

Modification Report

Shop Top housing Development with Infill Affordable Housing
106 and 120-122 Smith Street and 3A Charlotte Street, Wollongong
SSD-67895459 MOD 3

Submitted to Department of Planning, Housing and Infrastructure
on behalf of The Smith Street Development Partnership Pty Ltd



'Gura Bulga'

Liz Belanjee Cameron

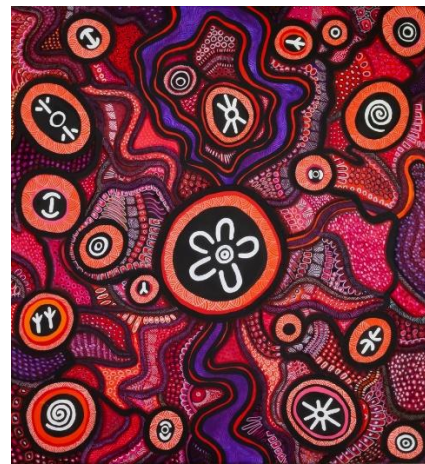
'Gura Bulga' – translates to Warm Green Country. Representing New South Wales.



'Dagura Buumarri'

Liz Belanjee Cameron

'Dagura Buumarri' – translates to Cold Brown Country. Representing Victoria.



'Gadalung Djarri'

Liz Belanjee Cameron

'Gadalung Djarri' – translates to Hot Red Country. Representing Queensland.

Ethos Urban acknowledges the Traditional Custodians of Country throughout Australia and recognises their continuing connection to land, waters and culture.

We pay our respects to their Elders past, present and emerging.

In supporting the Uluru Statement from the Heart, we walk with Aboriginal and Torres Strait Islander people in a movement of the Australian people for a better future.

In March 2025, Ethos Urban took a major step toward future growth by partnering with leading professional services firm, Colliers. While our name evolves, our commitment to delivering high-quality solutions remains unchanged—now strengthened by broader access to property and advisory services and expertise.

Contact:

Stephen Gouge
Director

sgouge@ethosurban.com

This document has been prepared by:

JHergarthy

Joseh Hergarthy

4 November 2025

This document has been reviewed by:

Stephen Gouge

Stephen Gouge

4 November 2025

Version No.

Date of issue

Prepared by

Approved by

1.0 (DRAFT)

24/09/2025

JH

2.0 (DRAFT)

03/10/2025

JH

SG

3.0 (FINAL)

10/10/2025

JH

SG

3.0 (FINAL)

07/11/2025

JH

SG

Reproduction of this document or any part thereof is not permitted without written permission of Ethos Urban Pty Ltd. Ethos Urban operates under a Quality Management System. This report has been prepared and reviewed in accordance with that system. If the report is not signed, it is a preliminary draft.



Ethos Urban Pty Ltd | ABN 13 615 087 931 | Sydney NSW | Melbourne VIC | Brisbane QLD | ethosurban.com

Contents

1.0	Introduction	5
1.1	The Applicant	5
1.2	Overview of the approved development	5
1.3	Prior modifications to the consent.....	5
1.4	Background	6
2.0	Strategic context.....	9
3.0	Description of the modifications	10
3.1	Modification Overview	10
3.2	Car Parking Layout.....	10
3.3	Amendments to riser and bin room layout.....	12
3.4	Minor Internal layout of units.....	12
3.5	Level 9	13
3.6	Roof Plan Amendments	13
3.7	Façade Amendments (including balcony) and Materials Selection	13
3.8	Gross Floor Area	15
3.9	Affordable Housing Provision and Mix	15
3.10	Modifications to conditions	16
3.11	Substantially the same development	17
3.12	Modification Category.....	17
4.0	Statutory context	18
4.1	Power to Grant Consent	18
4.2	Permissibility	18
4.3	Compliance with relevant Environmental Planning Instruments	18
4.4	Housing SEPP – Infill Affordable Housing	19
5.0	Community engagement	19
6.0	Assessment of impacts	20
6.1	Building Envelope, Gross Floor Area and Floor Space Ratio	20
6.2	Floor Space Ratio	20
6.3	Affordable Housing Amenity.....	21
6.4	Car Parking	21
6.5	Design Excellence.....	21
7.0	Justification of the modification project	22
8.0	Conclusion.....	23

Figures

Figure 1 Location of site within the Wollongong City Centre Map 7

Figure 2 Location of site relative to the Metro Wollongong Precinct Strategy 7

Figure 3 Existing and Proposed Ground Floor Plan.....11

Figure 4 Existing and Proposed Level 8 Plan (extract).....12

Figure 5 Existing and Proposed Level 9 Private Open Space (adjacent A3-8.07)13

Figure 6 Existing and Proposed East Elevation 14

Figure 7 Existing and Proposed Materials Palette 14

Tables

Table 1 Applicant Details.....5

Table 2 Approved and proposed GFA and FSR.....15

Table 3 Affordable Housing Provision15

Table 4 Summary of compliance with relevant environmental planning instruments18

Table 5 Statutory Compliance Table – Housing SEPP (Infill Affordable Housing).....19

Appendices

Appendix	Author
A. Updated Architectural Plans	Team2
B. Architectural Design Statement	Team2
C. Revised BASIX Certificate	E-Lab Consulting

1.0 Introduction

This Modification Report has been prepared by Ethos Urban on behalf of The Smith Street Development Partnership (the Applicant) to accompany a Modification Application pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). It seeks to modify State Significant Development (SSD) Application (SSD-67895459) for Infill Affordable Housing at 106 & 120-122 Smith St And 3a Charlotte St, Wollongong

Section 4.55(1A) states that a consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the *Environmental Planning & Assessment Regulation 2021* (EP&A Regulations), modify the consent if it is satisfied that the proposed development to which the consent as modified relates is of minimal environmental impact, and is substantially the same development as the development for which was originally granted.

This application proposes several minor internal and external design amendments. As the proposed modifications are of a minor nature, they will not result in an outcome that is substantially different from the approved development and will not alter the development compliance.

This report has been prepared in accordance with Part 5 of the EP&A Regulations and the Department of Planning and Environment's (now known as the Department of Planning, Housing and Infrastructure) State Significance Development Guidelines – Preparing a Modification Report. It identifies the consent to be modified, describes the proposed modifications and provides a planning assessment of the relevant matters for consideration.

1.1 The Applicant

The Applicant's details are presented in **Table 1** below.

