

29 May 2026

2210899

Ayse Lavorato
Principal Planning Officer
Department of Planning, Housing and Infrastructure
4 Parramatta Square, 12 Darcy Street
Parramatta NSW 2150

Attn: Ayse Lavorato
CC: Andy Nixey

Dear Ayse,

**Response to Request for Additional Information –SSD-67895459-MOD-4
106 & 120-122 Smith St And 3a Charlotte St, Wollongong
Shop Top Housing with In-fill Affordable Housing**

This letter has been prepared by Colliers Urban Planning on behalf of The Smith Street Development Partnership (the Applicant) for SSD-67895459-MOD-4 located at 106 & 120-122 Smith St And 3a Charlotte St, Wollongong (the site) in response to a request for information by Department of Planning, Housing and Infrastructure (DPHI) following a submission received from Wollongong City Council (Council) and four submissions received from members of the public.

DPHI issued a Request for Further Information (RFI) letter on 2 April 2026, requesting a response to submissions received during the exhibition period which ended on 1 April 2026.

This response letter provides detailed responses to matters raised by Council and members of the public during the modification exhibition period. These responses should be read in conjunction with the Environmental Impact Statement and Modification Report prepared by Colliers Urban Planning and accompanying information.

The Modification Report prepared by Colliers Urban Planning addresses the majority of the matters raised by Council, such as Substantially the Same Development (**Section 3.11** of the Modification Report), Building Height (**Section 6.1** of Modification Report), consistency with the Flinders Street Precinct Urban Design Framework (UDF) (**Section 6.1** and **Section 6.9** of Modification Report) and Traffic and Car parking (**Section 6.6** of Modification Report). Further information and assessment is provided in this letter.

Principally, this RTS Response Letter and Table demonstrates the proposal is substantially the same development, as compared to the original consent, and the proposal's accordance with the Flinders Street Precinct UDF. It reconfirms the assessment already provided and additional responses to reaffirm the applicant's considered position that the proposed additional height be located on the northern tower as this location minimises impacts to neighbouring properties to the south and is the best urban design outcome for the site.

This Letter and Table should be read in conjunction with the following attached documentation:

- Formal Submission and Recommendations Letter - 15 December 2025 (**Attachment A**); and
- Design Rationale Letter, prepared by Team2 (**Attachment B**).
- Solar Access Diagram, prepared by Colliers Urban Planning (**Attachment C**)

An updated Planning Report has also been prepared and has been provided to DPHI.

The responses provided in this letter do not give rise to the need to revise the description of the development or the Mitigation Measures for the project from those outlined in the Modification Report.

Should you require clarification regarding the above or in relation to any other matter relating to this project, please do not hesitate to contact the undersigned.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen Gouge".

Stephen Gouge

Director- Planning

Stephen.gouge@colliers.com

0410 291 014

Detailed Response to Submissions

This section provides a detailed summary of the Applicant's response to the matters raised in submissions received.

1.1 Wollongong City Council

The Applicant's response to Wollongong City Council's submission is outlined in **Table 1** below.

Table 1 Wollongong City Council Submission

Item	Matters Raised	Proposed Response - Summary																					
Development Assessment																							
1.	Substantially the same 1. The proposal modification should compare the "quantitative" and "qualitative" differences between the proposed modified development against the original approved development and not against subsequent modifications. In forming its view The Department should ensure that the applicant has addressed the appropriate case law and approach to modifying development consents, particularly when answering the 'substantially the same' test in s.4.55/4.56 of the EP&A Act.	When compared to the original approval, the proposed modification is substantially the same for the reasons already set out in Section 3.11 of the Modification Report and the additional analysis below of key considerations, both quantitative and qualitative. <table border="1"> <thead> <tr> <th>Element</th><th>Original Consent</th><th>Modification 4</th></tr> </thead> <tbody> <tr> <td>Dwelling Numbers</td><td>145</td><td>176</td></tr> <tr> <td>Affordable Housing</td><td>25 (15%)</td><td>31 (15%)</td></tr> <tr> <td>Total FSR</td><td>15,549sqm</td><td>18,275.5sqm</td></tr> <tr> <td>Non-Residential FSR</td><td>628sqm</td><td>623.4sqm</td></tr> <tr> <td>Building height (maximum)</td><td>31.2m</td><td>42.74m (to the highest point) approximately 15% of the building envelope exceeds 31.2m with remainder at or below 31.2m).</td></tr> <tr> <td>Communal Space (external)</td><td>2,129sqm</td><td>2,129sqm</td></tr> </tbody> </table>	Element	Original Consent	Modification 4	Dwelling Numbers	145	176	Affordable Housing	25 (15%)	31 (15%)	Total FSR	15,549sqm	18,275.5sqm	Non-Residential FSR	628sqm	623.4sqm	Building height (maximum)	31.2m	42.74m (to the highest point) approximately 15% of the building envelope exceeds 31.2m with remainder at or below 31.2m).	Communal Space (external)	2,129sqm	2,129sqm
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The primary area of height difference between the original consent and proposal applies to approximately 15% of the site area.

