



Doncaster Avenue Student Accommodation Modification 4

Increase height and width of existing rear addition, reconfigure bed clusters and bathrooms and administrative amendment to conditions.

State Significant Development Modification Assessment
(SSD 9649 MOD 4)

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Glossary

Abbreviation	Definition
Council	Randwick City Council
Department	Department of Planning and Environment
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
LEP	Local Environmental Plan
Minister	Minister for Planning and Public Spaces
OSD tank	On-site detention tank
RLEP	Randwick Local Environmental Plan 2012
SEARs	Planning Secretary's Environmental Assessment Requirements
Planning Secretary	Secretary of the Department of Planning and Environment
SEPP	State Environmental Planning Policy
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development

1 Introduction

1.1 Background

This report provides an assessment of an application to modify the consent for student accommodation development at 4-18 Doncaster Avenue, Kensington (SSD 9649) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*.

The application seeks consent to:

- enlarge the existing rear addition of the Doncaster terraces to reconfigure and improve access to bathrooms
- reconfigure five 7-bed clusters into 6-bed clusters and two 6-bed clusters into 4-bed clusters to improve internal circulation and layout for future occupants
- amend condition E9 to reduce the number of approved washing machines from six to five
- amend Schedule 1 of the development consent to correct the approved number of parking spaces from 56 to 55 spaces.

The modification will result in an increase in total GFA of 4.4 m² (from 5,860 m² to 5,864.4 m²) and reduce the number of beds from 259 to 250.

The application was lodged on 15 September 2021 by the Trustee for 4-18 Doncaster Avenue Kensington Unit Trust. The site is located within the Randwick local government area (LGA).

1.2 The site

The site is located approximately 4.5 kilometres (km) south-east of the Sydney Central Business District (CBD), on the eastern side of Doncaster Avenue and to the south of Alison Road in Kensington.

The site is rectangular in shape and comprises of ten lots with a total area of 4,276 m². It is relatively flat and has a slight cross fall from the north-western to south-eastern corners of the site of approximately 0.7 m. A concrete Sydney Water stormwater channel runs east-west across the northern portion of the site (**Figure 1**).

The site contains two semi-detached terraces (10 and 12 Doncaster Avenue) located approximately halfway along the Doncaster Avenue frontage. Both dwellings are locally listed heritage items under Randwick Local Environmental Plan 2012 (RLEP). The site also contains one significant tree (*Eucalyptus saligna* / Sydney Blue Gum), located near the north-west corner of the site (**Figure 1**).



Figure 1 | Aerial view of the site and surroundings (Base source: Nearmap)

1.3 Approval history

State Significant Development (SSD 9649)

On 21 May 2020, the Independent Planning Commission granted consent for a student accommodation development comprising excavation of a basement, construction of a 3-storey building and extension and adaptive reuse of the existing terraces (10-12 Doncaster Avenue). The consent provides:

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

The approval has been modified on three occasions, as summarised in **Appendix D**.

2 Proposed modification

The modification seeks consent to:

- reconfigure five 7-bed clusters into 6-bed clusters to provide improved circulation and larger common areas (**Figure 2**)
- reconfigure two 6-bed clusters into 4-bed clusters to provide individual kitchenettes and living space for each occupant (**Figure 3**)
- extend of the existing rear addition of the Doncaster terraces by 600mm in width and 1100mm in height to accommodate redesigned bathrooms for the 4-bed clusters, resulting in a total GFA increase of 4.4 m² (from 5,860 m² to 5,864.4 m²)
- amend condition E9 to reduce the number of approved washing machines from six to five
- amend the development description to correct the approved number of car parking spaces from 56 to 55 spaces.

