



# Doncaster Avenue Student Accommodation Modification 1

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Modification to the location of the on-site detention tank,  
alignment of the Sydney Water easement, internal changes  
within the basement and associated landscape  
amendments

State Significant Development Modification Assessment  
(SSD 9649 MOD 1)

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Title: Doncaster Avenue Student Accommodation

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# Glossary

Abbreviation	Definition
<b>Council</b>	Randwick City Council
<b>Department</b>	Department of Planning, Industry and Environment
<b>EIS</b>	Environmental Impact Statement
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	Environmental Planning and Assessment Regulation 2000
<b>EPBC Act</b>	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
<b>EPI</b>	Environmental Planning Instrument
<b>LEP</b>	Local Environmental Plan
<b>Minister</b>	Minister for Planning and Public Spaces
<b>OSD tank</b>	On-site detention tank
<b>RLEP</b>	Randwick Local Environmental Plan 2012
<b>SEARs</b>	Planning Secretary's Environmental Assessment Requirements
<b>Planning Secretary</b>	Secretary of the Department of Planning, Industry and Environment
<b>SEPP</b>	State Environmental Planning Policy
<b>SRD SEPP</b>	State Environmental Planning Policy (State and Regional Development) 2011
<b>SSD</b>	State Significant Development

# 1 Introduction

## 1.1 Background

This report provides an assessment of an application seeking 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 to modify the location of the on-site detention tank, alignment of the Sydney Water easement, and associated internal changes within the basement and front setback landscaping.

The application was lodged on 9 November 2020 by Next Construction Pty Ltd (the Applicant). 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 m<sup>2</sup>. 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 subject application is the first modification to SSD 9649 and two modifications are currently under assessment (**Appendix D**). The Department notes that the site preparation has commenced, including demolition of existing dwellings and tree removal.

## 2 Proposed modification

The modification application seeks to modify the location of the on-site detention tank, alignment of the Sydney Water easement, internal changes within the basement and communal courtyard landscaping.

A link to the modification application is provided at **Appendix A**.

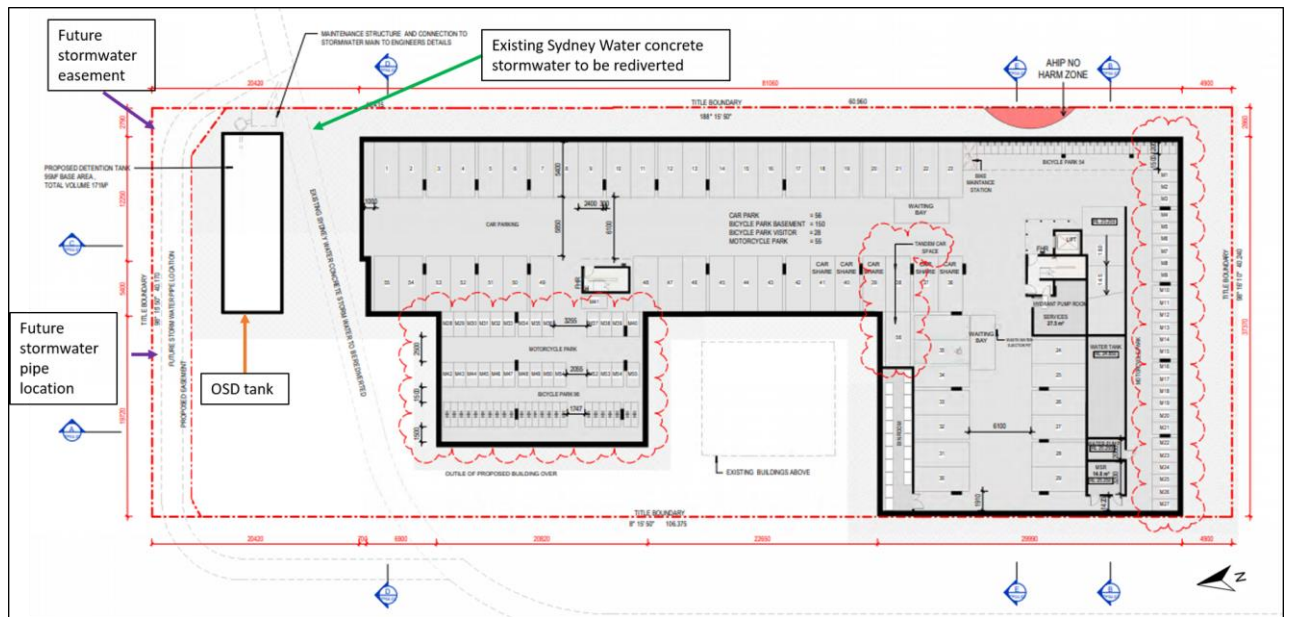
A summary of the proposed internal changes to the basement is provided below in **Table 1** and shown in **Figures 2** and **3**

