

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

JRPP No.	2015SYE164
DA No.:	Demolition of all existing structures, construction of shop top housing development comprising 8 storeys to Green Street, 7 storeys to Maroubra Road with 2 retail tenancies fronting Maroubra Road and 1 fronting Green Street, 69 residential dwellings, 3 levels of basement car parking for 100 vehicles, landscaping and associated works.
Street Address	180-188 Maroubra Road, Maroubra (DA/813/2015)
Applicant	Darren John Beasley
Owner	Prime & Famous Pty. Ltd.
Number of Submissions	6
Recommendation	Refusal
Report By	Matthew Choi

Executive Summary

Council is in receipt of a development application seeking consent for demolition of all existing structures, construction of shop top housing development comprising 8 storeys to Green Street and 7 storeys to Maroubra Road. The development is proposed to contain two retail tenancies fronting Maroubra Road and one fronting Green Street, 69 apartments, 3 levels of basement car parking for 100 vehicles, landscaping and associated works.

The application is referred to the Joint Regional Planning Panel for determination, pursuant to Schedule 4A, of the Environmental Planning and Assessment Act 1979 and Part 4 of State Environmental Planning Policy (State and Regional Development) 2011. The development has a capital investment value in excess of \$20 million.

The proposal has been subject to a pre-lodgement meeting held between the applicant and the Council officers on the 24 September 2015. A number of issues were raised regarding the future development of the site which included compliance with the relevant planning provisions including maximum permissible building height limit, number of storeys, building use, side setbacks from the western boundary, building articulation, building envelope, building depth, solar access, natural ventilation, floor to ceiling heights and universal and adaptable housing requirements. Council's Development Engineer also raised issues including the car park layout, traffic generation and road widening.

The development application was publicly exhibited, advertised within the local newspaper and site notification attached to the subject premises as per the requirements of the Randwick Development Control Plan 2013 (RDCP2013) for Public Notification. The application was formally notified between the periods on the 2 December to the 16 December 2015 with a total of six objections received. The objections include the non-compliance to the number of storeys, side setbacks, building separation, building depth,

natural ventilation, building envelope, traffic and parking, waste generation, inconsistencies with the submitted statement of environmental effects and an overdevelopment of the site.

The application was referred to the Design Review Panel (DRP) as per the requirements of State Environmental Planning Policy 65: Design Quality for Residential Apartment Development and a number of outstanding issues were raised with the application. The issues included lack of quality commercial space fronting Green Street and Maroubra Road, lack of direct solar access to the communal courtyard at level 00, non-compliance with the Apartment Design Guide (ADG) requirements for common circulation spaces and visual privacy, lack of detailed information included on the submitted plans, lack of deep soil areas provided to the communal courtyard area, unachievable natural ventilation given the number of 'snorkel' apartment layouts, inappropriate floor to ceiling heights, inconsistencies with the submitted plans and adverse amenity impacts associated with the excessive building density.

The arrangement of the built form consists of a U-shaped building footprint that is a nil setback from the external walls of the western neighbour and then setback approximately 4.3 metres from the western boundary as it extends beyond the building alignments of the western neighbour. The building configuration and the setbacks from the western boundary distributes the building mass to the building blocks fronting Maroubra Road and Green Street. The result is a disproportionate visual bulk and scale to the adjoining buildings which is contributed by a non-compliant number of storeys to Maroubra Road and Green Street, lack of setback from the upper floor levels to the front building alignment, inadequate floor to ceiling heights and the façade detailing is incompatible with the appearance of the neighbouring buildings. The proposal does not comply with the specific block-by-block controls as prescribed by the Randwick Development Control Plan (RDCP2013).

In terms of amenity impacts, the building configuration will also result in extensive overshadowing to the communal courtyard area and does not comply with the ADG requirements. The developments provides nil direct solar access and is well below the minimum of 50% of direct sunlight be provided to the principal usable part of the communal open space of a minimum of two hours between 9am and 3pm on the 21 June. In addition to this, the proposal does not provide a reasonable level of visual privacy to the occupants within the building or satisfy the design guidance for common circulation spaces.

The application includes a request under Clause 4.6: Exceptions to Development Standard given the development results in a breach to the maximum building height development standard of 25 metres. The proposal will result in a breach to the building height development standard which is limited to mostly to the lift overruns on the northern, western and southern building blocks as well as the roof top elements on the building. The applicant's request under Clause 4.6: Exceptions to Development Standards is not well founded given the additional height in conjunction with the additional storeys being sought results in a building that will have a size and scale that is inconsistent with the desired future character of the town centre.

The overall design scheme is not considered to be compatible with the adjoining buildings and is not considered to be one that is envisaged by the development controls within the RDCP2013. The current proposal does not achieve compliance with many of the key objectives and performance criteria as per the relevant development assessment criteria including the SEPP 65 requirements, the RLEP2012 and the RDCP2013 and is therefore recommended for refusal.

1.0 Site Description and Locality

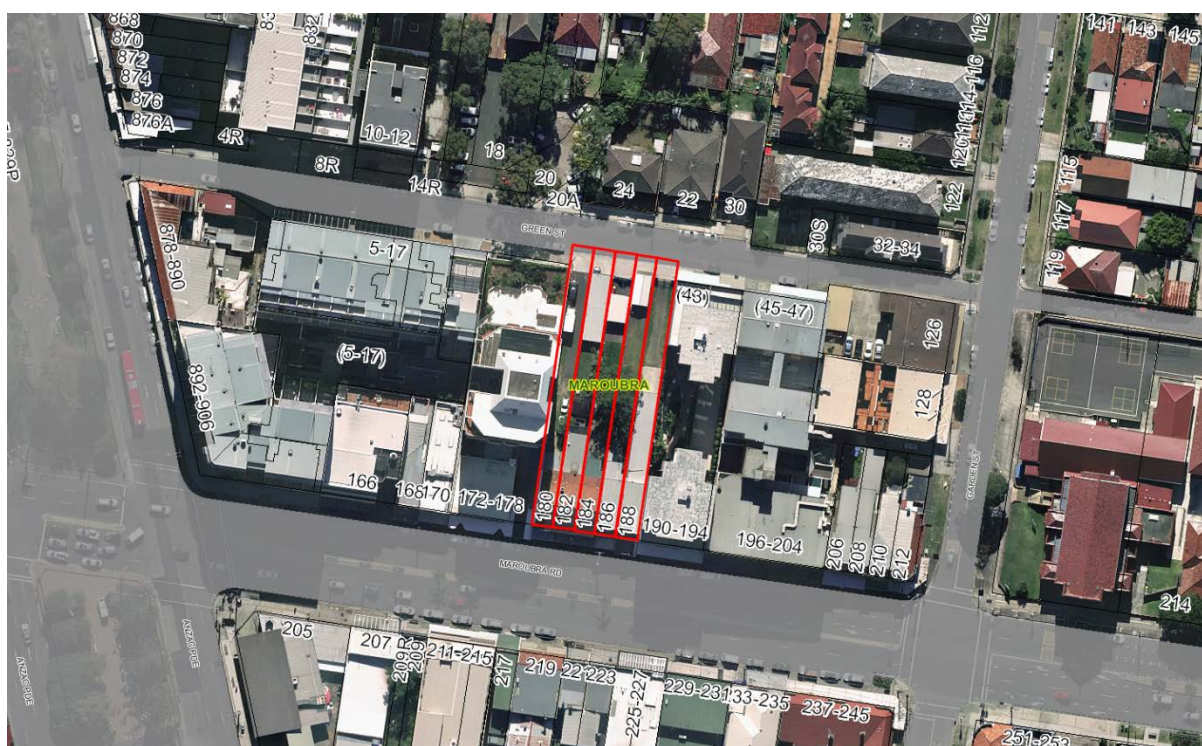
The subject site is presently made up of five (5) Torrens Title allotments of north- south orientation, known as 180 through 188 Maroubra Road, Maroubra, and described as follows:

Address	Lot & DP
180 Maroubra Road, Maroubra	Lot A, DP 384984
182 Maroubra Road, Maroubra	Lot 1, DP 26906
184 Maroubra Road, Maroubra	Lot 2, DP 26906
186 Maroubra Road, Maroubra	Lot 3, DP 26906
188 Maroubra Road, Maroubra	Lot 4, DP 26906

The site is located on the northern side of Maroubra Road, centrally within the block bound by Anzac Parade to the west and Garden Street to the east

The site has primary frontage to Maroubra Road, with secondary frontage to Green Street at the rear. The site is rectangular in shape and oriented north- south. Topographically, the site has a mild cross fall of roughly one (1) metre from the south-east to north-western corners.

Boundary	Length	Site area
Southern, Maroubra Road boundary	25.110m	1680m ²
Eastern, side boundary	67.07m	
Western, side boundary	67.07m	
Northern, Green Street boundary	24.935m	



A five (5) metre length of the northern extremity of site fronting Green Street is subject to road widening. The dedication leaves effectively 1555m² of the above site area as developable.

Each site presently comprises an attached two (2) storey shop top housing development, with lean-to addition and breezeway at the rear.

Surrounding development is characterised by similar aged shop-top housing development of roughly two (2) stories and contemporary mixed use and residential flat building developments of up to 13 stories.

To the immediate west of the subject site exists a 13 storey building, taking a tower- above-podium typology. The building appears to have been constructed in the last 20 years. To the immediate east are two (2) aged shop-top housing buildings, of two (2) storey scale. Beyond this to the east is a mixed use development of similar form to that of the proposal, comprising ground floor commercial to both frontages and five (5) residential storeys above. Single dwelling houses are located to the north, immediately across Green Street.

Neither the subject site nor its surrounds are noted to have any individual heritage significance within the provisions within RLEP 2012. The site and its surrounds are part of the Maroubra Junction Town Centre.

2.0 Application History

DA/413/2014	Demolition of existing buildings and construction of a mixed use development comprising of 43 dwellings in a seven (7) storey residential flat building, retail premises, roof top terrace and basement car parking for 62 vehicles (variation to height control)	Refused: 09 September 2015
DA/146/2015	Demolition of existing buildings and construction of an 8 storey shop top housing development containing 68 dwellings, ground level retail and car parking for 97 vehicles.	Withdrawn: 27 August 2015

3.0 The Proposal

The proposal involves demolition of the existing structures across the site and construction of an 8 storey shop top housing development fronting Green Street and a 7 storey shop top housing development fronting Maroubra Road. The two building blocks are connected centrally through a central building block on the western edge of the site to form a U-shaped building footprint. The development is proposed to contain 3 commercial tenancies, 69 residential units, 100 parking spaces with associated excavation and site works. Vehicular access is provided via a double width two way driveway from Green Street.

Proposal Overview	
Commercial Mix	Maroubra Road: 2 tenancies Green Street: 1 tenancy
No. of dwelling units	69
Apartment mix	Studio: 10 1 bedroom: 33

Proposal Overview	
	2 bedroom: 24 3 bedroom: 2
Parking	<u>Requirement:</u> 97 car spaces <u>Provided:</u> 100 car spaces over 3 basements levels which also contains storage areas, plant and service rooms and waste facilities.
GFA	<u>Requirement:</u> 70% of the of the building envelope <u>Proposed:</u> 73% of the building envelope fronting Maroubra Road; 91% of the building envelope fronting Green Street. Does not comply.
Max Building Height	<u>Requirement:</u> 25 metres. <u>Proposed:</u> 25.97 metres *Does not comply. Refer to Clause 4.6: Exceptions to Development Standards

4.0 Clause 4.6: Exception to Development Standard

The proposal contravenes the maximum height of buildings development standard contained in clause 4.3(2) of RLEP 2012. The applicant has submitted a written request seeking to justify the contravention of the standard pursuant to Clause 4.6 of RLEP 2012. The variation is summarised in the table below:

Proposed height of building	25.97 metres
Permissible height of building	25 metres
Height of building exceeding LEP control	970mm (3% departure from the standard)

4.1 Maximum Building Height

Clause 4.3 (2) states that the maximum height of buildings on this site is 25 metres. The amended proposal is inclusive of building height of 25.97 metres, which occurs to the top of the lift overruns, roof elements and a portion of the roof parapet fronting Green Street.

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 Department of Planning and Environment must also be obtained for development that contravenes a development standard. However, pursuant to the Notification of assumed concurrence 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 Department of Planning and Environment 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.

Has the applicant’s written request adequately addressed that compliance with the 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 are provided below:

As outlined in Section 3.4 and shown on the plans provided in Appendix A, the height of the proposed development will exceed the applicable development standard of 25m by up to 97cm.

The building’s exceedance of this development standard is limited to the top of plant areas, including lift over-runs, as well as the top of rooftop walls. The 25m height plane that applies to the Site, along with the elements of the proposed development that exceed this plane, is presented in Figure 5.

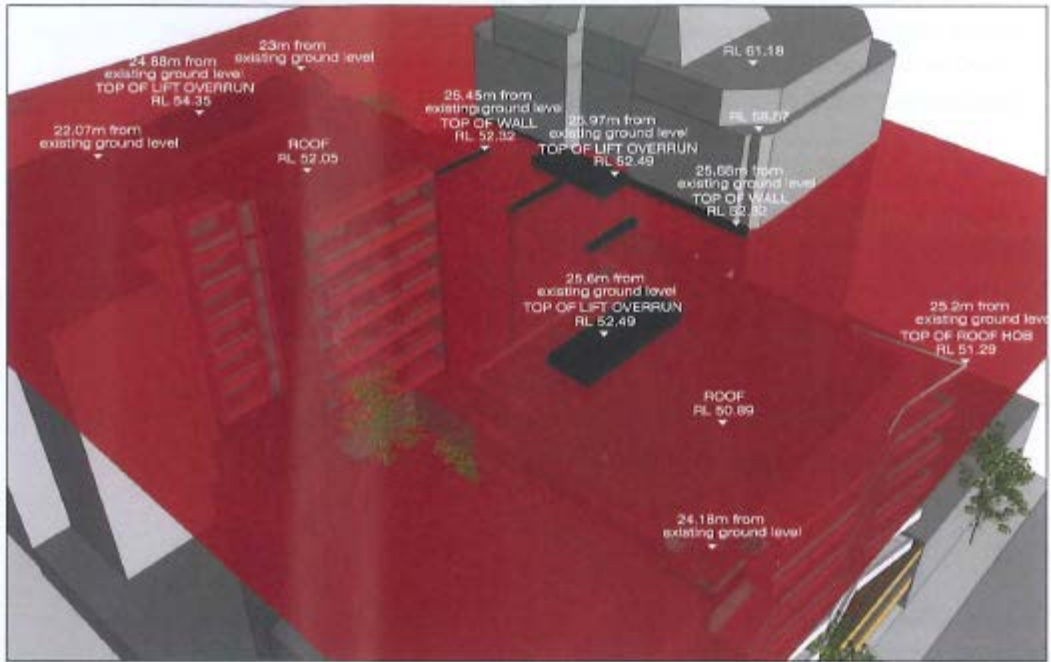


Figure 5 – Elements of the proposed development shown protruding through the 25m height plane (shown red)

5.1.2 Nature of Variation

The proposed maximum height of the building is 25.97m (to the top of the uppermost building plant and roof form), being up to 97cm above the maximum height limit.

Although the proposed rooftop features would breach the 25m height limit, this height exceedance represents only 5% of the total permissible height. Further, due to the existing height of the neighbouring building to the west (maximum height 51.61m), the 97cm height exceedance associated with proposed development is insignificant.

5.1.3 Site Context

Site context is a key consideration when determining the appropriateness and necessity of a development standard. Importantly,

The building is located in Maroubra Junction and is situated between two existing buildings that both breach the current height controls within the LEP.

The building bulk has been designed so that it is consistent with the existing development located to the south. The building will therefore appear consistent with its eastern neighbour. The existing building to the west of the Site has a height of over 50m, the proposed development would therefore be significantly lower than its existing western neighbour. The effect of this is that the building's predominant height is visually read as being consistent with, or lower than, its neighbours and entirely suitable for this location.

5.2 Is the Planning Control in Question a Development Standard?

'Development Standards' are defined under Section 4(1) of the EP&A Act as

follows:

development standards means provisions of an environmental planning instrument or the regulations in relation to the carrying out of development, being provisions by or under which requirements are specified or standards are fixed in respect of any aspect of that development, including, but without limiting the generality of the foregoing, requirements or standards in respect of:

(a) the character, location, siting, bulk, scale, shape, size, height, density, design or external appearance of a building or work,...