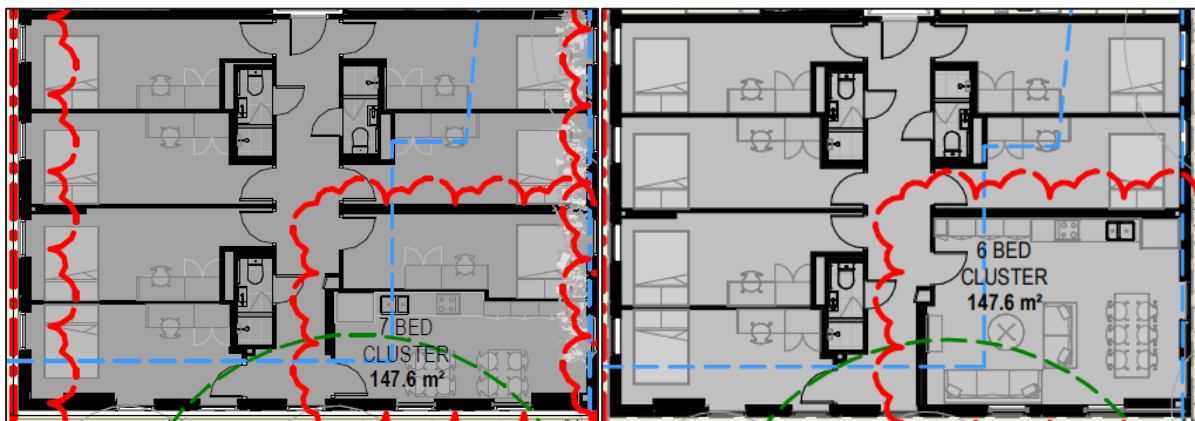


Figure 2 | Approved 7-bed cluster (left) and proposed 6-bed cluster (right) (Source: SSD 9649 MOD 2 Approved Plans and proposed Architectural Plans)

3 Statutory Context

3.1 Scope of modifications

The Department has reviewed the scope of the modification application and considers the application can be characterised as a modification involving minimal environmental impacts as the proposal:

- would not increase the environmental impacts of the project as approved; and
- is substantially the same development as originally approved.

Therefore, the Department is satisfied the proposed modification is within the scope of section 4.55(1A) of the EP&A Act and does not constitute a new development application. An assessment of the proposed modification application against the requirements of section 4.55(1A) of the EP&A Act is provided in **Appendix B**.

Accordingly, the Department considers that the application should be assessed and determined under section 4.55 (1A) of the EP&A Act rather than requiring a new development application to be lodged.

3.2 Consent authority

The Minister for Planning is the consent authority for the application under section 4.5(a) of the EP&A Act. However, in accordance with the Minister's delegation, the Team Leader, Key Sites Assessments, may determine this application as:

- a political disclosure statement has not been made
- less than 15 public submissions in the nature of objections were received
- Council does not object.

3.3 Mandatory matters for consideration

The following are relevant mandatory matters for consideration:

- section 4.55(1A) of the EP&A Act, including environmental planning instruments or proposed instruments
- EP&A regulation
- likely impacts of the modification application, including environmental impacts on both the natural and built environments, and social and economic impacts
- suitability of the site
- any submissions
- the public interest; and
- the reasons for granting approval for the original application.

The Department has considered all of these matters in its assessment of the proposal. The Department has also given consideration to the relevant matters in **Section 5** and **Appendix B**.

3.4 Objects of the EP&A Act

The Minister or delegate must consider the objects of the EP&A Act when making decisions under the Act. The Department is satisfied the proposed modification is consistent with the objects of the EP&A Act.

4 Engagement

4.1 Department's engagement

The application was made publicly available on the Department's website on 10 September 2021 and referred to Randwick City Council (Council) with a request for comments by 29 September 2021. No public submission were received.

4.2 Council Submission

The Department received a submission from Council. A link to the submission is provided in **Appendix A**. The key issues in the submissions are summarised in **Table 1**.

Table 1 | Issues raised by Council to the Modification Report and Response to Submissions

Council	
Modification Report	Council does not object to the proposal and requested that the mitigation measures provided in the heritage statement be included as conditions of consent.
RtS	Council did not provide comments.

4.3 Response to Submissions and Additional Information

The Department placed a copy of the submissions received on its website and requested the Applicant provide a response to the issues raised.