Table 1 *Applicant Details*

Applicant:	The Smith Street Development Partnership
Address:	Suite 110, Level 1, 180-186 Burwood Road, Burwood NSW 2134
ABN:	88 792 718 697

1.2 Overview of the approved development

Development consent SSD-67895459 was granted by the Minister of Planning and Public Spaces on 4 April 2025 for a shop top housing development with infill affordable housing at 106 & 120-122 Smith St And 3a Charlotte St, Wollongong. Specifically, the approved development consists of the following:

Construction of a shop top housing development with infill affordable housing comprising:

- *two 7 to 10-storey residential buildings with ground level retail/commercial uses;*
- *145 apartments (including 25 affordable housing apartments);*
- *communal open space at podium and roof top level;*
- *two levels of above ground car parking with 183 car spaces;*
- *vehicular access from Smith Street and Charlotte Street with associated road upgrade works; and*
- *publicly accessible through-site link and landscaping works.*

1.3 Prior modifications to the consent

SSD-67895459 has been subject to one modification (SSDA-67895459-Mod-1) for the following works, approved on 31 July 2025:

- Loading dock driveway and north east facade corner modified from approved location due to exiting pressure gas line;
- Round columns added/relocated as per structural changes;
- Reconfiguration of A3 lobby, fire isolated corridor and fire pump room;
- 1 visitor parking moved from behind substation to next to fire pump room (not net change to car parking);

- Main switch room relocated from under the ramp to next to substation;
- Substation size & RL changed modified due to compliance requirements. The shop front elevation changed for substation and commercial to allow for extra doors and glazing;
- Gas meter relocation; • Communications room moved from ground floor to level 1;
- Minor amendments to unit entry doors (for fire compliance). Services core reconfiguration and associated unit layout amendments;
- Minor modification to the entry door of the stair core and adjacent unit entries to Building A1; and
- Layout of stair and toilet entry change to level 8 and 9.

A second Modification submitted in September 2025 (SSDA-67895459-Mod-2) and is yet to be determined (at the time of lodgement). The modification is for the inclusions of an additional floor where existing communal open space is located on Level 7 resulting in an additional five (5) units ('Level 7 modifications') and relocation of communal open space to Level 8 ('Level 8 modifications'). Specific, amendments to the development include the following:

- Additional 5 units added on level 7 towards north-east tower of Building 2 taking the total development to 150 units (from 145 approved)
- Approved communal area located on level 7 to be relocated to level 8
- Due to additional units added on level 7, the internal layout existing units on level 7 and 8 proposed to be updated.
- The RL of roof changed to allow for insulation under the slab.
- Affordable housing unit allocation and distribution amended, increasing the total from 25 to 27.

This application represents the third modification to SSD-67895459.

1.4 Background

1.4.1 Site Overview

The site is situated at 106 & 120-122 Smith St And 3a Charlotte St, Wollongong, within the Wollongong City Council Local Government Area (LGA). It is near existing services, being approximately 500m north-west of Wollongong Central Shopping Centre and approximately 800m north of the Wollongong Railway Station. The site also has ample access to public open space being approximately 200m southeast of Beaton Park and approximately 1.1km from the beachfront.

The site forms part of the Wollongong City Centre Precinct, as identified in the Wollongong Local Environmental Plan 2009 (WLEP). The objectives for development in the Wollongong City Centre Precinct are as follows:

- Promote economic revitalisation, strengthen the regional position of the Wollongong city centre as a multifunctional and innovative centre that encourages employment and economic growth.
- Protect and enhance the vitality, identity and diversity of the Wollongong City Centre.
- To promote employment, residential, recreational and tourism opportunities within the Wollongong City Centre.
- Promote housing choice and housing affordability while facilitating the development of building design excellence appropriate to a regional city.

The site is located in the Metro Wollongong Precinct and is subject to the *Metro Wollongong Precinct Strategy*, a strategy that sets out in the Illawarra Shoalhaven Regional Plan 2041 which is envisioned to play a key role as a connected and innovative powerhouse of the Illawarra Shoalhaven region.

The site's location context within the Wollongong City Centre Precinct and its context to the Metro Wollongong Precinct Strategy is illustrated in **Figure 1** and **Figure 2** respectively.

