the proposed waste concept.

Energy:

The proposal is not envisaged to have unreasonable energy consumption.

Noise and vibration:

Operational noise has been considered in White Noise Acoustics report. The report makes recommendations for activities on the Level 5 outdoor terrace, including no amplified music or parties and closure at 10pm. Construction noise would be subject to EPA guidelines.

Natural hazards:

Council records list the site as flood affected (classification under review). Council's stormwater engineer has reviewed the Greenview Consulting flood study and advised they have no objection, subject to recommended conditions.

Technological hazards:

Council records list the site as filled land affected. A geotechnical report has been provided and Council's geotechnical engineer has no objection, subject to recommended conditions of consent.

Council records list the site as contaminated land affected. A Detailed Site Investigation has been provided and Council's environmental officer has no objection, subject to recommended conditions of consent.

Council records list the site as acid sulfate soil affected. An acid sulfate soils report is not required.

Safety, Security and Crime Prevention:

An objective of the deferred commencement condition is to redesign the laneway treatment to avoid concealment opportunities.

Social Impact:

No adverse social impact is anticipated.

Economic Impact:

The proposal is not expected to result in adverse economic impact.

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Site Design and Internal Design:

The application does not result in any departures from development standards as outlined above.

A condition is recommended requiring all works to comply with the Building Code of Australia.

Construction:

Conditions of consent are recommended in relation to construction impacts such as hours of work, erosion and sedimentation controls, works in the road reserve, excavation, demolition and use of any crane, hoist, plant or scaffolding.

Cumulative Impacts:

Subject to satisfaction of the deferred commencement condition, the development is not expected to result in adverse cumulative impacts.

3.8 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 subject to satisfaction of the deferred commencement condition, is not expected to result in adverse impacts on the amenity of the locality or adjoining developments.

Are the site attributes conducive to development?

Site constraints such as flooding and limitations on possible vehicle entry points have been accommodated in the proposal.

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

Four submissions have been received (3 objections and 1 statement of support). Matters raised in submissions are discussed in section 2.5.

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

Subject to satisfaction of the deferred commencement condition, the application is not expected to result in unreasonable impacts on the environment or the amenity of the locality. A hotel is considered appropriate with consideration to the zoning, availability of transport networks and proximity to major event locations such as Illawarra Performing Arts Centre, WIN Stadium and WIN Entertainment Centre.

The development complies with WLEP 2009 and where variations to WDCP 2009 are proposed, they are supported by the Design Review Panel and/or Council staff.

Four submissions were received following notification. Of these, three were objections and raised matters where compliance with Council policy was demonstrated or else that had been resolved in the revised plans.

The proposal is considered to be consistent with the public interest.

4 CONCLUSION

This application has been assessed as satisfactory having regard to Section S4.15(1) of the Environmental Planning and Assessment Act 1979. The proposed development is permissible with consent and has regard to the objectives of the zone and is consistent with the applicable provisions of the relevant planning instruments including relevant State Environmental Planning Policies, the provisions of Wollongong Local Environmental Plan 2009 and all relevant Council DCPs, Codes and Policies.

The recommendations of the Design Review Panel have been generally been adopted. Council's design expert has reviewed the amended plans and the matters raised by the Panel and suggested minor

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changes. Internal and external referrals are satisfactory, and submissions have been considered in the assessment.

It is considered that the proposed development has otherwise been designed appropriately given the nature and characteristics of the site and is unlikely to result in significant adverse impacts on the character or amenity of the surrounding area.

Subject to satisfaction of the deferred commencement condition, the proposal is considered supportable

5 RECOMMENDATION

It is recommended that the development application be approved (deferred commencement) subject to appropriate conditions of consent as detailed in Attachment 5.

Attachments

- 1 Aerial photograph, WLEP 2009 zoning and height map
- 2 Plans
- 6 Design Review Panel meeting notes 25 February 2021
- 7 WDCP 2009 compliance table
- 5 Draft conditions of consent