



Doncaster Ave Student Accommodation

State Significant Development (SSD 9649)

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Cover image: Artist's impression of proposed development looking north along Doncaster Avenue (Source: Applicant's RRFI)

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Glossary

| Abbreviation | Definition |
|----------------------------|---|
| AAA | Aboriginal Archaeological Assessment |
| AAMP | Arboricultural Assessment and Management Plan |
| ADG | Apartment Design Guide |
| AEP | Annual Exceedance Probability |
| AHIP | Aboriginal Heritage Impact Permit |
| Applicant | Blue Sky Commercial Asset Management |
| ARH SEPP | State Environmental Planning Policy (Affordance Rental Housing) 2009 |
| AS | Australian Standard |
| BDAR | Biodiversity Development Assessment Report |
| CIV | Capital Investment Value |
| CMP | Conservation Management Plan |
| CNVMP | Construction Noise Vibration Management Plan |
| CPTMP | Construction Pedestrian Traffic Management Plan |
| Commission | Independent Planning Commission |
| Consent | Development Consent |
| Contributions Plan | Randwick City Council Section 94A Development Contributions Plan 2015 |
| Council | Randwick City Council |
| dB(A) | Decibel |
| Department | Department of Planning, Industry and Environment |
| DPI | Department of Industry |
| EESG | Environment, Energy and Science Group of the Department of Planning, Industry and Environment |
| EIS | Environmental Impact Statement |
| EPA | Environment Protection Authority |
| EP&A Act | Environmental Planning and Assessment Act 1979 |
| EP&A Regulation | Environmental Planning and Assessment Regulation 2000 |
| EPI | Environmental Planning Instrument |
| ESD | Ecologically Sustainable Development |
| FRA | Flood Risk Assessment |
| FSR | Floor Space Ratio |
| GANSW | Government Architect NSW |
| GFA | Gross Floor Area |
| GMDMP | Groundwater Modelling, Dewatering Management Plan |
| GSC | Greater Sydney Commission |
| GTP | Green Travel Plan |
| Heritage NSW | Heritage Division of the Department of Premier and Cabinet |

| Abbreviation | Definition |
|---------------------------|---|
| ICNG | Interim Construction Noise Guideline 2009 |
| LEP | Local Environmental Plan |
| Minister | Minister for Planning and Public Spaces |
| NIA | Noise Impact Assessment |
| MNL | Noise Management Level |
| POEO Act | Protection of the Environment Operations Act 1997 |
| Region Plan | Greater Sydney Region Plan |
| RL | Registered Level |
| RLEP | Randwick Local Environmental Plan 2012 |
| RMS | Transport for NSW, Roads and Maritime Services |
| RRFI | Response to request for further information |
| RRRS | Royal Randwick Racecourse Site |
| RtS | Response to Submissions |
| OMP | Operational Management Plan |
| Planning Secretary | Secretary of the Department of Planning, Industry and Environment |
| SCW | Schedule of Conservation Works |
| SEPP | State Environmental Planning Policy |
| SEARs | Secretary's Environmental Assessment Requirements |
| SMP | Stormwater Management Plan |
| SRD SEPP | State Environmental Planning Policy (State and Regional Development) 2011 |
| SSD | State Significant Development |
| TfNSW | Transport for NSW |
| TPA | Traffic and Parking Assessment |
| UNSW | University of NSW |
| Vph | vehicles Per Hour |
| WMP | Waste Management Plan |

Executive Summary

Introduction

This report provides an assessment of a State significant development (SSD) application for a student accommodation development at 4-18 Doncaster Avenue, Kensington (SSD 9649).

The application seeks approval for a 259-bed student accommodation development comprising of a new three storey building, the adaptive reuse of two heritage listed terrace houses, amenities, landscaping, public domain works and basement car parking.

The Applicant is Blue Sky Commercial Asset Management Pty Ltd (Applicant) and the site is located within the Randwick City Council (Council) local government area (LGA). The Capital Investment Value (CIV) of the development is \$24,076,420 and it would generate 78 construction jobs and 8 operational jobs.

Engagement

The Department of Planning, Industry and Environment (the Department) publicly exhibited the Environmental Impact Statement (EIS) between 7 February and 6 March 2019 (28 days). The Department received 19 submissions, comprising eight from Government agencies, one from Council and 10 public submissions.

All public submissions objected to the proposal. The key concerns raised include traffic and parking, amenity impacts, construction impacts, tree removal, overshadowing, density and heritage.

Council objected to the proposal on the grounds of density, design and character, heritage, landscaping and trees, room sizes, drainage works, construction and operational noise.

In response to the issues raised, the Applicant amended the proposal on two occasions. The Applicant amended the building design and layout, increased building setbacks, reducing the total number of student beds and the realigned a stormwater channel.

Assessment

The Department has considered the merits of the proposal in accordance with the relevant matters under section 4.15(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), the issues raised in the submissions and the Applicant's response.

The key assessment issues associated with the proposed development are density, built form and heritage, traffic and parking, amenity impacts, construction impacts and future student amenity.

The Department considers the proposal is acceptable for the following reasons:

- the proposal is consistent with the broader strategic planning framework for the site as it provides for, increased student housing supply, choice and affordability close to a recognised education precinct

(the Randwick Health and Education Precinct) with excellent access to public transport and other services

- the variation of Randwick Local Environmental Plan 2012 (RLEP) floor space ratio (FSR) by 52% is acceptable in this instance as the proposal has strategic merit and it would not result in adverse visual, amenity or traffic impacts associated with the proposed density. Further, the scale of the proposal appropriately relates to the two retained heritage listed terrace buildings on the site and its urban context
- the development achieves a high standard of design and is supported by the Government Architect NSW
- the development would not overlook the neighbouring property at 20 Doncaster Avenue and would maintain 3 hours of direct sunlight to the neighbouring residential property at 20 Doncaster Avenue in mid-winter
- the Applicant's Operational Management Plan would ensure the development does not have an adverse noise impact on surrounding residential properties
- the proposed student rooms and associated amenities are appropriate and achieve a high quality of design, subject to a condition requiring the reduction of the size of three oversized student rooms in the new building
- the provision of 56 car, 55 motorcycle and 178 bicycle parking spaces is appropriate noting the site is well located to public transport, services, educational facilities and would only generate a minor increase in vehicle movements
- the realignment of the existing Sydney Water stormwater channel on the site is acceptable subject to conditions to ensure the protection of a mature Sydney Blue Gum on the site during construction
- the excavation and construction impacts can be appropriately managed and mitigated subject to recommended conditions.

Conclusion

Following its detailed assessment, the Department concludes the proposal is consistent with the state's strategic planning objectives, is an appropriate density, well designed, would not have adverse heritage or amenity impacts, results in only minor traffic impacts and it provides for appropriate student amenity. The proposal would also generate 78 construction and 8 operational jobs.

The Department concludes the proposal would result in benefits to the local community and is therefore in the public interest, subject to appropriate conditions.

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1 Introduction

1.1 Introduction

- 1.1.1 This report provides an assessment of a State significant development (SSD) application (SSD 9649) for student accommodation at 4-18 Doncaster Avenue, Kensington (the site).
- 1.1.2 The application seeks approval for a 259-bed student accommodation development comprising of a new three storey building, the adaptive reuse of two heritage listed terrace houses, amenities, landscaping, public domain works and basement car parking.
- 1.1.3 The application has been lodged by Blue Sky Commercial Asset Management (the Applicant) and the site is located within the Randwick local government area (LGA).

1.2 The site

- 1.2.1 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 (**Figure 1**).

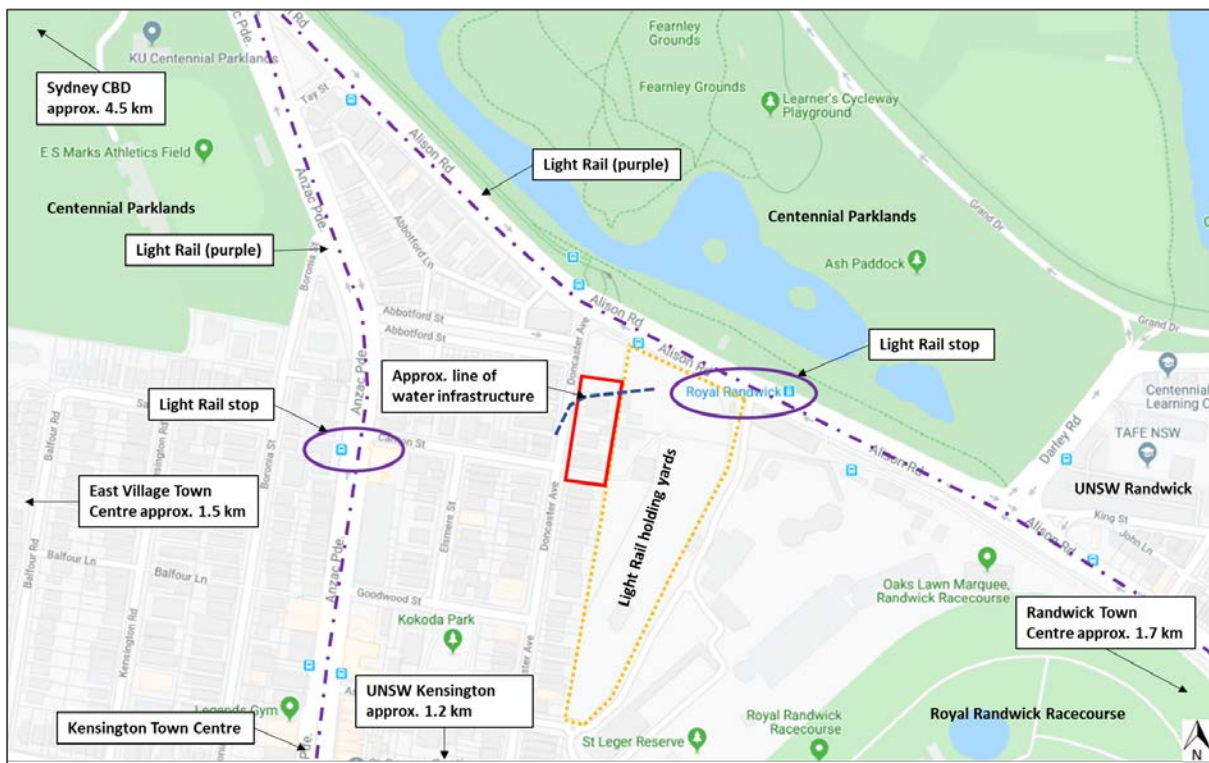


Figure 1 | Site location and context (Base source: Nearmap)

- 1.2.2 The site is rectangular in shape and comprises ten lots with a total area of 4,276 m². It is relatively flat and has a slight cross fall from the north-western to south-eastern corners of the site of approximately 0.7 m. A concrete Sydney Water stormwater channel runs east-west across the northern portion of the site (**Figure 2**).

- 1.2.3 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 2** and **3**).
- 1.2.4 The site and the broader area are located within the Racecourse heritage conservation area (C13) under the RLEP 2012.



Figure 2 | Aerial view of site and surroundings (Base source: Nearmap)

1.3 Surrounding context

- 1.3.1 The site is located within an established inner-city suburban area, which is generally characterised by low to medium scale residential development. To the west and south of the site are one and two storey dwelling houses and three to four storey residential apartment buildings. To the east of the site are light rail holding yards and to the north, opposite Alison Road, is Centennial Park.
- 1.3.2 The closest residential property to the site is 20 Doncaster Avenue, which adjoins the southern boundary of the site. The northern elevation of 20 Doncaster Avenue, which faces the site, contains windows to habitable rooms (**Figure 3**).
- 1.3.3 The site is located approximately 180 m west of the Alison Road Light Rail station and 250 m east of the Carlton Road Light Rail station. Bus services also run along Alison Road and Anzac Parade. A variety of shops, services and facilities are located conveniently to the site, including:
- Centennial Parklands (200 m to the north)
 - the Kensington Town Centre (500 m to the south-west)

- The University of New South Wales (UNSW) Randwick Campus (700 m to the east)
- the UNSW Kensington Campus (1.2 km to the south)
- East Village Town Centre and Moore Park Super Centre (1 to 1.5 km to the west).



Figure 3 | Existing Sydney Blue Gum on the site (left) and existing windows of 20 Doncaster Ave facing the site (right) (source: Department's site visit)

1.4 Approval history

1.4.1 On 11 October 2016, Randwick City Council (Council) granted development consent (DA/931/2015) to:

- demolish existing dwellings and removal of trees
- retain and refurbish the existing terraces at 10 and 12 Doncaster Avenue and construct three storey buildings (**Figure 4**), providing for:
 - a total gross floor area (GFA) of 3,849.3 m² and a total floorspace ratio (FSR) of 0.9:1
 - 50 dwellings including 48 apartments and 2 dwellings (the refurbished terrace houses)
 - basement parking for 71 vehicles.

1.4.2 The Department notes site preparation works have commenced, including demolition of existing dwellings and tree removal.

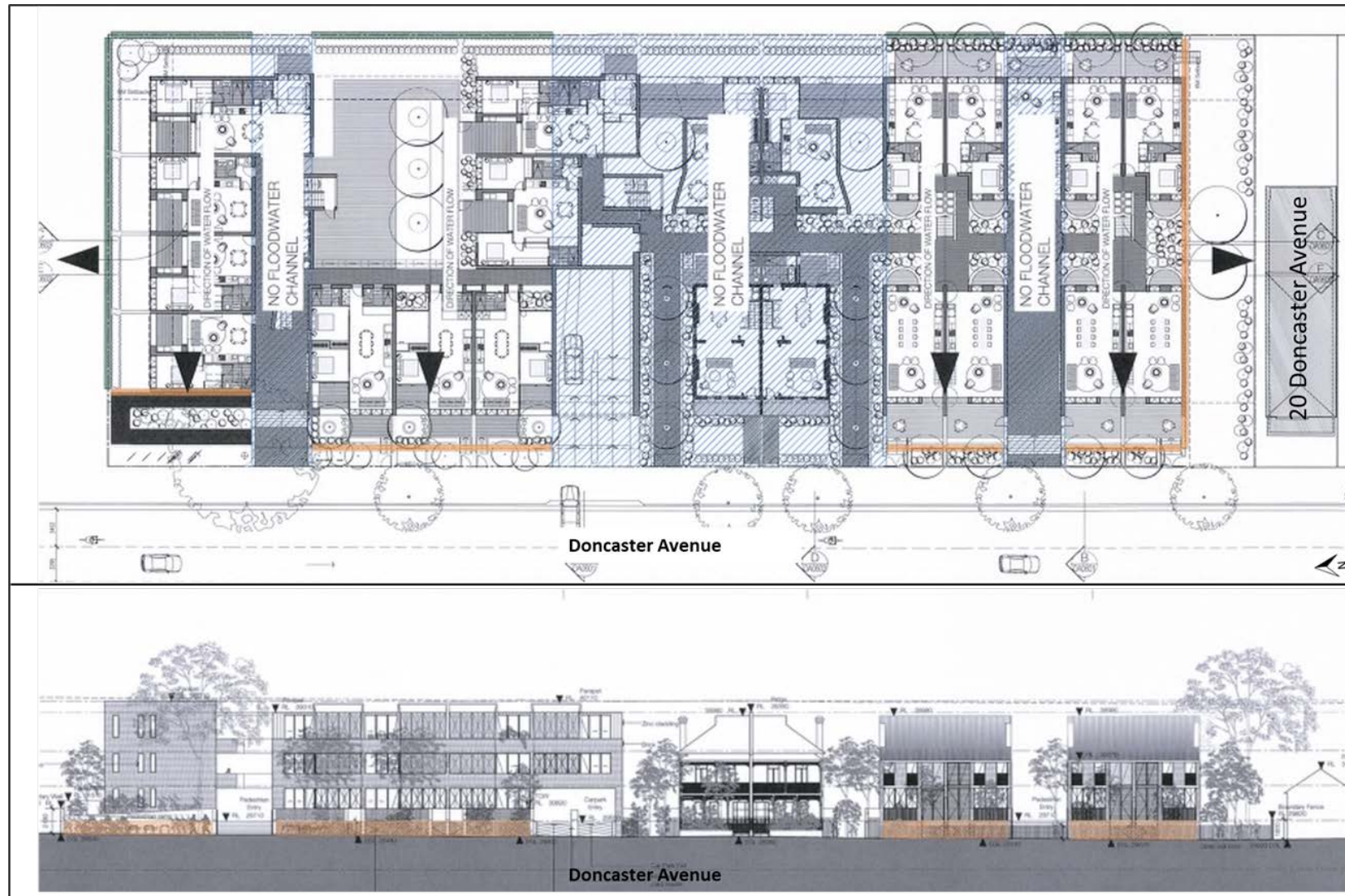


Figure 3 | The ground floor layout (top) and Doncaster Avenue elevation (bottom) of the Council Approval
(base source: Council Approval)

2 Project

2.1 Description of proposal

2.1.1 The key components of the proposal (as amended, **Section 5.5**) are summarised at **Table 1. Appendix B** contains links to the application and supporting documents.

