

Modification of Development Consent

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

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



Amy Watson
Team Leader
Key Sites Assessments

Sydney

22 July 2021

SCHEDULE 1

Development consent:	SSD 9649 granted by the Independent Planning Commission on 21 May 2020
For the following:	<p>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:</p> <ul style="list-style-type: none">• 259 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 stormwater channel and provision of a substation
Applicant:	Next Constructions Pty Ltd
Consent Authority:	Minister for Planning and Public Spaces
The Land:	<p>4-8, 10, 12, 14, 16 and 18 Doncaster Avenue, Kensington</p> <p>[Lot 2 & 3 Section 30 DP 5549, Lot 1 DP 1094702, Lot 1 DP 974821, Lot 1 DP 981704, Lot 1 1033442, Lots 51 & 53 DP 20905, Lots 52A & 52B DP 400051]</p>
Modification:	SSD 9649 MOD 1: location of the on-site detention tank, alignment of the Sydney Water easement, internal changes within the basement and associated landscape

SCHEDULE 2

The above approval is modified as follows:

- (a) In Part A, Condition A2 of Schedule 1 is amended by the insertion of the **bold and underlined** words/numbers and deletion of the ~~**bold and struckout**~~ words/numbers as follows:

Terms of Consent

A2. The development may only be carried out:

- (a) in compliance with the conditions of this consent
- (b) in accordance with all written directions of the Planning Secretary
- (c) in accordance with the EIS, RtS, RRFI and SRRFI
- (d) in accordance with the management and mitigation measures
- (e) in accordance with the approved plans in the table below (except where modified by the conditions of this consent)
- (f) **generally in accordance with the following modification applications:**
 - (i) **Section 4.55(1A) modification application (SSD 9649 MOD 1) prepared by Urbis dated 5 November 2020, Additional Information prepared by Urbis dated 9 February 2021 and Additional Information prepared by Hayball dated 25 February 2021 and Botanics Tree Wise People Pty Ltd dated 23 April 2021 and Additional Information dated 25 June 2021**

Architectural drawings prepared by Hayball			
Drawing No.	Rev	Name of drawing	Date
TP01.02	4	PROPOSED SITE PLAN	04/10/2019
TP02.01	8 <u>12</u>	BASEMENT PLAN	04/10/2019 <u>25/02/2021</u>
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
TP03.01	5	ELEVATIONS	04/10/2019
TP03.02	5	PART ELEVATIONS	04/10/2019
TP03.03	4	FLOODWATER CHANNEL LOCATIONS	04/10/2019
TP04.01	5	SECTION A&C	04/10/2019
TP04.02	5	SECTION B, D, E	04/10/2019
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
TP08.07	1	FAÇADE DESIGN	04/10/2019
Unnumbered	X	Development Summary	09.01.2020
Landscape drawings prepared by 360 Degrees Landscape Architects			
Drawing No.	Rev	Name of drawing	Date
L-DA-01	G	Cover Page	04.10.19
L-DA-02	G	Introduction	04.10.19
L-DA-03	G	Existing Trees	04.10.19
L-DA-04	G	Landscape Plan	04.10.19
L-DA-05	G	Landscape Sectional Elevations	04.10.19
L-DA-06	C	Planting	04.10.19
L-DA-07	C	Planting	04.10.19

- (b) In Part B, Condition B1 of Schedule 1 is amended by the insertion of the **bold and underlined** words/numbers and deletion of the ~~**bold and struckout**~~ words/numbers as follows:

