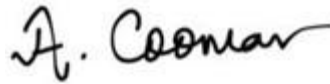


Modification Development Consent

Section 4.55(2) of the Environmental Planning and Assessment Act 1979

As delegate of the Minister for Planning, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions specified in Schedule 2 and Schedule 3.



Aditi Coomar
Acting Director
Affordable Housing Assessments

Sydney

24 July 2026

File: SSD-67895459-MOD-4

SCHEDULE 1

Development consent:	SSD-67895459 granted by Minister of Planning and Public Spaces on 4 April 2025
For the following:	Construction of shop top housing development with in-fill affordable housing
Applicant:	Blaq Projects No. 27 Pty Ltd & Mave Developments Pty Ltd and TJ Smith Developments Pty Ltd
Consent Authority:	The Minister of Planning and Public Spaces
The Land:	106 and 120-122 Smith Street and 3A Charlotte Street, Wollongong (Lot 201 DP 1313965)
Development:	Construction of a shop top housing development with infill affordable housing comprising: • Two x 7-10-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.
Modification:	The modification involves: • addition of three storeys to north-western portion of Building 2 addition 26 apartments • internal layout changes to apartments • increase in ground floor waste storage area • redistribution of car parking and increase in bicycle parking.

SCHEDULE 2

Description of the development is amended by deletion of strikethrough text and inclusion of **bold and underlined** text as follows:

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

- two x ~~8-108~~ - **13**-storey residential buildings with ground level retail/commercial uses;
- ~~150~~ **176** apartments (including ~~27-31~~ 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.

SCHEDULE 3

Part A – General Conditions

Conditions in Part A are amended by the deletion of strikethrough text and inclusion of **bold and underlined** text as follows:

TERMS OF CONSENT

A1. The Development must 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
- (d) as amended by the section 4.55 (2) Modification Application Report for SSD 67895459-MOD 2 prepared by Ethos Urban
- (e) as amended by the section 4.55 (1A) Modification Application Report for SSD 67895459-MOD-3 prepared by Ethos Urban
- (f) **as amended by the section 4.55 (2) Modification Application Report for SSD 67895459-MOD-4 prepared by Ethos Urban**
- (g) in accordance with the approved plans in the table below, as modified by the conditions of this consent:

Architectural drawings prepared by Cox Architecture			
Drawing/Sheet No.	Rev.	Name of Plan	Date
DA-0101	4	Existing and demolition plan	27/02/25
DA-8101	5	Artist impression	27/02/25
DA-8301	5	ADG compliance – solar and cross ventilation – Sheet 1	27/02/25
DA-8401	5	Adaptable & livable silver level apartments	27/02/25
DA-8402	5	Livable silver level apartments	27/02/25
<u>DA-9011</u>	<u>5</u>	<u>Development calculations (storage) – Sheet 1</u>	<u>27/02/25</u>
Architectural drawings prepared by Team2 Architects			
DA-0001	10 <u>12</u>	Cover Page	15/07/2025 <u>13/02/26</u>

DA-0200	2 <u>4</u>	Site Plan - Masterplan	22/08/2025 <u>14/07/26</u>
DA-0300	6 <u>9</u>	Ground level floor plan	28/11/2025 <u>14/07/26</u>
DA-0301	6 <u>7</u>	Level 1 floor plan	28/11/2025 <u>20/01/26</u>
DA-0302	4	Level 2 floor plan	28/11/25
DA-0303	4	Level 3 floor plan	28/11/25
DA-0304	4	Level 4 floor plan	28/11/25
DA-0305	4	Level 5 floor plan	28/11/25
DA-0306	4	Level 6 floor plan	28/11/25
DA-0307	4	Level 7 floor plan	28/11/25
DA-0308	2 <u>4</u>	<u>Level 8 floor plan</u>	30/09/2025 <u>13/02/26</u>
DA-0309	2 <u>3</u>	<u>Level 9 floor plan</u>	30/09/2025 <u>05/12/25</u>
<u>DA-0311</u>	<u>1</u>	<u>Level 10 Floor Plan</u>	<u>05/12/25</u>
<u>DA-0312</u>	<u>1</u>	<u>Level 11 Floor Plan</u>	<u>05/12/25</u>
<u>DA-0313</u>	<u>1</u>	<u>Level 12 Floor Plan</u>	<u>05/12/25</u>
DA-0310	2 <u>3</u>	Roof Plan	30/09/2025 <u>05/12/25</u>
DA-2001	4 <u>6</u>	Elevations – Sheet 1	30/09/2025 <u>13/02/26</u>
DA-2002	4 <u>6</u>	Elevations – Sheet 2	30/09/2025 <u>13/02/26</u>
DA-2003	4 <u>5</u>	Elevations – Sheet 3	30/09/2025 <u>05/12/25</u>
DA-4001	2 <u>3</u>	<u>Sections – Sheet 1</u>	22/08/2025 <u>05/12/25</u>
DA-4002	2 <u>3</u>	<u>Sections – Sheet 2</u>	22/08/2025 <u>05/12/25</u>
DA-4003	2 <u>3</u>	<u>Sections – Sheet 3</u>	22/08/2025 <u>05/12/25</u>

