

Attachment B:**Part E6: Kensington and Kingsford Town Centres Development Control Plan 2020**

DCP Clause	Control	Proposal	Compliance (Yes/No/NA/Conditioned)
PART A			
2.	Urban Design and Place-Making		
2.1	Guiding Principals		
	<p>Development within the Kensington and Kingsford town centres must align with the following urban design and place making principles which are derived from the K2K Planning Strategy and community input:</p> <ul style="list-style-type: none">• Provide quality affordable housing to meet local housing needs, particularly for key workers, essential workers and students• Reinforce boulevard character along Anzac Parade by strengthening the built form edge and adding greenery• Achieve a dominant typology of diverse mid-rise, mixed-use buildings throughout the town centres• Provide taller, slender landmark buildings at identified strategic node sites in conjunction with the delivery of substantial public benefits established through a design excellence process• Protect the heritage significance of heritage items, contributory buildings and/or heritage conservation areas located within the town centres and adjoining areas• Give priority to people walking, cycling and using public transport• Achieve a sensitive transition in relation to recently constructed development and surrounding established lower scaled residential neighbourhoods• Create a positive street level environment through built form that allows solar amenity, permeability and maintains human scale	<p>The proposed development provides a mixed-use development comprising a combination of commercial, retail, and residential uses. The provision of strata-subdivided apartments of one, two and three bedrooms shall ensure a mixture of accommodation sizes. The proposed built form is largely consistent with the provisions of the Kensington and Kingsford DCP with particular regards to storey height and minor deviations from setbacks and laneway alignment fronting Anzac Parade. The proposal is not considered to detrimentally impact upon the heritage significance of adjoining contributory items subject to conditions. A supermarket will be provided as per the LEP incentives, along with affordable housing component of 6 apartments to be secured via consent conditions for the negotiation of a planning agreement.</p>	Complies.

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	<ul style="list-style-type: none"> • Ensure that new infill development respects the fine-grain character of contributory buildings • Establish building setback controls which provide for the creation of wider footpaths and street tree planting • Achieve urban design, place and architectural excellence, including best practice environmental design • Provide active street frontages throughout the town centres • Encourage precinct-scale benefits across all node sites that contributes to the unique character of each town centre; and • Achieve innovative place-led solutions for local hydrology and resilience. 		
3.	Desired Future Character		
4.	Design Excellence		
	<p>(a) All new development involving the construction of a new building or external alterations to an existing building is to meet the requirements of Clause 6.11 of the RLEP 2012 relating to design excellence Buildings are to be designed to achieve at least 5-star green star performance as a component for achieving design excellence on strategic node sites</p> <p>(b) DAs involving the construction of a new building on the following strategic node sites are subject to an architectural design competition in accordance with Clause 6.21 of RLEP 2012:</p> <ul style="list-style-type: none"> • Todman Square Precinct • Kingsford Midtown Precinct • Kingsford Junction Precinct <p>(c) Prior to lodgement of DAs for strategic node sites, the architectural design competition process is to be undertaken in accordance with Council's "Architectural Competition Policy" adopted 10 December 2019</p>	<p>The application was referred to Council's Design Excellence Advisory Panel who raised concerns with the proposal, which have been addressed through plan amendments and consent conditions.</p> <p><i>See Key Issues for further comment.</i></p>	Acceptable.

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	<p>(d) For DAs at strategic node sites that successfully demonstrate design excellence, the consent authority may consider the following:</p> <ul style="list-style-type: none"> (i) additional building height and FSR in accordance with the RLEP 2012 Additional Heights and Additional FSR maps; and (ii) exclusion of social infrastructure floor space provided on the site from the total gross floor area calculation, subject to the social infrastructure floor space being dedicated to Council. 		
5.	Floor Space Ratio		
	<p>(a) The maximum FSR that can be achieved on a site is shown on the RLEP 2012 FSR Map. An alternative FSR is applicable in accordance with the RLEP 2012 Alternative FSR Map where the proponent makes an offer to enter into a VPA for either a monetary contribution or the delivery of Community Infrastructure in accordance with the Community Infrastructure Contributions Plan (see Part D for details on Community Infrastructure Contribution)</p> <p>(b) In relation to the Kensington Town centre where an existing FSR Map does not apply, the Alternative FSR Map is applicable for the purposes of calculating the Community Infrastructure contribution referred to in clause (a) for any floor space above the existing height maximum control shown on the RLEP 2012 Height Map</p> <p>(c) A minimum non-residential FSR of 1:1 is to be provided at each strategic node site within the Todman Square, Kingsford Midtown and Kingsford Junction Precincts, in accordance with Clause 4.4 of the RLEP 2012</p> <p>(d) Non-residential floor space must be designed to be accessible, useable and functional for the purposes of</p>	<p>A letter of offer to enter into a VPA for the purpose of community infrastructure has been submitted.</p> <p>Subject to the alternative FSR provisions, the site benefits from a FSR of 4:1 along the Anzac Parade land parcels.</p> <p>The proposed development shall have a maximum FSR of 3.8:1.</p> <p>Non-residential FSR is not applicable to the subject site.</p>	Complies.

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	commercial, business, entertainment and retail activities and the like		
6.	Built Form		
	<p>Lot Amalgamation</p> <p>(a) A minimum street frontage of 20m is to be provided for each development site along Anzac Parade and Gardeners Road</p> <p>(b) When development/redevelopment/amalgamation is proposed, sites between and adjacent to developable properties are not to be limited in their future development potential</p> <p>(c) Where a development proposal results in an isolated site, the applicant must demonstrate that negotiations between the owners of the lots have commenced prior to the lodgement of the DA to avoid the creation of an isolated site. The following information is to be included with the DA:</p> <ul style="list-style-type: none"> (i) evidence of written offer (s) made to the owner of the isolated site* and any responses received (ii) schematic diagrams demonstrating how the isolated site is capable of being redeveloped in accordance with relevant provisions of the RLEP 2012 and this DCP to achieve an appropriate urban form for the location, and an acceptable level of amenity (iii) schematic diagrams showing how the isolated site could potentially be integrated into the development site in the future in accordance with relevant provisions of the RLEP 2012 and this DCP to achieve a coherent built form outcome for the block. <p>(d) Where lot consolidation cannot be achieved to comply with the maximum envelopes in the block diagrams, alternative designs may be considered where the proposal exhibits design excellence and can demonstrate</p>	<p>The site frontage shall be approximately 110m at the Anzac Parade street frontage and 90m to Boronia Street.</p> <p>The site to the north of the subject site is identified as a part of the Block 24 site which contains a specific building envelope anticipated for the site which does not involve the amalgamation of the subject site.</p> <p>The sites located to the south form are lower density dwellings that do not form a part of the K2K DCP, with predominantly compliant setbacks provided along this interface of the site.</p> <p>The applicant has also submitted documentation relating to the valuations and offers made to acquire 103A Anzac Parade, which were rejected by the property owners representation.</p>	Complies.

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	consistency with the relevant objectives of the block controls (Part B).		
	<p>Building Heights</p> <p>(a) The maximum height that can be achieved on a site is shown on the RLEP 2012 Height Map. An alternative maximum height is applicable in accordance with the RLEP 2012 Alternative Height Map where the proponent makes an offer to enter into a VPA for either a monetary contribution or the delivery of Community Infrastructure in accordance with the Community Infrastructure Contributions Plan. (see Part D for details on Community Infrastructure Contribution)</p> <p>(b) The maximum number of storeys on a site is to comply with the following:</p> <ul style="list-style-type: none"> i) on sites with a maximum of 16m – 4 storeys ii) on sites with a maximum of 19m – 5 storeys iii) on sites with a maximum of 31m – 9 storeys iv) on sites with a maximum 57m – 17 storeys v) on sites with a maximum 60m – 18 storeys 	<p>A Letter of Offer has been submitted to enter into a VPA for the provision of Community Infrastructure in accordance with the CIC Plan. As such, the site is subject to an alternative building height up to a maximum of 31m.</p> <p>The proposed development shall have a maximum height of 36.1m which relates to lift overrun. Roof top structures in the form of the plant screening and access stair also breach the maximum 31m height limit. However, the variation predominantly relates to the roof top structures only, with the proposed development a maximum of four (4) to nine (9) storeys in accordance with the control.</p>	<p>Does not comply.</p> <p><i>See Key Issues and Clause 4.6 for further discussion.</i></p>
	<p>Street Walls</p> <p>(a) Buildings must be designed with a street wall height of 4 storeys</p> <p>(b) On sites with contributory buildings, the consent authority may consider a variation to the four-storey street wall height requirement of between 2 and 6 storeys if the design:</p> <ul style="list-style-type: none"> (i) results in an improvement to the contributory building in accordance with established heritage principles to avoid facadism (ii) meets the objectives of this clause and exhibits design excellence (iii) retains contributory or heritage elements; and 	<p>The proposed development shall have a street wall of four (4) and storeys to Anzac Parade and Boronia Street, with a partial breach of five (5) storeys resulting from the sloped site topography along Boronia Street. However, the variation in street wall height is considered appropriate, given an increased setback has been provided to the southern boundary, no additional amenity impacts are attributed to the breach</p>	<p>Acceptable.</p> <p><i>See Key Issues and for further discussion.</i></p>