Amendments to the Development Layout and Design Requiring Approval

- B1. Prior to issue of a Construction Certificate, the proposal shall be amended and plans / elevations / landscaping drawings and documents shall be submitted to the Planning Secretary for approval showing:
- (a) the redesign of the student accommodation layout so that no individual student room within the new development (i.e. excluding 10-12 Doncaster Avenue) exceeds 25 m² in area (excluding private kitchens and bathrooms). The revised student accommodation layout shall not result in any reduction in the size/quantum of indoor or outdoor student amenities or an increase in the total number of student units/beds.
 - (b) the relocation (and redesign as necessary) of the substation to within the ground floor of the new building (i.e. excluding 10-12 Doncaster Avenue), or an alternative design option that reduces the visual impact of the substation on Doncaster Avenue. The amended substation design/location shall be prepared in consultation with Ausgrid.
 - (c) the amendment of the vehicular crossing and driveway connecting Doncaster Avenue to the entrance to the basement carpark to accommodate a vehicle waiting bay or alternative design that would allow for two vehicles to safely pass each other (side-by-side) in association with the operation of the signalised traffic management system.
 - ~~(d) the redesign of the basement car parking layout providing for the reallocation of one car parking space into a dedicated servicing / refuse collection vehicle parking bay.~~
 - (e)(d)** the redesign of the ground floor layout to include at least one additional unisex toilet (and associated facilities) for communal use by the occupants of the development (and their guests). The toilet shall be conveniently located to the communal areas. The provision of the toilet facilities shall not result in the reduction in the size/quantum of student amenities/facilities.

~~(d)~~(e) that ESD is being achieved by achieving a minimum 4 star Green Star rating in accordance with the Green Star Design and As-Built V.1 tool in accordance with the Green Star Design and As-Built V.1 tool (Green Building Council Australia).

- (c) In Part B, Condition B1A is added by the insertion of the **bold and underlined** words/numbers as follows:

Amendments to the Landscaping Requiring Approval

B1A. Prior to issue of a Construction Certificate, amended landscaping drawings shall be submitted to the Certifier and Department showing the:

- (a) **redesign of the approved communal courtyard lawn generally in accordance with Drawing No L-1001 Materials & Finishes Plan Revision E prepared by 360 Degrees Landscape Architects dated 27 May 2021**
- (b) **communal courtyard lawn landscaped with natural grass.**

Note. No other changes to the landscaping plan are approved by this consent other than those directly related to the communal courtyard lawn and associated ramp/seating areas as shown on the above plan.

- (d) In Part B, Condition B82 of Schedule 1 is added by the insertion of the **bold and underlined** words/numbers as follows:

Protection of tree within site

B82. In order to ensure retention of the large, mature and significant Eucalyptus Saligna (Sydney Blue Gum, Tree 42) located towards the northwest corner of the site in good health, the following measures are to be undertaken:

- (a) all documentation submitted for the Construction Certificate application must show the retention of the Eucalyptus saligna (Sydney Blue Gum, Tree 42), with the position and diameter of both its trunk, canopy and tree number to be clearly and accurately shown on all plans in relation to all proposed works
- (b) prior to the commencement of any site works, the Certifier must ensure that an AQF Level V Arborist (*'the site Arborist'*), who is a registered member of a nationally recognized organization/association, has been engaged for the duration of the project to implement, monitor and perform any works associated with complying with the conditions of development consent, as well as any recommendations contained in the *Arboricultural Assessment and Management Plan* prepared by 10 of 19 Botanics Tree Wise People Pty Ltd and dated November 2018 as updated by addendum report dated February 2020 **and the Arboricultural Assessment and Management Plan prepared by Botanics Pty Ltd dated April 23 2021** (*'the Arborists Report'*)
- (c) the site Arborist must be present on-site at the relevant stages of works, and must keep a log of the dates of attendance and the works performed, with a Final Compliance Report to be submitted to the Certifier, prior to the issue of any Occupation Certificate
- (d) in the event of any discrepancy between the Arborists Report and the conditions of consent, the site Arborist must contact Council's Landscape Development Officer on 9093-6613 to reach agreement on the outcome, before proceeding further with any works
- (e) the Construction Certificate plans must also show that the new major stormwater pipeline and easement location(s), with the distance of all works from this tree to be provided
- (f) a Work Method Statement must be submitted for the approval of the Site Arborist, showing that there will be no over-excavation that would result in works being

performed closer to the tree than the final location of the pipe, and will involve the use of shoring systems and similar tree sensitive construction methods

