

SEPP 65 / Apartment Design Guide (ADG) Compliance

A copy of the concerns the DEAP raised pertaining to the 9 Design Quality Principles for the original DA submission are as follows:

Principle 1: Context and neighbourhood character

- *The site context analysis is cursory and completely inadequate. The Site Plan Proposed is not legible. The cross sections provided do not indicate surrounding streets buildings and public spaces that will be impacted by the development.*
- *Given the scope and scale of the development, and its potential impacts on the entire Coogee town centre, the applicant should undertake a comprehensive urban design analysis of the site and its surroundings (the submission is limited to views to the beach and the sun's path). This urban design study should establish the role of this site in Coogee, identifying its potential to improve the function of the centre. It should extend at least as far south as Carr Street, north to capture Coogee Oval, and west to Brook Street, and east to include Arden Street, the beach and beachside park and the Pacific Ocean.*
- *The study should include pedestrian networks, active transport, traffic, green spaces, the grain of surrounding built fabric, open spaces. In particular, given the density of activity proposed in the development, existing footpath areas and pedestrian movements should be analysed, and the impacts of the development presented. The study should include considerations of local businesses, demographics, as well as the district pattern of distribution of hospitality and entertainment venues of which the site and the development is a part. Noting that this large site has an important role in creating spaces that have synergy with the increasing diversity of activity in Coogee.*
- *The evening economy will be impacted by the presence of a large number of residential units. The Landscape Context Plan indicates the surrounding uses. The plan illustrates that the lower part of Coogee Bay Road (CBR) does not include residential units that would be impacted by noise. Whereas the proposal is for a significant number of residential units whose only air and light is to this part to CBR. This is likely to compromise the evening economy.*

Principle 2: Built form and scale

- *There is no justification for the height of the development to exceed the height limit in the context of the Coogee Bay Road streetscape. The development is nearly 20% over the allowable FSR, and 10 metres over the allowable height limit – this extra mass is dedicated solely to the residential apartments. This is a significant departure from a traditional model of shop-top housing and is likely to create land use conflicts.*
- *The ziggurat formation of double-height facade steps is not in keeping with the more subtly articulated flat fronted buildings of the area. A top storey stepping or setback out of view from the street may be acceptable. The 2019 panel suggested: "Making a stronger building to the corner of Vicar Street, and a more nuanced relationship with the heritage hotel building." It is unclear why the corner now steps back, diminishing it.*

Principle 3: Density

- *The Landscape Plan includes a diagram 4.5 Analysis of Landscape Spaces, which correctly illustrates the existing laneway along the south of the site. However, the future diagram shows the laneway being replaced with a future shared link where none is proposed.*
- *Permeability and grain are vitally important qualities of urban centres. As development density increases, so should grain, especially pedestrian intersection density. The existing laneway on the south of the subject site effectively halves the length of the Vicar Street as a dead-end, because it provides an informal mid-block connection. Its removal is not supported.*

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- *The redevelopment should present the opportunity to distinguish the heritage hotel, with its various wings, public rooms, and open spaces. Much of this fabric has been subsumed under unsympathetic additions and accretions over the years. The proposed development further surrounding the hotel appears out of scale. A preferable approach would be to reveal more of the hotel and design new buildings so as not to overwhelm the historic building.*
- *The application relies on the provision of a “through site link” and an associated pedestrian “eat street” as the justification for: excess height, FSR, wall height, and non-compliance in terms of open space across the site, deep soil planting and communal open space.*
- *This feature consists of an 8-metre wide laneway with 5 cafes, entered from CBR through an arcade beneath the apartment building. The southern portion of this area is surrounded by both commercial and residential entry ramps. It does not link to Vicar Street. It only links to Arden Street along a two metre wide footway between a carpark entry superstructure and the blind wall of the hotel.*
- *The ‘eat street’ does not correspond with a visual or direct spatial link through the site, furthermore, it is entered either along a narrow footway or under an apartment building. This does not imply ‘street’ or suggest that it will be successful as part of the public domain. Its position within built form, and the potential safety issues of the un-surveilled footway from Arden Street makes it likely that this space will be gated and locked, negating its intended status as genuine public space.*
- *Given the size of the site, which spans the block, a through-site link should follow the existing informal lane, west-to-east from Vicar Street through to Arden Street. This link should have passive surveillance or activation to be activated and potentially links to Arden Street directly adjacent to the hotel beer garden. This location would also allow for the introduction of more open space, as well as deep soil planting.*

