



DEVELOPMENT CONTROL PLAN – MAROUBRA BEACH COMMERCIAL PRECINCT.

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OBJECTIVE

To provide more detailed provisions to guide development within the Maroubra Beach Commercial Precinct.



Maroubra Beach Commercial Precinct

DEVELOPMENT CONTROL PLAN

*Approved: 16 November 1999
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ACKNOWLEDGEMENT

This Development Control Plan has been based on the Maroubra Beach Commercial Precinct Urban Design and Planning Strategy prepared for Randwick Council by Keys Young, in association with Tempe Macgowan and Associates, dated December 1997.

Part 1

GENERAL INFORMATION

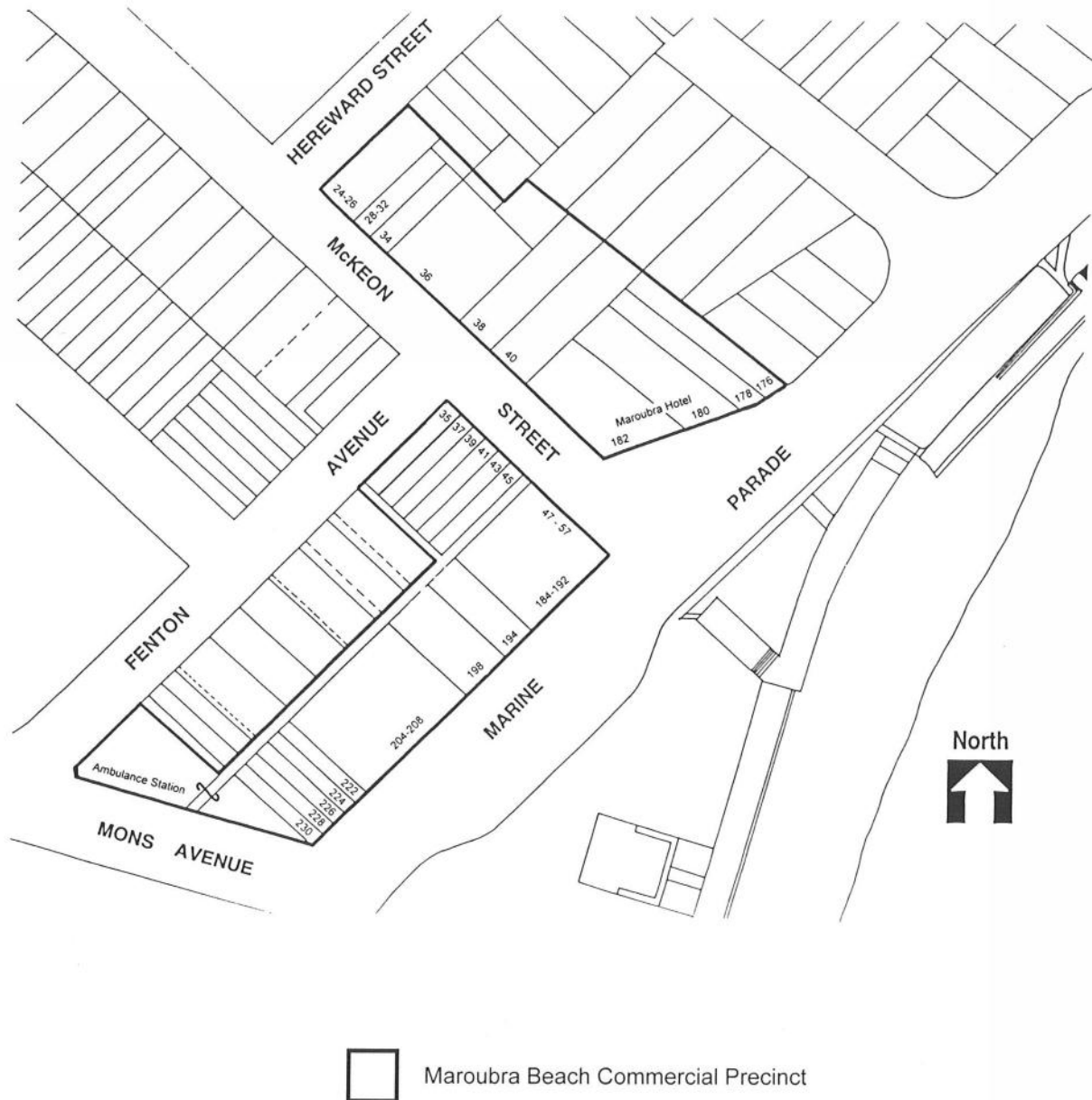


Figure 1 - Extent of the Maroubra Beach Commercial Centre

1.1 INTRODUCTION

This Development Control Plan (DCP) has been prepared in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 1994*.

