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URBIS

S 4.55(1A) MODIFICATION

Doncaster Avenue, Kensington

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Project Code	P%1379
Report Number	FINAL

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1. INTRODUCTION

This report has been prepared by Urbis on behalf of Next Constructions Pty Ltd (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 planning report provides a comprehensive description and assessment of the proposed modifications within the following sections of the report as listed below:

- **Section 2:** outline of site and project history including assessment and determination of the original development application
- **Section 3:** details the strategic context including the planning policies and guidelines relevant to the site and the proposal.
- **Section 4:** overview of proposed modifications, including rationale and intended outcomes and amendments to the current development consent conditions
- **Section 5:** assessment of the proposed modifications in accordance with Section 4.55(1A) of the Environmental Planning and Assessment Act 1979 (EP&A Act)
- **Section 6:** assessment of the application in accordance with the matters for consideration listed in section 4.15 of the EP&A Act
- **Section 7:** summary of key findings and recommendations

2. PROJECT BACKGROUND

2.1. SSD PROCESS

2.1.1. Original SSD 9649

On 21 May 2020, approval 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;
- 56 car, 55 motorcycle and 178 bicycle parking spaces; and
- Realignment of concrete stormwater channel and provision of a substation.

This modification application seeks approval to relocate the approved on-site detention (OSD) tank on the site, however does not impact on the overall built form or total number of student beds or units approved on site.

2.1.2. Consultation

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.

As part of the modification process, pre-lodgement discussions between Urbis and Candice Pon, Planning Officer in the Department of Planning, Industry and Environment (DPIE)'s Key Sites Assessment team occurred to discuss the drivers and scope of the modification application. It was confirmed in these discussions that a formal scoping meeting was not required due to the minor nature of the works.

From these discussions, the following was confirmed in a letter from DPIE dated 6 October 2020:

- The proposed amendments to the approved development are considered likely to constitute a Section 4.55 (1A) modification application and the original Secretary's Environmental Assessment Requirements (SEARs) dated 26 October 2018 are not required to be updated or re-issued.
- A standalone heritage assessment is not required as works are internal to an approved non-heritage building.
- Further stakeholder engagement with Randwick City Council (the Council) is required to discuss any potential impact of the proposed amendments to the OSD tank on the retained Sydney Blue Gum on site.

Discussions with the Council's landscape officer David Meredith occurred including an email outlining the scope of the modification, sent on 16 October 2020. David's response confirmed that the proposed modification was unlikely to specifically impact on the tree but the modification should consider the 'cumulative' impacts of the development. In response to his comments:

- Drawings have been updated to incorporate measurements (in millimetres), showing the 10m distance that will be provided between the centre of the tree trunk and the OSD tank.
- Works will be completed with full recognition of the significance of the tree and done in such a way as to limit the impacts on both the tree's feeder root network should it extend here. An assessment of the roots

affected and the impact that this will have on the tree will need to be made as part of ongoing site assessment works with the site arborist and Council.

No changes are proposed to the existing conditions relating to tree removal to ensure that all development meets the Council's expectations.

2.2. SECRETARY'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS (SEARS)

SEARs were originally issued for the project on 10 November 2017.

The original SEARs are taken to still inform the current modification. The SEARs relevant to the proposal are detailed in **Table 1** below which nominates where in this report that particular requirement is addressed.

Table 1 – SEARs

Item/ Description	Document Reference
General Requirements	
<p>The EIS must be prepared in accordance with, and meet the minimum requirements of clauses 6 and 7 of Schedule 2 the Regulation.</p> <p>Notwithstanding the key issues specified below, the EIS must include an environmental risk assessment to identify the potential environmental impacts associated with the development.</p> <p>Where relevant, the assessment of the key issues below, and any other significant issues identified in the risk assessment, must include:</p> <ul style="list-style-type: none"> • Adequate baseline data; • Consideration of potential cumulative impacts due to other development in the vicinity (completed, underway or proposed); and • Measures to avoid, minimise and if necessary, offset the predicted impacts, including detailed contingency plans for managing any significant risks to the environment. • Justification of impacts 	<p>The EIS was prepared in accordance with the Secretary's Requirements and meet the minimum form and content requirements specified in Schedule 2 of the <i>Environmental Planning and Assessment Regulation 2000</i>.</p> <p>The EIS included a comprehensive assessment of the environmental risks and impacts associated with the development.</p>
<p>The EIS must be accompanied by a report from a qualified quantity surveyor providing:</p> <ul style="list-style-type: none"> • A detailed calculation of the CIV of the proposal, including details of all assumptions and components from which the CIV calculation is derived; • An estimate of the jobs that will be created by the future development during the construction and operational phases of the development; and • Certification that the information provided is accurate at the date of preparation. 	<p>The proposed modification does not result in any updates the overall CIV or job estimate of the approved development.</p>
KEY ISSUES	
The EIS must address the following specific matters:	
<p>1. Statutory and Strategic Context</p> <p>Address the statutory provisions contained in all relevant EPIs, including:</p> <ul style="list-style-type: none"> • State Environmental Planning Policy (State & Regional Development) 2011 	<p>Refer Section 3 of this modification report.</p>