The maximum building height control under Clause 4.3 of the RLEP 2012 is clearly and unambiguously a development standard.

5.3 Justification for Contravention of the Development Standard

5.4 Public Benefit

Clause 4.6(4)(a)(ii) of the LEP requires that development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied that 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.

The proposed development has been assessed against the objectives for the 82 Local Centre zone in Section 5.1.1 below, and against the objectives for the building height standard in Section 5.1.2 below.

The DCP development envelope on the site allows development up to 1.5m from existing strata-titled buildings. A development that is compliant with this requirement would cause significant overlooking and overshadowing issues for the existing western neighbour.

To overcome this constraint the development has proposed an amended building envelope the retreats from the existing windows of the western neighbour by up to 4.3m. This is a significant improvement on previous applications for development on Site and should be seen as a public benefit that specifically responds to the constraints of the Site. Figure 6 demonstrates this additional setback.

To offset the lost developable area to the western end of the Site, the additional storey at the northern and western elements of the building is a justified. Despite the non-compliance with the building height standard, the proposal is considered to be in the public interest as it nevertheless satisfies the zone objectives and objectives of the development standard.

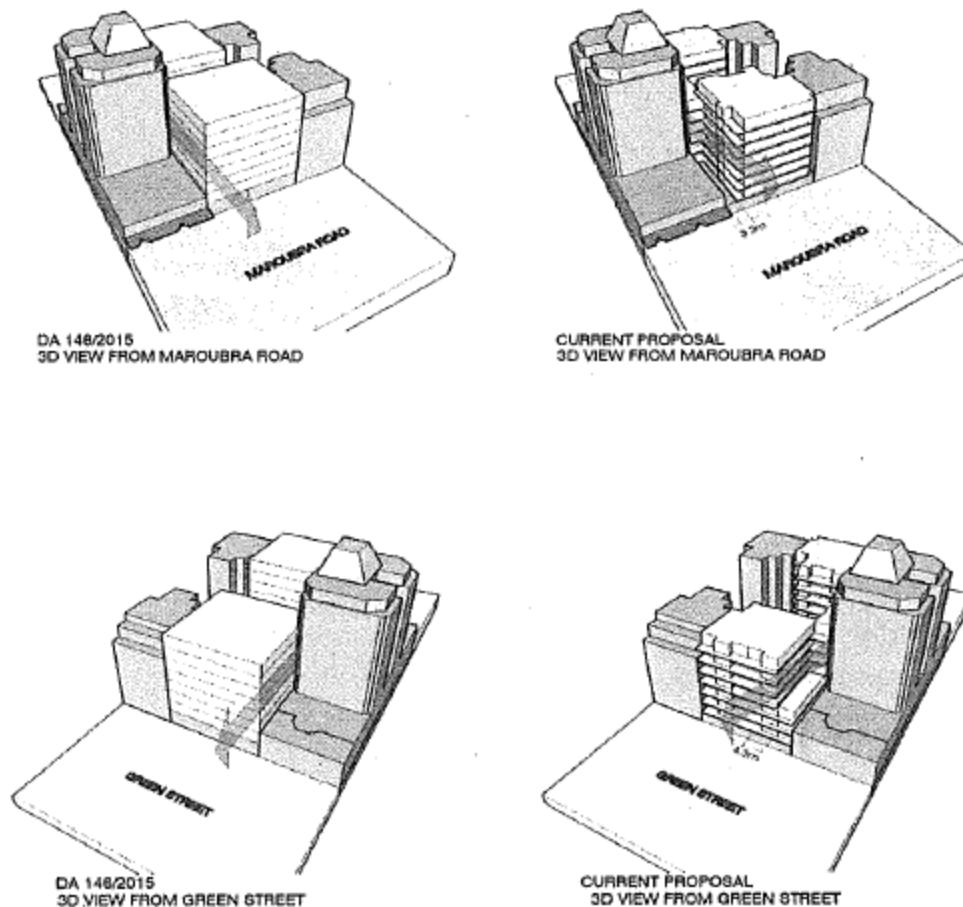


Figure 6 - Comparison of impact on western neighbour

5.4.1 Consistency with the zone objectives

The consistency of the proposed variance of a Development Standard against the objectives of the 82 Local Centre zone is outlined 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

The proposed development will provide new residential and retail units to serve the needs of people who live in, work in and visit the local area

To encourage employment opportunities in accessible locations.

The proposed development will encourage employment during construction. Once operational, the proposed development will also encourage employment within the proposed retail tenancies.

To maximise public transport patronage and encourage walking and cycling

The proposed development will encourage public transportation patronage and cycling. The Site is located on several key bus routes, as identified within the Traffic and Parking report at Appendix C. Ample cycle storage is provided within the proposed basement.

To enable residential development that is well-integrated with, and supports the primary business function of the zone

The residential component of the proposed development supports and is will

integrated with 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

The proposed development has been architecturally designed in a considered and considerate manner to create a sense of place on both Maroubra Road and Green Street.

To minimise the impact of development and protect the amenity of residents in the zone and in the adjoining and nearby residential zones

The proposed development will not affect the amenity of residents in nearby or adjoining zones. It has been designed to reduce as far as possible its impact on residents within the zone. When compared to previous applications for development of the Site, the proposed development provides a much reduced amenity impact on its immediate neighbours. This is illustrated in Figure 6, which compares the proposed development to that previously proposed as DA 146/2015.

To facilitate a safe public domain

The proposed development would provide new retail tenancies to both Maroubra Road and Green Street, which would contribute to a safe public domain.

5.4.2 Consistency with objectives of the development standard

The consistency of the proposed variance of a Development Standard against the objectives of the Height of Buildings Development Standard is outlined below.

To ensure that the size and scale of development is compatible with the desired future character of the locality

The desired future character of the locality can be inferred from the Randwick Development Control Plan 2013. The Site's locality is within an area identified as 'Block 8'. Table 4 presents the objectives of Block 8 along with an assessment of the proposed development against these objectives. The proposed development complied with these objectives.

To ensure that development is compatible with the scale and character of contributory buildings in a conservation area or near a heritage item

The proposed development is not located within a conservation area or in the vicinity of a heritage item.

To ensure that development does not adversely impact on the amenity of adjoining and neighbouring land in terms of visual bulk, loss of privacy, overshadowing and views

The proposed development has been designed to reduce as far as possible its impact on residents within the zone. When compared to previous applications for development of the Site, the proposed development provides a much reduced amenity impact on its immediate neighbours. This is illustrated in Figure 6, which compares the proposed development to that previously proposed as DA146/2015.

The feasibility of a development on the Site that both complies with the applicable development standards and also does not affect the amenity of neighbouring development is severely constrained. The LEP and DCP controls

that apply to the Site require a building that would severely affect the privacy and views of the neighbouring buildings, particularly 172- 178 Maroubra Rod. It is noted that during a previous application on the Site (DA146/2015) numerous objections were received from 172 -78 Maroubra Road on the grounds of view loss and loss of privacy.

Figure 6 compares the proposed development to that previously proposed as DA146/2015.

Impact on the amenity of neighbouring properties, particularly the amenity currently enjoyed by 172-178 Maroubra Road, is an unavoidable consequence of the development of the Site in line with the applicable Development Standards.

As shown in **Figure 6**, the proposed development, through offering an increased setback to the western boundary, offers a greatly improved amenity reduction for those residents located on the first seven storeys when compared to previous scheme proposed on the Site. Residents of 172 -178 Maroubra Road located above the seventh storey will overlook the roof of the proposed development and landscape planting is proposed to mitigate this impact. Proposed landscape planting is illustrated in the landscape drawings provided at Appendix M.

The scheme's proposed exceedance of the height of buildings development standard is limited to rooftop walls, plant room, including lift overruns. It would not adversely affect the amenity of neighbouring development when compared to a compliant scheme.

5.5 Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case

When considering whether a development standard is appropriate and/or necessary, one must take into account the nature of the proposed variation, the Site context, and the design of the proposed development. Each of these matters is discussed below.

5.6 There are sufficient environmental planning grounds to justify contravening the development standard

Clause 4.6(3) 'Exceptions to development standards' of the RLEP 2012 states:

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

(a) at 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.

In the decision of *Wehbe v Pittwater Council* [2007] NSW LEC 827, which provides case law relating to SEPP 1 Objections, Chief Justice Preston expressed

the view that there are five different ways in which a variation to a development standard might be shown as unreasonable or unnecessary. Of particular relevance in this instance is 'WAY 1', that a development standard might be shown as unreasonable or unnecessary in the event that 'the objectives of the standard are achieved notwithstanding non-compliance with the standard'.

As noted above, the relevant objectives of the height of buildings development standard are:

1(a) to ensure that the size and scale of development is compatible with the desired future character of the locality; and

1(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.

As outlined above, despite the building being in excess of the height control, it will still result in a development outcome that achieves the objectives of the Clause 4.3- 'Height of buildings' development standard.

*Further, as shown in **Figure 6** the building envelop of the proposed development is a significant improvement on the DCP envelope and on previous applications for development on Site and should be seen as a public benefit that specifically responds to the constraints of the Site.*

A development that is compliant with the DCP requirements would cause significant overlooking and overshadowing issues for the existing western neighbour. To overcome this constraint the development has proposed an amended building envelope the retreats from the existing windows of the western neighbour by up to 4.3m. To offset the lost developable area to the western end of the Site, the additional storey at the northern and western elements of the building is a justified.

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

Planning comment:
<p>It is considered that the proposed variation from the maximum building height standard is not well founded in this instance for the following reasons:</p> <p>The RLEP 2012 applies maximum height standards to the Maroubra Junction Town centre. Pursuant to clause 4.3 of the RLEP, the height of the building on the subject site is not to exceed the maximum height shown for the land on the corresponding Heights of Buildings Map. The maximum building height standard for the subject site as stipulated in the RLEP 2012 is 25m.</p> <p>The RLEP 2012 height standard for the subject site is to be read in conjunction with the Randwick Comprehensive DCP 2013 (Part D4 – Maroubra Junction Centre), which allows for a two block envelope with a maximum height of 6 storeys along Maroubra Rd and 5 storeys along Green Street corresponding with a maximum height control of 21m and 18m respectively.</p>

The proposal will exceed the RDCP 2013 height control by 1 storey on Maroubra Rd and 3 storeys on Green St. Council's planning policies clearly anticipate a predominant building height of 5 to 6 storeys, hence any parts of the building that significantly breach both the height standard and storey control have the potential to compromise the strategic planning objectives for the Town Centre. The numerical standards contained in RLEP 2012 are the result of considerable community consultation and detailed analysis of the existing and emerging development patterns in the Randwick LGA. Strategic considerations in relation to density and height within the precinct were examined as part of the preparation of RLEP 2012 and RDCP 2013. The resultant LEP standards and DCP built form controls act as the key determinants in achieving a certain urban character and density. Allowing *ad hoc* increases in the density and scale of development on a project by project basis would undermine Council's planning framework and cumulatively impact to transform the character of the Town Centre. On this basis, it is considered that the upholding of the height standard is necessary in this particular case and is in the public interest. The applicant has failed to recognise the role of both the RLEP 2012 maximum height standard and maximum storey control in the RDCP 2013 in providing for the orderly development of land. It should also be noted that the 25m height limit has been designed so that buildings within the Maroubra Junction Town Centre can comfortably fit within the height standard which should not be used as means by which to introduce additional storeys that would be inconsistent with the existing pattern of development and beyond that anticipated by the built form controls for the Town Centre.

In this instance, the additional height results in a building that will have a size and scale that is inconsistent with the desired future character of the town centre. The combined effect of the maximum height and storey controls would provide for a building that is manifestly smaller than that proposed. It is acknowledged that the applicant has attempted to redistribute some of the building volume away from the side boundaries of the tower building at 172-178 Maroubra Rd, but these benefits are largely diminished by the increase in height through the proposed additional storeys.

In considering the heights of neighbouring buildings, the development will be out of character and result in a substantially larger development than the buildings within the existing streetscape. The northern building block fronting Green Street consists of 8 storeys with an RL51.29 when measured from the uppermost portion of the roof parapet. However, should a compliant floor to ceiling height be applied to the ground floor commercial tenancy (consistent with the ADG requirements) the development will increase the building height to RL52.59. The development will be significantly larger than the adjoining buildings including the immediate eastern neighbour at no. 190-194 Maroubra Road with an RL50.44 and the western neighbour at no. 5-17 Green Street at RL49.83. In respect to the topography along Green Street the street naturally falls away from east to west towards Anzac Parade. The buildings along Green Street respect the sloping nature of the site with the built form stepping down from the eastern end to the western end of block 08 as identified in the RDCP 2013. The proposed building envelope will protrude above the street wall height plane that is established by the adjoining and neighbouring buildings and will appear a full storey higher than that of the eastern neighbour. The proposed building height above that of the neighbouring street edge buildings interrupts the continuity of the building scale and will be intrusive within the streetscape. Further, the proposed northern building block is also set up to the northern boundary which contributes to the excessive visual bulk and scale of the development from the street edge. The eastern neighbour is setback 3.5 metres and 6 metres to the top two levels from the street edge which alleviates the visual bulk and scale from the building alignment. The neighbouring building at 5-17 Green Street to the west is set up to the property boundary for 6 storeys at the western end. Consequently, the scale of the proposed northern building block will be inconsistent with the scale of existing street edge buildings along Green Street and the desired future character of the Town Centre.

The proposed southern building block fronting Maroubra Road also contributes to unacceptable visual bulk and scale impacts at the street edge. The non-compliant storey at the top most level (Level 06) consists of a nil setback from Maroubra Road and will exacerbate the dominance and intrusiveness of the building within the streetscape. The two upper most levels to the eastern neighbouring building at 190 – 194 Maroubra Road are setback between 3 to 5 metres from Maroubra Road which minimises the apparent scale of the building from the street edge. The western neighbour on the corner of Anzac Parade and Maroubra Road (892-906 Anzac Parade) is of a greater height but is consistent with its location on a prominent street corner and is located at the commercial core of the Town centre where the RDCP 2013 allows greater height. In comparison to the existing buildings along Maroubra Road, the development will appear larger in size and scale and does not adopt the increased setbacks at the upper levels to alleviate its visual prominence. The immediate western neighbour at no. 172-178 Maroubra Road is a building of 13 storeys that has a single tower with extensive street setbacks to both Maroubra Road and Green Street. Whilst informing the context, it is an anomaly and inconsistent with the desired future character of the Town Centre. Similarly, the existing building at 196-204 Maroubra Road was constructed in 1989 and has 8 storeys to Green Street and 5 storeys to Maroubra Road. The height to Green Street is also inconsistent with the desired future character and indicative of an inappropriate scale relationship to Green Street.

In terms of amenity impacts, the non-compliant building height of the lift overrun on the western end of the building block also fails to comply with the side setback requirements and the combined effect results in the bedroom window openings to the eastern units (levels 1-7) of the western neighbour to be completely shadowed which will significantly impact the amount of natural daylight and ventilation that these habitable rooms will receive. Overall, the additional overshadowing and loss of outlook that results from the combined effect of the breaches in both the storey and maximum height controls is unacceptable having regard to the nature and extent of the non-compliances when compared against the impacts that would arise from a complying envelope.

The applicant's written request for an exception to the standard has not successfully demonstrated that compliance with the development standard in question is unreasonable or unnecessary in the circumstances of the case.

(iii) Has the applicant's written request adequately addressed that there are sufficient environmental planning grounds to justify contravening the development standard?

The proposal has not been designed to achieve the planning objectives for the locality and does not accord with the desired future scale and character of development whilst minimising potential adverse impacts on surrounding properties.

The applicant's written request has not successfully demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard.

(iv) Will the proposed development 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?

Based on the above assessment, it is considered that the proposed development is inconsistent with the objectives of the maximum building height standard. The objectives for development within the zone in which the development is proposed to be carried out (Zone B2 – Local Centre) are:

- 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.

The proposal does not provide for an appropriate mixed use development, both in the context of this site and as contemplated within the B2 zone.

The proposal has not been designed with consideration of surrounding amenity, and does not minimise environmental impacts upon neighbouring sites. The proposed built form does not serve to promote the desired future character of the Maroubra Junction Town Centre. Whilst, the scheme provides a highly articulated development, its scale is inappropriate having regard to the built form controls under the DCP.