Table 1 | Main components of the proposal

| Aspect | Description |
|--|---|
| Built form | <ul style="list-style-type: none"> Excavation of a basement level and construction of a 3-storey building to a maximum height of 12.38 m (RL 40.64) Alterations to the existing dwellings at 10 and 12 Doncaster Avenue Construct a substation at the southern end of the site, fronting Doncaster Avenue. |
| Gross floor area (GFA) and floor space ratio (FSR) | <ul style="list-style-type: none"> A total GFA of 5,860 m² FSR of 1.37:1. |
| Uses | <ul style="list-style-type: none"> 259 student beds (in 201 student units) comprising: <ul style="list-style-type: none"> 176 studio rooms 18 twin rooms Seven cluster units (6 and 7 bedroom), with shared living / kitchen and bathrooms. |
| Student amenities | <ul style="list-style-type: none"> 336 m² of student amenities comprising: <ul style="list-style-type: none"> communal, meeting, study and lounge rooms gym and communal laundry. |
| Communal open space and landscaping | <ul style="list-style-type: none"> Communal open spaces and landscaping including: <ul style="list-style-type: none"> 443 m² communal open spaces 1,162 m² landscaped areas. |
| Parking | <ul style="list-style-type: none"> 56 car parking and 55 motorcycle parking spaces at basement level 178 bicycle parking spaces, comprising: <ul style="list-style-type: none"> 150 bicycle parking spaces at basement level 28 bicycle parking spaces at ground floor level. |
| Water infrastructure | <ul style="list-style-type: none"> Re-align/deviate existing Sydney Water concrete stormwater channel to the northern boundary of the site. |
| Capital Investment Value (CIV) | <ul style="list-style-type: none"> \$24,076,420 |
| Jobs | <ul style="list-style-type: none"> 78 construction jobs 8 operational jobs |

2.1.2 The proposed development (as amended) is shown at **Figures 5 to 8**.



Figure 5 | Proposed ground floor layout (Source: Applicant's RRFI)

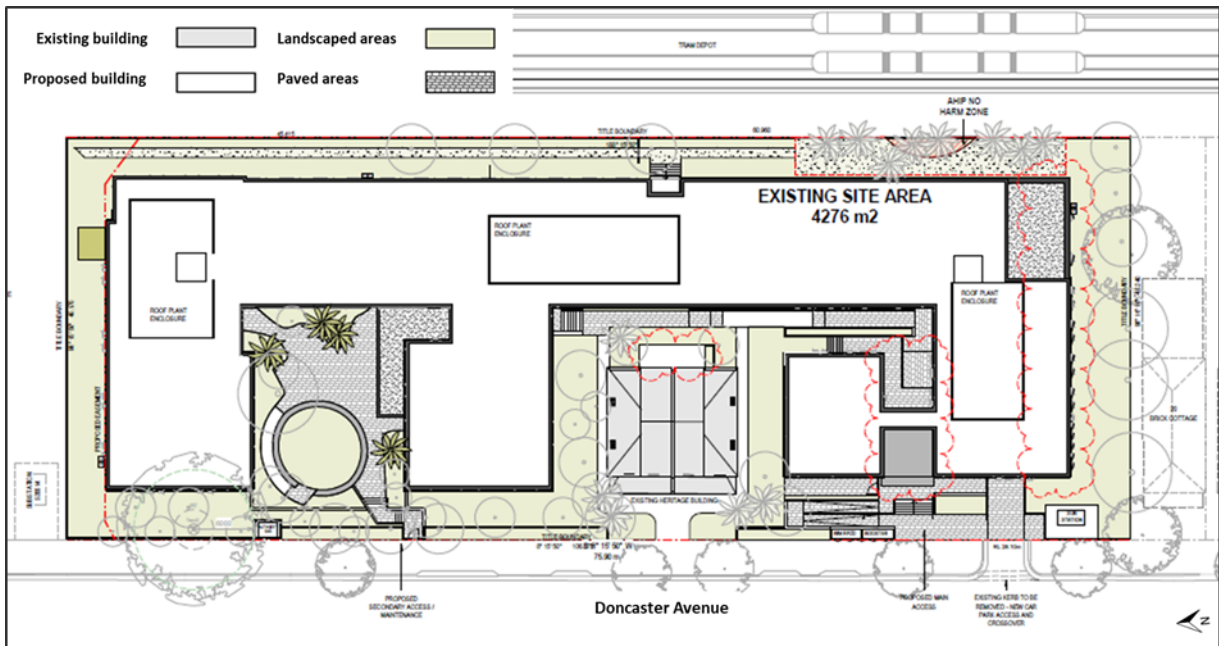


Figure 6 | Proposed roof plan and landscaping layout layout (Source: Applicant's RRFI)



Figure 7 | Perspective looking north-east along Doncaster Avenue towards the southern corner of the proposal and 20 Doncaster Avenue (Source: Applicant's RRFI)



Figure 8 | Perspective looking south-east along Doncaster Avenue towards the northern corner of the proposal (Source: Applicant's RRFI)

3 Strategic context

3.1 Greater Sydney Region Plan and Eastern City District Plan

- 3.1.1 The Greater Sydney Commission's (GSC) role is to coordinate and align planning to shape the future of Metropolitan Sydney. In March 2018, the GSC published the Greater Sydney Region Plan (the Region Plan) and the associated District Plans.
- 3.1.2 The Region Plan outlines how Greater Sydney will manage growth and change and guide infrastructure delivery. It sets the vision and strategy for Greater Sydney, to be implemented at a local level through District Plans. The Region Plan's overriding vision for Greater Sydney is to rebalance Sydney into a metropolis of three unique but connected cities; an Eastern Harbour City, the Western Parkland City (west of the M7) and the Central River City (with Greater Parramatta at its heart).
- 3.1.3 The site is located close to the Randwick Health and Education Precinct, which includes existing tertiary educational facilities (University of NSW and TAFE)
- 3.1.4 The proposal is consistent with the Region Plan, as it supports productivity through the growth in jobs and student accommodation within the Harbour City. In doing so, it supports integrating land use and transport contributing to a walkable '30-minute city' and through an increase in student accommodation within an accessible part of the Harbour City.
- 3.1.5 The site is located within the Eastern City District area. The proposal is consistent with the objectives of the Eastern City District Plan, as it will:
- provide student housing to increase housing supply, choice and affordability close to an identified education precinct (Planning Priorities E5 and E8)
 - deliver integrated land use and transport planning and a '30-minute city' (Planning Priority E10).

3.2 Future Transport Strategy 2056

- 3.2.1 The Future Transport Strategy 2056 is an update to the NSW Long Term Transport Master Plan 2012 and outlines a planned and coordinated set of actions to address challenges faced by the NSW transport system to support the State's economic and social performance over the next 40 years.
- 3.2.2 The proposal is consistent with the six key outcomes of the Plan as:
- the site is located within walking distance to a number of public transport services
 - it provides active transport travel options by providing bicycle parking spaces and end of trip facilities.
 - it provides limited on-site car parking spaces to encourage the use of public transport.

4 Statutory Context

4.1 State Significant Development

- 4.1.1 The proposal is SSD under clause 4 of Schedule 2 of State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP), as it is for a development carried out on land identified as being within the Royal Randwick Racecourse Site (RRRS) and has a CIV of more than \$10 million.
- 4.1.2 Part of the site falls outside of the RRRS boundary, being the two heritage listed terrace houses. However, in accordance with clause 8(2) of the SRD SEPP, as the proposal is for a single development and subject of one development application, the part of the site falling outside the RRRS is also declared to be SSD.

4.2 Consent Authority

- 4.2.1 In accordance with clause 8A of the SRD SEPP and section 4.5 of the EP&A Act, the Independent Planning Commission (Commission) is the declared consent authority if Council objects to the development within the mandatory community participation period specified in Schedule 1 of the EP&A Act.
- 4.2.2 As Council objected to the proposed development during the exhibition period the Commission is the consent authority.

4.3 Permissibility and development standards

Permissibility

- 4.3.1 The site is zoned R3 Medium Density Residential under the RLEP.
- 4.3.2 The proposal is for student accommodation, which is defined as a 'boarding house'. A boarding house is permissible with consent within the R3 Medium Density Residential zone.

Variation to development standards

- 4.3.3 Various development standards apply to the proposal under the RLEP and the State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP). The Department has considered the proposal against these standards in detail at **Appendix C** and is satisfied the proposal complies with all relevant standards, except for:
- the RLEP FSR development standard
 - the ARH SEPP maximum boarding house room size development standard.
- 4.3.4 The Applicant seeks to vary the maximum FSR and room size development standards, as summarised in **Table 2**.
- 4.3.5 Clause 4.6 of the RLEP includes provisions that allow for exceptions to development standards in certain circumstances. In considering variation to development standards the consent authority must have regard to the requirements of clause 4.6.

- 4.3.6 The Department has considered the merits of the proposed variations to development standards at **Section 6.2** and **6.8.1** and the requirements of clause 4.6 in detail at **Appendix D**.
- 4.3.7 In summary, the Department concludes the proposed variation to the FSR development standard is reasonable and justified. However, the variation to student room size is only justified for the two twin rooms (29 m² each) at the first floor level of the two heritage items at 10 and 12 Doncaster Avenue. The Department recommends that the other three oversized rooms are redesigned as outlined in **Section 6.5**.

Table 2 | RLEP FSR and ARH SEPP room size development standards and the proposed variations

| Standard | RLEP control | Proposed variation | Difference (+/-) | Complies |
|---------------------|--|---|---|----------|
| FSR (GFA) | Maximum 0.9:1 (3,838.40 m ²) | 1.37:1 (5,860 m ²) | +0.47:1 (+2,011.60 m ²) | No |
| ARH SEPP Room sizes | Maximum 25 m ² | Five exceedances: <ul style="list-style-type: none"> ○ 2 rooms at 26 m² ○ 2 rooms at 29 m² ○ 1 room at 35 m² | <ul style="list-style-type: none"> ○ +1 m² ○ +4 m² ○ +10 m² | No |

4.4 Secretary's Environmental Assessment Requirements

- 4.4.1 On 26 October 2018, the Department notified the Applicant of the Secretary's Environmental Assessment Requirements (SEARs) for the proposal. The Department is satisfied that the EIS adequately addresses the requirements of the SEARs to enable the assessment and determination of the application.

4.5 Biodiversity Conservation Act 2016

- 4.5.1 Under section 7.9(2) of the *Biodiversity Conservation Act 2016* (BC Act), SSD applications are 'to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values'.
- 4.5.2 The Environment, Energy, and Science Group of the Department of Planning, Industry and Environment waived the requirement for a BDAR on 11 January 2019 and the Department waived the requirement for a BDAR on 14 January 2019.

4.6 Mandatory Matters for Consideration

- 4.6.1 Section 4.15 of the EP&A Act outlines the matters that a consent authority must take into consideration when determining development applications. These matters are summarised as:
- provisions of environmental planning instruments (including draft instruments), development control plans, planning agreements, and the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation)
 - the environmental, social and economic impacts of the development
 - the suitability of the site

- any submissions
- the public interest, including the objects of the EP&A Act and the encouragement of ecologically sustainable development (ESD).

4.6.2 The Department has considered all these matters in its assessment of the project, as well as the Applicant's consideration of environmental planning instruments (EPIs) in its EIS as summarised in **Section 6** of this report. The Department has also considered the relevant provisions of the EPIs in **Appendix C**.

5 Engagement

5.1 Department's engagement

5.1.1 On 21 January 2019, the Applicant lodged the EIS for the redevelopment of the site. The application has been revised three times, by the:

- Response to Submissions and attachments (RtS), dated 11 June 2019
- Response to Request for Further Information (RRFI), dated 4 October 2019
- Supplementary RRFI (SRRFI), dated 3 March 2020

5.1.2 The Department publicly exhibited the EIS and notified the Applicant's RtS and RRFIs. A summary of the exhibition and notification is provided at **Table 3**. The Department undertook a detailed site inspection on 26 March 2019.

Table 3 | Summary of public exhibition and notification of the application

| Stage | Exhibition / Notification period | Public notice date (newspaper publication) | Consultation method | Submissions |
|-------|--|--|--|---|
| EIS | 7 Feb 2019 until 6 Mar 2019 (28 days) | 6 Feb 2019 Wentworth Courier | Displayed: • Department's website • Council's office • NSW Service Centre Notified: • Adjoining landholders • Council • Government agencies | 19 submissions comprising: • 8 Government agencies • Council • 10 public |
| RtS | 12 June 2019 until 26 June 2019 (14 days) | No publication | Displayed: • Department's website • NSW Service Centre Notified: • Council • Government agencies | 5 submissions comprising: • 4 Government agencies • Council |
| RRFI | 8 Nov 2019 until 21 Nov 2019 (14 days) | No publication | Displayed: • Department's website • NSW Service Centre Notified: • Council • Government agencies | 2 Government agency submissions |
| SRRFI | 04/03/2020 until 17/03/2020 (14 days) | No publication | Displayed: • Department's website • NSW Service Centre Notified: • Council | A submission from Council |

- 5.1.3 The Department has considered the comments raised in Council, government agencies and public submissions during the assessment of the application (**Section 6**) and in the recommended conditions of consent at **Appendix F**.
- 5.1.4 The public and Government agency submissions are summarised at **Section 5.2** to **5.4**.

5.2 Summary of submissions

- 5.2.1 A total of 28 submissions were received in response to the exhibition of the EIS and notification of the RtS, RRFI and SRRFI comprising 16 from government agencies, three from Council and 10 from the public. A summary of the issues raised in the submissions is provided at **Section 5.3** and **5.4**. Copies of the submissions may be viewed at **Appendix B**.

5.3 Key issues – Government agencies

- 5.3.1 The key issues raised in submissions are summarised in **Table 4**.

Table 4 | Government agency submissions to the EIS, RtS and RRFI of the proposal

| Sydney Water | |
|---|---|
| EIS | <p>Sydney Water initially objected to the proposal as:</p> <ul style="list-style-type: none"> buildings are located over / within 1 m of Sydney Water's stormwater channel contrary to Sydney Water's guidelines for building over or adjacent to its stormwater assets no agreement has been given to divert Sydney Water's stormwater channel on the site <p>Sydney Water also recommended that the current stormwater design should be refined to achieve better hydraulic efficiency.</p> |
| RtS | Sydney Water stated that it had no further comments. |
| RRFI | <p>Sydney Water confirmed the Applicant has provided an amended water infrastructure / stormwater channel deviation proposal which addresses its concerns.</p> <p>Sydney Water confirmed it would withdraw its objection to the proposal if the stormwater channel deviation is undertaken:</p> <ul style="list-style-type: none"> in accordance with the amended proposal agreed with the Applicant at no cost to Sydney Water. |
| Transport for NSW – Roads and Maritime Services (RMS) | |
| EIS | <p>RMS does not object to the proposal and provided the following comments:</p> <ul style="list-style-type: none"> further consideration of pedestrian safety is required a swept-path analysis for the longest vehicle entering/exiting the site is required. <p>RMS recommended conditions requiring car parking to comply with relevant Australian Standards, a Road Occupancy License for works impacting Alison Road and the preparation of a CPTMP.</p> |
| RtS | RMS stated that it had no further comments. |
| RRFI | RMS stated the RRFI has addressed its comments except for pedestrian safety. |

Sydney Water

Transport for NSW (TfNSW)

| | |
|-----|--|
| EIS | <p>TfNSW does not object to proposal and provided the following comments:</p> <ul style="list-style-type: none">the impact of excavation on the light rail maintenance facility should be assessedconsideration should be given to the operational noise impact of the light rail maintenance facility on the proposalfurther detail is required of construction crane requirementsmeasures to mitigate electrolysis risk should be implemented during construction and the cost of those works should be borne by the Applicantan additional 12 bicycle parking spaces are required (total of 60 spaces) and the layout should be amended to maximise bicycle safetyfurther information is required on the cumulative construction impacts. <p>TfNSW recommended conditions and agreements relating to the protection of the light rail (operation and infrastructure) and conditions relating to construction, noise, electrolysis risk, lighting and signage, protection of rail infrastructure and required the preparation of a Construction Pedestrian and Traffic Management Plan (CPTMP).</p> |
|-----|--|

Environment, Energy, and Science Group of the Department of Planning, Industry and Environment (EESG)

| | |
|-----|--|
| EIS | <p>EESG does not object to the proposal but raised the following initial concerns:</p> <ul style="list-style-type: none">the proposal should be amended to take account of the flood planning level (1% AEP plus 0.5m) <p>EESG also provided the following comments:</p> <ul style="list-style-type: none">green walls, green roof and/or 'cool roof' should be incorporated into the designon 22 June 2018, EESG issued an Aboriginal Heritage Impact Permit (AHIP) for the site and those conditions should be applied to any development consentthe requirement for a BDAR was waived on 11 January 2019. |
| RtS | <p>EESG considered the RtS and indicated its initial concerns (flooding) have been addressed.</p> <p>EESG reiterated its comments (green wall/roof and conditions).</p> |

Department of Industry (DPI)

| | |
|-----|--|
| EIS | <p>DPI does not object to the proposal and provided the following comments:</p> <ul style="list-style-type: none">a hydrological report and a water monitoring and management plan is requireda license is required for the predicted maximum take of water during constructiona dewatering completion report is required prior to building certification. |
|-----|--|

Environmental Protection Authority (EPA)

| | |
|-----|--|
| EIS | <p>EPA does not object to the proposal and confirmed:</p> <ul style="list-style-type: none">the proposal does not constitute a Scheduled Activity under Schedule 1 of the <i>Protection of the Environment Operations Act 1997</i> (POEO Act)an Environment Protection Licence under the POEO Act is not requiredas the proposal is not undertaken by or on behalf of a public authority the |
|-----|--|

| Sydney Water | |
|---|---|
| | EPA does not regulate the project. |
| RtS | EPA considered the RtS and reiterated its comments provided in response to the EIS. |
| Heritage Division of the Department of Premier and Cabinet (Heritage NSW) | |
| EIS | Heritage NSW does not object to the proposal and confirming it does not have an impact on State heritage items. |
| Ausgrid / Transgrid | |
| EIS / RtS | Ausgrid does not object to the proposal and did not provide any comments. |

5.4 Key issues – Council and community

Council key issues

5.4.1 Council objects to the proposal, as summarised in **Table 5**.

Table 5 | Council's submissions to the EIS, RtS and SRRFI of the proposal

| Council | |
|---------|---|
| EIS | <p>Council does not support the proposal and raised the following concerns:</p> <ul style="list-style-type: none"> the proposal exceeds the RLEP FSR development standard and the clause 4.6 request to vary the development standard is unacceptable the proposal is out of keeping with the established character of the street and would dominate and detract from the retained heritage items and conservation area the design and built form of the building including height, setbacks, articulation, modulation and materials is unacceptable the substation should be relocated behind the building line a landscaped buffer should be provided to the rear of the building and trees should be protected the proposed student accommodation room sizes and communal facilities are inadequate further justification is required for the proposed amount of car parking and servicing the driveway should be widened and visitor bicycle parking provided at ground floor level proposed drainage works should be subject to further approval construction and operational noise should be mitigated a Schedule of Conservation Works is required and the management and mitigation measures in the Heritage Impact Statement should be implemented. <p>Council recommended standard conditions together with conditions relating to protection and interpretation of heritage and archaeology resources, structural stability of retained buildings, trees, undergrounding powerlines, contamination, hydrology, construction, operational noise and car parking.</p> |
| RtS | <p>Council considered the RtS and confirmed it objects to the proposal on the basis of the concerns raised in response to the EIS.</p> <p>Council provided further clarification of its objections relating to design and built form, room sizes, exceedance of FSR development control, bicycle parking, car parking and driveway width.</p> <p>Council also provided the following additional comments:</p> <ul style="list-style-type: none"> despite the amendments, the proposal would continue to dominate the streetscape and heritage items |

| Council | |
|---------|---|
| | <ul style="list-style-type: none"> planting plans are required and greater separation should be provided between the building and Tree 42 the communal courtyard to the northern end of the site presents a superior landscape outcome. |
| SRRFI | <p>Council considered the Applicant's revised realigned Sydney Water stormwater channel design / construction, its tree protection measures and met with the Applicant's Arborist on-site.</p> <p>Following the on-site meeting, Council advised it had reached an agreement regarding the measures required to ensure the tree is successfully retained. Council therefore recommended a number of conditions relating to the protection and monitoring of the tree during construction.</p> |

Community issues

- 5.4.2 A total of 10 public submissions were received in response to the exhibition of the proposal all of which raised objections. No public submissions were received in response to the Applicant's RtS, RRFI and SRRFI. The key issues raised in submissions are summarised in **Table 6**.

Table 6 | Public submissions to the exhibition of the proposal

| Public Submission | Percentage |
|---|------------|
| Traffic and car parking | 90% |
| Operational noise and anti-social behaviour | 70% |
| Overshadowing | 60% |
| Construction and excavation impacts (particularly noise, dust, vibration and foundations) | 50% |
| Loss of privacy | 40% |
| Tree removal | 40% |
| Overdevelopment / student density | 30% |
| Inadequate shops and parks to support the development | 20% |
| Heritage and archaeological impacts | 20% |
| Devaluation of property values | 20% |
| Inadequate capacity in existing water infrastructure | 10% |

5.5 Applicant's response to submissions

- 5.5.1 The Department placed copies of all submissions received on its website and requested the Applicant to provide a response to the issues raised.
- 5.5.2 On 11 June 2019 the Applicant provided its RtS, which was updated on the 18 October 2019 by its RRFI and on 3 March 2020 by its SRRFI. The RtS / RRFI / SRRFI include additional information, justification and amendments to the proposal in response to the issues raised in submissions. A detailed summary and comparison the physical changes to the proposal are provided at **Table 7**.

