

9 December 2024

The Secretary
Department of Planning & Environment
Attention: Mr Thomas Piovesan

**SUBMISSION from 220 and 220A Fitzgerald Avenue, Maroubra
Proposed development at 195-213 Fitzgerald Avenue and 40-64 Yorktown
Parade, Maroubra - State Significant Development Application (SSD-71454960)**

Dear Sir,

This submission is made on behalf of the property owners at 220 and 220A Fitzgerald Avenue, Maroubra, Craig and Kerri Blackstone.

My clients are generally supportive of the redevelopment of the site for an affordable housing development, however, they are concerned about the intensity of the proposed development and the resulting impacts on the local amenity, including:

- incompatibility with the local character arising from excessive building height, density, and bulk
- Adverse streetscape and front setback impacts
- Adverse privacy
- Sub-optimal architectural design and aesthetics
- Sub-optimal social mix
- Road infrastructure.

We explain these concerns below.

1 Key characteristics of 220 and 220A Fitzgerald Avenue, Maroubra and the proposal

My clients' property at 220 and 220A Fitzgerald Avenue, Maroubra is directly opposite, to the north of the proposal. It accommodates two, semi detached dwellings, car parking and associated structures within a landscaped setting [figure 1]. The property is zoned R2 low density residential under Randwick LEP 2012 [LEP] and has an 18.5m [approximate] frontage to Fitzgerald Avenue.

1.1 Key observations about the proposal

Key observations about the proposed development relevant to my client's property and concerns are noted as follows:

- The proposal seeks approval for 144 dwellings over 6, 3 to 4 storey buildings and involves a dense development with an FSR of 1.22 to 1, significantly exceeding the Randwick LEP's FSR standard [0:75:1].

- Building heights range up to 4 storeys [Buildings 1B & 1C opposite my client's property] and 15.85m, in exceedance of the 2-storey character within the local area, and which significantly exceeds the Randwick LEP's 9.5m building height standard.

The applicable built form controls under the Randwick LEP 2012 and DCP which are key determinants of future local character include:

- R3 Medium density zoning
- Building height 9.5m
- FSR 0.75 to 1
- Landscaped area 50% of the site area [DCP Part C2, control of 2.2.1] and Deep soil area 25% of the site area [DCP Part C2, control of 2.2.2].

In our opinion the character of the local area, to the north of Fitzgerald Avenue is appropriately described as low density housing within landscaped settings. To the south of Fitzgerald Avenue, inclusive of the subject site, low rise [maximum 2 storey] medium density housing within landscaped settings.

2 Bulk and scale and character incompatibility

My clients' concerns relate to the height and density of the proposed development and its incompatibility with the existing and desired future character of the local area. We note the proposal's:

- exceedance of the 9.5 m building height development standard under the LEP by approximately 6 metres and 1-2 storeys. It is acknowledged that the proposal is eligible for a statutory affordable housing bonus of 30% building height, meaning the maximum building height is increased to 12.35m. However, the proposal exceeds this bonus and is subject to a further exception request. The building height is beyond the existing or future character anticipated by the local planning controls.
- exceedance of the floor space ratio development standard under the LEP which is 0.75:1. The proposal is eligible to an affordable housing bonus of 0.5 to 1 (0.75:1 + 0.5:1 = 1.25:1) and is compliant, however, the FSR is beyond the existing or future character anticipated by the local planning controls.

Whilst the proposal is eligible for the above height and FSR bonuses, compatibility with the 'size and scale of development' and the 'desired future character of the locality' are tests that must be satisfied in relation to the proposed building height exceedance under LEP clause 4.6. In this regard we note the objective (a) of the height of buildings standard is:

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

The proposed development constitutes a large, dense development within the local area that is characterised by 2 storey, low and medium density housing. Whilst the proposal is eligible for a building height bonus it still seeks a further exceedance, resulting in an additional, fourth storey. The proposal's 3 storey + basement [which is partly above ground in sections] height, already challenges the proposal's compatibility with the 9.5m, 2 to 3 storey character of the area [existing and desired future character].

The raised undulating topography to the north [where my client's properties are located] results in tiered housing, that is elevated above the site. The proposed 4-storey character will be visible from the streetscape and nearby development [figures 7 and 8 below].

The size and scale of the proposed development is out of character for the area. It will result in an adverse impact on the Fitzgerald Avenue streetscape, and incompatibility with the predominant 2-storey development character [figures 7 and 8 below].

There is an attempt, in the DA documentation to suggest that the street trees will visually screen the development and create a buffer to Fitzgerald Avenue, but in reality, only one street tree is of a size to achieve this [this tree is accordingly featured heavily in the view analysis and other photomontages]. The proposed 4-storey character should not rely on vegetation to be visually screened to satisfy compatibility.