The development does not facilitate a high standard of urban design given the proposal does not comply with the suite of building envelope controls as prescribed within the RDCP2013 and will result in a number of amenity impacts to the subject development including solar and daylight access, natural ventilation, ceiling heights, deep soil, visual privacy and to common circulation spaces.

The proposed development is therefore inconsistent with the objectives of the standard and the relevant objectives for development within Zone B2 – Local Centre. Refer to Section 8.5: Randwick Local Environmental Plan 2012 for further details regarding compliance with the objectives of the RLEP2012.

(v) Does the Council have delegation to exercise the concurrence function of the Director-General of the Department of Planning and Infrastructure for development that contravenes a development standard? If so:

(a) Whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and

(b) The public benefit of maintaining the development standard.

Comments:

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 to the granting of development consent to the development that contravenes the development standard for building height within clause 4.3 of RLEP 2012.

Variation from the adherence to the numerical building height standard will be detrimental to the orderly development of the site and there is a public benefit in maintaining the development standard in this instance.

The proposed variation from the development standard does not raise any matters of significance for State or regional environmental planning. Nonetheless, the strict adherence to the numerical standard will be necessary in this case, to ensure the desired future

character and density of the locality and so that development does not compromise the amenity of surrounding residential areas.

5.0 Community Consultation

The owners of adjoining and neighbouring properties were notified of the proposed development; and the proposed development was also advertised, in accordance with the DCP – Public Notification. Six (6) submissions were received from the following properties. The issues raised in the submissions are addressed below and in the subsequent sections of this report.

- 407/200 Maroubra Road, Maroubra
- 12/172-178 Maroubra Road, Maroubra
- 16/172-178 Maroubra Road, Maroubra
- 19/172-178 Maroubra Road, Maroubra
- 33/172-178 Maroubra Road, Maroubra
- Owners of the Strata Plan 75824

The proposal exceeds the maximum permissible number of storeys fronting Green Street and Maroubra Road as prescribed by Clause 3.2.8 of the RDCP2013.

Comment: Noted. See assessment under key issues section of this report.

The proposal does not comply with the minimum building separation requirements as prescribed by Clause 3.1.3 of the RDCP2013.

Comment: In terms of the control for separation distances between buildings stipulated in the DCP, it is acknowledged that the proposal does not comply with a required separation distances between buildings of between 9m – 18m. However, a strict application of these separation distances would not allow for a building to be erected on the site and is in conflict with the built form outcome envisaged under DCP

The proposal does not comply with the minimum side setback requirements as prescribed by Clause 3.1.9 of the RDCP2013.

Comment: Noted. See assessment under key issues section of this report.

The rear setback is inconsistent with the western neighbouring building which will contribute to adverse amenity impacts.

Comment: Noted. See assessment under key issues section of this report.

The proposal breaches the maximum permissible building depth that exceeds the minimum 22 metre requirement as prescribed by Clause 3.1.5 of the RDCP2013.

Comment: Noted. See assessment under key issues section of this report.

The submitted statement of environmental effects incorrectly calculates the number of hours of direct sunlight received to the affected premises and is not consistent with the RDCP2013.

Comment: In accordance with Clause 6A(1)(b) of the State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development (SEPP65), the Apartment Design Guide (ADG) provisions to Solar and Daylight Access prevail over the RDCP2013.

Subsequently, the minimum requirements as prescribed by the RDCP2013 are no longer applicable and the ADG requirements apply. The statement of environmental effects assesses the minimum two hours of direct solar access and is consistent with the ADG. Refer to Solar Access and Daylight for further details.

The proposal will compromise the natural ventilation to the bedroom window openings to the western neighbour given the proposed building block is set nil from the western boundary.

Comment: Noted. See assessment under key issues section of this report.

The proposal does not comply with the minimum cross ventilation requirements and the submitted statement of environmental effects incorrectly advises 100% of the apartments will receive cross ventilation.

Comment: Noted. See assessment under key issues section of this report.

The central communal open space area does not receive any direct solar access.

Comment: Noted. See assessment under key issues section of this report.

The proposal does not accommodate for adequate storage spaces within the apartment units.

Comment: The proposed bedrooms are suitably sized and comply with the minimum apartment size and layout requirement as prescribed within the Apartment Design Guide and the apartments allow for flexibility within the room layout to accommodate for storage areas within each apartment. Notwithstanding this, additional storage areas are provided at the basement floor levels.

The proposal represents an overdevelopment of the site.

Comment: Noted. See assessment under key issues section of this report.

The proposal exceeds the maximum 70% of the building envelope for residential floors as prescribed by Clause 3.1.3 of the RDCP2013

Comment: Noted. See assessment under key issues section of this report.

The proposal will contribute to adverse traffic and parking impacts.

Comment: The subject application currently provides a surplus of three parking spaces above the minimum requirements and subsequently complies with the number of off-street parking spaces consistent with the vehicular parking rates as prescribed within Part B7: Transport, Traffic and Access. The application has also been referred to Council's Development Engineer and advised that the development will cater for the off-street parking demand as per the vehicular parking rates of the RDCP2013. The development is not expected to generate any adverse traffic impacts through either Green Street or Maroubra Road or the surrounding vehicular network.

The hours of operation to the commercial tenancies at the ground floor level are inconsistent with typical food and drink premises.

Comment: Any new uses in the commercial tenancies will be subject to a separate development application.

The proposal will result in the additional generation of waste on Council's footpath and road reserve.

Comment: The proposed development is not expected to contribute to adverse waste generation impacts to the neighbouring buildings. Appropriate areas for waste storage have been provided at the Basement Level 1 Plan and allows for direct access to Green Street for waste collection.

The subject site is located in a flood prone area and may contribute to substantial flooding impacts to the premises.

Comment: Refer to Development Engineer comments under Technical Officers Comments – Internal section of this report.

6.0 Technical Officers Comments – Internal

6.1 Development Engineer and Landscape Officer

An application has been received for construction of new multi-unit housing at the above site.

Drainage Comments

On site stormwater detention is required for this development.

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

The area is located near a localised low point (Green Street frontage). The applicant was requested to undertake a flood study to determine the critical 1%AEP flood level for the site. A flood report prepared by Sam Haddad of Integrated Group Services (IGS) determined that the critical 1%AEP level in Green Street varies between 26.77m AHD and 26.86m AHD. The same study determined that the critical 1%AEP level in Maroubra Road varies between 29.09m AHD and 29.99m AHD. Assuming a critical 1%AEP level in Green Street of 26.86m AHD all habitable floor levels and storage areas should be at or above 27.36m AHD (i.e. with 500mm freeboard). The internal driveway should have a high point of 27.16 (i.e. with 300mm freeboard). There is a minor non-compliance in the high point provided. The grades on the internal driveway do not strictly comply with the relevant sections of AS 2890.1 2004.

The proposed floor levels along Maroubra Road range between 29.85m AHD and 29.80m AHD. There are a number of sections along Maroubra Road where the floor levels do not comply with Council's flood planning requirements (1%AEP level plus 500mm freeboard).

Traffic Comments

Parking Requirements for the development have been assessed as per the rates specified in Randwick Council's Development Control Plan 2013 Part B7.

Vehicle Parking

Vehicle Parking for multi-unit housing is to be provide at the following rates;

1 space per 2 studio units (<40m²)

1 space per 1 bedroom unit (over 40m²)

1.2 spaces per 2 bedroom unit

1.5 spaces per 3 bedroom unit

1 visitor space per 4 units (but none where development is less than 4 dwellings)

1 space per 40m²

The traffic report for the proposed development states that the building accommodates 70 apartments. Twelve (12) studios, Thirty two (32) one bedroom, Twenty Four (24) two bedroom and Two (2) three bedroom. The proposal involves a provision of 289m² of office space. Total parking demand is therefore approximately 96 spaces and the applicant has provided 101 spaces. The parking provision is satisfactory.

Motorbike Parking

Motorbike Parking is to be provided at 5% of the vehicle parking requirement.

The application complies.

Bicycle Parking

For Flats/multi dwelling bicycle parking to be provided at 1 space per 2 units plus 1 visitor space per 10 units

The application complies.

Service and Delivery Parking

Service and Delivery Parking is to be provided at the rate of 1 space per 50 units up to 200 dwellings, plus 1 space per 100 dwellings thereafter.

No specific service delivery area has been provided.

Carpark Layout

The vehicular access driveways, internal circulation ramps and the carpark areas, (including, but not limited to, the ramp grades, carpark layout and height clearances) are to be in accordance with the requirements of Australian Standard 2890.1:2004.

The proposed internal driveway as shown on the architecturals included in the Car Park and Access Analysis (Appendix C) varies from the proposed internal driveway shown on drawing DA 2.03 Revision A. The gradients of the internal driveway shown on drawing DA 2.03 Revision A do not strictly comply with the relevant sections of AS 2890.1 – 2004, (in the section near Green Street). There is a scaling error near the green Street alignment – the length of 4.5 metres (at 1 in 8) is incorrect.

Service Authority Comments

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

- i) All overhead service cables, including power lines, telecommunications cables and associated infrastructure on the development site and in the street/s immediately

adjacent to the development are to be placed underground in accordance with the requirements of the relevant power supply authority, at the applicant's cost where:

- the development comprises the erection of a new mixed use or medium density residential building containing 40 or more apartments or is a substantial non-residential development; and

- there is at least one full span located immediately adjacent to the development, with no responsibility for other property connections.

- ii) *If the applicant considers that the undergrounding of the power lines will not achieve the objectives set out in 1.1, the applicant must submit written and detailed justification with its DA documentation for consideration by Council.*

The subject is subject to this clause

This requirement could be dealt with by condition.

Undergrounding of site feed power lines

At the ordinary Council meeting on the 27th May 2014 it was resolved that;

Should a mains power distribution pole be located on the same side of the street and within 15m of the development site, the applicant must meet the full cost for Ausgrid to relocate the existing overhead power feed from the distribution pole in the street to the development site via an underground UGOH connection.

The subject is located within 15m of a power pole on the same side of the street hence the above clause is applicable

This requirement could be dealt with by condition.

Landscape Comments

Standard landscape conditions would be included within a more detailed report.

6.2 Environmental Health Officer

Proposed Development:

Residential commercial development Maroubra Junction .

Comments:

Contamination

The application does not provide a preliminary or detailed site investigation in accordance with the provisions of SEPP 55, Contaminated Land Management Act 1997 and Council's Contaminated Land Policy 1999. A preliminary site contamination and or detailed site investigation must be undertaken by a suitably qualified person to identify whether the site is suitable or can be made suitable for the intended use.

Recommendation:

The application should be refused.

7.0 Technical Officers Comments – External

7.1 Sydney Airport Corporation Limited

Re: PROPERTY DEVELOPMENT – 180-184 MAROUBRA ROAD, MAROUBRA

I refer to your recent application for information on obstacles in regard to the above development.

Height Restrictions

The PROPERTY DEVELOPMENT at 180-184 MAROUBRA ROAD, MAROUBRA lies within an area defined in schedules of the Civil Aviation (Buildings Control) Regulations which limit the height of structures to 150 feet (45.72 metres) above existing ground height (AEGH) without prior approval of the Civil Aviation Safety Authority.

In this instance, I, Peter Bleasdale, as an authorised person of the Civil Aviation Safety Authority (CASA), under Instrument Number: CASA 229/11, and in my capacity as Airfield Design Manager, have no objection to the erection of this structure to a height of 58 metres above Australian Height Datum (AHD).

The approved height is inclusive of all lift over-runs, vents, chimneys, aerials, TV antennae, construction cranes etc.

Should you wish to exceed 58 metres above Australian Height Datum (AHD), a new application must be submitted.

Should the height of any temporary structure and/or equipment be greater than 150 feet (45.72 metres) above existing ground height (AEGH), a new approval must be sought in accordance with the Civil Aviation (Buildings Control) Regulations Statutory Rules 1988 No. 161.

Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Airports (Protection of Airspace) Regulations.

Sydney Airport advises that approval to operate construction equipment (ie cranes) should be obtained prior to any commitment to construct.

Information required by Sydney Airport prior to any approval is to include:

- the location of any temporary structure or equipment, ie. construction cranes, planned to be used during construction relative to Mapping Grid of Australia 1994 (MGA94);
- the swing circle of any temporary structure/equipment used during construction;
- the maximum height, relative to Australian Height Datum (AHD), of any temporary structure or equipment ie. construction cranes, intended to be used in the erection of the proposed structure/activity;
- the period of the proposed operation (ie. construction cranes) and desired operating hours for any temporary structures.

Any application for approval containing the above information, should be submitted to this Corporation at least 35 days prior to commencement of works in accordance with the Airports (Protection of Airspace) Regulations Statutory Rules 1996 No. 293, which now apply to this Airport.

For further information on Height Restrictions please contact me on (02) 9667-9246.

Under Section 186 of the Airports Act 1996, it is an offence not to give information to the Airport Operator that is relevant to a proposed “controlled activity” and is punishable by a fine of up to 50 penalty units.

The height of the prescribed airspace at the site is 80 metres above Australian Height Datum (AHD). In accordance with Regulation 9 of the Airports (Protection of Airspace) Regulations Statutory Rules 1996 No. 293, “a thing to be used in erecting the building, structure or thing would, during the erection of the building, structure or thing, intrude into PANS OPS airspace for the Airport, cannot be approved”.

Planning for Aircraft Noise and Public Safety Zones

Current planning provisions (s.117 Direction 3.5 NSW Environmental Planning and Assessment Act 1979) for the assessment of aircraft noise for certain land uses are based on the Australian Noise Exposure Forecast (ANEF). The current ANEF for which Council may use as the land use planning tool for Sydney Airport was endorsed by Airservices Australia on 13 March 2009 (Sydney Airport 2029 ANEF).

Whilst there are currently no national aviation standards relating to defining public safety areas beyond the airport boundary, it is recommended that proposed land uses which have high population densities should be avoided.

7.2 Eastern Suburbs Local Area Command

Referral of Development Application for comment under the NSW Environmental Planning & Assessment Act 1979, 79C Crime Prevention Through Environmental Design Guidelines.

Development Application No:	DA/813/2015
Property:	180 – 188 Maroubra Road, Maroubra
Proposed:	Demolition of all existing structures, construction of shop top housing development comprising 8 storeys to Green Street, 7 storeys to Maroubra Road, with 2 retail tenancies fronting Maroubra Road and 1 fronting Green Street, 69 residential dwellings, 3 levels of basement car parking for 100 vehicles, landscaping and associated works.

1. Introduction

On Thursday the 3rd of December 2015 a Crime Risk Assessment was conducted upon a proposed mixed development to be situated at 180 – 188 Maroubra Road, Maroubra, by Constable Andrew CARTER, Crime Prevention Officer Eastern Beaches Local Area Command.

This Crime Risk Assessment will help planners, architects, crime prevention practitioners and design consultants to determine when, where and how to use Crime Prevention Through Environmental Design (CPTED) to reduce opportunities for crime.

It is based upon the International Risk Management Standard, AS/NZS/ISO:31000, and uses qualitative and quantitative measures of the physical and social environment to create a contextually adjustable approach to the analysis and treatment of crime opportunity.