Principle 4: Sustainability

- *Residential lobbies lack direct access to stairs. Easy and attractive access to stairs should be provided to form all lobbies. Lobbies and stairs would preferably daylit and naturally ventilated.*
- *The proposal achieves the minimum required performance. However, given the scale of the development and its significant location, more ambitious sustainability measures should be incorporated, especially as regards water. At a minimum, this full-block development should harvest, store, treat and reuse all its rainwater, in gardens, toilets and laundries. The extensive multi-level basement allows ample space in which to incorporate this system.*

Principle 5: Landscape

- *The proposal does not comply with open space requirements, deep soil requirements and communal open space objectives. It offers nearly complete built site coverage, with the only landscape elements elevated roof gardens and planter boxes dedicated to the private residences proposed.*
- *A much more considered, creative, and progressive approach to open space, landscape and deep soil planting is required for such a significant development in such an iconic location.*

Principle 6: Amenity

- *Although the DEAP did not specifically address Principle 6, the amenity proposed for the apartments [in the original DA scheme] were compromised by the inadequate solar access and natural ventilation, visual and acoustic privacy, separation between apartments, and outdoor space.*

Principle 7: Safety

- *Although the DEAP did not specifically address Principle 7, there were privacy conflicts between the communal open space area and the windows or balconies of apartments on Level 1, which could be better resolved [in the original DA scheme].*

- The design of the through-site link at ground level did not achieve a good visual or physical connection with Arden St, as the pathway narrows substantially to this street frontage *[in the original DA scheme]*.

Principle 8: Housing diversity and social interaction

- *While there is the standard mix of units, more diversity should be encouraged especially in terms of affordability. The journey from the lift to the apartment door should be not much longer than 12 metres. Other solutions to encourage social interaction could include a series of foyer areas with windows and spaces for seating, or wider areas at apartment entry doors and varied ceiling heights.*
- *Residential lobbies lack direct access to stairs. Easy and attractive access to stairs should be provided to form all lobbies. Lobbies and stairs would preferably daylit and naturally ventilated.*

Principle 9: Aesthetics

- *The design should follow the cues of the context of the site, including its own heritage listed Coogee Bay Hotel. Identification of the elements that make up the fine grain character of the eastern end of Coogee Bay Road can form the basis of a contextual architectural response:*
- *The width of buildings facing the eastern end of Coogee Bay Road is generally 5-10m, growing to 20m for the larger apartment buildings.*
- *Buildings are 3 storeys on average.*
- *Facade composition patterns generally repeat at 5m horizontally. Storeys are legible however, they are balanced out by the vertical elements such as bay window forms which span the height of the building, resulting in equal emphasis on the horizontal and vertical.*
- *There is modulation within each pattern repetition, such as bay windows, arched openings to verandahs, and shaped parapets.*
- *Materials are face brick or render, with sandstone used at the base/ground floor level. Masonry facades are softened with timber detailing.*
- *The current design proposal for the site does not share many of these characteristics and should consider the following:*
 - *Create at least two distinct building expressions along the Coogee Bay Road elevation, one being a corner building at the intersection with Vicar Street. There should be a third building design on the Vicar Street elevation (south-west corner of the site). The building designs need not be completely different, for reference, the new development opposite the proposed development on the western corner of Coogee Bay Road and Vicar Street appears as two similar yet distinct buildings.*
 - *Consider using brick, render or a smaller format stone unit above ground level.*
 - *Long balconies jut out over the street awning, oriented to the ocean view at the expense of the Coogee Bay Road streetscape. They could be more similar to nearby bay windows or recessed balconies in size and/or articulation, be more polite, and share the view with neighbours to the west.*
 - *The corner building should not step back above the corner.*