Item/ Description	Document Reference
<ul style="list-style-type: none"> 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 Draft State Environmental Planning Policy No. 55 – Remediation of Land Randwick Local Environmental Plan 2012 <p>Address the relevant provisions, goals and objectives in the following:</p> <ul style="list-style-type: none"> NSW State Priorities Premier’s Priorities A Metropolis of Three Cities Eastern City District Plan Future Transport 2056 Better Placed: An integrated design policy for built environment of NSW Guide to Traffic Generating Developments (Roads and Maritime Services) NSW Planning Guidelines for Walking and Cycling NSW Bicycle Guidelines Cycling Aspects of Austroads Guides Sydney’s Cycling Future 2013 Sydney’s Walking Future 2013 Randwick City Council Section 94A Development Contributions Plan 2015 	<p>Refer Section 3 of this modification report.</p>
<p>2. Design Excellence</p> <p>The EIS shall include a design excellence strategy prepared in consultation with the Government Architect NSW, demonstrating how the proposal will achieve design excellence. This strategy shall:</p> <ul style="list-style-type: none"> identify the process to ensure that design excellence is achieved, including consideration of the role of the State Design Review Panel demonstrate how comments in response to the design excellence process have been addressed include Crime Prevention Through Environmental Design principles (CPTED). 	<p>The amendments do not impact the architectural design quality of the approved development. Refer to Section 5.1 of this modification report.</p>
<p>3. Built Form and Urban Design</p> <p>The EIS shall:</p> <ul style="list-style-type: none"> demonstrate how the layout, orientation, height, setbacks, massing, materials, activation and pedestrian connectivity of the proposal will fit within the context of the existing and future character of the area demonstrate how the built form, design and materiality will integrate with the character of the Racecourse heritage conservation area, including the consideration of any impacts on the heritage item 10-12 Doncaster Avenue provide an analysis of the proposed built form compared to applicable development standards and controls 	<p>No changes are proposed to the built form of the approved development. Refer to Section 5.1 of this modification report.</p>

Item/ Description	Document Reference
<ul style="list-style-type: none"> include a floor-by-floor breakdown of gross floor area (GFA), total GFA and FSR, and site coverage consider opportunities for Aboriginal culture and heritage, developed in consultation with local Aboriginal community and cultural groups, and incorporated holistically in the design proposal. 	
<p>4. Amenity</p> <ul style="list-style-type: none"> address how the proposal achieves a high level of environmental and residential amenity including consideration of solar access, acoustic impacts, natural ventilation, visual privacy, and noise and vibration emanating from the adjoining light rail holding yard demonstrate the impacts of the proposal on the amenity of surrounding development and public domain, including measures to minimise potential overshadowing, noise, visual privacy, wind, daylight and view impacts. 	<p>The proposed modifications will not impact on environmental amenity. Refer to Section 5.1 of this modification report.</p>
<p>5. Noise and vibration</p> <p>The EIS shall include a noise and vibration assessment prepared in accordance with the relevant EPA guidelines. This assessment must detail construction and operational noise impacts on nearby noise sensitive receivers and outline proposed noise mitigation and monitoring procedures.</p>	<p>The changes proposed will not alter the Noise and Vibration assessment or mitigation measures approved by SSD 9649.</p>
<p>6. Air quality, odour and waste</p> <p>The EIS shall identify potential air quality, odour and waste impacts during the construction of the development and include any appropriate mitigation measures.</p>	<p>The changes proposed will not alter the air quality, odour and waste assessment or mitigation measures approved by SSD 9649.</p>
<p>7. Heritage and archaeology</p> <p>The EIS shall:</p> <ul style="list-style-type: none"> include a Heritage Impact Statement (HIS) prepared by a suitably qualified heritage consultant in accordance with the guidelines in the NSW Heritage Manual. The HIS is to address the impacts of the proposal on any heritage significance of the site and adjacent areas identify any areas with historical archaeological potential within the proposed site that could be impacted by the works. If impact on potential archaeology is identified, a Historical Archaeological Assessment (HAA) should be prepared by a suitably qualified historical archaeologist in accordance with the Heritage Council Guidelines for Archaeological Assessment (1996) and Assessing Significance for Historical Archaeological Sites and 'Relics' (2009). This assessment should identify what relics, if any, are likely to be present, assess their significance and consider the impacts from the proposal on this potential archaeological resource include an Aboriginal Cultural Heritage Assessment Report (ACHAR) that identifies and describes Aboriginal cultural heritage values that existing 	<p>Refer to Section 5.1 of this modification report.</p>