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	<p>(iv) provides a transition to neighbouring sites.</p> <p>Note 1: Street wall height can be established via podiums, datum lines or other design elements.</p> <p>Note 2: See Part A Section 9 for further requirements for heritage items and contributory buildings.</p>	and the proposal will continue to present as a four (4) storey development from the streetscape perspective.	
	<p>Building Setbacks</p> <p>(a) DAs are to comply with the minimum ground floor and upper level setbacks illustrated in the relevant block diagrams in Part B</p> <p>(b) Development that results in an exposed party wall on an adjoining building is to incorporate architectural or vertical landscape treatment to improve visual amenity</p>	The proposal is considered to be largely consistent with the required setbacks under Block 24 in Part B, with a minor variation to the minimum setback to street frontage and the northern / southern boundary interface to provide building modulation.	<p>Acceptable.</p> <p>See Key Issues and for further discussion.</p>
	<p>Building Depth</p> <p>(a) The residential component of development fronting Anzac Parade and Gardeners Road is to have a maximum building depth of 22m including balconies.</p> <p>Note 1: Building depth refers to the dimension measured from the front to the back of a building's floorplate. It has a significant influence on building circulation and configuration and impacts upon internal residential amenity such as access to light and air. For residential development, narrower building depths generally have a greater potential to achieve optimal natural ventilation and solar access than deeper floor plates.</p>	The maximum depth of the building shall be 20-21m for the tower envelope above the First-Floor level.	Complies.
7.	Through Site Links/Mid-Block Connections		
	<p>(a) Through site links and mid-block connections are to be provided in accordance with the relevant block diagram in Part B</p> <p>(b) Where new site links or variations are proposed, the consent authority is to consider the need for and desirability of the links or connections having regard to the objectives of this section</p>	A pedestrian through-site link is provided to the north of the site, along with a mid-block east west connection. It is noted that the alignment of these connections has deviated in response to the LEP amendment, the need to	<p>Acceptable.</p> <p>Refer to Key Issues Assessment.</p>

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	<p>(c) Through site links and mid-block connections are to have an easement for public access on title or covenant on title unless identified for dedication to Council</p> <p>(d) Through-site links/ mid-block links are to be designed to:</p> <ul style="list-style-type: none"> (i) have a minimum width of 6m, and a clear height of at least 6m (ii) be direct and publicly accessible 24 hours a day (iii) allow visibility along the length of the link and be open to the sky as much as is practicable (iv) be easily identified by users and have a public character (v) include signage advising of the publicly accessible status of the link and the places to which it connects (vi) be clearly distinguished from vehicle accessways (vii) align with breaks between buildings so that views are extended and there is less sense of enclosure (viii) provide active edges and opportunities for natural surveillance (ix) include materials and finishes (paving materials, tree planting, furniture etc.) integrated with adjoining streets and public spaces and be graffiti and vandalism resistant (x) ensure no structures (for example, electricity substations, carpark exhaust vents, swimming pools etc) are constructed in the through-site link; and (xi) include landscaping to assist in guiding people along the link while enabling long sightlines. <p>(e) Through-site links are only to pass through or under a building where:</p> <ul style="list-style-type: none"> (i) the building's height is greater than 3 storeys; and (ii) the maximum distance of the link under any structure is 18m 	<p>accommodate a supermarket floor plate and the site topography. However, the proposed configuration will continue to satisfy the intended outcome for site permeability within the site.</p>	

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8.	Laneway/Shared Way Zoned		
	<p>(a) Laneways and shared zones are to be provided in accordance with the relevant block diagram (see Part B)</p> <p>(b) Laneways are to be a minimum of 6 metres wide (for larger developments, a carriageway width greater than 6 metres may be required) and shall provide landscaping, lighting and high quality materials and finishes and opportunities for art to enhance the pedestrian environment</p> <p>(c) Buildings that front lanes shall be articulated to create visual interest and shall incorporate passive surveillance by orienting windows and balconies onto the lane</p> <p>(d) Ground floor uses fronting lanes shall incorporate openings onto the lane so as to contribute to the enjoyment and activation of the lane including outdoor dining</p> <p>(e) Applicants are to negotiate Rights of carriageway with adjoining property owners where required for access.</p>	<p>9m wide laneway provided to southern boundary in accordance with Block 24 control in excess of the 6m minimum requirement.</p>	Complies.
9.	Heritage Conservation		
	<p><u>New development adjacent to heritage items and contributory buildings:</u></p> <p>(a) Development adjacent to heritage items and contributory buildings (infill development) should:</p> <p>(i) Be designed to respect the historic scale, proportions and articulation of adjacent contributory built forms, including heights, solid to void ratios and alignments of street awnings</p> <p>(ii) Incorporate podiums and framed overlays that reference the principle influence line of historic streetscapes, and are cohesive with the established street frontage</p> <p>(iii) Be designed to incorporate setbacks which retain the profile and massing of exposed side elevations to retained contributory built forms</p>	<p>The subject site is located adjacent to a contributory item located on the eastern side of Anzac Parade at 103A Anzac Parade.</p> <p>The application was referred to Council's Heritage Planner who raised no objection to the proposed development subject to recommended conditions of consent. See Assessment report and further attachment for detailed comments.</p>	Complies.

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	<p>(iv) Ensure new street elevations maintain the vertical articulation and segmented character if historic building groups which provide variety to the streetscape and sense of human scale, and avoid unrelated horizontally emphasised articulation</p> <p>(v) Provide contemporary new signage that compliments the character of the contributory buildings and</p> <p>(vi) Ensure that new finishes to side elevations should not detract from street front detailing and finishes.</p> <p>(b) Development should maintain and reinstate the emphasis of street corners and cross routes through reinforcement of historic height lines remaining at, and adjacent to intersections.</p>		
PART B			
10.	Block Controls		
10.3	Block by Block Controls – Other Sites		
	<p>(a) Development must be consistent with the relevant block envelope controls including heights, setbacks, street walls, mid-block links and laneways</p> <p>(b) Built form within 'Flexible Zones' is to be designed to comply with the maximum building height in the RLEP 2012, objectives of this clause and the requirements of the ADG to achieve transition to adjoining lower scale development.</p>	<p>The subject site is identified as being within Block 24 of the Block controls. The proposed development provides variations to the building envelope stipulated in Block 24 due to the exclusion of the three (3) sites to the north, and minor variation to street and southern boundary interfaces. However, the proposed built form is considered to be an appropriate response to the site and is largely consistent with the building envelope specified.</p>	<p>Acceptable.</p> <p><i>See Key Issues and for further discussion.</i></p>
PART C			
11.	Housing Mix		

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	<p>(a) Development is to comprise a mix of apartment types, where gardens, adaptability and accessibility are more easily achievable for elderly people, families with children, or people living with disabilities</p> <p>(b) At least 20% of the total number of dwellings (to the nearest whole number of dwellings) within a development are to be self-contained studio dwellings or one-bedroom dwellings, or both</p> <p>(c) At least 20% of the total number of dwellings (to the nearest whole number of dwellings) within a development are to be 3 or more-bedroom dwellings and</p> <p>(d) Family friendly apartments of 3 bedrooms or more are to be located on the lower four floors of the building.</p>	<p>The proposed development incorporates the following apartment mix:</p> <ul style="list-style-type: none">• 41 x 1 Bed (21%);• 122 x 2 Bed (62%);• 32 x 3 Bed (16%). <p>The proposed allocation has generally satisfied the dwelling mix composition of the DCP, with only a minor deficiency to the 3-bed component.</p> <p>Due to the nature of the mixed use of the development, limited courtyard apartments are provided and therefore the 3 bedroom apartments have been allocated across all levels of the development including lower levels.</p>	Acceptable.						
12.	Floor to Ceiling Heights								
	<p>(a) Minimum floor to ceiling heights are to be provided for all development in accordance with the following requirements:</p> <table><tr><th>Ground Floor</th><th>First Floor</th><th>Upper Floors</th></tr><tr><td>3.5m</td><td>3.3m</td><td>2.7m</td></tr></table>	Ground Floor	First Floor	Upper Floors	3.5m	3.3m	2.7m	<p>The retail component at the Ground Floor level provides 5m internal ceiling heights. The First Floor level, while comprising residential provides a floor-to-floor height of 3.7m which will allow flexibility for future use should it be required.</p> <p>Levels 02 to 09 provides floor-to-floor heights of 3.15m which shall accommodate internal ceiling heights of 2.7m.</p>	Complies.
Ground Floor	First Floor	Upper Floors							
3.5m	3.3m	2.7m							
13.	Solar and Daylight Access								
	<p>(a) Solar access is to be provided in accordance with the recommendations of PART 4 of the Apartment Design Guide (ADG)</p>	<p>The proposed development shall receive solar access in accordance with the minimum requirements</p>	Complies.						