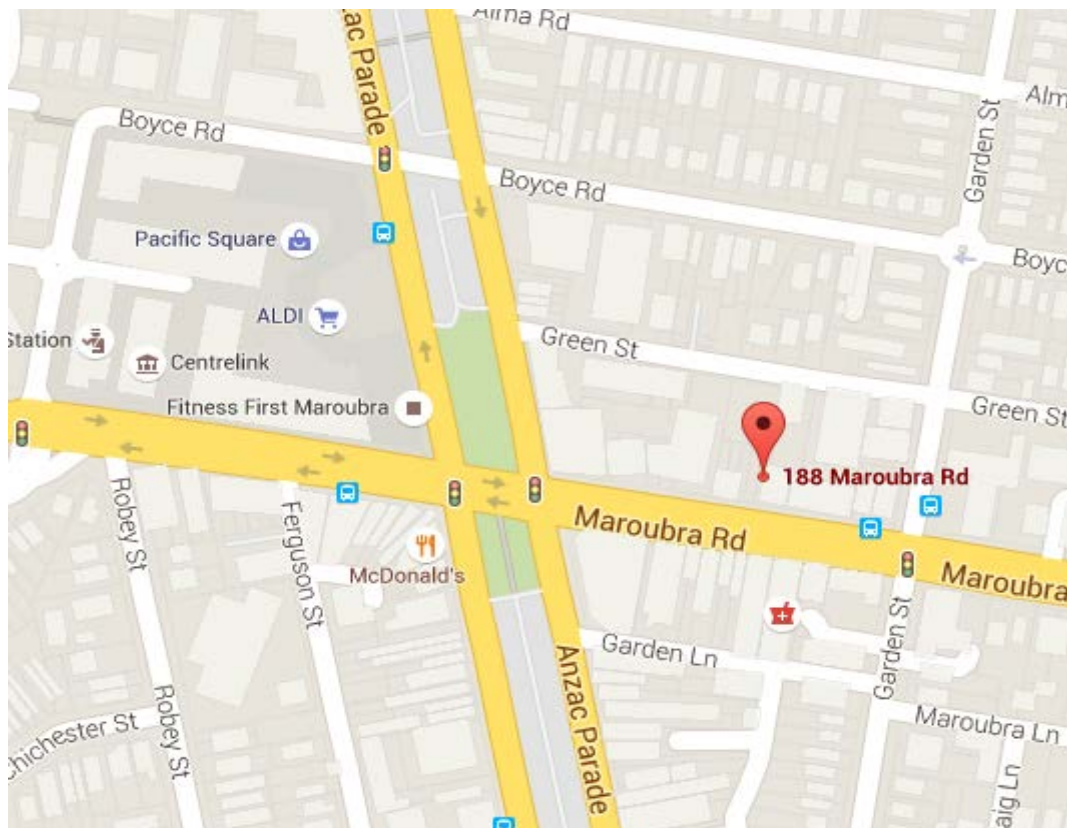
The proposed development is for the construction of a mixed use development comprising of;

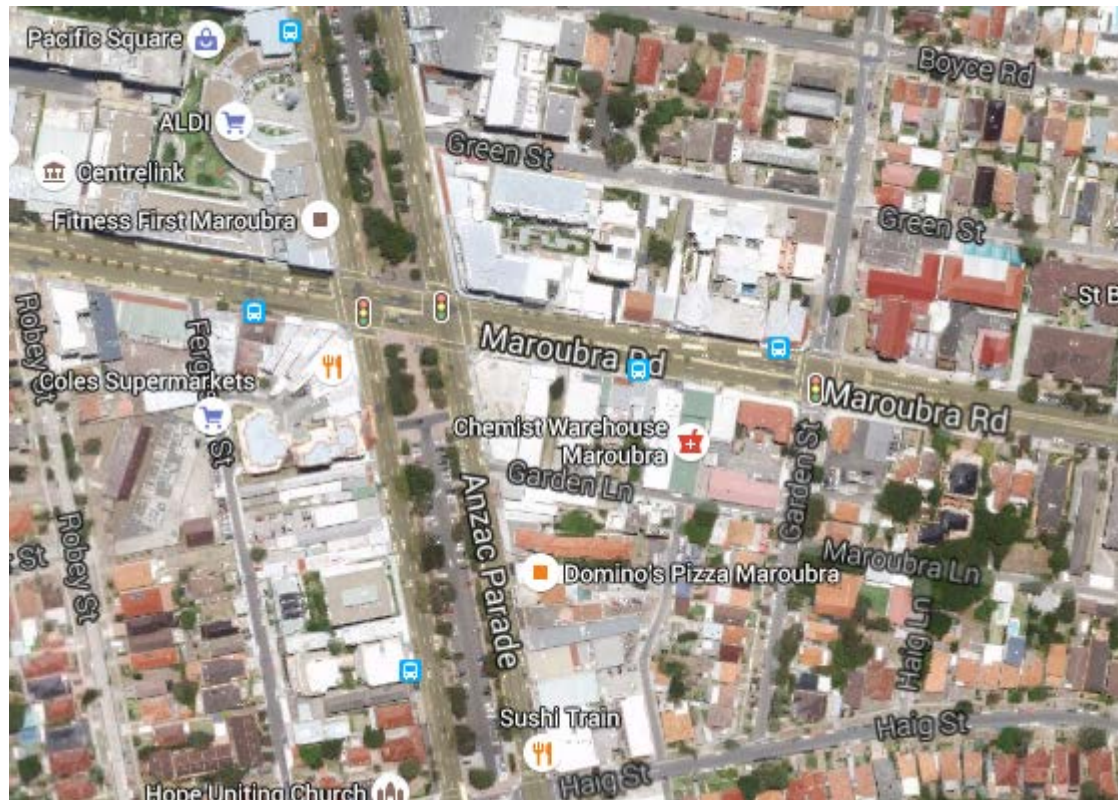
- *Three levels of basement parking*

- Two ground floor retail tenancies fronting Maroubra Road
- One ground floor retail tenancy fronting Green Street
- 69 apartments comprising 10 x studio, 27 x one bedroom, 6 x accessible one bedroom, 24 x two bedroom, and 2 x three-bedroom; and
- Landscaping works, including ground level and rooftop terrace landscaping

The proposed development is to be located close to Maroubra Junction at the intersection of Anzac Parade and Maroubra Road. The area is characterised by a mix of dwelling types, generally comprising ground floor retail. Other commercial uses are generally not present along Maroubra Road or Green Street. Medium and high density mixed use development extends along the Maroubra Road corridor with large scale retailers and supermarkets located at Pacific Square Shopping Centre, which is located on Anzac Parade, less than 300 metres from the site. Many businesses centres within this Command often experience higher incidents of crime than other areas. With this in mind this development may experience higher incidents of crime than other locations.

2. Location





3. Identify, assess & rate the issues

The following issues have been identified, assessed and rated for these types of developments;

Issue	Activity	Likelihood	Consequence	Rating
Fall from height	Inappropriate use of windows or balconies relating in falling from height	L2 Unlikely	L5 Catastrophic	Extreme
Sexual Assault	Use threat of or violence to harm people	L3 Possible	C3 Moderate	High
Anti social behaviour	Behave in an inappropriate manner against the norms of society.	L4 Possible	C3 Moderate	High
Arson	Use fire to injure people or damage property.	L3 Possible	C3 Moderate	High
Break, enter & steal	Force entry to property to take property without owners consent.	L3 Possible	C3 Moderate	High
Drug distribution	Distribute illegal substances.	L3 Possible	C3 Moderate	High
Drug possession	Possess illegal substances.	L3 Possible	C3 Moderate	High
Fraud	Use deception to take property without the owners consent.	L3 Possible	C3 Moderate	High
Malicious	Damage property	L4	C3	High

damage	maliciously without owners consent.	Likely	Moderate	
Traffic related	Vehicle congestion which may lead to impeding emergency service response	L4 Likely	C3 Moderate	High
Steal from motor vehicle	Take property from motor vehicle without the owner's consent.	L4 Likely	C3 Moderate	High
Steal from mail box	Take property from mail box without the owner's consent.	L4 Likely	C3 Moderate	High
Stolen motor vehicles	Take motor vehicle without the owner's consent.	L2 Unlikely	C3 Moderate	Moderate
Trespass	Enter or remain upon property without owners consent.	L2 Unlikely	C3 Moderate	Moderate
Assault	Use threat of or violence to harm people	L2 Unlikely	C3 Moderate	Moderate

Determine what course of action should be taken?

E	Extreme	This level of risk is considered unacceptable and must be given immediate priority.
H	High	This level of risk is considered borderline unacceptable and must be given immediate priority.
M	Moderate	This level of risk is generally regarded as tolerable , but should be further mitigated if a benefit to so can be demonstrated and there is additional control measures which are recognised as best practice.
L	Low	This level of risk is tolerable and should be monitored continuously.

Based upon the International Risk Management Standard, AS/NZ/ISO:31000.

4. Community Safety Concerns

Police have community safety concerns with the proposed development and the location;

Similar developments to this within the Local Area Command have experienced a number of issues which need to be addressed to reduce opportunities for crime.

High rise buildings also pose another concern which is people falling from either balconies or windows. In many instances people who may be affected by drugs or alcohol try to scale between balconies or fall over railings. Balconies also need to be designed to restrict people scaling between balconies or falling from balconies. Windows need to be fitted with devices to restrict people falling from these areas. Windows need to be fitted with devices to restrict people falling from these areas.

There have also been issues with sexual assaults taking place on people using the isolated car park areas, gymnasiums, loading or bin areas. In many instances the victims have been dragged by Persons of Interest into these areas and sexually assault. Try to limit these types of areas.

Areas with poor surveillance, access control and confusion over who owns or cares for the space will often result in inappropriate use by people involved in criminal or anti social behaviour. This could result in drug use or distribution or groups of unwanted people congregating in this area. It is important that all areas of the proposed development be connected in some way to the development to clearly demonstrate ownership and control of the space.

Unit complexes such as this will sometimes be used by criminal to abandoned vehicles that they have used in the commission of crimes. In many instances they have set fire to these vehicles with the intent to destroy DNA they may have left. This can result in major fires within the car park areas which in turn result in the building having to be evacuated causing major disruptions to the owners of properties within the complex.

There have also been reports of break, enter and steal dwelling. The Persons of Interest will either access the main building by tailgating (following people inside) or using the access control system posing as delivery persons. Over the years there this Command has also experienced instances where the thieves have scaled the sides of the building to access the units via the balconies which are often left unsecured by residents believing that no person would be able to reach their property on the upper level.

*There have been a number of reports to police of thieves breaking into the **mailboxes to steal the contents such as credit card, PIN numbers, or driver's licences are being targeted**. In some instances statements for utility services such as water, electricity, council, etc are being stolen and used as points to create an identity. More and more unit complex mailboxes are being broken into because you have a large number in a smaller area, rather than having to target a number of houses in a street. The location of the mailboxes is often isolated and not seen (poor surveillance) from the premises or located in areas where offenders can use excuses to loiter around the mailboxes. In many instances the owner of these items are not aware that the property has been taken because they were not aware the item had been sent and it is sometimes a considerable time later that they find their identity has been taken and used for the wrong purposes.*

There have been a number of steal from motor vehicle or stealing reports made to police. The offenders gain access to the resident's car parks and steal property from either the cars or from storage areas within these locations.

Older model vehicles which are not fitted are often the targets of thieves. These vehicles are stolen to either get from one location to another or in many instances are often used to commit other crimes.

5. Recommendations

The proposed developments have the potential to introduce new victims, crime opportunities and offenders to the development sites and their surroundings. With this in mind Crime Prevention Through Environmental Design (CPTED) treatments need to be considered to reduce opportunities for crime;

5.1 Surveillance

Surveillance is achieved when users of the space can see or be seen. Generally people involved in anti social or criminal behaviour do not like to have their activities monitored. With this in mind the layout of the developments, orientation and location, the strategic use of design, lighting and landscaping can increase the effort and reduce the rewards for people involved in anti social or criminal behaviour to operate with ease. Surveillance should be a by product of a well planned, well designed and well used space to reduce opportunities for crime.

Objectives

- a) Ensure that there is good surveillance to and from the development and neighbouring properties to reduce opportunities for crime.
- b) Ensure that the design of the development does not impede surveillance to reduce opportunities for crime.
- c) Ensure that a Closed Circuit Television System which complies with **Australian Standards - Closed Circuit Television System (CCTV), AS:4608.1.2.3.4.** is installed to monitor activity in and around the development.
- d) Ensure lighting is designed to increase surveillance opportunities to and from the property during the hours of darkness.
- e) Ensure that lighting in and around the development is commensurate with CCTV requirements to illuminate the development and surrounds during the hours of darkness.
- f) Ensure fences and gates are designed to increase surveillance opportunities to and from the property.
- g) Ensure that movement (predictors) pathways and corridors in the developmen do not become, or lead to possible assault sites.

Recommendations

- 1. The mailbox must be installed in an area which can be seen from the premises (surveillance opportunities).
- 2. The mailbox must be well lit to increase surveillance opportunities during the hours of darkness.
- 3. A Closed Circuit Television System (CCTV) which complies with **Australian Standard – Closed Circuit Television System (CCTV) AS:4806.1.2.3.4.** <http://www.standards.org.au> must be installed within these development to receive, hold or process data for the identification of people involved in anti-social or criminal behaviour. The system is obliged to conform with Federal and State Privacy and Surveillance Legislation. Digital or analogue technology should be used to receive, store and process data.
- 4. This system should consist of surveillance cameras strategically located in and around the premises to provide maximum surveillance coverage of the area, particularly areas which are difficult to supervise.
- 5. A minimum of two cameras should be strategically mounted across the front of the development to monitor activity around these areas. These cameras should be positioned to watch one another to protect them from tampering.
- 6. One or more cameras should be strategically mounted at entry/egress points to monitor activities around these areas.
- 7. This equipment should be secured away from public access areas to restrict tampering with the equipment and data.
- 8. Staff need to be trained in the operation of the system.
- 9. Lighting which complies with the Australian Standard - Lighting must be installed in and around the property to increase surveillance opportunities during the hours of darkness.

10. *Emphasis should be on installing low glare/high uniformity lighting levels over all areas.*
11. *Lighting is to deny criminals the advantage of being able to operate unobserved however, if an area cannot be overlooked or viewed during the hours of darkness, then lighting will only help a criminal see what they are doing, not deter them.*
12. *Light covers must be designed to reduce opportunities for malicious damage (vandalism).*
13. *Lighting sources should be compatible with requirements of any surveillance system installed.*
14. *A limited amount of internal lighting should be left on at night to enable patrolling police, security guards or passing people to monitor activities within the business.*
15. *The lighting must also be commensurate with the Closed Circuit Television requirements to enhance surveillance during darkness.*
16. *Landscaping should be designed to maximise surveillance opportunities to and from the development.*
17. *Trees & shrubs should be trimmed to reduce concealment opportunities and increase visibility to and from the development.*
18. *Optically permeable (open design) style fences and gates must be considered to increase surveillance and reduce concealment opportunities particularly between the development and the pathway on the northern side of the property.*
19. *Pathways must be sufficiently well lit at all times to avoid use of unsafe routes.*
20. *Good sightlines and signage must be installed at decision making points to assist people using pathways.*
21. *Paths to be located near activity generators and areas with natural surveillance*
22. *Pathways and stairs should be located so that they are easily accessible and designed such that there are no blind corners. Straight or gently curved pathways are encouraged.*
23. *Walkways and pathways should be designed to have at least one clearly marked "exit" sign to an area of traffic (vehicular, pedestrian or residential) every 50 metres.*
24. *Multi-storey car parks should be designed to permit maximum natural surveillance, access control and illumination, eg. by using cable railings in place of concrete retaining walls.*

5.2 Access control

Access control should restrict, channel and encourage people into, out of and throughout the development. It can be used to increase the time and effort required to commit a crime and to increase the risk to people and reduce rewards involve in anti-social and criminal behaviour. The tactical use of design features including facility construction, configuration, location, security hardware, and on site guardians (guardians; are those people that are likely to take action should an incident take place) such as staff or security should be used to reduce opportunities for crime.

Objectives

Ensure that access to the developments is controlled to reduce opportunities for crime.

- a) *Ensure that access to restricted areas within development is controlled to reduce opportunities for crime.*
- b) *Ensure fences and gates are designed to control access to and from the property.*

Recommendations

1. *The mailboxes must be of solid construction and designed to restrict access. (See **Annexure 8.1.**)*
2. *The mailboxes must be securely anchored to reduce opportunities of removal.*

3. The mailboxes must be secure with a lockset which is difficult to access or manipulate.
4. Fences must be installed around the perimeter of the development to control access.
5. Gates must be secured with quality locks which comply with the **Australian Standards, Lock Sets, AS:4145** to control access.
6. The main entry/egress doors to the buildings must be fitted with an access control system similar to key, code or card operated system to restrict, control the movement of people and vehicles into and throughout the complex.
7. An intercom system must be installed at entry/egress points to enable visitors to communicate with businesses and residents within the complex.
8. Doors to the complex should be of appropriate construction to restrict and control access into and throughout the complex.
9. Doors must be fitted with locksets which comply with the Australian Standards – Locksets for buildings and the building code (fire regulations).
10. Doors should be secured to control and restrict access to and from the development and individual properties.
11. Doors to plant and equipment areas must be fitted with access control to restrict and control the movement of authorised people into and throughout these areas in order to reduce opportunities for injury to people or tampering with equipment.
12. Doors or gates must be installed to car park entry/egress points to restrict access to these areas.
13. The access control system similar to key, code or card operated system must be fitted to these doors or gates to restrict, control the movement of people and vehicles into and throughout the car park.
14. An intercom system must be installed at entry/egress points to enable visitors to communicate with businesses and residents within the complex.
15. Windows which can be opened must be fitted with key operated locks which comply with the **Australian Standards – Locksets for windows in buildings**.
16. By law in NSW, windows above ground level in strata schemes must have safety devices installed to reduce opportunities for people falling. To find out more check out the window safety device requirements page;

http://www.fairtrading.nsw.gov.au/ftw/Tenants_and_home_owners/Strata_schemes/Window_and_balcony_safety/Window_safety_device_requirements.page

17. Balconies on the development must be designed at a height to reduce opportunities for people scaling the railings to access other balconies and falling. This can also assist in reducing opportunities for children falling from balconies.
18. The public car park and residential car park should be separated by barriers to restrict unauthorised access to the residential car parks.
19. Access to parking areas should be via a surveillance entry point.
20. The storerooms in the car park areas must be of solid construction.
21. The doors to the storerooms must be fitted with locksets which comply with the Australian Standards – Locksets for buildings and the building code (fire regulations).