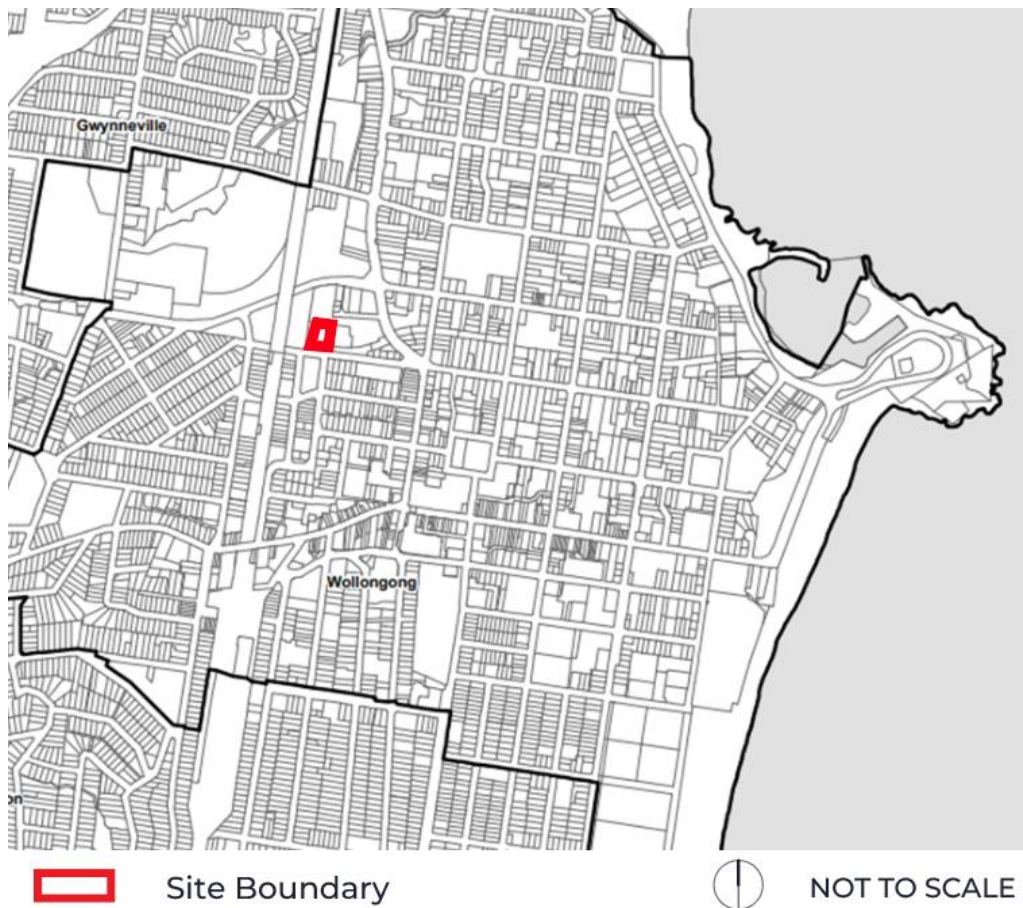


Figure 1 Location of site within the Wollongong City Centre Map

Source: WLEP 2009

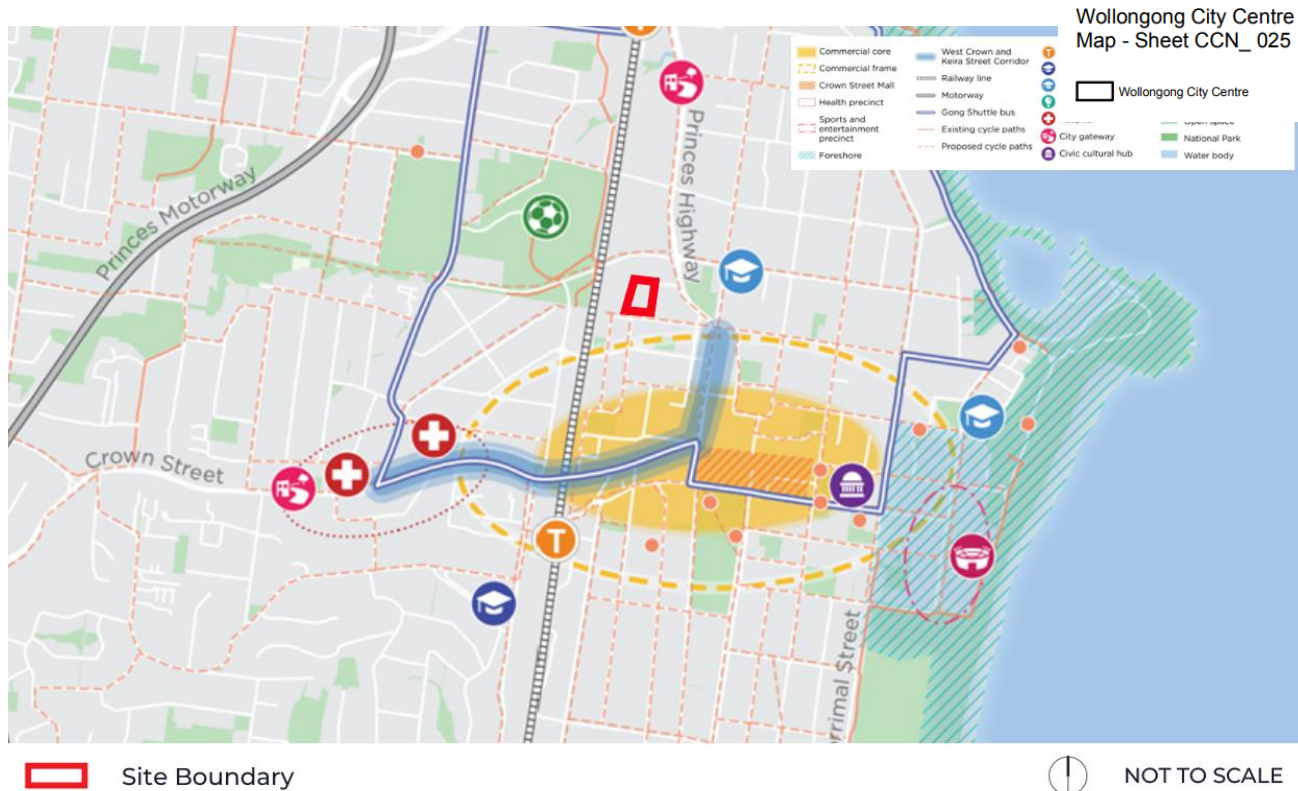


Figure 2 Location of site relative to the Metro Wollongong Precinct Strategy

Source: Illawarra Shoalhaven Regional Plan 2041

1.4.2 Analysis of Alternatives

During detailed design development, two alternatives were considered:

Option 1 – Do nothing

Under the 'do-nothing' alternative, the development will be constructed under the originally approved design, and does not consider the refinements to the design as well as the provision of additional housing and affordable housing

Option 2 – The Proposal

The proposal has been carefully considered to realise opportunities to maximise housing provisions, including affordable housing, within and below the densities anticipated under the applicable planning control, whilst ensuring no offsite impacts and high levels of internal amenity for future residents are provided.

Accordingly, Option 2 is the preferred option.

2.0 Strategic context

The modification remains consistent with the strategic context that was established in the approved development. In summary, the proposed modifications will continue to champion and deliver on numerous government initiatives relating to the delivery of additional housing supply and contributing to the growth and development of Wollongong as a centre:

- Deliver market and affordable housing consistent as aligned with the National Housing Accord 2022
- Delivering on key State and Premier's priorities, principally, through the delivery of additional housing within a strategic location. Additionally, the proposal will deliver on the priority of 'well connected communities with quality local environments'
- Aligns with key objectives under the Illawarra Shoalhaven Regional Plan 2041. Specifically, the proposal seeks to provide much need supply of housing compared to a compliant scheme, including potentially diverse and affordable types. This supply is optimally located within walking distance to public transport including the Wollongong and North Wollongong Train Stations, in addition to services, amenities and recreation facilities located within the surrounds.
- Consistency with the Our Wollongong Our Future 2032 Community Strategic Plan creating an Integrated communities close to public transport and local services and facilities focused around existing train stations and town and village centres and delivering greater housing choice
- Complement the broader Ward Street Masterplan endorsed by the North Sydney Council in 2019 by providing an educational facility that will support the knowledge and cultural hub that is recommended under the strategy.

3.0 Description of the modifications

This Section describes the proposed modifications to the approved project. It also outlines why the development, as proposed to be modified, is substantially the same development as that originally approved.

Following the determination of the SSD, ongoing investigation and engagement with Jemena and the other relevant utility providers was carried out, in preparation for construction.