On 7 December 2021, the Applicant lodged its RtS, which includes a response to the matters raised in the submissions. The proposal was also amended to seek consent to:

- reconfigure five 7-bed clusters to 6-bed clusters
- amend condition E9 to reduce the approved number of washing machines (from six to five)

The Applicant also provided additional information and clarification on the modification application on 10 December 2021, 28 January 2022, and 23 February 2022.

5 Assessment

In assessing the merits of the proposed modification, the Department has considered:

- the modification and associated documents
- the Environmental Impact Statement and conditions of approval for the original application (as modified)
- all submissions received on the proposal and the Applicant's response to these
- relevant EPIs, policies and guidelines and the requirements of the EP&A Act.

The Department's assessment is provided in **Table 2**.

Table 2 | Summary of other issues considered

Issue	Findings	Recommendations
<p>Heritage</p>	<ul style="list-style-type: none"> • The proposal includes internal and external alterations to the locally listed Doncaster terraces (Section 2). • The Applicant submitted a Heritage Consistency Assessment (HCA) providing an assessment of the impacts of the modification and recommended that: <ul style="list-style-type: none"> ○ the approved materiality of the rear addition is not amended ○ where possible salvage for reuse: <ul style="list-style-type: none"> ▪ timber skirting boards; including repurposing the timber for the proposed opening architraves ▪ brickwork, 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 ○ protective sheeting is used to protect original timber flooring elements before demolition works • Council raised no objections to the changes and requested that the recommendations from the HCA be included as conditions of consent. • The Department supports the proposed changes as: <ul style="list-style-type: none"> ○ the external changes will be in keeping with the existing character and appearance of the building, are located at the rear and will not be visible from any public vantage point. ○ the internal works are minor and will not impact the historic layout of the building or result in any visual or other impacts. • The Department agrees with the conclusions of the HAC and recommends that the schedule of conservation works approved under existing condition 	<p>The Department recommends condition D33A which requires the approved schedule of conservation works be updated to include the works proposed as part of the modification and the recommendations of the HCA.</p>

C33 be updated to include the proposed works and recommendations of the HCA.

Increase in GFA	<ul style="list-style-type: none">• The proposed extension to Doncaster terraces results in a 4.4m² increase in total GFA from 5,860m² to 5,864.4m² equating to an increase of 0.01 in FSR from 1.370:1 to 1.371:1.• Council did not raise objection to this change.• The Department supports the proposed minor increase of 4.4m² of GFA as:<ul style="list-style-type: none">○ the works do not result in any additional overshadowing, privacy or other amenity impacts to adjoining occupiers.○ the bulk and scale are appropriate and the location at the rear of the building ensures there will be no impact on the streetscape.○ the revised bathroom layout enabled by the extension results in improved internal circulation and accessibility for future occupants.	The Department recommends condition A2 is amended to reflect the proposed plans.
Washing machines	<ul style="list-style-type: none">• The proposal seeks to modify condition E9 to reduce the total number of washing machines from six to five.• The proposed laundry room would accommodate five washing machines and six dryers for the 250 students (Table 3).• The Department notes the former State Environmental Planning Policy (Affordable Rental Housing) 2009, State Environmental Planning Policy (Housing Diversity) 2021 and Randwick Development Control Plan 2013 outline that adequate laundry facilities must be available for occupants however do not provide specific guidance on the number of washing machines which should be provided for students.• Notwithstanding, the Department notes that the laundry room is generously sized and can accommodate six washing machines and dryers in accordance with Condition E9.• Further, the Applicant has not provided sufficient justification for the reduction in washing machines. <p>The Department therefore recommends that Condition E9 is retained, as approved, and that six washing machines and six dryers are provided for students within this development.</p> <ul style="list-style-type: none">•	The Department recommends condition E9 is retained.
Bed clusters	<ul style="list-style-type: none">• The proposal seeks amendments to the design of the five approved 7-bed clusters into 6-bed clusters and two approved 6-bed clusters into 4-bed clusters, reducing the total number of student beds from 259 to 250.	The Department recommends amending: <ul style="list-style-type: none">• the development description to

