

Attachment D: Internal Referral Comments

1) Development Engineering

General Comments

No objections are raised to the proposal subject to the comments and conditions provided in this report.

Street Awning Comments

This report has been prepared on the basis that no awning encroaches into / above public land.

Public Pedestrian Link Comments

The Assessment Planning Officer is requested to include all necessary conditions to ensure legal public access along the required pedestrian link/s for this development site.

Plan of Consolidation Comments

The Assessment Planning Officer is requested to include all necessary conditions to ensure consolidation of the development site.

Drainage Comments

On site stormwater detention is required for this development.

The Planning Officer is advised that the submitted drainage plans should not be approved in conjunction with the DA, rather, the Development Engineer has included a number of conditions in this memo that relate to drainage design requirements. The applicant is required to submit detailed drainage plans to the Principal Certifier for approval prior to the issuing of a construction certificate.

The stormwater must be discharged (by gravity) directly into Council's underground drainage system located in Sturt Street or Bunnerong Road via a new and/or existing kerb inlet pit.

Parking Comments

The carparking proposed satisfies the relevant standards

Student accommodation – 0 spaces required;
Retails (1 space / 100m²) – 3 spaces required and 3 provided;
Church Worship Area (1 space / 20m²) – 20 required and 20 provided.

Bicycle parking complies (68 required at 1 per 10 rooms) and 68 provided.

Motorcycle parking – 15 are proposed and this is considered satisfactory based on other approvals for large scale student accommodation.

Waste Management Comments

The applicant is required to submit to Council and have approved by Council's Development Engineer Coordinator, an amended Waste Management Plan (WMP) detailing waste and recycling storage and disposal for the development site.

The plan shall detail the type and quantity of waste to be generated by the development; demolition waste; construction waste; materials to be re-used or recycled; facilities/procedures for the storage, collection recycling & disposal of waste and show how the on-going management of waste for the units will operate.

Service Authority Comments

Section 3 Part F5 of Council's DCP 2013 states;

- i) *All overhead service cables, including power lines, telecommunications cables and associated infrastructure on the development site and in the street/s immediately adjacent to the development are to be placed underground in accordance with the requirements of the relevant power supply authority, at the applicant's cost where:*
 - *the development comprises the erection of a new mixed use or medium density residential building containing 40 or more apartments or is a substantial non- residential development; and*
 - *there is at least one full span located immediately adjacent to the development, with no responsibility for other property connections.*
- ii) *If the applicant considers that the undergrounding of the power lines will not achieve the objectives set out in 1.1, the applicant must submit written and detailed justification with its DA documentation for consideration by Council.*

The subject **is** subject to this clause. A suitable condition has been included in this report.

2) Development Landscaping

Tree Management Comments

The site inspection of 20/11/25 (refer photos at D05938614 & D05938619) confirmed three semi-mature *Corymbia maculata* (Spotted Gums) along the Anzac Parade frontage, whose true dimensions have been reduced to around 5-6 m in height due to topping and valley pruning of their crowns by services authorities away from the overhead wires, but still appear in good health and condition and are automatically protected by Part B4 of the RDCP due to their location on public property.

They comprise one in front of no.399, towards the eastern side boundary, within a dedicated tree pit/square on the full width footpath, then one in front of no.399A, also towards its eastern site boundary, between the existing power pole and neighbouring driveway, then lastly, one in front of no.401-405, to the east of the power pole and adjacent the pedestrian entry to this complex.

Whilst none would be directly impacted by these works, even when considering the Public Domain Improvements that will need to be carried out in this same area; having been aware of similar developments in the past, a discussion was held with Council's Local Approvals Officer who confirmed that for such multi-level developments, Council automatically imposes the requirement for a B-Class Hoarding to be erected over public property for the duration of works to safe guard pedestrians from falling debris and similar, and would extend over and above the footpath, finishing 600mm from the kerb.

