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# **S4.55(1A) MODIFICATION REPORT**

Doncaster Ave, Kensington

Prepared for  
**COR PARTNERS**  
7 December 2021

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# 1. INTRODUCTION

This report has been prepared by Urbis on behalf of Cor Partners (the 'Applicant') in support of a Section 4.55(1A) application to modify the original State Significant Development (SSD) Application SSD-9649 relating to 4-18 Doncaster Avenue, Kensington.

This modification application seeks approval for minor design changes to the cluster bedrooms within the main building, resulting in a reduction in the total number of student beds from 259 to 250, and the external amenities block to the rear of the heritage listed Doncaster Terraces.

## 1.1 REPORT STRUCTURE

This planning report identifies the subject site and the surrounding locality, details the approved development and subsequent work, describes the proposed modification and provides an assessment against the relevant matters for consideration, pursuant to Section 4.15 of the *Environmental Planning and Assessment Act 1979* (the EP&A Act). This report includes the following:

- Section 1: Introduction and Project Background
- Section 2: Strategic Context
- Section 3: Description of Modifications
- Section 4: Statutory Context
- Section 5: Engagement
- Section 6: Evaluation of Merits

## 1.2 PROJECT BACKGROUND

The original SSDA was approved as part of Tranche One of DPIE's Fast-tracked Assessment to inject investment into the NSW economy and keep people in jobs during the COVID-19 pandemic. Completion of the building is expected by early 2022.

A meeting was held with the Department of Planning, Industry and Environment (DPIE) on 13 August 2021 to discuss the proposed modifications. Following this meeting, DPIE confirmed that the proposed development was considered a Section 4.55(1A) modification and any modification to SSD-9649 should incorporate the following:

- A description of the approved SSD project and the reasons why the modifications are required,
- An assessment of the heritage impacts of the proposed modifications, and
- A BCA statement/report providing an assessment against the relevant BCA requirements.

DPIE's requirements have been incorporated into this Modification Report.

## 1.3 EXISTING APPROVAL

### 1.3.1 Original SSD-9649

On 21 May 2020, approval for SSD-9649 was granted by the Independent Planning Commission (the Commission) for a student accommodation development comprising excavation of basement and construction of a three-storey building, and adaptive reuse and alterations and additions to 10-12 Doncaster Avenue including:

- 259 student accommodation beds within 201 student units;
- Student amenities, communal open space and landscaping;
- 55 car, 55 motorcycle, and 178 bicycle parking spaces; and
- Realignment of concrete stormwater channel and provision of a substation.

### **1.3.2 SSD-9649-MOD-1**

On 9 November 2020, a modification was lodged to the DPIE to modify the location of the approved OSD tank (SSD-9649-Mod-1). This application was approved on 22 July 2021.

### **1.3.3 SSD-9649-MOD-2**

On 16 March 2021, a modification was lodged to the DPIE to modify the approved plans in order to support minor design modifications including relocation of mechanical plant to the approved development. This application was approved on 19 November 2021.

### **1.3.4 SSD-9649-MOD-3**

On 6 April 2021, a modification was lodged to the DPIE to allow temporary accommodation changes to permit recent graduates to live in the approved student housing. This application was approved on 13 August 2021.

## 2. STRATEGIC CONTEXT

In accordance with the requirements of the SEARs, the proposal's consistency with the relevant strategic planning documents and policies is included in **Table 3** below. This includes *The Greater Sydney Regional Plan – A Metropolis of Three Cities*, *the Eastern City District Plan* and *Future Transport Strategy 2056*. The proposed modifications do not affect the consistency of the approved development with the strategic planning framework as established through the original SSDA.

Table 1 – Strategic Planning Framework

Document	Aims Relevant to the Proposal	Consistency
A Metropolis of Three Cities (Region Plan)	<p>This document forms part of the integrated planning framework for Greater Sydney. The Region Plan is built on a vision of three cities; the Western Parkland City, the Central River City and the Eastern Harbour City.</p> <p>The 40-year vision to 2056 brings new thinking to land use and transport patterns to boost Greater Sydney's liveability, productivity and sustainability by spreading the benefits of growth.</p>	<p>The proposal remains consistent with the Greater Sydney Regional Plan, A Metropolis of Three Cities by providing affordable and diverse housing in a location that has excellent access to public transport and walking and cycling routes and is in close proximity to UNSW, the Kensington Town Centre, Centennial Park and other facilities.</p>
Eastern City District Plan	<p>The District Plan contains strategic directions, planning priorities and actions that seek to implement the objectives and strategies within the Region Plan at the district-level.</p>	<p>The proposal remains consistent with the Eastern City District Plan through the provision of housing supply, choice and affordability, with access to jobs, services and public transport and respecting the heritage significance of the site.</p>
NSW Long Term Transport Master Plan 2012	<p>The Greater Sydney Services and Infrastructure Plan is Transport for NSW's 40-year plan for transport in Sydney.</p> <p>The focus of the plan is to enable people and goods to move safely, efficiently and reliably around Greater Sydney, including having access to their nearest centre within 30 minutes by public transport, 7 days a week.</p> <p>The transport system will also support the liveability, productivity and sustainability of places on our transport networks. Achieving this will require more efficient modes of transport – public transport, shared transport and walking and cycling – to play a greater role.</p>	<p>The proposal remains consistent with the NSW Long Term Transport Master Plan 2012 due to its close proximity to public transport, pedestrian connections and services.</p> <p>The changes proposed as part of the modification application do not affect the consistency of the approved development with the strategic planning framework as established through the original SSDA.</p>