We respectfully submit that there are insufficient planning grounds to justify a full additional storey (4 additional units) and the resulting bulk and scale, therefore this aspect is not in the public interest.

3 Privacy & inadequate screening

My client's concerns relate to privacy impacts from the non-compliant 4th storey within Building 1B & 1C which is opposite their properties.

My clients are concerned that the position of these dwellings and the inclusion of north / street facing balconies which have the potential to adversely impact the privacy and amenity of my clients' properties and those adjacent. No screens are proposed to these balconies facing Fitzgerald Avenue. In this regard we note the objective (c) of Height of buildings standard is:

(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 building height exceedance is dependant of satisfying this objective to satisfy LEP clause 4.6 which it does not achieve.

4 Front setback & tree concerns

Street trees within the road reserve are an important and key character feature of the property [figures 4 and 5 below].

My client is concerned about the proposed front setback to Fitzgerald Avenue, its potential to impact on trees, along with the lack of proposed trees within the development to be compatible the local character.

The setback to the existing buildings along Fitzgerald Avenue better addresses privacy to and from the proposed units as well as streetscape amenity, noting the noise and vibration from that emanates from Fitzgerald Avenue. With a greater setback there is also more opportunity to enhance landscaping and deep soil provision, which is low for the proposed scheme at only 7%.

Regarding trees adjacent Fitzgerald Avenue, the arborist report states:

22 of the trees assessed are public street trees. (Six (6) of located on Yorktown Parade, and the remaining sixteen (16) located on Fitzgerald Avenue). All other trees are located within the site boundary.

Development of the property at the scale and intensity proposed relies significantly on adequate landscape. Based on the above, my client requests that the proposal be amended to provide:

- Increased setback from Fitzgerald Avenue
- Increased deep soil landscaped areas and planting within the development site and along the site's Fitzgerald Avenue frontage
- That enforceable conditions be imposed to retain, protect, and monitor the trees within the site's Fitzgerald Avenue setbacks and frontage.

5 Social mix concerns

The proposal involves 144 dwellings within a single, albeit large site, with 100% of the project being for affordable housing (inclusive of social housing), without a mix of regular tenure housing. My clients are concerned that such a high concentration of social and affordable housing will potentially create a stigma around the area and lead to increased management costs and burden on police and other regulatory services that already frequent this particular location.

There is significant international research that shows that social diversity, through the inclusion of some 'at market' rental dwellings together with a mix of affordable, key worker and social housing provision in such estates produces more sustainable, inclusive and opportunity enhancing communities. Therefore, a more diverse mix of housing is recommended.

6 Design concerns

My clients, as casual observers, are concerned about the appearance of the building including its architectural treatments and typology. In their opinion the design of the facades along Fitzgerald Avenue are bulky and appear to be dominated by brown face brick, reflecting an out-of-date architectural typology for affordable/keyworker housing. There are various examples, locally and internationally, where new and innovative public housing development integrates a more varied design pallet (but still low maintenance), with mixed tenure and various layout options to create more sustainable and socially diverse communities within which public rental housing is not so obviously identifiable.

We respectfully submit that the proposed development seeks to exceed development standards that will be incompatible with the character of the local area without 'giving enough back' in terms of enhanced built form and streetscape amenity.

7 Road Infrastructure concerns

My clients are concerned about the condition of Fitzgerald Avenue and its need for upgrading. Fitzgerald Avenue is a concrete road that requires regular repair and is in need of resurfacing. The ongoing repair of cracks does little to remedy the road noise and vibration disturbance caused by passing trucks, busses and cars. My client's respectfully request that an upgrade of

the road be considered and that as part of the redevelopment plans, the road should be upgraded to tar.

8 Conclusion

The size and intensity of the proposed development is incompatible with the existing character of the local area and the character anticipated by the local planning controls. Whilst the proposal may be eligible for bonus height and floor space it should still satisfy the test of compatibility with the local and desired future character which is a key test under LEP clause 4.6.

There are options available to reduce or avoid these impacts. We respectfully submit that the proposed development should be amended to address the matters identified.