Assessment of the Proposed Development (as amended)

The development application (as amended in March 2023 and March 2024) has been subject to review and discussions between the Applicant and Council's Urban Design Team for the duration of the LEC proceedings and assessment for the Panel. This has resulted in a built form and design that has addressed the above-mentioned points raised by the DEAP and additional matters raised by Council's Urban Design Team in the following ways:

- Additional context analyses undertaken, with particular regard to view sharing and view loss.
- View analyses have formed the massing of the proposed built form, resulting in the additional variations to the building height standard being localised where there is an existing non-compliance and a break between the additional building massing to enable view sharing through the centre of the site.
- The proposed development has been amended to refine pedestrian egress, particularly from the parking areas where the path of travel was convoluted.
- The 'ziggurat' formation, which was originally proposed on the Coogee Bay Road façade, has been amended, with most of the northern Coogee Bay Road façade retained and integrated into the proposed built form to maintain the streetscape character. Upper storeys have been setback to retain a three-storey façade from within the immediate public domain. The concept of "facadism" has been resolved and removed from the proposed development by integrating the existing building facades into the design of the residential apartments facing Coogee Bay Road.
- The Vicar Street corner building has a strengthened presence, presenting as three-storeys, with improved activation of the façade.
- Presentation and entry points of the 'eat street/Selina's laneway' have been improved and integrated into the overall built form from Coogee Bay Road and Arden Street.
 - The DEAP's comment regarding the through-link to be retained up to Vicar Street was not agreed by Council nor the Panel, as it was not a feasible element to retain given the site topography and poor integration with traffic already present within Vicar Street. The southern side setback adjacent to Vicar instead offered the opportunity to improve deep soil and separation from the southern residence (17 Vicar Street). Additional landscaping has been integrated into the setback between the proposed development and 17 Vicar Street.
- The Coogee Bay Hotel building (including roof, previously proposed to be modified) is retained in the amended scheme, with general refurbishments and building upgrades supported.
 - A new southern wing addition to the hotel has been integrated into the proposed (as amended). The wing is compatible with the existing scale of the hotel and assists with the visual separation of the hotel when viewed from public places, including the Coogee Beach foreshore and Arden Street.
- The development is an improvement to the current deep soil and landscaping circumstance of the site, as the existing site(s) are significantly hardstand and built-upon, with the only vegetation of note currently being small, segmented areas with various palm trees.
 - The potential for palm tree retention has been incorporated into a condition of consent in the instance the application is to be approved.

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- Despite not strictly complying with deep soil requirements (7% of the site), given the site context of being opposite Coogee Beach, and the site being close to completely built-upon, the proposed development is an improvement to the landscape and deep soil setting of the site and immediate locality.
- Sustainability meets the minimum requirements, as required by BASIX, NatHERS and Section J of the NCC/BCA, where applicable. Cross-ventilation of the residential apartments meets ADG criteria through both cross-ventilation and the design solution of mechanical ventilation ('plenums').
- Privacy measures have been appropriately incorporated into the proposed development (as amended) with additional detail of privacy screening measures provided for the communal open space and swimming pool.
- Plans of Management have not been provided for the development. Additional conditions of consent have been prepared to ensure the safety and amenity of residents and visitors.
- Pedestrian entry to the residential component of the shop-top housing building has been refined with two distinct lobbies from Vicar Street (with two central lift and stair cores from the parking levels). Raised units (Level 01) fronting Vicar Street have been designed to have landscaped courtyards and decks fronting Vicar Street. The original scheme was overly complicated with split level entry points and long enclosed corridors, with lift only access (no stairs). The proposed residential scheme fronting Vicar Street has been well-designed to read as two distinct 'blocks' or 'wings' through the use of materiality that is sympathetic to the existing character of Coogee Bay Road and Vicar Street, respectively.
- The materiality of the scheme has been reviewed by Council's Heritage and Urban Design Experts and is generally acceptable, subject to recommended conditions of consent on any consent granted.