Document	Aims Relevant to the Proposal	Consistency
<p>Better Placed – An integrated design policy for the built environment of NSW 2017</p>	<p><i>Better Placed – An integrated design policy for the built environment of NSW</i> 2017 is the New South Wales Government Architect Office’s (GANSW) policy to guide design.</p> <p>The policy is based on seven objectives that define the key considerations in the design of the built environment which were met by the approved development.</p>	<p>Comments from GANSW were implemented into the approved development and have not been modified by this application.</p> <p>The changes proposed as part of the modification application do not affect the consistency of the approved development with the strategic planning framework as established through the original SSDA.</p>

# 3. DESCRIPTION OF MODIFICATIONS

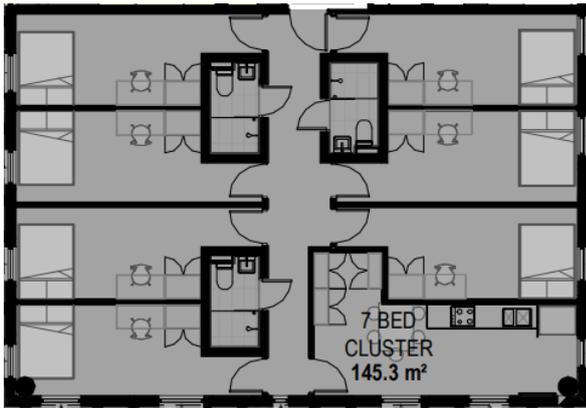
## 3.1 PROPOSED AMENDMENTS TO DESIGN

The Section 4.55(1A) modification seeks to modify Condition A2 and E9 of the consent to SSD-9649 in order to support minor design modifications to the approved development. The proposed modifications are outlined below:

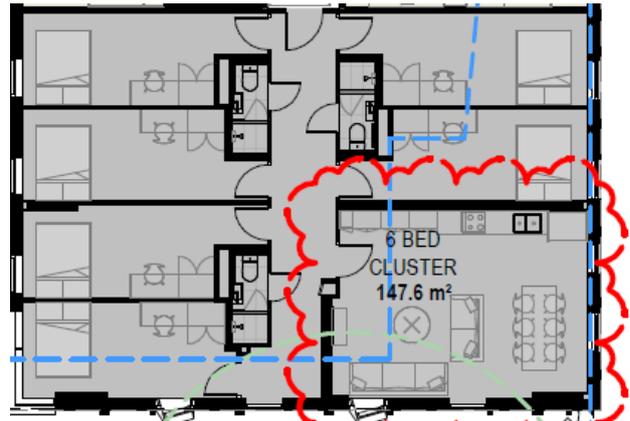
- **Redesign of the five 7 bed clusters into 6 bed clusters**

It is proposed to reconfigure the five approved seven bed clusters into six bed clusters. The proposed modification to the design will provide a larger common area within the clusters as shown in **Figure 1**.

Figure 1 Approved and proposed cluster rooms



Picture 1 Approved 7 bed cluster (Level 1)



Picture 2 Proposed 6 bed cluster (Level 1)

Source: Hayball

- **Amendments to the Doncaster Terraces heritage item**

It is proposed to reconfigure the layout of the Doncaster Terraces to update the current bathroom design on the ground and first level to improve accessibility. To undertake these changes, external changes are proposed including an addition to the rear of the terraces as shown in **Figure 2**. The proposed amenities block will be 600mm wider and 1100mm higher than the approved design and will result in the partial removal of the rear brickwork and existing timber skirting boards to install the openings to the new addition. Overall, the proposed amendments to the existing rear extension will result in 2.2sqm of additional GFA on each floor, resulting in an additional 4.4sqm overall.

Figure 2 Approved and proposed cluster rooms



Picture 3 Approved South elevation



Picture 4 Proposed South Elevation

Source: Hayball

Additional changes are proposed to the internal layouts of the heritage item to reconfigure the two approved six bed clusters into four bed clusters to provide improved internal layouts and additional communal space within the building.

Changes proposed to bedrooms with the main building and Doncaster Terraces will reduce the total number of students on site from 259 to 250.