DA-5001	2	Deep soil planting and communal open space	22/08/25
DA-8101	2	Development calculations – Sheet 1	22/08/25
DA-8102	1	Development calculations – Sheet 2	24/06/25
<u>DA-8101</u>	<u>3</u>	<u>Artist Impression</u>	<u>05/12/25</u>
<u>DA-8300</u>	<u>4</u> <u>5</u>	<u>Development calculations (GFA) – Sheet 1</u>	<u>28/11/2025</u> <u>05/12/25</u>
<u>DA-8301</u>	<u>4</u> <u>5</u>	<u>Development calculations (GFA) – Sheet 2</u>	<u>28/11/2025</u> <u>05/12/25</u>
DA-8303	2	ADG compliance – solar and cross ventilation – Sheet 2	22/08/2025
DA-8400	5 <u>7</u>	<u>Affordable Housing Calculation – Sheet 1</u>	28/11/2025 <u>10/07/26</u>
<u>DA-8401</u>	<u>2</u>	<u>Affordable Housing Calculation – Sheet 2</u>	<u>10/07/26</u>
DA-8501	2	Shadow diagram	22/08/2025
DA-8502	2	Solar analysis – neighbouring property	22/08/25
DA-8601	2	View from the sun – Sheet 1	22/08/2025
DA-8602	2	View from the sun – Sheet 2	22/08/2025
DA-8603	2	View from the sun – Sheet 3	22/08/2025
DA-8604	2	View from the sun – Sheet 4	22/08/2025
DA-9012	2	Development calculations (storage) – Sheet 2	22/08/25
Landscaping plans prepared by Context Landscape Architects			
L-005	3	Stage 1 - Landscape masterplan	23/07/25
L-006	2	Ground floor landscape plan	21/11/24
L-007	2	Ground floor east elevation	21/11/24
L-008	2	Ground floor elevated walkway section	21/11/24
L-009	2	Level 2 communal open space plan	21/11/24
L-010	2	Level 2 communal open space sections	21/11/24
L-011	2	Level 2 communal open space 3D views	21/11/24
L-012	3	Level 7 rooftop gardens plan	23/07/25
L-013	3	Level 7 rooftop gardens section	23/07/25
L-014	3	Level 8 rooftop gardens 3D views	23/07/25
L-015	3	Indicative planting schedule	21/11/24

L-016	2	Indicative planting schedule	21/11/24
L-017	3	Indicative planting schedule	23/07/25
L-018	2	Indicative planting schedule	21/11/24
L-019	2	Indicative planting schedule	21/11/24
L-020	2	Indicative materials palette	21/11/24
L-021	2	Tree retention and removal plan	21/11/24
L-022	1	Typical softworks details	20/12/23

Note: Development which is 'Exempt and Complying Development' as identified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or another environmental planning instrument may be carried out without development consent.

DEVELOPER CONTRIBUTIONS

A7A. Prior to the issue of the first amended Construction Certificate associated with the modification application (SSD-67895459-MOD-4), the Applicant must provide written evidence to the Certifier that a monetary contribution pursuant to the provisions of Council's Section 7.12 City-Wide Development Contributions Plan 2024 has been paid to Council for the works approved under SSD-67895459-MOD-4. Council must be contacted for calculation of required contributions.

HOUSING AND PRODUCTIVITY CONTRIBUTIONS

A10. Before the issue of the first amended Construction Certificate associated with the modification application (SSD-67895459-MOD-4), the Housing and Productivity Contribution (HPC) of \$141,133.30 is required to be made for the twenty-two (22) additional dwellings approved under SSD-67895459-MOD-4, as per applicable HPC Ministerial planning order. Written evidence must be given to the Certifier before the issue of the first amended Construction Certificate associated with the modification application (SSD-67895459-MOD-4).

At the time of payment, the amount of the HPC is to be adjusted in accordance with the Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024 (HPC Order).