When compared to the original consent, the proposal

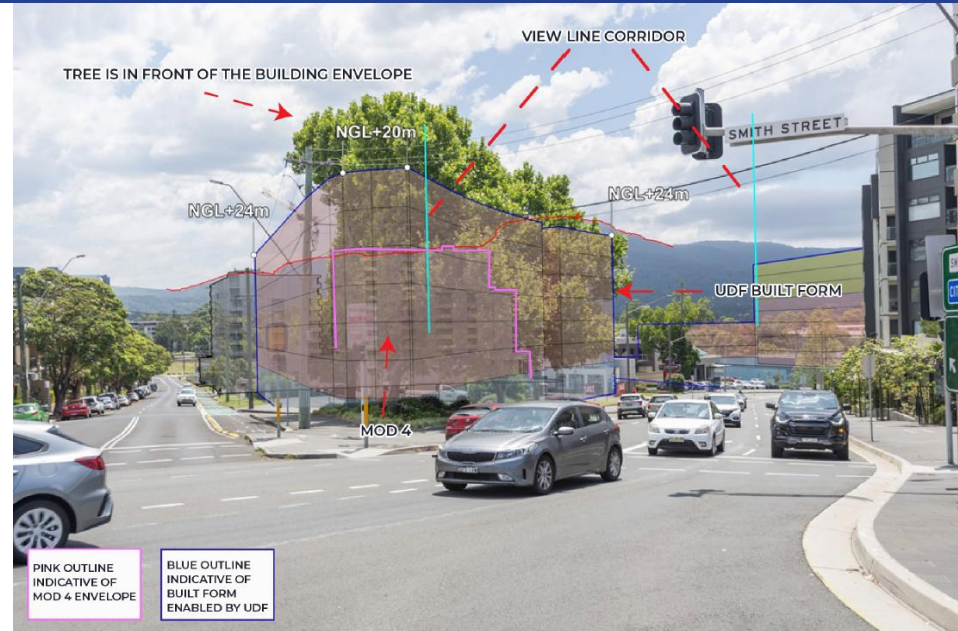
- Does not change the proposal as a top housing development with activated ground floor non-residential uses,

Item	Matters Raised	Proposed Response - Summary
		▪ Maintains a consistent percentage of affordable housing in the development (at 15%) ▪ Does not result in any additional adverse environmental impacts, particularly those that were considered critical to the formation, design and assessment of the original consent. ▪ Does not change the perception of the development as a whole as a shop top housing buildings nor change the crucial elements of the building architecture and design features. ▪ Does not radically transform the geometry of building forms on the site, including as it relates to the key street frontage of Smith Street. ▪ Does not reduce the proposals compliance with key metrics of ADG and amenity (such as solar access, cross flow ventilation and unit mix) for the site and does not cause any significant impacts to surrounding properties and existing dwellings, from those of the original consent (including overshadowing). The relevant case law noted by Council has been comprehensively considered in the Modification Report at Section 3.11. Specifically, this includes the relevant case law of <i>Canterbury-Bankstown Council v Realize Architecture Pty Ltd [2024] NSWLEC 31</i> (Realize) and the earlier case of <i>Realize Architecture Pty Ltd v Canterbury-Bankstown Council [2023] NSWLEC 1437</i>, along with <i>Moto Projects (No 2) Pty Ltd v North Sydney C [1999] NSWLEC 280</i> (which was considered in the 2023/2024 judgments). This case law informed the assessment. The guidance in Realize directed that both the quantitative and qualitative features of the development are to be considered and although when looking at development features on a quantitative basis alone there may be differences, the assessment should be looked at both quantitatively and qualitatively when considered with an amended development is substantially the same. Whilst there are undoubtedly differences between the original consent and the proposal, the proposal, when considered in holistic terms applying Realize, as set out in the Modification Report and above, is “substantially the same”.
2.	Building Height <i>The Modification Report by Colliers Urban Planning dated 4 March 2026 states:</i> <i>This modification application proposes a minor increase in height on the northern portion of the site only (Building 2), increasing the approved 10 storey northern building by 3</i>	Noted. Refer to item 3 below.