5.3 Territorial Re-enforcement

Territorial re-enforcement is about ownership, who owns the development, who manages the development, and who cares for the development. Criminals are more likely to be deterred by the presence of people who are connected with and protective of a development than by people who are just passing through. It employs actual and symbolic boundary markers, spatial legibility and environmental cues to 'connect' people with the development, to encourage community responsibility for the development and to communicate to people where they should and should not be and what activities are appropriate.

Objectives

- a) *Identify the location of the property to comply with the Local Government Act, 1993, Section 124, Order No. 8,*
- b) *Identify the location of the property to assist visitors and emergency services to locate the property in the event of an emergency situation.*
- c) *Identify individual levels in each of the buildings to assist visitors and emergency services to locate the property in the event of an emergency situation.*
- d) *Identify individual units in each of the buildings to assist visitors and emergency services to locate the property in the event of an emergency situation.*
- e) *Ensure that signs are posted in and around the property to warn intruders of what security treatments may be in place and reduce excuse making opportunities.*
- f) *Ensure that signs are posted in and around the property to provide guidance to users.*
- g) *Promote the development of landscape plans which enhance the visual amenity of an area but which do not have the potential to jeopardise the safety of the users of a site.*
- h) *Ensure that landscaping is designed so as not to impede surveillance opportunities to and from the property.*
- i) *Ensure that landscaping is designed so as not to provide concealment or entrapment areas.*
- j) *Ensure fences and gates are designed to clearly define the property boundaries.*

Recommendations

- 1. *The street number must be prominently displayed at the front of this property to comply with the Local Government Act, 1993 Section 124 (8). Failure to comply with any such order is an offence under Section 628 of the Act can result in penalties. Offences committed under Section 628 of the Act attract a maximum penalty of 50 penalty units (currently \$5500) for an individual and 100 penalty units (currently \$11000) for a corporation.*
- 2. *The number of each level must be prominently displayed adjacent the elevators and fire stairs to assist users of the property identify locations particularly in emergency situations.*
- 3. *The number of each unit must be prominently displayed on the front doors to assist users of the property identify locations particularly in emergency situations.*
- 4. *The numbers should be in contrasting colours to building materials and be a minimum height of 120 mm.*
- 5. *The mailbox must be located on the property to reduce excuse making opportunities by offenders.*
- 6. *Signs should be strategically posted around the property to warn intruders of what security treatments have been implemented to reduce opportunities for crime. Warning, trespasser will be prosecuted. Warning, no large amounts of money kept on premises. Warning, these premises are under electronic surveillance.*
- 7. *Directional signage should be posted at decision making points (eg. Entry/egress points) to provide guidance to visitors. This can also assist in access control and reduce excuse making opportunities by intruders.*
- 8. *Landscaping needs to be maintained on a regular basis to reduce concealment opportunities.*
- 9. *Obstacles & rubbish should be removed from property boundaries, footpaths, driveways, car parks & buildings to reduce concealment & prevent offenders scaling your property.*

10. A zone of at least 1.5 metres in width on either side of a fence line should be kept free of vegetation to increase surveillance and restrict un-authorised by scaling fences.
11. Fences must be installed around the perimeter of the property to clearly define the property boundary.
12. Fences and gates must be maintained in good condition and should be checked regularly to assist with the protection of your property.
13. Lighting needs to be checked on a regular basis to ensure that it is operating effectively.
14. Good signage must be used for way-finding to assist people using the buildings and car parks.
15. No parking should be permitted adjacent the building core, elevators or fire stairs to reduce opportunities for vehicles loading with improvised explosive devices being parked against these structure with the intention to damage or destroy the buildings.

5.4 Space & Activity Management

Space and activity management involves the supervision, care and control of the development. All space, even well planned and well-designed areas need to be effectively used and maintained to maximise community safety. Places that are infrequently used are commonly abused. Space and activity management strategies are an important means of developing and maintaining natural community control. This can assist you to determine whether a development should remain or be relocated to a more appropriate location.

Objectives

- a) Ensure that a monitored intruder alarm system to monitor & detect unauthorised entry to the development and facilities is installed.
- b) Ensure that a fire safety assessment of essential fire safety measures is conducted each year.
- c) Ensure that a Fire Safety Schedule and Fire Safety Statement is displayed in the property.
- d) Ensure that a Fire Safety Schedule and Fire Safety Statement is provided to local Council and the Commissioner, Fire & Rescue NSW.
- e) Ensure that a plan of management is established for the development for management, staff and residents.
- f) Ensure that an emergency plan has been prepared, implemented and tested to ensure that people within the development can escape in the event of an emergency.

Recommendations

1. An Intruder Alarm System (IAS) which complies with the **Australian Standard – Systems Installed within Clients Premises, AS:2201** must be installed in the development to enhance the physical security and monitor activity on the development.
2. This standard specifies the minimum requirements for intruder alarm equipment and installed systems.
3. It shall apply to intruder alarm systems in private premises, commercial premises and special installations.
4. The Intruder Alarm System (IAS) must be monitored by a security company or your own staff.
5. Duress facility should be incorporated into the system to enable staff to activate the system manually in the event of an emergency, such as a robbery. **NB Duress devices should only be used when it is safe to do so.**

6. Detectors must be fitted to the doors of plant room areas to detect unauthorised access to these areas. This can reduce the opportunity for litigation against your organisation.
7. The light emitting diodes (LEDs red lights) within the detectors should be deactivated, to avoid offenders being able to test the range of the system.
8. The system must be checked and tested on a regular (at least monthly) basis to ensure that it is operating effectively.
9. Staff should be trained in the correct use of the system.
10. As a number of premises have had telephone lines cut to prevent alarms being reported to the security monitoring company, a supplementary system such as Global Satellite Mobile (GSM) or Radio Frequency (RF) systems should be used to transmit alarm signal by either mobile telephone or radio frequency.
11. The owner of the development must ensure that an annual fire safety assessment of essential fire safety measures for your property is carried out each year.
12. The owner of the development must ensure that a Fire Safety Schedule listing essential fire safety measures for your property is displayed near the entrance to your property to comply with the **Environmental Planning and Assessment Act, 1993**.
13. The owner of the development must ensure that a Fire Statement is displayed near the entrance to your property to comply with the **Environmental Planning and Assessment Act, 1993**.
14. The owner of the development must ensure that a copy of the Fire Safety Schedule and Fire Safety Statement is provided to your local Council and the Commissioner for Fire & Rescue NSW to comply with the **Environmental Planning and Assessment Act, 1993**. Failure to comply with these requirements can result in financial penalties against your property
15. Private spaces such as court yards, stairwells and parking bays must be clearly identified to reduce use by undesirable users.
16. A plan of management must be established so that management, staff and residents are aware of what they need to do in the event of situations taking place or what is permitted or not permitted within the development.
17. An emergency plan must be developed, implemented and tested on a regular basis to ensure that users of the development understand what is required of them particularly in emergency situations. The emergency plan must provide, emergency procedures including, an effective response to an emergency, evacuation procedures, notifying emergency service organisations promptly, medical treatment and assistance, effective communication between the authorised person who coordinates the emergency response and all persons in the development, testing of the emergency procedures, including the frequency of testing.
18. information, training and instruction to relevant workers in relation to implementing the emergency procedures.
19. When preparing and maintaining an emergency plan, the PCBU must consider all relevant matters including, the nature of the work being carried out at the workplace, the nature of the hazards at the workplace, the size and location of the workplace, the number and composition of the workers and other persons at the workplace.
20. The code of practice [Managing the work environment and facilities](#) provides more information about preparing and maintaining an emergency plan. Call Workcover NSW 13 10 50 or check out Workcover NSW website: www.workcover.nsw.gov.au for more information about emergency plans.

6. Conclusion

In conclusion the New South Wales Police Force has a vital interest in ensuring the safety of the members of the community and the security of their property. By using the recommendations contained in this assessment, any person acknowledges that;

- It is not possible to make areas assessed by the NSWPF absolutely safe for members of the community or the security of their property.*
- It is based upon information provided to the NSWPF at the time the assessment was undertaken.*
- This assessment is a confidential document and is for the use by the organisation referred to on page one only.*
- The contents of this assessment are not to be copied or circulated otherwise than for the purposes of the organisation referred to on page one.*

The NSW Police Force hopes that by using the treatments recommended in this assessment, criminal activity will be reduced and the safety of members of the community and the security of their property increased. However it does not guarantee that all risks have been identified, or that the area assessed will be free from criminal activity if its treatments are followed.

Should you have any questions in relation to this report contact Constable Andrew CARTER, Crime Prevention Officer, Eastern Beaches Local Area Command, Phone 02 9349 9299.

7.3 Design Review Panel – SEPP 65 Design Quality of Residential Apartment Development

It was noted that this was a Development Application and the first Panel meeting with the applicant.

A copy of the ten SEPP 65 Design Quality Principles are attached. The Panel's comments, set out below, are to assist Randwick Council in its consideration of the application, and to assist applicants to achieve better design outcomes in relation to these principles.

The absence of a comment under any of the heads of consideration does not necessarily imply that the Panel considers the particular matter has been satisfactorily addressed, as it may be that changes suggested under other heads will generate a desirable change.

The Panel draws the attention of applicants to the Residential Flat Design Code, as published by Planning NSW (September 2002), which provides guidance on all the issues addressed below.

This document is available from the Department of Infrastructure Planning and Natural Resources.

Note: *The Panel members' written and verbal comments are their professional opinions, based on their experience.*

To address the Panel's comments, the applicant may need to submit amended plans. Prior to preparing any amended plans, the applicant should discuss the Panel's comments and any other matter that may require amendment with the assessing Planning Officer.

When addressing the Panel's comments by way of amendments, if the applicant does not propose to address all or the bulk of the Panel's comments, and wishes to make minor amendments only, then it should be taken that the Panel considers the proposal does not meet the SEPP 65 requirements. In these instances it is unlikely the scheme will be referred back to the Panel for further review.

PANEL COMMENTS

Previous to this DA submission an informal assessment of this proposal was undertaken by the Panel (September 2015). This new DA proposal includes the demolition of existing buildings and the erection of a mixed use shop top housing development over three basements for car parking. The apartment mix for the proposed 69 units is 10 studio, 33 one-bed, 24 two-bed and 2 three-bed. The basements provide for 100 car spaces.

The Panel is familiar with the site and broader area, and has reviewed a number of applications for the development of this challenging site. Since reviewing the most recent proposal in February 2015 new architectural consultants have been engaged.

1. Context and Neighbourhood Character

The site is located on the north side of Maroubra Road, one block to the west of its intersection with Garden Street with frontage to Maroubra Road to the south and Green Street to the north.

The Applicant proposes to vary from the DCP controls which allow for a 6 storey building to Maroubra Road, and 5 to 6 stories to Green Street, 1.5m side setbacks and a central courtyard. The proposal is for 8 stories to Maroubra Road, 8 storeys to Green Street. No setback is proposed to the eastern side boundary and a greater than 1.5m setback is proposed to the western boundary above Level 1. The setbacks to the western boundary are not clearly dimensioned, 3.3m is shown on DA1.05 and 4.3m on DA1.06 however the floor plans vary from this diagram.

In the central courtyard area additional floor space is proposed with zero setback to the west.

It seems that the argument for extra storeys is the neighbour to the west being 11-12 storeys and the neighbour to the east being 7 storeys, however the western building is mostly a single tower that has extensive street setbacks to both Maroubra Road and Green Street which reduces shadow on Maroubra Road and height on Green Street. The eastern building is significantly lower at the northern setback to Green Street. Further, the shadow diagrams provided need to be verified as they do not appear to match the winter sun angle if projected on the section shown on DA4.01.

The Applicant also relies on the LEP height restriction of 25m above natural ground however this is also exceeded in parts.

DA1.04 is very confusing. It does not seem to have the correct footprint of the current proposal. Also the DCP envelopes are not shown on this drawing.

No site survey or site dimensions have been provided to the Panel. It appears that the southern building exceeds the DCP's 22m building depth. The Applicant notes that the DCP envelope provides for 4776 sqm GFA, however it is unclear whether this has taken into account the DCP requirement to occupy only 70% of the envelope. The current proposed

floor space is noted as 5,815 sqm GFA. The impacts caused by the extra floor space are discussed below in this report.

The western neighbouring building has an indent that is covered over by this proposal. Clarification should be provided as to whether the indent provides light or ventilation for that building.

2. Built Form and Scale

Apart from the extra storeys being sought in both the north and south buildings the proposed built form has some merit. The Panel supports:

- Some built form in the centre of the site adjacent the western neighbour to flank the existing blank wall (if the indent is not a light well). However the proposed floor space is too large and has negative impacts as listed below.*
- The setback from the western boundary allows for extra access to light and ventilation and facade articulation on what will be a prominent façade in the streetscape.*
- The setback of the upper floors facing Green Street similarly allows for extra access to light and ventilation and steps more successfully than the previous DA proposal towards to the western neighbour.*
- Except for the Level 00 plan the building adjoins the eastern neighbour satisfactorily.*
- The placement of 3 cores has benefits, and results in an arrangement more capable of complying with the ADG's provisions.*

However the Panel has some concerns and recommends that the DA be improved by the following:

- Basements - the basements should be able to be reduced in area if the 70% floor space of the DCP envelope is held to as a control. Some deep soil and trees should be provided in the western setbacks and /or in the central courtyard.*

Comment: Noted. See assessment under key issues section of this report.

- Basement Plan 1 - the retail to Garden Street should be more usefully sized and proportioned. The space should not be interrupted by poorly placed columns. Level changes from the street should be minimised. A single lane, signalised car park entry would allow more active retail frontage. Retail ceiling heights need to meet ADG requirements.*

Comment: Noted. As discussed within the latter sections of this report the ground floor commercial tenancy to the building block fronting Green Street comprises of a floor to ceiling height of 2 metres and is inadequate in height to be used as a functional commercial tenancy. The nominal floor to ceiling height at the ground floor level also contributes to the significant departure to the number of permissible storeys fronting Green Street with 8 storeys proposed and a maximum of 5 storeys as prescribed within the block-by-block controls of the RDCP2013.

- Level 00 - The retail to Maroubra Road should be more usefully sized and proportioned. The deep U-shaped space will perform poorly for retail and in environment terms. Dark and internalised spaces are unacceptable. Access to the three apartment lobbies is too indirect from the streets and the lobby areas are excessive whereas the outdoor podium courtyard space is too small, buried (no winter sunlight) and overly restricted by its design and the intrusion of air intakes and hatches. Half of the "rock art" space is an undercroft. The apartments on this level are single orientation, long and thin and without cross*

ventilation. Unit 0.05 does not comply to ADG requirements as the bedroom window is set back in an extraordinarily deep undercroft. The building should match the neighbouring footprint adjacent to this unit.

Comment: Noted. The deep U-shaped commercial floor plan fronting Maroubra Road will reduce the amount of natural light entering into these spaces, does not provide for an environmentally sustainable option given the extensive artificial lighting required to service this space is unacceptable and detrimentally effects the quality of the commercial space. Council also agrees with the design review panel comments that the central communal courtyard area receives no direct solar access and results in a departure to the ADG requirements in complying with a minimum of 50% direct sunlight to the principle usable part of the communal open space for a minimum of 2 hours between 9am – 3pm on the 21 June.

