

**Joint Regional Planning Panel
(Sydney East Region)**

JRPP No.	2011SYE112
DA No.:	DA/320/2013 – Demolition of the existing buildings; excavation works and construction of a part 6, part 7 mixed use development comprising ground level retail space, 100 residential units and 3 basement levels of 277 car spaces and associated landscaping works at 84-108 Anzac Parade
Applicant:	Luxcon Group
Report By:	Kerry Kyriacou Manager Development Assessment

Introduction

The Panel considered the above DA at its meeting held on 12 December 2013 and resolved that:

- "1) *The Panel resolves unanimously to defer the determination of the application in order to allow the applicant to provide, by 31 January 2014, the following:*
- a) amendment of the 7th floor so that it is no more than 40% of the floors below;*
 - b) removal of the roof terrace;*
 - c) a well-founded objection to the height standard (if any non-compliance with the 25m height limit remains after the above changes);*
 - d) compliance with the 85% limit on filling the building envelope on floors 1 to 6 above ground level;*
 - e) demonstration that the proposal for dewatering is effective and provides protection for trees on neighbouring land;*
 - f) provide an acoustic report demonstrating that the proposal will meet development noise criteria, with special regard to the operation of the loading dock.*
- 2) *The Panel requests the council assessment officer to provide, by 14 February 2014, a supplementary report on whether the applicant has complied with the above requirements.*
- 3) *Following receipt of the supplementary report, the Panel will determine the application by communicating by electronic means."*

A letter was subsequently sent to the applicant clarifying aspects of the resolution in terms of the calculation of the envelope control and deletion of the roof terrace.

The applicant submitted amended plans on 31 January 2013 in response to the resolution. This report assesses the amended scheme against the above requirements.

- a) Amendment of the 7th floor so that it is no more than 40% of the floor below;**

The seventh storey of the proposal has been labelled level ten (10) on the plans.

Council's DCP clearly anticipates a predominant building height of 4 to 6 storeys and only allows an additional storey to be provided within an articulated roof form, rather than a 'pseudo storey'. The control requires a significantly smaller upper storey than the level below and be setback from the street edges so that it is a recessive element in terms of its apparent scale. It should be noted this control operates exclusive of the 85% envelope requirement applicable to levels labeled five (5) to nine (9), discussed in point

d) below. As such, the floor space provided to level ten (10) must not exceed 40% of the floor space being provided to level nine (9).

The applicant has reduced the floor area of the upper level to 561m² which is slightly over the 40% limit by 11sqm. The floor area reductions have been made to the rear portions of the upper storey and as such do not meet the intent of the control which only allows the habitable roof space in a recessive form and set back significantly from the street edge. The 7th storey reads as a clear vertical extension of the street wall height at the corner and is not stepped in from the edges of the floor below. The floor area reduction at this level has also been achieved largely through the creation of voids to the south eastern section of the building as indicated in the figure below. Whilst the void provides a 'technical' reduction in floor area, the mass and volume of the building in this location remains the same as that previously considered by the Panel.