Item/ Description	Document Reference
<p>across the area affected by the development, prepared in accordance with the Code of Practice for Archaeological Investigations of Aboriginal Objects in NSW, and guided by Guide to investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW</p> <ul style="list-style-type: none"> document consultation with Aboriginal people undertaken and documented in accordance with the Aboriginal Cultural heritage consultation requirements for proponents 2010 (DECCW). 	
<p>8. Biodiversity</p> <p>The EIS shall provide an assessment of the proposal's biodiversity impacts in accordance with the <i>Biodiversity Conservation Act 2016</i>, including the preparation of a Biodiversity Development Assessment Report where required under the Act.</p>	<p>Refer to Section 5.1 of this modification report.</p>
<p>9. Operation</p> <p>The EIS shall include a draft Management Plan in accordance with the relevant Randwick City Council guidelines.</p>	<p>No changes are proposed to the operational management of the approved development.</p>
<p>10. Transport, traffic, parking and access</p> <p>The EIS must include a Transport and Traffic Impact Assessment that provides, but is not limited to, the following:</p> <p><u>Operational</u></p> <ul style="list-style-type: none"> current and estimated daily and peak hour traffic generation, public transport, point to point transport, walking and cycling movements, together with cumulative impacts of existing, proposed and approved developments within the vicinity of the proposed development and any transport/ traffic upgrade impacts of additional traffic generated by the development on existing and future road, pedestrian and cycle networks within the vicinity of the site proposed car and bicycle parking provision for staff, residents and visitors, including consideration of the availability of public transport and the requirements of the relevant parking codes loading and servicing arrangements measures to be implemented to encourage users of the development to make sustainable travel choices an assessment of traffic and pedestrian safety with the proposed development. <p><u>Construction</u></p> <ul style="list-style-type: none"> an assessment of traffic and transport impacts during construction, including cumulative impacts associated with other construction activities details of construction vehicle routes, peak hour and daily truck movements, hours of operation, access arrangements at all stages of construction and traffic control measures for all works including the preparation of a draft Construction Pedestrian Traffic Management Plan. an assessment of construction impacts on road safety at key intersections and locations for potential pedestrian, vehicle and bicycle conflicts 	<p>No change is proposed to on site car parking or traffic management arrangements. Refer to Section 5.1 of this modification report.</p>

Item/ Description	Document Reference
<ul style="list-style-type: none"> • details of any temporary cycling and pedestrian access during construction • details of access arrangements for workers, emergency services and the provision for safe and efficient access for loading and deliveries. 	
<p>11. Sydney Light Rail maintenance facility (Stabling Yard)</p> <p>The EIS shall undertake the assessment to identify the impacts of the Sydney Light Rail maintenance facility on the proposed development and the impacts of the proposed development on the Sydney Light Rail maintenance facility. This assessment shall include but not limited to the following:</p> <ul style="list-style-type: none"> • protection of TfNSW land, easements or infrastructure during construction and operation • geotechnical investigation for the excavation for the proposed development adjacent to the Sydney Light Rail maintenance facility • noise assessment and associated acoustic treatments for the proposed development • electrolysis risk to the development from stray currents from the Sydney Light Rail maintenance facility. 	<p>There are no TfNSW easements likely to be affected by this modification.</p>
<p>12. Ecologically Sustainable Development (ESD)</p> <p>The EIS shall:</p> <ul style="list-style-type: none"> • detail how ESD principles (as defined in clause 7(4) of Schedule 2 of the <i>Environmental Planning and Assessment Regulation 2000</i>) will be incorporated in the design and ongoing operation phases of the development. • include a description of the measures that would be implemented to minimise consumption of resources, water (including water sensitive urban design) and energy. 	<p>No change is proposed to the ESD commitments of approved development.</p>
<p>13. Contributions and public benefits</p> <p>The EIS shall address contributions and public benefits in relation to:</p> <ul style="list-style-type: none"> • developer contributions payable pursuant to the Randwick City Council Development Contributions Plan 2015 • any additional contributions proposed or material public benefits associated with the proposal • any proposed Voluntary Planning Agreement or other legally binding instrument agreed between relevant public authorities. 	<p>No change is proposed to the contribution amounts outlined in the consent.</p>
<p>14. Signage</p> <p>The EIS shall:</p> <ul style="list-style-type: none"> • provide detail on the location, size and content of any proposed signage • consider any signage as part of the overall built form and urban design of the development. 	<p>No additional signage is proposed as part of this modification application.</p>
<p>15. Soil and contamination</p> <p>The EIS shall identify:</p> <ul style="list-style-type: none"> • any potential impact of the development on groundwater levels, flow paths and quality • any water licensing requirements or other approvals required under the Water Act 1912 or <i>Water Management Act 2000</i> 	<p>No change to contamination mitigation measures detailed in the original EIS are proposed by this modification application.</p>

