

30 August 2018

15743

Ms Carolyn McNally
Secretary
NSW Department of Planning and Environment
320 Pitt Street, Sydney NSW 2000

Attention: Anthony Witherdin (Director, Modification Assessments)

Dear Anthony,

**Section 75W Modification Application | Project Approval MP10_0230
Woollooware Bay Town Centre, Captain Cook Drive, Woollooware**

This Section 75W Modification has been prepared to modify Project Approval MP10_0230 for the Eastern Precinct at 461 Captain Cook Drive, Woollooware (Woollooware Bay Town Centre). It is submitted to the Minister for Planning (or his delegate) pursuant to section 75W and Schedule 2 of the *Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017* (the Transitional Regulation) by Ethos Urban on behalf of Bluestone Capital Ventures No. 1 Pty Ltd (Bluestone).

The purpose of this modification application is to correct an error in the most recent instrument of modification that was issued by the Department of Planning and Environment (the Department) on 30 July 2018 (MOD 4). The error relates to a reference to a stratum subdivision plan, which was approved by modification application (MOD 5) prior to the determination of MOD 4.

The Project Approval has been subject to six modification applications to date:

Modification	Subject	Date of Determination
1	Minor design amendments and amended draft plan of stratum subdivision (V7)	10 February 2014
2	Amendment to draft plan of stratum subdivision (V18)	8 April 2016
3	Amendments to building architecture to implement HDR Rice Daubney scheme.	2 August 2016
4	Further amendments to building architecture and extension of lapse date.	30 July 2018
5	Amendment to draft plan of stratum subdivision (Version 22)	29 March 2017
6	Withdrawn	N/A

The most recent modification application determined by the Department (MOD 4) incorrectly refers, at Condition A2(g) of Schedule 2, to the approved Draft Plans of Stratum Subdivision by Harrison Friedmann & Associates as being the version submitted on 14 February 2016 and labelled V18. This is not correct.

MOD 5 was approved by the Department on 29 March 2017 (more than a year before MOD 4 was determined), and approves the Draft Plans of Stratum Subdivision by Harrison Friedmann & Associates submitted on 19 December 2016 and labelled V22. This is the current subdivision plan that should be noted on the instrument of approval. The architectural amendments that were the subject of MOD 4 did not give rise to, nor request, any amendment to the stratum subdivision plans.

We therefore request that the Department modify the instrument of approval to refer to the correct, most recently approved stratum subdivision plans as follows:

Draft Plans of Stratum Subdivision by Harrison Friedmann & Associates (as submitted 24 February 2016) (as submitted 19 December 2016) Plan of Subdivision of lots 1 and 2 in DP1180482 & Easement over lot 1 in DP1180482 Surveyors Ref: 44380DT v18 v22 (Surveyor: David John Tremain)		
Sheet 1 of 7	Plan of Subdivision	31/07/2014 31/05/2016
Sheet 2 of 7	Level 1	31/07/2014 31/05/2016
Sheet 3 of 7	Level 2	31/07/2014 31/05/2016
Sheet 4 of 7	Level 3	31/07/2014 31/05/2016
Sheet 5 of 7	Level 4	31/07/2014 31/05/2016
Sheet 6 of 7	Level 5	31/07/2014 31/05/2016
Sheet 7 of 7	Level 6 and above	31/07/2014 31/05/2016

We would appreciate the Department's urgent attention in correcting this issue. Should you have any queries, please do not hesitate to contact the undersigned.

Yours sincerely,



Michael Oliver
Associate Director, Planning
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Attachments:

- Attachment A – Stamped Draft Plan of Subdivision for Modification 5