The DCP applies to land within the Maroubra Beach Commercial Precinct (*refer to Figure 1*). It supplements *Randwick Local Environmental Plan 1998* (LEP 1998) incorporating *Amendment No.1*.

The primary purpose of the Development Control Plan is to provide more detailed provisions to guide development within the Maroubra Beach Commercial Precinct.

1.2 AIMS

The aims of this DCP are to:

- encourage development in the Maroubra Beach commercial precinct which is in harmony with the surrounding area and sympathetic to the street and the locality;
- encourage active street frontages incorporating retail/commercial development at street level;
- minimise the potential for buildings in the commercial precinct to adversely affect the amenity of adjoining residential development;
- create a vital and inviting environment whilst retaining the local character of the beach;
- promote a strong design ethic and a commitment to the use of quality materials and finishes;
- ensure developments are safe and secure for residents and visitors; and
- ensure pedestrian amenity.

1.3 HOW TO USE THIS PLAN

The DCP has four main parts, which are:

Part 1 - General Information

- the application, aims and structure of the DCP

Part 2 - Built Form

- height and setbacks
- density of development
- building design, parking and access, open space, privacy, solar access and energy efficiency, and safety and security.

Part 3 - Outdoor Advertising and Restaurant Seating

- advertising signs and structures
- outdoor restaurant seating

Part 4 - The Public Domain

- public domain improvements for the Maroubra Beach area.

Parts 2 and 3 are broken down into functional and design elements. Each element has three components:

- a set of objectives;
- LEP controls; and
- DCP controls.

Part 2

BUILT FORM

2.1 HEIGHT / SETBACKS

Objectives

- Provide controls to achieve an appropriate bulk and scale of development.
- Ensure that the scale and character of new development is appropriate to that of adjoining and existing development and the public domain.
- Ensure that buildings do not dominate and overshadow the public domain.

LEP Controls

Clause 33

The maximum height for buildings in the 3B zone in the Maroubra Beach Commercial Precinct is 12 metres.

DCP Controls

Building Height

1. The height of buildings at the street frontage must be compatible with adjacent development and in proportion to the street width.

2. Building height and bulk must be distributed on the site to ensure that there is no significant loss of amenity to adjacent sites, open spaces and public streets.
3. To reinforce street corners, corner buildings may have a higher parapet height than adjoining buildings where the additional height enhances the streetscape.

Note: This is not to be construed as a means to gain additional levels of floor space in a building. Any proposal exceeding the statutory height limit must be accompanied by a SEPP 1 objection.

Setbacks

4. Buildings are to be built to the street frontage and side boundaries where they will match adjacent buildings (existing or proposed). This will help create unity, a greater sense of activity and enhance safety in the public domain.
5. A rear boundary setback of 3 metres to the laneway applies in the areas shown on Figure 3, this being No's 35-45 McKeon Street and 184-228 Marine Parade.



Figure 2 - View of existing buildings along McKeon Street.