**Table 1** | Overview of proposed application

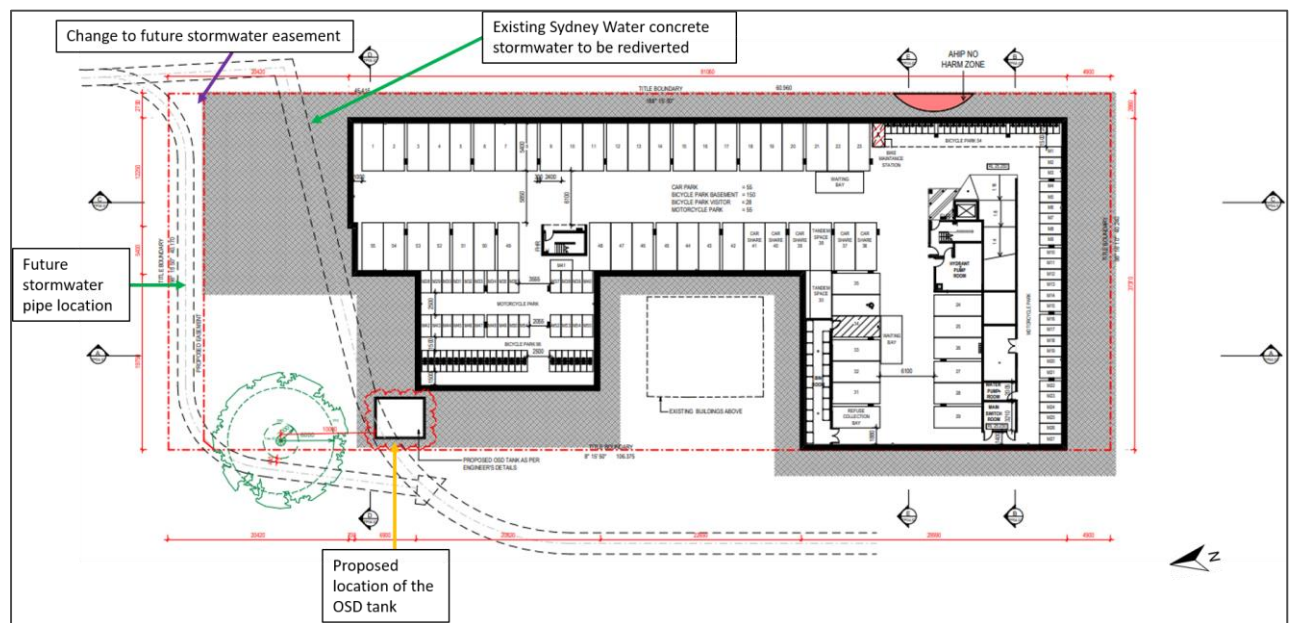
Aspect	Proposed Modification
OSD tank	<ul style="list-style-type: none"><li>Relocate the OSD tank from the north eastern corner to within the Doncaster Avenue setback.</li></ul>
Sydney Water Easement	<ul style="list-style-type: none"><li>Realign the Sydney Water easement to reflect the agreed stormwater deviation route.</li></ul>
Internal Basement	<ul style="list-style-type: none"><li>Relocate the unmarked shared area from the east to the west of the disabled car parking space.</li><li>Relocate the western waiting bay further to the west</li><li>Replace one car parking space with a new refuse collection bay</li><li>Delete the rainwater tank</li><li>Amend the ramp gradient</li><li>Revise the layout of the columns and lift shaft</li><li>Reconfigure the splay and bollards outside the lift</li></ul>
Landscaping	<ul style="list-style-type: none"><li>Raise the sunken lawn within the communal courtyard and replace with synthetic grass and associated amendments the lawn ramp and seating.</li></ul>

The details of the proposed changes are shown in **Figures 2** to **5**.