Table 7 | Detailed summary and comparison of the physical changes to the proposal

| Component | EIS | RtS | RRFI | Difference between EIS/RRFI |
|----------------------------|----------------------|-----------------------|----------------------|-----------------------------|
| GFA | 5,978 m ² | 5,969 m ² | 5,860 m ² | -118 m ² |
| FSR | 1.4:1 | 1.4:1 | 1.37:1 | -0.03:1 |
| Building layout | 'S' shaped | 'E' shaped | 'E' shaped | 'S' to 'E' shaped |
| Doncaster Ave setbacks: | | | | |
| ○ minimum | ○ 4.0 m | ○ 4.0 m | ○ 5.02 m | ○ +1.02 m |
| ○ maximum | ○ 5.02 m | ○ 6.29 m | ○ 6.29 m | ○ +1.27 m |
| Southern boundary setback: | | | | |
| ○ basement | ○ 2.4 m | ○ 2.4 m | ○ 4.9 m | ○ + 2.5 |
| ○ ground level | ○ 4.15 m | ○ 4.2 m | ○ 6.05 m | ○ +1.9 m |
| ○ levels 1 and 2 | ○ 5.33 m | ○ 5.33 m | ○ 6.05 m | ○ +0.72 m |
| Student units | 165 units | 150 units | 201 units | +36 units |
| ○ studios | ○ 127 | ○ 111 | ○ 176 | ○ +49 |
| ○ twin | ○ 11 | ○ 12 | ○ 18 | ○ +7 |
| ○ 3-6 bed clusters | ○ 27 | ○ 27 | ○ 7 | ○ -20 |
| Student beds | 276 beds | 274 beds | 259 beds | -17 beds |
| Student room sizes: | | | | |
| ○ minimum | ○ 7.3 m ² | ○ 7.3 m ² | ○ 12 m ² | ○ + 4.7 m ² |
| ○ maximum | ○ 29.5m ² | ○ 29.5 m ² | ○ 35 m ² | ○ + 5.5 m ² |
| Student amenity space | | | | |
| ○ internal | ○ 374 m ² | ○ 342 m ² | ○ 336 m ² | ○ -38 m ² |
| ○ external | 498 m ² | 434 m ² | 434 m ² | -64 m ² |
| Front fence height | 1.8 m | 1.2 m | 1.2 m | - 0.6 m |
| Motorcycle parking spaces | 54 spaces | 54 spaces | 55 spaces | +1 space |
| Bicycle parking spaces | 60 spaces | 60 spaces | 178 spaces | +118 spaces |

(Note: the SRRFI did not include any physical changes to the proposal)

5.5.3 In addition to the key changes summarised at **Table 7**, the RtS / RRFI / SRRFI included the following changes to the proposal:

- revised stormwater channel deviation proposal and Sydney Blue Gum tree protection measures
- revised internal configuration and layouts
- increase the depth of the two storey additions to the rear of 10 and 12 Doncaster Avenue
- relocation and reconfiguration of communal open space and landscaped areas.

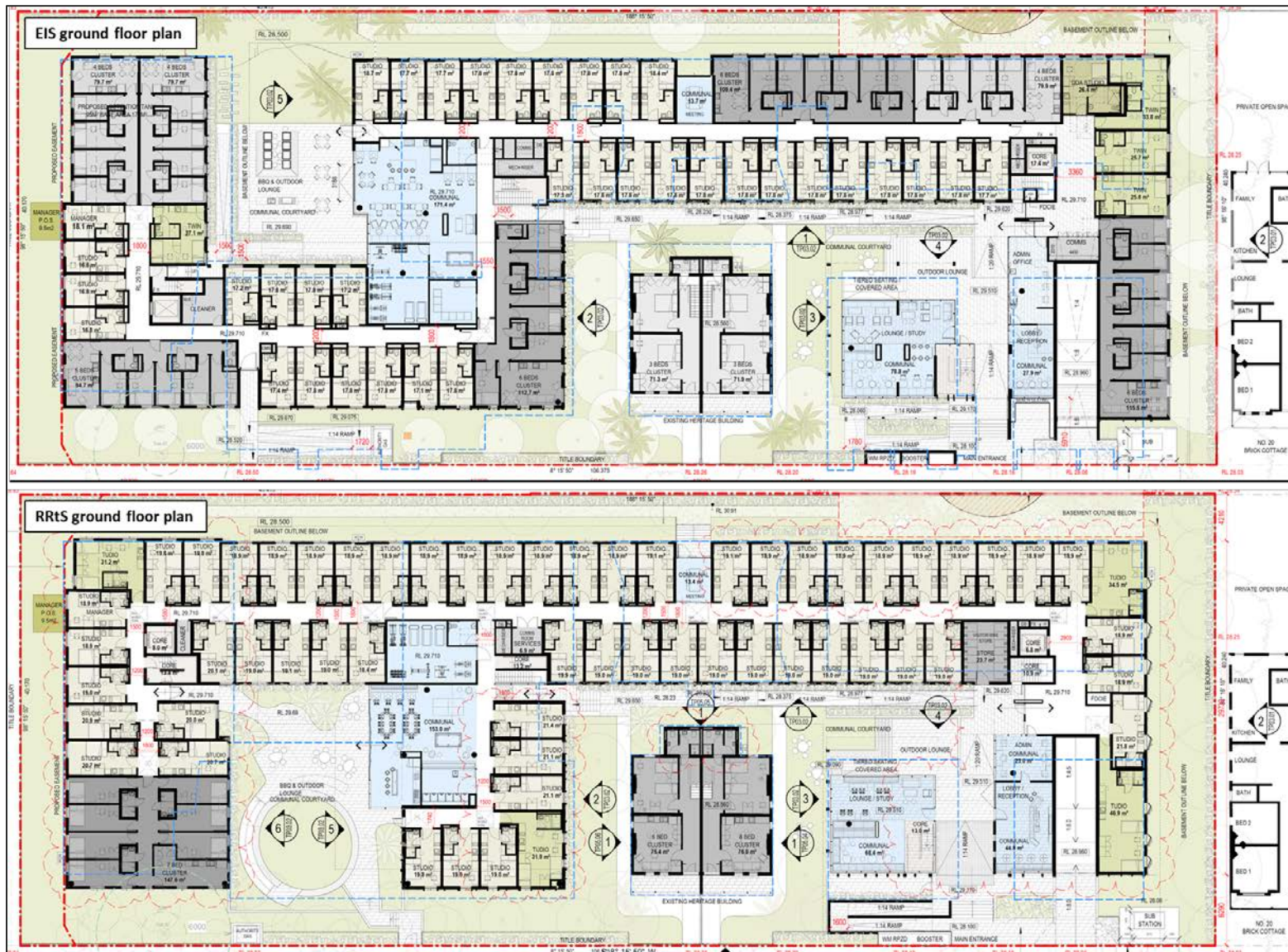


Figure 4 | EIS (top) and RRFI (bottom) ground floor plan (Source: Applicant's EIS and RRFI)

6 Assessment

6.1 Key assessment issues

6.1.1 The Department has considered the proposal, the issues raised in submissions and the Applicant's responses in its assessment of the application. The Department considers the key issues associated with the proposal are:

- density / FSR
- built form and heritage
- amenity impacts
- future student amenity
- traffic and parking
- storm water channel.

6.1.2 Each of these issues are discussed in the following sections of this report. Other issues relating to the application considered during the assessment of the application addressed in **Section 6.8.78** of this report.

6.2 Density / FSR

6.2.1 The proposal seeks approval for 5,860 m² of student accommodation floorspace (an FSR of 1.37:1) which exceeds the RLEP maximum FSR (0.9:1) by 2,011.60 m². This represents a 52% increase above the RLEP FSR control. Within this floor space, the proposal seeks to provide a total of 259 student beds within 201 units, which results in a higher population density than the previously approved residential development comprising of 50 units.

6.2.2 The Applicant has sought to vary the maximum FSR development standard in accordance with clause 4.6 of the RLEP and contends that the proposed GFA is appropriate for the site and the variation would not result in any additional adverse environmental impacts.

6.2.3 Concern was raised in public submissions about the density of the development and that it represents an overdevelopment of the site. Council also objected to the exceedance above the RLEP maximum FSR and considers the Applicant's clause 4.6 request is inadequate.

6.2.4 The Department has carefully considered the concerns raised by the community about density and overdevelopment. The Department considers an acceptable density is informed by the appropriateness of the built form and having regard to potential impact of the floorspace such as, traffic generation, amenity impact and demand on existing/future infrastructure.

6.2.5 The Department acknowledges the proposed student population (259) would be greater than the residential population of the original approval (estimated as 125, based on the Australian Bureau of Statistics (2016) occupancy rates for the Randwick LGA of 2.5 persons per household). However, as discussed in **Section 3**, the Department considers the provision of student accommodation in this location has strategic merit, particularly given it will provide increased affordable housing choice for

students, has excellent access to public transport, is conveniently located to educational institutions and shopping facilities.

6.2.6 The Department recognises that in isolation the proposed FSR variation of 0.47:1 (being an increase of 52% and 2,011.60 m² GFA) is numerically significant. However, the Department considers the site can accommodate a greater density than what has been established by the RLEP (0.9:1), as the:

- building height and scale is appropriate in this context. The height is consistent with the RLEP building height for the site and is compatible with existing developments on the opposite side of Doncaster Avenue (**Section 6.3**)
- bulk and scale responds to and respects the two heritage terraces on the site and includes appropriate setbacks to retain their setting and historic significance (**Section 6.3**)
- proposal has been designed in accordance with ESD principles and provides for a well-designed development that is integrated into its immediate context (**Appendix C**)
- amenity impacts including operational impacts, overshadowing, privacy and private view loss have been minimised and are acceptable (**Section 6.4**)
- site is within walking distance of existing light rail and bus routes and has convenient access to educational establishments, shopping facilities and other services (**Section 6.9**)
- traffic generation is acceptable and would have limited impact on the road network (**Section 6.4**)
- development includes sufficient areas of deep soil for landscaping and tree planting along the Doncaster Avenue frontage and the northern and southern ends of the site
- site is located within an existing urban setting and can use existing utilities and services
- Applicant's clause 4.6 request to vary the FSR development standard is justified and compliance with the RLEP FSR control is unreasonable and unnecessary in this instance as the proposal achieves the objectives of the FSR development standard, no purpose is served by requiring strict compliance and there are sufficient environmental planning grounds to justify the variation (**Appendix D**).

6.2.7 The Department therefore concludes the site is suitable for increased floorspace (an additional 2,011.60 m²) to accommodate a student accommodation building, given its location and as it would not unreasonably impact on the surrounding area in terms of visual, traffic or amenity impacts.

6.3 Built form and heritage

Built form, design and materiality of the new building component

- 6.3.1 As outlined in **Section 2**, the proposal involves construction of a large 'E' shaped three storey building and retention of the two heritage listed terrace houses on the site.
- 6.3.2 Council objects to the design, built form and materiality of the proposal and considers that it does not respond to the established character of this side of Doncaster Avenue and would dominate the streetscape.
- 6.3.3 The Department referred the application to GANSW for comment. GANSW supports the bulk and scale of the development, the verticality of the elevations, building articulation and façade materials. In addition,

it considers the development successfully references the existing varied contextual design precedents within the locality.

6.3.4 The Department has carefully considered the concerns raised by Council and the advice provided by the GANSW. The Department considers the proposal provides a well resolved design response to the established character of Doncaster Avenue, in particular:

- the three storey height of the new building (RL 39.5 m) is comparable to the highest point of the retained and refurbished heritage terraces (RL 39.3 m) and is consistent with the maximum RLEP building height (12 m)
- the height and scale is compatible with the existing developments on the opposite side of Doncaster Avenue to the site, which are of a similar or greater height and scale (between three to four storeys)
- the building is setback up to 6.29 m in line with the terraces from Doncaster road and 6 m from the adjoining dwelling to the south, 20 Doncaster Avenue
- the 'E' shaped footprint of the building which provides for a series of wings projecting towards Doncaster Avenue, separating and modulating the Doncaster Avenue elevation, appropriately breaking down the bulk of the building and reducing its visual impact
- the proposal creates a built form rhythm that emphasises the building's verticality and replicates the combined building width of the retained heritage items and reinforces the established widths (and combined widths) of several buildings along Doncaster Avenue (**Figure 10**).
- the building is highly articulated and features a modern design approach, including a vertically ribbed brick and metal façade treatment interspersed with repetitive window placements
- the proposed building materials includes a light-weight metal cladding to the uppermost floor adjacent to the heritage terraces and neighbouring 20 Doncaster Avenue, which reinforces the eaves line of the heritage terraces (**Figure 11**).

6.3.5 The Department accepts the GANSW's advice that the proposal would achieve a high standard of design. The Department is satisfied that the proposed height and scale responds to the heritage terraces on the site and will create an appropriate built form transition between the smaller scaled building at 20 Doncaster Avenue and the larger developments on the opposite side of Doncaster Avenue.

6.3.6 The Department concludes that the built form, design and materiality of the building is appropriate, would achieve a high standard of design and would make a positive contribution to the evolving character of the surrounding area.

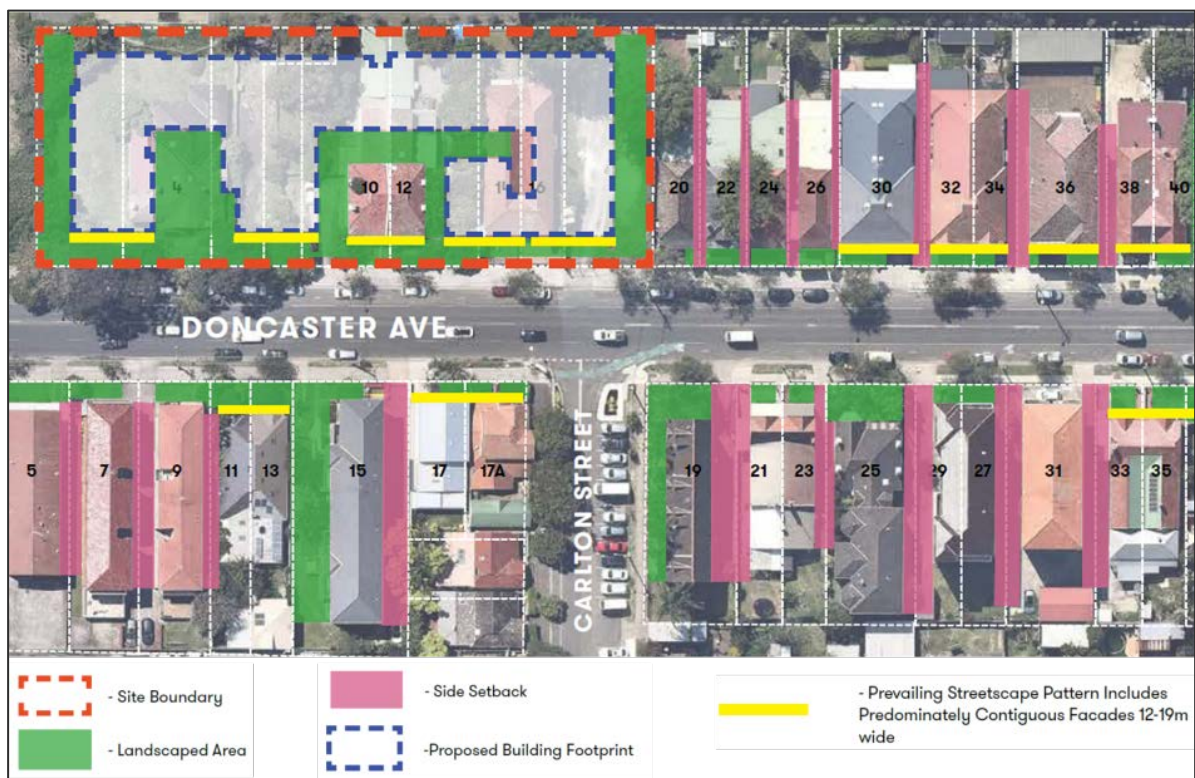


Figure 5 | Aerial view indicating building widths along Doncaster Avenue (Base source: Applicant's RtS)

Heritage impacts

- 6.3.7 The proposal includes the retention, refurbishment and adaptive re-use of two locally listed heritage terrace buildings at 10 and 12 Doncaster Avenue, including:
- conservation and adaptation of the terrace houses to accommodate two 3 bed student cluster units
 - construction of 2 storey additions to the rear of each terrace house.
- 6.3.8 The proposal is supported by a Heritage Impact Assessment (HIA), which considers the potential heritage impacts of the proposal on the heritage terraces and the Racecourse heritage conservation area.
- 6.3.9 Concern was raised in public submissions about the proposal's impact on the heritage terraces. Council also considered the new building would dominate and detract from the heritage terraces and the Conservation Area. In the event the application was approved, Council recommended conditions requiring the preparation of a Schedule of Conservation Works (SCW) and the implementation of the HIA mitigation measures.
- 6.3.10 The GANSW supports the relationship of the proposed built form to the heritage terraces, the provision of open space around those buildings, the location of the driveway away from the heritage terraces and the inclusion of active/social spaces to activate building edges facing the terraces.
- 6.3.11 The Department has carefully considered Applicant's HIA, as well as the issues raised in public submissions and by Council in relation to the relationship of the new building with the existing terraces.
- 6.3.12 The Department is satisfied that the new building would not have an overbearing impact on the heritage terraces as the parapet height of the new building (RL 39.51 m) is comparable to the existing maximum

height of the heritage terraces (RL 38.36 m). In addition, the new building is setback between 4.8 - 5.8 m from the side elevations of the heritage terraces and does not project forward of their front verandah/balcony line (**Figure 11**).

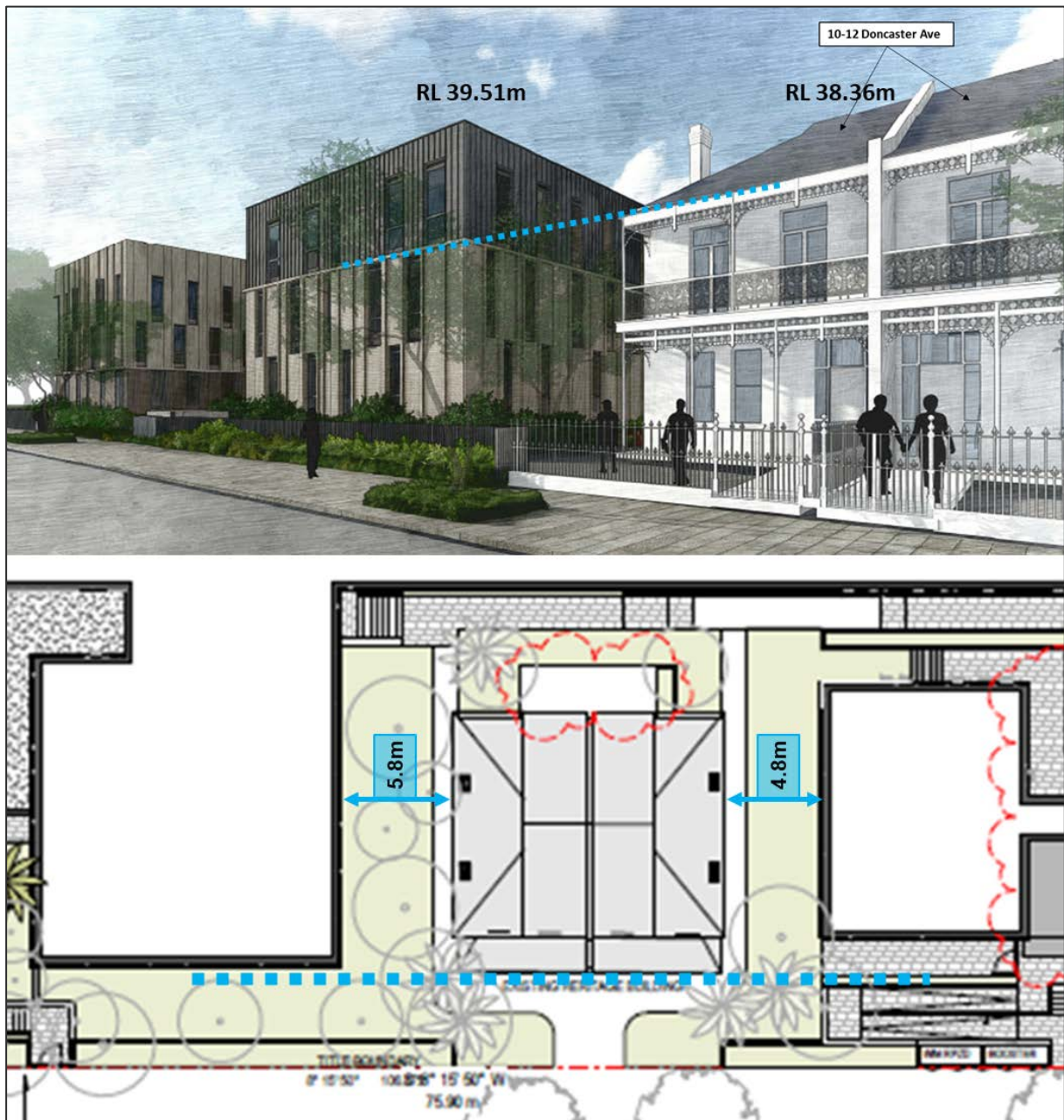


Figure 6 | Built form and eaves line relationship between the new building and the heritage terraces (top) and separation distance and front verandah line (bottom) (Source: Applicant's RRFI)

6.3.13 The Department considers the proposed building is compatible with the character of the area and would not adversely impact the heritage significance of the heritage terraces or the conservation area as:

- modern buildings up to 4 storeys in height already exist directly opposite the site and the proposal (3 storeys) would provide a greater degree of balance to the built form at this end of Doncaster Avenue

- the new building is highly articulated and clad in materials that reference the verticality and materials of existing buildings within Doncaster Avenue and the conservation area
- the new building is setback 6 m from 20 Doncaster Avenue and is a storey higher than the ridgeline of 20 Doncaster Avenue, and provides for an appropriate step in height and built form transition
- the new building includes a material change to light-weight metal cladding to the uppermost floor, which references, and carries through, the established eaves line of the heritage terraces. This architectural feature helps to visually integrate the new building and the heritage terraces
- the two storey additions to the heritage terraces are of a small scale, located to the rear of the terraces, will not be visible from the street and have been designed as identifiably modern extensions
- the submitted landscaping plans include generous soft landscaping around the periphery of both heritage terraces to define communal and private spaces and enhance the setting of those buildings
- other nearby listed heritage items (25 Doncaster Avenue and 2-4 Carlton Street) are physically and visually separated from the site by distance, intervening development and roadways and, therefore, will not be adversely affected by the proposal.

