

12 August 2011

Director-General
Department of Planning
GPO Box 39
SYDNEY NSW 2001

Attention: John Philpott

Dear Sir,

**Modification of Consent under Section 75W, EP&A Act
Major Project Approval No.09_0039
157 Redfern Street, Redfern - Redfern RSL Project**

INTRODUCTION

Major Project Approval No.09_0039 was issued on 22 December 2009 for the construction of an 18 storey mixed-use development comprising retail, RSL, commercial and residential use as described in Condition A1 of Schedule 2 of the approval.

The approved development was subsequently modified by Approval No.09_0039 MOD 1, issued on 25 February 2011 by:

- making minor alterations and additions to the residential section of the building and changing the number and configuration of apartments;
- altering the manner in which the development was to be subdivided; and
- making minor design refinements.

The owner/developer of the site, Deicorp Pty Ltd, has purchased the adjoining property at 7-9 Gibbons Street.

Major Project Approval No.08_0112 was issued on 22 October 2010 for the construction of an 18 storey mixed-use development comprising retail and commercial uses, a supermarket and residential apartments at the upper levels of the building on this land.



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The approved development was subsequently modified by Approval No.08_0112 MOD 1 issued on 28 February 2011 by:

- making minor alterations and additions to the residential section of the building and changing the number and configuration of apartments; and
- making minor design refinements.

It is now proposed to make the following further minor modifications to Major Project Approval No.09_0039:

- to provide access to the approved supermarket on 7-9 Gibbons Street from Redfern Street;
- to convert an apartment on Level 13 from a 3-bedroom dwelling to 2 x 1-bedroom dwellings, increasing the overall number of apartments in the building from eighty-eight (88) to eighty-nine (89);
- to provide a covered area at Level 3 to provide shade and shelter over a section of the outdoor area associated with the offices at that level; and
- to amend the approved stratum and strata subdivision plans to reflect the modified development.

ACCESS TO SUPERMARKET

The floor level of the supermarket approved on Level 2 of the building to be constructed on 7-9 Gibbons Street largely coincides with the footpath level in Redfern Street and the pedestrian access to the Redfern RSL Club on 157 Redfern Street.

The joint ownership of the two (2) sites provides a unique opportunity to make minor amendments to the ground floor level of the building on 157 Redfern Street to provide a near level arcade linking the supermarket on 7-9 Gibbons Street to Redfern Street.

This would result in a significant enhancement of the operation and economic viability of the supermarket by improving access to it by people using Redfern Street as a link between the Redfern Railway Station and the Town Centre.

The arcade is to be achieved by adjusting and extending the approved access to the RSL Club and adjusting one of the approved retail areas fronting Redfern Street.

The adjustment to the approved retail area will result in a reduction in the gross floor area of the ground floor level of the building.

This floor area is to be replaced with a small retail area fronting the arcade closer to the supermarket to provide an active frontage along the arcade.

The proposed modification will, therefore, maintain the approved gross floor area of the development.

The proposed modification will not be discernible from the public domain in either Redfern or Gibbons Streets and vehicular access from the basement car parking areas to Gibbons Street under the arcade is to be maintained.

LEVEL 13 - APARTMENT CONVERSION

It is proposed to convert the 3-bedroom apartment in the south-western corner of Level 13 of the building into 2 x 1-bedroom dwellings.

The dwellings are to replicate the apartments approved above them at Levels 14 to 17, inclusive.

This modification can be facilitated without any change to the approved external profile of the building and will increase the overall number of apartments in the building from eighty-eight (88) to eighty-nine (89).

LEVEL 3 - COVERED AREA

It is proposed to provide a covered area at Level 3 to provide shade and shelter over a section of the outdoor area associated with the offices at that level.

The covered area:

- is to be situated adjacent to the southern elevation of the building its common boundary with 7-9 Gibbons Street;
- is designed to provide an increased level of amenity and break-out area for workers and visitors to the Level 3 offices in the area that has been set aside for their use; and
- will not be readily discernible from view from the public domain in Gibbons Street.

