

The Smith Street Development Partnership
C/- NSW Department of Planning, Housing and
Infrastructure
4 Parramatta Square
12 Darcy Street
PARRAMATTA NSW 2150
Att Ms A. Lavorato

REFERENCE

DE-2025/82/D

Date

1 April 2026

Dear Ms Lavorato

SUBMISSION TO EXHIBITED DOCUMENTS

Development	Smith Street Modification 4 - Alterations and Additions (SSD-67895459-Mod-4) - Request to provide advice on the Modification Application and Report
Location	Lot 201 DP 1313965 120 Street WOLLONGONG NSW 2500

Thank you for the opportunity to comment on proposed Modification 4 to State Significant Development SSD-67895459 [Smith Street Mod 4 - Alterations and Additions | Planning Portal - Department of Planning and Environment](#)

Council provides the following high level feedback.

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

Building Height

2. The Modification Report by Colliers Urban Planning dated 4 March 2026 states:

‘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 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.
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.

5. 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.
6. 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).
7. 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.

Flinders Street Precinct Urban Design Framework (UDF)

8. Council's Draft UDF was publicly exhibited 3 November-15 December 2025 and has not yet been reported back to Council.
9. 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.

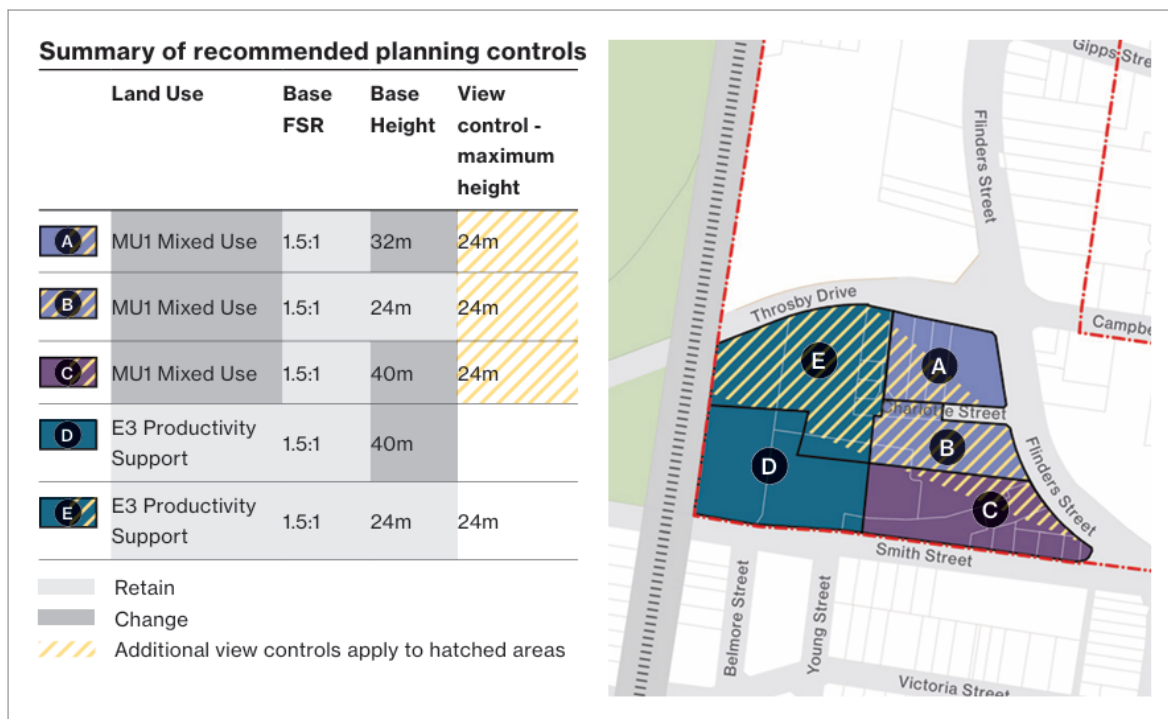


Figure 37. Flinders Street South sub-precinct - Recommended controls

Flinders Street Precinct Wollongong City Council

10. 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.
11. 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:
 - The additional building height is located within the proposed hatched view corridor
 - Does not comply with the view corridor height limit of 24m, and
 - Does not locate additional height within the identified increased height corridor along Smith Street
12. 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.

Traffic and Car Parking

13. Condition B18 of Modification 3 issued 19 December 2025 requires a roundabout 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.
14. The development plans still show the offset 'left in left out' intersection, which is not supported.
15. 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.

16. 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.
17. 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.
18. 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.
19. 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.
20. 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.
21. 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.

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. 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.

23. 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.

If you have any questions regarding the above, please contact me on the telephone number below.

This letter is authorised by

Pier Panozzo

City Centre and Major Development Manager

Wollongong City Council

Telephone (02) 4227 7111