Item/ Description	Document Reference
<ul style="list-style-type: none"> any geotechnical issues (including contamination and acid sulfate soils) associated with the construction of the development 	
<p>16. Flooding and stormwater</p> <p>The EIS shall:</p> <ul style="list-style-type: none"> demonstrate consideration of flood impacts, if necessary, and identify minimum floor levels for buildings and recommend flood management and/or evacuation plan as relevant to the concept proposal. include a stormwater management strategy which considers the relevant Council stormwater management policy and Water Sensitive Urban Design Principles. 	<p>Refer to Section 5.1 of this modification report.</p>
<p>17. Utilities</p> <p>The EIS shall:</p> <ul style="list-style-type: none"> address the existing capacity of the site to service the development proposed and any augmentation requirements for utilities, including arrangements for electrical network requirements, drinking water, waste water and recycled water identify the existing infrastructure on-site and any possible impacts of the construction and operation of the proposal on this infrastructure. The existing capacity and any augmentation requirements of the development for the provision of utilities, including staging of infrastructure and additional licence/approval requirements in consultation with relevant agencies. 	<p>Refer to Section 5.1 of this modification report.</p>
<p>18. Servicing and waste</p> <p>The EIS shall identify, quantify and classify the likely waste streams to be generated during operation and describe the measures to be implemented to manage, reuse, recycle and safely dispose of this waste. Identify appropriate servicing arrangements for the site.</p>	<p>No change in waste management detailed in the original EIS are proposed by this modification application.</p>
<p>19. Consultation</p> <p>During the preparation of the EIS, you must consult with the relevant local, State or Commonwealth Government authorities, service providers and community groups. In particular you must consult with:</p> <ul style="list-style-type: none"> Government Architect of NSW Randwick City Council Roads and Maritime Services Office of Environment and Heritage Sydney Coordination Office within Transport for NSW ALTRAC – Sydney Light Rail Operator Local Aboriginal Community and cultural groups Surrounding residents, businesses and local community groups. <p>The EIS must include a report describing pre-submission consultation undertaken, including a record of the stakeholders consulted, the issues raised during the consultation and how the proposal responds to those issues. Where amendments have not been made to address an issue, a short explanation should be provided.</p>	<p>Refer to Section 2.1.2 of this report. for additional consultation undertaken during the modification process.</p>

2.3. SITE AND SURROUNDING CONTEXT

The subject site is located at 4-18 Doncaster Ave, Kensington and comprises 10 individual lots. The street address and corresponding legal description of each lot is provided at **Table 2**. The site is rectangular in shape with a frontage to the west to Doncaster Avenue of 106.4m and a depth of 40.2m. The site area is 4,276sqm.

Table 2 – Legal description

Street address	Legal description
4-8 Doncaster Avenue	Lot 2 Section 30 DP 5549
	Lot 3 Section 30 DP 5549
	Lot 1 DP 1094702
	Lot 1 DP 974821
10 Doncaster Avenue	Lot 1 DP 981704
	Lot 1 DP 1033442
12 Doncaster Avenue	Lot 51 DP 2905
14 Doncaster Avenue	Lot 52A DP 400051
16 Doncaster Avenue	Lot 52B DP 400051
18 Doncaster Avenue	Lot 53 DP 2905

The site is within the Randwick Local Government Area, and within the Royal Randwick Racecourse SSD site. The site is located immediately to the west of the recently developed light rail holding yard, and to the west of the Royal Randwick Racecourse. Development in the immediate locality is characterised by residential land uses comprising single dwellings, semi-detached dwellings and, primarily, three to four storey residential flat buildings. An aerial image is provided at **Figure 1**.

Figure 1 – Site Location



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”. The site is relatively flat, from its existing ground level of RL 28.64m in the north-western corner of the site close to Doncaster Avenue, through to the south-east corner of the site at RL 27.92m. A number of established trees including a significant Sydney Blue Gum (identified as Tree 42) as well as smaller shrubbery and vegetation exist across the site, with a prominent cluster situated at the north-western end of the site.

The site currently contains and is connected to all necessary services including electricity, gas, water, communications, drainage and sewage.