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	<p>(b) Buildings must ensure that areas of private or public open space are oriented to achieve the recommended level of solar amenity as per the ADG</p> <p>(c) In relation to student accommodation or boarding house proposals:</p> <ul style="list-style-type: none"> (i) the design is to ensure that at least 60% of rooms achieve solar access during mid-winter for sites that have a north-south orientation (ii) common spaces such as lounge rooms or communal study areas are designed with a northerly aspect where possible (iii) atriums or slots in the façade are to be considered to maximise solar access to rooms. 	<p>under the ADG, with 73% of the apartments achieving a minimum of 2 hours of direct solar access in midwinter.</p>	
14.	Acoustic Privacy		
	<p><u>Residential uses</u></p> <p>(a) All new development is to be constructed to achieve the following acoustic amenity criteria for the residential component of the building in accordance with Australian Standard AS2107:2016 based on an acoustic report specified in clauses d) and k). For the purposes of this clause, the residential component includes dwellings situated within shop top housing, mixed use buildings, or occupancies in student housing, boarding houses, serviced apartments, hotel and motel accommodation.</p> <p>(b) In naturally ventilated spaces for the residential component, the repeatable maximum Leq (1hour) should not exceed: i) 35 dB(A) between 10.00 pm and 7.00 am in sleeping areas when the windows are closed; ii) 40 dB(A) in sleeping areas when windows are open (24 hours); iii) 45 dB(A) in living areas (24 hours) when the windows are closed, and iv) 50 dB(A) in living areas (24 hours) when the windows are open.</p> <p>(c) Where natural ventilation cannot achieve the limits listed in clause b) the development is to include</p>	<p>The application was referred to Council's Environmental Health Officer who has provided a series of recommended conditions to ensure that the acoustic requirements of the development are achieved.</p> <p>The acoustic environment was also reviewed by the RMS, who did not raise concern in relation to the proposal subject to recommended conditions.</p> <p>It is noted that the interface with the loading dock access along the southern boundary was reviewed and supported, subject to conditions including a time restriction on operations.</p>	Complies, subject to condition.

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	<p>mechanical ventilation, air conditioning or other complying means of ventilation (in accordance with the ventilation requirements of the Building Code of Australia and Australian Standard AS 1668.2-2012), when doors and windows are shut. In such circumstances the repeatable maximum Leq (1hour) with the alternative ventilation operating should not exceed:</p> <ul style="list-style-type: none"> (i) 38 dB(A) between 10.00 pm and 7.00 am in sleeping areas; (ii) 46 dB(A) in living areas (24 hours); (iii) (45 dB(A) in sleeping areas between 7.00 am and 10.00 pm. <p>(d) Notwithstanding the general noise criteria for environmental noise set out in clauses b) and c) for habitable rooms in the residential component of the proposed development is to incorporate noise control measures to ensure the standard LA10 Condition imposed by Liquor & Gaming NSW is satisfied inside those occupied spaces with doors and windows closed and the alternative ventilation is operating as follows:</p> <ul style="list-style-type: none"> (i) The cumulative LA10* from licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5 Hz – 8 kHz inclusive) by more than 5 dB between 7am and midnight. (ii) The cumulative LA10* from licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5 Hz – 8 kHz inclusive) between midnight and 7am. (iii) The noise from licensed premises shall be inaudible in any habitable room of any residential premises between the hours of midnight and 7am (iv) For this clause, the LA10* can be taken as the average maximum deflection of the noise 		

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	<p>level emitted from the licensed premises.</p> <p>(e) For the purpose of acoustic assessment with respect to clauses a), b) c) and d) the assessment must identify the noise environment for the site as a result of the existing situation (including any business operations that include outdoor areas for use by patrons, and/or the provision of music entertainment) and noise generated by commercial premises within the mixed use building (this may involve consideration of potential uses if the commercial use is unknown at the time of the application for the mixed-use building).</p> <p>(f) All development is to be designed to minimise noise transition between apartments by adopting general noise concepts of:</p> <ul style="list-style-type: none"> (i) locating busy, noisy areas next to each other and quieter areas next to other quiet areas, for example, living rooms next to living rooms, bedrooms with bedrooms (ii) locating bedrooms away from busy roads and other existing or potential noise sources (iii) using storage or circulation zones within the apartment to buffer noise from adjacent apartments, mechanical services or corridors and lobby areas; and (iv) minimising the amount of party (shared) walls with other apartments. <p>(g) Noise transmission is to be reduced from common corridors by providing seals at entry doors</p> <p>(h) Conflicts between noise, outlook and views are to be resolved using design measures such as double glazing, operable screening and ventilation taking into account noise targets for habitable rooms as identified in clauses b) c) and d) above are assessed inside the rooms with doors</p>		

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	<p>and windows closed and ventilation operating.</p> <p>(i) The design of the building is to address the requirements of clause d) with respect to noise from licensed premises and noise/vibration from mechanical plant and ventilation ducts associated with plant and equipment (including kitchen exhausts) serving the commercial spaces.</p> <p>(j) The design of new buildings or substantial alterations to existing buildings are to take into account the following noise conditions that would apply to each commercial tenancy in the development:</p> <p>(i) Noise from commercial plant and the use of the premises when assessed as in LAeq, 15 minute must not exceed the LA90, 15 minute background noise level by more the 3dB when assessed inside any habitable room of any affected residence or noise sensitive commercial premises when in use.</p> <p>(ii) Noise from the provision of entertainment and patron noise when assessed as an LA10* enters any residential use through and internal to internal transmission path is not to exceed the existing internal LA90, 15 minute level in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) when assessed within a habitable room at any affected residential use within the mixed use development between the hours of 7am and midnight, and is to be inaudible between midnight and 7am.</p> <p>(iii) For any gymnasiums or similar facilities in mixed use development the above noise conditions would apply noting that the noise limits include the creation of noise as a result of any vibration induced into the</p>		

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	<p>building structure is to be inaudible in any residence between the hours of 10pm and 7am the following day.</p> <p>(iv) The noise limits in this clause applies with doors and windows closed and mechanical ventilation operating.</p> <p>(k) A noise and vibration assessment report, prepared by an appropriately qualified acoustical consultant/engineer, is to be submitted with DAs for new buildings or substantial alterations to existing buildings that include residential units or occupancies in student housing, boarding houses, serviced apartments, hotel and motel accommodation and any other sensitive land uses, addressing appropriate measures to minimise potential future noise and vibration impacts permissible in the B2 Local Centre Zone including amplified music associated with restaurants, small bars and cafes, noise from light rail movements. This assessment is to:</p> <p>(i) be prepared having regard to the NSW Environmental Protection Authority's Noise Policy for Industry, the DECC (EPA) Assessing Vibration, a Technical Guideline, and relevant Australian Standards pertaining to noise measurements and the noise conditions identified above</p> <p>(ii) incorporate an assessment of external noise sources and internal noise sources (such as mechanical ventilation) with respect to the criteria specified in b), c) and d); and</p> <p>(iii) detail the design measures needed to achieve the required internal acoustic amenity specified in b), c) and d).</p> <p><i>Note: The noise and vibration assessment report prepared at the DA stage will identify a noise design base for the entire mixed use building and would become the benchmark for subsequent assessments</i></p>		