Item	Matters Raised	Proposed Response - Summary
	storeys, accommodating adding an additional 26 dwellings above the current approval. The modifications are sought in response to release for public exhibition of the draft 'Flinders Street Precinct Urban Design Framework' (UDF) by Wollongong City Council which proposes significant development uplift through the precinct north of Wollongong CBD.' (p. 4)	
3.	The proposed modification would result in Building 2 having a building height of 41.655m. This exceeds the maximum 24m height permitted in Wollongong Local Environmental Plan 2009 and 24m in Council's exhibited Draft Flinders Street Urban Design Framework (Draft UDF). It also exceeds the maximum 30% affordable housing height bonus provided under State Environmental Planning Policy (Housing) 2021, which limits height to 31.2m.	The proposal is entirely consistent with the anticipated height of the site under the UDF at 40m (with minor elements only above 40m), which sees the proposal 'give effect' to the strategic intent of Council in the draft UDF for the Flinders Street Precinct and this block in particular. Notwithstanding, as set out in the Modification Report, the proposed building height, in relative terms to the permitted height at 31.2m is an appropriate and justified application of the flexibility afforded under the planning framework. This is particularly relevant in the context of high demand for housing (including affordable housing) from all levels of government, the site being well located, and which is demonstrated to be capable of readily accommodating additional housing in a manner which does not result in impacts either internal or external to the site.
4.	Council does not consider the applicant has adequately justified contravening the permitted height standards. The justification on pages 33 and 35 of the Colliers report does not demonstrate that compliance with the height standard is unreasonable or unnecessary in the circumstances, nor does it establish adequate planning grounds for the height exceedance. Specifically, Council notes that the proposed height is inconsistent with the Draft UDF, despite the applicant's claims of compliance.	Section 6.1 (Building Height) of the Modification Report provides assessment against the relevant provision of the Housing SEPP, outlining that the development is consistent with the objectives of the height of building development standard in Clause 4.3 of the Wollongong LEP 2009. It is noted that the building height, as measured at 42.74m. The remainder of the building parapet is below this height. As the proposal is not a Development Application, Clause 4.6 of Wollongong LEP 2009 does not apply and therefore, in specific terms, the relevant considerations under clause 4.6 to demonstrate that a variation to the development standard is "unreasonable or unnecessary" does not apply. Notwithstanding, Section 6.1 of the Modification Report sets out a detailed assessment of the proposal and building height, including consideration of Council's comment, relating to whether compliance is unreasonable or unnecessary in the circumstances, and the relevant environmental planning grounds. The Modification Report prepared does not purport that the proposal complies with the draft UDF, rather, as set out above, the Modification Report specifically addresses the non-compliance to the current height of building control. Regarding consideration of the proposal against the draft UDF:

Item	Matters Raised	Proposed Response - Summary
		- Given its status as a draft design framework (which will inform a future Planning Proposal), there is no requirement for strict compliance with the draft UDF. The draft framework has some sound principles, including recognition of the suitability increased height within Flinders Street Precinct. The draft UDF is not a finalised document and is not yet a draft Planning Instrument. - The Modification Report and accompanying View Analysis provides clear justification and rationale that challenges the assumption and methodology of the view corridors in the Draft UDF, which are tied to the proposed building height. This is set out in Section 6.9.2 the Modification Report. - The following photomontage shows: - The MOD 4 envelope (in pink outline). - UDF view cone lines (in light blue outline). - Indicative built form enabled by the draft UDF (in blue outline), however for assessment purposes limited to no greater than 24m in building height. - Mt Keira ridgeline (in orange).

Item	Matters Raised	Proposed Response - Summary
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It is the findings of this report that the proposed modification would be visually blocked in its entirety by potential future development of the corner site when viewed from the corner of Smith and Flinders Streets as demonstrated in the below photomontage.

The additional floors proposed in MOD 4 will not be visible from the UDF viewpoint in the future Flinders Street Precinct context or the existing controls which permit up to 24m buildings. This remains the case even if future buildings do not receive a 30% AH bonus and stay below the 24m view cone height, which aligns with the existing height limit. Furthermore, future context buildings are positioned behind an existing cluster of mature trees, which fully obscures the proposal from the UDF view corridor.