3. STRATEGIC PLANNING FRAMEWORK

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 3 – 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>	The proposal remains consistent with the Greater Sydney Regional Plan, A Metropolis of Three Cities by providing affordable student 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.
Eastern City District Plan	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.	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.
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
Better Placed – An integrated design policy for the built environment of NSW 2017	<p><i>Better Placed – An integrated design policy for the built environment of NSW 2017</i> 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>

4. PROPOSED MODIFICATIONS AND JUSTIFICATION

The following modifications are sought to SSD-9649 within the Section 4.55(1A) application.

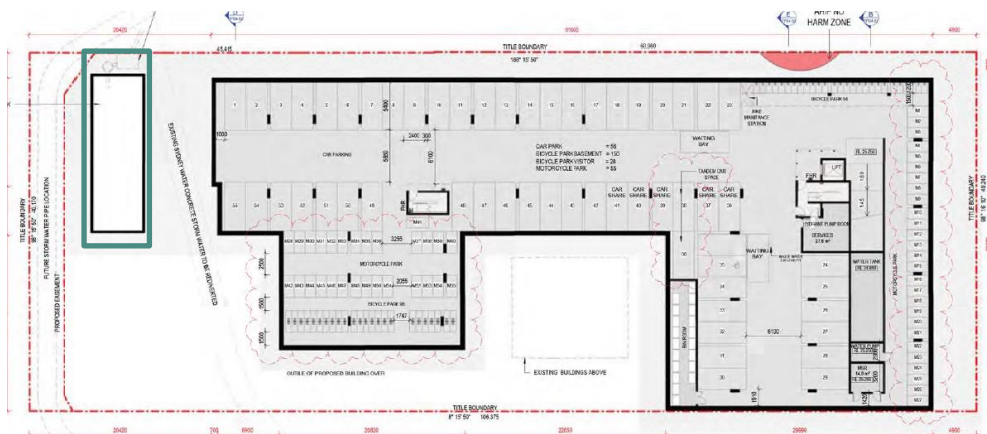
4.1. PROPOSED AMENDMENTS TO DESIGN

The Section 4.55(1A) modification application seeks to modify the location of the approved OSD tank. Since the development was approved by the Commission, further design analysis has been undertaken by Adams Consulting Engineers, who have determined the current OSD tank must be relocated from its proposed position due to the following issues:

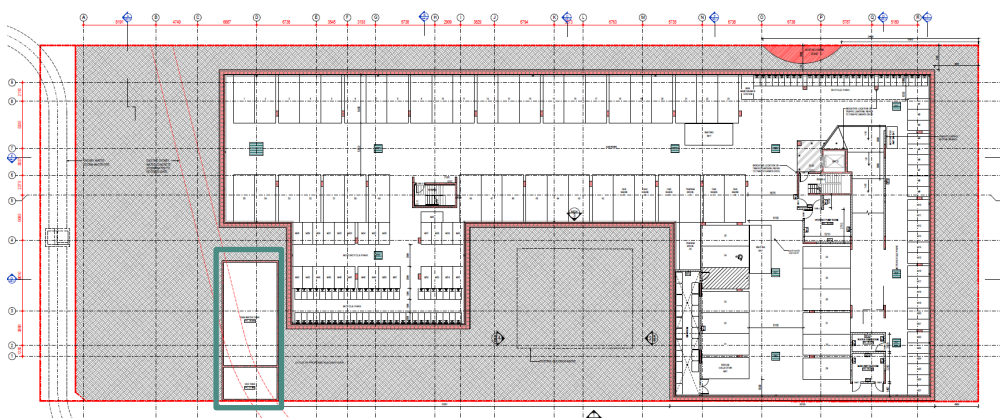
- The location of the approved tank does not allow for water to free flow out of the tank due to the OSD tank discharging against the flow of the diverted Sydney Water Stormwater Culvert. The approved configuration will result in stormwater from the Sydney Water culvert flowing into and filling up and the OSD tank.
- The OSD tank is currently located at highest point of the site and does not allow for internal site stormwater pipes to effectively drain into it.
- The location of the OSD tank is currently located predominantly under the building structure and does not allow for optimum maintenance access.

The approved location of onsite detention tank was based off preliminary advice prior to finalisation of Sydney Water Stormwater Diversion design. Drawings of the existing and revised OSD location are illustrated in **Figure 2** with additional drawings located in **Appendix B** including the approved Sydney Water drawing.

Figure 2 – Approved and Proposed OSD Location



Picture 1 Approved OSD Location



Picture 2 Proposed OSD Location

Source: Hayball

4.2. PROPOSED AMENDMENTS TO CONDITIONS OF CONSENT

The proposed modifications to the conditions of the consent are shown by a strike through the deleted text and red text for new text.