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	<p><i>of the entire mixed use building (or existing buildings subject to substantial alterations) and would become the benchmark for subsequent acoustic assessments. Any individual Das for commercial occupation within the mixed-use building or the altered existing building for an accompanying acoustic assessment is required to rely on the acoustic benchmark described above.</i></p> <p>(iv) To maintain the intent of the acoustic objectives, prior to the issue of a Construction Certificate or an Occupation Certificate, a certificate of acoustic compliance confirming compliance with the specified noise limits referred to above and the noise design base for the mixed use building or alterations to existing buildings is to be submitted to Council.</p>		
	<p><u>Commercial Uses</u></p> <p>(l) The assessment for consideration of the future development within the town centre is to also consider an external noise external target of 70 dB(A) for general noise and an L10* level of 80 dB(A)/ 88 dB(C) when assessed at 1 metre from the future development, noting that future venues where entertainment is to be provided will be subject to the standard LA10 Condition in relation to the operation of those premises.</p> <p>(m) The site and building layout for new development in the town centre is to maximise acoustic privacy by providing adequate building separation within the development and from neighbouring buildings (refer 3.1.6: Building Separation).</p> <p><i>Note 1: The noise and vibration report prepared at the DA stage will identify a noise design base for the entire mixed use building and would become the benchmark for subsequent acoustic assessments of that building.</i></p>	<p>As above, the application was referred to Council's Environmental Health Officer who has imposed a series of conditions to ensure compliance with the relevant noise criteria.</p>	<p>Complies.</p>

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	<i>Note 2: To maintain the intent of the acoustic objectives prior to the issue of a Construction Certificate or an Occupation Certificate there will be a requirement for a certificate of acoustic compliance confirming compliance with the specified noise limits referred to above and the noise design base for the mixed use building.</i>		
15.	Natural Ventilation		
	<p>(a) All buildings are to be designed to comply with the Apartment Design Guide (SEPP 65) to maximise opportunities for natural ventilation and sunlight by providing a combination of:</p> <ul style="list-style-type: none"> - corner apartments - dual aspect apartments - - shallow, single-aspect apartments - openable windows and doors - other ventilation devices <p>(b) Window placement, size, glazing selection and orientation are to maximise opportunities for cross ventilation, taking advantage of prevailing breezes;</p> <p>(c) Internal corridors, lobbies, communal circulation spaces and communal areas shall incorporate adequate natural ventilation;</p> <p>(d) Basements levels including spaces used for storage, garbage areas or commercial activities, are to be designed to include natural ventilation;</p> <p>(e) Apartment depth is to be limited to maximise the opportunity for cross ventilation and airflow.</p>	The proposal shall comply with the relevant provision of the ADG, with 61% of the apartments cross-ventilated.	Complies.
16.	Articulation and Modulation		
	<p>(a) All buildings are to provide articulation by incorporating a variety of window openings, balcony types, balustrades, fins, blade walls, parapets, sun-shade devices and louvres to add visual depth to the façade;</p> <p>(b) The design of buildings are to avoid large areas of blank walls. Where blank walls are unavoidable, they must be treated and articulated to achieve</p>	The proposed building facades are considered to be sufficiently articulated by a combination of recessed and protruding elements, a variety of window types, the use of balconies, and architectural framing.	Complies.

DCP Clause	Control	Proposal	Compliance (Yes/No/NA/Conditioned)
	<p>an appropriate presentation to the public domain;</p> <p>(c) Ground floor shopfronts must demonstrate 'fine grained' articulation by dividing the façade into discreet bays or sections;</p> <p>(d) Entries to business premises should be clearly defined and distinguished from entries to residential components;</p> <p>(e) Specific architectural response to articulation and modulation is to be provided at key node sites through the architectural competition process;</p> <p>(f) Building articulation should be sympathetic and complementary to the adjoining built form;</p> <p>(g) Corner buildings are to be expressed by giving visual prominence to parts of the façade (eg a change in building articulation, material or colour, roof expression or increased height). Corner buildings should be designed to add variety and interest to the street and present each frontage as a main street.</p>		
17.	Materials and Finishes		
	<p>(a) External walls are to be constructed of high quality and durable materials and finishes. Materials that may be subject to corrosion, susceptible to degradation or high maintenance costs are to be avoided;</p> <p>(b) Architectural treatment of street facades is to clearly define a base, middle and top sections of a building so as to divide the mass of the building;</p> <p>(c) A combination of finishes, colours and materials are to be used to articulate building facades;</p> <p>(d) Design windows that can be cleaned from inside the building; and</p> <p>(e) For sites adjoining heritage and contributory buildings, materials and finishes are to allow for their clear interpretation.</p>	<p>The proposed development provides a variety of materials and finishes to articulate the building facades. No concerns were raised by Council's Design Excellence Advisory Panel in relation to materiality, noting the amendments made to respond to their feedback during the assessment.</p>	Complies.
18.	Awnings		
	<p>(a) Continuous pedestrian shelter must be provided to Anzac Parade, Gardeners Road and secondary streets by</p>	<p>An 3m awning shall be provided along the</p>	Complies.

DCP Clause	Control	Proposal	Compliance (Yes/No/NA/Conditioned)
	<p>elements including awnings, posted verandas, colonnades or cantilevered building mass</p> <p>(b) The design of new awnings should complement the design of adjoining awnings and complement the building façade</p> <p>(c) Awnings are to be carefully located and set back to avoid obstructing vehicle sightlines, traffic signals, intersections, pedestrian crossings and other critical road infrastructure.</p> <p>(d) Awnings should wrap around corners where a building is sited on a street corner</p> <p>(e) Awning dimensions for buildings fronting Anzac Parade, secondary streets off Anzac Parade, and Gardeners Road are to provide:</p> <ul style="list-style-type: none"> - a minimum width of 3m - a minimum soffit height of 3.5m and no higher than 4.2m above the footpath - a minimum 1 metre setback from the kerb - a low profile, with slim vertical facias or eaves, generally not exceeding 300mm <p>(f) In relation to laneways, awnings: - must be well designed to provide shelter for entrances and should relate to the ground floor building uses such as outdoor dining; - are to be cantilevered with no posts (with a retractable arm); - must allow for a minimum 1.8m path of travel along the building edge.</p>	<p>frontage of Anzac Parade and within the through site link. The awning design allows for the planting of street trees and has incorporated a planter / landscaping element above.</p> <p>The awning shall not be higher than 4.2m above the footpath and shall be low profile.</p>	
19.	Active Street Frontages		
	<p>(a) Required active frontages are to be provided in accordance with RLEP 2012 (Clause 6.20) Active frontages Map</p> <p>(b) Preferred active frontages are to be provided in accordance with Part B – Block Controls of this DCP c)</p> <p>(c) A minimum of 80% of the street frontage on Anzac Parade is to incorporate transparent glazing on the ground floor façade</p>	<p>The proposed development provides an active street frontage along Anzac Parade and to the through site link as required by the control. The Ground Floor level of the development fronting Anzac Parade shall be fully glazed for the retail and supermarket portion of the premises.</p>	Acceptable.

DCP Clause	Control	Proposal	Compliance (Yes/No/NA/Conditioned)
	<p>(d) The ground floor is to maximise entries or display windows and provide at least 1 pedestrian opening per 5m of facade on Anzac Parade or secondary streets and wrapping shopfronts around corners</p> <p>(e) The ground floor of uses fronting lane ways must provide a continuous retail frontage with at least 1 pedestrian entry or door per 10m of façade</p> <p>(f) The ground floor of uses fronting mid-block links/arcades must provide at least one 1 pedestrian entry or door per 15m of façade</p> <p>(g) A minimum of 50% of a blank wall (larger than 10m²) visible from the public domain must incorporate greenery and/or public art</p> <p>(h) Entrances to internally oriented shopping or commercial arcades and the arcades themselves, must be a minimum of 6m wide</p> <p>(i) Solid non-transparent roller shutters are discouraged. Where security grills or screens are required, they are to be installed at least 1m behind the glazing line and of lattice design with an openness to allow viewing of the interior and internal lighting to spill onto the footpath</p> <p>(j) Incorporate outdoor dining wherever possible in accordance with Part D12, Footpath Dining and Trading of DCP 2013.</p>	<p>Entrances to retail units are provided along the frontage, along with pedestrian access to residential lobbies across the entirety of this frontage.</p> <p>The southern façade provides a blank wall visible from the public domain and a condition of consent is recommended for a minimum of 50% of the wall to incorporate greenery or public art.</p> <p>Windows are provided along the northern boundary interface with the future redevelopment site.</p> <p>The design of the development has incorporated a future northern pedestrian connection point at the end of the retail arcade, which can be utilised at a later date when access becomes available to Balfour Lane</p>	
20.	Landscape Area		
	<p>(a) The total landscaped area to be provided on a site is to be at least 100% of the total site area, spread throughout the site and building as shown in Figure 16.</p> <p>(b) Landscaped open space requirements of Chapter C2 (Medium Density Residential) do not apply to land within the Kingsford and Kensington Town Centres other than clauses 2.2.2 and 2.3 relating to deep soil areas and private and communal open space.</p> <p>(c) Landscaping must be suitable to the building orientation aspect, wind and other relevant environmental factors.</p>	<p>The proposed development provides a total landscape area of 70.8% of the site, which was significantly increased from the original scheme and is spread across all levels of the development.</p> <p>It is noted that minimal deep soil areas have been afforded along the southern boundary, due to the need to facilitate</p>	Acceptable.