▪ **Amendments to the laundry**

It is noted that Condition E9 states that six commercial washing machines and six commercial dryers are proposed as part of the approved design.

Given the two dimensional nature of the plans, the stamped plans read as if there are six washing machines and six dryers. This is inconsistent with the original design intent which proposed five washing machines and six dryers. It is proposed to update the condition to reflect the stamped plans and design of the communal laundry.

### 3.2 PROPOSED AMENDMENTS TO CONDITIONS OF CONSENT

This section outlines the proposed replacement and/or rewording of the description of the approved development and conditions of consent imposed by the Commission. The proposed modifications are shown by a strike through the deleted text and red text for new text.

**Development Description**

*Student accommodation development comprising excavation of basement and construction of a 3 storey building and extension and adaptive reuse of 10-12 Doncaster Avenue including:*

- ~~259~~ 250 student accommodation beds within 201 student units
- Student amenities, communal open space and landscaping
- 56 car, 55 motorcycle and 178 bicycle parking spaces
- Realignment of concrete channel and provision of a substation

**Terms of Consent**

A2. The development may only be carried out:

<b>Architectural drawings prepared by Hayball</b>			
<b>Drawing No.</b>	<b>Rev</b>	<b>Name of Drawing</b>	<b>Date</b>
TP01.02	4	Proposed Site Plan	04/10/2019
TP02.01	8	Basement Plan	04/10/2019
TP02.02	<del>7</del> 14	Ground Floor Plan	<del>04/10/2019</del> 02/09/2021
TP02.03	<del>6</del> 10	Level 1 Plan	<del>04/10/2019</del> 02/09/2021
TP02.04	<del>6</del> 9	Level 2 Plan	<del>04/10/2019</del> 20/07/2021
TP02.05	6	Roof Plan	04/10/2019
TP02.06	5	Ground – Floodwater Channel Locations	04/10/2019
TP02.07	1	Existing Ground Levels	19/05/2020
TP03.01	7	Elevations	19/05/2020
TP03.02	<del>6</del> 10	Part Elevations	<del>19/05/2020</del> 02/09/2021
TP03.03	4	Floodwater Channel Locations	04/10/2019
TP04.01	6	Section A&C	19/05/2020
TP04.02	6	Section B, D, E	19/05/2020
TP05.01	<del>4</del> 5	Demolition Floor Plan – 10 & 12 Doncaster Ave	<del>04/10/2019</del> 20/07/2021
TP05.02	<del>4</del> 6	Detail Floor Plans – 10 & 12 Doncaster Ave	<del>04/10/2019</del> 20/07/2021
TP05.03	4	West Elevation – 10 & 12 Doncaster Ave	04/10/2019
TP05.04	<del>4</del> 5	South Elevation – 10 & 12 Doncaster Ave	<del>04/10/2019</del>

			<i>20/07/2021</i>
TP05.05	<del>4</del> 5	East Elevation – 10 & 12 Doncaster Ave	<del>04/10/2019</del> <i>20/07/2021</i>
TP05.06	4 <del>5</del>	North Elevation – 10 & 12 Doncaster Ave	<del>04/10/2019</del> <i>02/09/2021</i>
TP06.01	5	Area Plans GFA	09/01/2020
TP07.01	3	Room Types	04/10/2019
TP07.02	3	Room Types	04/10/2019
TP07.03	3	Room Types	04/10/2019
TP07.04	<del>3</del> 5	Room Types	<del>04/10/2019</del> <i>20/07/2021</i>
TP07.05	<del>3</del> 4	Room Types	<del>09/01/2020</del> <i>20/07/2021</i>
TP07.07	1	Façade Design	04/10/2019
Unnumbered	X	Development Summary	09.01.2020

### Restrictions on Use – Student Accommodation

A23. The maximum number of permissible student beds provided within the student accommodation building is ~~259~~ 250.

### Laundry Facilities

E9. Prior to the issue of an Occupation Certificate, ~~six~~ five commercial washing machines and six commercial dryers are to be installed and operational within the communal laundry.

# 4. STATUTORY CONTEXT

## 4.1 ASSESSMENT OF STATUTORY INSTRUMENTS

This section assesses the proposed modifications in accordance with section 4.55 of the EP&A Act including an assessment of whether the modified proposal is substantially the same as the original approval.

The EIS submitted with the original SSDA application addressed the development against the following planning instruments and policies (in accordance with the project SEARs):

- *State Environmental Planning Policy (State & Regional Development) 2011*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy (Affordable Rental Housing) 2009*
- *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy No. 55 – Remediation of Land*
- *State Environmental Planning Policy No. 64 – Advertising and Signage*
- *Draft State Environmental Planning Policy (Environment) 2017*
- *Randwick Local Environmental Plan 2012*

The proposed modifications to SSD-8812 are such that it is considered there will be no material alteration to the level of compliance achieved with the applicable EPIs, as shown in **Table 4** below.