B-Class Hoardings are a rigid structure, that can also accommodate site sheds on top, which will likely occur in this case as the Basement Levels will extend right up to all site boundaries, preventing storage within the site until it is up to/above ground level, with the actual building then being between 10-14 Levels in height, meaning the hoarding would direct conflict with all three trees, so will need to be removed, by Council, wholly at the applicant's cost, prior to the commencement of works, with relevant costs and conditions imposed.

The provision of replacement street trees in this area will then be undertaken as part of the overall Public Domain Improvements, with a separate condition dealing with these components, and will result in a much higher quantity of public trees being provided upon completion of works than when compared to the current situation.

While there are no street trees on the Bunnerong Road verge, progressing around into Sturt Street, in front of no.4 there is from west to east, firstly, a mature *Agonis flexuosa* (Willow Myrtle) which is protected by the DCP and which has also been reduced due to topping and lopping of its crown away from the overhead wires, public footpath and roadway, and now displays a distinct canopy bias to the south.

Despite displaying good health, the Visual Tree Assessment revealed the fruiting body of *Phelinus* sp. on the southern side of its trunk at a height of around 3m above ground level (refer photos at D05938614), which is a wood decaying fungus that always results in the death of a tree, and is already an indication that its internal defences and structural integrity have declined to the point where there is now no prospects of recovery.

So while being an established element in the streetscape, this tree cannot remain in the public domain due to its imminent decline, irrespective of these works, and as the requirement for a B-Class Hoarding will also apply to this area, conditions require its removal and replacement, at the applicant's cost, and in the interests of transparency, the standard 'Loss of Amenity Fee' which is typically applied in these cases will not be imposed in recognition of its pre-existing infection/poor condition.

Immediately to its east is then a smaller, 4m x 4m *Callistemon viminalis* (Bottlebrush) which while being a desirable native species that is protected by the DCP, and in good health and condition, will also require removal due to conflicts with the B-Class Hoarding as described earlier, with relevant conditions provided.

There is no established vegetation within the front setbacks of all three existing properties in Anzac Parade, and as all levels and aspects of this new development will occupy this same area, conditions allow their removal.

This means that the majority of vegetation requiring assessment is limited to the central part of the development site, comprising firstly, a mature, 15m tall *Melaleuca quinquinervia* (Broad Leafed Paperbark) within 399A Anzac Parade, halfway along the length of its western side setback, which despite the past pruning of lateral limbs to avoid interference/provide a clearance away from existing buildings to both its east and west, still appears in good health and condition, and can be seen from both frontages.

However, this tree is in direct conflict with all levels and aspects of this proposal, with a re-design to accommodate its retention not possible given its central location, the setbacks/exclusions zones that would need to be applied and the resulting impact this would have on the layout of the whole proposal, with consent granted for its removal.

To its south, past the common boundary, in the rear setback of 21 Bunnerong Road, in its northwest corner is then a *Ficus rubiginosa* (Port Jackson Fig), which is in poor condition as it is emerging/suckering from a previously cut stump, with its central location and direct conflict with the footprint also meaning its retention is also not physically possible for the same reasons given above, so can also be removed.

Similarly, despite the row of mature, 6-8m tall screening Lilly Pilly's further to their east, within 401-405 Anzac Parade, across the width of its rear boundary performing an effective screening and privacy function, cannot remain due to their central location and direct conflict with all aspects and levels of the development.

Still within no.401-405, centrally across its rear boundary is the most established specimen assessed for this application, being a mature, 15m tall *Phoenix canariensis* (Canary Island Date Palm), which is a common, exotic species, and while being visually prominent, is not identified as a significant example of the species in anyway, and can actually pose a threat of invasion to native bushland as they can easily spread vegetatively, from either cutting or their fruits being dispersed by birds and other fauna.

While it is possible to transplant/relocate this species, this is only considered in exceptional situations, due to a combination the costs, scope of works and time frames involved with such a process, with this species also being susceptible to *Fusarium wilt*, which can be introduced from infected, tools, soil and similar, and always results in death, so relocation has not been formally required in this case, with consent reluctantly granted for its removal.

