

## COUNCIL SUPPLEMENTARY ASSESSMENT REPORT

### SYDNEY EASTERN CITY PLANNING PANEL

<b>PANEL REFERENCE &amp; DA NUMBER</b>	PPSSEC-243 / DA/477/2022
<b>PROPOSAL</b>	Partial demolition of existing structure and construction of a Part 3 and Part 18 storey mixed use development over 1 level of basement comprising retail, commercial, and 285 Co-Living (Student Accommodation) rooms with associated indoor and outdoor communal space and landscaping (variation to building height).
<b>ADDRESS</b>	277-291 Anzac Parade, Kingsford Lot's 1-10 SP 52836 [277-279 Anzac Parade] Lot 3 DP 129966 [281 Anzac Parade] Lot 11 DP 716333 [283 Anzac Parade] Lot 12 DP 716333 [285 Anzac Parade] Lot A DP 394221 [287 Anzac Parade] Lot B DP 394221 [289-291 Anzac Parade]
<b>APPLICANT</b>	The trustees for Iglu Property Trust No. 215
<b>OWNER</b>	Iglu Property Trust No. 215 Pty Ltd
<b>DA LODGEMENT DATE</b>	15 September 2022
<b>APPLICATION TYPE</b>	Development Application (DA)
<b>REGIONALLY SIGNIFICANT CRITERIA</b>	Clause 2 of Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> : General Development over \$30 million.
<b>CIV</b>	\$52,690,000.00
<b>CLAUSE 4.6 REQUESTS</b>	Clause 4.3 and 6.17 of RLEP 2012 (Building Height)
<b>KEY SEPP/LEP</b>	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy (Biodiversity and Conservation) 2021;</li> <li>• State Environmental Planning Policy (Housing) 2021</li> <li>• State Environmental Planning Policy (Industry and Employment) 2021</li> <li>• State Environmental Planning Policy (Planning Systems) 2021</li> <li>• State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>• State Environmental Planning Policy (Transport and Infrastructure) 2021;</li> </ul>

	<ul style="list-style-type: none"> <li>• Randwick Local Environmental Plan 2012; and</li> <li>Part E6 of Randwick Development Control Plan Kensington and Kingsford Town Centres 2020.</li> </ul>
<b>TOTAL &amp; UNIQUE SUBMISSIONS ISSUES KEY IN SUBMISSIONS</b>	Four (4) in objection: solar access and overshadowing, construction impacts and traffic and parking implications.
<b>DOCUMENTS SUBMITTED FOR CONSIDERATION</b>	<ul style="list-style-type: none"> <li>• Architectural Plans (Combined DA Set - Updated 24/08/2023);</li> <li>• Landscape Plans (Issue C);</li> <li>• Statement of Environmental Effects;</li> <li>• Clause 4.6 Variation;</li> <li>• Traffic Impact Assessment. Construction Traffic Management Plan and Green Travel Plan;</li> <li>• Remediation Action Plan;</li> <li>• Operational Plan of Management;</li> <li>• Arborist Report;</li> <li>• Heritage Report;</li> <li>• ESD NCC Section J, Green Star and NABERS Reports;</li> <li>• Acoustic Report;</li> <li>• Geotechnical Report;</li> <li>• Wind Impact Assessment;</li> <li>• Structural Assessment;</li> <li>• Access Report;</li> <li>• BCA Report; and</li> <li>• VPA Letter of Offer</li> <li>• Response to Deferral Request (Planning letter)</li> <li>• Supplementary Traffic Report</li> </ul>
<b>SPECIAL INFRASTRUCTURE CONTRIBUTIONS (S7.24)</b>	N/A
<b>RECOMMENDATION</b>	Deferred Commencement
<b>DRAFT CONDITIONS TO APPLICANT</b>	N/A
<b>SCHEDULED MEETING DATE</b>	26 September 2023
<b>PLAN VERSION</b>	Combined Set - Revision A to E (02/08/22 to 24/08/23)
<b>PREPARED BY</b>	Angela Manahan – Executive Planner
<b>DATE OF REPORT</b>	14 September 2023

## EXECUTIVE SUMMARY

The development application (DA/477/2022) seeks consent for the partial demolition of existing structure and construction of a Part 3, Part 18 storey mixed use development over 1 level of basement comprising Retail, Commercial, and 285 Co-Living (Student Accommodation) rooms with associated indoor and outdoor communal space and landscaping ('the proposal') at the subject site. The proposed development will accommodate up to 300 residents, 830m<sup>2</sup> of retail space and 745m<sup>2</sup> of commercial office and indoor recreation space.