The provisions of the *Apartment Design Guide* ('ADG') are also relevant under SEPP 65. A detailed assessment of the Apartment Design Guide (ADG) has been undertaken within Table 4, below:

Table 1: Apartment Design Guide Assessment

Objective	Requirement	Proposed	Compliance/Comment
3C Public Domain Interface	Transition between private and public domain is achieved without compromising safety and security.	Due to the slope of the land, residential units fronting Vicar Street have a near ground level interface. The units (101, 109, 114-116) all are proposed with a separate, direct access point from Vicar Street, elevated above the footpath level to ensure visual privacy.	Yes. The residential access points are proposed with suitable fencing and gates to allow for casual surveillance, preserving safety and security.

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Objective	Requirement	Proposed	Compliance/Comment
3D Communal Open Space	Communal open space has a minimum area equal to 25% of the site.	<p>The shop top housing allotment has an area of 4,885m². 25% of the site area is 1,221.25m².</p> <p>The proposed communal open space is 679m² (13.9%) of the shop top housing lot site area.</p> <p>A variation of 542.25m² (44.4%) is proposed.</p>	<p>No, but it is considered acceptable based on site context and conditions of consent (i.e. operations/management to be consistent with the required or approved plan(s) of management).</p> <p>Both proposed areas will also be landscaped and screened to secure amenity and privacy to the communal spaces.</p> <p>The ADG permits technical variations to the minimum communal open space in dense urban areas, business zones and where there is good proximity to public open space and facilities. The Coogee Bay Hotel is located opposite the Coogee Beach foreshore and is a substantial public open space area.</p> <p>In this instance, the variation is considered acceptable.</p>
	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 3pm on 21 June (mid-winter).	<p>Proposed Level 1 incorporates two communal areas. The primary communal open space area is centrally located with the U shape of the residential portion of the development and includes a swimming pool, seating areas and a BBQ area.</p> <p>The Level 1 communal open spaces will be overshadowed throughout much of June 21 and less than 50% will achieve solar access.</p>	<p>No, but it is considered acceptable for the context of the site.</p> <p>The Coogee Beach foreshore receives good solar access and is opposite the site. The residents will have access to a convenient area that receives good solar access.</p> <p>The variation is acceptable given the site's context within the B2 (Local Centre) [<i>Zone E1 following from the Employment Zone Reform in effect from April 26, 2023</i>] land zone, and proximity to publicly available open space.</p> <p>Equinox shadows have been submitted which indicate that the majority of the central communal open space will receive solar access between</p>

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			9am and 2pm, greatly exceeding 50%. The variation is therefore only at the worst wintertime period.
3E Deep Soil Zones	On sites with areas greater than 1,500m ² , 7% of the site area is to be deep soil with a minimum 6m dimension.	<p>7% of the site area is 341.95m².</p> <p>The proposed deep soil area is 158m² (3.23%).</p> <p>A variation of 183.95m² is proposed (53.79%).</p>	<p>No, but it is considered acceptable.</p> <p>ADG permits variations to deep soil where the location and building typology have limited to no space for deep soil at ground level, such as in business zones or centres, and where non-residential uses are proposed at ground level. The Coogee Bay Hotel is such a site that is desirable for near complete site coverage for the built form and, by necessity, extensive site coverage underground for the basement.</p> <p>As the ADG permits a variation in relevant contexts to this application, this variation is supported.</p> <p>Further, the existing site is essentially completely built upon with no existing significant area of deep soil. The proposed development improves the deep soil landscaping of the site. A condition of consent is imposed on any granting of consent to further investigate the retention and transplanting of the Arden Street trees.</p>
3F Visual Privacy	<p>The ADG prescribes minimum separation distances between buildings:</p> <ul style="list-style-type: none"> Up to 12m (4 storeys) - 6m (habitable) / 3m (non-habitable) Up to 25m (5-8 storeys) - 9m 	<p>General non-compliances:</p> <ul style="list-style-type: none"> 7.0m between hotel office and terrace of unit 106; 10.5m between the hotel pre-function room and Unit 111 terrace/living area U-shape configuration results in setback of 3.5m between terraces 	<p>No, the separation requirements do not strictly comply, however the non-compliances are internal and the development (as amended) has included privacy screens and landscape buffers to accommodate privacy.</p>