6.3.14 The Department agrees with Council that a SCW is required and mitigation measures should be implemented in accordance with the HIA. The Department recommends conditions accordingly.

Conclusion

6.3.15 The Department concludes the proposed development achieves a high standard of design. The building has been designed to appropriately fit within its urban context without having any significant impact on the character of the locality. The proposed height and setbacks of the new building would ensure the development is not overbearing and is sufficiently separated from the on-site heritage terraces. Further, the proposal would not have an adverse impact on the heritage significance of 10 and 12 Doncaster Avenue and the conservation area.

6.4 Amenity impacts

6.4.1 Concerns were raised in public submissions about the impact of the proposed development on adjoining residential amenity in terms of operational noise/anti-social behaviour, management of the student accommodation, overshadowing and privacy. Council recommended that operational noise should be mitigated.

6.4.2 The Department has considered each of these issues within the following sections.

Operational noise and management

6.4.3 The Applicant has confirmed the student accommodation would be operated by Atira Student Living, which has experience managing student accommodation facilities in Brisbane and Adelaide, with further properties under construction in Sydney, Melbourne and Perth.

6.4.4 The Applicant provided an Operational Management Plan (OMP) which outlines the following key management and security measures to mitigate impacts on surrounding residents:

- professional management of the student accommodation on a 24-hour seven-days-a-week basis, including:
 - building manager, during business hours
 - customer service officers located at the reception desk (main entrance), during business hours
 - maintenance officers, during business hours
 - security / evening duty manager, providing an out-of-hours security presence.
- student code of conduct while on-site and 10 pm curfew for guests
- prohibition of alcohol within all common areas of the building, including outdoor spaces
- prohibition of all drugs/illegal substances and weapons on-site
- complaints handling and resolution procedure
- induction.

6.4.5 The Department notes that the building has been sited and designed to minimise the potential of noise impacts on neighbouring residential properties. In particular, both main communal areas are inwards facing onto internal courtyards, the building is setback 6 m from 20 Doncaster Avenue and includes dense buffer planting.

6.4.6 Noting the above building design features, and subject to appropriate management through the OMP, the Department considers the future use of the site for student accommodation will not have an unreasonable impact on the locality in terms of noise and behaviour of the residents of the building.

6.4.7 To further strengthen the OMP mitigation measures and ensure the development does not have adverse noise impacts on surrounding residents, the Department recommends conditions:

- limiting the maximum noise emissions arising from mechanical plant
- restricting the use of outdoor common areas as follows:
 - for use only by residents within the student accommodation building and their guests
 - 7 am to 10 pm Monday to Saturday and 8 am to 8 pm Sunday and public holidays
 - no amplified noise/music
- requiring the installation of signs and operational management requiring occupants to leave the premises quietly
- prohibiting roof access other than for emergency or maintenance purposes.

6.4.8 To ensure the student accommodation is only used for its intended purpose, the Department also recommends conditions:

- restricting the occupation of the building to students and staff of a tertiary education facility
- preventing the strata subdivision of the building.

6.4.9 Subject to the recommended conditions, the Department is satisfied the operational impacts associated with the proposal can be appropriately mitigated and managed.

Privacy and overshadowing

6.4.10 Concern was raised in public submissions that the proposal would overlook and overshadow neighbouring residential properties.

- 6.4.11 The Department considers that the key impacts are to the adjoining a residential property to the south, 20 Doncaster Avenue, which contains windows to habitable rooms in its northern elevation facing the site (**Figure 3**). Impacts to other neighbouring properties are to a large extent mitigated as the proposal is located approximately 25 m away from four apartment buildings and four houses located on the opposite side of Doncaster Avenue (**Figure 2**).
- 6.4.12 The State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development – Apartment Design Guide (ADG) recommends controls for new residential developments including their impact on existing residential buildings. Although the proposal does not include a residential component, the ADG is a helpful guide to assess impact on adjoining existing residential development. The ADG recommends:
- the elevation of a new building (up to 4 storeys) that contains habitable room window(s) should be setback at least 6 m from the site boundary to protect visual privacy
 - at least 70% of apartments in urban areas receive at least 2 hours of solar access between 9am and 3pm in mid-winter.
- 6.4.13 The Department notes Council has previously considered the privacy and overshadowing impacts of the original approval on 20 Doncaster Avenue in its assessment report, which concluded:
- ‘The privacy of [20 Doncaster Avenue] will be preserved by a condition requiring that all windows on Levels 1 and 2 of the southern elevation of the proposed development be fixed, obscure glazing... As the proposal complies with the RLEP 2012 building height standard and the ADG building separation control, any overshadowing of 20 Doncaster Avenue is considered inevitable and acceptable.’*
- 6.4.14 The Department considers the original approval is a material consideration in the assessment of this application in establishing reasonable and acceptable impacts on 20 Doncaster Avenue.
- 6.4.15 The Department notes that, when compared with the original approval, the proposal is approximately one storey taller adjacent to the existing house at 20 Doncaster Avenue and is 2 storeys lower adjacent to its rear garden, as shown at **Figure 12**.
- 6.4.16 The Department has considered privacy and overshadowing impacts to 20 Doncaster Avenue within the following section.

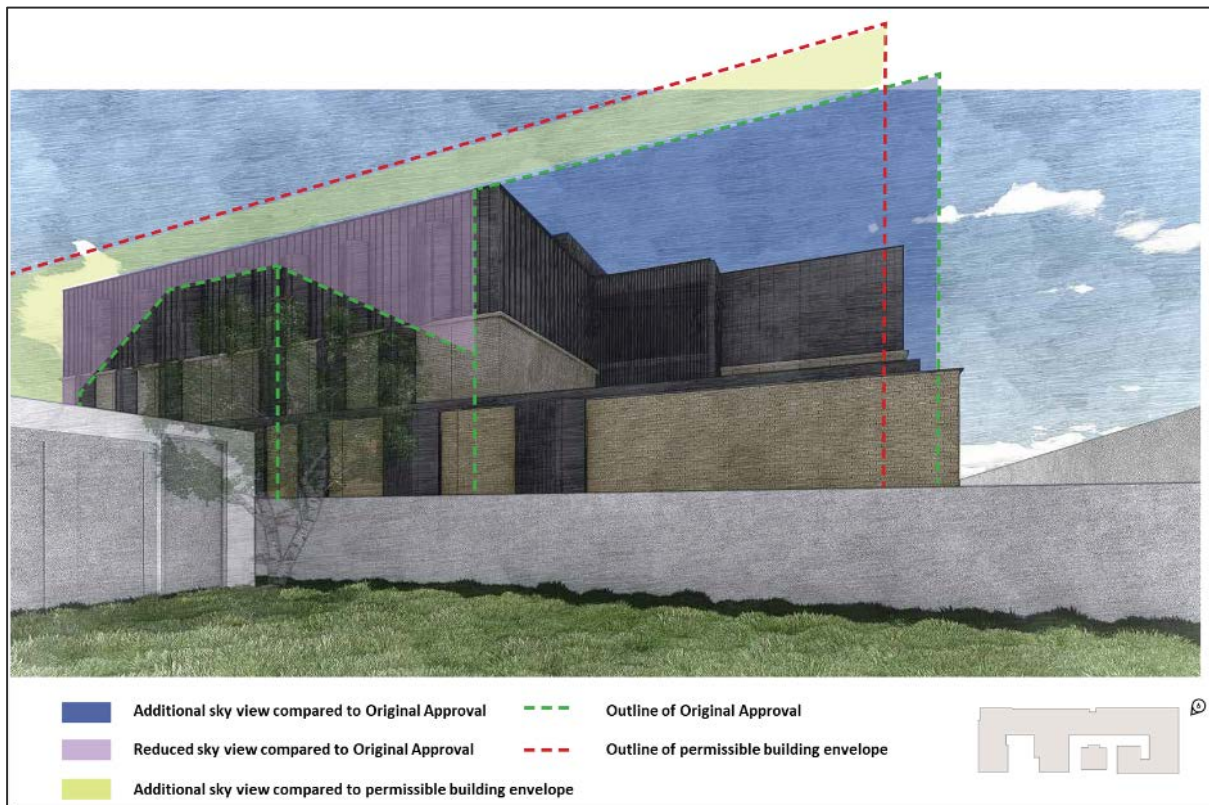


Figure 7 | Comparison of the massing of the southern elevation of the Original Approval and the proposal (Base source: Applicant's RtS)

Privacy

6.4.17 The Applicant has stated that the proposal would not have adverse amenity impacts as the proposal is below the RLEP maximum building height, the southern elevation is setback from the boundary, proposed south facing windows are screened and angled away from 20 Doncaster Avenue and landscaped screening is provided within setbacks.

6.4.18 The Department considers that the proposal would not adversely overlook neighbouring residential properties as:

- the proposed southern wall, which faces 20 Doncaster Avenue, has been setback 6 m from the shared boundary and therefore meets the ADG's recommended separation distance
- all windows in the southern façade have been angled away from 20 Doncaster Avenue and screening planting is proposed within the building setback.
- the first floor flat roof area adjacent to the rear garden of 20 Doncaster Avenue is not proposed to be used as a roof terrace.

6.4.19 To ensure the privacy of 20 Doncaster Road is protected, the Department recommends conditions:

- prohibiting access to the flat roof area except in the case of emergency or for maintenance purposes
- requiring window treatments and planting to be installed prior to first occupation.

Overshadowing

6.4.20 At present, due to the current vacant/cleared nature of the site, there is no obstruction of direct sunlight reaching the northern and eastern habitable room windows of the residential dwelling house at 20 Doncaster Avenue.

6.4.21 As noted at paragraph 6.4.12 the ADG provides guidance on acceptable amenity standards for residential development in urban areas, and recommends that dwellings receive at least 2 hours of solar access between 9am and 3pm in mid-winter.

6.4.22 The overshadowing analysis submitted in support of the application confirms that the habitable room windows of 20 Doncaster Avenue will continue to receive to approximately 3 hours of solar access in mid-winter, receiving direct sunlight between (**Figure 13**):

- 9:15 am and 11:15 am (windows located at the rear of the property)
- 2.15 pm and 3:15 pm (forward windows located on the northern elevation of the building).

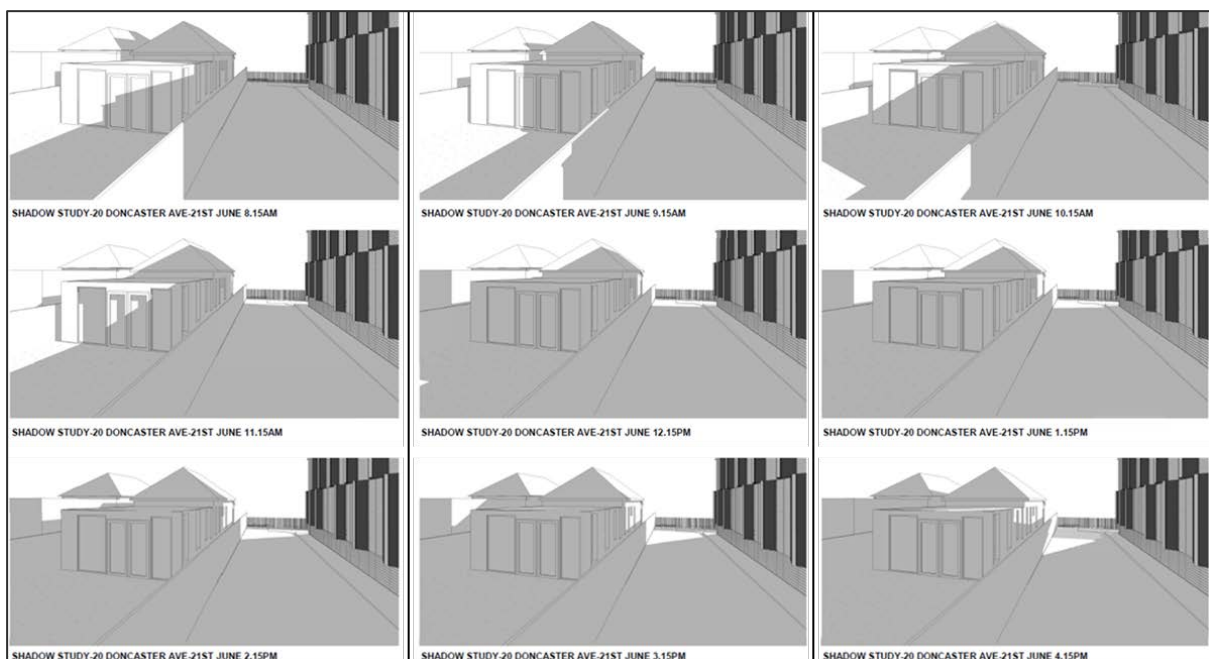


Figure 8 | Overshadowing impact on the rear (eastern) and side (northern) elevations of 20 Doncaster Avenue during mid-winter (Base source: Applicant's RRFI)

6.4.23 Having regard to the Applicant's analysis, and the impacts of the original approval, the Department considers that the proposal's overshadowing impact on 20 Doncaster Avenue is acceptable as:

- the overshadowing analysis has demonstrated that between 9:15 am and 3:15 pm in mid-winter the northern and rear elevations of 20 Doncaster Avenue would receive direct sunlight, at different times of the day, for a total period of 3 hours, which exceeds the ADG recommended 2 hour minimum (paragraph 6.4.12)
- if the proposal were further reduced in size or moved further to the north to increase solar access to 20 Doncaster Avenue it would jeopardise the achievement of a high standard development, would fail to maximise the use of the site and have adverse visual impacts

- the existing situation is unusual in that the northern windows of 20 Doncaster Avenue borrow light and outlook across a currently undeveloped property in a dense urban environment. In this context a reduction in access to direct sunlight is to be expected.

Conclusion

- 6.4.24 The Department is satisfied the operational impacts associated with the proposal can be appropriately mitigated and managed subject to conditions limiting noise, the use of common areas and prevention of future subdivision of the building.
- 6.4.25 Further the proposal would not adversely impact on neighbouring residential privacy as it provides an appropriate building setback from the southern boundary, treatment of windows to prevent overlooking and does not include any rooftop outdoor space.
- 6.4.26 The Department concludes as the proposal would retain 3 hours of direct sunlight to 20 Doncaster Avenue in mid-winter, which exceeds the ADG recommended minimum standard (2 hours) the proposed overshadowing impact is acceptable.
- 6.4.27 In light of the above assessment the Department concludes the proposal would not have adverse amenity impacts on neighbouring residential properties.

6.5 Future student amenity

- 6.5.1 The design and quality of the student accommodation is a key consideration in the Department's assessment of the application.
- 6.5.2 Council raised concern about the size of student rooms and adequacy of student amenities/communal facilities.
- 6.5.3 The Department has assessed the proposal against the standards and design requirements of the ARH SEPP and the RDCP at **Appendix C**. In summary, the proposal meets the requirements of the ARH SEPP and the RDCP, except for the ARH SEPP recommended maximum student room sizes.
- 6.5.4 The Department has considered the student room sizes and communal facilities below.

Student room sizes

- 6.5.5 The ARH SEPP provides minimum and maximum room size standards of 12 m² and 25 m², respectively. As summarised at **Section 4.3**, five student rooms exceed the ARH SEPP maximum room size including:
- two 29 m² rooms on the first floor level of the two heritage items (10 and 12 Doncaster Avenue).
 - one 35 m² and two 26 m² rooms within the new build component of the development
- 6.5.6 The Applicant seeks to vary the ARH SEPP maximum room size development standards in accordance with clause 4.6 of the RLEP.
- 6.5.7 The Department considers the proposed student rooms sizes within 10 and 12 Doncaster Avenue are acceptable as physical alterations to the heritage buildings to provide smaller student rooms is likely to have adverse heritage impacts.

- 6.5.8 However, the Department does not consider that the Applicant has provided sufficient justification for the three oversized rooms within the new-build component of the proposal. In response to the concerns raised, the Applicant has confirmed it would accept a condition to remove the three oversized rooms within the new-build component of the development.
- 6.5.9 The Department therefore recommends a condition requiring the proposal be amended so that no student rooms within the new building component of the development are greater than 25 m² in accordance with the requirements of the ARH SEPP.

Student amenities and facilities

- 6.5.10 The proposal provides for 336 m² internal communal space and 443 m² outdoor communal space for future students which exceeds the RDCP recommended indoor (310 m²) and outdoor (20 m²) space standards.
- 6.5.11 Council has raised concerns that the student amenities and facilities are inadequate.
- 6.5.12 The Department has considered Council's concerns, however, it considers the location and layout of proposed student amenities to be acceptable, and appropriate given the size of the development and proposed number of student beds. In particular:
- the large main common area has a northerly aspect and faces the outdoor communal courtyard at the northern end of the site providing a high level of amenity for students
 - interconnected lounge and study areas are located at the entrance to the building
 - five smaller, quiet study areas are interspersed throughout the building
 - gym, laundry and communal toilet facilities are located at ground floor level
 - in addition to the outdoor communal space, an additional 1,162 m² of general landscaped areas are provided on site.

Laundry facilities

- 6.5.13 The proposed laundry room would accommodate a total of six washing machines and six dryers for the 259 students, which equates to a ratio of approximately one of each machine per 43 students (1:43).
- 6.5.14 The Department notes other recently approved SSD student accommodation developments at Pemulwuy, Regent Street and Ultimo provide for washing / drying machines at a ratio of 1:21, 1:37 and 1:45 respectively. The Department is satisfied that the proposal includes adequate washing and drying facilities for future students and notes:
- the proposed ratio per student is within the range established by other recent SSD developments
 - the provision is based on the operator's first-hand experience of day-to-day laundry demands from students within its existing student accommodation developments.