- (g) canopy reduction to balance the tree needs to be performed by selective pruning of the 2 x lowest, middle order leaders to the west, and carried out in accordance with Australian Standards
- (h) the entry path and ramped walkway are to be provided to its south, to the extent and location that is shown on the Ground Floor Plan, dwg TP02.02, with measurements in millimetres to also be included showing the distance between its trunk and the northern edge of the pathway
- (i) ground levels in the area bounded by the western wall of the building, the northern and western site boundaries, and the northern side of the proposed pedestrian entrance must be maintained as existing, with no other structures such as continuous strip footings, planter boxes or similar to be located in this area, which must remain as undisturbed, deep soil
- (j) other than works associated directly with the major stormwater pipe along the northern site boundary, and the approved ground floor footprint, there can be no excavations associated with the installation of any other new services, pipes, stormwater systems or similar in the area described in point (h) above
- (k) the site Arborist must be present on-site during all initial excavations for any works within its TPZ, such as for the western wall of the building, fencing, stormwater/easement, landscaping, the entry path and any other works
- (l) where roots with a diameter of 75mm or more are encountered during footings for the ramped walkway, which the site Arborist determines must be retained, then footings will need to be relocated to an alternative position to allow their preservation. Where roots with a diameter of less than 75mm are encountered, which are in direct conflict with the approved works, they may be cut cleanly by hand, only by the site Arborist, using only hand held tools, with the affected area to be backfilled with clean site soil as soon as practically possible
- (m) any root pruning will require on-site consultation with Council's Tree Officer.
- (n) this tree is to be physically protected by the installation of 1.8 metre high steel mesh/chainwire fencing, which must match up with the southern edge of the major stormwater pipe/easement along the northern site boundary, the western wall of the ground floor, the northern side of the pedestrian access, and front/western site boundary, in order to completely enclose this tree for the duration of works. The fencing shall be installed prior to the commencement of demolition and construction works and shall remain in place until all works are completed, to which, signage containing the following words shall be clearly displayed and permanently attached: "TREE PROTECTION ZONE (TPZ), DO NOT REMOVE/ENTER"
- (o) ground protection comprising a 50mm layer of woodchip mulch, to which, strapped together rumble boards, plywood or similar shall be provided on top, must be provided for the TPZ area described in point (l) above, and must remain in place for the duration of works, until such time as landscape works are being installed in this area
- (p) in order to prevent soil/sediment being washed over its root system, erosion control measures must be provided around the perimeter of the TPZ
- (q) evidence shall be submitted to the Certifier demonstrating compliance with these requirements on-site during the course of construction, and prior to issue of an Occupation Certificate.

(d) In Part C, Condition C24 of Schedule 1 is amended by the insertion of the **bold and underlined** words/numbers as follows:

Tree Pruning

C24. Permission is granted for the minimal and selective pruning of the following, only in accordance with the contents of the approved *Arboricultural Assessment and Management Plan* prepared by 10 of 19 Botanics Tree Wise People Pty Ltd and dated November 2018 and **the Arboricultural Assessment and Management Plan prepared by Botanics Pty Ltd dated April 23 2021**, and only where needed in order to avoid damage to the trees; or; interference with the approved works:

- (g) from the eastern aspect of the large and mature *Eucalyptus saligna* (Sydney Blue Gum, Tree 42) that is located within the subject site, towards the northwest corner
- (h) from the northern aspects of the two trees that are located wholly on the neighbouring private property to the south, no.20, against the common boundary, being from west to east, a *Celtis occidentalis* (Hackberry, T52), and a *Lophostemon confertus* (Brush Box, T53).

**End of modification
(SSD 9649 MOD 1)**