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	<p>(Habitable) / 4.5m (non-habitable)</p> <ul style="list-style-type: none"> Over 25m (9+ storeys) - 12m (Habitable) / 6m (non-habitable) <p>No separation is required between blank walls.</p>	<p>of unit 107 and 108; 208 and 290 increasing slightly to 6.3m to Unit 201.</p> <ul style="list-style-type: none"> 14.3m between terraces of unit 404 and unit 401 (fifth storey); noted minimum 18m achieved between windows. 	
3G Pedestrian Access and Entries	Building entries and pedestrian access connects to and addresses the public domain.	<p>The residential component of the development is provided with two (2) separate lobby entry points which are located on the residential oriented Vicar Street, separating the residential access from the commercial character along Coogee Bay Road. The pedestrian entries are sufficiently prominent on the façade and distinguishable from the individual entries.</p> <p>Each commercial tenancy is accessed from either Coogee Bay Road or the proposed Selina's Laneway.</p>	Yes.
3H Vehicle Access	Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.	A shared vehicle access is proposed from Arden Street. The access point is separated from pedestrian gathering points (e.g. building entries) to minimise conflicts. The driveway has been integrated into the façade.	<p>Yes – subject to conditions.</p> <p>Conditions of consent are recommended to be imposed on any approval to ensure adequate management of the shared spaces and to ensure safety between pedestrians and vehicles.</p> <p>Conditions include the preparation of Plans of management and provision of mechanical details to ensure safety standards are met.</p> <p>The proposal (as amended) incorporates a sight-safety splay to the driveway on Arden Street, which requires the elevational plans to be updated to match</p>

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			the amended floor plan (included as a condition of consent to accompany any approval).
3J Bicycle and Car Parking	For development in the following locations: <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 	The site is not located within 800m of a railway station or light rail stop. The RDCP 2013 car parking rates are used.	Yes – subject to conditions. Conditions of consent are imposed should the development be approved, to ensure minimum parking rates are achieved throughout subdivision, construction and operational use of the premises.
4A Solar and Daylight Access	Living rooms and private open space areas of at least 70% of apartments receive a minimum of 2 hours direct sunlight between 9am and 3pm at mid-winter.	70% of 58 units is 41 (40.6 as rounded) units. A total of 50 units (86.2%) achieve 2 hours of solar access.	Yes. The proposal (as amended) has addressed concerns raised with respect to improving the internal amenity of apartments.
	A maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm at midwinter.	8 of 58 units (13.9%) receive no solar access.	Yes.
4B Natural Ventilation	At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building.	60% of 58 units is 35 (34.8 as rounded) units. 33 of 58 units (57%) are cross-ventilated. Where cross-through apartments are proposed, the maximum depth from glass line to glass line is 18m.	Yes – considered acceptable on merit. A plenum solution has been integrated into the development to achieve a minimum 60% of units to be ventilated with natural air.
	Apartments at ten storeys or greater are deemed to be cross ventilated	Proposal is not ten or more storeys.	N/A
	Overall depth of a cross-over or cross-through apartment does not exceed 18m	The Applicant provided detailed floor plans to enable assessment of all unit sizes/dimensions.	Yes.

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	measured glass line to glass line.		
4C Ceiling Heights	Habitable rooms: 2.7m. Non-habitable: 2.4m. If located in mixed use areas: 3.3m for ground and first floor to promote future flexibility of use.	The following floor to floor heights are proposed: <ul style="list-style-type: none"> • Ground Level = 3.77m • Level 1 = 3.25m • Level 2-4 = 3.1m • Level 5 = 3.25m 	Yes.
4D Apartment Size and Layout	Apartments are required to have the following minimum internal areas: Studios: 35m ² 1 bedroom: 50m ² 2 bedroom: 70m ² 3 bedroom: 90m ² The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m ² .	All units meet the minimum internal area requirements.	Yes.
	In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8 metres from a window.	The Applicant provided detailed floor plans to enable assessment of all unit sizes/dimensions.	Yes.
	Master bedrooms have a minimum area of 10m ² and other bedrooms 9m ²	All master beds are a minimum of 10m ² , with other bedrooms achieving a	Yes.