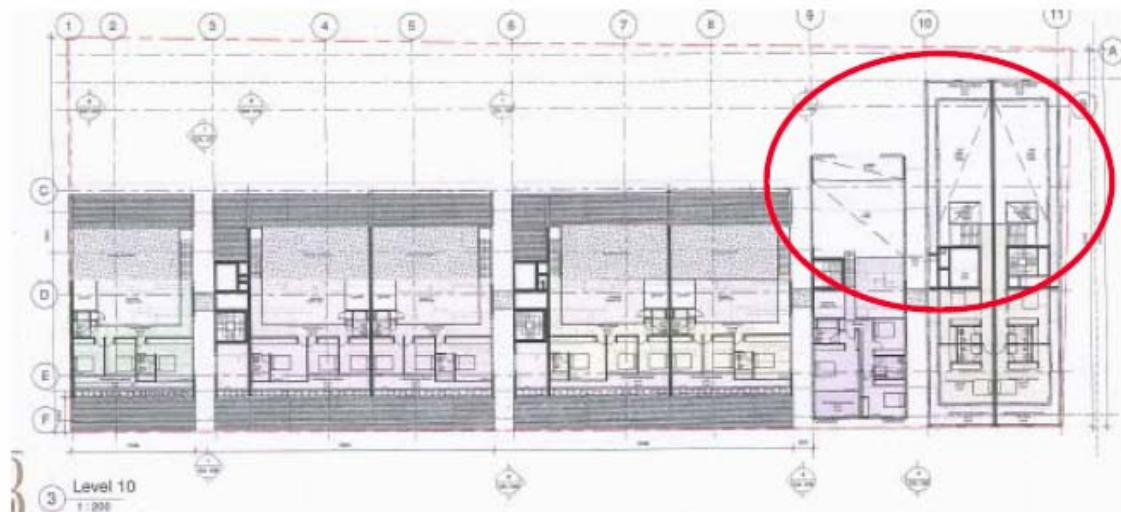


Figure 1: Level 10 floor plan indicating void space

In terms of the presentation of the 7th storey towards the north of the building and along its Anzac Pde elevation, it does appear less dominant. However, that is only due to the protrusion of the 5th and 6th storeys forward of the required street setback as indicated in the montage below. If the proposed building complied with the envelope and street setback controls, this part of the upper level would be much more prominent in the streetscape and would not satisfy the objective of the control.

It should also be noted that the streetscape relationship with the adjoining development depicted in the montage is highly misleading as the top of the 4th storey of the proposed building would have a RL of 43.45 which is 350mm higher than top of the 4th storey of the building to the north which has an RL of 43.10. This results in the proposal having a street wall height that will be two storeys higher than the adjoining building, contrary to the impression given in the montage.



Figure 2 : Montage of the amended proposal

b) Removal of the roof terrace

The roof terrace has been deleted from the proposal in the amended plans. However, lift and stair access has still been provided to the roof top area on the southern corner element. The perforated metal screen cladding has been extended over the roof area creating the sense of a “defacto” roof terrace and in conjunction with the lift and stairs at this level, results in a breach of the maximum height standard.



Figure 3: Lift & Stair access to the roof

c) Clause 4.6 variation to height standard

The proposed amendments to the building still result in a breach of the maximum height standard of 25m. The amended proposal has a maximum height of 28.71m. The breach largely occurs at the southern end of the building where it's compounded by the massing of the corner element. The applicant has submitted a request for an exception to the height standard.