DCP Clause	Control	Proposal	Compliance (Yes/No/NA/Conditioned)
	<p>(d) A minimum of 40% of the total gross landscaped area including communal open space is to include areas with sufficient soil depth and structure to accommodate mature trees and planting. A combination of trees, shrubs and ground cover is encouraged to make the landscaping more attractive and long lasting.</p> <p>(e) A minimum of 25% of the ground plane and share-ways are to be landscaped sufficient in size and dimensions to accommodate trees and significant planting.</p> <p>(f) Green walls can only contribute up to 20% of the total gross landscaped area and will be assessed on the merits of the proposal in terms of quality of green infrastructure and verification from a qualified landscape architect.</p> <p>(g) Roof tops can only contribute up to 30% of the total gross landscape area and the area is to be designed to maximise visibility of planting from the public domain. Rooftops may include communal food farms and food production areas.</p> <p>(h) Technical, structural and ongoing maintenance arrangements of proposed roof top gardens and green walls are to be documented by a qualified landscape architect and incorporated into the development proposal.</p> <p>(i) The area dedicated to roof top solar (PV infrastructure) is not to be counted as part of the total gross landscape area.</p> <p>(j) Where green roofs and green walls are provided, these shall comply with requirements contained in Chapter B4 (clause 4).</p> <p>(k) Despite the provision of a green wall, all facades are to meet design excellence requirements including building articulation and modulation specified in section 16 of this section of the DCP.</p> <p>(l) In addition to the requirements of Part B4 (Landscaping and Biodiversity), all</p>	<p>compliant basement parking and ground level activation at the ground plane.</p> <p>The proposed landscaping composition is generally consistent with the intent of the control and has incorporated viable landscaping zones as a part of both communal and private open space. The proposed deficiency is supported in the site context and further improvements have been conditioned via enhanced green wall features.</p>	

DCP Clause	Control	Proposal	Compliance (Yes/No/NA/Conditioned)
	<p>DAs for sites within the Kensington and Kingsford town centres must submit a landscape plan addressing the following requirements:</p> <ul style="list-style-type: none"> (i) quantity of landscaping provided on site; (ii) scaled drawings of all areas; (iii) how landscaping would complement the architectural style of building and assists in its presentation to the streetscape and high visibility; (iv) rainwater harvesting and other irrigation methods proposed; (v) full construction details of soil profile, method of attachment to the building, and drainage/waterproofing; and (vi) engineering certification confirming building can withstand planting and associated structures. <p>Note 1 'Ground plane' refers to spaces between buildings on the ground level providing for landscaping, pedestrian access and physical connections to the street.</p> <p>Note 2: 'Gross Landscape Area' refers to the sum of all landscaped areas within a development and may include (but is not limited to) ground plane, gardens, outdoor terraces, planter boxes, sky gardens, roof terraces, and green walls.</p>		
21.	Transport, Traffic, Parking & Access		
	<p>(a) Vehicle parking within the Kensington and Kingsford town centres is to be provided in accordance with the rates outlined in the tables below. Parking requirements for all other development types not specified in the table below are contained in section 3.2 Vehicle Parking Rates (of Chapter B7)</p> <p>(b) Where practical, parking access and/or loading is to be provided from secondary streets (rather than directly off Anzac Parade or gardeners Road), set back at least 6m from the intersection or the rear lane</p>	<p>The application was referred to Council's Development Engineer. See detailed comments further in report. Minor deficiency of 4 car spaces supported on merit.</p>	Acceptable.

DCP Clause	Control	Proposal	Compliance (Yes/No/NA/Conditioned)
	<p>(c) Basement carpark access must comply with the requirements of B8: Water Management</p> <p>(d) Parking access and/or loading areas are to be designed as recessive components of the elevation so as to minimise the visual impact</p> <p>(e) Parking is to be accommodated underground where possible</p> <p>(f) Sub-basement car parking is to be no more than 1.2m above existing ground level;</p> <p>(g) Provide flexible hardstand area for the purposes of bicycle maintenance and repairs</p> <p>(h) Where a variation to the DCP Car Parking rates is sought, the proponent shall respond directly to Control i), 3.3 Exceptions to Parking Rates of the DCP 2013</p> <p>(i) A Green Travel Plan is required to accompany all DAs for new buildings and substantial alterations to existing buildings. The Green Travel Plans is to set out:</p> <p>(i) Future travel mode share targets, specifically a reduction in car driver mode share ii)</p> <p>(ii) Travel demand management strategies to encourage sustainable travel iii)</p> <p>(iii) Initiatives to implement and monitor travel measures such as car share and bike share; and iii)</p> <p>(iv) alignment with Control i), 3.3 Exceptions to Parking Rates of this DCP.</p> <p>(j) Car share spaces are to be provided in accordance with Part B7: 2.2 (Car Share) of this DCP</p> <p>(k) All DAs are to provide electric charging stations in an accessible location on site.</p> <p><i>Note 1: Any provision of parking above the maximum requirements will be counted towards gross floor area.</i></p>		
22.	Sustainability		
	(a) All buildings must achieve a minimum green star certification rating of 5 or	The application is	Complies, subject

DCP Clause	Control	Proposal	Compliance (Yes/No/NA/Conditioned)
	<p>equivalent (other recognised rating tools)</p> <p>(b) DAs for strategic node sites must be designed to achieve a GBCA exceeding Five-Star Green Star Design as Built with a sustainability strategy giving priority to the following innovations: -</p> <ul style="list-style-type: none"> - Waste collection (e.g. Automated underground waste) - Renewable energy opportunities - Water harvesting and re-use - Vertical and Roof Greening - Buildings shall incorporate passive design strategies in addition to materials which have less embodied energy, reducing operational energy and focussing on on-going well being of occupants <p>(c) All development must address the requirements of Part B3- Ecologically Sustainable Development of this DCP</p> <p>(d) Applications for new commercial office development premises and hotel/motel accommodation with a floor area of 1,000m² or more must achieve a minimum NABERS 6- star Energy and NABERS 5-star or 6-star Water rating</p> <p>(e) All development must provide 1 electric vehicle charging point per 5 parking spaces where onsite parking is provided.</p> <p>(f) All development must address the requirements of B6 Recycling and Waste Management</p> <p>(g) All new buildings are to provide a space for storage and sorting of problem waste such as E-waste, clothing, and hazardous waste.</p> <p>(h) All new development (other than alterations and additions, or development that is minor or ancillary in nature) is to incorporate a localised automated waste collection system in accordance with Council's Automated Collection System Guidelines.</p>	<p>supported by a BASIX Certificate and NatHERS Certificate demonstrating compliance, and a targeted five star green star rating equivalent. A condition of consent is recommended to ensure the nominated requirement for solar panel are shown on plans and complied with in the development.</p> <p>A condition of consent shall be imposed to ensure electric charging points are provided at a ratio of 1 per 5 spaces, as annotated on the DA plans.</p> <p>There is sufficient space within the basement waste areas for the storage and sorting of e-waste, clothing and hazardous waste.</p> <p>It is considered that basement level can accommodate an automated waste collection system, a condition of consent shall be imposed to ensure that the waste system is implement at the site with details to be approved by Council.</p>	<p>to condition.</p>
23.	Water Management		
	<p>(a) DAs must address Part B8 – Water Management of the Randwick DCP 2013 in relation to water conservation, groundwater and flooding and Water Sensitive Urban Design</p>	<p>The application was referred to Council's Development Engineer who has recommended a</p>	<p>Complies, subject to condition.</p>