The various other shrubs/small trees throughout both the front and rear setbacks of 2 & 4 Sturt Street and 19 & 21 Bunnerong Road are all either small/insignificant, or, when involving larger specimens, are unfortunately in direct conflict with the new footprint, including the 10m tall *Livistona australis* (Cabbage

Palm) in the front setback of 21 Bunnerong Road, adjacent the southeast corner of the existing building, and the mature *Delonix regia* (Royal Poinciana) in the rear setback of 4 Sturt Street, against the western wall of the existing free-standing garage, with conditions also allowing their removal for the same reasons given above.

It is acknowledged that an Arborist Report would typically be submitted for a development of this scale, and is assumed it was not provided in this case due to the central location of the trees and a clear inability to re-design around them while still allowing a reasonable development of the site, especially given the allowances for site coverage and similar that are accommodated in the K2K DCP.

Landscape Comments

Detailed Landscape Plans have been submitted which show the required level of detail and treatment for a development of this size and scale, including 47 new canopy trees from the ground plane up to Level 9, along with lower decorative plantings, all the way up to Level 14, and while these will almost exclusively be provided on podium due to the extent of the Basement, the quantity of trees at this site will be drastically increased and the quality of private/common open spaces improved when compared to what is currently provided, with conditions requiring several minor amendments/additional information to ensure that the objectives of the controls are met.

Through Site Links will also be dedicated along both side boundaries, with the western side to complement the recently completed walkway provided by Scape Kingsford, with a temporary arrangement then proposed for the eastern side, where a trellis and climber/vine will be attached to the existing retaining wall on the common boundary, which will then be removed and dismantled once development works commence at 407 Anzac Parade, to provide a similar tandem arrangement that was described for Scape.

This development is subject to the K2K DCP controls, one of which requires 100% of the site area to be provided as 'Landscape Area', with the assessing officer confirming that revisions have resulted in an increase in the quantity to be delivered here, and while strict compliance has not been achieved, with approximately 93% proposed, it is still deemed to fulfill the intent of the controls, so can be supported.

3) Environmental Health

Amended Acoustic report

Mechanical Plant noise assessment: The applicant asserts that Road traffic noise at night is 10dB above the amenity noise level, while additional statements have been included in the text of the acoustic report there are no calculations shown that this is true for the night period i.e. that traffic noise was isolated/corrected for all other noise etc.

Updated advice provided to applicant 20/10/2025 *"Day and evening periods at this site are likely to be dominated by road traffic noise; however, this dominance typically diminishes at night, when mechanical services and intermittent sources can govern receiver exposure. This is consistent with local measurement experience and NPfI (2017) Fact Sheet E2. The final acoustic report should justify the final amenity/intrusiveness criteria for commercial plant and nominate the stricter of the two for design and compliance."*

Council maintains the position that the nighttime period is not dominated by traffic noise from local experience.

Council to condition compliance with the stricter of the amenity/intrusiveness noise levels from the NPfI (2017) and will prevail over the submitted acoustic report.

Mechanical plant and equipment noise emission assessment: A preliminary assessment has been undertaken in Section 6.13 of the acoustic report. It is noted that compliance with the NPfI amenity criteria (43dBA) is predicted during the night-time period, thereby reducing the concern previously raised regarding the appropriateness of the criteria.

Mechanically vented fresh air annotated in Table 17: Noted to be a significant proportion of habitable rooms but is a better environmental planning outcome than only recirculated mechanical air being provided to habitable rooms.

Retail noise emissions: combined capacity of 100 patrons, windows and doors will be closed at night (with the exception of ingress/egress). Façade glazing of R_w 32 (equivalent to 6.38mm laminated glass). Sound pressure level within each retail tenancy is assumed to be 75dB(A).

No amplified speakers for music within the outdoor areas ; Outdoor seating areas are not open for use at night (10pm to 7am); max capacity for outdoor dining is 30 seats for both retail tenancies.