It should also be noted that as surrounding sites are developed in the future, views through the subject site toward Mount Keira from this location will already become increasingly limited. Therefore, the proposed modification will not create any additional or unreasonable visual impacts beyond those already anticipated as part of the broader evolving precinct.

Item	Matters Raised	Proposed Response - Summary
		When considering the specific circumstances of the site and the clear environmental planning grounds, including lack of impacts (both on and off the site), and the retention of the key views in the UDF the proposed building height is appropriate. As set out in the planning report, the proposal remains compliant with the maximum FSR control for the land, remaining well below the maximum permissible FSR.
5.	<i>If the Department supports additional height beyond that foreshadowed in the Draft UDF and permitted by WLEP 2009 and SEPP (Housing) 2021, it may be more appropriate to provide additional uplift to the southern tower facing Smith Street in order to ensure it sits outside of the view corridor. If any uplift remains proposed to the northern tower, it should be focused on the southern portion of this tower only around Lift A3, which would consist of approximately 4-5 units per floor only.</i>	The comments from Council are noted. The proposed location of increased building height has been carefully considered against the internal, and crucially, external impacts of any changes. To provide clarity to the design process and the rigour of the design development process, and testing, a statement has been prepared by Team2 Architects and is provided at Attachment B to this response. The location of the additional dwellings in Building 2 has been deliberately and rigorously tested through the design development process, including consideration of an alternative southern location (proximate to Smith Street). The adopted northern siting represents the most appropriate urban design and amenity outcome when assessed against Council's key concerns, including overshadowing, view sharing, built form transition and compliance with the Apartment Design Guide (ADG). ▪ Impact to View Corridors - The proposed uplift has been developed with careful consideration and respect of the intent of the view corridor controls, maintaining view sharing outcomes and ensuring no impacts to the key views sought to be preserved in the UDF. The mapping provided in this response, along with the plans included in the View Analysis (Attachment E of the Modification Report) demonstrates the proposal's consistency with the purpose of the UDF. ▪ Northern vs Southern Location - The northern location of the additional dwellings has been selected in preference to a southern (Smith Street) outcome due to its significantly reduced impact on surrounding residential amenity. ▪ Impacts to Apartment Amenity - The location of the proposed additions ensures that the remaining apartments on the site continue to achieve compliance with the Apartment Design Guide, including the requirement for a minimum of 70% of dwellings receiving adequate solar access. The addition does not result in unacceptable amenity impacts within the development itself and maintains consistency with established design quality benchmarks. Conversely, locating additional height at the southern edge would concentrate bulk at the most sensitive interface, resulting in a less desirable urban design outcome, increased overshadowing,

Item	Matters Raised	Proposed Response - Summary
		and a diminished streetscape character. The adopted scheme therefore provides a more appropriate response to the surrounding precinct structure and built form hierarchy. ▪ Solar Access / Sun Eye Analysis - the location proposed height does not result in any material increase in overshadowing to properties south of Smith Street. Testing undertaken as part of the overshadowing analysis confirms that relocating the additional height to the southern tower would result in increased overshadowing to residential properties on the southern side of Smith Street, as well as additional shadowing of the public domain. In contrast, the adopted northern location, specifically around lift core A3, limits additional overshadowing to areas already subject to built form influence and avoids introducing new or unreasonable impacts to sensitive southern interfaces. ▪ Streetscape - The analysis also demonstrates that the Smith Street frontage retains a lower-scale presentation, reinforcing the appropriateness of the built form distribution and minimising perceived impacts at the pedestrian level. Overall, the proposed uplift represents a carefully resolved outcome that balances additional development yield with the protection of surrounding amenity, achieving a superior result to the alternative southern siting when assessed against Council's key concerns.
6.	<i>It should also be noted that providing the uplift on the northern tower would result in additional overshadowing to the Building 1 (and in turn possible reduced amenity and solar non-compliance for units within the Building 1).</i>	Section 6.5 (Solar Access and Overshadowing) of the Planning Report confirms that the proposed built form amendments do not result in any additional adverse impacts within the site (or adjoining properties). Locating additional height to the northwestern corner of the site provides a unique opportunity to maintain and maximise on site residential amenity and housing provision in the region, whilst not generating any additional overshadowing to surrounding dwellings, including the existing resident building to the south of Smith Street. Similarly, the proposal does not impact the podium open space beyond the existing approval (as measured in mid-winter) due to the orientation of the site (and path of the sun), as seen through the analysis of the original proposal and proposed development view from the sun diagrams. Annotated extracts of the view from the sun diagrams (Appendix A), are provided below that demonstrates the lack of any external amenity impacts. Furthermore, the shadow diagrams provided at Appendix A of the Modification Report confirms that the development, as proposed to be amended, maintains more than 70% solar access to apartments in mid-winter. More specifically, Building 1 achieves 87.1% (as set out in Appendix C of the Modification Report)