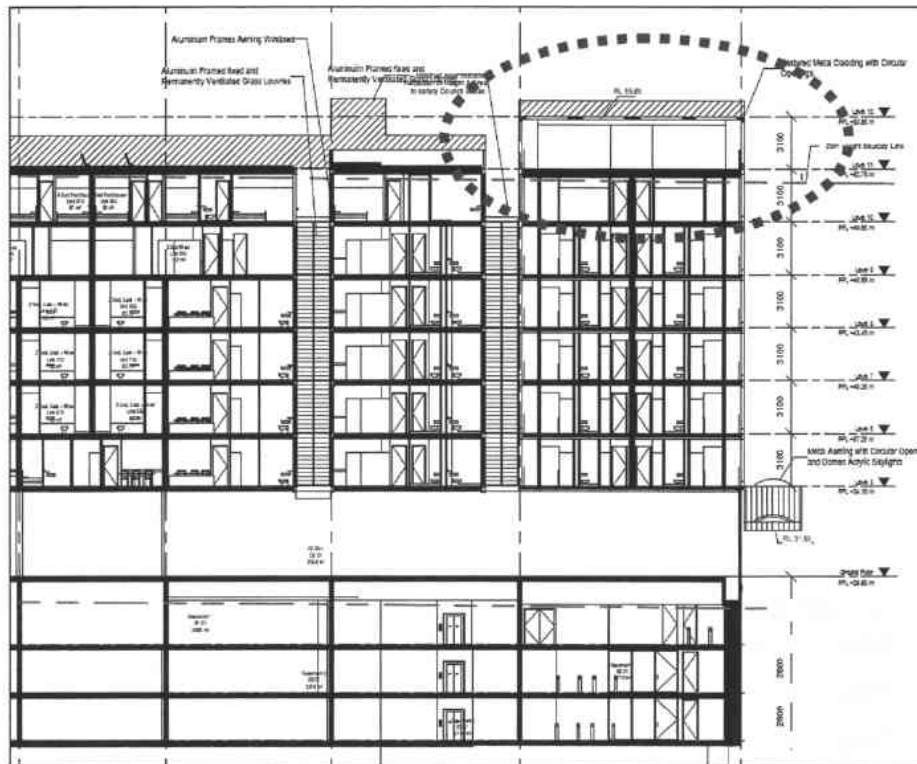


Figure 4: Area of height breach

Assessment against the applicant's written justifications for the contravention of the development standard

Pursuant to clause 4.6(3) of RLEP 2012 development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.

Further, the consent authority must be satisfied that:

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

The concurrence of the Director-General of the Department of Planning and Infrastructure must also be obtained for development that contravenes a development standard. However, pursuant to the Notification of assumed concurrence of the Director-General under clause 4.6(4) (and the former clause 24(4)) of the Standard Instrument contained in Planning Circular PS 08-003 (dated 9 May 2008) the concurrence of the Director-General of the Department of Planning and Infrastructure under clause 4.6(4) (b) of RLEP 2012 may be assumed in certain cases.

In relation to the matters required to be demonstrated by subclause (3) there are various ways that may be invoked to establish that compliance with a development standard is unreasonable or unnecessary as discussed by Chief Justice Preston of the

NSW Land and Environment Court in the case of *Wehbe v Pittwater Council* [2007] NSWLEC 827. Although the *Wehbe* case was decided in relation to State Environmental Planning Policy No 1—Development Standards ("SEPP 1") and not clause 4.6 of RLEP 2012 it remains of some assistance in relation to identifying the ways in which an applicant may demonstrate that compliance with a development standard is unreasonable or unnecessary in the circumstances of the case.

In the *Wehbe* case Justice Preston said the most commonly invoked way to establish that compliance with a development standard is unreasonable or unnecessary is to demonstrate that the objectives of the development standard are achieved notwithstanding non-compliance with the standard. The objectives of the height of buildings standard are set out in clause 4.3(1) of RLEP 2012 as follows:

- (a) *to ensure that the size and scale of development is compatible with the desired future character of the locality,*
- (b) *to ensure that development is compatible with the scale and character of contributory buildings in a conservation area or near a heritage item,*
- (c) *to ensure that development does not adversely impact on the amenity of adjoining and neighbouring land in terms of visual bulk, loss of privacy, overshadowing and views.*

The applicant's written justifications outline the following key arguments for the departure from the standard:

"7.1. Why Compliance with the standard is unreasonable and unnecessary in this instance.

7.1.1 Consistency with objectives underpinning the standard

The objectives underpinning Clause 4.3 of RLEP 2012 are:

- a) *to ensure that the size and scale of development is compatible with the desired future character of the locality'*
- b) *To ensure that the development is compatible with the scale and character of contributory buildings in a conservation area or near a heritage item,*
- c) *To ensure that development does not adversely impact on the amenity of adjoining and neighbouring land in terms of visual bulk, loss of privacy, overshadowing and views.*

Consistency with those objectives and the absence of any environmental impacts would demonstrate that strict compliance with clause 4.3 would be both unreasonable and unnecessary in this instance.

Response to Objective (a)

The proposed site planning and built form outcomes proposed by Development Application 302/2013 are generally consistent with the development and design control in Part D1 – Kensington Town Centre of the Randwick comprehensive Development Control Plan 2013 particularly:

- *Section 4.1 – Managing change*
- *Section 4.2 – Building envelopes*
- *Section 4.3 – Block by Block Controls (Block 1 – Carlton Street to Goodwood Street)*

Detailed analysis of consistency with the DCP controls in the form of a compliance table has been provided to Council with our submission of 17 November, 2017.