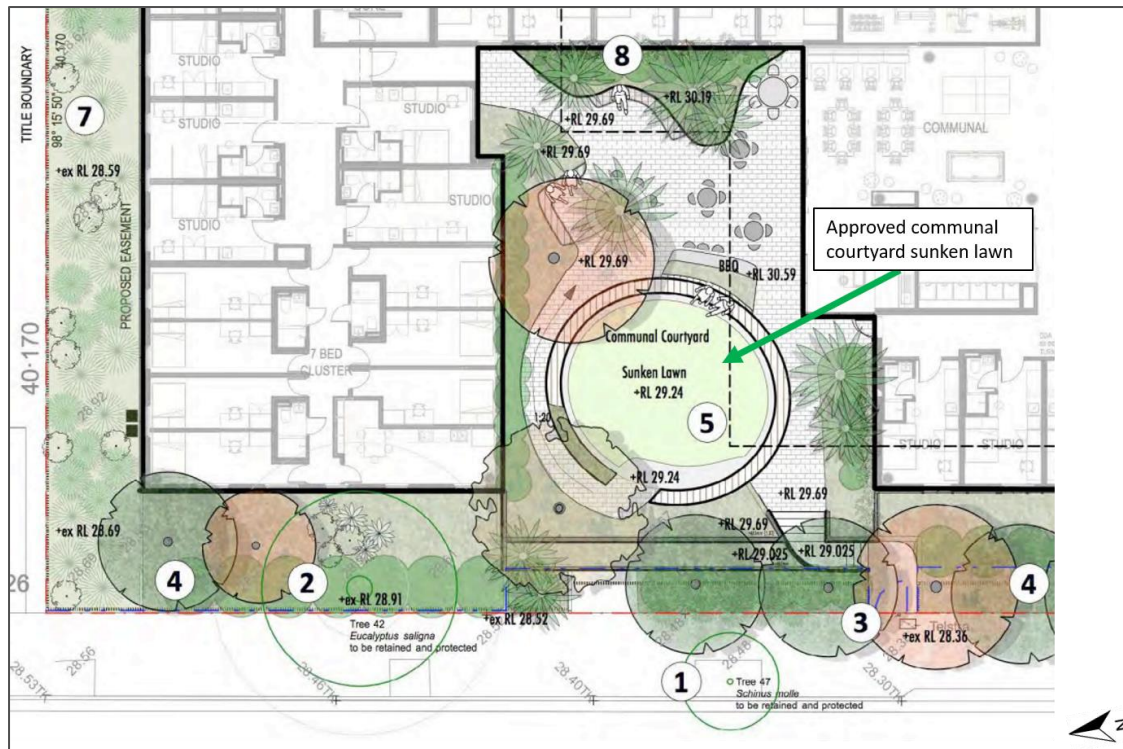




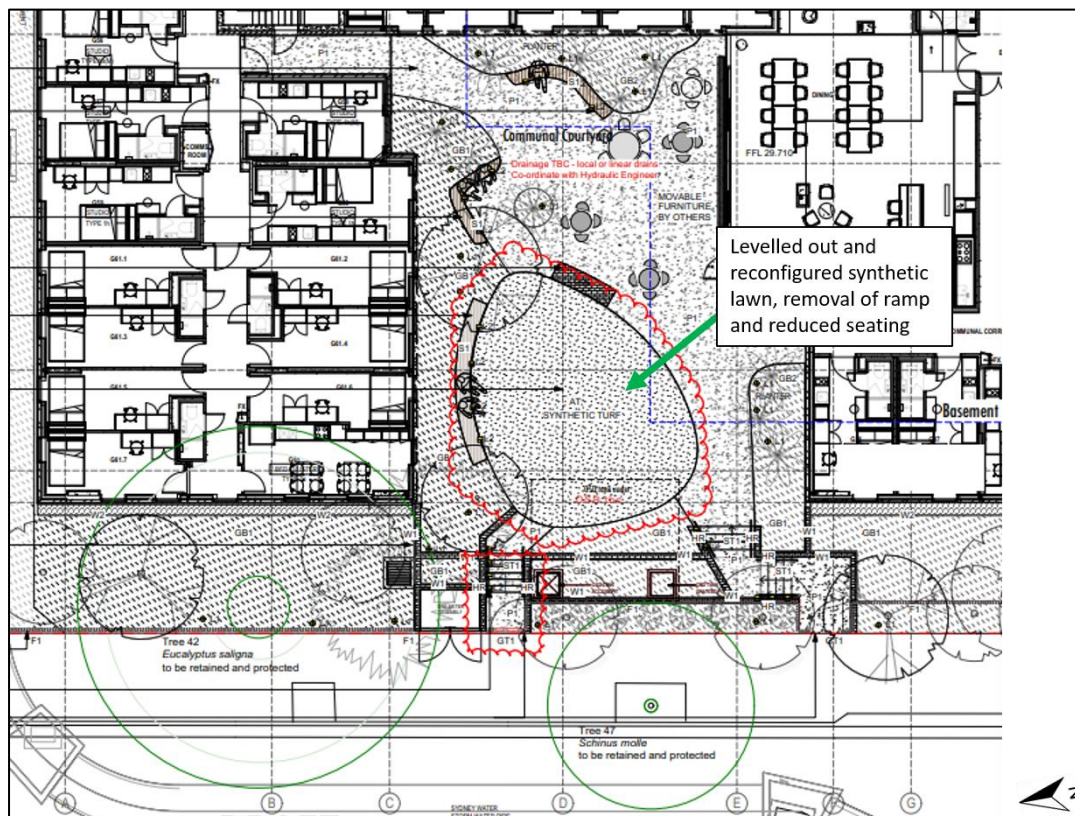
**Figure 2 |** Approved Location of the OSD tank, water easement and basement arrangement (Source: Applicant's Modification Report)



