

# Former Rachel Forster Hospital

State Significant  
Development  
Modification Assessment  
(MP 09\_0068 MOD 2)



June 2019

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### **Cover photo**

Forecourt to Buildings A & C (Source: MP 07\_0029 MOD 1 and MP 09\_0068 MOD 1)

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# 1. Introduction

## 1.1 Preamble

This report is an assessment of an application to modify the project approval to correct minor errors and misdescriptions, for the redevelopment of the former Rachel Forster Hospital site, Redfern (MP\_0068).

The application seeks to correct the approved number of units and plan references in the project approval.

The application has been lodged by Kaymet Corporation (the Applicant) pursuant to section 4.55(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

## 1.2 The site

The site is located at 134-144 Pitt Street, Redfern on the corner of Pitt and Albert Streets approximately two kilometres south of the Sydney CBD, within the City of Sydney Local Government Area (LGA) (**Figure 1**). It has an area of 6,922.9 m<sup>2</sup>.



**Figure 1** | Site Location (shown in red)

The site formerly housed the Rachel Forster Hospital which operated between 1941 and 2000. The hospital comprised five buildings, which were constructed between 1940 and 1978. Building 1, the main five storey building, remains on site. All other buildings were demolished between 2010 and 2014.

### 1.3 Approval History

On 9 October 2007, the then Minister for Planning approved a Concept Plan (MP 07\_0029) for the redevelopment of the site for a mix of residential and public open space uses. Key aspects of the Concept Approval include:

- 13,846 m<sup>2</sup> gross floor area (FSR of 2:1)
- maximum building heights (from 3 to 6/7 storeys) and envelopes for four residential development blocks (Buildings A - D)
- retention and adaptive reuse of the existing heritage building and colonnade on the site
- public domain and landscape concept, including communal open space, public open space and pedestrian connections.

The development consent has been modified on one occasion (**Table 1**).

**Table 1** | Summary of Modification (MP 07\_0029 MOD 1)

Mod No.	Summary of Modification	Determined by	Type	Approval Date
MOD 1	Modification for increase in height of Buildings B and C from four to six storeys, increase in gross floor area from 13,846 m <sup>2</sup> to 15,592 m <sup>2</sup> and FSR from 2.0:1 to 2.25:1, and the provision of neighbourhood shops.	Commission	75W	7 June 2018

On 1 July 2013, the then Planning Assessment Commission granted Project Approval (MP 09\_0068) for a residential development on the site including:

- demolition of Buildings B, C and D and tree removal
- adaptive reuse of the former surgery building (Building A) for residential housing and construction of three residential buildings comprising a total of 158 residential apartments
- two levels of basement car parking for 138 car spaces
- provision of publicly accessible communal open space
- strata subdivision.

The development consent has been modified on one occasion (**Table 2**).

**Table 2** | Summary of Modification (MP 09\_0068 MOD 1)

Mod No.	Summary of Modification	Determined by	Type	Approval Date
MOD 1	Modification to increase the height of Buildings B & C, increase total GFA, affordable rental housing GFA, neighbourhood shops, increase in the number of residential apartments and car parking, modification of the floor plans and elevations for Buildings A to D, and reconstruction and adaptive re-use of the former Rachel Forster Hospital colonnade.	Commission	75W	7 June 2018



## 2. Proposed Modification

On 14 May 2019, the Applicant lodged a modification application under section 4.55(1) of the EP&A Act seeking to correct minor errors and misdescriptions in the following conditions:

- Condition A1 – amend the development description to correctly reflect the approved number of residential apartments (212 instead of 213 apartments)
- Condition A2 – amend the approved table of plans to correct drawing number, name and revision for three plans (upper basement plan, lower ground floor plan and liveable housing units 3)
- Condition B5 – amend the bicycle parking allocation to reflect the allocation of one bicycle space per residential apartment, as corrected in Condition A1.



