

Modification of Development Consent

Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions in Schedule 2.



Cameron Sargent
Team Leader
Key Sites Assessments

Sydney

7 July 2022

SCHEDULE 1

Development consent:	SSD 10382 granted by the Director, Key Sites Assessments on 24 June 2021
For the following:	Demolition of existing structures and construction of an 18-storey student accommodation building comprising: <ul style="list-style-type: none">• 381 student accommodation rooms, providing 408 beds• communal student facilities, including lounge areas, games room, gymnasium and external terraces on level 2• one ground floor retail tenancy• public domain and landscaping works
Applicant:	The Trustee for WH Regent Trust
Consent Authority:	Minister for Planning
The Land:	Lots 1-3 Section 2 in DP 3954, Lot 1 in DP 184335 and SP57425 90-102 Regent Street, Redfern
Modification:	SSD 10382 MOD 1: Internal and external amendments and replacement of condition of consent relating to land dedication

SCHEDULE 2

The above approval is modified as follows:

1. Schedule 2 Part A – Administrative Conditions – Condition A2 is amended by the deletion of ~~struck out~~ words and the insertion of **bold and underlined** words as follows:

TERMS OF CONSENT

A1. The development may only be carried out:

- (a) in compliance with the conditions of this consent;
- (b) in accordance with all written directions of the Planning Secretary;
- (c) in accordance with the EIS, RtS and RRtS and Addendum RRtS. If the EIS, RtS, RRtS and Addendum RRtS are inconsistent with the conditions of consent, the conditions shall prevail; ~~and;~~
- (d) in accordance with the approved plans in the table below. If the approved plans are inconsistent with the conditions of consent, the conditions of consent shall prevail; **and,**
- (e) **the Section 4.55(1A) application prepared by Urbis dated 1 June 2022 and Appendices.**

Architectural Drawings prepared AJ&C Architects			
Drawing No.	Revision	Name of Plan	Date
DA0000	4	Cover Sheet	01/06/2021
DA0004	<u>5</u>	Project Summary	<u>02/04/2022</u>
DA1001	3	Site Plan	26/04/2021
DA1002	3	Site Analysis	26/04/2021
DA1003	4	Street Elevations	01/06/2021
DA1004	3	Demolition Plan	26/04/2021
DA1005	3	Setback Site Plan	26/04/2021
DA1006	3	Setback Plan	26/04/2021
DA1007	3	Site Coverage Plan	26/04/2021
DA2000	<u>5</u>	Basement and Lower Ground Floor Plan	<u>02/04/2022</u>
DA2001	<u>5</u>	Ground (L1) and Level 2 Floor Plans	<u>02/04/2022</u>
DA2002	<u>5</u>	Level 3 and Lower Typical Floor Plans	<u>02/04/2022</u>
DA2003	<u>5</u>	Level 9 and 15 Communal Floor Plans	<u>02/04/2022</u>
DA2004	<u>5</u>	Upper Typical Floor Plan	<u>02/04/2022</u>
DA2005	3	Plant and Roof Plan	26/04/2021
DA3001	<u>5</u>	East Elevation	<u>02/04/2022</u>
DA3002	<u>5</u>	North Elevation	<u>02/04/2022</u>
DA3003	<u>5</u>	West Elevation	<u>02/04/2022</u>
DA3004	<u>5</u>	South Elevation	<u>02/04/2022</u>
DA3011	3	Material Board	26/04/2021
DA3101	3	Section A	26/04/2021
DA3102	3	Section B	26/04/2021
DA3103	<u>5</u>	Section C	<u>02/04/2022</u>
DA3104	3	Section D	26/04/2021
DA3105	3	Section E	26/04/2021
DA5100	<u>5</u>	GFA Diagrams	<u>02/04/2022</u>

DA5200	3	Standard Unit Plans 1	26/04/2021
DA5201	3	Standard Unit Plans 2	26/04/2021
DA5202	<u>5</u>	Signage Detail	<u>02/04/2022</u>
Landscape Drawings prepared by Turf Design Studio			
Drawing No.	Revision	Name of Plan	Date
L-DA-12	F	Ground Level: Public Domain Landscape Plan	May 2021
L-DA-14	F	Level 2 Landscape Plan	May 2021
L-DA-15	F	Level 2 Western Communal Terrace Section	May 2021
L-DA-18	F	Level 3 Landscape Plan	May 2021
L-DA-21	F	Soil Depth Plan	May 2021
L-DA-22	F	Canopy Coverage Plan	May 2021
L-DA-23	F	Planting Plans	May 2021
L-DA-24	F	Planting Palette	May 2021
L-DA-27	F	Typical Details	May 2021

2. Schedule 2 Part B – Prior to Issue of Construction Certificate – Condition B7 and B71 are amended by the deletion of ~~struck-out~~ words and the insertion of **bold and underlined** words:

GROSS FLOOR AREA (GFA) CERTIFICATION

- B7. The GFA of the building must not exceed 9,0031 m². Details confirming compliance must be submitted to the Certifier prior to the issue of a relevant Construction Certificate.