Item	Matters Raised	Proposed Response - Summary
		and shown on Sheets DA-8302 and DA-8304 of Appendix A of the Planning Report – Provided at Attachment C .
7.	<i>Providing the taller built form along Smith Street (as opposed to the northern portion of the site) would also likely result in a better urban design outcome and more appropriate transition and distribution of height across the site, particularly when considering the current proposed building heights in Stage 2 West.</i>	As set out in response to Council RFI no 5. (and Attachment B of this RFI) the location of additional building height has been carefully considered. Relocating additional massing to the south, including on Smith Street, would result in poorer amenity outcome to surrounding dwellings and inappropriate urban design response.
Flinders Street Precinct Urban Design Framework (UDF)		
8.	<i>Council's Draft UDF was publicly exhibited 3 November-15 December 2025 and has not yet been reported back to Council.</i>	Noted. As set out in the Planning Report, a formal submission was made during the exhibition period and separate engagement with Council on the UDF also took place pre and post public exhibition. The formal submission is included at Attachment A .
9.	<i>The site sits within areas D and E as shown on Figure 37 of the Draft UDF. Note, the white lot boundaries in Figure 37 do not reflect current lot boundaries. Figure 7 in the Collier's report does not accurately show the site or specifically Building 2, where the extra 3 storeys are proposed. The Colliers report incorrectly states that the site is subject to a 40m height control in the UDF, however Building 2 is located within the 24m hatched area. It may be helpful for assessment if the applicant provides a plan showing the site superimposed on Draft UDF Figure 37. The applicant's Team 2 Architects plan DA-0200 Rev 3 dated 5 December 2025 shows the site's northern boundary is a continuation of Charlotte Street.</i>	Noted. The location of the proposed additional building height is located substantively within the area categorised for a base height of 40m. For the reasons set out in the view assessment within the Planning Report and Appendix E of the Planning Report, additional building height in this location, including to the north-western corner of Building 2, does not result in any impact of to the preservation of the key view corridor to Mt Keira.
10.	<i>Views to Mount Keira from various locations within the precinct, including the Keira/Smith Street intersection, remain important and highly valued and are reflected in the Draft UDF.</i>	Noted and agreed. The Updated Visual Analysis prepared by Colliers (Appendix E) considers the potential visual impact of the proposal and addresses the requirements of the SEARs. This assessment confirms that the proposed modification does not generate new or additional impacts that would give grounds to not support the proposal in accordance with the Department's original conclusion of the development, as follows:

Item	Matters Raised	Proposed Response - Summary
		• It would support State government priorities to deliver well-located housing as it would deliver 176 market and 31 affordable housing apartments in an accessible location • It provides shop top housing which is permissible with consent and consistent with the objectives of the Wollongong Local Environmental Plan 2009 E3 Productivity Support zoning • It provides a bulk and scale which is compatible with the envisaged character of the area and an appropriate built form relationship to adjoining developments • It would not result in unreasonable overshadowing, visual, privacy, traffic or other amenity impacts on adjoining development or the public domain • It would provide for several hundred construction jobs and 30 operational jobs. With the above said, the proposed modification can be supported on view and visual impact grounds.
11.	<i>The proposed additional three storeys at the rear of the subject site is inconsistent with the Draft UDF – 4.5 Sub precinct (Flinders Street South) as:</i> • <i>The additional building height is located within the proposed hatched view corridor</i> • <i>Does not comply with the view corridor height limit of 24m, and</i> • <i>Does not locate additional height within the identified increased height corridor along Smith Street</i>	The proposal is consistent with the Draft UDF, both in terms of providing additional building within the precinct and the preservation of key views. RFI response 4 and 5, along with the accompanying technical assessment provide a comprehensive response to each of these items.
12.	<i>Consequently, justification for these inconsistencies is to be submitted to the Department for assessment outlining why such a departure from the Draft UDF should be supported.</i>	The Planning Report and attached visual analysis provide a comprehensive assessment of the proposals against the draft UDF, including careful and specific consideration and response to the view corridors proposed and the proposal impact to the views seeking to be maintained. As set out in the reports, and as demonstrated in the response above, the proposed is demonstrably consistent with the intended outcomes of the UDF.
Traffic and Car Parking		
13.	<i>Condition B18 of Modification 3 issued 19 December 2025 requires a roundabout to be provided at the Smith/Young</i>	A combined response to these items (13 to 17) is provided below.