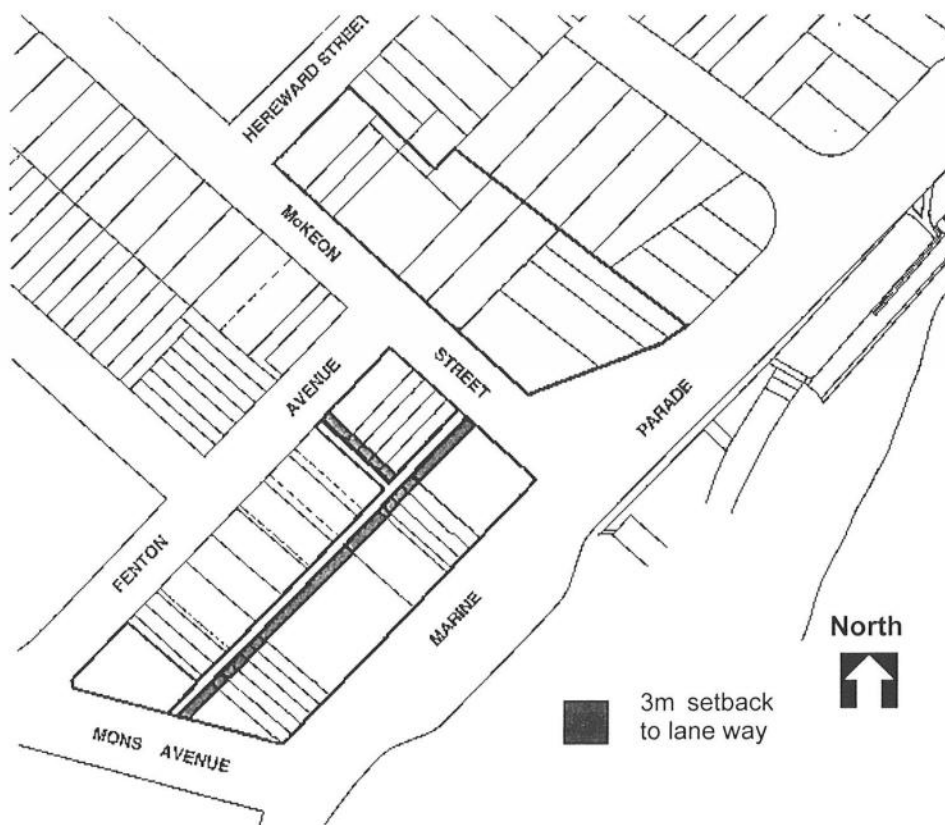


Figure 3 - Locations where 3m rear setback is required to the laneway.

Development adjoining the Maroubra Bay Hotel in McKeon Street

6. New development is to complement the heritage buildings facade in terms of articulation, detailed design and materials.
7. The maximum building height at the street alignment shall be 10metres. A 12 metre building height limit is permitted at 5 metre setback from the street wall frontage. Refer to Figure 4 and Figure 7 for location details.

12m height limit
setback 5m from
street alignment

General street wall
height (10m approx.)



Figure 4 - The development envelope for the site adjoining the Maroubra Bay Hotel includes a 10m street wall height with 12m building height setback 5m from the street alignment.

McKeon Street

8. The maximum street wall height for new development between No's.36 to 40 on the northern side of McKeon Street and No's 35 to 45 on the southern side of McKeon Street must be 10 metres. A 12 metre height limit is permitted at 5 metre setback from the street wall frontage. Refer to Figure 5 for building envelope principles and 7 for location details and Figure 8 for building envelope principles.

Marine Parade (western side), between McKeon Street and Mons Avenue

9. Buildings are to be built to the main street property alignment.
10. Colonnades may extend beyond the main street property alignment for a maximum distance of 3.5m. These structures must provide a minimum clear distance from the footpath to the underside of terrace of 3.5m. Refer to Figure 6.
11. The upper level of the colonnade structure shall not be enclosed and may be used for the purposes of terraces or decks in conjunction with restaurant /cafe uses.
12. New development between No's 194 to 226 Marine Parade may step up to a maximum height of 15 metres. The maximum street wall height must not exceed 12 metres, while that portion of the building to be 15 metres must be set back 5 metres from the street wall alignment. Refer to Figure 7 for location details and Figure 8 for building envelope controls.

Note: Development standards contained in the LEP may only be varied by an objection prepared under SEPP 1.

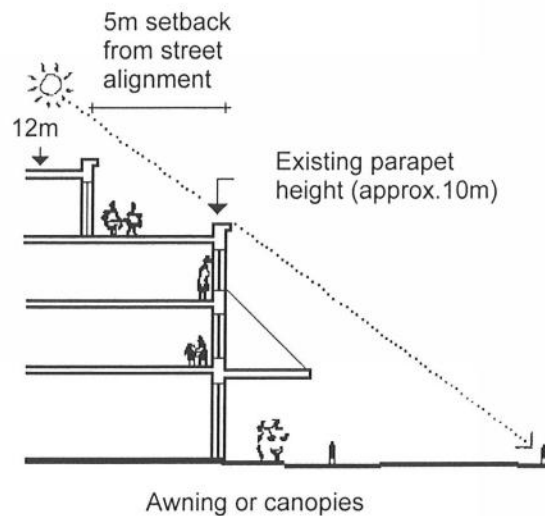


Figure 5 - Building envelope which applies to No's.36 to 40 and 35-45 McKeon Street. This envelope control also applies to new development adjoining the north-western side of the Maroubra Bay Hotel.