In summary, the modification seeks to resolve unnecessary impacts and augmentation to key in ground infrastructure to Charlotte Street, whilst also incorporating minor internal amendments and design co-ordination items, in readiness for construction.

The proposal does not incorporate any alterations to the external building envelope that necessitate further impacts assessment and does not vary the building height or floor space of the proposal.

3.1 Modification Overview

The following amendments are proposed in this modification application, as indicated as clouded and annotated on the revised Architectural Plans (**Appendix A**). The modifications are annotated on the architectural plans and detailed in the supporting Design Statement (**Appendix B**), outlining the amendments by level.

The modification proposed include the following:

- Minor amendments to car parking layouts (and other minor amendments to ground and level)
- Minor amendment to riser locations and bin room and layout adjacent.
- Minor internal amendments to the layout of units
- Revisions of apartment and lift core numbering – no change to unit mix or number of units.
- Minor amendment to increase level 9 private open space (to 3 bedroom apartment)
- Roof plan amendments – including amendments to skylight
- Façade amendments (including balconies) and amendments to façade materials selection
- Minor modification of gross floor area and affordable housing location.

3.2 Car Parking Layout

The proposal incorporates some physical amendments to the car parking layout, along with some associated changes to adjoining services room and storage spaces on ground and level 1. These proposed amendment to not change the quantum and allocation of car parking spaces between uses, but vary the location of the space allocation and seek to increase the number of tandem spaces (for residential) from 9 to 20. The changes are driven by structural layouts.

The numbering and allocation of spaces has been arranged in a more rationalised manner and incorporates a boom gate to separate the visitor and commercial car parking, as shown in **Figure 3**.

Allocation of commercial spaces and inclusion of boom gate

Source: Team 2

3.3 Amendments to riser and bin room layout

As shown clouded on the Architectural Plan (**Appendix A**) the location of the risers and adjoining bin room layout on each typical levels are sought to be amended in this modification. These changes are negligible and do not alter the spatial allowances or the configuration of corridors. There are associated minor modifications that result to the adjoining units in some scenarios, which are also shown clouded on the plans.

3.4 Minor Internal layout of units

Minor internal modifications (within the extent of the existing unit configuration) are proposed typical levels. These changes include elements such as the internal layout of living/dining spaces as well as the layouts of some powder rooms and bathrooms – see extract of Level 8, building A3 in **Figure 4**.

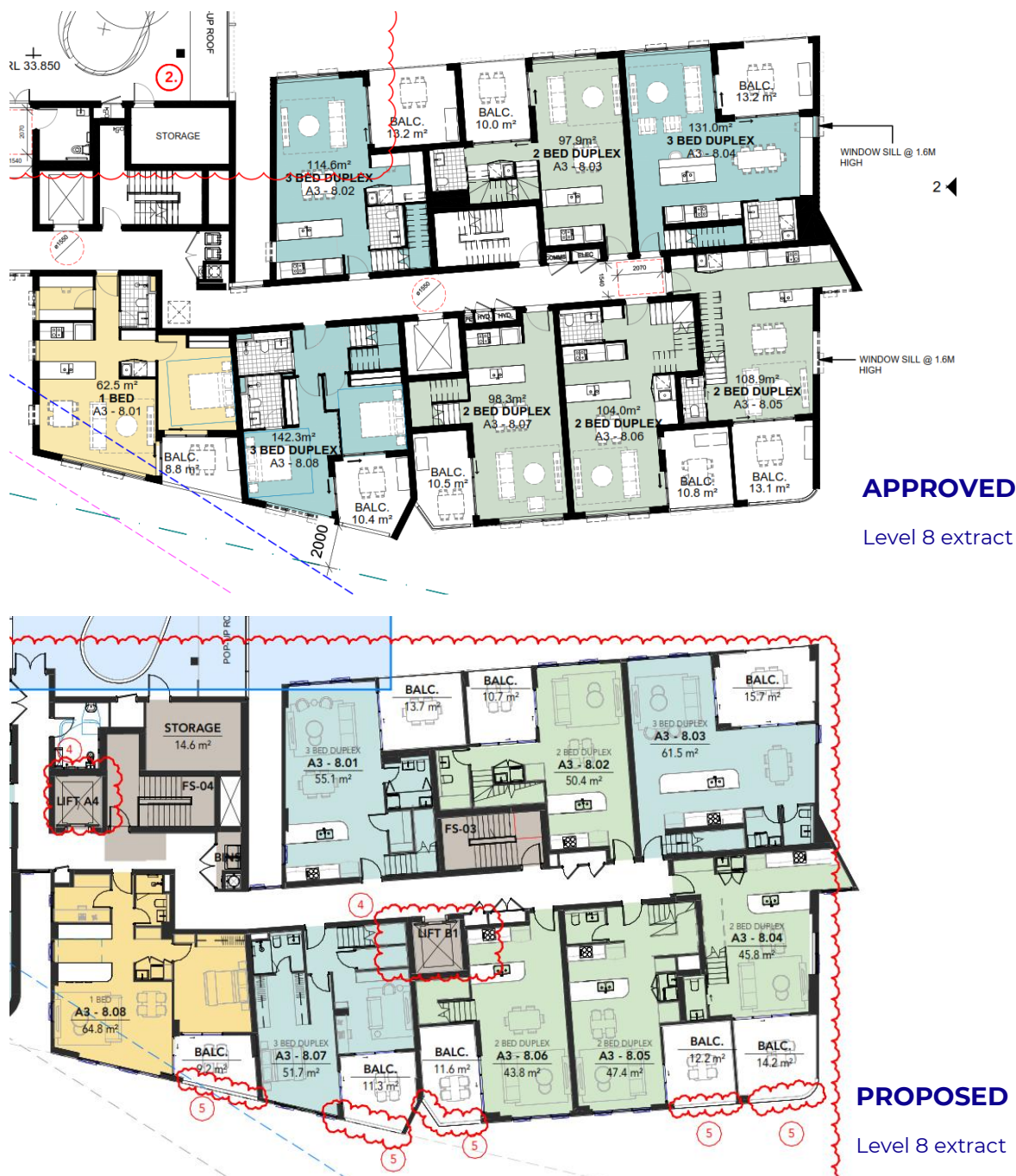


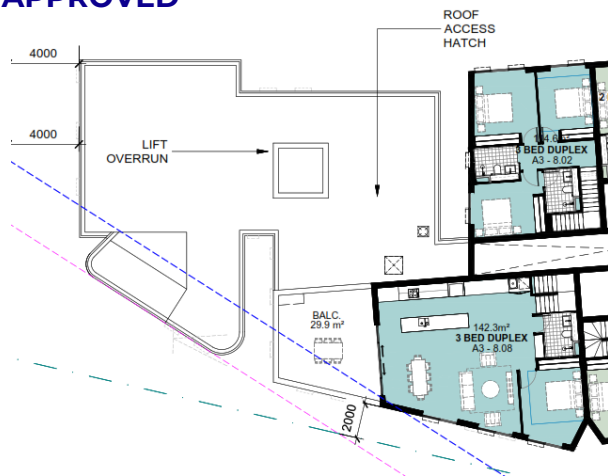
Figure 4 Existing and Proposed Level 8 Plan (extract)