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Objective	Requirement	Proposed	Compliance/Comment
	(excluding wardrobe space). Bedrooms are to have a minimum dimension of 3m.	minimum area of 9m ² , less wardrobe sizes.	
	Living rooms or combined living/dining rooms have a minimum width of: 3.6m for studio and 1 bedroom apartments, 4m for 2 and 3 bedroom apartments.	The Applicant provided detailed floor plans to enable assessment of all unit sizes/dimensions.	Yes.
	The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.	The Applicant provided detailed floor plans to enable assessment of all unit sizes/dimensions.	Yes.
4E Private Open Space and Balconies	<p>All apartments are required to have primary balconies as follows:</p> <p>Studios: 4m² minimum area.</p> <p>1 bedroom apartments: 8m² minimum area, 2m minimum depth.</p> <p>2 bedroom apartments: 10m² minimum area, 2m minimum depth.</p> <p>3+ bedroom apartments: 12m² minimum area, 2.4m minimum depth.</p> <p>Ground level or podium apartments are to have a minimum POS area of 15sq.m and minimum depth of 3m.</p>	The Applicant provided detailed floor plans to enable assessment of all unit sizes/dimensions.	Yes.
4F	The maximum number of apartments off a	The maximum number of units off a circulation core is 9 on the northern core, while	Yes.

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Common Circulation and Spaces	<p>circulation core on a single level is eight.</p> <p>Where design criteria 1 is not achieved, no more than 12 apartments should be provided off a circulation core on a single level.</p>	8 are located off the southern core. A second lift (total of 4 lifts) is provided to both cores which ensures there are sufficient lifts to properly service the development.	
4G Storage	<p>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</p> <p>Studio: 4m³</p> <p>1 bedroom: 6m³</p> <p>2 bedroom: 8m³</p> <p>3+ bedroom: 10m³</p> <p>At least 50% of the required storage is to be located within the apartment.</p>	A Storage Plan has been prepared as Drawing No. DA410.	Yes.
4J Noise and Pollution	In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings.	Addressed within the Acoustic Assessment Report.	No – subject to deferred commencement conditions.
4K Apartment Mix	A variety of apartment types are provided.	<p>A mixture of 1, 2, 3 and 4 bedrooms are proposed as follows:</p> <ul style="list-style-type: none"> • 7 x 1 bedroom apartments; • 25 x 2 bedroom apartments; • 24 x 3 bedroom apartments; and 	Yes.

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		<ul style="list-style-type: none"> • 2 x 4 bedroom apartments. (Total 58 Units)	
4P Planting on Structures	Plants are suited to site conditions, considerations include drought and wind tolerance, seasonal changes in solar access, modified substrate depths for a diverse range of plants plant longevity. A landscape maintenance plan is prepared.	Landscape plans incorporate indigenous species suited for the context of the site.	Yes.
4S Mixed Use	Mixed use developments positively contribute to the public domain. Design solutions may include: <ul style="list-style-type: none"> • development addresses the street • active frontages are provided • diverse activities and uses • avoiding blank walls at the ground level • live/work apartments on the ground floor level, rather than commercial 	The proposal incorporates design solutions that positively contribute to the public domain.	Yes.
	Residential circulation areas should be clearly defined. Design solutions may include: <ul style="list-style-type: none"> • residential entries are separated from commercial entries and directly accessible from the street 	The proposal incorporates design solutions that clearly define separate residential and commercial entries.	Yes – subject to conditions of consent (i.e. operations / management to be consistent with the required or approved plan(s) of management).

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	<ul style="list-style-type: none"> commercial service areas are separated from residential components residential car parking and communal facilities are separated or secured security at entries and safe pedestrian routes are provided concealment opportunities are avoided 		