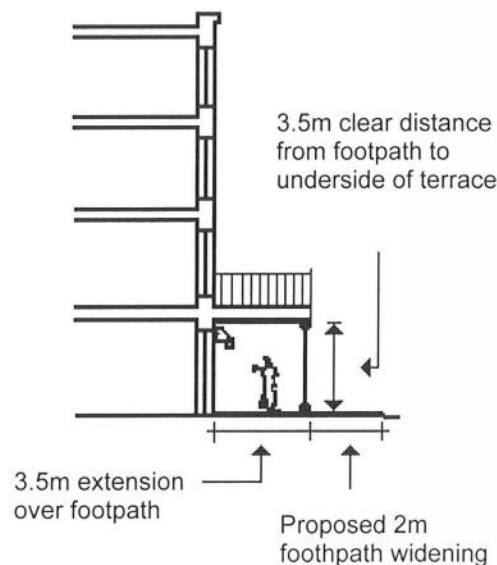


Figure 6 - Colonnade structure which may be permitted to be erected over the footpath on the western side of Marine Parade, between McKeon Street and Marine Parade.

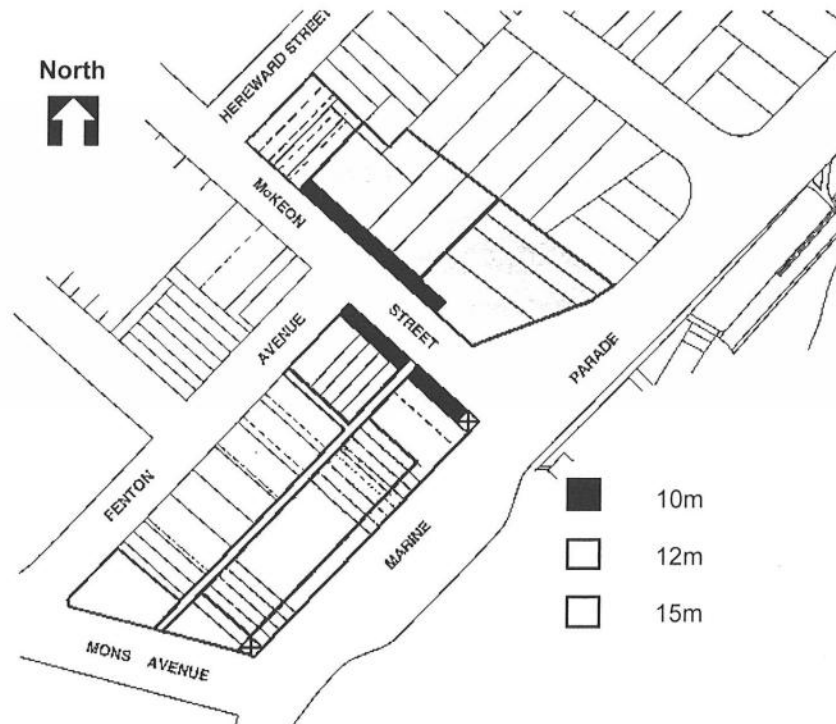


Figure7 - Height limits which apply in the commercial precinct.