Response to Objective (b)

The site is not adjacent to any heritage items and is not located in a conservation area. This request for a variation to the height control therefore does not need to be tested against this objective.

Response to Objective (c)

The key relation ship to be considered relative to this objective is the interface of the proposal with adjoining low density housing along the eastern edge of the site. In response to the nominated matters for consideration we note:

Visual bulk

The character of the locality is evolving in direct response to the implementation of Council's contemporary planning controls. In that regard, this proposal is of a similar visual bulk to the building immediately adjoining the site to the north, and other recently completed buildings along this part of Anzac Parade Kensington which have eventuated in response to current planning controls.

The desired future character for Block 1 (Carlton Street to Goodwood Street) will necessary mean that new development will be visually prominent from adjacent areas to the east of the site. This impact has been considered in the formulation of this proposal and mitigated by ensuring the massing of the building, in particular at the upper levels, is modulated horizontally and vertically and provided with a façade treatment that avoids the use of large expanses of solid materials, as demonstrated on the photomontages already submitted to Council.

The upper levels of the building that are subject to this request are setback from, and are recessive elements in, the design of the overall building and therefore not visually dominant, other than for the corner element which intentionally 'holds the corner' with more pronounced built form, as is consistent with sound urban design outcomes.

Privacy

The proposal is generally consistent with site planning and building envelope controls nominated in the DCP for Block 1. The upper level of the building that is subject to this request is setback (to the glassline) between 27.5 – 28.5m from the eastern boundary, and does not cause any privacy concerns.

Secondary measures to further minimise loss of privacy to adjacent development include:

*Providing a wide, and dense, landscape treatment across the eastern edge of the podium level to ensure that communal residential areas are well separated and screened;
Using a 'wintergarden' design for the larger elements of the residential balconies;
Location bedrooms at the eastern edge of the floor plate to ensure that living rooms do not occupy the entire width of the eastern elevation of each apartment;
Providing operable and fixed screens across the eastern edge of some residential balconies;
Providing a landscaped planter box edge to some upper level residential balconies; and
Providing a significant landscaped treatment to the rooftop terrace areas.*

Overshadowing

The alignment of the building relative of the underlying subdivision pattern is such that the proposal will not cast any shadow onto adjacent sites to the east until after 1pm at June 21. Therefore all north facing windows and areas of rear open space of those

adjoining buildings will enjoy a minimum of 4 hours solar access between 9am and 1pm at midwinter. Refer to shadow diagrams accompanying application.

Overshadowing of residential buildings opposite the site, south across Goodwood Street will occur as a direct function of the planning controls together with the alignment of the subdivision pattern. The degree of additional overshadowing as a consequence of that part of the building which exceeds the height controls is notional in the broader context of the overall building.

Views

Prevailing topography, in combination with the setting and context of the site, is such that the introduction of a building of this type, as contemplated by the planning controls, will not impact upon any public or private views.

The above circumstances demonstrate that the building, even inclusive of a portion which extends beyond the height control, nevertheless provides an acceptable outcome in terms of amenity considerations for adjoining and neighbouring land as nominated by the objectives on clause 4.3 of RLEP 2012.

7.1.2 What are the environmental planning grounds to justify the variation?

We consider that flexibility in the application of the height standard is appropriate to achieve better outcomes for and from the development in this case, because strict compliance would:

- Reduce the functionality of the retail space through undersized ceiling heights*
- Reduce the residential amenity of units for the same reason*
- Not be necessary to achieve compliance with Council's maximum DCP storey control which is already met*
- Be of negligible benefit in terms solar access for buildings to the south of the site;*
- Reduce the architectural design benefits derived from expressing the corner with a marginally higher element;*

Is the request well founded?

For environmental planning instruments established prior to the introduction of the Standard Instrument – Principal Local Environmental Plan, State Environmental Planning Policy 1 (SEPP 1) was the mechanism for seeking to vary a development standard. That policy and the current section 4.6 variation provisions in RLEP 2012 are not fundamentally different.