Table 2 – Review of Statutory Instruments

Schedule/Clause	Provision	Consistency
<b>State Environmental Planning Policy (State &amp; Regional Development) 2011</b>		
Schedule 2	<p>Clause 4 of Schedule 2 states that development on land identified as being within the Royal Randwick Racecourse Site is State Significant Development if:</p> <p><i>(a) it has a capital investment value of more than \$10 million, or</i></p> <p><i>(b) it is for the purposes of an event that is not a race day event.</i></p>	The proposed modification to the approval of SSD-9649 will remain consistent with this SEPP and is appropriately characterised as SSD.
<b>State Environmental Planning Policy (Infrastructure) 2007</b>		
Cause 86 Excavation in, above, below or adjacent to rail corridors	Given the proximity of the site being adjacent to a rail corridor (light rail stabling yards), clause 86 of the ISEPP triggers the consent authority to give notice to the rail authority and take into consideration any notice received. This applies generically to 'adjacent development' as well as 'excavation' adjacent to rail corridors.	The proposed modification does not require additional notification to the rail authority as the original application outlined that any relevant conditions and restrictions relating to construction matters are to be resolved prior to CC.

<b>Schedule/Clause</b>	<b>Provision</b>	<b>Consistency</b>
Clause 102 Impact of road noise or vibration on non-road development	Clause 102 of the ISEPP stipulates that for any residential accommodation adjacent to a road with an annual average daily traffic volume of more than 20,000 vehicles an assessment of road noise or vibration impacts must be undertaken. Alison Road to the north of the site is nominated as having traffic volume more than 40,000 vehicles a day.	An assessment of road noise or vibration impacts forms part of the approved development. The proposed changes are temporary and do not result in any changes to traffic generation.
Clause 104 Traffic generating development	The site is designated as 'traffic generating development' under clause 104 as the proposal includes residential accommodation with a pedestrian access point within 90 metres from the intersection of a classified road.	We recommend that the application does not need to be reconsidered by RMS as the works do not impact on the approved traffic or pedestrian management measures on site.
<b>State Environmental Planning Policy (Affordable Rental Housing) 2009</b>		
Clause 26 Land to which Division applies	Division 3 Boarding Houses applies to land within the R3 Medium Density Residential zone.	The site remains within the R3 Medium Residential zone as satisfied through the approval of SSD-9649.
Clause 29 Standards that cannot be used to refuse consent	This clause stipulates various grounds upon which the consent authority must not refuse consent for boarding house development, provided the development satisfies corresponding development standards.	No change is proposed to the following standards outlined in CI 29: <ul style="list-style-type: none"> <li>• Density and scale with exception of a minor 4.4 sqm increase in GFA</li> <li>• Accommodation sizes</li> <li>• Landscaped area</li> <li>• Solar access</li> <li>• Private open space</li> <li>• Parking</li> </ul>
Clause 30 Standards for boarding houses	This clause indicates that the consent authority must not consent to development to which this Division applies unless it is satisfied that the development accords with a series of development standards.	The proposed modification remains consistent with the following standards outlined in CI 30: <ul style="list-style-type: none"> <li>• Communal living rooms</li> <li>• Room sizes</li> <li>• Number of lodgers</li> </ul>

Schedule/Clause	Provision	Consistency
		<ul style="list-style-type: none"> <li>• Bathroom and kitchen facilities</li> <li>• Boarding room manager</li> <li>• Bicycle and motorcycle spaces</li> </ul> <p>It is noted that the original DA required a clause 4.6 variation to maximum room sizes within the Doncaster Terraces as some private rooms were larger than 25sqm. The proposed modifications to the rear extension does not result in any changes to the approved room sizes within the terraces..</p>
Clause 30A Character of local area	This clause states that the consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.	While the proposed modification will result in external changes to the heritage listed 'Doncaster Terraces', a heritage assessment has been prepared by Artefact which confirms that the proposed works will have negligible impacts on the heritage significance of the site and will not impact on the overall character of the local area. Further assessment of heritage impacts is incorporated in <b>Section 6.2</b> of this report.
<b>State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</b>		
Part 4 Approval of Native Vegetation Panel for clearing native vegetation in non-rural areas	The Vegetation SEPP indicates that a person must not clear vegetation in any non-rural area of the State without a permit granted by the council. The approved development included the removal of 42 trees on site.	No additional trees are proposed for removal.
<b>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</b>		
	As this development is Class 3, it is understood that strictly a BASIX assessment under <i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i> is not required for the development.	No change to BASIX commitments are proposed in relation to the heritage building and the development remains in accordance with BASIX Certificates A354804 and A354941.