Source: Team 2

3.5 Level 9

A minor amendment to the private open space of unit A3-8.07 is proposed to be incorporated, seeking to utilise the broader area of the adjoining roof space and increase balcony from 29.9sqm to 132.1sqm as shown on the extract of the plans in **Figure 5**.

APPROVED



PROPOSED

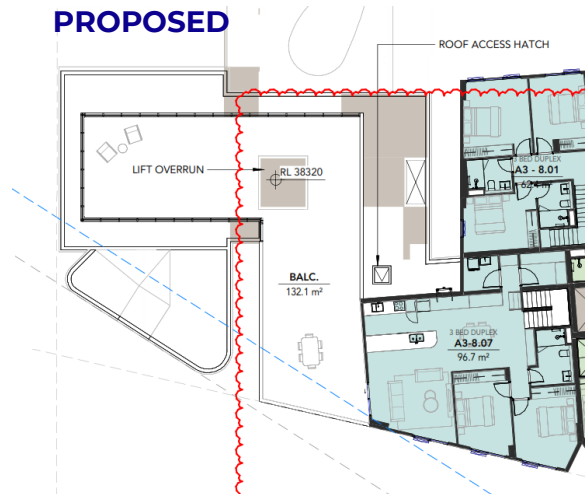


Figure 5 Existing and Proposed Level 9 Private Open Space (adjacent A3-8.07)

Source: Team 2

Other minor amendments are made to level 9 including previously proposed voids within the apartments as shown on the GFA plans (**Appendix A**).

3.6 Roof Plan Amendments

The proposal includes amendment to the roof level of building A1 and A2 to reconfigure the location of skylights (and include 1 x additional) which reflect the configuration and layout of the revised and corridors below.

3.7 Façade Amendments (including balcony) and Materials Selection

The proposed modification incorporates amendments to the façade design that seeks to deliver a more unified and resolved façade composition. The proposal incorporated amendments to the physical design and configuration of the façade in certain locations, along with amendment to proposed material in certain location (and introduction of 3 x new materials within the palette. These include full height privacy screening, dark grey concrete and aluminium plating – as shown in **Figure 6**.

The main area of the façade that are sought to be amended are balustrade to select balconies. These are proposed to incorporate changes from cementitious panelling to metal balustrading in sections as well as the inclusion of concrete upturns to selected balconies. Other aspects of the materials selection in this modification proposed concrete panelling in place on cementitious panelling previously proposed.

APPROVED



PROPOSED

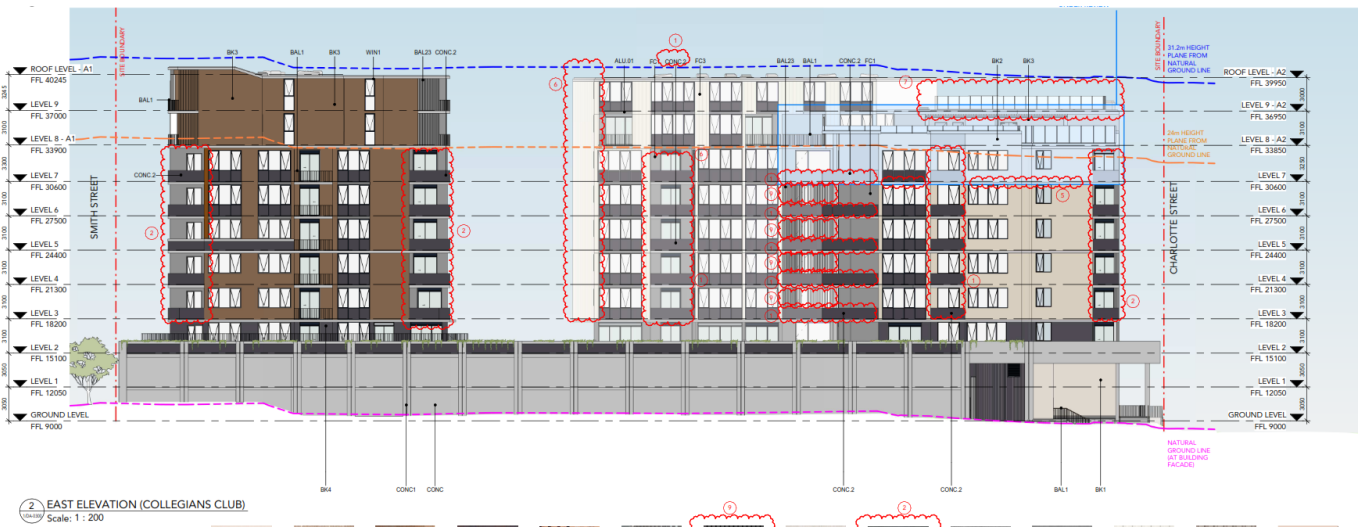
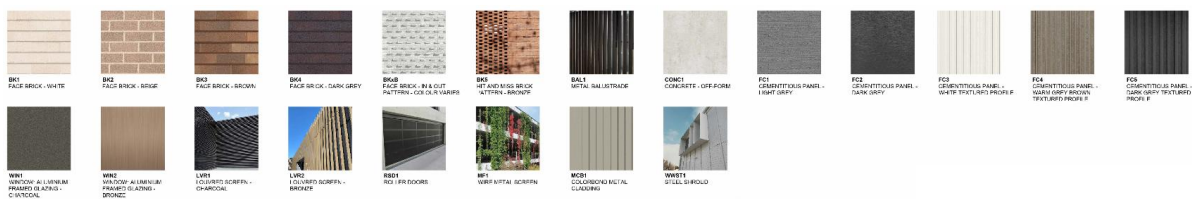