Chief justice Preston (Wehbe v Pittwater Council [2007] NSW LEC 827) expressed the view that there are 5 different ways in which a SEPP 1 objection may be well founded and that approval of the objection may be consistent with the aims of the policy. We consider that 'test' is equally relevant to the evaluation of a request made pursuant to clause 4.6 of RLEP 2012. The 5 ways identified by the Court are:

- the objectives of the standard are achieved notwithstanding non-compliance with the standard;*
- The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;*
- The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*
- The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable; or*

- *The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.*

As demonstrated in earlier in this submission, it is our position that the objectives of the height standard are achieved by this proposal notwithstanding technical non-compliance with the height standards. This submission is therefore well founded, as per (1) above.

Is the proposal in the public interest?

Subclause (4) of clause 4.6 of RLEP 2012 requires consideration of the proposal's consistency with both the objectives of the standard, and the objectives of the zone which apply to the site.

Our assessment of consistency with objectives underpinning the standard is provided at section 6.1.1 above. Consideration of consistency with the objectives for the B2 Local Centre zone is addressed below:

- *To provide a range of retail, business, entertainment and community uses that serve the*
- *needs of people who live in, work in and visit the local area*
- *to encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To enable residential development that is well-integrated with, and supports the primary business function of, the zone.*
- *To facilitate a high standard of urban design and pedestrian amenity that contributes to achieving a sense of place for the local community.*
- *To minimise the impact of development and protect the amenity of residents in the zone and in the adjoining and nearby residential zones.*
- *To facilitate a safe public domain.*

Response

We have not identified any circumstances to indicate that a minor departure from the LEP height control as proposed by this application would result in any outcome that would be inconsistent with zone these objectives.

Matters of state or regional significance

We have not identified any outcome which would be prejudicial to planning matters of state or regional significance that would result as a consequence of this application.

The public benefit of maintaining the standard

There is no public benefit in maintaining strict compliance with the development standard in this instance given:

The minor exceedence of the height control will have no negative consequences in terms of the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment; and

The minor exceedence of the height control allows for the orderly and economic use of the site in a manner which otherwise achieves the outcomes and objectives of the relevant planning controls.

Council's Assessment

The assertion by the applicant that the height breach is appropriate and consistent with the objectives of LEP and DCP controls is not accepted by Council. Whilst the DCP allows the corner to be expressed by a vertical extension of the street wall height, it should be in a manner that is consistent with the height controls. Council's DCP clearly anticipates a predominant building height of 4 to 6 storeys and only allows an additional storey within an articulated roof space that occupies only 40% of the level below. The proposed building at the corner of Anzac Pde and Goodwood St will have an appearance of 7 storeys at the street edge and above that a "decorative" extension of the perforated screening to the building. The design of the corner element with its long elevation being expressed in Goodwood St continues to emphasise its massing on the secondary frontage of the site despite the reduction in floor area due to the introduction of voids. The excessive height at the corner remains a dominant element when juxtaposed against the lower scale of development in Goodwood St and does not provide for an appropriate transition in height. The combined effect of the 7th storey that does not comply with the objectives of the habitable roof form clause in the DCP and the screen that wraps over the building at its corner, results in a height that does not provide for a size and scale of development that will be compatible with the desired future character of the locality.

The excessive height of the development will also result in an intrusive built form that will not be compatible with previous approvals for mixed use development in the locality that were subject to an equivalent planning framework. The mixed use multi storey developments that have been approved to date in the Kensington town centre have observed the built form controls, most notably the development to the north that this proposal will bookend. That development met the height, setback and envelope controls and has a maximum RL height of 49.5 at its street corner. In contrast the proposal will have a maximum RL of 55.65 being some 6m higher. The excessive height of the proposal will not provide for a cohesive streetscape and is likely to act as precedent for other ad hoc increases in density and scale.

The proposal will not only compromise the amenity of surrounding residential areas in terms of its visual bulk and scale, there will also be significant additional overshadowing associated with the breach in the height limit. I note that the applicant asserts that the adjoining residential properties to the east will achieve a minimum of 4 hours of solar access between 9am and 1pm in midwinter. This is highly unlikely as the shadow diagrams submitted with the amended application do not show the cumulative impact of shadows from surrounding development.