- *Level 01 - The Apartment floor layouts have many problems with regard to environmental design. The three lobbies are all internalised whereas natural light and ventilation should be achieved. The “snorkel” bedrooms do not meet ADG requirements and the western units (West 1.01 + 1.02 typical) compromise the amenity and privacy provided by the separating courtyard. In the current arrangement all units will be overlooked and have problems of light-spill. These two western units should be one through unit that opens mainly to the north and south and the footprint reduced (courtyard increased). This will affect the proportion of cross-ventilated units and so improvements will have to be made and the number of single orientation units reduced. The drawing DA2.05 has an inconsistency in the north-west corner where a parapet is shown on the elevations and not on the plan. South Unit 1.01 potentially has an overlooking problem with the protruding balcony allowing views back in to West Unit 1.02.*
- *Level 02 DA 2.06 - comments as above.*

Comment: Noted. The development does not comply with the design guidance elements of Part 4F-1 of the ADG requirements for common circulation spaces. The ADG prescribes that all daylight and natural ventilation should be provided to all common circulation spaces that are above ground and windows should be provided in common circulation spaces and be adjacent to the stair or lift core at the ends of the corridor. The core areas located on the southern, northern and western building blocks are all internalised and do not demonstrate compliance with the design guidance. Council also agrees with the design review panel comments that the privacy louvres installed on the east facing windows of the western building block will result in significant overlooking impacts from the central courtyard area into the habitable room windows of the neighbouring dwelling.

- *Roof Plan - the provision of a communal roof terrace is strongly supported by the Panel however equity of access by all residence should be considered. Such spaces are increasingly valued by residents, and needed to comply with the ADG.*

Comment: Noted. The communal roof terrace area located on the southern building block alleviates the shortfall in complying with the minimum 25% for communal open spaces as per the ADG at the level 00 plan.

- *Elevations - window operation should be noted on all windows so that ventilation can be assessed. The elevations are generally well restrained however the proposal does not yet meet DA requirements. Full facade details should be provided as the elevations and some of the imagery shows improbable treatments and details. Errors in the drawings need to be eliminated. More detailed information is required of the street level frontages as they are currently shown as a simplified diagram rather than an elevation. All services doors, roller doors, air intake and exhaust grilles need to be shown. Their relationship to the footpath levels have to be matched. Sunshading for south-western summer sun will*

need to be added to the southern elevation. The elevations need to be clearly annotated with materials and colours. The "Elevation Impression" drawings are not accurate enough to be useful or to be meaningfully stamped for approval.

Comment: No further additional information is required given the outstanding issues that have been raised within the key sections of this report.

- *Sections - comments as above. Basement drawings should indicate the structure required and the courtyard drawings should show how landscape is achieved, (Trees don't grow out of concrete slabs). Section AA shows clearly that northern winter sun will not be achieved in the courtyard or lower southern units and that lowering to 5 and part 6 storeys would achieve far superior amenity. Elevations and large scale sectional details should be provided to adequately describe the detailed design for assessment. Sections should describe the alignment, material and construction of all privacy screens, planters, balconies, balustrades, insulation to roofs, window operation, retail facade, solar and weather protection methods appropriate to orientation and the like.*

Comment: No further additional information is required given the outstanding issues that have been raised within the key sections of this report.

- *With regard to the building height, it is the Panel's opinion that the northern building should be reduced to 5 storeys with a possible 6th storey set towards the north so as to eliminate extra shadow to the courtyard beyond that of the 5 storey building*

Comment: Noted. Refer to the key sections within this report for further details on the size, scale and visual bulk of the proposed development.

- *Information should be provided about the position of windows on the neighbouring buildings so that impacts can be assessed. Information should also be provided about hours of winter sun access achieved.*

Comment: No further additional information is required given the outstanding issues that have been raised within the key sections of this report.

- *The height of the ground floor retail is considered too low in relation to the depth of the spaces. This area will require structure and services that will further reduce the height of the space. The 3m floor-to-floor proposed for apartments will need to be verified through detail as to whether the ceiling heights will meet ADG requirements that do not allow for dropped ceiling areas.*

Comment: As advised above, the retail space along the Green Street frontage is inadequate to be appropriately used as a functional commercial tenancy and is well below the minimum floor to ceiling heights as prescribed by the ADG requirements for ceiling heights. No further additional information is required given the outstanding issues that have been raised within the key sections of this report.

3. Density

The above recommendations would reduce the density to be more in line with the DCP, and as a result the proposal would be a more suitable inclusion in the surrounding built form and would benefit from reduced basement costs and increased amenity, increased access to sunlight and less impacts on neighbours. This application clearly demonstrates that increased density on this site would reduce the quality of the urban outcome, response to context and amenity for the occupants.

Any additional height sought is not supported due to the lack of good environmental design.

4. Sustainability

The placement of lobbies, number of single orientation units, depth of units, overshadowing from the northern building, use of snorkel bedrooms and potential noise/acoustic issues all need to be addressed to achieve a good environmental outcome. Further issues to be considered include:

- The provision of ceiling fans to bedrooms and living rooms*
- Window design that provides ventilation for comfort and day-lighting whilst maintaining safety*
- Sunshading appropriate to orientation - south and west windows in particular need sunshading and weather protection*
- Top floor bathrooms, stairs or circulation areas should be provided with ventilating clerestory windows*
- Solar panels could be considered for inclusion on the roof*
- Un-shaded roof terrace areas should be constructed over rigid foam insulation to reduce heat gain to the apartments below. This has not been indicated on the Landscape sections.*

5. Landscape

The landscape plan provided is very generic. The planting schedule referred to on Plans 101 and 103 is only a list and there is no indication of which trees/plants will be used or the character of the landscape. As previously, noted the rock gardens are in an undercroft space and there is no provision of deep soil. Deep soil for large viable urban trees are essential for air quality, cooling and visual amenity in more dense urban areas. The courtyard design shows planters however no heights are nominated. Raised planters would reduce the usefulness of the courtyard space.

The number of access hatches and the lack of information on the car park air intake all make the proposal unacceptable as a DA submission.

Street trees to both frontages should be discussed with Council.

6. Amenity

The residential amenity needs to be improved in line with comments contained in this report. The contribution that the building makes to the streetscape also needs to be improved.

7. Safety

An independent BCA and Access review should be obtained and all comments incorporated into and annotated on the DA drawings.

8. Housing diversity and Social Interaction

The proposal has 60% studio and one-bed apartments. This mix seems out of balance with the amount of lobby / lounge space provided with regard to providing housing that is more affordable. The mix should be discussed with Council.

The position of the lobbies would be preferably more visible from the street to increase safety and surveillance opportunities.

9. Aesthetics

As previously commented details for the facade construction are notably missing and improbably suspended timber elements etc. are not convincing. Large scale detailed sections are required describing how the different facade elements are designed and coordinated.

SUMMARY AND RECOMMENDATIONS

The DA submission seems to have been overly rushed and is therefore incomplete. The Panel considers that the proposal needs to be developed further to satisfy SEPP 65 principles and ADG standards and would like to review the proposal again when the issues in this report have been discussed with Council and satisfactorily addressed.

8.0 Relevant Environmental Planning Instruments

The following statutory Environmental Planning Instruments apply in the assessment of the proposed development:

- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development
- State Environmental Planning Policy (Building Sustainability Index BASIX) 2004
- Randwick Local Environmental Plan 2012

8.1 State Environmental Planning Policy (State and Regional Development) 2011

The provisions of SEPP (State and Regional Development) 2011 apply to the proposed development as its capital investment value is in excess of \$20 million. In accordance with the requirements of the SEPP and Schedule 4A of the Environmental Planning and Assessment Act 1979, the submitted proposal is classified as ‘regional development’ with the determining authority for the application being the Joint Regional Planning Panel (Eastern Region). The submitted application will therefore be referred to the Joint Regional Planning Panel for determination in accordance with the applicable provisions of the SEPP.

8.2 State Environmental Planning Policy No. 55 – Remediation of Land

SEPP No. 55 aims to promote the remediation of contaminated land for the purposes of reducing the risk of harm to human health or any other aspect of the environment. Council’s Environmental Health Officers have reviewed the development application and the application cannot be determined in its current form, as the suitability of the proposed development has not been determined, in accordance with the provisions of SEPP 55, Contaminated Land Management Act 1997 and Council’s Contaminated Land Policy 1999. In considering the application has not been accompanied by a detailed contamination report and in considering the substantial level of excavation and construction works proposed, the application cannot be supported given the insufficient information submitted.

8.3 State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development

SEPP No. 65 aims to promote quality design of Residential Flat Buildings. The proposal is subject to the policy as it involves the development of a residential flat building being 3 storeys and more in height. The proposal has been considered by Council's Design Review Panel. The Panel's comments are included in Section 7. An assessment has been carried out in accordance with Part 3: Siting the Development and Part 4: Designing the Building of the Apartment Design Guide against the design criteria requirements. Any non-compliance to the design criteria includes a merits based assessment as per the design guidance of the Apartment Design Guide.

Clause	Requirement	Proposal	Compliance
Part 3: Siting the Development			
3A-1	Site Analysis		
	Each element in the Site Analysis Checklist should be addressed	The submitted development application addresses each relevant section of the site analysis checklist.	Complies.
3B-1	Orientation		
	Buildings along the street frontage define the street, by facing it and incorporating direct access from the street (see figure 3B.1)	The northern and southern building blocks fronting Maroubra Road and Green Street, respectively, provide pedestrian access from the street.	Complies.
	Where the street frontage is to the east or west, rear buildings should be orientated to the north	The building block fronting Green Street is orientated to the north.	Complies.
	Where the street frontage is to the north or south, overshadowing to the south should be minimised and buildings behind the street frontage should be orientated to the east and west (see figure 3B.2)	Refer to Section 9.1: Maroubra Junction Town Centre for further details.	Refer to key issues for further details.
3B-2	Orientation		
	Living areas, private open space and communal open space should receive solar access in accordance with sections 3D Communal and public open space and 4A Solar and daylight access	Refer to Key Issues for further details.	Refer to Key Issues for further details.
	Solar access to living rooms, balconies and private open spaces of neighbours should be considered	The proposal will contribute to additional overshadowing impacts which will fall on the eastern and western neighbouring building.	Refer to key issues within this report for further details
	Where an adjoining property does not currently receive the required hours of solar access, the proposed building ensures solar access to	Refer to key issues for further details.	Refer to key issues for further details.

Clause	Requirement	Proposal	Compliance								
	neighbouring properties is not reduced by more than 20%										
	If the proposal will significantly reduce the solar access of neighbours, building separation should be increased beyond minimums contained in section 3F Visual privacy	Refer to key issues for further details.	Refer to key issues for further details.								
	Overshadowing should be minimised to the south or downhill by increased upper level setbacks	Refer to key issues for further details.	Refer to key issues for further details.								
	It is optimal to orientate buildings at 90 degrees to the boundary with neighbouring properties to minimise overshadowing and privacy impacts, particularly where minimum setbacks are used and where buildings are higher than the adjoining development	Refer to key issues for further details.	Refer to key issues for further details.								
	A minimum of 4 hours of solar access should be retained to solar collectors on neighbouring buildings	The proposal will not impact any existing solar collectors.	Complies.								
3D-1	Communal and Public Open Space										
	Communal open space has a minimum area equal to 25% of the site (see figure 3D.3)	241.2m2 (14%) dedicated to communal open space.	Does not comply. Refer to issues within this report.								
	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)	The communal courtyard area located immediately adjacent the eastern boundary will receive less than the required 50% of direct solar access into this space.	Does not comply. Refer to issues within this report.								
3E-1	Deep Soil Zones										
	Deep soil zones are to meet the following minimum requirements: <table><tr><td>Site area</td><td>Minimum Dimensions</td><td>Deep Soil Zone (% of site area)</td></tr><tr><td><650m2</td><td>-</td><td rowspan="2">7%</td></tr><tr><td>650-</td><td>3m</td></tr></table>	Site area	Minimum Dimensions	Deep Soil Zone (% of site area)	<650m2	-	7%	650-	3m	The subject site provides for nil deep soil zone areas.	Does not comply. Refer to issues within this report.
Site area	Minimum Dimensions	Deep Soil Zone (% of site area)									
<650m2	-	7%									
650-	3m										

Clause	Requirement			Proposal	Compliance												
	1500m2																
	>1500m2	6m															
	>1500m2 with sig. existing tree cover	6m															
3F-1	Visual Privacy																
	<p>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:</p> <table><tr><th>Building height</th><th>Habitable rooms and balconies</th><th>Non-habitable rooms</th></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>>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). Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties.</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	>25m (9+ storeys)	12m	6m	<p>Eastern neighbour: Nil setback</p> <p>Western neighbour: 1.5 metres from the building blocks fronting Maroubra Road and Green Street. Nil setback from western boundary from the central building block.</p>	<p>Does not comply. Refer to issues within this report.</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															
>25m (9+ storeys)	12m	6m															
3J-1	Bicycle and Car Parking																
	<p>For development in the following locations:</p> <ul style="list-style-type: none">on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; oron land zoned, and sites within 400 metres of land zoned, B3 Commercial			<p>The subject site is located within a B2: Local Centre Zoning and is neither a B3: Commercial Core or B4: Mixed Use zoning.</p> <p>Therefore it is reasonably expected that the proposal comply with the vehicular parking rates as prescribed</p>	<p>Complies.</p>												

Clause	Requirement	Proposal	Compliance
	<p>Core, B4 Mixed Use or equivalent in a nominated regional centre</p> <p>The minimum car parking requirement 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>	<p>within Part B7: Transport, Traffic and Access as per the RDCP2013.</p> <p>The minimum vehicular parking rate required for the proposed development is 97 car spaces. The development provides for 100 car spaces and complies with the RDCP2013 requirements.</p>	
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 in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas.	Approximately 75% of units will receive a minimum of two hours of direct solar access. To the living rooms and private open spaces within the two building blocks.	Complies.
	A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter	19% of apartments will receive no direct solar access.	Does not comply. Refer to key issues within this report.
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	Of the total 69 apartments, 41 are naturally cross-ventilated. Therefore only 59% of the apartments provide for natural cross ventilation.	Does not comply. Refer to key issues within this report.
	Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line	The 3 bedroom apartments at levels 05 and 06 exceed the maximum depth of 18 metres.	Does not comply. Refer to key issues within this report.
4C	Ceiling Heights		
	Measured from finished floor level to finished ceiling level,	<u>Residential</u> The apartments will achieve	Does not comply.

Clause	Requirement	Proposal	Compliance												
	<p>minimum ceiling heights are:</p> <table><tr><td colspan="2">Minimum Ceiling height for apartment and mixed use buildings</td></tr><tr><td>Habitable rooms</td><td>2.7m</td></tr><tr><td>Non-habitable</td><td>2.4m</td></tr><tr><td>For 2 storey apartments</td><td>2.7m for main living area floor; 2.4m for second floor where its area does not exceed 50% of the apartment area</td></tr><tr><td>Attic spaces</td><td>1.8m at edge of room with a 30 degree minimum ceiling slope</td></tr><tr><td>If located in mixed used areas</td><td>3.3m for ground and first floor to promote future flexibility of use.</td></tr></table> <p>These minimums do not preclude higher ceilings if desired.</p>	Minimum Ceiling height for apartment and mixed use buildings		Habitable rooms	2.7m	Non-habitable	2.4m	For 2 storey apartments	2.7m for main living area floor; 2.4m for second floor where its area does not exceed 50% of the apartment area	Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope	If located in mixed used areas	3.3m for ground and first floor to promote future flexibility of use.	<p>the minimum floor to ceiling height of 2.7 metres</p> <p><u>Commercial:</u> Maroubra Road: 4 metres.</p> <p>Green Street: The ground floor retail premise consists of a floor to ceiling height of 2 metres with a finished floor level of RL27.33 and a ceiling RL29.33. The proposal is substantially below the minimum floor to ceiling height requirements of 3.3 metres</p>	<p>Refer to key issues within this report.</p>
Minimum Ceiling height for apartment and mixed use buildings															
Habitable rooms	2.7m														
Non-habitable	2.4m														
For 2 storey apartments	2.7m for main living area floor; 2.4m for second floor where its area does not exceed 50% of the apartment area														
Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope														
If located in mixed used areas	3.3m for ground and first floor to promote future flexibility of use.														
4D	Apartment Size and Layout														
	<p>Apartments are required to have the following minimum internal areas:</p> <table><tr><td>Apartment Type</td><td>Minimum Internal Area</td></tr><tr><td>Studio</td><td>35m2</td></tr><tr><td>1 bedroom</td><td>50m2</td></tr><tr><td>2 bedroom</td><td>70m2</td></tr><tr><td>3bedroom</td><td>90m2</td></tr></table> <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m2each</p> <p>A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m2 each.</p>	Apartment Type	Minimum Internal Area	Studio	35m2	1 bedroom	50m2	2 bedroom	70m2	3bedroom	90m2	<p>The apartment sizes will comply with the minimum internal area requirements as per the ADG requirements.</p>	<p>Complies.</p>		
Apartment Type	Minimum Internal Area														
Studio	35m2														
1 bedroom	50m2														
2 bedroom	70m2														
3bedroom	90m2														
	Every habitable room must have	All habitable rooms	Complies.												

