



Former Rachel Forster Hospital Modification 4

Amend Condition B1(g) relating to privacy screens
(MP 09_0068 MOD 4)

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Cover image: View from Pitt Street (Source: MP 09_0068 MOD 1)

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Glossary

Abbreviation	Definition
Council	City of Sydney Council
Commission	Former Planning Assessment Commission
Department	Department of Planning, Industry and Environment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
LEP	Local Environmental Plan
LGA	Local Government Area
Minister	Minister for Planning and Public Spaces
MOD	Modification
SEARs	Planning Secretary's Environmental Assessment Requirements
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
SEPP	State Environmental Planning Policy
SSD	State Significant Development

1 Introduction

1.1 Background

This report provides an assessment of an application to modify the Project Approval for the redevelopment of the former Rachel Forster Hospital site, Redfern (MP 09_0068).

The modification application seeks to amend an incorrect apartment reference number, relating to provision of privacy screens in Condition B1(g).

The Applicant is Kaymet Corporation Pty Ltd (the Applicant) and the application is made 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 (km) south of the Sydney CBD, within the City of Sydney Local Government Area (LGA) (**Figure 1**). It has an area of 6,922.9 m².



Figure 1 | Site Location (boundaries 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

Concept Plan (MP 07_0029)

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 Plan include:

- 13,846 m² 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.

Project Approval (MP 09_0068)

On 1 July 2013, the then Planning Assessment Commission (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.

A summary of modifications to the Concept Plan and Project Approval is provided in **Appendix A**.

2 Proposed modification

The proposal seeks to amend Condition B1(g) to correct a minor error relating to an incorrect apartment number reference as follows:

B1 Design Modifications

*g) Provision of privacy screens to the eastern edge of balconies in apartments ~~324~~ **320** and 419 in Building B to prevent direct overlooking to Building C to the east.*

The proposed change will allow the intent of the original condition to be realised.

A link to the modification application documents is provided in **Appendix B**.

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 4) have been considered in **Table 1**.

Table 1 | Section 4.55(1) Modifications involving a 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 a minor error in the apartment number referenced in Condition B1(g).

3.2 Consent authority

The Minister for Planning and Public Spaces is the consent authority for the application under section 4.5(a) of the EP&A Act. However, the Team Leader, Key Sites Assessments, may determine the application under delegation as:

- the application has not been made by a person who has disclosed a reportable political donation
- the council has not made a submission by way of objection
- there are no public submissions in the nature of objections.

4 Engagement

The Department made the modification application and supporting information publicly available on the its website on 11 August 2021 and referred it to City of Sydney Council (Council).

Council raised no objection to the proposal and no submissions were received from the public.

5 Assessment

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

The modification seeks to amend Condition B1(g) to reference the correct apartment number (320) requiring provision of a privacy screen.

The Department notes Condition B1(g) was imposed to require privacy screens to east-facing balconies in Building B to prevent direct overlooking to Building C to the east (**Figure 2**).

The Department agrees with the Applicant that Condition B1(g) incorrectly references Apartment 321 instead of Apartment 320 as:

- Apartments 320 and 419 in Building B have east-facing balconies which overlook Building C
- Apartment 321 is in Building C and has a west-facing balcony facing Building B.

The Department therefore recommends the minor error be corrected in condition B1(g) to allow the intent of the original condition to prevent overlooking between apartments in Building B and C.