Communal ground floor toilet

- 6.5.15 Council has raised concerns that only one toilet for common use has been provided at ground floor level.
- 6.5.16 The Department has considered Council's concern and notes the communal toilet proposed at ground floor level, although conveniently located to the main common area and gym, is remote from the building entrance and the interconnected lounge and study area.

6.5.17 Given the proposed number of student beds, the Department agrees with Council that more than one toilet should be provided at ground floor level and recommends a condition accordingly. In addition, the Department recommends those additional facilities should be provided in addition to (i.e. not reduce) the currently proposed size/amount of student amenities / facilities.

6.6 Traffic and parking

6.6.1 Car parking, traffic impacts and access are key considerations of the Department's assessment of the application. The Department acknowledges on-site car parking supply has a direct link to the amount of traffic generated by the development and its impact on surrounding roads.

6.6.2 The proposal is supported by a Traffic and Parking Assessment report (TPA), which considers the potential traffic and car parking impacts on the surrounding area.

6.6.3 The Department considers the key assessment issues to be:

- car and motorcycle parking
- traffic generation
- vehicle access
- servicing
- bicycle parking.

Car and motorcycle parking

6.6.4 The proposal provides 56 car parking spaces and 55 motorcycle spaces for the proposed student population of 256 students.

6.6.5 Concern was raised in public submissions that insufficient car parking has been provided and the proposal would place additional demand on existing on-street car parking spaces. Council also raised concern about the low on-site parking provision and has recommended that it be increased to meet the minimum requirements of the ARH SEPP (**Table 8**).

6.6.6 Council confirmed it would not issue future occupants with on-street residential parking permits and recommended conditions regarding the use and management of car parking spaces.

Table 8 | ARH SEPP car and motorcycle parking rates and the proposed parking provision

| Rooms / Staff | Parking type | ARH SEPP parking rate | ARH SEPP parking requirement | Parking provided | |
|---------------------|--------------|-----------------------|------------------------------|------------------|------------|
| | | | | Car | Motorcycle |
| 201 rooms / 4 staff | Car | Min 0.5 per room | 101 | 55 | |
| | | Max 1 per staff | 4 | 1 | |
| | Motorcycle | Min 0.2 per room | 40 | | 55 |
| Total | | | | 56 | 55 |

6.6.7 In response to concerns raised the Applicant notes:

- the ARH SEPP provides a lower car parking rate (minimum of 44 spaces) for social housing providers and contends this rate is appropriate as the site is close to public transport, services, shops and educational establishments
- reduced car parking rates are consistent with the approach taken for other inner-city student accommodation developments
- it has a preliminary agreement with GoGet (car-share provider) to provide five car-share bays within the basement and has also committed to prepare and implement a green travel plan (GTP) to encourage students to use sustainable (non-private car) modes of transport.

6.6.8 The Department notes clause 29(2)(e) of the ARH SEPP states that non-compliance with parking standards cannot be used to refuse consent.

6.6.9 The Department acknowledges the concerns raised by Council and the community in relation to the provision of only 56 on-site car parking spaces for the potential 256 students who will live on the site. However, the Department notes that the site is within convenient walking distance of public transport, services, shops and educational establishments. The Department is therefore satisfied the site is well located to take advantage of active and public transport modes and as such can accommodate lower car parking rates.

6.6.10 The Department therefore concludes the proposed number of car (56) and motorcycle (55) parking spaces is acceptable as:

- the proposal would not have any adverse traffic impacts, as discussed at **Section 6.2**
- Council has confirmed it would not issue future residents with on-street parking permits, which would effectively prevent any overflow parking issues
- car ownership and use amongst students is likely to be lower than general residential development and it is likely that future occupants will choose to walk, cycle or use public transport to their destination
- other recently approved SSD student accommodation developments in inner-city suburban locations (Pemulwuy Redfern, Regent Street Redfern and Iglu, Ultimo) do not provide for any on-site car parking provision
- the Applicant's GTP will include sustainable transport measures to encourage travel modes other than private car use.

6.6.11 The Department has recommended conditions requiring the provision of car and motorcycle spaces, notification of future residents that they are ineligible for on-street parking permits and the preparation and implementation of a GTP.

Traffic generation

6.6.12 Concerns were raised in public submissions about the potential traffic impacts of the development. However, the Department notes that Council, TfNSW and RMS did not raise concerns about traffic generation.

6.6.13 The TPA includes an assessment of the traffic impact of the proposal, providing a comparison between the existing and predicted vehicles per hour (vph) generated during peak periods (**Table 9**).

Table 9 | Comparison between the existing and proposed peak traffic generation

| Peak period | Existing (i.e. 4 dwellings now demolished) (vph) | Proposed (vph) | Difference (vph) |
|-------------|--|----------------|------------------|
| AM | 4 | 23 | +19 |
| PM | 4 | 18 | +14 |

6.6.14 The TPA concludes that the increase in traffic generation would result in one additional vehicle trip every three minutes during the peak periods, which would have a negligible/minimal impact on the operation of nearby intersections and would be within typical fluctuations in background traffic volumes.

6.6.15 The Department considers that the proposal would have a minimal impact on the surrounding road network and the performance of nearby intersections as:

- the proposed increase in vehicle movements during peak periods (**Table**) is minor and is unlikely to result in a noticeable difference when compared to the existing situation
- the proposal would not result in additional delays at nearby intersections
- appropriate sustainable travel measures will be encouraged through the preparation and implementation of a GTP that is intended to encourage a shift away a reliance on private vehicle use.

6.6.16 The Department concludes the traffic impacts of the proposal are acceptable and recommends a condition requiring the preparation and implementation of a GTP.

Vehicle access

6.6.17 The proposal includes a single-lane driveway and basement ramp that provides vehicle access from Doncaster Avenue down into the basement level of the development (**Figure 14**). A signalised traffic management system is proposed to ensure that vehicles can safely enter/exit the property.

6.6.18 Council has raised concern about the provision of a single lane driveway and ramp and recommended the access be widened to accommodate two vehicles passing at the same time or alternatively a passing area be incorporated into the design. Concern was raised in a public submission about the location of the driveway and recommended it be moved further way from 20 Doncaster Avenue.

6.6.19 The Applicant contends there is a very low probability that two vehicles would be using the driveway or ramp at the same time and a signalised traffic management system can adequately address vehicle movements. In addition, the provision of a single driveway would have a better streetscape/visual presentation when viewed from Doncaster Avenue.

6.6.20 The Department has carefully considered Council's concerns about the single-lane driveway and is satisfied that the proposed traffic management system (providing for traffic lights at the top and bottom of the ramp and waiting bays are provided at the basement level for vehicles held at a red-light) is generally acceptable.

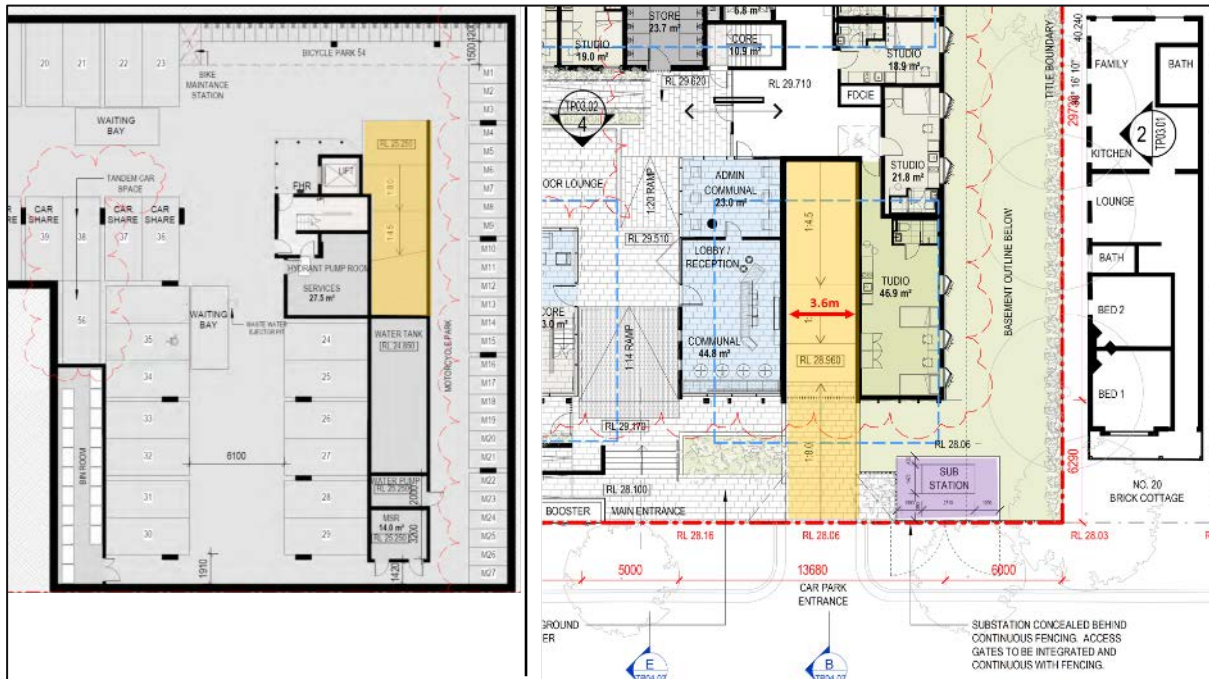


Figure 9 | Proposed driveway and basement ramp (highlighted orange) at basement (left) and ground floor (right) levels and substation (highlighted purple) (Base source: Applicant's RRFI)

- 6.6.21 However, it considers that a waiting bay or alternative passing lane would be required at the entrance to the car parking, as well as within the basement. Without this, there is the potential for vehicle conflicts as vehicles entering the site would be required to observe a traffic light (located on the building façade, setback 6 m from Doncaster Avenue) while undertaking a turning manoeuvre into the driveway. In addition, in the case where two vehicles met at the entrance to the building, one would be required to reverse either down the ramp or onto the street.
- 6.6.22 To address this concern, the Department recommends a condition requiring the driveway width (excluding ramp width) be amended to accommodate a waiting bay or alternative design solution 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.
- 6.6.23 The Department notes that the proposed driveway is located approximately 10 m away from the northern property boundary of 20 Doncaster Avenue and landscaping (including tree planting) is provided within that separation distance. The Department is satisfied the location of the driveway would not have an adverse visual or amenity impact on 20 Doncaster Avenue.

Servicing

- 6.6.24 The Applicant proposes all servicing occur at basement level. Refuse collection will be undertaken by a private 'mini' waste collection vehicle and general servicing will be undertaken by vans. The proposal does not include provision of dedicated refuse or servicing vehicle parking bays as the Applicant anticipates that the refuse vehicle will park in any available space(s) or within the circulation aisle within the basement. To avoid inconvenience, the Applicant proposes that waste collection occur up to four times per week outside peak periods and that residents impacted by waste vehicle movements be informed of the scheduled collection times.

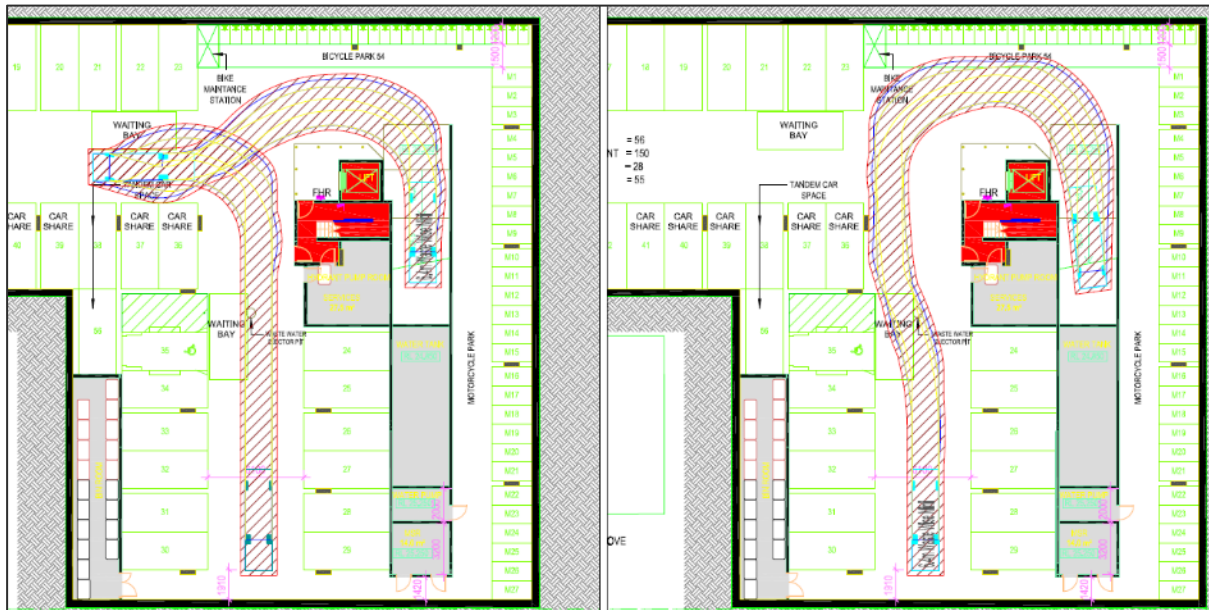


Figure 1510 | Swept path analysis indicating the proposed ‘mini’ waste collection vehicle entering (left) and leaving (right) the basement (Base source: Applicant’s SRRFI)

6.6.25 Council recommended that servicing/delivery parking space(s) should be provided and Waste Management Plan (WMP) should be prepared. The Department also requested the Applicant provide for a dedicated refuse/servicing parking bay at basement level and clarify the ‘mini’ refuse vehicles can safely enter/exit and manoeuvre within the basement.

6.6.26 The Department has considered the Applicant’s proposed servicing arrangements, however it agrees with Council that a dedicated servicing/refuse collection bay should be provided as:

- the swept path analysis (**Figure 15**) indicates the refuse vehicle would be required to cross over the vehicle waiting bays relied on for the signalised traffic management system to manoeuvre within the basement, which could cause vehicle conflicts or interfere with the operation of the traffic management system
- the lack of a dedicated refuse collection bay and resultant refuse collection from within the vehicle circulation isle would block the use of six parking spaces, which would likely inconvenience future residents at multiple times during the week
- the Applicant predicts that there would be multiple unused parking spaces and therefore the provision of a dedicated servicing/refuse collection bay would not adversely affect the demand for student parking spaces.

6.6.27 The Department recommends a condition requiring the basement layout be amended to incorporate a dedicated servicing/refuse collection parking bay and revised swept paths demonstrating that servicing/refuse collection can occur safely and efficiently.

Bicycle parking

6.6.28 The proposal provides for 178 bicycle parking spaces, including 28 spaces at ground floor level and 150 at basement level, which exceeds the minimum bicycle parking requirements within the ARH SEPP of 52 spaces.

6.6.29 The Department requested the Applicant clarify how bicycle and vehicle conflicts will be managed in the basement.

6.6.30 In response, the Applicant advised:

- it is intended that cyclists will enter the basement via the ground floor lift and mirrors will be installed at basement level to ensure sightlines are provided between the lift and basement ramp
- the basement spaces have been provided adequate clearance (minimum 0.5 m) from edge of the movement of vehicles in accordance with AS2890.3.

6.6.31 The Department supports the amount of bicycle parking space provided, including 28 spaces at ground level. In addition, the Department considers the bicycle parking spaces would be able to be easily accessed and the proposed sightlines and clearances ensure an appropriate level of safety.

6.6.32 The Department has recommended a condition requiring the provision of the 178 bicycle spaces to relevant Australian Standards.

6.7 Stormwater channel and the retained tree

6.7.1 The proposal seeks to realign the existing Sydney Water concrete stormwater channel (SW channel) (**Figure 2**) away from the proposed building footprint to the northern site boundary. The realigned SW channel would pass closely to the base of the existing Sydney Blue Gum tree (**Figure 16**).

6.7.2 The Applicant has engaged with both Sydney Water and Council regarding the proposed realignment of the SW channel and mitigation measures to protect the existing tree. Sydney Water supports the proposed realigned SW channel and has recommended conditions.

6.7.3 Council initially raised concerns that the revised Sydney Water SW channel route would pass within the tree protection zone (TPZ) and structural protection zone (SPZ) of the Sydney Blue Gum and compromise the health, longevity and stability of the tree.

6.7.4 In response, the Applicant provided an Arboricultural Assessment Management Plan (AAMP), which provides an assessment of the proposed impacts and includes mitigation measures to protect the health and stability of the tree during construction.

6.7.5 On 25 March 2020, the Applicant met with Council's Tree Officer on the site to discuss the proposal and tree protection measures during construction. Following this meeting, Council confirmed that the SW channel would be within the RPZ but outside of the SPZ. On this basis, it has agreed the following tree protection measures with the Applicant:

- a Work Method Statement should be submitted for the approval of the Project 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
- 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
- an appropriately qualified project arborist needs to be appointed to be present on-site to ensure adequate protection measures

- any root pruning will require on-site consultation with Council's Tree Officer.

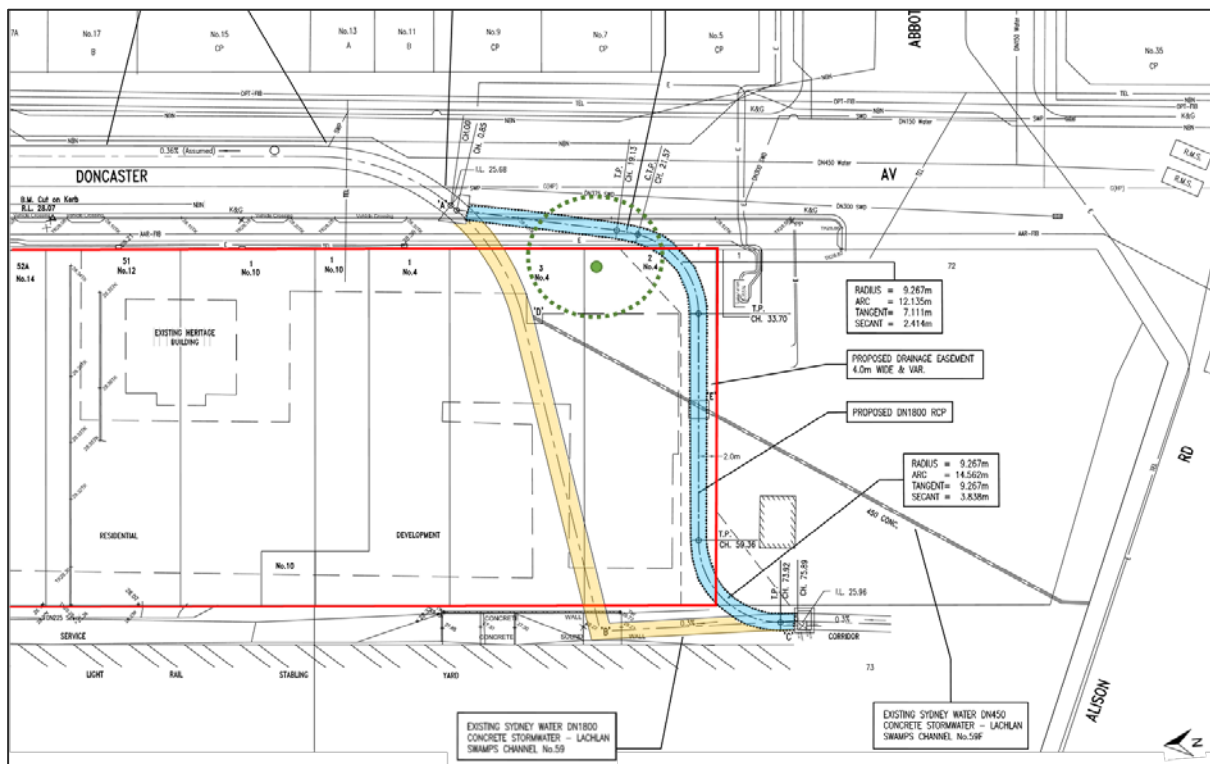


Figure 11 | The existing (orange) and proposed (blue) SW channel route and the approximate location of the Sydney Blue Gum (green) (Base source: Applicant's RRFI)

- 6.7.6 The Department notes the Sydney Blue Gum contributes positively to the Doncaster Avenue streetscape and its retention is an important feature of the proposal
- 6.7.7 The Department is satisfied that the Applicant has demonstrated that the SW channel is to be realigned in the most appropriate location, at the northern most extent of the site boundary. The realigned pipe cannot be located further south as it would pass beneath the proposed building and therefore be contrary to Sydney Water's asset access requirement policy. Although the SW channel will pass within the TPZ, the Department notes, importantly, that it will not affect the tree's SPZ, and is therefore satisfied the tree is capable of being successfully retained.
- 6.7.8 The Department has considered the advice of Council's Tree Officer, and is satisfied that, subject to the tree protection measures within the AAMP, and the additional measures agreed with Council, the construction impacts of the SW channel on the health, longevity and stability of the tree can be managed.
- 6.7.9 The Department therefore recommends conditions requiring the SW channel be constructed in accordance with the final design (above), at no cost to Sydney Water and subject to the management and mitigation measures discussed above.