The predicted noise emissions from the retail tenancies is using the NPfI and DCP+3dB criteria, entertainment noise such as patrons and music should comply with the L_{10} criteria. A standard noise condition will be included in the consent to compel compliance with the appropriate L_{10} criteria. This condition of consent will prevail over the acoustic report.

The NPfI is only suitable for plant noise assessment not entertainment type noise.

Community facility noise emission:

The community facility has a maximum capacity of 300 patrons Community facility operating hours will be from 7am to 10pm The average sound pressure level inside the community facility is 90dB(A), representative of a loud and crowded acoustic environment where speech communication is difficult, even with raised vocal effort Windows/doors of the community facility are closed when at maximum capacity or when used for activities of comparable loudness.

The community facility is enclosed by an operable façade and provides a minimum acoustic performance of R_w 32 when closed (achievable with typical 6.38mm laminated glazing systems).

Trickle vents minimum performance requirements $D_{n,e,w}$ 36: Examples of acoustically rated trickle vents that are capable of achieving the performance requirements above include Invisivent Air or Renson Sonovent.

Further to the above, during the detailed design of the development, all mechanical-services shafts shall be designed to satisfy acoustic requirements of the National Construction Code (NCC).

If a duct, soil, storm water, waste or water supply pipe, including a duct or pipe that is located in a wall or floor cavity, serves or passes through more than one sole-occupancy unit, the duct or pipe must be separated from the rooms of any sole-occupancy unit by construction with an $R_w + C_{tr}$ (airborne not less than):

- 40 if the adjacent room is a habitable room (and a kitchen); or
- 25 if the adjacent room is a non-habitable room / wet area

Contaminated Land

A site inspection, soil sampling from 12 boreholes and groundwater sampling from three monitoring wells. The AEC identified at the site included: fill material; hazardous building materials; fuel leaks from parking areas; off-site areas including neighbouring smash repairer (east), former dry cleaners (east), and former USTs on 17 Bunnerong Road (west).

Remediation of site:

- Asbestos management plan
- HAZMAT assessment
- Preparation of a RAP

JKE is of the opinion that the site can be made suitable for the proposed development outlined in Section 1.1, subject to preparation of an AMP and RAP.

Standard NSW EPA Site Auditor, RAP and validation conditions to be included in the consent.

Indoor air quality assessment

Quantitative verification through Computational Fluid Dynamics (CFD) modelling will be required to confirm dispersion performance under the final geometry and operational scenarios prior to release of any construction certificate.

The mechanical ventilation intake is positioned at a high elevation (level 9) and away from Anzac Parade.

A number of non-standard conditions have been included below.

Recommendation:

Should the application be approved, it is recommended that the following conditions be included in the consent.

4) Building Compliance

Comments:

Classification – Class 3 – Student accommodation
Class 6 – Retail (ground floor)
Class 7a – Basement 1 and ground
Class 7b – Storage (Basement 1)
Class 9b - Assembly building/Church and community hall

Rise of storeys – 14
Type A Construction.
Sprinklered throughout.

The following reports were received with the DA;

- a. BCA Capability Statement for DA, prepared by bm +G, dated 23 October 2025.
- b. Kingsford Junction Student Accommodation - DA letter, prepared by Engineering Lab NSW Pty Ltd (Fire engineer), dated 24 October June 2025.

An examination of the BCA Capability Report revealed the following;

- a. The proposed student accommodation is to be built with a combination of 'deemed to satisfy (DtS) and performance based solutions.
- b. The summary of Performance Solutions indicated 18 items to be dealt with as Performance Solutions (See Pages 18/22 to 19/22) involving, amongst other issues, FRLs to various building elements and travel distances.

An examination of the DA Letter from the fire engineer revealed the following;

- a. They have examined the architectural plans – Revision 2 dated 23 October 2025 and the BCA Report.
- b. Based on their review of the project drawings, the proposed development would be able to comply with the Performance Requirements of the Building Code of Australia without significant redesign to the current plans.

Recommendation:

Should the application be approved, it is recommended that the following conditions be included in the consent.