Terms of Consent

A2. The development may only be carried out:

Architectural drawings prepared by Hayball			
Drawing No.	Rev	Name of Drawing	Date
TP01.02	4	Proposed Site Plan	04/10/2019
TP02.01	8	Basement Plan	04/10/2019
TP02.02	7	Ground Floor Plan	04/10/2019
TP02.03	6	Level 1 Plan	04/10/2019
TP02.04	6	Level 2 Plan	04/10/2019
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	6	Part Elevations	19/05/2020
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	4	Demolition Floor Plan – 10 & 12 Doncaster Ave	04/10/2019
TP05.02	4	Detail Floor Plans – 10 & 12 Doncaster Ave	04/10/2019
TP05.03	4	West Elevation – 10 & 12 Doncaster Ave	04/10/2019
TP05.04	4	South Elevation – 10 & 12 Doncaster Ave	04/10/2019
TP05.05	4	East Elevation – 10 & 12 Doncaster Ave	04/10/2019
TP05.06	4	North Elevation – 10 & 12 Doncaster Ave	04/10/2019
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	3	Room Types	04/10/2019
TP07.05	3	Room Types	09/01/2020
TP07.07	1	Façade Design	04/10/2019
Unnumbered	X	Development Summary	09.01.2020

Except where amended in relation to the On-Site Detention Tank:

A02.00	10	General Arrangement Plan - Basement	11/09/2020
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5. SECTION 4.55(1A) ASSESSMENT

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.

5.1. MINIMAL ENVIRONMENTAL IMPACT AND SUBSTANTIALLY THE SAME DEVELOPMENT

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

5.1.1. Built Form and Urban Design

The building footprint, height, facade treatment, bulk and scale and presentation to the public domain remains unchanged and as approved. The OSD tank remains underground and will not impact on the overall design or scale of the development.

5.1.2. Drainage and Flooding

The new OSD tank design has been reviewed by Sydney Water to confirm there are no impacts on the site or surrounding network.

An assessment of the OSD tank capacity and operational requirements has also been undertaken by Adams Consulting Engineers (**Appendix C**) to confirm that the new OSD tank can meet the requirements for the proposed scheme. The assessment confirms the following that the new OSD tank has been designed in accordance with the Council requirements and will be able to hold up to a 1 in 20 ARI storm events while only discharging the predevelopment flow of a 1 in 10 year ARI storm event for the site.

The OSD tank continues to hold a maximum volume of 16 cu.m and discharge rate of 122 L/s and has adequate access opening in the roof of the tank to allow for operational maintenances. Overall, the operational and capacity requirements of the OSD tank have not changed due to the relocation on site.

5.1.3. Biodiversity and Tree Removal

The proposed modification does not result in any impacts on the existing vegetation on site. During initial discussions with DPIE, they noted that the new location of the OSD tank may have potential impacts on a Sydney Blue Gum on the site, previously identified as Tree 42.

An Arboricultural Assessment & Management Plan has been prepared by Botanics Pty Ltd and is enclosed in **Appendix D**. The report identifies that the new OSD tank is located 10 metres from the centre of the Sydney Blue Gum, which is entirely outside of its Structural Root Zone (SRZ), resulting in less than a 1% encroachment of its less critical Tree Protection Zone (TPZ). Based on this assessment the proposed relocation of the OSD tank has no significant impact on Tree 42.

The report concludes that the proposed works will not impact any of the trees on site and provides tree protection measures which reflect the approved measures outlined in Condition B82 of the consent.