The Sydney Eastern City Planning Panel (SECPP) is the consent authority for the Development Application pursuant to Section 4.7, of the Environmental Planning and Assessment Act 1979 and Schedule 6 of the State Environmental Planning Policy (Planning Systems) 2021, as the development has a capital investment value over \$30 million and is defined as Regionally Significant Development.

A briefing was held with the Panel on 13 April 2023 where key issues were discussed, including the non-compliance with the building height, design excellence and façade design, the incorporation of an automated waste system and the lack of onsite parking.

A detailed assessment of the proposal and determination report was provided at the determination meeting on 10 August 2023, in which the application was supported subject to recommended conditions of consent. In this regard, the overall built form was considered to be consistent with the relevant planning controls and no issues were raised by the Panel regarding the built form, architectural design and amenity of the development, nor any amenity impacts upon adjoining and surrounding properties and the streetscape. However, at the determination meeting on 10 August 2023, the Panel deferred the determination of the matter for additional information to be provided by the Applicant. The deferral of the matter was to allow for revised parking within the ground floor and basement levels (including in relation to car parking, motorcycle parking and bicycle parking) and for the rationalisation of the commercial space, as recommended by the Panel.

This addendum report is supplementary to the original assessment report, dated 3 August 2023, and addresses the reasons for the deferral and additional information/amended plans received.

It is considered that the proposal, as amended, addresses and incorporates the requirements of the Panel, as detailed in the Record of Deferral, dated 11 August 2023.

In view of the above, following consideration of the matters under Section 4.15(1) of the EP&A Act, the provisions of the relevant State environmental planning policies, RLEP 2012, RDCP 2013 and K2K DCP 2020, and the direction provided by the Panel, the proposal as amended is considered suitable for the subject site.

Pursuant to Section 4.16(1)(b) of the *EP&A Act*, DA/477/2022 is recommended for approval subject to the revised draft conditions attached to the report.

## 1. THE PROPOSAL AND BACKGROUND

---

### 1.1 Background

A determination meeting was held with the Panel on 10 August 2023. At the determination meeting, the Panel resolved to defer the determination of the application in order for additional information in the form of amended plans to be provided by the Applicant. The required amendments were in relation to the on-site parking (including car parking, motorcycle parking and bicycle parking) and for the rationalisation of the office/commercial space in the basement level which was not considered to be appropriate as currently proposed.

As a result of the consideration of the proposal, the Panel noted that *“the revised car parking and bicycle parking provisions are based on the particular use of the premises as student accommodation and the nature of the retail uses, their size, location, and future use. Further, the location of the proposal in the immediate proximity to well provided public transport are reasons for why compliance with the development control plan is not necessary in this case.”*. In view of the above, the Panel provided detailed requirements for the parking provisions, and deferred the matter for the following information to be provided by the Applicant:

- Updated basement and ground floor plans to delete the stacked parking but provide parking for a minimum of one (1) accessible parking space and three (3) commercial spaces;
- Reduce the end of trip facilities to one (1) male and one (1) female shower/toilet facilities;
- Reduce the bicycle parking to no more than fifty-seven (57) spaces;
- Provide for four (4) motorcycle spaces at ground floor;
- Rationalise the office/commercial space in the basement by increasing this space on the ground and other levels to achieve the required 1:1 non-residential floor space ratio.

In response to the matters raised by the Panel, amended plans were provided by the Applicant. Details of the amendments are provided in section 1.2 below. Assessment of the amended plans and compliance with the deferral matters is provided in the Key Issues section below.

### 1.2 The Proposal

The proposal seeks consent for the partial demolition of existing structure and construction of a Part 3 and Part 18 storey mixed use development over 1 level of basement comprising Retail, Commercial, and 285 Co-Living (Student Accommodation) rooms with associated indoor and outdoor communal space and landscaping (variation to building height).

In response to the determination meeting on 10 August 2023 and subsequent record of deferral, amended plans were provided by the Applicant which involved the following changes:

- Updated Ground Floor Level Plan comprising:
  - Deletion of the stacked parking (car stackers) and the provision of four (4) at grade parking spaces, including one (1) accessible space, for commercial use;
  - Provision of four (4) motorcycle spaces;
  - Reconfiguration of the Ground Floor to provide for increased commercial space, including a new retail office space, the relocation of retail and bulk waste areas, and the relocation of services to the basement;
- Updated Basement Plan comprising:
  - Overall reduction to the size of the Basement level;

- Removal of north-western office/commercial space to be utilised for the fire pump and tank room;
- Use of the south-eastern commercial space from office use to an ancillary food and drink preparation area;
- Reduction to the end of trip facilities to provide for one (1) male and one (1) female;
- Reduction to the number of bicycle parking spaces from 90 to 57.