Conditions in Part B are amended by the deletion of strikethrough text and inclusion of **bold and underlined** text as follows:

CAR AND BICYCLE PARKING

- B10.** Prior to the issue of the any Construction Certificate for above ground works, the Applicant must submit to the Certifier, a Report demonstrating that the Development will provide for the following traffic flow and car parking requirements:
- (a) all vehicles must enter and leave the subject site in a forward direction;
 - (b) all vehicles are to be wholly contained on site before being required to stop;
 - (c) parking associated with the Development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) must be in accordance with the applicable Australian Standards;
 - (d) appropriate pedestrian advisory signs must be provided at the egress from parking areas;
 - (e) all works/regulatory signposting associated with the Development must be at no cost to the relevant roads authority;
 - (f) the swept path of the longest vehicle (including garbage trucks) entering and exiting the site, as well as manoeuvrability through the site, must be in accordance with AUSTROADS; and
 - (g) submit to the Certifier a Report demonstrating compliance with the following:
 - (i) provision of ~~144~~ **150** residential car parking spaces comprising ~~130~~ **136** spaces for market apartments and 14 spaces for affordable housing apartments, including 16 adaptable car parking spaces;
 - (ii) provision of ~~24~~ **18** visitor car parking spaces, including 1 adaptable car space;
 - (iii) provision of 15 car spaces dedicated for commercial/retail use, including 1 adaptable car space;
 - (iv) provision of ~~9~~ **10** motorcycle spaces;

- (v) compliance with Australian Standards for the layout, design and security of car parking spaces and bicycle facilities;
- (vi) provision of electric vehicle charging infrastructure in accordance with the NCC;
- (vii) provision of a minimum of 58 residential bicycle parking spaces, and a minimum of ~~13~~ **33** visitor spaces; and
- (viii) provision of a minimum of 3 bicycle parking spaces for commercial/retail worker use.

BASIX CERTIFICATION

- B15. Prior to the issue of any Construction Certificate for above ground works, BASIX Certificate No. ~~1730728M-06~~ **1730728M 11** must be submitted to the Certifier with all commitments clearly shown on the Construction Certificate plans.

Conditions in Part E are amended by the deletion of strikethrough text and inclusion of **bold and underlined** text as follows:

AFFORDABLE HOUSING

- E2. An Occupation Certificate for the ~~27~~ **31** affordable housing units must be issued concurrently or before an Occupation Certificate for the remainder of the development.

OPERATIONAL WASTE MANAGEMENT

- E32. Prior to the occupation or commencement of use of the Development, the Applicant must prepare an **Operational Waste Management Plan** for the Development and submit it to the Certifier. The Operational Waste Management Plan must:

- (a) be prepared in consultation with Council;
- (b) be consistent with the Operational Waste Management Plan Version ~~G H~~, prepared by Elephants Foot Consulting Pty Ltd, dated ~~20 November 2024~~ **28 November 2025**;
- (c) set out adequate provisions within the premises for the storage, collection and disposal of waste and recyclable materials;
- (d) set out separate waste management procedures for commercial/retail and residential uses;
- (e) confirm the procedures in place for building management to transfer of waste bins and bulky goods from the bin room and the bulky goods rooms respectively to the bin collection area before waste collection and the return of waste bins to the bin room after waste collection has taken place;
- (f) confirm the location of waste collection and establish appropriate routes to the collection point;
- (g) provide confirmation that appropriate arrangements have been made for the collection of waste;
- (h) detail the type and quantity of waste to be generated during operation of the Development;
- (i) describe the handling, storage and disposal of all waste streams generated on site, consistent with the *Protection of the Environment Operations Act 1997*, *Protection of the Environment Operations (Waste) Regulation 2014* and the Waste Classification Guideline (EPA).

Note: Conditions in Part F require the Applicant to implement the Operational Waste Management Plan for the life of the Development.

AFFORDABLE HOUSING

- E36. Prior to the issue of any Occupation Certificate for the residential component of the development, the Applicant must provide to the Certifier evidence that:
- (a) the affordable housing component is complete and ready for occupation;
 - (b) a restriction has been registered against the title of the site on which Development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, requiring:
 - (i) a minimum of ~~27~~ **31** dwellings within the Development to be used for the purposes of affordable housing for a minimum of 15 years from the date of issue of the occupation certificate, as defined by the EP&A Act and the *State Environmental Planning Policy (Housing) 2021*;
 - (ii) specifically nominating those units to be allocated and used for affordable housing; and
 - (iii) the affordable housing component to be managed by a registered community housing provider;
 - (c) an agreement with a registered community housing provider for the management of the affordable housing component has been given to the Registrar of Community Housing, including the name of the registered community housing provider; and
 - (d) the requirements of paragraphs (b) and (c) have been met and evidence has been given to the Planning Secretary.

Conditions in Part F are amended by the deletion of strikethrough text and inclusion of bold and underlined text as follows:

BASIX CERTIFICATION

- F11. The Development must be implemented, and all BASIX commitments thereafter maintained in accordance with BASIX Certificate No. ~~1730728M_06~~ **1730728M_11** and any updated certificate issued if amendments are made.

IN-FILL AFFORDABLE HOUSING

- F13. A minimum of ~~27~~ **31** dwellings within the Development must be used for the purpose of affordable housing as defined by the EP&A Act and *State Environmental Planning Policy (Housing) 2021*.

END OF MODIFICATION