## 3. Statutory Context

### 3.1 Scope of Modifications

Section 4.55(1) of the EP&A Act allows the consent authority to modify a development consent to correct minor errors and misdescriptions.

The matters for consideration under section 4.55(1) of the EP&A Act that apply to the modification of the consent (MP09\_0068 MOD 2) have been considered in **Table 3**.

**Table 3** | Section 4.55(1) Modifications involving minor error, misdescription or miscalculation

Section 4.55(1) Evaluation	Consideration
A consent authority may, on application being made by the Applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify a development consent granted by it to correct a minor error, misdescription or miscalculation.	The Department is satisfied the proposed modification constitutes an administrative modification within the scope of Section 4.55(1), as it seeks to correct minor errors and misdescriptions in the development consent.

### 3.2 Consent Authority

The Minister for Planning is the consent authority for the application under section 4.5(a) of the EP&A Act. However, under the Minister's delegation dated 11 October 2017, the Director, Key Sites Assessments, may determine the application as:

- the relevant local council has not made an objection
- a political disclosure statement has not been made
- there are no public submissions in the nature of objection.



## 4. Engagement

The Department made the modification application and SEE available on its website from 14 May 2019. As the modification is administrative in nature, the Department did not formally seek submissions on the application, but forwarded the application to City of Sydney Council.

Council did not provide a submission on the proposed modification.



## 5. Assessment

The Department has considered the proposed modifications and supporting information provided by the Applicant in accordance with the relevant requirements of the EP&A Act, as set out below.

### Schedule 1 – Modification description and Condition A1 - development description

The modification seeks to amend the modification description in Schedule 1 and Condition A1 to reflect the correct number of residential apartments, being 212, not 213.

The proposed change is acceptable, as it is correcting a misdescription in the development description and will correctly reference the approved number of apartments.

There are no changes to gross floor area as these areas are correctly referenced.

### Condition A2 – Plans and documentation

The modification seeks to amend Condition A2 to reflect the stamped approved plans drawing number, revision and name of plan, for the upper basement plan, lower ground floor plan and liveable housing units 3.

The proposed changes are acceptable, as they relate to a misdescription and ensure the condition correctly references the correct stamped approved plans.

### Condition B5 – Bicycle parking allocation

The modification seeks to amend Condition B5 to correctly show the allocation of one bicycle space per residential apartment, being 212, not 213.

The proposed change is acceptable, as it is consistent with the correction to Condition A1 regarding total apartment numbers.



## 6. Evaluation

The Department considers the proposed modification is acceptable as it only seeks to correct minor errors and misdescriptions to the development consent. The proposed modification has no environmental impacts and the development is substantially the same as the approved development.

Consequently, it is recommended that the modification be approved subject to the recommended conditions.



## 7. Recommendation

It is recommended that the Director, Key Sites Assessments, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report;
- **determines** that the application (MP 09\_0068 MOD 2) falls within the scope of section 4.55(1) of the EP&A Act;
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for approving the modification application
- **modify** the consent MP09\_0068; and
- **signs** the attached approval of the modification (**Appendix B**).

Recommended by:

**Emily Dickson**

Senior Planning Officer  
Key Sites Assessments



## 8. Determination

The recommendation is: **Adopted by:**

**David McNamara**  
Director  
Key Sites Assessments



# Appendices

## Appendix A – List of Documents

- MP 09\_0068, being the project approval for the redevelopment of the former Rachel Forster Hospital site, granted by the Commission on 1 July 2013, together with submissions raised, Applicant's response to submissions, Department' assessment and Commission's assessment report
- Associated modifications to the project approval, MP 09\_0068 MOD 1
- Statement of Environmental Effects  
<https://www.planningportal.nsw.gov.au/major-projects/project/11996>

## Appendix B – Modification of Development Consent

<https://www.planningportal.nsw.gov.au/major-projects/project/11996>

## Appendix C – Consolidated Consent

<https://www.planningportal.nsw.gov.au/major-projects/project/11996>