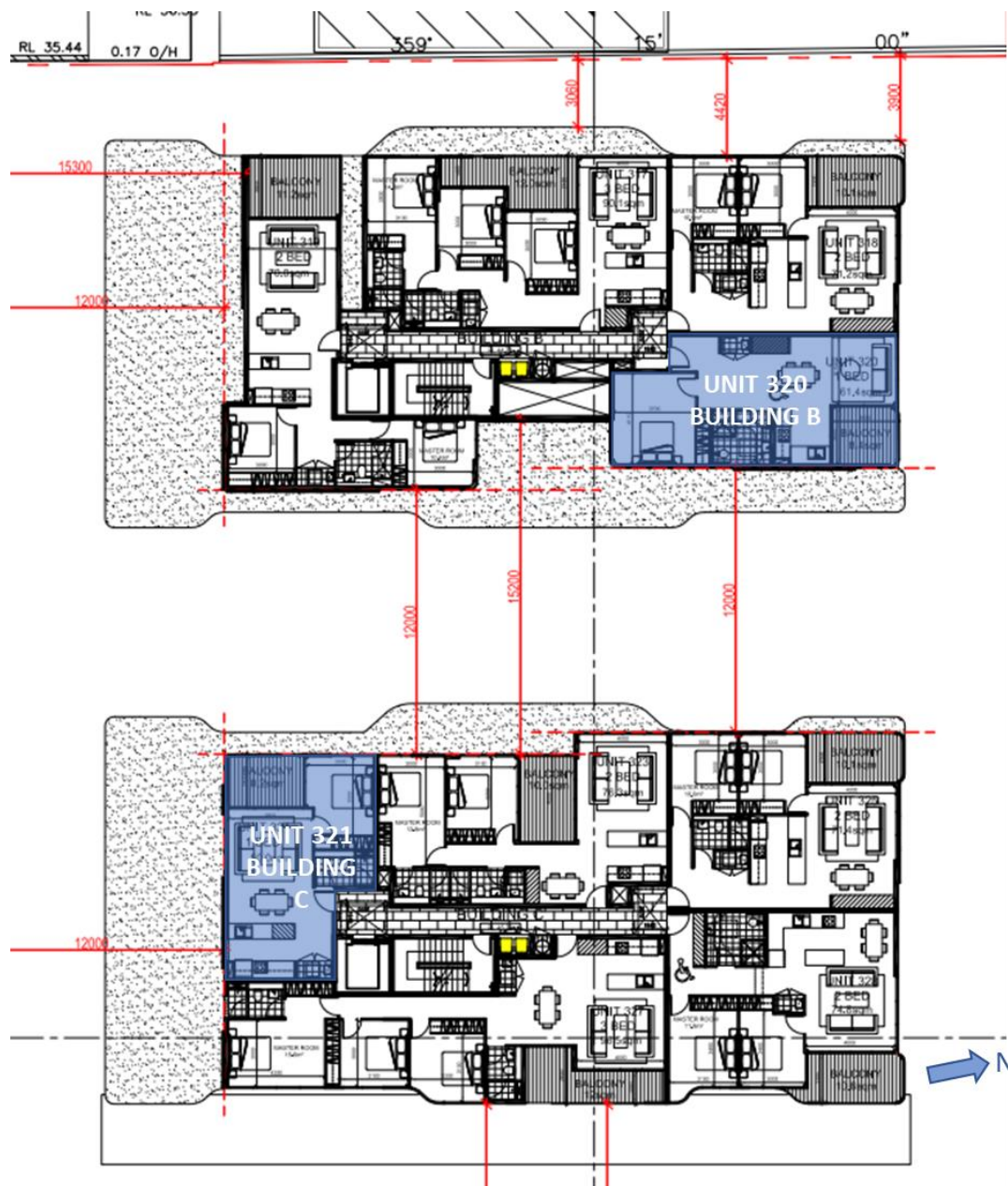


Figure 2 | Approved Level 3 Plan in MP 09_0068 Modification 1 (Unit 320 and 321 shown in blue)

6 Evaluation

The Department considers the proposed modification is acceptable as it seeks to correct a minor error 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 Team Leader, Key Sites Assessments, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **determines** that the application MP09_0068 MOD 4 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 making the decision to approve the modification
- **modify** the consent MP09_0068
- **signs** the attached approval of the modification (**Appendix C - Notice of modification**).

Recommended by:



Jennie Yuan
Planning Officer
Key Sites Assessments

Recommended by:



David Glasgow
Principal Planning Officer
Key Sites Assessments

8 Determination

The recommendation is **Adopted** by:

A handwritten signature in black ink, appearing to read 'AWatson'.

31 August 2021

Amy Watson

Team Leader

Key Sites Assessments

as delegate of the Minister for Planning and Public Spaces

Appendices

Appendix A – Approval history of modifications

The Concept Plan approval (MP 07_0029) has been modified once, as summarised in **Table 2**. The subject Major Project approval (MP 09_0068) has been modified on two occasions, as summarised in **Table 3**.

Table 2 | Summary of Modification to MP 07_0029

Mod No.	Summary of Modification	Determined by	Type	Status
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 ² to 15,592 m ² and FSR from 2.0:1 to 2.25:1, and the provision of neighbourhood shops.	Commission	75W	Approved 7 June 2018

Table 3 | Summary of Modifications to MP 09_0068

Mod No.	Summary of Modifications	Determined by	Type	Status
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	Approved 07 June 2018
MOD 2	Modification to correct errors and misdescriptions in Condition A1, A2 and B5	Department	4.55(1)	Approved 21 June 2019
MOD 3	Modification to increase the building height of Building A and D	N/A	4.55(2)	Not yet lodged

Appendix B – List of referenced documents

- Modification report
<https://www.planningportal.nsw.gov.au/major-projects/project/42376>

Appendix C - Notice of modification

<https://www.planningportal.nsw.gov.au/major-projects/project/42376>

Appendix D - Consolidated consent

<https://www.planningportal.nsw.gov.au/major-projects/project/42376>