- The changes also result in minor reconfiguration of windows to reflect the new internal layout.
- The Department supports the changes to the bed clusters, as all rooms exceed the minimum 12 m² required under the ARH SEPP and:
 - the proposed 6-bed clusters will have a larger common area and improved layout and circulation compared to the approved 7-bed clusters
 - the proposed 4-bed clusters rooms include individual kitchens and private amenity areas for occupants and provide more space per occupant than the approved 6-bed layout
 - the resulting external window changes are minor and would not result in any adverse impacts to the appearance of the building or streetscape.
- The Department concludes changes are acceptable as they would improve the quality of accommodation for future residents and would not result in any adverse impacts.

reflect 250 student beds;

- condition A2 to reflect the updated plans; and
- condition A23 to reflect the reduction in student beds.

Car parking

- The modification seeks to correct the development description to reflect the approved number of car parking spaces, which was reduced from 56 to 55 spaces, following the approval of MOD 1.
- The Department is satisfied the change is administrative, would correct this minor error and is therefore acceptable.

The Department recommends amending Schedule 1 of the Development consent to reflect the correct number of car parking spaces

6 Evaluation

The Department has reviewed the proposed modification and supporting information in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes that the proposal is appropriate as:

- the proposed external amendments to Doncaster terraces are in keeping with the existing building, would not be visible from the public realm and subject to recommended conditions will not result in adverse heritage impacts
- the internal changes to the cluster rooms and bathrooms would result in improved quality of accommodation and accessibility for future occupants and the associated external changes, are minor and would not result in any adverse visual or amenity impacts
- it complies with the relevant statutory provisions and the proposal remains consistent with relevant EPIs and the strategic planning context
- it is substantially the same development as originally approved and does not result in any adverse environmental impacts.

The Department concludes the impacts of the proposal are acceptable and can be appropriately mitigated through the implementation of the recommended conditions of consent.

Consequently, the Department considers the modification application is in the public interest and should be approved, subject to the recommended changes to the existing conditions of consent (**Appendix C**).

7 Recommendation

It is recommended that the Team Leader, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **determines** that the application SSD 9649 MOD 4 falls within the scope of section 4.55(1A) 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 SSD 9649
- **signs** the attached approval of the modification (**Appendix C**).

Prepared by:
Candice Pon,
Planning Officer

Recommended by:



David Glasgow
Principal Planner
Key Sites Assessments

8 Determination

The recommendation is **Adopted** by:

AWatson

10/3/2022

Amy Watson

Team Leader

Key Sites Assessments

as delegate of the Minister for Planning and Public Spaces

Appendices

Appendix A – List of referenced documents

The following supporting documents and information to this assessment report can be found on the Major Project’s website as follows:

- SSD 9649 MOD 4 Modification Report, dated 30 August 2021
- Response to Submissions dated 7 December 2021 prepared by Urbis
- Response to Information dated 10 December 2021 and 28 January 2022 prepared by Urbis
- Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/42616>

Appendix B – Statutory Considerations

A consent authority may modify the consent if it is satisfied the proposed modification application meets the requirements of section 4.55(1A) of the EP&A Act. An assessment of the proposed modification application against the requirements of section 4.55(1A) of the EP&A Act is included in **Table 4**.

Table 3 | Consideration of section 4.55(1A) of the EP&A Act

Section 4.55(1A) Evaluation	Consideration
a) that the proposed modification is of minimal environmental impact, and	<p>Section 5 of this report provides an assessment of the impacts associated with the modification application. The Department is satisfied that the proposed internal and external modifications are of minimal environmental impact as:</p> <ul style="list-style-type: none"> • visible physical changes are minor in nature and do not materially affect the overall scale or appearance of the development • internal amendments will have no impact on the adjoining and surrounding properties • overall use and future operation of the site remains unchanged by this proposal • the increase in the GFA is minor and will not result in any additional adverse environmental impacts
b) 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	The application seeks consent for minor changes that do not materially impact the nature of the overall development. The proposal is consistent with the original development consent and the application is considered to result in development that is substantially the same as the originally approved development.
c) the application has been notified in accordance with the regulations, and	The modification application did not require notification in accordance with the EP&A Regulation.

d) any submission made concerning the proposed modification has been considered.