The proposal will also adversely impact on the amenity of the public domain and unreasonably constrain the future development of any adjoining properties to the south due to the additional degree of overshadowing. The additional overshadowing is not a direct and natural consequence of the planning controls as they clearly stipulate a building of lesser scale and density.

Council has adopted a clear planning policy position in relation to the Kensington Town Centre which has been subsequently endorsed under the new RLEP 2012. On this basis, it is considered that the upholding of the height standard is necessary in this particular case and is within the public interest. The 25m height limit has been designed so that buildings within the Kensington Town Centre can comfortably fit within the height standard and has taken into consideration flood levels and the provision of a habitable roof space.

In conclusion, the applicant's written request has not successfully demonstrated that compliance with the development standard in question is unreasonable or unnecessary in the circumstances of the case.

d) Compliance with the 85% limit on filling the building envelope on levels 5-9

The applicant was advised that those levels identified on the submitted plans as level five (5) through to level nine (9) inclusive, are required to cumulatively occupy no greater than 85% of the identified block one (1) envelope. Level ten (10) or the 7th storey is not inclusive of the 85% requirement, given it is subject to a separate roof form control, as reflected in part a), above.

The applicant has indicated in the floor space calculations that there has been a reduction in the floor areas over levels 5 – 9. Council has reviewed the floor plans of each level and it would appear that there have been no changes to the configuration of dwellings or associated floor areas at levels 5 – 8. The only changes in floor area have occurred at level 9 (figure 5) where some of the habitable floor space has been converted to balcony space. This has occurred at the rear of this level and as such there is no reduction in the massing of the building where viewed from the street.

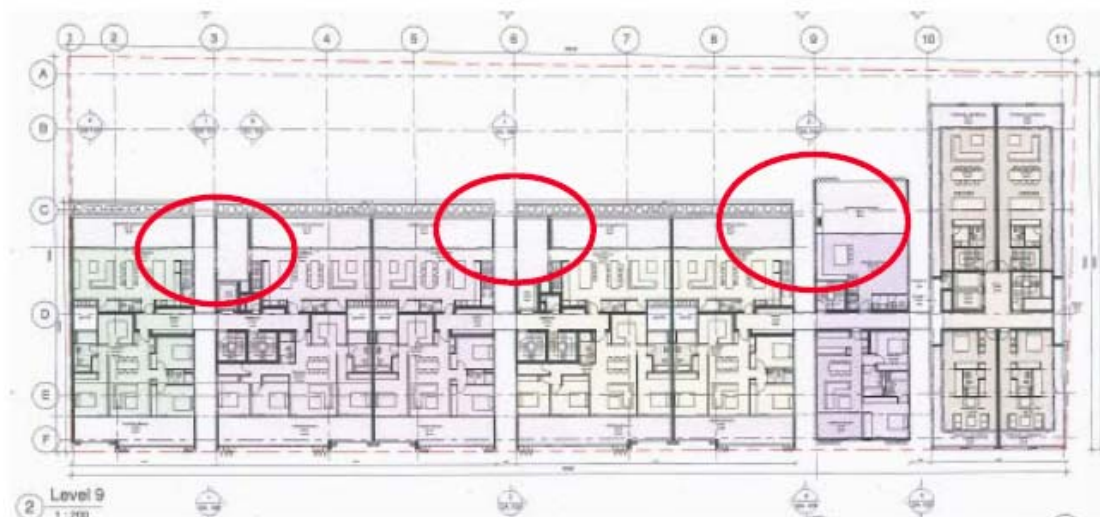


Figure 5 : Reduced floor area at level 9

It would also appear that the applicant has not included any internal walls and excluded a number of "winter gardens" that are enclosed and constitute floor area under the definition. Based on Council's calculation, the floor area of levels 5 – 9 equates to 93% of the envelope. Should the "winter gardens" be opened up in a manner that does not constitute floor area the proposal would still comprise 89% of the envelope.