It should be noted that the amended architectural drawings provided two (2) options for the Ground Floor and Basement levels, being a floor plan for an automated waste system and an alternative floor plan for a traditional waste system. Council's Development Engineer has advised that the development must incorporate an automated waste system, which has been imposed as a condition of consent, and therefore the relevant plans that have been assessed and considered are those which facilitate the automated waste system.

The amended proposal does not alter the number of boarding rooms, or result in any change to the overall building design or built form including the proposed building height and setbacks. Furthermore, the amended proposal maintains a minimum 1:1 non-residential FSR in accordance with clause 6.19 of RLEP 2012 as a result of the reconfiguration of the Ground Floor and Basement levels. Table 1 below provides the development data comparison for the original proposal and the amended proposal.

**Table 1: Development Data**

<b>Control</b>	<b>Original Proposal</b>	<b>Amended Proposal</b>
Site area	1,575m <sup>2</sup>	No change.
GFA	Total - 8663m <sup>2</sup> Residential – 7,088m <sup>2</sup> Commercial – 1,575m <sup>2</sup>	No change.
FSR (retail/residential)	5.5:1 Overall 4.5:1 Residential 1:1 Commercial	No change.
Clause 4.6 Requests	Yes – Clause 4.3 (Building height)	No change.
No of apartments	285 Co-living (300 residents)	No change.
Max Height	60m - Max height 61.88m - Proposed (Variation request submitted for roof terrace, plant and lift overruns).	No change.
Landscaped area	100% provision as per DCP. Planting areas and green walls adjacent to ground plane and on structure.	No change.
Car Parking spaces	13 car spaces for commercial uses Including 1 Disabled space via consent condition.	<b>4 car spaces, including 1 accessible space.</b>
Motorcycle Parking spaces	Nil	<b>4 motorcycle parking spaces.</b>

Bicycle Parking spaces	90 storage racks	<b>57 bicycles spaces via storage racks.</b>
Setbacks	<u>Podium</u> Anzac: Nil to 3m Strachan: Nil Houston: 1.5m – 3m  <u>Tower</u> Anzac: 6m Strachan: 1.5m – 2.8m Houston: 27m	No change.

## 2. KEY ISSUES

In addition to those identified in the original assessment report, the following key issues are relevant to the assessment of this application:

### 2.1 Non-residential Floor Space Ratio

Clause 6.19 of RLEP 2012 requires a minimum non-residential floor space ratio (FSR) of 1:1 for the proposed development. “Non-residential floor space ratio” relates to any part of a building used or proposed to be used for any purpose other than a residential purpose.

The subject site has a consolidated area of 1,575m<sup>2</sup>, and therefore the minimum non-residential floor space required is 1,575m<sup>2</sup>. The original proposal provided for a compliant non-residential FSR with approximately 293m<sup>2</sup> of the non-residential space provided within the basement and 712m<sup>2</sup> provided at ground floor.

Concerns were raised by the Panel regarding the proposed office/commercial space within the basement level, including the amenity and usability of the area for the proposed use. As such, the deferral of the application required the Applicant to rationalise the commercial space within the basement by increasing this space on the ground floor level and/or upper levels in order to maintain the required 1:1 non-residential FSR.

The amended basement level provides for an area of 121m<sup>2</sup> as non-residential floor space which is a reduction of 172m<sup>2</sup> from the original proposal. The loss of commercial space within the basement has been facilitated through the reconfiguration of the Ground Floor level including the reduction to the car parking area and relocation of service areas to the basement, which has allowed a greater commercial area on the Ground Floor level. The amended proposal provides for 121m<sup>2</sup> of non-residential space at basement level and 884m<sup>2</sup> at ground floor level, with a total non-residential GFA of 1,575m<sup>2</sup> and FSR of 1:1. It should be noted that there are no changes the proposed commercial/non-residential floor space at the upper levels.