Figure 6 Existing and Proposed East Elevation

Source: Team 2

APPROVED



PROPOSED

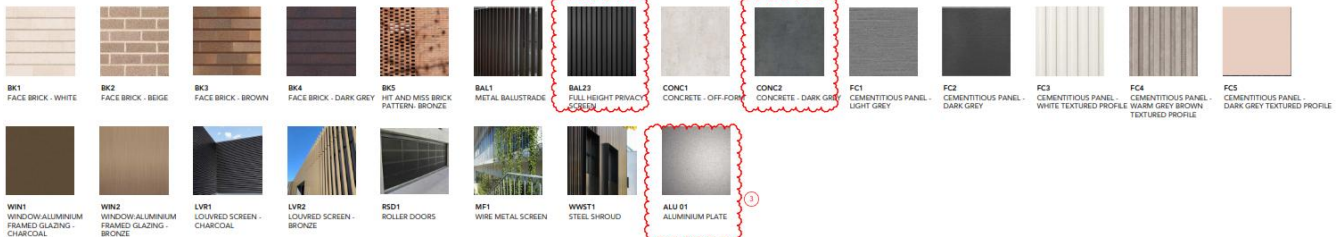


Figure 7 Existing and Proposed Materials Palette

Source: Team 2

3.8 Gross Floor Area

The proposal incorporates minor refinements to the overall Gross Floor Area (GFA)/Floor Space Ratio (FSR). Overall, the revised proposal involves an increase of 101.9m² from that proposed in Mod 2 (currently under assessment). The minor variance to GFA arises from amendments to the apartment layout and service areas included in GFA

The approved and proposed GFA and FSR is set out below in **Table 3** and indicated on the revised Architectural Plans at **Appendix A**.

Table 2 *Approved and proposed GFA and FSR*

	Approved	Mod 2 (under assessment)	Proposed	Change (Mod 2 to 3)
Gross Floor Area				
Residential	14,891sqm	15,356sqm	15,434sqm	+78sqm
Non-Residential	607sqm	607sqm	631sqm	+24sqm
Total	15,498sqm	15,963sqm	16,064.9sqm	+101.9sqm
Floor Space Ratio				
Residential	2.28:1	2.35:1	2.35:1	+0.1:1
Non-Residential	0.9:1	0.9:1	0.10:1	+0.1:1
Total	2.37:1	2.44:1	2.46:1	+0.02:1

As shown in the architectural and GFA Plans (Appendix A) the previous internal void areas within building A and B on level 9 have been deleted/incorporated into part of the internal units, which contributes to the minor GFA increase to the residential portion of the building. This amendment is considered to provide increased amenity to residents of the dwelling without any adverse impact to the communal/circulation space.

3.9 Affordable Housing Provision and Mix

The amended proposal seeks to redistribute the location and mix of units to be included as affordable housing in accordance with the provisions of the Housing SEPP with an increase in the number of larger units.

Table 3 *Affordable Housing Provision*

	Approved	Mod 2 (under assessment)	Proposed	Change (Mod 2 to 3)
Affordable Housing				
1 bed	6	5	8	+3
2 bed	15 (30)	18(36)	13 (26)	-5
3 bed	4 (12)	4(12)	6 (18)	+2
TOTAL	25	27	27	No Change
<i>Total Beds</i>	48	53	52	-1

An assessment of the overall development, including the affordable housing when considered independently is including in **Section 6**.

3.10 Modifications to conditions

The proposed modifications described above necessitate amendments to the consent conditions which are identified below. Words proposed to be deleted are shown in **bold strike through** and words to be inserted are shown in **bold italics**. Due to the nature of the proposed amendments, amendments are only required to a small number of conditions.

SCHEDULE 2
PART A GENERAL CONDITIONS
TERMS OF CONSENT

A1. The development may only be carried out:

- (a) in compliance with the conditions of this consent;
- (b) in accordance with the EIS and Amendment Report, the Applicant's response to submissions, and the Applicant's response to requests for further information;
- (c) as amended by the section 4.55 (1A) Modification Application Report for SSD 67895459-MOD 1 prepared by Ethos Urban; and
- (d) as amended by the section 4.55 (2) Modification Application Report for SSD 67895459-MOD 2 prepared by Ethos Urban; and
- (e) as amended by the section 4.55 (1A) Modification Application Report for SSD 67895459-MOD 3 prepared by Ethos Urban; and**
- ~~(e)(f)~~ in accordance with the approved plans in the table below, as modified by the conditions of this consent:

Drawing Number	Rev	Name of Plan	Date
Architectural Drawings prepared Team 2 Architecture			
NOTE: It is proposed the following plans are included in the development consent, amending the relevant plans they are approved at the time of determination (anticipated to be post the determination of SSD 67895459-MOD 2.			
FINAL PLAN LIST TO BE AMENDED BY DPHI			

DESIGN AMENDMENTS

~~B1. Prior to the issue of any Construction Certificate, the Applicant must provide evidence to the Certifier that revised plans detailing the following revisions have been submitted to and approved by the Planning Secretary:~~

- ~~(a) provision of privacy screens (minimum height of 1.6 m above finished floor level) to the eastern end of balconies serving apartments A1-8.04 and A1-8.05 on levels 8 and 9 within Building 1; and~~
- ~~(b) provision of sliding privacy screens (minimum height of 1.6 m above finished floor level) to the balconies serving apartments A3-3.02 and A4-3.06 on level 3 and corresponding apartments on levels 4 to 6 above within Building 2.~~

Reason: It is proposed for this condition to be deleted as the requested amendments are incorporated into the proposal design

BASIX CERTIFICATION

F11. The Development must be implemented, and all BASIX commitments thereafter maintained in accordance with BASIX Certificate No. ~~1730728M_04~~ **1730728M_06** and any updated certificate issued if amendments are made.

3.11 Substantially the same development

Section 4.55(1A)(b) of the EP&A Act states that a consent authority may modify a development consent if “it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified.

The development, as proposed to be modified, is substantially the same development as that originally approved in that it:

- Does not interfere with the proposal's ability to be delivered as shop top housing with activate ground for non-residential uses
- Does not change the intent or use of the site as shop top housing and delivery of infill affordable housing.
- Involves negligible amendments to the approved development's consistency with the applicable environmental planning instruments and strategic planning framework – with no change to key building metrics such as gross floor area or building envelope/height.
- Will maintain a high level of internal and external amenity for occupants, while also minimising impact to surrounding residential receivers.
- Will not alter the environmental impacts to those identified and assessed in the approved development (SSD-SSD-67895459).

