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TOWN PLANNING &
PROPERTY DEVELOPMENT SERVICES

SECTION 4.55(1) MODIFICATION

Address: Nos. 134 - 144 Pitt Street, Redfern

Proposal: Mixed Use Development

16 APRIL 2019

No. 138 Woorarra Avenue
ELANORA HEIGHTS
NSW 2101 AUSTRALIA

p: (02) 9970 7214
e: daniel@dmps.com.au
w: dmps.com.au

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PROPERTY DEVELOPMENT SERVICES
ABN: 78 176 118 998
No. 138 Woorarra Avenue
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m: (02) 9970 7214
e: daniel@dmps.com.au
w: dmps.com.au

16 April 2019

Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Attention: David Glasgow

DEVELOPMENT CONSENT NO. MP 09_0068
NOS. 134 – 144 PITT STREET, REDFERN

Dear David,

Application is hereby made for modification of Project Approval No. MP 09_0068 pursuant to Section 4.55(1) of the Environmental Planning and Assessment Act 1979 (EPAA).

The application seeks to modify conditions resulting only from minor error or misdescription. Please find enclosed an Application to Modify a Development Consent.

Background

Site: Nos. 134 – 144 Pitt Street, REDFERN NSW 2016
Lot 7 DP 664804

Local Government Area: City of Sydney

Project Approval: Project Approval No. MP 09_0068
Approved 1 July 2013

- demolition of existing buildings and tree removal;
- adaptive reuse of the former hospital building for residential housing and construction of 3 residential flat buildings comprising a total of 158 residential apartments;
- 2 level basement car parking for 138 car spaces;
- provision of a publicly accessible communal open space;
- strata subdivision.

Section 75W Modification: Project Approval No. MP 09_0068 MOD 1
Approved 7 June 2018

- increase the height of Buildings B & C from four to six

storeys;

- increase in the total gross floor (GFA) area from 13,846 m^2 to 15,592 m^2;
- dedication of 3,993 m^2 of GFA for use as affordable rental housing;
- use of 140m^2 of GFA for neighbourhood shops;
- increase in the total number of residential apartments from 158 to 213 apartments;
- increase in carparking from 138 to 158 spaces;
- modification of the floor plans and elevations for Buildings A to D;
- reconstruction and adaptive re-use of the former Rachel Forster Hospital colonnade.

Proposed Modifications

Section 4.55(1) of the EPAA enables a consent authority to modify a development consent granted by it to correct a minor error, misdescription or miscalculation. Subsections 4.55(1A), (2), (3), (5) and (6) and Part 8 do not apply to such a modification.

The modification seeks to amend conditions within the Modification of Project Approval, dated 7 June 2018, to rectify a misdescription which makes reference to 213 units instead of 212 units and errors relating to approved plan references.

As per our email and materials submitted on 28 February 2019, it is my understanding that the misdescription of unit numbers can be traced to the Response to Submissions (RTS) package, which incorrectly reference 213 units.

A very late change was made to the architectural plans prior to submission of the RTS to delete Unit LG31 (1 bedroom apartment) in favour of plant allocation, and to subsequently reduce the number of units that did not receive any direct sunlight at mid-winter.

The architectural plan set, including Lower Ground Floor Plan (Issue D) and the correct Area Schedule referencing 212 apartments (94 x 1 bedroom dwellings), was submitted with the RTS in October 2017.

There were subsequently further changes to the architectural plans, however, the stamped approved plan set comprises a total of 212 apartments.

There is no change to the gross floor area of the proposed development, or the calculation of GFA to be dedicated for affordable rental housing, as this was correctly referenced in the RTS package and represented in the architectural drawings and area schedules.

The proposed modifications are detailed over page, with all changes highlighted in red.