DCP Clause	Control	Proposal	Compliance (Yes/No/NA/Conditioned)
	<p>(b) In addition to requirements of Part B8, applications for basement level/s must include:</p> <p>(i) detailed designs by a qualified hydrological or structural engineer for a water-proof retention system (fully-tanked structure) with adequate provision for future fluctuations of water table variation of at least +/- 1 metre; and</p> <p>(ii) certification from a second qualified hydrological engineer experienced in the design of structures below a water table that the design of the groundwater management system will not have any adverse effects on surrounding property or infrastructure.</p>	series of conditions of consent in relation to water management. Conditions and general terms have also been provided by Water NSW which shall be incorporated into the development consent.	
	<p>Flooding</p> <p>(a) Building design is to facilitate adaptation to different commercial and retail uses, as well as the integration of flooding solutions into the built form, resulting in a floor-to-floor ground floor height between 4.5m and 6m.</p>	Proposed flood planning levels were reviewed and supported by Council's Development Engineer.	Complies
24.	Aircraft Operations		
	<p>(a) DAs involving the use of cranes during construction and light poles must ensure compliance with Clause. 6.8 of the RLEP 2012 in relation to Airport Operations</p> <p>(b) Applications for new buildings and cranes during construction must meet the requirements of Part F3 - Sydney Airport Planning and Noise Impacts of the Randwick DCP 2013</p> <p>(c) Applications for development that exceed 51m AHD at Kingsford will be subject to an assessment process under the Airports (Protection of Airspace) Regulations, 1996.*</p> <p><i>*Note: Proposals that penetrate prescribed airspace above 51m AHD may affect the safety of existing and future air transport operations at Sydney Airport and as such may not be approved under</i></p>	The application was referred to Sydney Airport Corporation who raised no objection to the proposed development. Conditions of consent shall be imposed in relation to any controlled activities and the requirements of Sydney Airport.	Complies.

DCP Clause	Control	Proposal	Compliance (Yes/No/NA/Conditioned)
	<p><i>the Airports (Protection of Airspace) Regulations, 1996.</i></p> <p><i>Further information can be obtained from the Commonwealth Department of Infrastructure, Transport, Regional Development and Communications, the agency responsible for development approvals that constitute “controlled activities” (under the Airports Act 1996) affecting Sydney Airport.</i></p>		
PART D			
27.	Solar Access – Public Open Space		
	<p>(a) New buildings and alterations and additions to existing buildings are to be designed to ensure that the following locations shown on Figures 17a and 17b are not overshadowed by more than 10% in mid-winter (June 22nd) between the hours of 12noon and 2pm:</p> <ul style="list-style-type: none"> – Kensington Public School – Duke St Plaza – Bowral St Plaza – Uni Lodge Plaza – Addison St Plaza – Kokoda Park – Todman Ave Plaza – Meeks St Plaza – Borrodale Road widening – Town Square Plaza – Market Site corner – Triangle site corner – Dacey Gardens <p>(b) New buildings and alterations to existing buildings are to retain solar access to a minimum of 50% of the site area of key public places identified in a) and shown on Figures 17a and 17b for a minimum of 3 hours in mid-winter (June 22nd).</p>	<p>The Duke Street Plaza adjoins the site to the south.</p> <p>The proposed development shall start to overshadow the plaza area from approximately 12noon, with the plaza predominantly overshadowed during the morning period. The solar access from 12 until 2pm is considered to be sufficient and consistent with the control.</p>	Complies.
28.	Wind Flow		
	<p>(a) DAs are to include a Wind Impact Assessment for new buildings over nine (9) storeys in height. The findings of the Wind Impact Assessment are to provide design solutions to minimise the impact of wind on the public and private domain</p>	<p>The application was supported by a Wind Impact Assessment which concludes that the proposed development shall have minimal effect on the local wind environment and shall not</p>	Acceptable.

DCP Clause	Control	Proposal	Compliance (Yes/No/NA/Conditioned)
	<p>(b) Development must not create a ground level environment where additional generated wind speeds exceed:</p> <ul style="list-style-type: none"> (i) 10 metres per second for active frontages along Anzac Parade and (ii) 16 metres per second for all other streets <p>(c) Buildings over 9 storeys are to incorporate design features that ameliorate existing adverse wind conditions so that the above criteria is achieved</p> <p>(d) Building design is to minimise adverse wind effects on recreation facilities and open spaces within developments</p> <p>(e) Balconies are to be designed to minimise wind impacts and maximise usability and comfort through recessed balconies, operable screens, pergolas and shutters</p> <p>(f) Balconies must be recessed on buildings over 45m in height.</p>	<p>result in any significant impact upon pedestrian comfort or safety, with wind conditions acceptable for pedestrian standing or walking.</p> <p>The proposed planter bed treatments of the rooftop communal open space has also been incorporated in accordance with wind report recommendations.</p>	
29.	Public Art		
	<p>(a) Public Art is to be generally be consistent with Council's Public Art Strategy</p> <p>(b) All sites with frontages greater than 12 metres and corner sites, must incorporate artistic elements into the built form such as creative paving, window treatments, canopy design, balustrading, signage and wayfinding, lighting to assist illumination levels after dark and the promotion of active uses in the public spaces</p> <p>(c) In addition to clause 29(b) site specific public art is to be provided on identified sites, plazas and mid-block links as per the block by block controls in Part B of this DCP</p> <p>(d) Public art is to be located in areas which offer the public a free and unobstructed visual experience of the work</p> <p>(e) Incorporate creative lighting, decorative elements and/or murals in laneways, share ways and pedestrian links</p>	<p>The proposed southern elevation wall will be conditioned to incorporate additional public art installations.</p>	<p>Complies.</p> <p>Subject to condition.</p>

DCP Clause	Control	Proposal	Compliance (Yes/No/NA/Conditioned)									
	(f) Submit an Arts Statement which identifies the reasons for the chosen themes, and their interpretation into specific treatments with the DA.											
30.	Affordable Housing											
	<p>(a) All development within the 'Kensington and Kingsford Town Centres Affordable Housing Contributions Area' (Figure 18) must contribute towards the provision of affordable housing based on the following rates:</p> <table><caption>Table - Affordable Housing Contributions</caption><tr><th>Date of DA lodgement</th><th>Percentage of residential gross floor area to be dedicated towards affordable housing</th><th>Equivalent Monetary contribution *</th></tr><tr><td>From 13 August 2020 up to and including 13 August 2022</td><td>3%</td><td>\$324.38/sqm</td></tr><tr><td>After 13 August 2022</td><td>5%</td><td>\$540.62/sqm</td></tr></table> <p>* where less than whole unit is provided</p> <p>(b) Affordable Housing contributions are to be provided in accordance with the Affordable Housing Plan 2019 for the Kensington and Kingsford Town Centres</p> <p>(c) The affordable housing contribution rate is to apply to the residential gross floor area component of the development</p> <p>(d) Contributions towards affordable housing are to be provided through a dedication of completed units with any remainder paid as a monetary contribution in accordance with the affordable housing contributions table referred to in clause a).</p> <p>*Note the Affordable Housing Contributions Area corresponds to the B2 Local Centre Zone boundary.</p>	Date of DA lodgement	Percentage of residential gross floor area to be dedicated towards affordable housing	Equivalent Monetary contribution *	From 13 August 2020 up to and including 13 August 2022	3%	\$324.38/sqm	After 13 August 2022	5%	\$540.62/sqm	<p>A letter of offer has been provided by the Applicant which agrees to enter into a VPA for the provision of affordable housing contributions. The offer identifies that housing stock shall be dedicated to Council in the form of 550m² or 3% of the total floor area. Appropriate conditions of consent shall be imposed for the provision of affordable housing contributions.</p>	Complies.
Date of DA lodgement	Percentage of residential gross floor area to be dedicated towards affordable housing	Equivalent Monetary contribution *										
From 13 August 2020 up to and including 13 August 2022	3%	\$324.38/sqm										
After 13 August 2022	5%	\$540.62/sqm										
31.	Community Infrastructure											
	<p>(a) In accordance with Clause 6.17 of the RLEP 2012 an alternative building height and additional floor space ratio may be achievable where Council and the proponent of the DA have agreed to or entered into a planning agreement for the basis of paying the Community Infrastructure Charge</p> <p>(b) The delivery of Community Infrastructure is to be carried out in accordance with the Kensington and</p>	<p>A letter of offer has been provided by the Applicant which agrees to enter into a VPA for the provision of community infrastructure contributions. The offer identifies that work-in-kind and a monetary contribution shall be provided. Appropriate conditions of consent shall</p>	Complies.									