For the above reasons, the consent authority may be satisfied that the modified proposal represents substantially the same development for which consent was originally granted.

3.12 Modification Category

This modification application is made under Section 4.55(1A) of the EP&A Act. The application is consistent with the criteria of 4.55(1A) of the EP&A Act for the following reasons:

- The modification is of minimal environmental impact for the reasons discussed in **Section 6.0**.
- The modification is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all) for the reasons discussed in **Section 3.9**.

4.0 Statutory context

4.1 Power to Grant Consent

The project was declared State Significant Development under Schedule 1 of *State Environmental Planning Policy (Planning Systems) 2021* as the development is for the purposes of as infill affordable housing

As demonstrated in **Section 3.3**, the development, as proposed to be modified, is substantially the same development as that originally approved. Therefore, the consent authority has the power to grant consent to the modification application.

4.2 Permissibility

The site is zoned E3 Productivity Support under the *Wollongong Local Environmental Plan 2009*. Whilst the proposed land use is not permitted in the land use table for the E3 zone, shop top housing is permissible pursuant to Schedule 1 of the Wollongong LEP as an additional permitted use in the following terms:

- (1) *This clause applies to certain land in Zone E3 Productivity Support identified as “34” on the Additional Permitted Uses Map.*
- (2) *Development for the purposes of shop top housing is permitted with development consent.*

4.3 Compliance with relevant Environmental Planning Instruments

The proposed modifications have been assessed against the relevant provisions of the applicable State Environmental Planning Policies (SEPPs) and the Wollongong Local Environmental Plan 2009. Given that the proposed modifications to the development are minor in nature and will not have any perceivable impacts on the development, the original proposal's compliance with the applicable controls within the SEPPs and LEP remains unchanged.

Table 4 below summarises the modification’s compliance with the relevant environmental planning instruments (EPIs).

Table 4 Summary of compliance with relevant environmental planning instruments

Legislation	Matters for Consideration
<i>Environmental Planning & Assessment Act 1979 (EP&A Act)</i>	The development as proposed to be modified remains consistent with the objects of the EP&A Act for the following reasons: • It will enable the delivery of housing (including affordable housing) for the growing population of the Wollongong LGA and more broadly the Illawarra Shoalhaven area and will positively contribute to housing supply and affordability. • It allows for additional employment opportunities throughout both the construction and operational phases. • It will facilitate the principles of ESD through a range of design and operation initiatives. • It is a development for public purposes and will facilitate the delivery of retail/commercial premises and accessible open space. • It will facilitate high quality design outcomes that will benefit future residents and users.
<i>Environmental Planning and Assessment Regulation 2021 (EP&A Regs)</i>	Appendix B includes a design statement in accordance with the EP&A Regs (clause 102).
<i>Biodiversity Conservation Act 2016</i>	Determination has been provided under Clause 7.9(2) of the Biodiversity Conservation Act 2016, that the proposed development is not likely to have any significant impact on biodiversity values and therefore a Biodiversity Development Assessment Report (BDAR) is not required. The proposed amendments are minor and will not impact this finding.
<i>State Environmental Planning Policy (Housing) 2021</i>	The proposed development is for the purpose of in-fill affordable housing and remains consistent with the assessment of the provisions in Chapter 2 of the Housing SEPP. The proposed minor internal and external modifications do not alter the proposed compliance with Chapter 4 or Schedule 9 of the SEPP. No changes are proposed to the development in terms of quantum, unit mix or car parking numbers on the site.

Legislation	Matters for Consideration
	The amendments to façade materials and design the façade do no impact amenity outcomes for residents.
<i>State Environmental Planning Policy (Industry and Employment) 2021</i>	No changes are proposed to the approved signage and therefore, the development remains compliant with the aims and provisions of Schedule 5 of the Industry and Employment SEPP.
<i>State Environmental Planning Policy (Resilience and Hazard) 2021</i>	The site remains suitable for the proposed development as shop top housing. As such, no further assessment is required.
<i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>	The proposed modification does not necessitate any variation to the assessment and recommendations of the acoustic impact assessment accompanying this SSDA provided an assessment of potential noise and vibration impacts from the rail corridor, which concludes any potential impacts can be appropriately mitigated through the implementation of recommendations (noting the consideration of Section 2.100, 2.120 and 2.122 of the SEPP.
<i>State Environmental Planning Policy (Sustainable Buildings) 2022</i>	A revised BASIX Certificate has been prepared and accompanies this modification application – refer to Appendix C .
<i>Wollongong Local Environmental Plan 2009</i>	The proposed modifications do not change the approved development's compliance with the relevant provisions of Wollongong LEP 2009, including land use, approved building height or floor space ratio. The minor variation of the building GFA/FSR remain compliant with the maximum permissible FSR.
<i>Wollongong Development Control Plan 2009</i>	It is noted that development control plans are not a matter of consideration in the assessment of SSDAs by virtue of Clause 2.10(1) of the Planning Systems SEPP 2021, which states that "Development Control Plans... do not apply... to State Significant Development". Notwithstanding, the proposal remains consistent with the Wollongong DCP 2009 as per the assessment undertaken within the development application.

4.4 Housing SEPP – Infill Affordable Housing

The proposed modifications in this application result in a minor increase of the overall building GFA by 102m².

The compliance of the amended development, as proposed, against this provision is set out in **5**, confirming that 15% of the total GFA will be provided for affordable housing as per the Housing SEPP.

Table 5 Statutory Compliance Table – Housing SEPP (Infill Affordable Housing)

	Approved Development (Mod 1)	Mod 2 (under assessment)	Proposed Amendments
Total Gross Floor Area	15,498sqm	15,963sqm	16,064.9sqm
Affordable Housing Requirement (15% of total)	2,332sqm	2,394sqm	2,410sqm
Total Proposed Affordable Housing	2,341sqm (15.05%)	2,416sqm (15.13%)	2,411sqm (15%)
Affordable Housing Units	25	27	27

5.0 Community engagement

Due to the nature of the modification and minimal impacts on the surrounding community, further authority and community engagement is not considered to be required and has not been undertaken.

Community engagement was undertaken with key stakeholders, authorities, and the community as part of SSD-67895459. The proposed modification does not change the type of development or impacts in a manner that would require additional engagement beyond that already undertaken.