The intrusive built form arising from the breach of the envelope controls is clearly evident when it is juxtaposed against the development to the north. The failure of the proposal to comply with the envelope and street setback controls results in the building having a street wall height that is effectively 2 storeys above that of the building to the north, thereby depriving the immediate streetscape of any harmony and continuity. The combined effect of the height, envelope and street setback non compliances demonstrate that the proposed development is inappropriate in terms of its overall size and scale.

e) Demonstration that the proposal for dewatering is effective and provides protection for trees on neighbouring land;

The applicant was required to satisfy Council of an appropriate solution to issues of dewatering and excavation while protecting trees on adjoining sites.

Council's Development Engineer has provided the following comments in response:

"In response to the groundwater issues previously raised by Council the applicant has submitted additional information in the form of a Geotechnical report by Aurecon dated 27th September 2013, additional construction sequence plans by Aurecon dated 31st January 2014 and additional plans and information received by email 11th February 2014.

The report goes into some discussion on various construction techniques available and outlines a proposed method of construction. The report concludes that the proposed development is "buildable from geotechnical perspective".

The Construction Sequence plans indicate 20 steps in the proposed method of construction for the basement levels. On assessment of the plans the following issues were raised:

- The construction method is heavily relying on the installation of ground anchors. As some of the anchors will enter neighbouring properties, permission of neighbouring property owners will need to be obtained. If permission can not be obtained an alternative construction method will need to be considered.*
- Clarification of the method of excavation and waterproofing behind the piling was requested, as this area may be difficult to access.*

The following information was also received by email by Tony Lavarota Technical Director of Aurecon group on 11th February 2014.

- The grout/mix section of ground will provide installed at step 3 will provide a barrier to the ingress of ground water in the temporary state. The dewatering process would only be undertaken on the inside of the site to lower the water level to below the level at each stage of the evacuation.*
- The 400 thick concrete wall can be constructed as a waterproof wall. This can be achieved by several methods. The addition of concrete additives , the application of a waterproof membrane in the layer between the grout mix section of the wall and the new concrete wall , or the design of the wall in accordance with the water retaining structures methods.*

*Upon assessment of the additional information submitted it is considered that the proposal now generally complies with the groundwater submission requirements outlined in Section 4.2 **Part B8** of Council's DCP 2013. It should be noted that the use of grout to provide an impervious barrier is a new process to Randwick City Council Engineers. Subject to this method being successfully implemented it is considered the proposed works can be feasibly constructed without unreasonable impacts to neighbouring properties, groundwater conditions, or the structural integrity of the development.*

LANDSCAPE COMMENTS

The architectural plans for levels 1-3 (basement) show a strip of deep soil along the eastern site boundary, adjacent the row of mature trees on adjoining private properties, measuring 1200mm in width at the southern end, and expanding out to 2700mm at the northern end, with the Ground Floor Plans (levels 5-6) showing a combination of ground level planting and tiered/terraced planters on podium in a zone measuring 3000mm in width at the southern end, and 6045mm at the northern end.

Council previously raised concerns over the ability to protect these trees as despite the applicant referring to a 3.5m – 4m setback from the boundary, the plans showed that deeper into the ground, a section of the basement would actually step out a further 1m to the east, past the upper section of the basement wall, closer to the trees.

In response, the applicant has submitted engineering details/construction sequencing, as well as a supporting letter from a Level 5 Arborist.

Instead of traditional bulk earthworks and excavations, the engineering details propose a method which will see piles/piers firstly installed at a distance of 4.5m from the boundary, whereupon, starting from the western side of this initial wall, and at a depth of 1m, ground anchors and grout will be directed back towards the boundary/trees; a horizontal steel beam will then be driven in at a depth of 1.4m below the surface, with the actual eastern wall of the basement to be constructed below this beam, to the east of the initial wall/piles/piers which will be demolished, finishing at a nominal setback of 2300mm off the boundary (Aurecon plans 31.01.14).

The result for the trees is that a zone of undisturbed soil of at least 1m in depth and 4.5m in width will be maintained along the length of the eastern boundary. While it is still possible that roots may be encountered in this zone, the existing masonry walls and concrete surfacing would have restricted or even prevented the growth of roots into the area of the proposed works, with this current method of construction considered to be one of the less invasive methods that should minimize the potential for root damage.