DCP Clause	Control	Proposal	Compliance (Yes/No/NA/Conditioned)
	<p>Kingsford Town Centres Community Infrastructure Contributions Plan 2019.</p> <p>Note 1: <i>Community Infrastructure Charge</i> Community infrastructure is identified in the Schedule of community Infrastructure within the Kensington and Kingsford Town Centres Community Infrastructure Contributions Plan 2020. It includes development for the purposes of recreation areas, recreation facilities, public roads, community facilities and drainage.</p> <p><i>In order for this community infrastructure to be provided, the following types of community infrastructure contributions will be considered:</i></p> <ul style="list-style-type: none"> • A monetary contribution (Community Infrastructure Charge); or • Dedication of land or property; or • Carrying out works; or • A combination of all the above. <p><i>The Community Infrastructure Charge is set out in the Kensington and Kingsford Town Centres Community Infrastructure Contributions Plan 2019. A voluntary planning agreement is the means by which the Community Infrastructure will be delivered on a given site.</i></p>	<p>be imposed for the provision of affordable housing contributions.</p>	
32.	Public Domain and Landscape		
	<p>(a) Development within the public domain is to be consistent with Figures 17a and 17b: The Public Domain Strategy.</p> <p>(b) DAs for new buildings and substantial alterations and additions to more than 50% of the existing floor area are to be accompanied by a Public Domain Plan that demonstrates consistency with the public domain objectives within this DCP and addresses the following:</p> <ul style="list-style-type: none"> (i) street levels (ii) interface between the public and private domains, including levels (iii) detail of the entire adjoining streets (iv) collection, flow and treatment of stormwater (v) paving and other hard surfaces 	<p>The proposed involves the upgrading of the public domain including new street trees, footpaths, seating etc in accordance with the requirements. Detailed specifications of the works will be undertaken in consultation with Council as a part of the planning agreement.</p>	<p>Complies.</p>

DCP Clause	Control	Proposal	Compliance (Yes/No/NA/Conditioned)
	<ul style="list-style-type: none"> (vi) street trees and other vegetation – Randwick Street Tree Master Plan (vii) lighting (viii) safety (ix) seating and other furniture (x) stairs and other methods of managing gradient change (xi) refuse bins (xii) signage, including interpretation and wayfinding signage (xiii) public art (xiv) water sensitive urban design (WSUD) such as landscaped swales to improve the quality of water entering the ground (xv) through site links and shared zones <p>(c) Street trees are to be provided in accordance with the Randwick Street Tree Master Plan and the Light Rail Urban Design Guidelines.</p> <p>(d) Development adjacent to lanes should provide for:</p> <ul style="list-style-type: none"> (i) Active ground floor uses to encourage pedestrian activity (ii) Adequate setbacks from sensitive land uses such as residential and schools (iii) Adequate lighting to address safety (iv) Design solutions that maintain public access at all times regardless of mobility impairments (v) Business servicing that can reasonably take place with minimal pedestrian conflict. 		
34.	Air Quality		
	<p>(a) DAs are to include a report from a suitably qualified air quality consultant that addresses building design solutions and construction measures that reduce air pollution and improve indoor air quality for occupants</p> <p>(b) DAs are to submit a statement which explains how the proposal has addressed the NSW Government 'Development near rail corridors and busy roads – Interim Guideline'</p>	<p>Consent conditions recommended for appropriate construction measures and the proposal was supported by Transport for NSW, subject to conditions.</p>	Complies.

DCP Clause	Control	Proposal	Compliance (Yes/No/NA/ Conditioned)
	<p>(c) Air intake for proposals are to be sited well away from Anzac Parade or the pollution source (e.g on top of tall buildings) or provided with filtration to remove particulates; and</p> <p>(d) DAs for sensitive land uses such as childcare centres, schools or aged care facilities must submit an air quality study prepared by a suitably qualified expert demonstrating how air pollution exposure and health risks will be mitigated.</p>		

SEPP 65 and Apartment Design Guide Compliance Table

Clause	Design Criteria	Proposal	Compliance						
Part 3: Siting the Development									
3D-1	Communal and Public Open Space								
	Communal open space has a minimum area equal to 25% of the site (1,574m²)	2,910m² or 46.2% of the site if provided for communal open space.	Complies.						
	Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter).	Several areas of communal open space are provided at the ground floor, podium in the form of courtyards and roof top terraces. The proposed areas shall receive a minimum of 2 hours of solar access to at least 50% of the COS in midwinter.	Complies.						
3E-1	Deep Soil Zones								
	<div>Deep soil zones are to meet the following minimum requirements:</div> <table><tr><th>Site Area</th><th>Minimum Dimension</th><th>Deep Soil Zone (% of site area)</th></tr><tr><td>Greater than 1500m²</td><td>6m</td><td>7% (440.72m²)</td></tr></table>	Site Area	Minimum Dimension	Deep Soil Zone (% of site area)	Greater than 1500m²	6m	7% (440.72m²)	<div>An area of deep soil planting is provided to the rear of the site, with an area of only 90m². However, the provisions of 3E note that compliance may not be achievable on sites within a business zone (such as the subject site) and due to the nature of the development, being a high density mixed-use development.</div> <div>In addition, the proposed deficiency has been offset through adequate landscape planting on structure, which accounts for a composition of 4,458m² or 70% of site across all levels of the façade, ground plane and roof level. Further conditions are also recommended to increase landscape features within residential lobbies.</div>	Acceptable.
Site Area	Minimum Dimension	Deep Soil Zone (% of site area)							
Greater than 1500m²	6m	7% (440.72m²)							
3F-1	Visual Privacy								
	Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:	<u>Rear (western side)</u> Ground Level storey: min 3m 2-9 storeys: min 6m / habitable living	Acceptable. See Key Issues for further discussion.						

Clause	Design Criteria			Proposal	Compliance											
	<table><tr><td>Building Height</td><td>Habitable Rooms and Balconies</td><td>Non-habitable rooms</td></tr><tr><td>Up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr><tr><td>Up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr><tr><td>Over 25m (9+ storeys)</td><td>12m</td><td>6m</td></tr></table> <p>Note: Separation distances between buildings on the same site should combine required building separations depending on the type of room (see figure 3F.2)</p> <p>Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties</p> <p>Increased separation distance of a further 3m when adjacent to a different zone with lower residential density.</p>	Building Height	Habitable Rooms and Balconies	Non-habitable rooms	Up to 12m (4 storeys)	6m	3m	Up to 25m (5-8 storeys)	9m	4.5m	Over 25m (9+ storeys)	12m	6m		<p>recessed 9m within floor plate.</p> <p><u>Northern side</u> Ground Floor level: Nil 2-9 storeys: min 3m (the proposed 3m setback is to a wall with minimal glazing).</p> <p><u>Southern Side</u> Ground Floor Level storeys: 9m 2 - 4 storeys: 7m (limited glazing to be incorporated and treated with privacy measures).</p> <p>12m separation is provided between the internal elevations of the proposed development at levels 1-8.</p>	
Building Height	Habitable Rooms and Balconies	Non-habitable rooms														
Up to 12m (4 storeys)	6m	3m														
Up to 25m (5-8 storeys)	9m	4.5m														
Over 25m (9+ storeys)	12m	6m														
3G	Pedestrian access and entries															
3G-1	<p>Multiple entries (including communal building entries and individual ground floor entries) should be provided to activate the street edge</p> <p>Entry locations relate to the street and subdivision pattern and the existing pedestrian network</p> <p>Building entries should be clearly identifiable and communal entries should be clearly distinguishable from private entries</p>			<p>Multiple entries and circulation areas afforded to all buildings and to both street frontages.</p>	Complies.											
3G-2	<p>Building access areas including lift lobbies, stairwells and hallways should be clearly visible from the public domain and communal spaces.</p> <p>The design of ground floors and underground car parks minimise level changes along pathways and entries.</p> <p>Steps and ramps should be integrated into the overall building and landscape design.</p> <p>For large developments 'way finding' maps should be provided to assist visitors and residents (see figure 4T.3).</p> <p>For large developments electronic access and audio/video intercom should be provided to manage access.</p>			<p>The building access areas shall be clearly identifiable, the lobby provides a distinct architectural character to differentiate from the retail/business uses.</p> <p>Ramps have been incorporated into the design of the development.</p>	Complies.											
3G-3	<p>Pedestrian links through sites facilitate direct connections to open space, main streets, centres and public transport.</p>			<p>An east-west and future northern pedestrian link has been provided on the site for future use in</p>	Complies.											