COMPLIANCE WITH WIND IMPACT ASSESSMENT

- B14. Prior to the issue of the relevant Construction Certificate, plans shall be submitted to the Certifier demonstrating compliance with the design parameters of the Environmental Wind Tunnel Test, prepared by SLR Consulting Pty Ltd, dated 30 September 2020, **and the addendum Environmental Winds – L2 Terrace Balustrade Height, prepared by SLR Consulting Pty Ltd, dated 12 April 2022.**

LAND DEDICATION PLAN

- B71. ~~A detailed Land Dedication Plan detailing any land to be dedicated to Council as part of the footpath widening to William Lane and Marian Street, is required to be submitted to and approved by Council, prior to the issue of the relevant construction certificate.~~

~~Prior to the issue of any relevant Construction Certificate, details demonstrating compliance with this requirement shall be submitted to the Certifier.~~

3. Schedule 2 Part E – Prior to Occupation or Commencement of Use – Condition E2 and Conditions E41 – E53 are amended/inserted by the deletion of ~~struck-out~~ words and the insertion of **bold and underlined** words

GFA AND HEIGHT CERTIFICATION

- E2. A Registered Surveyor is to certify that the GFA of the building does not exceed 9,0031 m² and the height of the building does not exceed 18-storeys and RL 88.35 m AHD. Details shall be provided to the PCA demonstrating compliance with this condition prior to the issue of any Occupation Certificate.

LAND DEDICATION PLAN

- E41. A separate application must be made to Council to obtain the approval of the plan of subdivision and issue of a Subdivision Certificate under Section 6.15 of the Environmental Planning and Assessment Act 1979 for each stage of the subdivision.**

- E42. A Sydney Water Section 73 certificate, referencing the subdivision, will be required to be lodged prior to the issue of a subdivision certificate.**

- E43. Prior to the issue of the Final Occupation Certificate, the subdivision plan shall be completed and lodged with the Office of NSW Land Registry Services, showing the new components of the building and creating any easements as necessary. Evidence of lodgement must be provided to the Principal Certifier.**

- E44. The subdivision plan shall dedicate in stratum an approximately 2.4 metre wide strip of land across the full William Lane frontage as road widening. The road widening shall be shown as a separate lot on the plan.**
- E45. The subdivision plan shall also dedicate an approximately 0.9 metre wide strip of land across the full Marian Street frontage as road widening, also shown as a separate lot.**
- E46. Building columns should be excluded from the dedication lots.**
- E47. Both road widening lots shall be dedicated in stratum, unlimited in depth, and limited in height to a plane 0.1 metres below any overhanging components of the building above, stepping around the face of the building to a point above the building, where the boundary will step back in to align with the new boundary at ground level. The structure of the building should be wholly within the development lot, other than nonstructural awnings.**
- E48. Public domain works within the land to be dedicated must be completed to the satisfaction of the Council's Public Domain team prior to the issue of the subdivision certificate**
- E49. The land must be dedicated unencumbered. All restrictions, covenants and leases must be released prior to dedication, including those benefiting Council. Easements may be released in conjunction with the dedication process.**
- E50. The subdivision may be carried out in two stages if so desired – the first stage to subdivide into three lots, the second for the purpose of dedicating the road widening lots. A separate application must be made to NSW Department of Planning and Environment to obtain the approval of the plan of subdivision and issue of a Subdivision Certificate under Section 6.15 of the Environmental Planning and Assessment Act 1979 for each stage of the subdivision.**
- E51. Evidence of lodgement of the dedication plan with NSW Land Registry Services shall be supplied to the Principal Certifier prior to the issue of a Staged or Final Occupation Certificate. Should the registered surveyor form the opinion that registration of the subdivision plan prior to construction is necessary due to the potential for disagreement with the boundary fixation, then the requirements in subclause (a) relating to showing the new components of the building on the plan need not apply.**
- E52. A positive covenant must be registered on the title of the development lot, pursuant to Section 88B of the Conveyancing Act, 1919, and appurtenant to Council, requiring a plan of subdivision for boundary adjustment to be lodged with the office of NSW Land Registry Services within 9 months of the demolition of the building, and subsequently registered, to reinstate a vertical street alignment in stratum from the current ground level boundary location.**
- E53. The lots that are to be dedicated to the City must not be encumbered by any Environmental Management Plan or Long Term Environmental Management Plan.**

End of modification
(SSD 10382 MOD 1)