The proposed non-residential space within the basement comprises internal circulation space, end of trip facilities, and one commercial space. The commercial space in the basement is an ancillary area to the main commercial/retail space at Ground Floor level and provides for food and drink preparation and kitchen area. This area is approximately 55m<sup>2</sup> in size, and contributes to approximately 3.5% of the overall non-residential area.

It is not uncommon to have ancillary spaces for non-public and occasional use to support the operation of the commercial or retail premises. As such, the provision of a small area within the basement level is not unwarranted, and the amended proposal can be supported. Furthermore, it is considered that the Applicant has addressed the requirements of the Panel

by rationalising the office/commercial space in the basement while still achieving a compliant 1:1 FSR, and reducing the end of trip facilities to one (1) male and one (1) female shower/toilet facility.

## **2.2 Parking**

At the determination meeting on 10 August 2023, the Panel sought for revised parking for the development including the removal of the car stackers which shall result in a reduction to the number of car parking spaces on site, a reduction to the number of bicycle spaces, and for the provision of motorcycle parking on site.

As outlined previously, the Panel were of the opinion that given the nature, location and specific site circumstances, compliance with the DCP parking controls was not necessary in this instance and a reduced parking rate was recommended. The Panel specified the following parking provisions to be provided for the development:

- Car parking – a minimum of one (1) accessible space and three (3) commercial spaces;
- Motorcycle parking – a minimum of four (4) motorcycle spaces at ground floor level;
- Bicycle parking – a maximum of fifty-seven (57) spaces.

The amended plans provide for the following on-site parking provisions:

- Four (4) car parking spaces, including one (1) accessible space, provided at grade on the Ground Floor level;
- Four (4) motorcycle parking spaces provided at the Ground Floor level;
- A total of fifty-seven (57) bicycle spaces, forty-four (44) within the Basement level and thirteen (13) at the Ground Floor level.

It should be noted that while Council accepts that the student accommodation may not generate any car parking demand, concerns remain regarding the parking deficiency for the commercial premises and the shortfall in motorcycle parking, and approval of the subject development setting an undesirable precedent for future similar developments within the Kensington and Kingsford Town Centres.

Based on the above and non-compliance with the parking provisions within Randwick DCP, Council's Development Engineer is not in a position to support the amended proposal with regards to parking, however, Council acknowledges the Panel's decision and recommendations. In this regard, Council's Development Engineer has reviewed the amended proposal and did not raise any concerns with the design of the amended parking. Revised conditions of consent have been provided where applicable. Detailed referral comments from Council's Development Engineer can be found in section 2.4 below.

In view of the above, it is considered that the Applicant has adequately addressed the requirements of the reasons for deferral, and as such the application can be determined.

## **2.3 Amendments to Draft Conditions**

Subsequent to the determination meeting on 10 August 2023, the Applicant contacted Council to request reconsideration of two of the draft conditions of consent that were provided in the documentation at the determination meeting on 10 August. These requests have been considered below and the draft conditions of consent amended where appropriate:

### Condition 71, part (c)

Condition 71(c) of the draft conditions of consent read as follows:

***Certification and Building Inspection Requirements***

*Prior to the commencement of any building works, the following requirements must be complied with:*

- a) a Construction Certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979. A copy of the construction certificate, the approved development consent plans and consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.*
- b) a Principal Certifier must be appointed to carry out the necessary building inspections and to issue an occupation certificate; and*
- c) a principal contractor must be appointed for the building work and any applicable requirements of the Home Building Act 1989 must be satisfied accordingly; and***
- d) the principal contractor must be advised of the required critical stage inspections and other inspections to be carried out, as specified by the Principal Certifier; and*
- e) at least two days notice must be given to the Council, in writing, prior to commencing any works.*

The Applicant noted that part (c) of condition 71 does not relate to the proposed development which is a mixed-use development incorporating a class 3 residential component. As such, part (c) of condition 71 has been deleted.

Condition 135

Condition 135 of the draft conditions of consent read as follows:

*The applicant shall submit to the Principal Certifier and Council certification from a suitably qualified and experienced professional engineer, confirming that the walls of the basement have been fully tanked and waterproofed to prevent the entry of all groundwater in the basement level/s and that any required sub-soil drainage systems have been provided in accordance with the conditions of this consent. There must be no dry weather seepage/groundwater flows discharging to Council's street gutter or underground drainage system.*

The Applicant requested condition 135 be removed as the basement sits above the water table and out of ground water. After initial consultation with the Assessment Officer and Development Engineer who were not supportive of the deletion of the condition, the Applicant recommended an amendment to the condition to include the option for dish drain, hob and a dry wall where the room is habitable. Council's Development Engineer has advised that if the site is affected by groundwater a dish drain within a basement level compromising of habitable space (including the commercial area) would not be appropriate. The Engineer noted that the geotechnical report submitted with the DA was a desk top study and did not physically investigate the presence of groundwater, which was a major shortcoming, and therefore Council cannot be confident that the basement is above the water table. As such, it is recommended that the conditions require further geotechnical investigation and will only require tanking and waterproofing if the basement level is not affected by fluctuation in the water table. This is reasonable and consistent with how engineering has approached other applications of similar nature where groundwater may be encountered.

