

# **Attachment B**

**Email**

**From:** Charles Peters [REDACTED]  
**Sent:** Sunday, 11 August 2024 2:16 PM  
**To:** Gavin Ho  
**Cc:** [REDACTED]  
**Subject:** 104 Pitt St Redfern - D/2023/1179 - Amended draft conditions (DRAFT)  
**Attachments:** IMG\_4451.jpg

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Hi Gavin,

Thanks for speaking with me last week. As discussed, there are a few draft conditions that we were looking to amend – specifically relating to the rear easement. The intent is to remove any proposed works within the easement that would require owner’s consent from 98 Pitt Street. This can be achieved by retaining the existing timber gate located within the easement and limiting all new work to within the property boundary. A photo of the existing gate is attached.

Please find the suggested amendments below. Amendments are shown in blue, commentary in red:

**(2) DESIGN MODIFICATIONS**

- (a) ~~The southern timber fencing is not permitted for demolition as no landowners consent has been submitted from 98 Pitt Street Redfern, for the demolition of this structure. To ensure structure integrity of the timber fence as a whole, this fence must be retained in full and not demolished.~~ The existing gate located within the Right of Footway easement is to be retained, including any supporting structure.

The retention of the existing gate allows access in accordance with the covenant and does not require any new works outside the property boundaries of 104 Pitt Street.

- ~~(b) No new masonry southern side boundary fencing is permitted to be constructed as the existing timber fence is required to be retained by (a) above.~~

This condition can be omitted. The existing gate is independently supported. Restriction of works to within the site boundaries is addressed by condition (c).

- (c) No structures or works are permitted to or encroach within the Right of Footway easement or over the land of 98 Pitt Street Redfern, as no land owners consent from this property has been submitted with this development application. (No change to this condition)

- (d) The western facade glazing (Window WG.06) of the floor to ceiling sliding doors adjacent to the living area at the ground floor level must be amended to comply with the NCC clause H3D1 and Part 9.2 of the ABCB Housing Provisions Volume 2 Part 3.7.2 Fire Separation of External Walls. This may require change to the FRL of the glazing, change to solid non-openable masonry wall or alternative fire protection measures as required to comply with the NCC. Alternatively this may be addressed by a performance based solution achieving the requirements of NCC clause H3P1.

The intent is to achieve compliance using a performance based solution to allow operable glazing in this location. NCC clauses have been updated to reference NCC 2022.

(e) *Details of the proposed landscaping species, densities and irrigation measures for the Level 1 garden bed adjacent to Bedroom 3 and the Level 2 terrace garden bed must be submitted to the satisfaction of Council's Area Planning Manager. (No change to this condition)*

I trust these amendments address council's requirements while clarifying the extent of approved works. Let me know if you have any comments – if you're comfortable with these amendments we'll propose them at the panel meeting on the 14<sup>th</sup> August.

Thanks,

Charles

**Charles Peters**  
Principal

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