**Figure 3 |** Proposed Location of the OSD tank and modifications to the basement – OSD tank shown in the red bubbled outline (Source: Applicant's Modification Report)



**Figure 4 | Extract of Approved Landscaping (Source: SSD 9649)**



**Figure 5 | Extract of Proposed Landscaping – lawn area raised to generally align with surrounding levels (Base source: Applicant's RtS)**



The Applicant contends the modification will:

- relocate the OSD tank to the lower part of site and set it back from the building structure which will improve drainage and maintenance access
- provide a dedicated refuse collection bay in accordance with Condition B1(d) and make other minor design changes
- allow for sufficient soil depths for the two proposed trees and screen planting within the front setback
- ensure that the maintenance and operation of the OSD is not impacted by the landscaping within the front setback.

## 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 and Public Spaces 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
- no 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 9 November 2020 and referred to the Randwick City Council (Council) and Sydney Water with a request for comments by 26 November 2020.

### 4.2 Summary of submissions

The Department received submissions from Council and Sydney Water. A link to the submissions is provided in **Appendix A**.

The key issues in the Council and Sydney Water submissions are summarised in **Table 2**.

**Table 2 | Submissions received to the Modification Report and Response to Submissions (RtS)**

Council/Agency	
<b>Council</b>	
Modification Report	Council does not object to the proposal however raised concern that the OSD tank would potentially impact the large Sydney Blue Gum (T42). Council requested confirmation regarding the distance between the Sydney Blue Gum and the OSD tank and information about the shoring system. Council also advised: <ul style="list-style-type: none"><li>the design and sizing of the OSD tank are covered by conditions B68, B69, B70 and B71</li><li>all other recommendations listed in the Arborist Report are to be incorporated as conditions into any consent.</li></ul>
RtS	Council does not object to the proposal subject to the proposed pipeline being fully contained within the proposed easement, and conditions to reflect the recommendations of the amended Arboricultural Report.
Additional Information	Council does not object to the proposed amendments and advised that the variations are minor and that the intent of the design will still be maintained.
<b>Sydney Water</b>	
Modification Report	Sydney Water does not object to the proposal and provided comments on clearances to the stormwater channel.
RtS	Sydney Water did not provide any additional comments.

### 4.3 Response to submissions

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

On 23 February 2021, the Applicant lodged its RtS, which includes additional information, justification and amendments to the proposal in response to the submission and the Department's additional information request, including: amended Architectural Plans proposing minor internal changes within



the basement, an amended Arboricultural Report and a Green Star Rating letter, Engineering letter, BASIX advice, Access Statement and Swept paths.

#### **4.4 Additional Information**

On 4 May 2021, the Applicant lodged an amended basement plan demonstrating the stormwater pipe is located wholly within the stormwater easement and changes to the hot water plant and area underneath the ramp and an updated Arboricultural report.

On 25 June 2021, the Applicant provided an architectural plan showing changes to the communal courtyard sunken lawn and associated ramp and seating area to accommodate the revised OSD tank location.