Schedule/Clause	Provision	Consistency
	<p>However, pursuant to the findings of SHMH Properties Australia Pty Ltd v City of Sydney Council [2018] NSWLEC 66 we understand it could be interpreted that BASIX should apply to a boarding house development where the building includes 'self-contained rooms'. As such, the proposed development has been considered against SEPP (Building Sustainability Index: BASIX) 2004.</p>	<p>An amended BASIX certificate 1050339M has been prepared (<b>Appendix C</b>) to reflect the amended number of bedrooms proposed.</p>
<b>State Environmental Planning Policy No. 55 – Remediation of Land</b>		
<p>Clause 7 Contamination and remediation to be considered in determining development applications</p>	<p>A Phase 1 Preliminary Site Investigation (PSI) report has been provided by Environmental Earth Sciences as part of the approved development application.</p> <p>Based on findings of the PSI it is considered that no further detailed assessment is required to delineate potential soil contamination at 10 and 12 Doncaster Avenue, and that given the information gained thus far regarding 8, 14 and 16 Doncaster Avenue may be enough to make predictions of the likely nature and extent of impact for redevelopment purposes.</p>	<p>All proposed works are within the site investigated as part of the approved PSI and no further investigation is required.</p>
<b>State Environmental Planning Policy No. 64 – Advertising and Signage</b>		
<p>Clause 8 Granting of consent to signage</p> <p>Clause 13 Matters for consideration</p>	<p>Clause 8 and Clause 13 of SEPP 64 prevents development consent from being granted to signage unless the consent authority is satisfied that it is consistent with the objectives of the SEPP and has satisfied the assessment criteria specified in Schedule 1.</p>	<p>No changes to existing or additional signage is proposed as part of this modification application.</p>
<b>Draft State Environmental Planning Policy (Environment) 2017</b>		
	<p>Randwick LGA is not identified as being located within a protected water catchment, including the Sydney Drinking Water Catchment, Georges River Catchment, Sydney Harbour, or Hawkesbury-Nepean. The site also does not include any environment 'protected areas', 'waterways', or 'bushland'.</p>	<p>The proposed modification does not result in any additional impacts.</p>

Schedule/Clause	Provision	Consistency
<b>Randwick Local Environmental Plan 2012</b>		
CI 2.3 Land Zoning and Permissibility	The site is zoned 'R3 Medium Density Residential' within the RLEP. The proposed lands use on the site include being a 'boarding house' is permissible development with consent in the R3 Medium Density Residential zone.	<p>The proposed modification to the approval of SSD-9649 remains permissible within the R3 Medium Density Residential zone and meets to objectives of R3 zone by:</p> <ul style="list-style-type: none"> <li>• Continuing to provide for the housing needs of the community within a low density residential environment.</li> <li>• Contributing to the desired future character of the area by respecting the heritage curtilage of the two terraces.</li> <li>• Protecting the amenity of residents with no additional impacts including overshadowing, acoustic or visual privacy.</li> <li>• Encouraging housing affordability through the provision of accommodation close to UNSW and other local services.</li> </ul>
Clause 4.3 Height of Buildings	12 metres	The proposed modification does not result in any built form above the 12 metre development standard. The additional built form to the rear of the heritage building remains below the roof form of the building.
Clause 4.4 Floor Space Ratio (FSR)	0.9:1	<p>The approved works have a maximum FSR of 1.37:1.</p> <p>An additional 4.4 of GFA is proposed as part of this modification which results in a total GFA of 5,864sqm on site. This results in a total FSR of 1.37:1 which is considered acceptable as it retains the</p>

Schedule/Clause	Provision	Consistency
		existing FSR of the approved development.
Clause 5.10 Heritage Conservation	The site contains as local heritage item (I122) “2 storey terraced pair” located at 10-12 Doncaster Avenue. The site is also within the Racecourse heritage conservation area (C13)	The approved development includes demolition works to buildings within the heritage conservation area and works including the adaptive reuse of the local heritage item on the site. An extension to the rear of the heritage item is proposed as part of this modification. The proposed works are considered acceptable from a heritage perspective and are assessed in <b>Section 0</b> of this report.
Clause 6.2 Earthworks	Earthworks are not to have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.	A sediment and erosion plan was prepared as part of the approved DA. No additional earthworks are proposed as part of this modification.
Clause 6.3 Flood Planning	Development is to be compatible with the flood hazard of the land, not adversely impact the potential flood affection of other properties, manage flood risks, and not likely result in unsustainable social and economic costs to the community as a consequence of flooding.	The site is affected by flooding in the 1% AEP flood event from the Kensington-Centennial Park catchment. No changes are proposed to the overall built form including flood planning measures.
Clause 6.4 Stormwater Management	Development is to be designed to maximise the use of water permeable surfaces on the land, include on-site stormwater retention, and avoid any significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters.	No changes are proposed to the overall built form including stormwater management measures.
Clause 6.10 Essential Services	Development consent must not be granted unless services that are essential for the development are available or that adequate arrangements have been made to make them available when required.	No changes are proposed to any essential services on site.