6.8 Construction noise

- 6.8.1 The proposal includes excavation and construction works that are anticipated to occur over an 18-month period.

6.8.2 The Interim Construction Noise Guideline 2009 (ICNG) recommends construction noise impacts be limited to 10 dB(A) above the background noise level (which is 41 dB(A) at this site) and notes that impacts above 75 dB(A) represent a point where sensitive receivers may be 'highly noise affected'.

6.8.3 The Applicant submitted a Noise Impact Assessment (NIA) to assess the potential excavation and construction noise impacts. The NIA confirms the:

- works would be undertaken in accordance with the ICNG standard hours of construction (**Table 10**).
- noise management level (NML) is 51 dB(A)
- proposed works have the potential to generate noise levels of 47 to 85 dB(A) at the nearest sensitive receivers.

Table 10 | Recommended hours of construction

| Activity | ICNG hours of construction | Council's hours of construction | Department's recommended hours of construction |
|---|---|---|---|
| General construction work (except as detailed below) | <ul style="list-style-type: none"> • Mon-Fri 7am to 6pm • Sat 8am to 1pm • Sun / public holidays - no work | <ul style="list-style-type: none"> • Mon-Fri 7am to 5pm • Sat - 8am to 5pm • Sun / public holidays - no work | <ul style="list-style-type: none"> • Mon-Fri 7am to 5pm • Sat 8am to 1pm • Sun / public holidays - no work |
| Very noisy excavation / construction work | No standard | <ul style="list-style-type: none"> • Mon-Fri 8am to 3pm • Sat-Sun & public holidays - no work | <ul style="list-style-type: none"> • Mon-Fri 9am to 12pm and 2pm to 5 pm • Sat-Sun & public holidays - no work |
| Additional requirements | No standard | Sat-Sun where the preceding Fri and/or the following Mon is a public holiday - No work | Sat-Sun where the preceding Fri and/or the following Mon is a public holiday - No work |

6.8.4 Concerns were raised in public submissions about noise impacts from excavation and construction works on the amenity of adjoining properties.

6.8.5 Council recommended conditions requiring the preparation of a Construction Management Plan (CMP), Construction Noise and Vibration Management plan (CNVMP) and standard construction noise conditions. Council also recommended excavation and construction works be undertaken in accordance with its recommended hours of construction (which vary from the ICNG standard hours) summarised at **Table 10**.

6.8.6 The Applicant contends that the predicted noise levels are a worse-case scenario (i.e. all machinery operating at once and without the effect of any mitigation measures). To address above exceedances, the Applicant recommends the following potential mitigation measures:

- preparation and implementation of a CNVMP
- no exceedance of NMLs at adjacent residential boundaries without noise mitigation measures
- where NML's are exceeded all feasible and reasonable mitigation measures to reduce noise should be carried out (e.g. acoustic barriers / hoardings, respite periods and monitoring).

6.8.7 The Department supports the Applicant's proposed mitigation measures. However, considers, given the potential noise impacts, the following additional measures are necessary to mitigate impacts to the nearest residential properties:

- restricting the overall construction hours (**Table 10**) and incorporate respite periods from the noisiest activities on the site.
- work to be carried out in accordance with the ICNG
- no noise to be 'offensive noise' as defined by the POEO Act
- preparation and implementation of a CMP and CNVMP, including appropriate mitigation measures to reduce noise impacts.

6.8.8 On this basis, and subject to the Applicant's strict compliance and commitment to implement all reasonable and feasible mitigation measures to mitigate and manage noise, the Department is satisfied excavation and construction work can be appropriately managed to minimise disruption to residential amenity.

6.9 Other Issues

6.9.1 The Department's consideration of other issues is provided at **Table 11**.

Table 11 | Department's assessment of other issues

| Issue | Department's assessment | Recommended condition(s) |
|---|--|---|
| <ul style="list-style-type: none"> • Flooding and drainage | <ul style="list-style-type: none"> • The site is affected by flooding in the 1% annual exceedance probability (AEP) event and the Probable Maximum Flood (PMF) The 1% AEP flood level ranges from RL 28.65 to 29.21 m AHD across the site. The PMF level is RL 30.82 m AHD. • Groundwater has been recorded on the site at depths between 2m and 2.8m (highest at RL 26.7m) and short-term fluctuations in groundwater levels of at least 1m may occur during periods of prolonged and heavy rainfall. • The Applicant provided a Flood Risk Assessment (FRA), a Groundwater Modelling, Dewatering Management Plan (GMDMP) and Stormwater Management Plan (SMP). • The Department notes the proposed building and basement have been designed to include mitigation measures that respond to and address the flooding constraints of the site and the ground water level. In relation to flooding: <ul style="list-style-type: none"> ○ the floor level of the new building varies between RL 29.51 and 29.71 m AHD which is at least 0.5 m above the 1% AEP flood level in all locations ○ the existing heritage terraces have an existing floor level of RL 28.56 m AHD, with the entry siting 140 mm below the 1% AEP flood level. In the event of a flood it is proposed that occupants evacuate to the new building ○ the car park driveway entry ramp crest is 0.3 m above to the 1% AEP flood level. ○ In the event of flooding, emergency exits from the basement provide access to the ground floor. In the case of a PMF, internal refuge is available on-site on the first and second floors of the building which are above the PMF level. • The proposal includes stormwater infrastructure including a | <p>The Department has recommended Council's and DPI's flooding, stormwater and water / dewatering conditions.</p> |

| Issue | Department's assessment | Recommended condition(s) |
|------------------------|--|--|
| | <p>detention tank and gross pollutant trap system. Temporary dewatering will be required as part of the excavation/construction phase of the development.</p> <ul style="list-style-type: none"> Council has recommended conditions requiring the design and provision of stormwater and flooding mitigation measures. DPI has recommended conditions relating to water monitoring and dewatering during construction. The Department is satisfied that the building complies with the FPL height and the basement has been designed to address flooding impacts. The Department considers Council's and DPI's conditions are necessary and appropriate and recommends conditions accordingly. The Department also recommends preparation of the flood evacuation plan to the satisfaction of Council prior to any occupation of the development. | |
| Signage | <ul style="list-style-type: none"> The Applicant's EIS states that the proposal includes building identification signage. However, the proposed signage is not shown on the building drawings. The Applicant has clarified proposed building identification signage is anticipated to be minor and could be approved separately under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, or as part of a separate application. The Department recommends that no consent is granted for building identification signage. | The Department has recommended a condition confirming no consent is granted for building identification signage. |
| Substation | <ul style="list-style-type: none"> The proposal includes the construction of a substation fronting Doncaster Avenue and located at the south-western corner of the site, adjacent to 20 Doncaster Avenue (Figure 14). Council has raised concern about the visual impact of the substation and recommended it be relocated behind the building line and away from the neighbouring property. The Department was also concerned the substation had a dominant visual impact and requested that the Applicant consider amending the proposal. In response to the concerns raised, the Applicant has confirmed it would accept a condition requiring the proposal be amended to reduce the visual impact of the substation. The Department considers that the proposed substation may be acceptable subject to further consideration of its visual impact and has recommended a condition accordingly. | The Department recommends a condition requiring the proposal be amended to reduce the visual impact of the substation. |
| Aboriginal archaeology | <ul style="list-style-type: none"> Concern was raised in public submissions that the proposal would have an adverse impact on aboriginal archaeology on the site. The Applicant provided an Aboriginal Archaeological Assessment (AAA), which confirms that an area to the south-east of the site has the potential to contain aboriginal objects. On 22 June 2018, EESG issued an AHIP relating to the Original Approval, which includes 33 conditions to conserve, manage and mitigate impacts on aboriginal archaeology during construction. EESG recommended these conditions be applied to the development consent. The Department is satisfied the potential aboriginal archaeological impacts have been appropriately assessed and recommends that the AHIP conditions be imposed on the development consent to ensure any potential impacts are mitigated and managed during construction. | The Department has recommended compliance with the AHIP conditions. |
| Other | <ul style="list-style-type: none"> Concerns were raised about construction impacts relating to dust, | The Department |

| Issue | Department's assessment | Recommended condition(s) |
|---------------------------|---|---|
| construction impacts | <p>dilapidation and impact on neighbouring foundations.</p> <ul style="list-style-type: none"> Council recommended conditions relating to excavation and site stability, vibration, contamination, traffic, archaeology, waste, dust and dilapidation. DPI recommended water monitoring and management conditions. RMS and TfNSW recommended the preparation of a CPTMP. TfNSW also recommended a suite of conditions relating to the protection of light rail operation and infrastructure. In response to the concerns raised the Applicant increased the basement setback from 20 Doncaster Avenue by 2.5 m (from 2.4 m to 4.9 m). The Applicant has confirmed it does not object to the recommended conditions. In addition, the Applicant has recommended that vibration monitoring be undertaken at the southern boundary during the excavation phase to ensure vibration levels do not exceed the nominated values within the NIA. The Department agrees the conditions recommended by Council, DPI, RMS, TfNSW and the Applicant are necessary to address the potential broader construction impacts. | has recommended conditions relating to managing and mitigating construction impacts |
| Light rail holding yard | <ul style="list-style-type: none"> TfNSW has recommended conditions to protect the operation and physical infrastructure of the light rail holding yard. The Department recommends that TfNSW's conditions be imposed on the development consent. | The Department has recommended TfNSW's conditions. |
| Development Contributions | <ul style="list-style-type: none"> Development contributions are required in accordance with the Randwick City Council Section 94A Development Contributions Plan 2015 (Contributions Plan) as the development has a CIV in excess of \$100,000 and does not meet the Contributions Plan exclusions criteria. The Contributions Plan requires a levy of 1% of the CIV to be paid to Council Council has recommended a condition requiring the payment of \$240,764.20. <ul style="list-style-type: none"> The Department recommends an appropriate condition to require payment of development contributions in accordance with Council's Contributions Plan. | The Department has recommended Council's condition requiring the payment of \$240,764.20 development contributions in accordance with the Contributions Plan. |
| Council's conditions | <ul style="list-style-type: none"> Council has provided an extensive list of 162 recommended conditions. The Department notes that the majority of Council's standard conditions duplicate or relate to similar matters to the Department's standard conditions. In those instances, the Department has applied its own standard conditions. The Department has considered the Council's remaining conditions and has either generally applied or adapted the conditions into the recommended development consent (Appendix F). The Department has not applied Council recommended condition requiring the Applicant underground existing overhead powerlines as powerlines are not located directly in front of the site. However, the Department recommends the electrical connection between powerlines and the site should be underground. | The Department recommended conditions are provided at Appendix F . |
| Original Approval | <ul style="list-style-type: none"> As summarised at Section 1.4, the original approval applies to the land. In accordance with the EP&A Regulation, and to avoid ambiguity around what is approved on site, the Department recommends the Applicant surrender the original approval existing consent within 12 | The Department recommends a condition requiring the surrender of the existing consent. |

| Issue | Department's assessment | Recommended condition(s) |
|-------------------|---|---|
| | months of the date of commencement of the proposal. | |
| Green Star rating | <ul style="list-style-type: none"> As discussed at Appendix C, the Department has considered the proposal in relation to ESD principles and concludes the proposal is generally consistent with ESD principles and is satisfied the proposed sustainability initiatives will encourage ESD, in accordance with the objects of the EP&A Act. However, the Department notes the proposal has not committed to a Green Star rating in accordance with the Green Star Design and As-Built V.1 tool. As the proposal is a new development without significant constraints, the Department does not consider there to be any impediments for the development to meet appropriate contemporary sustainability standards. The Department notes that other recently approved SSD student accommodation developments (Pemulwuy and Ultimo/Darling Square) targeted Green Star ratings of 4 stars. The Department considers it is reasonable to require the current development to also achieve a minimum 4 star Green Star rating. In order to achieve ESD and to reduce the operational environmental impact of the development the Department recommends the development comply with BASIX and it should achieve a minimum 4 star Green Star rating. | The Department has recommended a condition requiring the development achieve a minimum 4 star Green Star rating. |
| Tree protection | <ul style="list-style-type: none"> Council recommended that the part of the building opposite the retained Sydney Blue Gum should be setback further to reduce impacts on its root-system and crown. Council recommended conditions relating to tree protection and street-tree management. The Application included an AAMP, which considered the root mapping analysis undertaken for the Original Approval and confirms that the Sydney Blue Gum has no significant roots within the proposed development footprint. The AAMP recommends tree protection and management during the construction phase. The Department considers the proposed building does not need to be further setback from the retained tree and adequate tree protection during construction can be provided as: <ul style="list-style-type: none"> no significant roots are located within the footprint of the development and the setback of the basement from Doncaster Avenue ensures the tree would retain a significant deep-soil area the crown of the tree is asymmetrical and only a relatively small proportion projects eastwards into the site and towards the location of the proposed development the AAMP has demonstrated the tree can be adequately protected during the construction phase of the building. The Department has recommended separated conditions relating to the construction impact of the SW channel (Section 6.7). | The Department has recommended conditions based on Council's conditions and the AAMP requiring appropriate tree protection measures and management during construction. |
| Tree removal | <ul style="list-style-type: none"> Concern was raised in public submission about the removal of trees to facilitate the development. In its RtS, the Applicant stated that trees have been removed from the site in accordance with the original approval and tree removal does not form part of this application. The Department notes that the proposal includes the retention of the significant Blue Gum at the northern end of the site, extensive re-landscaping and new tree planting. The Department is satisfied that the proposal makes adequate provision for landscaping and tree planting. | No additional conditions or amendments to the proposal are necessary. |

| Issue | Department's assessment | Recommended condition(s) |
|-------------------------------|---|---|
| Green roof | <ul style="list-style-type: none"> The proposal includes a large area of flat roof and EESG recommended that the proposal include a green roof and/or cool roof (i.e. a highly reflective roof to reduce heat-gain). The Applicant has stated it does not intend to provide a green roof as the provision of an: <ul style="list-style-type: none"> accessible green roof would likely have noise, overlooking, and height impacts inaccessible green roof is not required as the current proposal complies with the requirements for on-site landscaping The Department notes the proposal provides for extensive landscaping around the new and retained buildings, which includes deep soil areas, and the retention of the significant Blue Gum tree on the site. The Department therefore does consider there is justification for requiring the provision of an inaccessible or accessible green roof. | No additional conditions or amendments to the proposal are necessary. |
| Fencing | <ul style="list-style-type: none"> The GANSW recommended consideration be given to improving the fencing treatment / opening up the Doncaster Avenue street frontage. In response to the GANSW's comment the front fencing has been reduced in height to 1.2 m, which has created a more open frontage. The Department supports this amendment. | No additional conditions or amendments to the proposal are necessary. |
| Pedestrian safety | <ul style="list-style-type: none"> RMS recommended the Applicant consider pedestrian safety. In response to RMS' request, the Applicant stated that Council's footpaths provide safe pedestrian routes to and from the site. The Department notes surrounding footpaths are of appropriate widths and constructed to an acceptable standard. In addition, the Doncaster Avenue / Alison Road intersection includes traffic lights with pedestrian crossings. The Department is satisfied the surrounding pedestrian infrastructure ensures an appropriate level of pedestrian safety. | No additional conditions or amendments to the proposal are necessary. |
| Water infrastructure capacity | <ul style="list-style-type: none"> Concerns were raised in public submissions about whether existing water infrastructure has sufficient capacity to accommodate the development. The Department notes that Sydney Water did not raise any concern about water infrastructure capacity and Department therefore concludes additional infrastructure augmentation is not necessary. | No additional conditions or amendments to the proposal are necessary. |
| Proximity to amenities | <ul style="list-style-type: none"> Concern was raised in public submissions that the site is not well located to shops and parks. The Department notes, as summarised at Section 1.3, the site is located between 200 m and 1.5 km walking distance of numerous shops within the Kensington and East Village Town Centres and Centennial Park. The Department is satisfied that a variety of shops, services and facilities are located within convenient walking distance of the site. | No additional conditions or amendments to the proposal are necessary. |
| Property value | <ul style="list-style-type: none"> Concern was raised in public submissions the proposal would have an adverse impact on property values. The Department notes matters relating to the private contracts of sale and/or value of properties are not planning matters for consideration and therefore objections based on loss of property value are not able to inform the assessment of the application. | No additional conditions or amendments to the proposal are necessary. |

| Issue | Department's assessment | Recommended condition(s) |
|-------|--|--------------------------|
| | <ul style="list-style-type: none"> Notwithstanding, the Department has assessed the merits of the application in detail at Section 6 of this report and concludes, subject to conditions, the proposal has acceptable impacts, and therefore is unlikely to adversely impact on property values. | |

7 Evaluation

- 7.1.1 The Department has assessed the merits of the proposal, taking into consideration the issues raised in submissions as well as the Applicant's response to these, and is satisfied the impacts have been satisfactorily addressed in the proposal and through the Department's recommended conditions.
- 7.1.2 The proposed development has demonstrated it is consistent with the objects of the EP&A Act and the State's strategic planning objectives for the site as set out in the Region Plan and Eastern City District Plan, as it will provide students with housing supply, choice and affordability close to educational establishments, public transport and shopping facilities.
- 7.1.3 The proposal is greater in density than permitted under the RLEP, however, the Department concludes the site is suitable for increased floorspace to accommodate a student accommodation building, given its location and as it would not unreasonably impact on the surrounding area in terms of visual, traffic or amenity impacts.
- 7.1.4 The development achieves a high standard of design, is appropriate within its urban context and is supported by the GANSW. The Department supports the retention and refurbishment of the two heritage listed terrace buildings on the site and considers that the design of the new building would not have an adverse impact on the character or heritage significance of the heritage items or the conservation area. The development also provides for a high standard of external open space and landscaping.
- 7.1.5 The proposed parking provision is appropriate for the student accommodation use noting the site is well located to public transport, services and educational facilities and the proposal would have a minimal impact on the surrounding road network and performance of intersections. The proposed bicycle parking provision exceeds the ARH SEPP minimum requirement for bicycle parking and is acceptable.
- 7.1.6 To prevent vehicle conflicts and operational delays the Department has recommended conditions requiring the driveway be amended to allow vehicles to pass each other when entering the site and the basement layout be amended to include a dedicated servicing / refuse collection vehicle parking bay.
- 7.1.7 The Department considers appropriate measures are included within the Applicant's OMP to ensure the development does not have an adverse noise impact on surrounding residential properties. The Department also recommends conditions relating to noise limits, use of outdoor areas, and preventing roof access to strengthen the OMP.
- 7.1.8 The proposal has been designed to minimise overlooking and would maintain 3 hours of direct sunlight to the neighbouring residential property at 20 Doncaster Avenue in mid-winter, which exceeds the ADG minimum standard (2 hours).
- 7.1.9 Mitigation measures, which have been developed in consultation with Council, will be put in place to ensure the realigned SW channel does not adversely impact on the health, longevity and stability of the retained Sydney Blue Gum on the site.
- 7.1.10 Construction impacts associated with the excavation and construction of the development can be appropriately managed and mitigated subject to recommended conditions, including more restrictive conditions for high noise generating evacuation and construction activities.