## 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 3**.

**Table 3 | Summary of other issues considered**

Issue	Findings	Recommendations
<b>Relocation of OSD tank and realignment of easement</b>	<ul style="list-style-type: none"> <li>• The proposal seeks to relocate the OSD tank from the north eastern corner of the site to the western edge of the site within the Doncaster Avenue setback and realignment of the stormwater easement to accommodate the OSD tank.</li> <li>• Council raised no objection to the amendments as the design and sizing of the OSD tank will be in accordance with Council's requirements and submitted to the Certifier in accordance with existing conditions of consent.</li> <li>• The Department supports the relocation of the OSD tank and realignment of the easement as: <ul style="list-style-type: none"> <li>○ there are no permanent structures located along or within 1m from the outside edge of the new stormwater channel</li> <li>○ it will be located underground and will not result in any visual impacts</li> <li>○ it is located in the lower portion of the site and setback from the building improving drainage, minimising potential flood impacts and improving access for maintenance</li> <li>○ the OSD will be designed in accordance with Council requirements as outlined in conditions B68, B69, B70 and B71</li> <li>○ the deviation of the Sydney Water Stormwater Channel is required to be undertaken in accordance with Condition B45 which requires agreement from Sydney Water</li> </ul> </li> </ul>	The Department recommends condition A2 be amended to reflect the basement plan.

- the OSD tank will allow sufficient soil depths for the two proposed trees and screen planting within the front setback.
- The Department recommends condition A2 be amended to reflect the amended basement plan and notes that as there are no permanent structures located along or within 1m of the new stormwater channel, a new condition is not required.

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#### **Sydney Blue Gum Tree**

- The existing conditions of consent require the existing Sydney Blue Gum tree to be retained with only limited pruning permitted.
- The relocated OSD tank is located a minimum of 10 m from the centre of the Sydney Blue Gum tree.
- The Applicant provided an Arboricultural Report providing an assessment of the impacts of the proposal on the Sydney Blue Gum and recommended that:
  - excavation works be limited to the construction footprint
  - the tree's health and structural integrity should be monitored
  - the roots of the Sydney Blue Gum should be protected to limit decay and exposure to the atmosphere
  - AS 4970 Standards should be implemented where applicable.
- Council requested the recommendations in the Arboricultural Report be included as conditions of consent.
- The Department has considered the Applicant's Arboricultural Report and is satisfied that the OSD tank is sufficiently setback from the centre of the tree and appropriate measures will be implemented to protect the tree during excavation and construction works associated with the OSD.
- The Department recommends condition C24 is added and conditions B82 and D38 are updated to require implementation of the recommendations of the Arboricultural Report.

The Department recommends condition C24 is added and conditions B82 and D38 are amended to ensure recommendations of the Arboricultural Report are implemented.

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#### **Landscaping**

- The proposal seeks to:
  - raise the level of the sunken lawn area within the front communal courtyard area by approximately 360mm, to be generally consistent with the approved surrounding lawn and accommodate the OSD tank

The Department recommends new condition B1A requiring submission of an updated landscape plan which includes the redesign of the approved lawn area, landscaped with natural grass.

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- replace the approved lawn with synthetic grass to improve usability of the space and reduce risk of grass growth affecting the OSD tank.
- Council did not raise any objection to the changes.
- The Department supports the proposed amendment to raise the sunken lawn area as it is required to accommodate the relocated OSD tank, will generally align with the surrounding levels and will result in negligible visual or other impacts.
- The Department however considers the proposed change from natural grass to synthetic grass would be inconsistent with the approved high-quality landscape design.
- In response, the Applicant agreed to a condition requiring natural grass be used.
- The Department also notes the proposed landscape changes were provided on a partial plan, which also includes elements of the development not assessed as part of this modification.
- The Department therefore recommends new condition B1A requiring submission of an amended landscape plan reflecting the proposed changes to the lawn area and specifying the use of natural grass.

**Refuse collection bay**

- The proposal seeks to replace one car parking space with a dedicated servicing/refuse collection vehicle parking bay.
- Council did not raise any objection to this change.
- The Department supports the proposed amendment as it:
  - achieves compliance with condition B1(d)
  - allows for sufficient access for the waste vehicles without significantly compromising the functionality of the waiting bay and car parking spaces.

The Department recommends:

- condition A2 is amended to reflect the amended basement plan; and
- condition B1 (d) is deleted.