Clause	Requirement	Proposal	Compliance															
	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	comprise of a window opening and will not comprise with less than 10% of the floor area of the room.																
	Habitable room depths are limited to a maximum of 2.5 x the ceiling height	Complies.	Complies.															
	In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window	Open plan layouts are located within 8 metres of a habitable room window and will the habitable space	Complies.															
	Master bedrooms have a minimum area of 10m2 and other bedrooms 9m2 (excluding wardrobe space)	Bedrooms and master bedrooms will achieve the minimum area requirements in 9m2 and 10m2, respectively.	Complies															
	Bedrooms have a minimum dimension of 3m (excluding wardrobe space)	Bedrooms have a minimum dimension of 3 metres.	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 apartments4m for 2 and 3 bedroom apartments	The studio apartments will consist of a minimum width of 3.6 metres and the 2-3 bedroom apartments a minimum width of 4 metres.	Complies.															
	The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts	Apartment widths are less than 4 metres internally.	Does not comply. Refer to key issues within this report.															
4E	Private open space and balconies																	
	<div>All apartments are required to have primary balconies as follows:<table><tr><td>Dwelling Type</td><td>Minimum Area</td><td>Minimum Depth</td></tr><tr><td>Studio Apt.</td><td>4m2</td><td>-</td></tr><tr><td>1 bed Apt.</td><td>8m2</td><td>2m</td></tr><tr><td>2 bed Apt.</td><td>10m2</td><td>2m</td></tr><tr><td>3+ bed Apt.</td><td>12m2</td><td>2.4m</td></tr></table></div>	Dwelling Type	Minimum Area	Minimum Depth	Studio Apt.	4m2	-	1 bed Apt.	8m2	2m	2 bed Apt.	10m2	2m	3+ bed Apt.	12m2	2.4m	All apartments have direct access to a private open space in the form of a balcony and will comply with the minimum area and depth requirements to provide a reasonable level of amenity to the occupants.	Complies.
Dwelling Type	Minimum Area	Minimum Depth																
Studio Apt.	4m2	-																
1 bed Apt.	8m2	2m																
2 bed Apt.	10m2	2m																
3+ bed Apt.	12m2	2.4m																

Clause	Requirement	Proposal	Compliance										
	The minimum balcony depth to be counted as contributing to the balcony area is 1m.												
	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 15m2 and a minimum depth of 3m	The proposal does not include any new ground floor apartments as part of the development.	Complies.										
4F	Common Circulation and Spaces												
	The maximum number of apartments off a circulation core on a single level is eight	Each core will provide less than 8 apartments from a single core.	Complies.										
	For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40	The development is less than 10 storeys in height. Not applicable.	Not applicable.										
4G	Storage												
	<div>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:<table><tr><th>Dwelling Type</th><th>Storage Size Volume</th></tr><tr><td>Studio</td><td>4m3</td></tr><tr><td>1 bedroom</td><td>6m3</td></tr><tr><td>2 bedroom</td><td>8m3</td></tr><tr><td>3bedroom</td><td>10m3</td></tr></table><div>At least 50% of the required storage is to be located within the apartment</div></div>	Dwelling Type	Storage Size Volume	Studio	4m3	1 bedroom	6m3	2 bedroom	8m3	3bedroom	10m3	The subject site includes ample space to provide storage within each apartment and across the three basement levels.	Complies.
Dwelling Type	Storage Size Volume												
Studio	4m3												
1 bedroom	6m3												
2 bedroom	8m3												
3bedroom	10m3												

Key Issues:

3B-2 Orientation

The solar access impacts to the subject site and surrounding development are as follows:

Solar access for surrounding development:

- *Western neighbour (172-178 Maroubra Rd):*

At 9am, the development will shadow a portion of the north facing balconies and kitchen room windows and the entirety of the bedroom windows of the eastern units between the lower and mid-level units (levels 1 – 5). The cantilevered balcony and roof overhang will also contribute to some sporadic shadowing to the north facing living/dining room areas.

At 10am, the cantilevered balcony and roof overhang will contribute to some sporadic shadowing to the north facing bedroom windows between the low to mid-level units (levels 1 – 4). The north facing living and dining room windows will remain unaffected.

At 11am onwards, the north-facing windows and balconies of the western neighbour will be unaffected by the proposed development.

The western neighbour will comply with the ADG requirements in that the north-facing living room window openings and the balconies will maintain the required two hours of direct solar access between the hours of 9am – 3pm, 21 June.

Notwithstanding the above, the proposed building block is set immediately adjacently to the western side boundary and will directly impact the amount of direct solar access, natural daylight and ventilation into the north and south facing habitable room windows. Refer to the key issues within Section 9.1 Part D4 – Maroubra Junction Town Centre for further details.

- *Eastern neighbour (190-194 Maroubra Road) (southern building block):*

At 9am – 12pm, the north-facing windows and balconies will mostly be unaffected by the proposed development.

At 1pm, a small degree of shadowing will fall on the north-facing windows and balconies of the first floor residential units at the lower levels

At 2pm, the first floor north-facing windows and balconies will be shadowed entirely and the second floor level will be partially shadowed.

At 3pm, the first and second floor north-facing windows and balconies will be shadowed entirely and most of the third floor level.

In considering the cumulative shadowing impact of the adjoining buildings the north-facing windows and balconies to the southern building block at the first floor level will receive no direct solar access and the second floor level will receive less than the required two hours of solar access. The upper floor levels at the third storey and above will receive the minimum two hours of direct solar access generally between the hours of 12pm – 2pm. In considering the ADG requirements, Council calculations indicate that the eastern neighbour will comply with the ADG requirements given 12% of the apartments will receive no direct solar access, 12% of apartments will receive less than two hours and 76% of the apartments will receive at least two hours between 9am – 3pm on the 21 June. Notwithstanding, a development that complied with the maximum storey controls would have significantly less shadow impacts.

3D-1 Communal Open Space

The ADG requirements prescribe a minimum area of 25% of the site is to be provided as communal open space. The communal courtyard area at Level 00 adjacent the eastern boundary measures 241.2sqm (14%) and is significantly below the minimum requirements for communal open space. However, the design guidance requirements prescribe that sites within business zones or in dense urban areas should:

- *Provide communal spaces elsewhere such as a landscaped roof top terrace or a common room*
- *Provide larger balconies or increased private open space for apartments.*
- *Demonstrate good proximity to public open space and facilities and/or provide contributions to public open space.*

The development provides an additional roof top terrace with dimensions of 12m x 14.5m and an area of 174sqm. The inclusion of the roof top terrace will result in a total communal open space area of 415.2sqm and is 25% of the total site area which subsequently complies with the ADG requirements for communal open space.

In addition to this, the ADG requires that a minimum of 50% of direct sunlight be provided to the principal usable part of the communal open space of a minimum of two hours between 9am and 3pm on the 21 June. The current built form does not comply with the building depth requirements as per the RDCP2013 or maximum apartment depths as per the ADG. The subsequent non-compliance to the building envelope requirements results in the northern and western building blocks shadowing the central courtyard space entirely and achieves nil direct solar access. The poor site planning is contributory to the overshadowing impacts less

than the ADG requirements and whilst there may be some difficulties in achieving total compliance with this requirement it should not preclude the development to accommodate a reasonable level of solar, daylight and ventilation into this space.

3E-1 Deep Soil Zones

The ADG requires a minimum of 7% of the site area to be provided as deep soil zone with a minimum dimension of 6 metres for sites with a site area greater than 1500m². The proposed development includes a 3 level basement parking area that occupies the entirety of the site from boundary to boundary and therefore does not provide for any deep soil zone areas. The departure from the ADG requirements is unacceptable and is a direct result from the non-compliant building envelope with the development exceeding the percentage of floor area allowable for residential floors and the building depths extending well over the minimum requirements. It should be noted that a more compliant building envelope in terms of building density and number of storeys will lessen the number of units that can be feasibly be accommodated within the subject site and subsequently lower the number of parking spaces required to comply with the RDCP2013. Notwithstanding this, the site currently enjoys an extensive site width of 25 metres and the provisions of a deep soil zone occupying 7% of the site area that is reasonably dimensioned can be accommodated without impacting the function and layout of the basement car park levels.

3F-1 Visual Privacy

In order to demonstrate compliance with the design criteria for visual privacy ample building separation must be provided between the adjacent buildings with a minimum building separation of 6 metres between habitable rooms and balconies up to 4 storeys and 9 metres between habitable rooms and balconies between 5 to 8 storeys. The development provides a nil setback from the western boundary to the areas immediately adjacent the western tower and a nil setback to the areas immediately adjacent the two building blocks to the eastern neighbour which does not comply with the ADG requirements. However, the intent of the building separation requirements to provide visual privacy to the neighbouring dwellings should not override the setback requirements as prescribed by the block-by-block controls of the RDCP2013 for the sake of visual privacy. The block-by-block controls have been formulated to consider the local site context including the immediately adjoining buildings as well as the desired future character of the area that would contribute to the buildings appearance within the streetscape and extensive detailed site analysis of the siting and design of new buildings. Subsequently, the extent of visual privacy has been considered in order to relieve potential overlooking impacts between the apartments of the subject premises and the neighbouring dwellings.

Visual privacy between the subject premises:

The south-facing windows of the northern building block and the north-facing balcony of the southern block provide ample building separation of 18 metres which will comply with the separation requirements of 18 metres as per the ADG requirements. The separation is significant and will not result in any overlooking impacts to the neighbouring apartments. Notwithstanding the above, the east facing window to the central building block that adjoins the boundary of the western neighbour will not contribute to adverse privacy impacts given privacy louvres have been installed on the outer edge of the window pane to minimise direct overlooking from the north and south facing windows of the northern and southern building blocks. However, the east facing habitable room windows of the lower-mid level units of the western building block will be overlooked directly by the central communal courtyard space and does not maintain adequate levels of visual privacy to the occupants of the building. The development also gives rise to additional overlooking impacts from the western facing balconies of the northern and southern building blocks looking back into the balconies and habitable room windows of the western building block. The privacy concerns have also been raised by the Design Review Panel and do not comply with the objective for Visual Privacy in

providing reasonable levels of internal and external visual privacy as per the ADG. The application has been recommended for refusal.

Visual privacy to the neighbouring buildings:

Eastern neighbour (190-194 Maroubra Road)

The south-facing windows of the northern building block and the north-facing windows of the southern building block provide a significant building separation of more than 21 metres to the habitable room windows of the eastern neighbour. The separation is above the minimum requirements as prescribed by the ADG requirements and is an appropriate distance to minimise any overlooking impacts to the habitable room windows.

Western neighbour (172-178 Maroubra Road)

The new window openings along the western elevation does not give rise to significant privacy impacts to the north and south facing balconies and bedroom/living room window openings. The works include privacy louvres along the west facing windows which will screen any potential overlooking impacts from the habitable room windows.

4A Solar and Daylight Access

The design criteria as prescribed within the ADG allows that a maximum of 15% of apartments receive no direct solar access between 9am – 3pm on the 21 June. The proposal does not comply with the design criteria requirements given 19% of the apartments receive usable direct solar access. The variation is unacceptable and arises due to the significant breaches to the building envelope of the northern building block fronting Green Street. The northern building block is excessive in size and scale and the numerical departure to the number of storeys, the building envelope and building depth all contributes to more than 15% of the apartments receiving not direct solar access. The non-compliant building envelope contributes to additional shadowing to the north-facing windows and balconies of the southern building block that can be alleviated with a development that is more aligned to Council's controls. A development that is compliant with the building envelope controls will improve the shadowing to the units at level 02 with less than 15% of the apartments receiving no direct solar access. This is considered to be a more desirable outcome given a more compliant building envelope will result in a better amenity outcome to the subject premises.

4B Natural Ventilation

The development will result in a minor departure to the natural ventilation requirements with 41 of the 69 (59%) of apartments being naturally cross ventilated less than the minimum required 60% of the total number of apartments. Whilst the shortfall is minor the excessive building density and the significant building depths do not promote natural ventilation into the building blocks. The application has also been referred to the design review panel as part of the requirements under SEPP 65 and advised that the western units (west 1.01 and 1.02 typical) does not maximize the environmental performance of the building given the cross through room widths are less than 4 metres and creates deep and narrow apartment layouts and impacts the facilitation of natural ventilation into the rooms.

4C Ceiling Heights

Refer to Section 8.2.1: Maroubra Junction Town Centre, Building Use for detailed assessment.

4F Common Circulation Spaces

The design guidance for common circulation spaces requires that windows must be provided in common circulation spaces and should be adjacent to the stair or lift core or at the ends of corridors. Further, the guidance controls require that daylight and natural ventilation should be provided to all common circulation spaces that are above ground level. The current

design scheme provides for three separate core areas that service the northern, southern and western building blocks. The current proposal does not provide any natural daylight or ventilation into the circulation spaces and does not comply with the ADG design guidance for common circulation spaces. The lack of window openings and natural daylight into the circulation space internalises the core areas and the non-compliance to the ADG requirements is not supported.

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

SEPP: BASIX applies to the proposed development. The development application is accompanied with BASIX Certificate numbered 680404M and dated 18 November 2015.

8.5 Randwick Local Environmental Plan 2012:

The subject site is zoned B2 Local Centre under the Randwick Local Environmental Plan 2012. The proposal is permissible in the zone with Council's consent. The proposed development will compromise the aims of the LEP in relation to aesthetic character, sustainability, environmental qualities and social amenity of the locality and will result in a development that compromises the amenity of the residential area. The proposal is inconsistent with the specific zone objectives and is recommended for refusal.

- ***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.***

The commercial tenancy fronting Maroubra Road comprises of a deep U-shaped floor plan limits the amount of natural light entering the recessive areas of this space and will compromise the quality of the commercial space. The ground floor commercial tenancy fronting Green Street comprises of a floor to ceiling height of 2 metres which is an inadequate height to be used as a functional commercial use. The retail spaces provided are inappropriate to support commercial development within the B2: Local Centre Zoning. The proposal does not comply with the above objective.

- ***To encourage employment opportunities in accessible locations.***

The commercial tenancy fronting Green Street does not encourage employment opportunities given its reduced floor to ceiling height of 2 metres prohibits the space to be used as a functional commercial use. The proposal does not comply with the above objective.

- ***To maximise public transport patronage and encourage walking and cycling***

The site is located within the Maroubra Junction Town Centre and is well serviced with public transport infrastructure and frequent bus services to the Sydney Metropolitan Area. Public transport is located within walking distance of the proposed subject site and

- ***To enable residential development that is well-integrated with, and supports the primary business function of, the zone.***

The proposal will introduce a residential population that contributes to the demand and economic viability of the local services and businesses. The proposal complies with the above objective.

- ***To facilitate a high standard of urban design and pedestrian amenity that contributes to achieving a sense of place for the local community.***

The proposal has been reviewed by the Design Review Panel in accordance with the requirements of SEPP 65: Design Quality for Residential Flat Development. The comments received by the Design Review Panel are critical of the overall design scheme and detail:

The above recommendations [relating to bulk and scale] would reduce the density to be more in line with the DCP, and as a result the proposal would be a more suitable inclusion in the surrounding built form and would benefit from reduced basement costs and increased amenity, increased access to sunlight and less impacts on neighbours. This application clearly demonstrates that increased density on this site would reduce the quality of the urban outcome, response to context and amenity for the occupants.

In considering the Panel's comments, the proposal is considered to be an overdevelopment which compromises the architectural merit of the proposal and does not reflect a positive design response within the existing streetscape. The proposal does not comply with the above objective in that it does not provide a high standard of urban design.