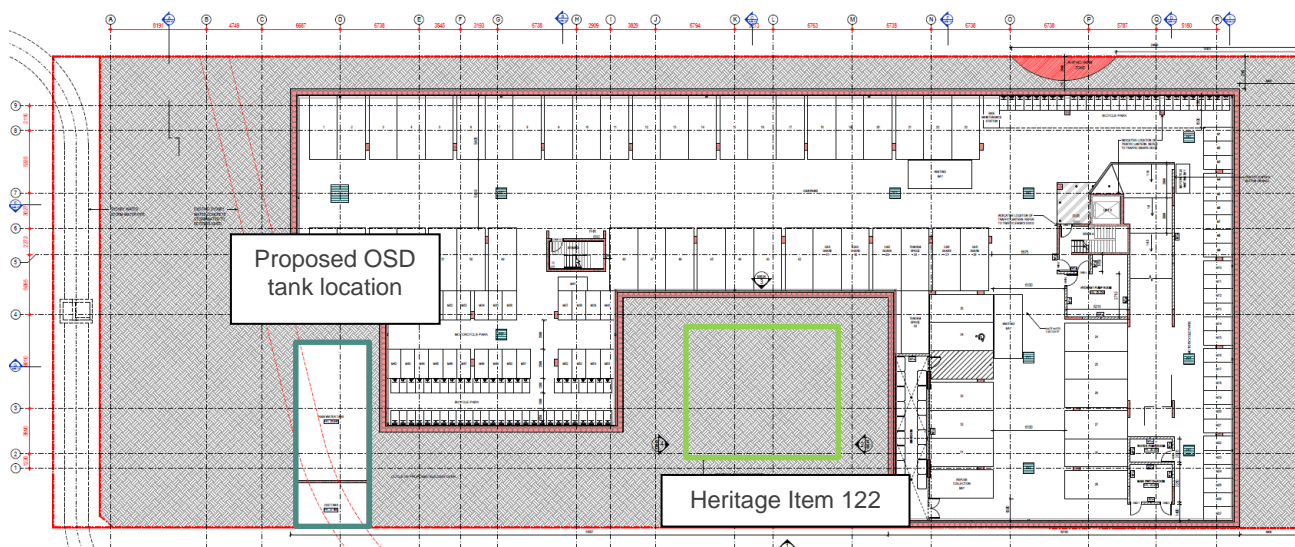
5.1.4. Environmental Amenity

The potential environmental amenity impacts resulting from the proposed development addressed in the original EIS included residential amenity, overshadowing, visual privacy, and wind impacts. The proposed relocation of the OSD tank will not impact on environmental amenity as there are no proposed modifications to the overall design of the approved built form. A review of the amended design has been undertaken by 360 Landscape Architects enclosed in **Appendix E** to confirm that the relocation of the OSD tank will not impact on deep soil levels on site.

5.1.5. 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 RLEP as Item 122 “2 storey terraced pair”. The approved development incorporates the adaptive reuse of the terrace houses for the use of student accommodation. The proposed modification does not relate to any of the heritage items on the site and has no impact on the overall heritage significance of the site.

Figure 3 – Proposed location of OSD tank with heritage buildings outlined in green



Source: Hayball

5.1.6. 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. SECTION 4.15 ASSESSMENT

6.1. CONSIDERATION OF REASONS FOR APPROVAL

In determining the SSD, the Commission provided the reasons for the grant of the consent. This section of the report outlined how the modification has addressed the mandatory considerations as outlined in the Statement of Reasons for Decision prepared by the IPC, dated 21 May 2020.

6.2. ASSESSMENT OF STATUTORY INSTRUMENTS

The following environmental planning instruments, policies and guidelines have been considered in the assessment of this modification proposal:

- *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 4 – Review of Statutory Instruments

Schedule/Clause	Provision	Consistency
State Environmental Planning Policy (State & Regional Development) 2011		
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.
State Environmental Planning Policy (Infrastructure) 2007		
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	The proposed modification to the OSD tank does not require additional notification to the rail authority as the original application outlined that any relevant conditions and restrictions relating to

Schedule/Clause	Provision	Consistency
	'adjacent development' as well as 'excavation' adjacent to rail corridors.	construction matters are to be resolved prior to CC.
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 modification to the OSD tank does not impact on the current mitigation measures in relation to noise and vibration impacts.
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.
State Environmental Planning Policy (Affordable Rental Housing) 2009		
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"> ▪ Density and scale ▪ Building height ▪ Landscaped area ▪ Solar access ▪ Private open space ▪ Parking Accommodation size
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.	No change is proposed to the following standards outlined in CI 30: <ul style="list-style-type: none"> ▪ Communal living rooms ▪ Room sizes

Schedule/Clause	Provision	Consistency
		<ul style="list-style-type: none"> ▪ Number of lodgers ▪ Bathroom and kitchen facilities ▪ Boarding room manager ▪ Bicycle and motorcycle spaces
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.	The proposed modification to not result in any changes to the urban character of the approved development including building height, setbacks, landscaping, and architectural style and materials.
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017		
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. An arborist report is enclosed in Appendix D which outlines that the relocation of the OSD tank has no impact on the retained trees on site. Refer to Section 5.1 of this modification report.
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004		
	<p>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.</p> <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>	No change to BASIX commitments are proposed. The development remains in accordance with BASIX Certificates A354804, A354941 and 1050339M..

Schedule/Clause	Provision	Consistency
State Environmental Planning Policy No. 55 – Remediation of Land		
Clause 7 Contamination and remediation to be considered in determining development applications	<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>	All proposed works are within the site investigated as part of the approved PSI and no further investigation is required.
State Environmental Planning Policy No. 64 – Advertising and Signage		
<p>Clause 8 Granting of consent to signage</p> <p>Clause 13 Matters for consideration</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.	No changes to existing or additional signage is proposed as part of this modification application.
Draft State Environmental Planning Policy (Environment) 2017		
	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'.	The proposed modification does not result in any additional impacts.
Randwick Local Environmental Plan 2012		
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.	The proposed modification to the approval of SSD-9649 remains permissible within the R3 Medium Density Residential zone.
Clause 4.3 Height of Buildings	12 metres	No change