Clause	Design Criteria	Proposal	Compliance
	Pedestrian links should be direct, have clear sight lines, be overlooked by habitable rooms or private open spaces of dwellings, be well lit and contain active uses, where appropriate.	conjunction with the adjoining sites in accordance with the K2K DCP.	
3H-1	Vehicle Access		
	<p>Car park access should be integrated with the building's overall facade. Design solutions may include:</p> <ul style="list-style-type: none"> the materials and colour palette to minimise visibility from the street security doors or gates at entries that minimise voids in the facade where doors are not provided, the visible interior reflects the facade design and the building services, pipes and ducts are concealed. <p>Car park entries should be located behind the building line.</p> <p>Vehicle entries should be located at the lowest point of the site minimising ramp lengths, excavation and impacts on the building form and layout.</p> <p>Car park entry and access should be located on secondary streets or lanes where available.</p> <p>Vehicle standing areas that increase driveway width and encroach into setbacks should be avoided.</p> <p>Access point locations should avoid headlight glare to habitable rooms.</p> <p>Adequate separation distances should be provided between vehicle entries and street intersections. The width and number of vehicle access points should be limited to the minimum.</p> <p>Visual impact of long driveways should be minimised through changing alignments and screen planting.</p> <p>The need for large vehicles to enter or turn around within the site should be avoided.</p> <p>Garbage collection, loading and servicing areas are screened.</p> <p>Clear sight lines should be provided at pedestrian and vehicle crossings.</p> <p>Traffic calming devices such as changes in paving material or textures should be used where appropriate.</p> <p>Pedestrian and vehicle access should be separated and distinguishable.</p> <p>Design solutions may include:</p> <ul style="list-style-type: none"> changes in surface materials level changes the use of landscaping for separation 	<p>A driveway ramp has been provided from the centre of Boronia Street for residential and commercial parking as a part of the ground level facade. In addition, a separate loading zone access has been incorporated within the southern 9m setback and at the lowest point of the site to support the supermarket use identified in the Randwick LEP. The proposed wraparound access to the loading dock is not visible from the public domain and does not comprise impacts to the facade design.</p> <p>Traditionally all vehicular access for the existing commercial developments was orientated to the secondary street frontage and this configuration is retained as a part of the proposal.</p>	Acceptable.
3J-1	Bicycle and Car Parking		
	For sites located within 800m of a light rail stop, the minimum car parking requirement	The proposed development provides	Complies.

Clause	Design Criteria	Proposal	Compliance
	<p>for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.</p> <p>The car parking needs for a development must be provided off street</p>	adequate parking in accordance with the provisions of the Guide to Traffic Generating Developments, which is the lesser requirement in this instance.	
Part 4: Designing the Building			
4A	Solar and Daylight Access		
	Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid Winter.	73% of the apartments shall receive a minimum of 2 hours of direct sunlight between 9am and 3pm in midwinter. The living area of the apartments are generally orientated to the east and west to facilitate direct solar access.	Complies.
	A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter	No apartments shall receive no direct sunlight, noting the north-south floor plate orientation of all buildings.	Complies.
4B	Natural Ventilation		
	At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed	61% of the apartments shall be naturally cross ventilated.	Complies.
	Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	The maximum depth of the cross-ventilated apartments does not exceed 18m.	Complies.
4C	Ceiling Heights		
	<p>Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</p> <ul style="list-style-type: none"> Habitable Rooms – 2.7m Non-habitable – 2.4m Attic spaces – 1.8m at edge with min 30 degree ceiling slope Mixed use areas – 3.3m for ground and first floor <p>These minimums do not preclude higher ceilings if desired</p>	<p>Ground floor Retail: 4-5m internal ceiling height.</p> <p>First Floor: 3.7m floor-to-floor heights are provided to allow flexibility for future use.</p> <p>Level 02 to Level 08 – 3.15m floor-to-floor heights are provided in order to accommodate minimum ceiling heights of 2.7m for habitable areas.</p>	Complies.
4D	Apartment Size and Layout		
	<p>Apartments are required to have the following minimum internal areas:</p> <ul style="list-style-type: none"> Studio - 35m² 	All apartments comply with the minimum size	Complies.

Clause	Design Criteria	Proposal	Compliance
	<ul style="list-style-type: none"> 1 bedroom - 50m² 2 bedroom - 70m² 3 bedroom - 90m² <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each</p> <p>A fourth bedroom and further additional bedrooms increase the minimum internal area by 12 m² each</p>	requirements stipulated by objective 4D-1.	
	Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms	Habitable rooms have adequate windows.	Complies.
	Habitable room depths are limited to a maximum of 2.5 x the ceiling height	Rooms predominantly comply with the 8m maximum depth, with minor exceedance of 1m to western Anzac parade apartments.	Acceptable.
	In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window	As above all apartments have an open-plan style living/dining/kitchen area. The majority of apartments comply with the maximum 8m depth. However, due to the configuration and layout of the floor plan, some of the apartments have areas with a depth greater than 8m from a window, with a maximum depth of 8.5 - 9m. The subject apartments exceed the minimum apartment size, affording better amenity for occupants. Given that the non-compliant portions relate to the kitchen areas, the proposal is supported in this instance.	Acceptable.
	Master bedrooms have a minimum area of 10m ² and other bedrooms 9m ² (excluding wardrobe space)	Min of 10sqm and 9sqm respectively.	Complies.
	Bedrooms have a minimum dimension of 3m (excluding wardrobe space)	Min 3m provided for all bedrooms, exclusive of wardrobe space.	Complies.
	Living rooms or combined living/dining rooms have a minimum width of: <ul style="list-style-type: none"> 3.6m for studio and 1 bedroom apartments 	Min of 3.6 and 4m provided.	Complies.

Clause	Design Criteria	Proposal	Compliance															
	• 4m for 2 and 3 bedroom apartments																	
	The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts	Min 4m provided to cantilevered apartments above through site link.	Acceptable.															
4E	Private Open Space and Balconies																	
	<p>All apartments are required to have primary balconies as follows:</p> <table><tr><th>Dwelling type</th><th>Minimum area</th><th>Minimum depth</th></tr><tr><td>Studio</td><td>4 m²</td><td>-</td></tr><tr><td>1 bedroom</td><td>8 m²</td><td>2m</td></tr><tr><td>2 bedroom</td><td>10 m²</td><td>2m</td></tr><tr><td>3+ bedroom</td><td>12 m²</td><td>2.4m</td></tr></table> <p>The minimum balcony depth to be counted as contributing to the balcony area is 1m</p>	Dwelling type	Minimum area	Minimum depth	Studio	4 m ²	-	1 bedroom	8 m ²	2m	2 bedroom	10 m ²	2m	3+ bedroom	12 m ²	2.4m	<p>All apartments are provided within an area of POS in the form of a balcony. The proposed balconies are generally consistent with the minimum provisions, with several of the balcony areas exceeding the minimum area.</p> <p>In addition, screens have been provided to lower level balconies adjacent to Anzac Parade to address amenity impacts.</p>	Complies.
Dwelling type	Minimum area	Minimum depth																
Studio	4 m ²	-																
1 bedroom	8 m ²	2m																
2 bedroom	10 m ²	2m																
3+ bedroom	12 m ²	2.4m																
	For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m ² and a minimum depth of 3m	No GF level apartments.	N/A															
4F	Common Circulation and Spaces																	
	The maximum number of apartments off a circulation core on a single level is eight	The proposed circulation space is provided as one core per building. Each core services a maximum of three (3) to six (6) apartments.	Complies.															
	For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.	Development shall be nine (9) storeys.	N/A															
4G	Storage																	
	<p>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</p> <ul style="list-style-type: none">• Studio apartments - 4m³• 1 bedroom apartments - 6m³• 2 bedroom apartments - 8m³• 3+ bedroom apartments - 10m³ <p>At least 50% of the required storage is to be located within the apartment</p>	Compliant storage is provided for each unit as part of the basement carpark and within units.	Complies.															