

<b>DATE OF DETERMINATION</b>	31 August 2021
<b>PANEL MEMBERS</b>	Gordon Kirkby (Chair), Renata Brooks, Tim Fletcher, David Brown
<b>APOLOGIES</b>	Michael Mantei
<b>DECLARATIONS OF INTEREST</b>	None

#### **MATTER DETERMINED**

PPSSTH-75 – WOLLONGONG – DA-2020/1490 at 37-39 Burelli Street Wollongong Lot 402 DP 715513 – Commercial - demolition of existing structures and construction of a multi-level hotel development (as described in Schedule 1).

#### **PANEL CONSIDERATION AND DECISION**

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

#### **Development application**

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

#### **REASONS FOR THE DECISION**

The Panel determined to approve the application for the reasons outlined in the council assessment report.

In addition, the Panel was of the view that:

- The proposed development is permissible with consent in the B3 Commercial Core zone under *Wollongong Local Environmental Plan 2009* (WLEP) and consistent with the zone objectives;
- With the amended building design at the ground level, the design issues associated with the interface of the development with the Council car park accessway along the western boundary of the site have been satisfactorily resolved;
- The amended plans address the panel's concerns regarding the wayfinding for persons entering the development to the lift lobby and Level 1 reception area;
- The amended plans address the amenity of the Level 5 outdoor terrace area;
- Traffic and access issues have been satisfactorily resolved;
- The proposed development is an appropriate height and scale for the Wollongong Commercial Core area and is consistent with the WLEP development controls

#### **CONDITIONS**

The development application was approved subject to the amended conditions in the council assessment report dated 2 August 2021, with the following amendments:

- **Condition i. - Deferred Commencement**  
Delete the condition as the Applicant has submitted revised plans that the Panel is satisfied address the outstanding design matters
- **Condition 1 – Approved Plans and Specifications**  
Update the condition to include the updated plans submitted by the Applicant
- **Condition 38 – Council Footpath Reserve Works – Driveways and Crossings**





Delete the words “topsoiled and turfed” to make consistent with the requirements of Condition 34 which requires full paving of the width of the verge.

#### CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition. The Panel notes that issues of concern included:

- Potential view loss
- Traffic and parking
- Building height

The Panel considers that concerns raised by the community have been adequately addressed in the assessment report. The Panel notes that in addressing these issues the Council assessment staff took into consideration the recommendations of Council’s design expert and the Design Review Panel. The Panel also notes that the proposed development does not exceed the WLEP building height control and the development application was accompanied by a view analysis that address the NSW Land and Environment Court planning principles with regard to view impacts.

PANEL MEMBERS	
 Gordon Kirkby (Chair)	 Renata Brooks
 Tim Fletcher	 David Brown

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSTH-75 – WOLLONGONG – DA-2020/1490
2	PROPOSED DEVELOPMENT	Commercial - demolition of existing structures and construction of a multi-level hotel development
3	STREET ADDRESS	37-39 Burelli Street Wollongong Lot 402 DP 715513
4	APPLICANT/OWNER	Held Property Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Capital Investment Value > \$30M
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 No. 55 - Remediation of Land</li> <li>State Environmental Planning Policy (Infrastructure) 2007</li> <li>State Environmental Planning Policy (State and Regional Development) 2011</li> <li>State Environmental Planning Policy (Coastal Management) 2018</li> <li>Wollongong Local Environmental Plan 2009</li> <li>Wollongong City-Wide Development Contributions Plan 2019</li> <li>Wollongong Community Participation Plan 2019</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Wollongong Development Control Plan 2009</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Clause 92</li> <li>Coastal zone management plan: Nil</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: 4 August 2021</li> <li>Written submissions during public exhibition: 4</li> <li>Total number of unique submissions received by way of objection: 3</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Site inspection Panel member Renata Brooks 2 February 2021</li> <li>Final briefing to discuss council's recommendation: Wednesday, 3 August 2021 <ul style="list-style-type: none"> <li>Panel members: Gordon Kirkby (Chair), Renata Brooks, Tim Fletcher, David Brown</li> <li>Council assessment staff: Anne Starr, Janelle Johnston, Lauren Wilson, Alexandra McRobert</li> <li>DPIE staff: Sung Pak, Michelle Burns</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report