- ***To minimise the impact of development and protect the amenity of residents in the zone and in the adjoining and nearby residential zones.***

The proposal does not minimise the impact of the development from the streetscape given the development does not comply with the suite of building envelope controls that envisages the desired future character of the development within the allocated block of the Maroubra Junction Town Centre. The development results in a significantly larger scheme than one that is anticipated under the current controls within the RDCP2013 and has been reinforced by other relevant planning provisions including building height contained within the RLEP2012. The proposal does not minimise the impact of the development given the current building configuration and building envelope is excessive in size and scale and does acknowledge the site specific nature of the current planning controls that is applicable to the subject allotments.

- ***To facilitate a safe public domain.***

The development includes a number of north and south facing balconies fronting Maroubra Road and Green Street which will provide casual surveillance to the existing streetscape.

9.0 Policy Controls

The following policy controls apply in the assessment of the proposed development and are elaborated upon in the section below:

- Randwick Comprehensive Development Control Plan 2013
- Randwick City Council Section 94A Development Contributions Plan.

9.1 Part D4 – Maroubra Junction Town Centre

The proposal has been assessed in relation to the Part D4 – Maroubra Junction Town Centre of the Randwick Development Control Plan 2013. The DCP provides a framework for the redevelopment of the wider Maroubra Town Centre and surrounds, containing performance criteria and controls to guide built form, provide environmental and amenity standards, and give appropriate protection for local business, open space and residential development both on a block-by-block basis as well as a general overview.

The proposal does not comply with a number of applicable and critical block-specific controls of the DCP. These non-compliances are assessed and discussed in detail below.

DCP Clause	Control	Compliance	Comment
Part B7 – Transport, Traffic and Vehicular Access			
	Car parking requirements: 1space per 2 studios 1 space per 1-bedroom unit (over 40m ²) 1.2 spaces per 2-bedroom unit 1.5 spaces per 3- or more bedroom unit 1 visitor space per 4 dwellings	<ul style="list-style-type: none"> Requirement: 97 car spaces Provided: 100 car spaces over 3 basements levels which also contains storage areas, plant and service rooms and waste facilities. 	
	Motor cycle requirements: 5% of car parking requirement	Complies.	
	Residents: 1 bike space per 2 units Visitors: 1 per 10 units	Complies.	

DCP Clause	Control	Compliance	Comment
Part 3.2 - Block by block controls			
3.2.8 - Block 8			
Building Envelope Plan	Six (6) storeys to Maroubra Road. Five (5) storeys to Green Street	<ul style="list-style-type: none"> Seven (7) storeys to Maroubra Road and eight (8) storeys proposed to Green Street <p>Does not comply.</p>	
	<p><i>(Control 3.1.4 vii)</i></p> <p>Maximum allowable building heights in metres [calculated as the distance measured vertically from ground level taken from each point on the boundary of the site to the underside of the ceiling of the topmost floor] are as follows:</p> <ul style="list-style-type: none"> - 1 storey – 4.5m - 2 storeys – 9.0m - 3 storeys – 12.0m - 4 storeys – 15.0m 	<ul style="list-style-type: none"> Maroubra Road <ul style="list-style-type: none"> - 1 storey – 3.7m - 2 storeys – 6.7m - 3 storeys – 9.7m - 4 storeys – 12.7m - 5 storeys – 15.7m - 6 storeys – 18.7m - 7 storeys – 22.2m Green Street <ul style="list-style-type: none"> - 1 storey – 1.97m - 2 storeys – 4.97m - 3 storeys – 7.97m 	

DCP Clause	Control	Compliance	Comment
	<ul style="list-style-type: none"> - 5 storeys – 18.0m - 6 storeys – 21.0m - 7 storeys – 24.0m - 8 storeys – 26.7m 	<ul style="list-style-type: none"> - 4 storeys – 10.97m - 5 storeys – 13.97m - 6 storeys – 16.97m - 7 storeys – 19.97m - 8 storeys - 23.53m 	
	<p>(Control 3.1.3 i) & ii))</p> <p>GFA occupies not more than:</p> <ul style="list-style-type: none"> • 70% of the maximum building envelope for residential floors and • 80% in the case of commercial / retail floors above the ground floor. 	<p>The proposal occupies :</p> <ul style="list-style-type: none"> • 73% of the southern building block envelope and 91% of northern building block and; • There are no commercial floors above ground level <p>Does not comply.</p>	
Building Use	<p>Maroubra Road frontage: Two (2) floors of commercial with residential above</p> <p>Green Street frontage: One (1) floor of commercial with residential above</p> <p>The DCP requires any proposed variation to the building use controls to be accompanied by an assessment of the economic impact on existing commercial development in the town centre.</p>	<p>The proposal provides:</p> <ul style="list-style-type: none"> • Commercial/ retail tenancy proposed at ground floor level fronting Maroubra Road an Green St; <p>Does not comply. Economic Impact Assessment has not been submitted as part of the application.</p>	
Building depth	<p>Residential: 22m (18m glass line to glass line)</p> <p>Commercial: 25m (23m glass line to glass line)</p>	<p>Building depth proposed:</p> <ul style="list-style-type: none"> • Residential building depth on the western side of the building up to 59.5 metres; • Less than 25 metres. <p>Does not comply.</p>	
Setbacks	<p>2 metres required to Green Street frontage;</p> <p>1.5 metres required to existing strata buildings on side</p>	<ul style="list-style-type: none"> • Nil setback proposed to the Green Street frontage • Nil setback from the western boundary immediately adjacent the 	

DCP Clause	Control	Compliance	Comment
	elevations.	western building block and 4.3 metres on the	Does not comply.

Key Issues:

Building Envelope:

The building envelope for the subject site provides for a maximum storey control of six (6) storeys to Maroubra Road and five (5) storeys to Green Street. The proposal entails a seven (7) storey building to Maroubra Road and eight (8) storey building to Green Street. The development results in a significant deviation from Councils controls in that it is 3 storeys above the maximum requirements along Green Street and 1 storey along Maroubra Road.

The site configuration involves a two building block form that is set nil from the external walls of the western neighbour and then setback approximately 4.3 metres from the western boundary as it extends beyond the building alignments of the western neighbour. The U-shaped building footprint and the increases to the western side setbacks above the minimum requirements has some merit in improving the amenity of the western neighbour, it however does not result in a better planning outcome. The additional side setback compresses the building envelope which exceeds the maximum number of storeys, does not comply with the maximum number of storeys building height control, contributes to the perceivable visual bulk and scale of the development from the front building alignment, does not promote functional uses for the retail space at the ground floor level and the façade detail elements (including windows, balconies, balustrading) does not correspond to the adjoining buildings given the number of storeys that are squeezed within the building envelope.

The non-compliances with the above adversely effects the amenity impact to the occupants of the subject premises and neighbouring dwelling given the development does not provide any solar and daylight access into the communal courtyard area at level 00 or the communal courtyard to the eastern neighbour. The ADG requirements prescribe a minimum of two hours of direct solar access be provided to 50% to the useable part of the communal open space for a minimum of 2 hours between 9am – 3pm. The current design scheme does not afford a break within the building along the western elevation and subsequently shadows this space entirely.

The non-compliances with the above are all indicators of a gross overdevelopment of the site with little consideration given to the contribution the building (in particular along Green Street) makes to the existing streetscape and the associated amenity impacts of the development. The building volume is considered to be beyond what is reasonably anticipated and results in a development of both a height and density that does not conform to the controls of the RDCP 2013. The application has been recommended for refusal.

Building Use:

The building use controls prescribe that a minimum of two floors shall be provided for commercial uses fronting Maroubra Road and one level of commercial fronting Green Street. Any variation to the above requires an economic impact assessment to be submitted as part of the development application. The proposal does not comply with the above requirement and does not comply with the RDCP2013 requirements given the following:

- The building block fronting Maroubra Road provides only one level of commercial use at the ground floor level. The first floor level is occupied with a residential use with a

floor to ceiling height of 3 metres. In accordance with Clause 4.4.4: Ceiling Heights of the RDCP2013 the first floor level shall have a minimum floor to ceiling height of 3.3m to allow flexibility for this floor to be commercial/retail or residential. Achieving the minimum floor to ceiling height of 3.3m is also reiterated within Part 4C of the ADG requirements that prescribes a minimum 3.3m to be provided for ground and first floor mixed use areas to promote future flexibility of use.

- The ground floor commercial tenancy to the building block fronting Green Street comprises of a floor to ceiling height of 2 metres and is inadequate in height to be used as a functional commercial tenancy. The tenancy comprises of a finished floor level of RL27.33 and a ceiling height at RL29.33. The floor to ceiling height is substantially below the minimum ceiling heights as prescribed by the ADG requirements of 3.3 metres and cannot be considered to be a usable commercial space.

In considering the above, the application has been recommended for refusal.

Building Depth:

The western portion of the building envelope extends from the southern boundary (Maroubra Road) to the northern boundary (Green Street) with a building depth of 59.5 metres. The development represents a significant departure from the Council control with a maximum of 22 metres and is contributory to the proposed U-shaped building footprint which extends the entire length of the allotment. The non-compliance to the numerical requirement is unacceptable in considering the amenity impacts to the subject premises. The northern building block extends beyond the building alignment of the western neighbour does not offer any direct solar access or provide any natural daylight and ventilation into the communal courtyard space at level 00. This internalises the communal courtyard and compromises the amenity by enclosing the space with a built form that is excessive in size and scale.

In addition to the above, the combination of the non-compliant building depth and nil setback up to the western boundary adversely impacts the internal amenity of the occupants of the western neighbour. The building envelope is immediately adjacent a recess which provides window openings to the bedrooms of the eastern units and is the only source of solar access, natural daylight and ventilation into these bedrooms. The height of the proposed structures adjacent the recess including the lift overrun at RL52.49 and the roof level at RL50.89 is expected to affect the window openings of the eastern units between levels 1-7. Subsequently the window openings, in particular those at the lower levels, are too deeply sunken within the built form to receive any form of reasonable level of amenity into these rooms.

In considering the non-compliant building depth, number of storeys and side setbacks the development gives rise to adverse amenity impacts to the occupants of the subject premises and the neighbouring dwellings. The complete shadowing of the internal courtyard area and the habitable room windows of the western neighbour is unacceptable and therefore the application has been recommended for refusal.

Setbacks:

The building block is set nil from the external walls and boundary immediately adjoining the building block of the western neighbour and then setback approximately 4.3 metres from the western boundary as it extends beyond the building alignments of the western neighbour. The Council controls require a 2 metre setback from the Green street frontage and 1.5m from existing strata titled buildings.

As discussed above, the nil setbacks adjacent the western neighbour encloses the north and south facing bedroom window openings of the east facing units and will compromise the internal amenity into these rooms. The height of the proposed structures adjacent to the recess including the lift overrun at RL52.49 and the roof level at RL50.89 is expected to affect the window openings of the eastern units between levels 1-7. The window openings, in particular those at the lower levels, are too deeply sunken within the built form to receive any form of reasonable level of amenity into these rooms.

Notwithstanding this, it is noted that the additional side setback from the western boundary above the minimum 1.5 metre requirement will improve the opportunities for direct solar access to the north-facing balconies and window openings to the eastern units of the western neighbour. However, the increased setback has resulted in a much larger building envelope and concentrated the additional bulk to the upper levels of the built form. The building block, in particular along Green Street exceeds one that is contemplated within Council's controls and disregards the relationship that each control bears on one another including building density, number of storeys, number of storeys to building height and inappropriate ceiling heights - all of which eventuates in an excessive size and scale. On balance, the improvement to the solar access to the western neighbour does not outweigh the appreciable building envelope impacts and the poor contribution the building makes within the streetscape.

The application has been recommended for refusal.

11.0 Relationship to City Plan

The relationship with the City Plan is as follows:

Outcome 4:	Excellence in urban design.
Direction 4a:	Improved design and sustainability across all development.

12.0 Conclusion

The subject application for the demolition of all existing structures, construction of shop top housing development comprising 8 storeys to Green Street, 7 storeys to Maroubra Road with 2 retail tenancies fronting Maroubra Road and 1 fronting Green Street, 69 residential dwellings, 3 levels of basement car parking for 100 vehicles, landscaping and associated works is not supported and is recommended for refusal.

The development does not appropriately consider the relationship of the building envelope controls contained within the RLEP2012 and the RDCP2013 and the non-compliances to the Council's controls including the maximum building height, number of storeys, the number of storeys to building height, the reduced setbacks from the street edge, the reduced setbacks from the western boundary, the building depth and the inadequate floor to ceiling heights all contributes to an overdevelopment to the site. The site configuration seeks to concentrate most of the bulk through the centre of the building blocks and does not appropriately consider the built form controls within the Council policy controls and the envisagement of a particular height and density outcome that is expected on the subject allotment.

The Clause 4.6: Exceptions to the development standards is also not supported by Council on the basis that the proposed development results in a significant breach to the maximum number of storeys. The exceedance by one storey along Maroubra Road and three storeys along Green Street results in an increase to the overall building height and the plant rooms, roof elements and roof parapet above the maximum building height limit further exacerbates the intended building height.

In terms of amenity impacts, the building configuration will also result in extensive overshadowing to the communal courtyard area and does not comply with the ADG requirements. The proposal provides no direct solar access and is well below the minimum of 50% of direct sunlight be provided to the principal usable part of the communal open space of a minimum of two hours between 9am and 3pm on the 21 June. The building configuration will also compromise the amount of direct solar access, natural daylight and ventilation to the habitable room windows that are set up to the western boundary, does not provide a reasonable level of privacy to the occupants within the building and common circulation spaces.

In considering the above, the application has been recommended for refusal.

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/813/2015 for the demolition of all existing structures, construction of shop top housing development comprising 8 storeys to Green Street, 7 storeys to Maroubra Road with 2 retail tenancies fronting Maroubra Road and 1 fronting Green Street, 69 residential dwellings, 3 levels of basement car parking for 100 vehicles, landscaping and associated works for the following reasons:

1. The proposal does not satisfy the objectives of the B2 Local Centre zone relating to urban design and amenity of residents.
2. The proposal exceeds the maximum building height of 25m specified in Clause 4.3 of Randwick Local Environmental Plan 2012 and the Clause 4.6 variation to the development standard is not well founded.
3. The proposal does not satisfy the design criteria and design guidance set-out in Part 3D-1 Communal Open Space of the Apartment Design Guide as per SEPP 65.
4. The proposal does not satisfy the design criteria and design guidance set-out in Part 3E-1 Deep Soil Zones of the Apartment Design Guide as per SEPP 65.
5. The proposal does not satisfy the design criteria and design guidance set-out in Part 3F-1 Visual Privacy of the Apartment Design Guide as per SEPP 65.
6. The proposal does not satisfy the design criteria and design guidance set-out in Part 4A Solar and Daylight Access of the Apartment Design Guide as per SEPP 65.
7. The proposal does not satisfy the design criteria and design guidance set-out in Part 4B Natural Ventilation of the Apartment Design Guide as per SEPP 65.
8. The proposal does not satisfy the design criteria and design guidance set-out in Part 4C Ceiling Heights of the Apartment Design Guide as per SEPP 65.
9. The proposal does not satisfy the design criteria and design guidance set-out in Part 4F Common Circulation Spaces of the Apartment Design Guide as per SEPP 65.
10. The proposal does not satisfy the objectives or controls for Building Envelope set-out in Clause 3.1.3 of the Randwick Development Control Plan 2013 Part D4.

11. The proposal does not satisfy the objectives or controls for Building Height set-out in Clause 3.1.4 of the Randwick Development Control Plan 2013 Part D4.
12. The proposal does not satisfy the objectives or controls for Building Depth set-out in Clause 3.1.5 of the Randwick Development Control Plan 2013 Part D4.
13. The proposal does not satisfy the objectives or controls for the Block 08 set-out in Clause 3.2.8 of the Randwick Development Control Plan 2013 Part D4.
14. The proposed development is unacceptable in that the proposed height, bulk, scale, built form and design will have an adverse impact on the amenity of neighbouring residents and is incompatible with the desired future character and existing scale of development in the Maroubra Junction Town Centre.
15. The proposal does not address the requirements of land contamination in accordance with the provisions of SEPP 55, Contaminated Land Management Act 1997 and Council's Contaminated Land Policy 1999.
16. The proposed the floor levels do not comply with Council's flood planning requirements (1%AEP level plus 500mm freeboard).