## 4.2 PROPOSED ENVIRONMENTAL PLANNING INSTRUMENTS

### 4.2.1 State Environmental Planning Policy (Housing) 2021

The NSW Government has developed a new *Housing State Environmental Planning Policy* (draft Housing SEPP) which aims to facilitate the delivery of more diverse and affordable housing types. The proposed changes will also ensure that the home building sector is well-placed to assist the economic recovery of NSW following the COVID-19 pandemic and consolidates all current housing policies for the State including the Seniors Housing SEPP.

The draft provisions were on public exhibition from 31 July 2021 until 29 August 2021 and have been considered as part of this modification. Under the draft Housing SEPP, off site student accommodation is considered under the co-living development provisions.

The approved development generally complies with the draft Housing SEPP with some minor non-compliances in relation to the non-discretionary standards for communal space and parking. However, as the approved development does not achieve the non-discretionary standards they are to be considered by the consent authority on merit. The proposed communal space and parking are considered reasonable as they are consistent with the approved development which remains compliant with the current controls for student accommodation under the ARH SEPP. The proposed modifications are minor in nature with changes to the cluster rooms reflecting the minimum room size requirements under the draft Housing SEPP.

## 4.3 SECTION 4.55 OF THE EP&A ACT

Section 4.55 of the EP&A Act provides a mechanism for the modification of development consents. This section of the EP&A Act sets out the statutory requirements and heads of consideration for the assessment of such a modification application, depending on whether the application is made under Section 4.55(1), 4.55(1A) or 4.55(2).

As is relevant to this application, pursuant to Section 4.55(1A), a consent authority may, subject to and in accordance with the *Environmental Planning and Assessment Regulation 2000* (the Regulations), modify a development consent if:

- (a) it is satisfied that the proposed modification is of minimal environmental impact, and*
- (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (c) it has notified the application in accordance with:*
  - (i) the regulations, if the regulations so require, or*
  - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

*Subsections (1) and (2) and (5) do not apply to such a modification.*

Further, subsection (3) requires that the consent authority must take into consideration such of the matters referred to in Section 4.15(1) as are of relevance to the development the subject of the application, and the reasons given by the consent authority for the grant of the consent that is sought to be modified.

This section assesses the proposed modifications in accordance with Section 4.55 of the EP&A Act including a comprehensive assessment of whether the modified proposal is substantially the same as the original approval.

## 4.4 MINIMAL ENVIRONMENTAL IMPACT

In accordance with Section 4.55(1A)(a), the amended scheme is considered to have a minimal environmental impact for the following reasons:

- The proposed modification can satisfactorily meet existing conditions of consent relating to SSDA-9649.
- The proposed modification does not result in intensification of use and provides additional amenity for students without impacting on the overall bulk and scale or impacts of the approved development.
- The proposed changes to the Doncaster Terraces will have a negligible impact on the heritage significance of the site and has been designed to reduce views from the streetscape.

## **4.5 SUBSTANTIALLY THE SAME DEVELOPMENT**

The proposed modifications do not substantially change the development for which consent was originally granted for the reasons summarised below:

- The nature and essence of the development remains the same, in that it is a student accommodation development and the proposed modification does not introduce any changes to the land uses currently approved for the site;
- The site coverage remains unchanged with a minor increase of 4.4sqm of GFA proposed;
- Changes to the approved apartment layouts do not represent a significant departure from the approved plans and provide improved internal amenity for residents of the cluster bedrooms;
- The internal amenity of the approved apartments remains substantially the same;
- The external impacts (overshadowing, aural and visual privacy, wind, separation distances, landscaping, public domain interface and overall visual bulk) of the development remain substantially the same;
- Amendments to the Doncaster Terraces remain to the rear of the heritage item and are viewed as a modern extension which remains not visible from Doncaster Avenue;
- The proposed modifications will not result in any traffic impacts; and
- The proposed modifications will not be detrimental to the existing or future locality.

Based on the above, the modified proposal is considered substantially the same as the approved development.

## 5. ENGAGEMENT

Stakeholder consultation was conducted with the local community and neighbouring residents and landowners as part of the original SSD application. Various strategies were employed to maximise community involvement in the project including:

- Door-knocking of adjacent dwellings,
- Letterbox drop of nearby dwellings,
- Invitation for face-to-face stakeholder briefings,
- Establishment of an information hot-line; and
- The creation of a project specific email address to field enquiries and comments.

Due to the minor nature of the proposed work, further community engagement has not been undertaken in relation to the proposed modification. Next Constructions do provide updates to the public on construction of the approved development.

### 5.1 DPIE

A meeting was held with the DPIE on 13 August 2021 to discuss the proposed modifications. Following this meeting, DPIE confirmed that the proposed development was considered a Section 4.55(1A) modification and any modification to SSD-9649 should incorporate the following:

- A description of the approved SSD project and the reasons why the modifications are required,
- An assessment of the heritage impacts of the proposed modifications, and
- A BCA statement/report providing an assessment against the relevant BCA requirements.