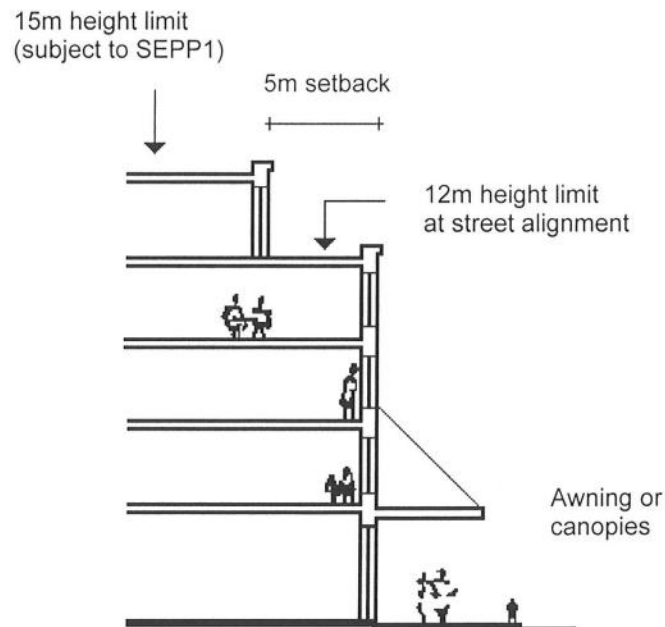


Figure 8 - Building envelope which applies to No's 194 to 226 Marine Parade. The maximum 15m height limit may only be achieved subject to approval of a satisfactory SEPP1 objection. This envelope requires a setback of 5m from the 12m height limit at the street alignment.

2.2 DENSITY

Objectives

- Control the bulk and scale of development.
- Control the floor space of new development to ensure that its intensity respects and reflects the overall built form and does not detrimentally affect the amenity of the area.

“site area” in relation to development means the area of land to which an application for consent to carry out development relates, but does not include any part of that land on which the development is not permitted by or under this plan or any other environmental planning instrument.

LEP Controls

Clause 32

The maximum floor space ratio for development in Zone 3B in the Maroubra Beach Commercial Precinct is 2:1.

Clause 49: Definitions

“floor space ratio” means the ratio of the total floor gross floor area of all buildings (existing and/or proposed) to the site area.

“gross floor area” means the sum of the areas of each level of a building where the area of each level is taken to be the area within the outer face of the external enclosing walls, excluding:

- columns, fin walls, shading devices, awnings, balconies and any other elements, projections or works outside the general lines of the outer face of the external wall;
- lift towers, cooling towers, machinery and plant rooms, and air-conditioning ducts;
- associated car parking and any internal vehicular or pedestrian access to that parking; and
- space for the loading and unloading of goods.

DCP Controls

1. The ground floors of buildings fronting Marine Parade and Mckee Street must be used predominantly for retail /commercial activity such as cafes, restaurants, surf-shop related activities, boutique hotels, milk bars, juice bars and takeaway food outlets. Additional retail/commercial/restaurant space may be provided on the upper levels.
2. The maximum permissible FSR a site can achieve is subject to the satisfactory resolution of the various requirements relating to height / setbacks (Section 2.1) and the relevant functional design requirements (Section 2.3).

Note: Recessed balconies are counted as floor space.

2.3 FUNCTIONAL DESIGN REQUIREMENTS

2.3.1 Building Design

Objectives

- Ensure that new developments have well articulated and harmonious built edges defining the public domain.
- Ensure that the appearance of new buildings from public streets and adjoining sites is of a high visual quality and enhances the streetscape.

LEP Controls

None applicable.

DCP Controls

1. New development must provide visual interest and enable differentiation between buildings when viewed from the street.
2. Large developments must be broken up to provide the appearance of "a street of buildings" by varying elevational treatment and roof forms e.g. vertical articulation of elevations, changes of parapet form and detail, and special corner elements. Decorative roof and parapet features may exceed the permissible height limit.

Note: Any proposal exceeding the statutory height limit must be accompanied by a SEPP 1 Objection.

3. Buildings facades should be articulated into horizontal divisions to provide a clearly defined base, middle section and top. Particular attention should be paid to transitions at the awning cornice and parapet lines and their relationship to adjacent development.
4. All buildings in the commercial zone are to provide retail/commercial uses with active frontages at street level which should invite interaction with the street. Blank walls, reflective glass facades and exposed car parks along the street frontages are to be avoided.
5. Above ground floor level, building facades shall contain balconies and other features. Balconies shall not project beyond the street alignment and should be sized and arranged in such a manner that strong horizontal lines do not dominate the facade of the development.
6. Buildings on corner sites must be designed to provide a positive response to their prominent positions and address both streets. Decorative features such as projections, parapets and/or strong cornice elements may contribute to this outcome.
7. Weather protection awnings are required in the commercial zone to provide continuous pedestrian shelter. Design and materials must complement the building to which the awning is to be attached.
8. Balconies should be predominantly north or east facing.