In view of the above, the draft conditions have been amended to require further geotechnical investigations to confirm whether groundwater Condition 135 has been amended accordingly to only require tanking and waterproofing of the basement walls should the proposed basement extend into the water table.

See section 2.4 of the report for detailed comments from Council's Development Engineer.

## **2.4 Council Officer Referrals**

The development application was referred to various Council officers for technical review as part of the original assessment. The amended proposal relates to parking and amendments to the distribution of the non-residential FSR only. As such, re-referral to Council's Development Engineer was required to assess the amended proposal. The revised Engineering comments in response to the amended plans are provided below:

An amended application has been received for partial demolition of existing structure and construction of a Part 3, Part 18 storey mixed use development over 1 level of basement comprising Retail, Commercial, and 286 Co-Living (Student Accommodation) rooms with associated indoor and outdoor communal space and landscaping (variation to building height).

This report is based on the following plans and documentation:

- Amended Architectural Plans by Batesmart Architecture stamped by Council 24<sup>th</sup> August 2023

### **General Comments**

The application is not supported by Development Engineering due to a lack of vehicle and motorbike parking however as it is understood the application is to be approved, conditions have been provided.

### **Site Consolidation Comments**

The site currently comprises of 6 lots being lot A & B in DP 394221 (No.287-291), Lots 11 & 12 in DP 716333 (No.283-285), Lot 3 in DP 129966 (No.281) & a strata scheme SP 52836 at 277-279. The strata scheme will obviously need to be terminated and the site consolidated. It is recommended the strata scheme be terminated and the 'Plan of Consolidation' registered prior to construction works commencing.

### **Flooding Comments**

The assessing officer is advised that the subject development site is located within the catchment for the recently revised Kensington/Centennial Park Flood Study which indicates the development site is located adjacent to a low point/overland flow path.

The study indicates flooding is restricted to the site frontage on Anzac Parade reaching a maximum level of RL 25.99 AHD for the 1% AEP (1 in 100yr) flood event with quite low flood depths (<100mm).

The submitted plans indicate the ground floor commercial will be constructed at RL 26.24 (grocer) and RL 26.50 (for the food/beverage) being above the 1% AEP flood level and is satisfactory. There are also no openings into the basement/lower ground levels which would create any concerns.



**Figure 1- Flood Levels & Depths 1% AEP (1 in 100yr) flood**

The proposed floor levels are acceptable from a flood management perspective however if amended plans are received the ground floor must not be lowered under RL 25.99 AHD.

## **PARKING COMMENTS**

### **VEHICLE PARKING**

Parking has been assessed in consideration of the following parking rates detailed in the SEPP (Housing) 2021 and Randwick Councils Kensington to Kingsford DCP.

### **SEPP (Housing) 2021 parking rates.**

The non-discretionary standards in the SEPP (Housing) 2021 state in regards to parking

- i) *if a relevant planning instrument does not specify a requirement for a lower number of parking spaces—at least the following number of parking spaces—*
  - i. *for development on land within an accessible area—0.2 parking spaces for each boarding room,*
  - ii. *otherwise—0.5 parking spaces for each boarding room,*
- (j) *if a relevant planning instrument specifies a requirement for a lower number of parking spaces—the lower number specified in the relevant planning instrument.*

The Kensington to Kingsford (K2K) DCP is applicable to this site which specifies the following parking rates in Sec 22 Part D of the K2K DCP.

### **Student Accommodation**

- zero parking

### **Retail**

- 1 space per 125m<sup>2</sup> (general retail)
- 1 space per 100m<sup>2</sup> (for café)

#### Parking demand - Student Accommodation

Under the K2K DCP no parking would be required for the 286 room student accommodation while under the SEPP (Housing) 2021 a minimum of 57 spaces (286/5) would be required due its location within an accessible area.