Item	Matters Raised	Proposed Response - Summary
	<i>Street Intersection which would accommodate the future traffic demands from the development whilst also calming vehicle speeds on Smith Street to improve safety and amenity for all road users in the area, including pedestrians and cyclists.</i>	The proponent has been in active and sustained engagement with Wollongong City Council's Development Engineering team regarding the public domain and infrastructure upgrade works required under Conditions B18 and B19 of SSD-67895459. A chronology of key correspondence is set out below.
14.	<i>The development plans still show the offset 'left in left out' intersection, which is not supported.</i>	• 23 July 2025 — Engineering plans and specifications for the Public Domain and Infrastructure works prepared by the proponent (UPG) and issue to Council seeking Council's endorsement and approval. Council responded the same day confirming the formal approval pathway, including the requirement for a Frontage Works application (B18) and a separate Section 138 Roads Act 1993 approval (B19), and setting out the full engineering documentation required for assessment.
15.	<i>An offset intersection would result in traffic impacts and vehicle friction in close proximity due to the nearby location of the Young Street intersection, as well as turning impacts elsewhere on the network as drivers re-orientate themselves as a result of any 'left in left out' restrictions. It should also be noted that physical restrictions such as a median or traffic island would be required to reinforce any proposed 'left in left out' restrictions which would constitute a trip hazard/barrier for pedestrians moving around in the local area (a safety and amenity issue), which would not be needed in lightly trafficked periods of the day or late at night.</i>	• October 2025 — UPG lodged the formal Frontage Works application with Council. • 30 October 2025 — Assessment was confirmed by Council to be underway but progressing concurrent to other commitments • 2 December 2025 — Preliminary civil engineering comments and formal landscape plan assessment comments provided by Council, including required amendments relating to pram ramps, pedestrian treatments, street tree detailing (structural soil modules), paving specifications, and vehicle crossing detailing, to bring the design into compliance with the City Centre Public Domain Technical Manual.
16.	<i>As per Condition B18 of Modification 3, a consolidated roundabout access is to be provided at the Smith/Young Street Intersection which would accommodate the future traffic demands from the development whilst also calming vehicle speeds on Smith Street to improve safety and amenity for all road users in the area, including pedestrians and cyclists.</i>	• 9 December 2025 — Council issued a formal additional information letter consolidating all engineering and landscaping comments. • 9 March 2026 — UPG lodged the Public Domain submission addressing all Council comments, with ATB Consulting having revised the design accordingly. • 15 April 2026 — Council acknowledged receipt of the updated submission and confirmed that Council will prioritise and revert shortly.
17.	<i>Council has been in discussions with the applicant's traffic engineer regarding an acceptable 'Safe System' roundabout which achieves the safety outcomes necessary for the proposed development and the surrounding road network. The roundabout design currently being refined is based on an internal concept provided by Council's design engineers.</i>	This correspondence demonstrates that UPG has proactively engaged with Council on the B18/B19 works, has complied with Council's procedural requirements, and has substantively addressed Council's engineering and landscape comments in the revised submission currently under Council review. UPG remains committed to continuing this engagement through to final approval, including any Local Traffic Committee referral required for line marking and traffic device elements, and the subsequent Section 138 application prior to commencement of works.