6.0 Assessment of impacts

Section 4.55(1A) of the EP&A Act states that a consent authority may modify a development consent if “it is satisfied that the proposed modification is of minimal environmental impact”. Under section 4.55(3) the consent Authority must also take into consideration the relevant matters to the application referred to in section 4.15(1) of the EP&A Act and the reasons given by the consent authority for the grant of the original consent.

The following assessment considers the relevant matters under section 4.15(1) and demonstrates that the development, as proposed to be modified, will be of minimal environmental impact.

6.1 Building Envelope, Gross Floor Area and Floor Space Ratio

The proposal does not result in any alterations to the approved (and proposed under Mod 2) building envelope or height

6.2 Floor Space Ratio

The minor modification to FSR/GFA remains compliant with the provisions of *Wollongong LEP 2009* and the Infill Affordable Housing provisions of the Housing SEPP. The proposed FSR remains below the maximum permissible of the LEP 2009 and does not rely on bonuses provided by the Housing SEPP. The provisions regarding additional building height in section 18 of the Housing SEPP are utilised.

Clause 4.4A(4) of WLEP states as follows:

(4) The maximum floor space ratio for a building on land within Zone E1 Local Centre, Zone E2 Commercial Centre, Zone E3 Productivity Support or Zone MU1 Mixed Use, that is to be used for a mixture of residential purposes and other purposes, is—

$(NRFSR \times NR/100) + (RFSR \times R/100)$ where—

***NR** is the percentage of the floor space of the building used for purposes other than residential purposes.*

***NRFSR** is the maximum floor space ratio determined in accordance with this clause if the building was to be used only for purposes other than residential purposes.*

***R** is the percentage of the floor space of the building used for residential purposes.*

***RFSR** is the maximum floor space ratio determined in accordance with this clause if the building was to be used only for residential purposes.*

When applied to the proposed development, the above formula translates as follows:

Totals

- **Residential GFA:** 15,434sqm (0.967%)
- **Non-Residential GFA:** 631sqm (0.039%)
- **Total GFA:** 16064.9sqm (100%)

Calculation

- $(3 \times 0.039) + (2.5 \times 0.967)$
- $= 0.117 + 2.4175$
- $= 2.5345:1$

Therefore, the maximum permissible FSR under the LEP (i.e. without any affordable housing bonus under Cl. 16 of the Housing SEPP) is 2.5345:1. The amended development has a maximum FSR of 2.46:1 and is therefore compliant.

However, with the adoption of the 30% FSR bonus under Part 2, Clause 16 of the Housing SEPP, the total maximum allowable FSR on the site is 3.295:1.

6.3 Affordable Housing Amenity

As per the assessment in the Modification 2 (SSD-67895459-MOD2), 27 affordable housing apartments within the are proposed. The affordable apartment mix is proposed to be amended as shown in the plans and set out in **Table 3** with units spread across the buildings from level 2 to 7.

The affordable housing apartments remain indistinguishable from market apartments in terms of other ADG design criteria such as apartment size, privacy, private open space, and storage. In line with the initial assessment and consideration by DPHI, the amenity of the affordable housing apartments will meet and exceed the criteria.

6.4 Car Parking

The minor revisions to the car parking layout and allocation are in response to structure input and the rationalisation of the layout (including the provision of boom gate to the commercial parking spaces).

The quantum of car parking and allocation between resident, commercial and visitor remains consistent. With regard the layout, the proposal seeks to increase the provisions of tandem spaces from 4 and 5 on ground and level 1 respectively, to 8 and 12. As shown on the plans, these will continue to be provided for the owners and occupants of the same apartment (as per Condition F7).

6.5 Design Excellence

The proposed amendments relate to eastern extent of Building 2 and level 7 and 8, being the inclusion of +5 units and relocate of the communal area from level 7 to level 8. As shown in the Architectural Plan package (**Attachment A**) and Figure 5 above, the proposed amendments retain key design features of the approved development and its design excellence.

In preparing the proposed minor modifications the project architects considered the commentary from previous Wollongong Design Review Panel, which has informed the design refinements. An assessment of the proposal's continued compliance with the Design Excellence provisions of the Wollongong LEP 2009 have been provided by Team2 Architects at **Appendix B**.

As set out in the Design Statement, it is considered that the modifications enrich the approved building design, delivering a more unified and elegantly resolved façade composition. The changes heighten the architectural quality of the development, offering residents, visitors, and neighbours an enhanced experience that aligns seamlessly with the project's Design Excellence strategy. Importantly, the development remains substantially consistent with the intent of the original approval.

7.0 Justification of the modification project

The Minister for Planning and Public Spaces notice of decision sets out the following reasons for granting consent for the approval of SSD-67895459.

- *the project would provide a range of benefits for the region and the State as a whole, including direct investment of \$69 million and creating 305 construction jobs and 30 operational jobs;*
- *the project is permissible on the site with development consent, and would support the State government priorities to deliver well-located housing as it will deliver 145 residential apartments (including 25 affordable housing apartments) in a highly accessible location;*
- *the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards;*
- *the issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the project and the conditions of consent. Engagement on the project is considered to be in line with Undertaking Engagement Guidelines for State Significant Projects, including the community participation objectives outlined in these guidelines; and*
- *weighing all relevant considerations, the project is in the public interest.*

For all the matters assessed in **Section 6.0**, the impact of the proposed modification will remain consistent with those approved under the original development consent. Specifically:

- The modified development will continue to facilitate much needed housing supply, including affordable housing.
- The modified development remains consistent with the strategic framework presented in **Section 2.0**.
- The modified development will continue to meet the relevant objectives of the EP&A Act.
- The modified development meets all relevant statutory requirements outlined in **Section 4.0**.

The proposal seeks to enable the provision of high-quality housing and associated ground floor non-retail uses. and is in the public interest.

There will be no new environmental impacts beyond those previously considered and addressed in the original application. The proposed modification remains consistent with the original reasons for the granting consent to SSD-67895459 and the justification provided within the original EIS.

8.0 Conclusion

This application proposes a series of minor alterations to coordinate minor design configuration. It is noted that given the modification reflects minor internal and external , there is no revision to the project description (as proposed), nor any new mitigation measures proposed.

In accordance with Section 4.55(1A) of the EP&A Act, the Department of Planning, Housing and Infrastructure may modify the consent as:

- The proposed modification is of minimal environmental impact.
- The proposed modification is substantially the same development as the development for which the consent was granted.

We trust that this information is sufficient to enable a prompt assessment of the proposed modification request.