The Department received one submission from Council. The issues raised in these submissions have been considered in **Sections 4** and **5** of this report.

Under section 4.55(3) of the EP&A Act, the consent authority must consider the matters referred to in section 4.15(1) of relevance to the development. **Table 5** identifies the matters for consideration under section 4.15 of the EP&A Act that apply to the proposed modification.

Table 4 | Consideration of the matters listed under Section 4.15(1) of the EP&A Act

Section 4.15(1) Matters for consideration	The Department's assessment
(a)(i) any environmental planning instrument	The proposed modification is consistent with the relevant Environmental Planning Instruments (EPIs) as addressed below.
(a)(ii) any proposed instrument	Not applicable.
(a)(iii) any development control plan	Under clause 11 of the SRD SEPP, Development Control Plans (DCPs) do not apply to SSD.
(a)(iiia) any planning agreement	Not applicable.
(a)(iv) the regulations	The application satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to applications, the requirements for notification and fees.
(b) the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	The likely impacts of the proposed modification are acceptable and have been appropriately addressed (refer to Section 5 of this report).
(c) the suitability of the site for the development	The site is suitable for the development as addressed in Section 5 .
(d) any submissions	The Department has considered the submissions received (refer to Section 4 and 5 of this report).
(e) the public interest	The Department considers the proposed modification to be in the public interest.

Environmental Planning Instruments

The following EPIs are relevant to the application:

- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX SEPP)
- State Environmental Planning Policy No.55 – Remediation of Land (SEPP 55)

- State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP)
- Draft State Environmental Planning Policy (Housing) 2021 (Draft Housing SEPP)
- Draft State Environmental Planning Policy (Environment) (draft Environment SEPP)
- Randwick Local Environmental Plan 2012 (RLEP 2012)

With the exception of the Housing SEPP (considered below) which was exhibited after the determination of the SSD application, the Department undertook a comprehensive assessment of the applications against the relevant EPIs in its original assessment. The Department has considered the above EPIs and is satisfied the modifications do not result in any inconsistency with these EPIs, other than a 01:1 variation to floor space ratio control under RLEP 2012. This has been considered in detail in **Section 5**.

State Environmental Planning Policy (Housing) 2021 (Housing SEPP)

The Housing SEPP was exhibited during August 2021 and gazetted on 26 November 2021. It consolidates a number of housing related SEPPs, including the ARH SEPP which was considered in detail in the assessment of the original application.

Importantly, under the Housing SEPP, the proposed student housing development would no longer be classified as a 'boarding house' but would be classified as a new category of housing: 'co-living housing'. The Housing SEPP sets a number of non-discretionary development standards and standards for co-living housing to ensure appropriate amenity, design, and environmental outcomes.

In this case, other than room size, the proposed modifications would not affect the level of compliance with any of the standards set out in the draft SEPP, compared to the development as approved.

It is noted that the minimum recommended room size of 12m² under the Housing SEPP is the same as the existing requirements applicable to the site under the ARH SEPP. As discussed in **Section 5**, the proposed minor changes to room sizes will still ensure all rooms meet the minimum recommended room size under both applicable SEPPs.

Appendix C – Notice of modification

- SSD 9649 MOD 4
<https://www.planningportal.nsw.gov.au/major-projects/project/42616>

Appendix D – Summary of modifications

Table 5 | Summary of Modifications

Mod No.	Summary of Modifications	Approval Authority	Type	Status
MOD 1	Modification to the location of the On-Site Detention Tank, Sydney Water easement and internal changes in the basement	Department	4.55(1A)	Approved 23 July 2021
MOD 2	Modification to plant, extension of the construction hours on Saturdays, Minor Internal and external alterations	Department	4.55(1A)	Approved 19 November 2021
MOD 3	Temporary accommodation changes	Department	4.55(1A)	Approved 13 August 2021
MOD 4	Minor design changes to the cluster bedrooms, reduction in the total number of student beds and alterations to the amenities block	Department	4.55(1A)	Under assessment (this application)