Item	Matters Raised	Proposed Response - Summary
18.	<i>It is noted that the Traffic Statement prepared by Colliers is using incorrect waivers in the car parking assessment which will result in a car parking shortfall based on the TfNSW Guide to Transport Impact Assessment and Wollongong Development Control Plan 2009 (WDCP 2009) Chapter E3 Car Parking, Access, Servicing / Loading Facilities and Traffic Management.</i>	As set out in the Apartment Design Guide (ADG), developments located in certain areas should provide the minimum residential car parking requirement as specified in the TfNSW Guide to Traffic Generating Developments (the Guide) 2002, or the car parking requirement prescribed by the relevant council, whichever is less. Given the site is located within 400 metres of land zoned E2 Commercial Centre and MU1 Mixed Use, these provisions apply. In addition, where bus stops are within 400 metres and/or a railway station is within 800 metres and a public car park with greater than 50 spaces are within 400 metres exists, consideration of a 30% reduction in the parking requirement may be applied. Whilst the provisions of a DCP are appropriate in the consideration and assessment of a State Significant Development Application, the guidance in the ADG, as referenced by the Housing SEPP, is appropriate in this instance.
19.	<i>Under WDCP 2009 Chapter E3 Clause 3.4.2 a 30% waiver in car parking is not permitted for residential development, only non-residential. The report also makes reference to B3 and B4 zones which have since been superseded by E2 and MU1 zones.</i>	Noted. Significantly, the overall provision of 183 parking spaces remains unchanged. Indeed, the modification represents a reallocation of the parking supply rather than a reduction.
20.	<i>Council does not support the proposed reduction in visitor parking spaces. The development proposes a shortfall in visitor parking with a proposed lower rate of 0.1 spaces per dwelling. Visitor parking needs to be provided at a rate of 0.2 spaces per dwelling as per the TfNSW Guide to Transport Impact Assessment, and WDCP 2009 Chapter E3.</i>	The minor reduction to residential visitor parking spaces and increase in bicycle parking space is considered in the Traffic Statement (Appendix F). The proposal is submitted as reasonable and supportable based on the site's context, the characteristics of the development, and established principles as set out in the Traffic Statement. • High transport accessibility - The site is located within a highly accessible transport corridor, including proximity to Wollongong Railway Station (~800 m), bus services (~300 m), and the Wollongong CBD (~400 m). Developments in such locations typically exhibit lower private car use by both residents and visitors. Clause 7.4 of the Wollongong DCP explicitly allows reduced parking rates for developments located near public transport and public parking facilities. The ADG also supports merit-based reductions where high accessibility is demonstrated. • Lower visitor demand associated with affordable housing

Item	Matters Raised	Proposed Response - Summary
		- A portion of the development comprises affordable housing, which is consistently associated with lower car ownership and lower visitor parking demand. This aligns with demand profiles observed in comparable mixed-tenure and key-worker housing projects across metropolitan areas. • Provision of additional visitor bicycle parking - To support sustainable travel and accommodate short-stay trips without reliance on private vehicles, the proposal includes 20 additional visitor bicycle spaces. This substantially enhances active-transport capacity and aligns with Council's broader strategic emphasis on cycling and mode shift. • No reduction in the total parking supply - The overall provision of 183 parking spaces remains unchanged. The modification represents a reallocation of the parking supply rather than a reduction. Residential parking increases to better reflect on-site demand, while visitor parking remains sufficient given the site's accessibility and mobility context. Visitor Bicycle Parking Increases The development will now provide an additional 20 visitor bicycle parking spaces, increasing the overall visitor bicycle parking supply and enhancing active transport accessibility to the site. Including these additional spaces, the total bicycle parking provision exceeds the minimum requirements of the Wollongong DCP for the modified scheme (80 spaces). The expanded visitor bicycle parking allocation also directly supports the reduced visitor car parking rate and provides a practical alternative for short-stay trips to and from the site. This increase will promote active and sustainable transport and will support the mode share and environmental/transport objectives of Wollongong by reducing reliance on private vehicles (particularly for visitors). Further, the increased bicycle usage generated by the development will facilitate greater utilisation of the recently installed bicycle infrastructure to the Smith Street frontage of the site and the surrounding area. There remains flexibility within the Ground Floor and Level 1 layouts to accommodate additional bicycle parking if required. Options include converting or supplementing floor-mounted rails with vertical bicycle parking devices (BPDs) such as hoops or racks, as set out in the Traffic Statement. As shown on the plans the bicycle parking distribution includes 43 storage cage units across Ground Floor and Level 1, many of which can support a vertical BPD fixed to a wall, further improving bicycle storage capacity.

Item	Matters Raised	Proposed Response - Summary
21.	<i>Council's waste contractor, Remondis, has recently updated the vehicle specifications for vehicles that will enter multi dwelling developments to collect waste. The applicant must confirm that the specifications below have been used in the waste collection swept path assessment to ensure that the loading dock is sized appropriately. If not, there could be operational issues resulting from the collection of waste. Council's waste contractor will not enter a private site if manoeuvring is restricted and on street collection will not be accepted by Council or its contractor.</i>	The loading dock design approved in the original SSDA has not been altered through any of the subsequent modifications and is currently under construction. The proposal maintains compliance with waste numbers for the proposed 26 additional apartments and the approved scheme has been designed to accommodate a 10.8m waste collection vehicle. As such, there is no rationale to alter the design of the loading dock.