Proposed Modification

To facilitate the desired modifications:

1. The description of the modifications should read:

“Amendment of the approved scheme entailing:

- *the creation of an arcade at Level 1 (ground);*
- *the refurbishment of apartments to comprise a total of 18 x 1-bedroom, 69 x 2-bedroom and 2 x 3-bedroom apartments; and*
- *the provision of a covered area at Level 3.”*

2. Section D in Condition A2 in Schedule 2 of Major Project Approval No.09_0039, as modified on 25 February 2011, is proposed to be modified under the terms of Section 75W of the *Environmental Planning and Assessment Act 1979* by:

- amending the plan reference of the ground floor level - Level 1 from Drawing No.DA 100 H to Drawing No.100J, a plan which shows the proposed arcade; and
- adding a new plan reference, Drawing No.DA 165A, a plan which shows the connection of the arcade to the supermarket approved on 7-9 Gibbons Street;

- amending the plan reference relating to Level 13 from Drawing No.DA 112 J to Drawing No.112 K, a plan which shows the conversion of the 3-bedroom apartment into 2 x 1-bedroom apartments; and
- amending the plan reference relating to Level 3 from Drawing No.DA 102 H to Drawing No.102 J, a plan which shows the proposed covered area.

Details of the modifications to the Drawing List in Section D in Condition A2 are contained in the following Table.

Drawing No	Revision	Name of Plan	Date
<u>DA 100 J</u>	<u>J</u>	Level 1 (Ground)	<u>15/07/2011</u>
<u>DA 102 J</u>	<u>J</u>	Level 3 (Office)	<u>12/08/2011</u>
<u>DA 112 K</u>	<u>K</u>	Level 13 (Residential)	<u>12/08/2011</u>
<u>DA 165 A</u>	<u>A</u>	<u>Mall Link Plan (Combined)</u>	<u>15/07/2011</u>

The proposed modifications to the condition are shown underlined.

SUBDIVISION

It has been recognised that the residential and commercial office elements of the approved development on 157 Redfern Street need to be contained on separate discrete stratum allotments to facilitate their satisfactory and appropriate ongoing management.

To achieve this, it is proposed to subdivide Stratum Lot 2 in the approved stratum subdivision into two (2) stratum allotments reflecting the residential and commercial office components of the approved development.

This will result in an increase in the number of stratum lots from three (3) to four (4) lots.

In addition, the draft strata plan for the approved apartments in the residential stratum lot, i.e. Levels 5 to 18 and the roof terraces, has been revised to reflect the modifications approved on 25 February 2011 and as proposed in the current modification.

Proposed Modification

To facilitate the desired outcome, Section C in Condition A2 in Schedule 2 of Major Project Approval No.09_0039, as modified on 25 February 2011, is to be modified under the terms of Section 75W of the *Environmental Planning and Assessment Act 1979* by replacing the words in Section C with the following words:

“Draft Strata Plan prepared by Daw & Walton P/L with surveyor reference 750-09 (RES), dated August 2011 and the draft Stratum Subdivision Plan prepared by Daw & Walton P/L with surveyor reference 750-09 DP - Sheets 1 to 6, dated June 2011.”

The proposed modifications to the condition are shown underlined.

CONCLUSION

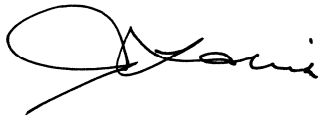
The development, as modified, represents substantially the same development as the development approved by virtue of Major Project Approval No.09_0039 issued on 22 December 2009 and as modified on 25 February 2011.

The proposed modifications:

- will not involve any change to the layout or number of car parking spaces in the approved development;
- will have no adverse environmental impact: and
- do not raise any additional issues relating to the relevant provisions of *State Environmental Planning Policy (Major Projects) 2005* or the matters required to be considered under the terms of Section 79C of the *Environmental Planning and Assessment Act 1979* to those considered in the issuing of the approval.

Accordingly, the modifications are suitable for approval.

Yours sincerely,



Andy Ludvik
Ludvik & Associates Pty. Ltd.