- 7.1.11 The proposal provides for appropriate internal student rooms and amenities generally in line with the ARH SEPP and the RDCP. The Department recommends a condition for three oversized rooms to be redesigned to comply with the ARH SEPP.
- 7.1.12 The proposal will result in a wide range of public benefits including the adaptive reuse and restoration of heritage items, provision of student accommodation within close proximity to public transport, educational establishments and services and generate up to 78 construction jobs and 8 operational jobs.
- 7.1.13 The Department's assessment concludes the development is in the public interest and is approvable subject to conditions (**Appendix F**). This assessment report is hereby presented to the Commission for determination.



Anthony Witherdin
Director
Key Sites Assessments



Anthea Sargent
Executive Director
Regions, Industry and Key Sites

Appendices

Appendix A – List of Documents

Appendix B – Relevant Supporting Information

Appendix C – Statutory Considerations

Appendix D – Clause 4.6 Variation Request

Appendix E – Summary of the Consideration of Community Views Raised in Submissions

Appendix F – Recommended Conditions of Consent

Appendix A – List of referenced documents

List of key documents relied on by the Department in its assessment:

- Environmental Impact Statement and attachments, prepared by Urbis Pty Ltd, dated January 2019 (EIS)
- Response to Submissions and attachments, prepared by Urbis Pty Ltd, dated 11 June 2019 (RtS)
- Response to Request for Further Information, prepared by Urbis Pty Ltd, dated 4 October 2019 (RRFI)
- Response to Request for Further Information, prepared by Urbis Pty Ltd, dated 3 March 2020 (SRRFI)

Appendix B – Relevant Supporting Information

The following supporting documents and supporting information to this assessment report can be found on the Department's website as follows.

1. Environmental Impact Statement

<https://www.planningportal.nsw.gov.au/major-projects/project/11726>

2. Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/11726>

3. Response to Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/11726>

4. Response to Request for Future Information (x2)

<https://www.planningportal.nsw.gov.au/major-projects/project/11726>

Appendix C – Additional Information

To satisfy the requirements of section 4.15 of the EP&A Act, the Department's assessment of the proposal has given detailed assessment to a number of statutory requirements. These include:

- the objects found in Section 1.3 of the EP&A Act
- the matters listed under Section 4.15(1) of the EP&A Act, including applicable EPIs and regulations.

The Department has considered these matters in its assessment of the proposal in **Table 11** and **Table 12**.

Table 11 | Consideration of the proposal against the objects of section 1.3 the EP&A Act

| Objects of the EP&A Act | Department's consideration |
|--|---|
| (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources | <p>The proposal redevelops an existing urban site that is close to existing services and has excellent access to public transport. The proposal would not impact on any natural or artificial resources, agricultural land or natural areas. The provision of student housing contributes to the social and economic welfare of the community.</p> |
| (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment, | <p>The Department has considered the proposal in relation to ESD principles. The Precautionary and Inter-generation Equity Principles have been applied in the decision making process by a thorough assessment of the environmental impacts of the proposal.</p> <p>Overall, the proposal is generally consistent with ESD principles and the Department is satisfied the proposed sustainability initiatives will encourage ESD, in accordance with the objects of the EP&A Act. In particular, the proposed development has been accompanied by BASIX certificates and includes the following ESD initiatives and sustainability measures:</p> <ul style="list-style-type: none">• high performance building fabric and glazing• access card switches to ensure lighting and air conditions within an accommodation unit is off when occupant exits• high energy efficiency air conditioning systems, vertical transport systems, and luminaires• solar photovoltaic (PV) energy generation system will be considered as a roof-mounted installation• all bathroom fixtures (toilet pans, urinals, hand basin taps and showers) will meet minimum WELS ratings• rainwater tank located within the basement level will be considered for this reuse in toilet flushing, clothes washing machines, wash down bays, and irrigation• provision of significant bicycle parking and provision of all tools necessary to perform basic bike repairs |

| Objects of the EP&A Act | Department's consideration |
|---|--|
| | <p>and maintenance</p> <p>Building Management System for the complete operation of all mechanical plant, including scheduling of equipment and automatic shutdown of equipment after hours.</p> |
| (c) to promote the orderly and economic use and development of land, | <p>The proposal involves the orderly and economic use of land through the efficient redevelopment of an existing urban site that is in close proximity to existing services and has excellent public transport access.</p> <p>The proposal will provide for student accommodation and associated facilities, the merits of which are considered in Section 6.</p> |
| (d) to promote the delivery and maintenance of affordable housing, | <p>The proposal includes the provision of affordable housing options for students.</p> |
| (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats, | <p>The project involves redevelopment of an existing urban site and will not adversely impact on any native animals and plants, including threatened species, populations and ecological communities, and their habitats.</p> <p>The application has been granted a BDAR waiver.</p> |
| (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage), | <p>The proposal does not have an adverse impact on the on-site or nearby heritage items or the conservation area and the Department has recommended conditions relating to the protection / preservation of heritage items and archaeological resources (Section 6.8).</p> |
| (g) to promote good design and amenity of the built environment, | <p>The proposal achieves a high standard of design and amenity as discussed at Sections 6.3 and 6.5.</p> |
| (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants, | <p>The proposal was accompanied by a BCA Report that concludes the development is capable of complying with the requirements of the relevant sections of the Act.</p> |
| (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State, | <p>The Department publicly exhibited the proposed development as outlined in Section 5, which included consultation with Council and other public authorities and consideration of their responses.</p> |
| (j) to provide increased opportunity for community participation in environmental planning and assessment. | <p>The Department publicly exhibited the application as outlined in Section 5, which included notifying adjoining landowners, placing a notice in the newspaper and displaying the application on the Department's website and at the Council's office.</p> |

Table 12 | Section 4.15(1) Matters for consideration

| Section 4.15(1) Evaluation | Consideration |
|---|---|
| (a)(i) any environmental planning instrument | The proposal is consistent with the relevant EPIs as addressed later in this Appendix. |
| (a)(ii) any proposed instrument | Not applicable. |
| (a)(iii) any development control plan | Under clause 11 of the SRD SEPP, development control plans do not apply to SSD. Notwithstanding, consideration has been given to the RDCP, where relevant. |
| (a)(iiia) any planning agreement | Not applicable |
| (a)(iv) the regulations Refer Division 8 of the EP&A Regulation | The application satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to applications (Part 6), public participation procedures for SSD and Schedule 2 of the EP&A Regulation relating to EIS. |
| (a)(v) any coastal zone management plan | Not applicable. |
| (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 Department has considered the likely impacts of the proposed development are acceptable and/or have been appropriate managed or mitigated by recommended conditions of consent (Section 6 and Appendix F). |
| (c) the suitability of the site for the development | The site is suitable for the development as addressed in Sections 6 of this report. |
| (d) any submissions | Consideration has been given to the submissions received during the exhibition of the proposal (Sections 4 and 6 and Appendix E of this report). |
| (e) the public interest | The proposal is in the public interest (Section 6). |

To satisfy the requirements of section 4.15(a)(i) of the EP&A Act, this report includes references to the provisions of the EPIs that govern the carrying out of the project and have been taken into consideration in the Department's environmental assessment.

Controls considered as part of the assessment of the proposal are:

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

State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)

The aims of the SRD SEPP are to identify SSD, State significant infrastructure (SSI), critical SSI and to confer functions on regional planning panels to determine development applications. The proposal is SSD as summarised at **Table 13**.

Table 13 | SRD SEPP compliance table

| Relevant Sections | Department's consideration | Compliance |
|--|--|------------|
| 3 Aims of Policy The aims of this Policy are as follows: (a) to identify development that is State significant development, | The proposed development is identified as SSD. | Yes |
| 8 Declaration of State significant development: section 4.36 (1) Development is declared to be State significant development for the purposes of the Act if: (a) the development on the land concerned is, by the operation of an environmental planning instrument, not permissible without development consent under Part 4 of the Act, and (b) the development is specified in Schedule 1 or 2. | The proposed development is permissible with development consent. The site is specified in Schedule 2. | Yes |
| Schedule 2 State significant development —identified sites (Clause 8 (1)) 2 Development at Royal Randwick Racecourse Development that has a capital investment value of more than \$10 million on land identified as being within the Royal Randwick Racecourse Site | The proposed development is within the identified RRRS and has a CIV in excess of \$10 million | Yes |

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The BASIX SEPP applies to all residential development (including boarding houses) and accordingly applies to the subject application. BASIX aims to deliver equitable, effective water and greenhouse gas reductions across the State.

BASIX certificates were submitted with the RRFI, demonstrating the proposal achieves compliance with the BASIX water, energy and thermal comfort requirements. The Department recommends a condition of consent requiring compliance with the BASIX certificates.

State Environmental Planning Policy No. 55 - Remediation of Land

SEPP 55 aims to ensure potential contamination issues are considered in the determination of a development application. SEPP 55 requires the consent authority to consider whether the land is contaminated, and if so, whether the land is suitable for the purpose of the proposed development.

A Preliminary Site Investigation (PSI) was submitted with the SSD application to determine the potential for onsite contamination. The PSI indicated the site is not included on the 'List of NSW Contaminated Sites Notified to EPA' and there is no presence of acid sulphate soils. In addition, as the site has a long history of residential land use the PSI concludes the overall risk of underlying contamination of soils and groundwater is therefore low. Notwithstanding this, the PSI confirmed potential sources of contamination may include potential filling, exposure to lead petrol in the locality, flaking lead paint, and asbestos impact to surface and near surface soils.

Council has recommended conditions relating to disposal of soil waste and hazardous wastes, preparation and implementation of a Construction Environmental Management Plan (CEMP) and Asbestos Management Plan (AMP) including a remedial action plan (RAP), if required, prior to any excavation and construction works.

The Department is satisfied the proposed development is consistent with the provisions of SEPP 55 and has recommended conditions incorporating/adapting Council's conditions. The Department concludes the site can be made suitable for its intended use as a student accommodation development, and the land will be remediated before the commencement of the use, where this is deemed necessary.

Draft Remediation of Land State Environmental Planning Policy

The Explanation of Intended Effect for a Draft Remediation of Land SEPP was exhibited until 13 April 2018. The Draft Remediation of Land SEPP proposes to better manage remediation works by aligning the need for development consent with the scale, complexity and risks associated with the proposed works. As the proposal has demonstrated it can be suitable for the site, subject to conditions, the Department considers it would be consistent with the intended effect of the Remediation of Land SEPP.

State Environmental Planning Policy (Affordable Rental Housing) 2009

The ARH SEPP aims to provide a consistent planning regime for the provision of affordable rental housing and boarding houses.

The ARH SEPP applies to the application as the student accommodation is located within a residential equivalent zone, as per clause 26 of the ARH SEPP. The Department has considered the proposal against the ARH SEPP boarding house development standards within **Table 14**.

Table 14 | Department's consideration of the ARH SEPP

| Clause | Control | Compliance | Compliance |
|--|---|----------------------------|--|
| Clause 29 Standards that Cannot be Used to Refuse Consent | (1)(a) The density is not more than the existing max FSR permitted for residential development on that land (being 0.9:1) | The proposed FSR is 1.37:1 | No, refer to Section 6.2 and Appendix D |
| | Building Height | | |
| | b) if building is not more than max permitted height (being 12 m) | Complies | Yes |
| | Landscaping | | |
| | c) if proposed landscaping is | Landscaping proposed is | Yes |

| Clause | Control | Compliance | Compliance |
|--|--|--|--|
| | compatible with streetscape | compatible with the streetscape | |
| | Solar Access d) if communal rooms receive at least 3hrs sunlight between 9-3 at midwinter | Almost all communal rooms are north facing and would achieve at least 3 hours solar access between 9-3 at midwinter | Yes |
| | Private Open Space e) one area of at least 20m ² and min 3m depth for use of the lodger and one area of 8 m ² and min 2.5 m for manager | 443 m2 communal open space provided within the central courtyard. 9.5 m2 private open space is provided for the on-site manager's residence. | Yes |
| | Car Parking f) at least 0.5 spaces for each boarding room (being 101 spaces) | The proposal includes 56 car parking spaces provided. | No, refer to Section 6.6 |
| | Accommodation room size g) 12 m ² for single lodger, 16m ² in any other case | All rooms exceed the 12 m ² minimum standard | Yes |
| Clause 30 Standards for Boarding Houses | a) For 5+ boarding rooms at least one area of communal living space | Each cluster unit is provided with a communal living space | Yes |
| | b) Boarding rooms to be no greater than 25 m ² (excluding bathroom & kitchen) | Five student rooms exceed the 25 m ² maximum | No, refer to Section 6.5 and Appendix D |
| | c) Rooms not to be occupied by more than 2 adults | No rooms provide more than two beds | Yes |
| | d) Adequate bathroom and kitchen facilities | Studio and twin rooms are provided with individual kitchen and bathrooms. Each cluster unit is provided with shared facilities. | Yes |
| | e) To have boarding manager (if more than 20 lodgers) | An on-site manager is proposed | Yes |
| | f) Repealed | N/A | N/A |
| | g) If site zoned for commercial purposes- ground floor not to be used for residential | N/A | N/A |
| | h) At least 1 bicycle & 1 motorcycle parking space per 5 rooms (being 52 bicycle and 52 motorcycle spaces) | The proposal includes 178 bicycle parking spaces and 55 motorcycle spaces. | Yes |
| Clause 30A | Consideration whether the design of the development is compatible with | The design of the development is compatible with the character of | Yes |

| Clause | Control | Compliance | Compliance |
|-------------------------|----------------------------------|---|------------|
| Character of Local Area | the character of the local area. | the local area. Refer to Section 6.3 . | |

In light of the assessment detailed in **Section 6** of this report and **Table 15**, it is considered the proposal displays an acceptable level of consistency with the development standards within the ARH SEPP.

Randwick Local Environmental Plan 2012

The site is located on land in which the RLEP applies. The Department's assessment of the proposed development against the provision of the RLEP is provided in **Table 15**.

Table 15 | Department's consideration of the Newcastle Local Environmental Plan 2012

| Clause | Control | Department's consideration | Compliance |
|---|---|---|--|
| Clause 2.2 Zoning of land to which Plan applies | The proposed development is on land zoned R3 Medium Density | A boarding house is permitted within the zone. The proposal meets the objectives of the zone (Appendix D). | Yes |
| Clause 4.3 Height of buildings | A height of building development standard of 12 m applies to the site. | The proposed development does not exceed 12 m. | Yes |
| Clause 4.4 Floor space ratio | An FSR development standard of 0.9:1 applies to the site. | The proposed development proposed an FSR of 1.37:1 and exceeds the maximum FSR for the site. | No, refer to Section 6.2 of this report and Appendix D |
| Clause 4.6 Exceptions to development standards | Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. | The Application has submitted variation requests relating to FSR (Clause 4.4 of the RLEP) and room sizes (Clause 30 of the ARH SEPP) under the provisions of clause 4.6. The Department has considered the variations at Section 6.2 and Appendix D . | Yes |
| Clause 5.10 Heritage conservation | The site contains 10 and 12 Doncaster Avenue, local heritage item (I122) '2 storey terraced pair'. The site is also within conservation area C13. | A Heritage Impact Statement was submitted with the application. Heritage Division have not raised any objection to the proposal. As stated at Section 6.3 , the Department has concluded the development will not impact upon any built, landscape or Aboriginal heritage. | Yes |
| Clause 6.2 Earthworks | Earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land | The proposed development seeks approval for a basement level and associated earthworks. The proposal has been amended to | Yes |

| Clause | Control | Department's consideration | Compliance |
|--|--|---|------------|
| | | <p>reduce the size of the basement at the southern end of the site.</p> <p>The Department considers earthworks can be suitably managed through conditions of consent.</p> | |
| Clause 6.3 Flood Planning | Development is to: <ul style="list-style-type: none"> be compatible with the flood hazard of the land not adversely affect flood behaviour, incorporate appropriate measures to manage risk to life from flood not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and not likely to result in unsustainable social and economic costs to the community as a consequence of flooding. | <p>The site is affected by flooding in the 1% AEP flood event. The proposed development has been designed to comply with nominated flood planning levels and flow paths have been provided through the site.</p> <p>The Department has recommended conditions to address flooding and drainage.</p> | Yes |
| Clause 6.4 Stormwater Management | Development is to <ul style="list-style-type: none"> be designed to maximise the use of water permeable surfaces on the land include, if practicable, on-site stormwater retention avoid any significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact. | <p>The Application includes a stormwater management plan and the Department includes conditions relating to stormwater.</p> <p>Stormwater runoff and localised flooding is proposed to be mitigated through on-site detention and permeable flow paths through the site.</p> <p>Sydney Water has agreed to the relocation of its stormwater infrastructure on the site.</p> | Yes |
| Clause 6.10 Essential Services | Essential services must be made available or adequate arrangements made to make them available when required. | <p>The Applicant has confirmed the site can be adequately serviced through minor augmentation of services.</p> | Yes |

Randwick Development Control Plan 2013

The Department has considered the proposal against the relevant student accommodation and boarding house controls within the RDCP at **Table 16**.

