

Notice of decision

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	State significant development
Application number and project name	SSD-97973958 Early Works for Shop Top Housing development 357 - 363 Crown Street, 2 & 4 Gladstone Avenue, Wollongong
Applicant	WOLLONGONG DEVELOPMENTS NO.5 PTY LTD
Consent Authority	Minister for Planning and Public Spaces

Decision

The Director Affordable Housing Assessments, under delegation from the Minister for Planning and Public Spaces, has granted consent to the development application under section 4.38 of the *Environmental Planning and Assessment Act 1979* (**the Act**) subject to conditions.

A copy of the development consent and conditions is available [here](#).

A copy of the Department of Planning, Housing and Infrastructure's assessment report is available [here](#).

Date of decision

26 June 2026

Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the department's assessment report;
- the prescribed matters under the Environmental Planning and Assessment Regulation 2021;
- the objects of the Act;
- the considerations under s 7.14(2) and 7.16(3) of the *Biodiversity Conservation Act 2016* (NSW);
- all information submitted to the department during the assessment of the development application and any additional information considered in the department's assessment report;
- the findings and recommendations in the department's assessment report; and
- the views of the community about the project (see **Attachment 1**).

The findings and recommendations set out in the department's assessment report were accepted and adopted as the reasons for making this decision. Additional reasons for making the decision are also recorded in the department's assessment report.

The key reasons for granting consent to the development application are as follows:

- the project would provide a range of benefits for the region and the State as a whole, creating 100 construction jobs;
- the project is permissible with development consent, and is consistent with NSW Government policies;
- 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.

Attachment 1 – Consideration of Community Views

The Applicant engaged with the community during the preparation of the environmental impact statement (EIS) as a requirement of the Secretary's environmental assessment requirements. The EIS detailed the findings of the engagement and how it influenced the scope and design of the project.

Once the EIS was submitted to the department it was placed on exhibition from 1 April 2026 until 14 April 2026 (14 days). One submission was received in support of the proposal and one objection from Wollongong Council (Council).

The department also undertook site visit and engaged with the Applicant during the process.

The key issues raised by Council and considered in the department's assessment report and by the decision maker include heritage impacts and SSD process. Other issues are addressed in detail in the department's assessment report.

<i>Issue</i>	<i>Consideration</i>
<i>Procedural issues</i> • Pre-empting the outcome of SSD-84127221 • SSD pathway for the proposed early works.	<i>Assessment</i> The proposal forms early works associated with a shop top housing on the site, which is declared SSD pursuant to the State Significant Development Declaration Order (No 5) 2025 (dated 14 April 2025). The Department has assessed the impacts of the proposed additional excavation and is satisfied that impacts can be appropriately managed, subject to conditions. The Department has assessed the proposal on its merits and does not consider that it pre-empts the outcome of the future SSD for the shop top housing development, which would be subject to a separate assessment process.
<i>Heritage impacts</i> • Arborist should confirm that the tree would be able to access groundwater and can be retained despite the additional excavation works.	<i>Assessment</i> The EIS is supported by a Statement of Heritage Impact (SOHI) and an Arborist Impact Assessment Report (AIAR) which conclude that the proposed excavation would not impact on the retention and the long-term health and longevity of the heritage listed tree on the site, subject to recommendations regarding supervision and tree management measures. <i>Recommended conditions:</i> • implementation of the conditions of the existing consent on the site in relation to tree protection • implementation of tree protection measures • supervision of an AQL5 Arborist.