As the SEPP states in (j) that the lower rate in the planning instrument applies, no parking is therefore required for the residential component based on the provision it is for students only.

#### Parking Demand - Commercial/Retail

The commercial component comprises of;

<u>Use</u>	<u>Parking Required under K2K DCP</u>
783m <sup>2</sup> of food/beverage	7.8 (at 1 space per 100m <sup>2</sup> )
652m <sup>2</sup> commercial/office	5.3 spaces (at 1 spaces per 125m <sup>2</sup> )

**TOTAL VEHICLE PARKING REQUIRED = 13 spaces**

**TOTAL VEHICLE PARKING PROVIDED = 4 spaces**

**TOTAL VEHICLE PARKING SHORTFALL = 9 spaces (69%)**

The 69% parking shortfall is not supported as the site already receives generous discounts on parking due to its location within Kingsford Town centre and will likely result in significantly adding to already high parking pressures in the surrounding street network.

#### Disability Parking

One carspace has been dedicated for disability parking in accordance with AS 2890.6 This is appropriate given the total number of spaces is only 4.

#### MOTORBIKE & BICYCLE PARKING

Clause 69 (h) of the Housing SEPP 2021 being standards for Co-living Housing states;

*(h) The co-living housing will include adequate bicycle and motorcycle parking spaces*

Specific parking rates for bicycle and motorbike parking are not detailed in the SEPP (Housing) 2021, hence as a initial guide the motorbike and bicycle parking rates specified for boarding houses and commercial use in Section 21 Part D of the K2K are noted being;

#### For Boarding House/Student accommodation

- 1 motorcycle space per 5 rooms
- 1 bike space per 2 rooms

The above rate for motorbike parking is derived from the old SEPP Affordable Housing which is no longer in force & would result in a parking requirement of 57 motorbike spaces.

The application provides 4 motorbike spaces and 57 bicycle spaces for the 286 room student housing component.

*The bicycle parking is satisfactory however the significant motorbike parking shortfall is not supported and is likely to contribute to already high parking pressures in the surrounding street network.*

*For commercial component*

- 1 motorcycle space per 12 car parking spaces
- 1 bike space per 1000m<sup>2</sup>

The above rates would result in a parking requirement of 1 motorbike spaces and 2 bicycle spaces.

### **Geotechnical Comments**

A preliminary geo-technical report has been submitted by EI Australia dated Oct 21 that investigates the nature of the sub-surface conditions on the site. The study is in effect a desk top study and does not appear to have physically undertaken any borehole investigation, including noting the presence and monitoring of any ground water. A further geotechnical investigation shall therefore be required prior to CC to ensure the basement level is not affected by fluctuation in the water table. Should the site be affected by groundwater or fluctuations in the water table, conditions relating to the tanking of the basement level have been imposed.

### **Waste Management Comments**

The proposed development will be implementing a Localised Automated Waste Collection System (LAWCS) as required by the K2K DCP for the residential component. The essential elements are now in place for the LAWCS but will require further refinement prior to the issuing of a construction certificate. Appropriate conditions have been provided in this report.

The Waste Management Plan submitted with the application should not be approved as part of this development consent as it does not incorporate the LAWCS. A new Waste Management Plan (WMP) must be developed and implemented for the development, to the satisfaction of Council's Lead Specialist Strategic Waste.

## **3. CONCLUSION**

The Applicant has amended the proposal to address concerns raised by the Panel and has adequately addressed the reasons for deferral of the matter at the Panel meeting of 10 August 2023. It is considered that the outstanding key issues as outlined by the Panel in section 2 have been resolved satisfactorily through amendments to the proposal.

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in the original assessment report and this report. Following a thorough assessment of the relevant planning controls, issues raised in

submissions and the key issues identified in this report, it is considered that the application can be supported.

#### **4. RECOMMENDATION**

That the Development Application DA/477/2022 for the partial demolition of existing structure and construction of a Part 3 and Part 18 storey mixed use development over 1 level of basement comprising retail, commercial, and 285 Co-Living (Student Accommodation) rooms with associated indoor and outdoor communal space and landscaping (variation to building height) at 277-291 Anzac Parade, Kingsford be APPROVED pursuant to Section 4.16(1)(a) or (b) of the *Environmental Planning and Assessment Act 1979* subject to the draft conditions of consent attached to this report at **Attachment A**.

The following attachments are provided:

- **Attachment A:** Draft Conditions of consent
- **Attachment B:** Amended Architectural Plans