### 5.2 RANDWICK COUNCIL

As part of the modification process, DPIE will be required to consult with Randwick Council regarding the conditions imposed on the original development consent/general terms of approval granted by the IPC. Randwick Council have been consulted during the preparation of this modification report via email and phone calls to members of the development assessment team and have not provided any comments.

### 5.3 RMS

As noted in **Section 4.1**, we recommend that the application does not need to be reconsidered by RMS as the works do not impact on the approved traffic or pedestrian management measures on site.

## 6. ASSESSMENT OF IMPACTS

### 6.1 BUILT FORM

#### 6.1.1 Residential Accommodation Changes

The proposed modifications aim to improve amenity for students within the cluster room accommodation by increasing communal space and reducing student numbers in the cluster bedrooms. Overall, this change is minimal and will not result in any noticeable impacts with the majority of proposed modifications remaining internal to the rooms. The overall changes have no impact on additional reports including BASIX or the overall green star rating of the approved development.

The proposed modification aims to update the conditions to reflect the proposed number of washing machines. Given the two dimensional nature of the plans, the stamped plans read as if there are six washing machines and six dryers. This is inconsistent with the design which proposes five washing machines and six dryers. This configuration provides a 1:41 student ratio for washing machines and a 1:50 ratio for dryers with both washing machines and dryers located at ground level to achieve DDA compliance. This is consistent with ratios for washing machines and dryers for other projects run by 'The Switch' brand in both Melbourne and Adelaide.

#### 6.1.2 External Changes

The proposed modifications do not result in any changes to the approved orientation, setbacks, materials, activation and pedestrian connectivity of the proposal. Minor amendments to the external windows of the non-heritage building are proposed to reflect changes to the cluster rooms, nevertheless these changes maintain the intent of the original design and are minor in nature.

The proposed addition to the rear of the Doncaster Terraces will result in an increase to the existing rear addition by 1100mm (h) and 600mm (w). These works will remain below the existing roof form and eaves of the heritage item. The proposed flat roof form ensures that the proposed built form reads as a modern extension to the heritage item. Due to the layout of the approved built form, the proposed rear addition would not be visible from the primary view towards the item from Doncaster Avenue. As such, the external works would not result in any adverse indirect (visual) impacts and the Doncaster Terraces will remain the dominant view from Doncaster Avenue.

#### 6.1.3 BCA and Access

An assessment of the proposed works relative to the relevant provisions of the *National Construction Code 2019 Amendment 1, Volume 1, Building Code of Australia* (BCA) has been undertaken by McKenzie Group and is attached in **Appendix D**.

An assessment of the modifications relative to the relevant provisions of the *Building Code of Australia* (BCA) and *Disability (Access to Premises – Buildings)* in relation to the overall accessibility of the proposed development has been undertaken by Blakett Maguire and Goldsmith (BMG) and is attached in **Appendix E**.

Both reports confirmed that the proposed development is capable of achieving compliance with the relevant BCA requirements pursuant to clause 145 of the *Environmental Planning & Assessment Regulation 2000* without resulting in any inconsistencies with the current development application documentation.

### 6.2 HERITAGE

The site includes a local heritage item and is located within the Randwick Racecourse heritage conservation area (H13). 10-12 Doncaster Avenue is identified under Schedule 5 of the *Randwick Local Environmental Plan 2012* (RLEP) as Item 122 "2 storey terraced pair" known as the Doncaster Terraces. The approved development incorporates the adaptive reuse of the terrace houses for the use of student accommodation.

An assessment of the impacts on the heritage item on site has been prepared by Artefact Heritage which confirms that the proposed works would result in a negligible adverse direct (physical) impact to the heritage item. Overall, the proposed works would allow the site to continue to be adaptively reused for the purposes of student accommodation with attached bathroom facilities for each individual room. By introducing an addition to the rear of the building, the item can retain the original floor layout of the Doncaster Terraces.

While the proposed works will result in the partial removal of the rear brickwork and existing timber skirting boards to install the openings to the new addition, recommendations have been provided below in order to mitigate these impacts and retain as much of the original fabric within the structure as possible during construction including:

- Where possible, any timber skirting boards should be salvaged for reuse within the building; this includes repurposing the timber for the proposed opening architraves
- Where possible, brickwork should be salvaged for reuse, particularly where evidence of external damage is apparent or missing bricks are required for infill•
- The removal of the brickwork should be conducted using hand tools to avoid inadvertent direct (physical) impacts
- Original timber flooring elements should be protected before demolition works using protective sheeting.

To reflect commentary from Council it is anticipated these mitigation measures will be incorporated into the conditions of consent.