The Arborist states that she has viewed the engineering details and has also had a lengthy discussion with the project Engineer in terms of how this construction technique would impact the trees, and has reiterated her support that it would avoid disturbance to the majority of roots which are typically found in the top 1m of soil.

While the works will encroach slightly into 4 of their Tree Protection Zones (TPZ's), importantly, it will be located outside all of their Structural Root Zones (SRZ), as defined in AS4970-2009 – Protection of trees on development sites, and on this basis, should be sufficient to ensure their retention, subject to conditions.

In view of the above comments, this issue has been satisfactorily addressed.

e) Provide an acoustic report demonstrating that the proposal will meet development noise criteria, with special regard to the operation of the loading dock.

The applicant has submitted an Acoustic Report that only provides a assessment of the operation of the and doesn't undertake a holistic review of the potential noise impacts. However, it is noted that the loading dock has now been flipped with the car park entry allowing for a greater separation between the neighbouring residential properties to the east. Should the Panel resolve to approve the application, a condition should be included limiting the hours of operation of the loading dock and requiring a detailed acoustic assessment and report to be completed in accordance with the NSW Environmental Protection Guidelines, including the Industrial Noise Policy and Environmental Noise Control Manual (sleep disturbance) and relevant Australian Standards prior to the issuing of a construction certificate.

RECOMMENDATION

That the Joint Regional Planning Panel as the responsible authority refuse its development consent under Section 80 of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. DA/320/2013 for the demolition, excavation, dewatering and construction of a mixed use building of between six (6) and

seven (7) stories and containing retail space, for one (1) supermarket tenancy at ground level, 100 apartments above and three (3) levels of basement parking for 277 vehicles for the following reasons:

1. The proposal exceeds the maximum height standard of 25m specified in Clause 4.3 of Randwick Local Environmental Plan 2012. The proposal will have an adverse impact on the aesthetic character and environmental amenity of the area and does not satisfy the purpose of the standard.
2. The proposal does not satisfy the relevant objectives and design controls for the Kensington Town Centre as contained within Randwick DCP 2013 Part D1.
3. The proposal does not satisfy the design principle for Context, Scale, and Built Form specified in Clauses 9, 10 and 11 of State Environmental Planning Policy No 65 –Design Quality of Residential Flat Buildings.
4. The proposal does not satisfy the objectives or controls for New Built Form set-out in Clause 4.2.1 of Randwick Development Control Plan 2013 Part D1 – Kensington Town Centre.
5. The proposal does not satisfy the objectives or controls for Building Heights set-out in Clause 4.2.4 of Randwick Development Control Plan 2013 Part D1 – Kensington Town Centre
6. The proposal does not satisfy the objectives or controls for Building Zones set-out in Clause 4.2.5 of Randwick Development Control Plan 2013 Part D1 – Kensington Town Centre
7. The proposal does not satisfy the objectives or controls for Setbacks set-out in Clause 4.2.10 of Randwick Development Control Plan 2013 Part D1 – Kensington Town Centre.
8. The proposal does not satisfy the objectives or controls for Block 01 Controls set-out in Clause 4.3.1 of Randwick Development Control Plan 2013 Part D1 – Kensington Town Centre.
9. The proposal does not satisfy the objectives or controls for Apartment Layout set-out in Clause 4.7.2 of Randwick Development Control Plan 2013 Part D1 – Kensington Town Centre.
10. The proposal does not satisfy the objectives or controls for Roof forms set-out in Clause 4.6.9a of Randwick Development Control Plan 2013 Part D1 – Kensington Town Centre.
11. The proposal does not satisfy the objectives or controls for Solar Access set-out in Clause 4.6.10 of Randwick Development Control Plan 2013 Part D1 – Kensington Town Centre.
12. The proposal does not comply with the requirements specified in Part B7 of Randwick DCP 2013 – Transport, Traffic, Parking, and Access.