Yours sincerely,



Michael Haynes

Director - BBF Town Planners



Figure 1 – aerial image of the subject development site and the properties at 220 and 220A Fitzgerald Avenue (source DA documentation)



Figure 2 – the semi-detached dwellings at 220 and 220A Fitzgerald Avenue

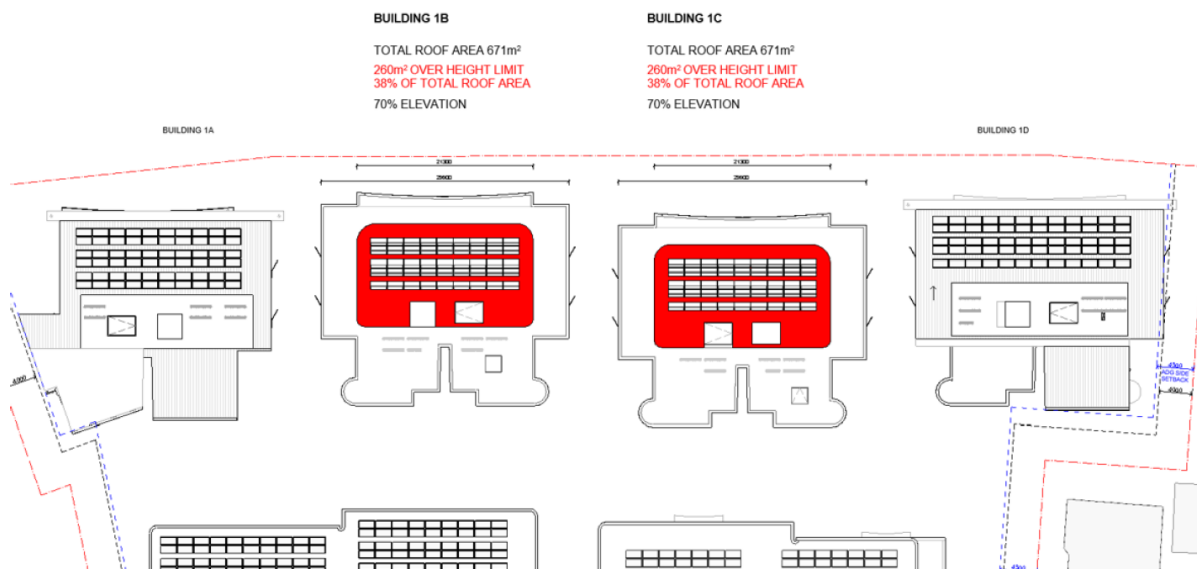


Figure 3 – the proposed building height non-compliances are opposite my client's property



Figure 4 – High value trees of key importance to the local development, landscape and streetscape character
[source: report by ARTERRA DESIGN PTY LTD]



Figure 5 – the site’s existing landscape character and development footprint



Figure 6 - the site’s proposed landscape character and development footprint. The proposal involves significantly more site coverage, less landscaped area, and increased density



Figure 7 - Existing view from 220/220A Fitzgerald Avenue [source: C Blackstone]

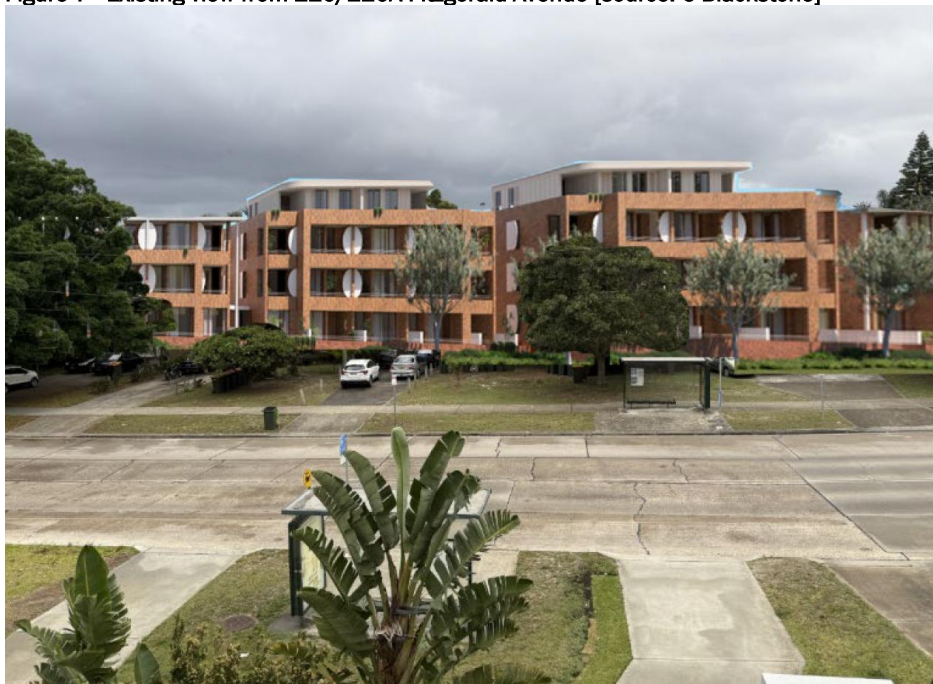


Figure 8 - Indicative view from 220/220A Fitzgerald Avenue [source: C Blackstone]