**Other minor basement changes**

- The proposal seeks to make minor internal alterations to the basement, including reconfiguration of the columns, relocation a waiting bay, resizing of the lift shaft, bollards, hot water plant, area underneath the ramp and the splay and ramp gradient.
- Council and Sydney Water did not raise any objection to the changes.

The Department recommends that condition A2 is updated to reflect the amended basement plan.



- The Department supports the proposed amendments as the changes within the basement will enhance the functioning of the development and result in negligible visual or other impacts.
-

## 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 existing Sydney Blue Gum tree will be protected, subject to implementation of the recommendations of the Arboricultural Report
- the OSD tank will be designed in accordance with Council's requirements in accordance with existing conditions of consent and will improve the site drainage and maintenance access
- the OSD tank will allow sufficient soil depths for the two proposed trees and screen planting within the front setback and the proposed changes to the landscaping will accommodate the maintenance and operation of the OSD tank and maintain a high-quality landscape design and streetscape setting for the building
- the internal changes to the basement are minor in nature and will have a negligible impact on the adjoining and surrounding properties and the car, motorcycle and bicycle parking remains consistent with the originally approved development
- 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 do 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, Key Sites Assessment, 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 1 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**).

Recommended by:

A handwritten signature in black ink, appearing to be 'C Pon'.

**Candice Pon**  
Planning Officer  
Key Sites Assessments

Recommended by:

A handwritten signature in blue ink, appearing to be 'D Glasgow'.

**David Glasgow**  
Principal Planner  
Key Sites Assessments

## 8 Determination

The recommendation is **Adopted** by:



22/7/2021

**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 1 Modification Report, dated 5 November 2020 prepared by Urbis
- Response to Information dated 9 February 2021 prepared by Urbis
- Additional Information dated 23 April 2021 prepared by Hayball and Botanics Tree Wise People Pty Ltd.
- Additional Information dated 25 June prepared by 360 Degrees Landscape Architects, Botanics Tree Wise People Pty Ltd and Urbis
- Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/40316>

## 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 4** | 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><b>Section 5</b> of this report provides an assessment of the impacts associated with the modification application. The Department is satisfied the location of the on-site detention tank, alignment of the Sydney Water easement, internal changes within the basement and associated landscape are of minimal environmental impact as:</p> <ul style="list-style-type: none"><li>• there are no changes to the approved building envelope.</li><li>• the location of the on-site detention tank, alignment of the Sydney Water easement, internal changes within the basement and associated landscape will have negligible impact on the adjoining and surrounding properties.</li></ul>
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	<p>The application seeks to modify the location of the on-site detention tank, alignment of the Sydney Water easement, internal changes within the basement and front landscaping. The proposal is consistent with the original development consent and the application is considered to result in development that is</p>

	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 Regulations with the EP&A Regulations (clause 10 of schedule 1 to the EP&A Act and clause 118 of the EP&A Regulation).
d) any submission made concerning the proposed modification has been considered.	The Department received submissions from Council and Sydney Water. The issues raised in these submissions have been considered in <b>Section 4 and 5</b> 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 5 | 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 (EPs) 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)(iia) any planning agreement	Not applicable.
(a)(iv) the regulations	The application satisfactorily meets the relevant requirements of the <i>Environmental Planning and Assessment Regulation 2000</i> , including the procedures relating to applications (Part 6), the requirements for notification (Part 6, Division 6) and fees (Part 15, Division 1AA).
(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 <b>Section 5</b> of this report).
(c) the suitability of the site for the development	The site is suitable for the development as addressed in <b>Section 5</b> .
(d) any submissions	The Department has considered the submissions received (refer to <b>Section 4 and 5</b> 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 (Environment) (draft Environment SEPP)
- Randwick Local Environmental Plan 2012 (RLEP)

The Department undertook a comprehensive assessment of the applications against the abovementioned 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.

## Appendix C – Notice of modification

- SSD 9649 MOD 1

<https://www.planningportal.nsw.gov.au/major-projects/project/40191>

## Appendix D – Summary of modifications

**Table 6 |** Summary of Modifications

Mod No.	Summary of Modifications	Approval Authority	Type	Status
<b>MOD 1</b>	Modification to the location of the On-Site Detention Tank, Sydney Water easement and internal changes in the basement	Department	4.55(1A)	Under assessment
<b>MOD 2</b>	Modification to plant and extension of the construction hours on Saturdays	Department	4.55(1A)	Under assessment
<b>MOD 3</b>	Temporary accommodation changes	Department	4.55(1A)	Under assessment