Table 16 | Department's consideration relevant parts of the RDCP

| Section | Control | Department's consideration | Complies |
|--------------------------------------|--|--|----------|
| Part B – General Requirements | | | |
| B7 2.4 Student Accommodation | Student housing will not be permitted to apply for parking permits. | <p>A total of 56 car parking spaces are provided within the proposed basement level.</p> <p>The Department has included a condition confirming students will not have access to parking permits.</p> | Yes |
| B7 3.2 Vehicle Parking Rates | <ul style="list-style-type: none"> • 1 car space per 5 bedrooms • 1 car space per caretaker • 1 motorcycle space per 5 bedrooms | <p>The RDCP requires 48 car parking spaces and 48 motorcycle spaces.</p> <p>The proposal includes 56 car parking spaces and 55 motorcycle spaces.</p> | Yes |
| B7 4.2 Bicycle Parking Rates | <ul style="list-style-type: none"> • 1 bicycle parking space per 2 rooms | <p>The RDCP requires 120 bicycle parking spaces.</p> <p>The proposal includes 178 bicycle parking spaces</p> | Yes |
| Part C – Boarding Houses | | | |
| C4 2.1 Boarding Rooms | <p>i) Orientate to receive the maximum amount of sunlight;</p> <p>ii) Provide a balcony, terrace or window opening to outdoor areas for natural light and ventilation; and</p> <ul style="list-style-type: none"> • iii) Where provided, private open space in the form of a balcony or terrace areas must have a minimum usable area of 4 m². | <p>All boarding rooms have access to natural light and ventilation, and while they do not have private balconies, have access to significant communal indoor and outdoor space and amenities.</p> <p>The orientation of the building ensures there are few south facing rooms.</p> | Yes |
| C4 2.2 Outdoor Communal Open Space | <p>i) Provide for all boarding houses, with a minimum total area of 20sqm and a min. dimension of 3m;</p> <p>ii) Provide at ground or podium level in the form of a courtyard or terrace area, accessible to all residents</p> <p>iii) Locate and orientate to maximise solar access;</p> <p>iv) Incorporate both hard and</p> | <p>The RDCP requires a total outdoor area of 20 m².</p> <p>A total of 443 m² external open space is provided.</p> <p>Communal open spaces proposed include hard and soft landscape areas, shared facilities that are designed to allow social interaction, and weather cover where possible.</p> | Yes |

| Section | Control | Department's consideration | Complies |
|--|---|--|----------|
| | <p>soft landscaped areas;</p> <p>v) Provide shared facilities such as fixed outdoor seating benches, barbecues and the like to allow social interaction; and</p> <p>vi) Provide partial cover for weather protection, such as pergola, canopy or the like, where it does not cause unreasonable overshadowing on adjoining properties.</p> | | |
| C4 2.3 Indoor Communal Living Areas | <p>i) Provide with a minimum dimension of 3m and a minimum total area of 20sqm or 1.2sqm/resident, whichever is greater; and</p> <p>ii) Orientate to maximise solar access and have a northerly aspect where possible.</p> | <p>The RDCP requires a total of 310 m².</p> <p>A total of 336 m² internal communal space is provided.</p> | Yes |
| C4 2.4 Communal kitchen, bathroom and laundry facilities | <p>i) For all boarding houses, provide communal kitchen, bathroom and laundry facilities;</p> <p>ii) For development of over 12 boarding rooms without en-suite bathrooms, provide separate bathroom facilities for male and female residents;</p> <p>iii) Locate and design any communal laundry room to minimise noise impact on boarding rooms and neighbouring properties.</p> <p>(iv) Where possible, locate clotheslines to maximise solar access while not compromising the street amenity or usability of</p> | <p>Studio and twin rooms are provided with individual bathroom and kitchen facilities. Cluster units are provided with communal bathroom and kitchen facilities.</p> <p>Communal bathroom, laundry, kitchen, study, entertaining and social facilities are provided throughout the development.</p> <p>Communal facilities are located away from the southern site boundary to minimise noise impact on neighbouring properties.</p> <p>The proposal does not include clotheslines. Clothes dryers are provided within the communal laundry.</p> | Yes |

| Section | Control | Department's consideration | Complies |
|--|---|--|----------|
| | communal open space. | | |
| C4 2.5 Safety and Crime Prevention | <p>i) Locate building entry points and internal entries to living areas where they are clearly visible from common spaces;</p> <p>ii) Locate a habitable living area (such as lounge room, kitchen, dining or bedroom) to allow general observation of the street and communal open space;</p> <p>iii) Separate ground level private open space from public and common areas by measures such as open fencing or low level plants; and</p> <p>iv) Select trees and low-lying shrubs that do not interfere with sight lines nor provide opportunities for concealment or entrapment.</p> | <p>The building entry point is visible from the student ground floor lounge and lobby / reception.</p> <p>The main student common area is connected directly to the main outdoor open space. Student rooms face directly onto Doncaster Avenue and provide passive surveillance of the street.</p> <p>Private open space is only provided as balconies to at first floor of 10 and 12 Doncaster Avenue.</p> <p>Landscaping has been provided which is appropriate for the site and does not interfere with sightlines.</p> | Yes |
| C4 2.6 Visual and acoustic amenity and privacy | <p>i) Indicative locations of facilities and appliances for bathrooms, kitchens and laundries must be clearly shown on the DA plans/drawings;</p> <p>ii) Locate kitchen, dining room, lounge room and outdoor open space adjacent to or directly accessible from each other;</p> <p>iii) Locate similar uses (such as bedrooms or bathrooms) back to back, to minimise internal noise transmission;</p> <p>iv) Provide screen fencing, plantings and acoustic barriers where practicable to screen noise and reduce</p> | <p>Indicative locations of facilities and appliances for bathrooms, kitchens and laundries are shown on the drawings.</p> <p>The main student internal communal area at ground floor level is located adjacent to the main external communal open space.</p> <p>Facilities within adjoining student rooms are located back-to-back and cluster unit layouts are mirrored on each floor.</p> <p>The front fence height was lowered to better fit with the character of the street.</p> <p>The development provides appropriate front, side and rear fencing.</p> <p>The main entry is located facing Doncaster Avenue and away from the southern side boundary.</p> <p>The development has been designed so that it would not overlook neighbouring</p> | Yes |

| Section | Control | Department's consideration | Complies |
|-----------------------------|--|--|----------|
| | <p>visual impacts;</p> <p>v) Where possible locate the main entry point at the front of the site, away from the side boundary and adjoining properties;</p> <p>vi) Locate communal open space, balconies and windows to bedrooms or communal areas, to minimise overlooking, privacy and acoustic impacts on adjoining properties;</p> <p>vii) An acoustic report prepared by a suitably qualified acoustic consultant must be submitted for new development or conversions/intensifications with an increase in resident numbers.</p> | <p>windows at 20 Doncaster Avenue.</p> <p>The Application includes an acoustic report.</p> | |
| C4 3 (i) Management Plan | Submit a Management Plan for new and existing boarding houses. | The proposal includes an OMP. The Department has considered the OMP at Section 6.5 and concludes it is acceptable, subject to conditions. | Yes |

Appendix D – Clause 4.6 Variation Request

D1.1 Clause 4.6

Clause 4.6(2) of the RLEP permits the consent authority to consider a variation to a development standard imposed by an EPI. The aim of clause 4.6 is to provide an appropriate degree of flexibility in applying development standards to achieve better development outcomes. In consideration of the proposed variation, clause 4.6 requires the following:

- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
- (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

The Applicant has prepared written requests in accordance with clause 4.6(3) (**Appendix B**) to vary two applicable development standards, including the:

- RLEP FSR development standard
- ARH SEPP maximum boarding room size development standard.

The development standards and the Applicant's proposed variations are summarised in **Section D1.2**.

Clause 4.6(4)(a) requires the consent authority to be satisfied that:

- (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
- (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*

The Department has considered the proposed exceptions to the development standard under clause 4.6 at **Section D1.2**, applying the tests arising from *Randwick City Council v Micaul Holdings Pty Ltd* [2016] NSWLEC 7 (as summarised by *Gabriel Stefanidis v Randwick City Council* [2017] NSWLEC 1307) and *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118.

D1.2 Development standards and variations

Floor space ratio

Clause 4.4 of the RLEP allows a maximum floor space ratio for a building on the site of no more than 0.9:1, as shown on the RELP Floor Space Map (**Figure 12**).



Figure 127 | excerpt of the RLEP Floor Space Ratio Map (base source: RLEP).

The Applicant's proposes a 52.2% variation to the FSR as summarised at **Table 17**.

Table 17 | FSR variation request

| RLEP FSR | Permissible GFA | Proposed FSR | Proposed GFA | % non-compliance |
|----------|------------------------|--------------|----------------------|------------------|
| 0.9:1 | 3,848.4 m ² | 1.37:1 | 5,860 m ² | 52.2% |

Boarding house room size

Clause 30(1)(b) of the ARH SEPP stipulates that rooms within boarding houses must be no larger than a maximum of 25 m² (excluding private kitchens and bathrooms). The Applicant proposes to vary the maximum rooms size as summarised at **Table 18**.

Table 18 | Room size variation request

| ARH SEPP Room Size Control | Proposed Variation | Difference (+/-) | Complies |
|----------------------------|--|---|----------|
| Maximum 25 m ² | Five exceedances: <ul style="list-style-type: none"> ○ 2 room at 26 m² ○ 2 rooms at 29 m² ○ 1 room at 35 m² | <ul style="list-style-type: none"> ○ +1 m² ○ +4 m² ○ +10 m² | No |

D1.3 Exceptions to development standards

Table 19 | Department's consideration of Clause 4.6 requirements

| 1: Is the consent authority satisfied that the proposed development will be consistent with the objectives of the zone | |
|---|---|
| FSR | <p>The objectives of R3 Medium Density zone are:</p> <ul style="list-style-type: none"> • To provide for the housing needs of the community within a medium density residential environment. • To provide a variety of housing types within a medium density residential environment. • To enable other land uses that provide facilities or services to meet the day to day needs of residents. • To recognise the desirable elements of the existing streetscape and built form or, in precincts undergoing transition, that contribute to the desired future character of the area. • To protect the amenity of residents. • To encourage housing affordability. • To enable small-scale business uses in existing commercial buildings. <p>The Department is satisfied that the proposed development is consistent with the objectives of the R3 Medium Density zone, as:</p> <ul style="list-style-type: none"> • the proposed development provides for the housing needs of the community in a medium density environment • the proposed development provides for a built form that appropriately responds to the character of the surrounding area, the existing streetscene and on-site heritage items • the proposal would not have an adverse impact on residential amenity and the proposal includes the provision of affordable housing options for students. |
| Room size | |
| 2: Is the consent authority satisfied the proposed development will be consistent with the objectives of the standard | |
| FSR | <p>The objectives of the FSR standard are:</p> <ul style="list-style-type: none"> • to ensure that the size and scale of development is compatible with the desired future character of the locality, • to ensure that buildings are well articulated and respond to environmental and energy needs, • to ensure that development is compatible with the scale and character of contributory buildings in a conservation area or near a heritage item, • to ensure that development does not adversely impact on the amenity of adjoining and neighbouring land in terms of visual bulk, loss of privacy, overshadowing and views. <p>The Department is satisfied that the proposed development is consistent with the objectives of the FSR standard, as:</p> <ul style="list-style-type: none"> • the size and scale of the development responds to the character of the immediate surrounding area and includes appropriate buildings setbacks. The Department is satisfied the development is compatible with the desired character of the area |

1: Is the consent authority satisfied that the proposed development will be consistent with the objectives of the zone

| | |
|-----------|---|
| | <ul style="list-style-type: none"> the development has been amended to ensure that its Doncaster Avenue elevation is highly articulated. The development has also been designed in accordance with ESD principles The proposed height and location of new buildings on the site sensitively and appropriately respond to the heritage significance of 10 and 12 Doncaster Avenue. The development would not have an adverse impact on neighbouring amenity in terms of visual bulk, loss of privacy overshadowing and/or views. |
| Room size | <ul style="list-style-type: none"> The ARH SEPP does not include a specific objective for maximum room size development standard. However, the Department considers that the standard ensures efficient room planning, prevent the creation of multi-bed boarding rooms and ensure affordability by restricting maximum size. The Department is not convinced that there is sufficient justification for the oversized rooms within the new building component of the development, particularly as there are no constraints preventing compliance. In response, the Applicant has confirmed it would not accept a condition requiring all rooms in the new building to comply with the ARH SEPP maximum room size standard. The Department is satisfied that the two oversized rooms in 10 and 12 Doncaster Avenue are consistent with the assumed objectives of the ARH SEPP as: <ul style="list-style-type: none"> physical alterations to 10 and 12 Doncaster Road to provide smaller student rooms would require the introduction of new structure and partitions which may have unacceptable and adverse impacts on the original historic fabric of those buildings all proposed student rooms exceed the ARH SEPP minimum space standard (12 m2) and provide a good standard of amenity the Department has limited the maximum number of student bed per room to two beds. |

3: Has the consent authority considered a written request that demonstrates compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and they are satisfied that the matters required to be demonstrated have adequately been addressed

| | |
|-----------|--|
| FSR | <p>The Applicant has demonstrated that compliance with the development standards are unreasonable or unnecessary in the circumstances of the case, having regard to the five tests outlined in <i>Wehbe v Pittwater Council</i> [2007] NSWLEC 827. It establishes proposed development achieves the objectives of the standard and accordingly justifies the variation to the FSR and maximum room size controls (two rooms in 10 and 12 Doncaster Avenue only), meeting the first test outlined in <i>Wehbe</i>.</p> <p>The Department supports the Applicant's conclusions that the proposed development achieves the objectives of the standards. Compliance with the development standard is unnecessary in this case as the objectives of the FSR and ARH SEPP standards are still achieved and unreasonable as no purpose is served by requiring strict compliance.</p> <p>Having considered the Applicant's written request, the Department is satisfied that the Applicant has adequately addressed that compliance with the development standard is</p> |
| Room size | |

1: Is the consent authority satisfied that the proposed development will be consistent with the objectives of the zone

unreasonable or unnecessary in the circumstances of the case.

4: Has the consent authority considered a written request that demonstrates there are sufficient environmental planning grounds to justify contravening the development standard and with the Court the matters required to be demonstrated have adequately been addressed

| | |
|-----|--|
| FSR | <p>The Applicant's written request justifies contravention of the development standard on the following environmental planning grounds:</p> <ul style="list-style-type: none"> • the development is consistent with the Objects of the EP&A Act • the proposal aligns with the aims of the ARH SEPP to facilitate the effective delivery of new affordable rental housing • the building height is less than the maximum RLEP height control for the site, achieves a high standard of design and is and is sympathetic to the future character of the area, the heritage items and the conservation area • significant amounts of landscaping and communal outdoor areas have been provided. Notwithstanding the non-compliance with the FSR control, more than 50% of the site is landscaped and includes 23% deep soil areas • the proposal is of a similar height and scale to the existing buildings on the opposite side of Doncaster Avenue • Potential impacts on neighbouring residential amenity are minor and/or can be mitigated to an acceptable level. |
|-----|--|

Having considered the Applicant's written request, the Department is satisfied the Applicant has adequately addressed there are sufficient environmental planning grounds to justify the contravention of the development standards and the matters required to be demonstrated have adequately been addressed. The Department therefore concludes that the Applicant's written request adequately addresses the matters required to be demonstrated under clause 4.6 of the RLEP and the proposed development will be in the public interest because it is consistent with the objectives of the RLEP FSR and ARH SEPP maximum room size development standards and the objectives for development within the zone.

Appendix E – Summary of the Consideration of Community Views Raised in Submissions

A summary of the Department's consideration of the issues raised in submissions is provided at **Table 20**.

Table 20 | Department's consideration of key issues raised in submissions

| Issue raised | Consideration |
|----------------------|---|
| Traffic and parking | <ul style="list-style-type: none"> The proposal includes 56 car and 55 motorcycle parking spaces. The Department concludes the proposed parking provision is appropriate for the proposed student accommodation use noting the site is well located to public transport, services and educational facilities. The proposal provides 178 bicycle spaces and the Applicant will prepare a GTP to encourage sustainable travel choices. The proposal results in only a minor increase in vehicle movements during peak periods and has a minimal impact on the surrounding road network and performance of intersections. The proposal includes the provision of a single-lane driveway and basement access ramp. The Department recommends amendments to ensure this arrangement does not give rise to vehicle conflicts. <p>Recommended conditions:</p> <ul style="list-style-type: none"> Amendment of the driveway to include the provision of an area, or waiting bay, to allow vehicles to pass safely. Restrict the car and motorcycle parking to 56 car and 55 motorcycle spaces Preparation and implementation of a GTP. |
| Operational noise | <ul style="list-style-type: none"> The Department considers appropriate measures are included within the Applicant's OMP to ensure the development does not have an adverse noise impact on surrounding residential properties. <p>Recommended conditions:</p> <ul style="list-style-type: none"> Restrict noise emissions, use of outdoor areas and roof access. |
| Construction impacts | <ul style="list-style-type: none"> The Department notes that due to the close proximity of neighbouring properties noise impacts resulting from excavation and construction would be unavoidable. However, the Department is satisfied that subject to the implementation of appropriate noise management and mitigation measures noise impacts can be minimised. <p>Recommended conditions:</p> <ul style="list-style-type: none"> Preparation and implementation of a CMP, CNVMP, CPTMP Implementation of NIA management and mitigation measures. Restrict hours of construction, including respite for high noise generating works. Prohibit construction noise that is classified as 'offensive noise' under the POEO Act. |
| Privacy impacts | <ul style="list-style-type: none"> The Department considers that the proposal would not adversely overlook neighbouring residential properties as: <ul style="list-style-type: none"> the southern facade facing 20 Doncaster Avenue has been setback 6 m from |

| Issue raised | Consideration |
|-----------------------|---|
| | <p>the shared boundary and meets the ADG's recommended separation distance</p> <ul style="list-style-type: none"> all windows in the southern façade have been angled away from 20 Doncaster Avenue and screening planting is proposed within the building setback properties on the opposite side of Doncaster Avenue are located approximately 25 m away from the site and therefore exceed the ADG minimum recommended separation distance. <p>Recommended conditions:</p> <ul style="list-style-type: none"> Provision of window treatments and screen planting prior to first occupation Prohibit access to the first floor flat roof area except in the case of emergency or for maintenance purposes. |
| Overshadowing impacts | <ul style="list-style-type: none"> The Department considers that the proposal's overshadowing impact on 20 Doncaster Avenue is acceptable as: <ul style="list-style-type: none"> 20 Doncaster Avenue would receive direct sunlight during mid-winter, at different times of the day, for a total period greater than 2 hours the proposal has been amended to reduce its overshadowing impacts access to 20 Doncaster Avenue the height and scale of the proposal is appropriate 20 Doncaster Avenue borrows light across the site in a dense urban environment. In this context a reduction in access to direct sunlight is to be expected the proposal's predicted overshadowing impacts are similar to those considered acceptable under the Original Approval. |
| Tree removal | <ul style="list-style-type: none"> There is only one tree on the site, a significant Blue Gum at the northern end of the site. The application includes the retention of the Blue Gum and provides site-wide landscaping, which includes tree planting. Subject to the Department's recommended mitigation and tree protection measures, the Department is satisfied that realignment of the SW channel would not have an adverse impact on the root system, health and/or longevity of the retained Blue Gum.. <p>Recommended conditions:</p> <ul style="list-style-type: none"> Tree protection measures and management during excavation and construction. Implementation of the AAMP mitigation measures. |
| Density | <ul style="list-style-type: none"> The proposed development comprises 5,860 m² of GFA, which equates to an FSR of 1.37:1. The proposal therefore represents an additional 2,011.60 m² or +52% variation to the RLEP FSR development standard (FSR 0.9:1 or 3,848.70 m²). The Department notes additional floorspace is not attributed to the maximum height of the building, which is consistent with the RLEP 12 m maximum control. The Department has considered the variation to the FSR standard and concludes it is acceptable as the development has strategic merit, would not have any adverse impacts resulting from the increased density and is ESD. <p>Recommended condition:</p> <ul style="list-style-type: none"> Restrict the GFA of the building to 5,860 m² and require certification. |
| Shops | <ul style="list-style-type: none"> The site is located between 200 m and 1.5 km walking distance of numerous shops |

| Issue raised | Consideration |
|--------------------------|---|
| | <p>within the Kensington and East Village Town Centres and Centennial Park.</p> <ul style="list-style-type: none"> The Department is satisfied that a variety of shops, services and facilities are located within convenient walking distance of the site. |
| Heritage and archaeology | <ul style="list-style-type: none"> The proposal includes the retention, refurbishment and adaptive re-use of two locally listed heritage terrace houses at 10 and 12 Doncaster Avenue. The Department has considered the potential heritage impacts and concludes the new building would not have an overbearing impact on the heritage terraces and its height and scale would not be out of character within the locality. The additions to the heritage terraces are of a small scale and would not be highly visible from the street. <p>Recommended conditions:</p> <ul style="list-style-type: none"> Implementation of the HIA mitigation measures, including archival photographic record and all new services be surface mounted. the AHIP archaeological conditions. |
| Water infrastructure | <ul style="list-style-type: none"> A concrete SW channel runs east-west across the northern portion of the site and the proposal seeks to realign the SW channel away from the proposed building footprint. The Applicant has updated its SW channel proposal to address Sydney Water's concerns. Sydney Water did not raise any concerns about water infrastructure capacity and the Department concludes additional infrastructure augmentation is not necessary. <p>Recommended conditions:</p> <ul style="list-style-type: none"> The stormwater channel deviation shall be constructed in accordance with the SW channel design. |
| Property values | <p>Matters relating to the private contracts of sale and/or value of properties are not planning matters for consideration and therefore objections based on loss of property value are not able to inform the assessment of the application. Notwithstanding the Department has assessed the merits of the application and concludes, subject to conditions, the proposal has acceptable impacts, and therefore there is no evidence to suggest that it would adversely impact on property values.</p> |

Appendix F – Recommended Conditions of Consent

The recommended conditions of consent (SSD 9649) can be found on the Department's website at:

<https://www.planningportal.nsw.gov.au/major-projects/project/11726>