

**Draft Reasons for Refusal:**

1. The proposed development does not comply with the height of buildings development standard within Clause 4.3 of the RLEP 2012 and the written request under Clause 4.6 of the RLEP 2012 fails to demonstrate sufficient environmental planning grounds to justify the variation, or that the variation is in the public interest by being consistent with the zone objectives and standard.
  - a. The proposed development is inconsistent with the objectives of Clause 4.3 of the RLEP 2012;
  - b. The proposed development is inconsistent with the objectives of Clause 4.6 of the RLEP 2012.
2. The proposed development does not exhibit design excellence in accordance with the matters outlined in Clause 6.11 of the RLEP 2012.
  - a. The proposed development does not demonstrate a high standard of architectural design;
  - b. Exposed flank walls are contrary to the quality and amenity of the public domain
  - c. The proposed development does not respond to the environmental and built characteristic of the site, nor an acceptable relationship with other buildings on neighbouring sites. This is exacerbated by diverging from the anticipated building envelope stipulated by Part D4 of the RDCP;
  - d. The proposed development does not meet the sustainable design principles in terms of sunlight, natural ventilation, wind, reflectivity, visual and acoustic privacy, safety and security, resource, energy and water efficiency, renewable energy sources and urban heat island effect mitigation;
  - e. The proposed development detrimentally impacts on view corridors.
3. The proposal does not comply with the provisions of the State Environmental Planning Policy (Housing) 2021, in particular:
  - a. The proposed development does not demonstrate that it achieves the design principles for residential apartment development under Schedule 9.
  - b. The Apartment Design Guide (ADG):
    - i. Part 3F Visual Privacy – the proposal does not provide the minimum separation distances between apartments on adjoining lots.
    - ii. Part 3G Pedestrian Access and Entries – the building entry is not well defined.
    - iii. Part 3J Bicycle and Car Parking – the proposal does not achieve the minimum parking requirements.

- iv. Part 4A Solar And Daylight Access – the proposal has not demonstrated that it has maximised solar access or sunlight into the development itself, nor to adjoining residential development.
  - v. Part 4B Natural Ventilation – the proposal does not achieve the requirement for 60% of apartments to be naturally cross-ventilated.
  - vi. Part 4D Apartment Size and Layout – the proposal does not achieve minimum room size requirements.
  - vii. Part 4H Acoustic Privacy – the acoustic report provided does not adequately address noise generated by the adjoining childcare centre (737 Anzac Parade, “Maroubra Junction Early Education Centre”) or police station (136 Maroubra Road, Maroubra “Maroubra NSW Police Station”).
- 4. The proposed development does not comply with the controls or objectives of the Randwick Comprehensive Development Control Plan 2013 pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, in particular:
  - a. Part B6 – Recycling and Waste Management
    - i. The proposed development has not adequately addressed the management of users within the basement, including how waste is transported from bin holding rooms, the transfer of bulky waste and the use of the single loading dock, resulting in safety concerns, and conflicts in the use of both the proposed loading dock and Piccadilly Place.
  - b. Part B7 – Transport, Traffic, Parking and Access
    - i. The proposed development has a shortfall of thirty (30) parking spaces, being 25% of the minimum requirement. There is an additional shortfall of two (2) motorcycle parking spaces and fourteen (14) bicycle parking spaces. This represents too great a departure from the parking controls. The number of parking spaces provided will not cater for the demand generated by future residents and commercial tenancies and will result in an unacceptable impact on the amenity of residents in the locality due to the additional demand for on-street parking generated by the proposed development.
    - ii. Insufficient detail has been provided to ensure vehicular and pedestrian safety both within the proposed basement, and within the public domain with respect to sight safety splays, swept paths and design of the basement layout.
  - c. Part B9 – Management Plan
    - i. Plan(s) of Management have not been provided to enable assessment of how the development manages conflicts between waste, delivery/loading or other residential/commercial users of the loading dock; queueing of vehicles; landscape irrigation and management; and public safety;
  - d. Part D4 – Maroubra Junction Centre
    - i. The proposed development does not comply with the specific development standards and objectives within Part D4 of the RDCP 2013 that apply to the Maroubra Junction Centre. The proposed development is inconsistent with the development and design controls and objectives relating to:
      - 2.5.2 The Proposed Centre Model
      - 3.1.3 Building Envelope
      - 3.1.4 Building Height

- 3.1.5 Building Depth
  - 3.1.6 Building Separation
  - 3.1.7 Articulation
  - 3.1.10 Rights of Carriageway
  - 3.2 Block by Block Controls (3.2.6 Block 6)
- ii. The Block 6 controls provide controls relevant to the anticipated building envelope for development on the site. The proposed development has not considered its site context and does not demonstrate an acceptable amenity outcome for the proposed development, or either of the two adjoining lots.
- iii. The objectives of Block 6 of the Maroubra Junction Centre have not been achieved -
- *Reinforce Anzac Parade as the main street*
  - *Reinforce Maroubra Road as the cross street.*
  - *Reinforce the 'Junction' of Maroubra Rd and Anzac Pde as the main focus of the Maroubra Junction Centre.*
  - *Encourage a mix of commercial/retail uses within the retail core.*
  - *Provision of an open space in the middle of the centre away from the traffic noise and surrounded by shopping activity providing the focus for the centre.*
  - *Provide a transition in scale from the centre along Boyce Rd, Maroubra Rd and Glanfield St to the lower scale residential buildings on the periphery.*
  - *Maintain the amenity of the residential buildings by providing a green buffer between the busy commercial/retail activities on Anzac Parade and adjacent low scale residential uses.*
5. Insufficient information has been submitted to allow Council to conduct a full assessment of the application. In this regard, inadequate response has been received to Council's requests for additional information pursuant to Section 4.15(1)(a)(iv), 4.15(1)(b) and 4.15(1)(d) of the *Environmental Planning and Assessment Act 1979*.
6. The proposed development is not considered to be acceptable having regard to the concerns raised from internal referrals within Council, pursuant to the provisions of Section 4.15(1)(d) of the *Environmental Planning and Assessment Act 1979*.
7. Pursuant to Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*, the proposed development has not adequately demonstrated the subject site would be suitable for the development.
8. Pursuant to Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, approval of the subject proposal would be contrary to the public interest, having regard to the above reasons of refusal and with not achieving relevant zone objectives.