Schedule/Clause	Provision	Consistency
Clause 4.4 Floor Space Ratio (FSR)	0.9:1	The approved works have a maximum FSR of 1.39:1. No additional FSR is sought as part of this modification.
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. No additional works are proposed to the heritage item. Refer to Section 5.1 of this modification 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. Any additional earthworks will continue to follow the approved mitigation measures reflected in the conditions of consent.
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. The amended OSD tank has been relocated to improve the overall stormwater management of the site as outlined in Section 5.1 of this modification report.
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.	As noted above, potential stormwater runoff and localised flooding is proposed to be mitigated through the amended OSD tank on site.
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.	The relocated OSD tank has been reviewed by Sydney Water to confirm it will not impact on any water services on site. No changes are proposed to any other essential services on site.

6.3. DEVELOPMENT CONTROL PLAN

Randwick Development Control Plan 2013 (RDCP) provides detailed controls for specific developments types and locations. Most controls in the RDCP relate to character, streetscape and public domain works.

However, under Clause 11 of *State Environmental Planning Policy (State and Regional Development) 2011*, the application of local development control plans is excluded when assessing DAs for SSD projects. As such the RDCP does not technically apply to the SSDA. Notwithstanding this, the proposed modification does not result in any non-compliances with the requirements of the RDCP outlined in the approved development.

6.4. PLANNING AGREEMENTS AND DEVELOPER CONTRIBUTIONS

The site is covered by Randwick City Council Section 94A Development Contributions Plan 2015, which authorises the Council to collect contributions of money, land or both from developers to provide for local infrastructure needed by the relevant development. The plan was prepared in reference to section 7.12 of the EP&A Act.

The proposed modification does not result in any amendments to Condition A27 or the calculation of development contributions for the development.

6.5. REGULATIONS

This application has been prepared in accordance with the relevant provisions of the Regulations.

6.6. LIKELY IMPACTS OF THE DEVELOPMENT

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

- **Natural Environment:** an assessment of the impacts on the existing Sydney Gum Tree has formed a part of this modification application. The proposed relocation of the OSD tank 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:** there are no changes to the overall built form of the approved development. The modification does not result in any additional bulk and scale on site and has no impacts on the heritage item on site.
- **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.

6.7. 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 is expected to provide improved on-site detention and remains highly suitable for the development for the following reasons:

- The proposed use is permitted in the R3 Medium Density Residential zone.
- The continued use of student housing on the site is consistent with the zone objectives of providing a variety of housing types 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. Further design development of the stormwater and flooding management of the site has resulted in amendments to the OSD tank to ensure the development can meet Council requirements for stormwater drainage.
- 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.

6.8. 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 do not alter this permissibility.
- The proposal does not generate adverse environmental impacts or impact the amenity of the adjoining properties or the public domain.
- The proposed modification to the OSD tank will allow for improved on site drainage and optimum maintenance access. The amended OSD tank design has been reviewed by Sydney Water to ensure that the new location will have impacts on drainage to the surrounding sites.

7. SUMMARY AND CONCLUSION

This Modification Report is submitted to the DPIE in support of a Section 4.55(1A) application to modify SSD-9649. This Section 4.55(1A) application seeks approval for the relocation of the OSD tank approved as part of the development of the site.

A detailed assessment of the proposed changes has been included within this report. An assessment of the proposal against the requirements of Section 4.55(1A) of the EP&A Act has been undertaken, which is supporting documentation annexed to this report. This assessment has concluded that on balance the changes proposed remain consistent in nature and impact with the development originally approved by SSD-9649.

Further, an assessment against the requirements of Section 4.15 of the EP&A Act has been undertaken to address the impacts resulting from the proposed changes. This assessment concludes that the proposed changes do not result in an unreasonable increase to known impacts, nor result in additional impacts.

The proposed modifications have been assessed in accordance with Section 4.55(1A) and Section 4.15 of the EP&A Act and are considered appropriate as summarised below:

- The approved use, being for the purpose of student accommodation, remains unchanged. The proposed changes do not alter the anticipated number of rooms or total student units numbers associated with the approved development.
- The quantitative elements of the approval, including gross floor area and height of buildings, will not be altered by the proposed modifications.
- 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. Impacts have been considered and addressed including the heritage significance of the site.
- 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.

DISCLAIMER

This report is dated 5 November 2020 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of Next Group (**Instructing Party**) for the purpose of S 4.55(1A) Modification (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

In preparing this report, Urbis was required to make judgements which may be affected by unforeseen future events, the likelihood and effects of which are not capable of precise assessment.

All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

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This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

APPENDIX C

OSD TANK CAPACITY AND OPERATION REQUIREMENTS ADVICE