The minor removal of the rear brick elevation of the item is considered a sympathetic response to the overall significance of the structure. By retaining the floor layout and moving the intrusive works to the rear of the building, the proposed works promotes the conservation and longevity of the building through the adaptive reuse of the space. In summary:

- The proposed works would not result in any adverse direct (physical) or indirect (visual) impact to the heritage items in the vicinity
- The proposed works have aimed to minimise direct (physical) and indirect (visual) impacts through the use of localised impacts to existing fabric and limit the scale and form of the new structure to the rear of the heritage item.
- The proposed works are consistent with the approved SSD heritage impacts

## **6.3 ABORIGINAL ARCHAEOLOGY**

The proposed modification will result in amendments to the proposed excavation of the site. All construction works will continue to reflect protocols identified in the Aboriginal Cultural Heritage Assessment (ACHA) report prepared by GML Heritage and the approved conditions of consent relating to archaeology including the implementation of an 'unexpected finds' protocol on site.

Based on the above assessment, the modified proposal is considered to have minimal environmental impact and substantially the same as the approved development.

## **6.4 ENVIRONMENTAL, ECONOMIC AND SOCIAL IMPACTS OF THE DEVELOPMENT**

The proposed modifications have been assessed considering the potential environmental, economic and social impacts as outlined below:

- **Natural Environment:** The proposed modifications will have no additional impacts on any trees on site and will remain protected by the existing construction mitigation measures outlined in the approved application.
- **Built Environment:** The modification does exceed the current height of the approved building with amendments to the rear extension to the Doncaster terraces remaining to the rear of the heritage item to ensure that the terraces remain the dominant view from Doncaster Avenue.
- **Social and Economic:** the proposal remains consistent with the approved application by providing affordable student accommodation in close proximity to UNSW and the Kensington town centre. It is noted that there will be improved student amenity as a result of the proposed modifications by increasing communal living areas to cluster style rooms.

Overall, the proposed development does not result in any detrimental impacts on the site and surrounding locality.

# 7. EVALUATION OF MERIT

## 7.1 SUITABILITY OF THE SITE

As demonstrated within this report and the original EIS in respect to the approved SSD 9649, the proposed development as modified remains highly suitable for the development for the following reasons:

- The proposed use is permitted in the R3 Medium Density Residential zone.
- The proposed modification remains consistent with the zone objectives by continuing to provide housing in close proximity to UNSW, public transport, shops and additional services and employment opportunities.
- All necessary urban services are available and there are no site development hazards such as flooding, bushfire, land-slip or soil contamination. The location of the mechanical plant on the roof is proposed to ensure that the services are not impacted by the flood levels in the area.
- It is acknowledged that the site contains a local heritage item and is located within a heritage conservation area under the relevant local environmental plan. The proposed modification does not result in any additional impacts on the heritage significance of the site with the proposed modifications to the Doncaster Terraces having negligible impacts on the heritage significance of the site.

## 7.2 PUBLIC INTEREST

The modified proposal is considered in the public interest for the following reasons:

- The proposal is consistent with the objectives of the EP&A Act and the proposal encourages the economic and orderly development of the land.
- The proposed development is permitted with consent and the proposed modifications will improve amenity for residents without impacting on the heritage character of the site.
- The proposed modification will not result in unreasonable amenity impacts on adjoining properties, dwellings and the streetscape.

## 7.3 CONCLUSION

This Modification Report has been prepared in support of amendments to SSD-9649. The report has addressed the issues identified in the SEARs and has been prepared in accordance with Schedule 2 of the EP&A Regulation to assess the environmental, social and economic impacts of the proposed modifications to 4 Doncaster Avenue, Kensington.

For the reasons outlined in this Modification Report, the site is suitable for the proposed development for the following reasons:

- The approved use, being for the purpose of student accommodation, remains unchanged. The proposed changes result in a minor decrease in student numbers associated with the approved development to provide additional amenity for students within the cluster bedrooms.
- The quantitative elements of the approval, including floor space ratio and height of buildings, will not be altered by the proposed modifications. While the proposed modification results in an additional 4.4sqm of GFA, this does not result in an increase to the total FSR for the development.
- The environmental impacts associated with the proposed modifications are comparable to those associated with the approved development, as discussed at Section 6 of this report. The proposed modification retains the original internal layout of the Doncaster Terraces with the amenities block being redesigned to provide improved amenity while remaining at the rear of the terraces to ensure the heritage item remains the dominant view from Doncaster Avenue.
- The proposal as modified will continue to align with aims and objectives of relevant State and local planning instruments, and planning guidelines, as discussed within this report.

Having considered all relevant matters, we conclude that the proposed modifications are appropriate for the site and approval is recommended, subject to appropriate conditions of consent.

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# APPENDIX A

# ARCHITECTURAL PLANS

# APPENDIX B

# HERITAGE IMPACT STATEMENT

# APPENDIX C

# BASIX CERTIFICATE

# APPENDIX D

# BCA STATEMENT

# APPENDIX E

# ACCESS STATEMENT