Schedule of Modifications

Amend Schedule 1 (misdescription):

- *increase in the total number of residential apartments from 158 to ~~213~~ 212 apartments*

Amend Condition A1 of Schedule 2 (misdescription):

A1 DEVELOPMENT DESCRIPTION

Project Application approval is granted only to the development as described below:

- *demolition of existing buildings and tree removal;*
- *adaptive reuse of the former hospital building for residential housing and*
- *construction of 3 residential flat buildings comprising a total of ~~158~~ ~~213~~ 212 residential apartments;*
- ***use of 3,993 m² of GFA for affordable rental housing;***
- ***use of 140 m² of GFA for neighbourhood shops;***
- ***reconstruction and adaptive re-use of the former Rachel Forster Hospital colonnade***
- *2 levels of basement car parking for ~~138~~ 158 car parking spaces;*
- *provision of a publicly accessible communal open space; and*
- *strata subdivision.*

Amend Condition A2 of Schedule 2 (error) to reflect the correct stamped approved plans recently returned from the Department of Planning:

Architectural Drawings prepared by Tony Owen Ptnrs ~~Architecture & Building Works~~			
Drawing No.	Revision	Name of Plan	Date
~~A 011~~ ~~A090~~ A091	~~F~~ C	Upper Basement Plan	~~7/06/2013~~ July 2017
~~A 012~~ A100	~~G~~ ~~D~~ E	Lower Ground Floor Plan	~~7/06/2013~~ Oct 2017

Amend Condition B5 of Schedule 2 to reduce bicycle parking (misdescription):

~~*Bicycle parking shall be provided in the basement car parking in accordance with the approved plans.*~~ ***A minimum number of bicycle parking spaces to be provided for the development shall comply with the table below. Details confirming the parking numbers must be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.***

Bicycle parking allocation	*Number*
Residential (one space per unit to be provided within individual basement storage areas)	*~~213~~ 212*
Visitors	*21*
Retail	*11*
Total	*~~245~~ 244*

It is finally noted there is no need to amend Condition B4 of Schedule 2 to reflect changes to unit numbers or car parking, as there are 6 x studio and 94 x 1 bedroom apartments within the approved scheme of 212 apartments:

> *The maximum number of car spaces to be provided for the development shall comply with the table below. Details confirming the parking numbers shall be submitted to the satisfaction of the Certifying Authority prior to the issue of **any amended** Construction Certificate.*

Car parking allocation	*Number*
*1 bedroom **and studio** apartments*	*~~34~~ 38*
2 bedroom apartments	*~~61~~ 75*
3 bedroom apartments	*~~17~~ 20*
Visitor spaces	*~~26~~ 16*
Retail Spaces	*2*
Car Share Spaces	*3*
Service Vehicle Spaces	*3*
Total Car Parking Spaces	*~~138~~ 158*
Motorcycle Spaces	*~~14~~*

The City of Sydney Council prescribes a **maximum** 0.1 spaces per studio dwelling and 0.4 spaces per 1 bedroom dwelling (see Clause 7.5(1)(b) of Sydney Local Environmental Plan 2012).

= (6 x 0.1) + (94 x 0.4)

= 38.2 spaces

Condition B4 prescribes a maximum of 38 car parking spaces for the studio and 1 bedroom dwellings (therefore no change required).

The calculation of visitor spaces as per Clause 7.5(1)(b) is as follows:

(v) for each dwelling up to 30 dwellings—0.167 spaces **(= 5.01 spaces)**, *and*

(vi) for each dwelling more than 30 and up to 70 dwellings—0.1 spaces **(= 4 spaces)**, *and*

(vii) for each dwelling more than 70 dwellings—0.05 spaces **(= 7.1 spaces)**,

= **16.11 spaces**

Condition B4 prescribes a maximum of 16 visitor spaces (therefore no change required).

Conclusion

The proposed modification has a no environmental impacts, as its intention is only to resolve minor errors and misdescription contained within the Modification of Project Approval.

The development to which the consent as modified relates is substantially the same development as that for which the consent was originally granted.

Yours sincerely

Daniel McNamara
Director