Standard Size (Clean Up) Rear Loader	
Specification	Metres
Length Overall	10.54
Front Overhang	1.88
Wheelbase	4.5
Rear Overhang	4.16
Turning circle kerb to kerb	19
Turning circle wall to wall	22
Travel height	3.4
Clearance height for loading	3.4

7.12 Contribution		
22.	<i>The 'Estimated Development Cost Report (3 x Level Uplift ONLY) – Part 1' by Construction Consultants dated 6 March 2026 states the estimated development cost (EDC) of Modification 4 is \$8,945,999.</i>	The 'Estimated Development Cost Report (3 x Level Uplift ONLY) – Part 1' by Construction Consultants dated 6 March 2026 confirms that the estimated development cost (EDC) of Modification 4 is \$8,945,999. This EDC is in addition to previous EDCs. As such, the figure represents the cost of the additional floors only, not the total project EDC.
23.	<i>If the application is approved, condition A7 of the current consent should be amended to reflect the increased EDC associated with Modification 4, and require payment of an increased 7.12 contribution before issue of a construction certificate for Modification 4.</i>	Noted.

1.2 Public

The Applicant's responses to the public submissions received are detailed in **Table 2** below.

Table 2 *Public Submissions*

Item	Summary of Matters Raised	Raised in	Responses
Character of the area			
PS-1	Bulk and scale - The bulk and scale of the development was considered excessive for the area, and would dominate the streetscape and skyline inappropriately. - Proposal would erode the established low- to- medium density character of the neighbourhood.	2 submissions	Refer to Section 6.1 (Building Height) of the modification report which provides justification for the proposed development height and Section 6.2 (Gross Floor Area and Floor Space Ratio) for validation of the proposed development FSR.
Existing infrastructure			
PS-2	Insufficient existing infrastructure - The modification proposed would increase strain on local infrastructure (e.g., public transport, open space, and utilities). This would erode the established low- to medium-density character of the neighbourhood. - Objection to any increases in the number of apartments until the available infrastructure has been increased to a suitable level.	2 submissions	Refer to the SSD EIS which discusses the development's impact on existing infrastructure in substantial detail, and the suitability of the site for development. It is further noted that Council has concurrently exhibited the draft UDF for residential growth in the precinct
Transport and access			

Item	Summary of Matters Raised	Raised in	Responses
PS-3	Parking - Parking pressure will exacerbate traffic congestion and on-street parking shortages in the immediate vicinity, all of which have the potential to create safety risks. - No provision of on or off-site parking as part of modification proposal.	2 submissions	Refer to Section 6.6 (Car Parking) of the modification report, and Appendix F (Traffic Statement)
PS-4	Traffic generation, safety and congestion - The increased scale of the development would generate additional vehicle movements. The local streets are already congested, and the increased traffic and parking pressure will exacerbate traffic congestion. - There is a real concern there is a lack of infrastructure to facilitate further increases in traffic. - Any increases in the number of apartments will add to congestion & add increased pressure to the limited existing facilities.	3 submissions	Refer Appendix F (Traffic Statement) of modification application.
Housing			
PS-9	Affordable housing The approved development has already taken up "in-fill affordable housing" concessions. This current proposed modification would increase the nine-level section of the building to twelve floors, and would therefore appear to be a complete abuse of the current affordable housing concessions.	1 submission	Refer to Section 4.3 (Compliance with relevant Environmental Planning Instruments) of the modification report, which confirms the proposal remains consistent with the assessment of the provisions in Chapter 2 of the Housing SEPP.
Height			
PS-12	Height of building The proposed modification would dominate the streetscape and skyline inappropriately.	3 submissions	Refer to Section 6.1 (Building Height) of the modification report which provides justification for the proposed development height.

Item	Summary of Matters Raised	Raised in	Responses
	The proposed extra height would ruin loss of views.		
PS-13	Overshadowing The proposed building would result in severe overshadowing of my property and surrounding residences, particularly during winter months.	1 submission	Refer to Section 6.2 (Solar Access and Overshadowing) of the modification report, which confirms that the proposed built form amendments do not result in any additional adverse impacts to surrounding dwellings or open space from an overshadowing standpoint.
PS-14	Property Value The proposed extra height ruins views of the escarpment, and consequently negatively impacts on the value of existing properties facing the escarpment.	1 Submission.	The Updated Visual Analysis prepared by Colliers (Appendix E) considers the potential visual impact of the proposal and addresses the requirements of the SEARs.