2.3.2 Parking and Access

Objectives

- Ensure the provision of adequate off street parking for new development.
- Provide convenient and safe access and parking that meets the needs of all residents and visitors, including those with a disability.
- Ensure the provision of satisfactory loading and unloading facilities for all development.
- Ensure the carparking areas do not intrude visually upon the public domain.

LEP Controls

None applicable.

DCP Controls

1. Parking is to be provided in accordance with the requirements of Council's DCP - Parking.

Variations to the parking requirements will only be considered where supported by a report by a suitably qualified traffic consultant, addressing, in particular, the objectives of this DCP.

2. Wherever possible, parking should be provided underground with adequate ventilation. The provision of ventilation grilles on street elevations must be avoided.

3. Where underground parking cannot be provided or is not regarded appropriate, above ground parking may be provided where such parking areas are:
 - generally located at the rear or side of buildings or incorporated into the building;
 - screened behind other uses;
 - integrated with the building and using proportions, architectural details and materials complementary to the building and the streetscape.
4. Parking facilities are to be designed and located to:
 - be convenient and safe for users, including pedestrians, cyclists and motorists;
 - provide designated car parking spaces and appropriate signage for vehicles used by people with disabilities;
 - enable efficient use of car spaces and access ways, including adequate manoeuvrability for vehicles between the street and site; and
 - be compatible with the streetscape.
5. Vehicle entry points and driveways should be located to minimise conflicts with pedestrians and through traffic.
6. Loading and unloading facilities are to be integrated into the development in accordance with the provisions of Council's DCP - Parking.
7. Provide convenient access for people with disabilities.
8. Where appropriate, new development along the western side of Marine Parade, between McKeon Street and Mons Avenue, shall provide vehicle and service access from the rear lane.

2.3.3 Communal and Private Open Space

Objectives

- Provide adequate and well designed communal and private open spaces for new residential development that adds to the amenity of the development.
- Ensure that each area of communal and private open space is usable for the purpose for which it is intended.
- Ensure that the enjoyment of communal and private open space does not impact on adjoining uses in an undue manner.

LEP Controls

None Applicable

DCP Controls

1. For buildings with a residential component, it is necessary to provide a private recreation area for each dwelling in the form of a balcony.
2. Balconies shall have a minimum depth of 2 metres.
3. Balconies shall not project beyond the street alignment and should be sized and arranged so that they do not dominate the appearance of the building facade.
4. For buildings containing a large number of dwelling units it may be desirable to provide an area of rooftop communal recreation area. In such instances, parapets are to be of sufficient height to allow for the safe usage of the rooftop area and to prevent overlooking of any adjacent areas of private recreation areas.
5. Noise impacts from the use of rooftop areas on the building occupants and neighbours are to be minimised.
6. All communal open space areas must be made available to all occupants of the development.

Note. Enclosed recreation facilities such as indoor swimming pools, gyms and the like are included within calculations of the gross floor area of the development for the purposes of determining the FSR.

2.3.4 Visual and Acoustic Privacy

Objectives

- Ensure that buildings are sited and designed to meet projected user requirements for visual and acoustic privacy.
- Ensure development minimises noise and overlooking to adjacent development.

LEP Controls

None Applicable

DCP Controls

Visual privacy

1. Windows and balconies of main living areas are to be located so as to avoid overlooking of similar windows in adjoining dwellings.
2. For dwellings, habitable room windows of one dwelling are not located directly opposite the windows of another dwelling unless direct viewing is restricted.

Acoustic Privacy

3. The acoustic rating of common walls, floors and ceilings should minimise the possibility of sound transmission between dwellings / premises within a building.
4. The internal layouts of dwellings and / or premises within a building should aim to separate the main living areas from communal areas (e.g. corridors, foyers etc.). Sleeping areas should also be separated from communal areas to minimise sleep disturbance.
5. Plumbing pipes, heating units, air conditioning units and plant equipment should not be located adjacent to the main living and sleeping areas within a dwelling or adjacent to the main workspace within an office.
6. Design and construction of new development (including refurbishment of existing development) should separate noise sensitive areas and activities from sources of undesirable or excessive noise.
7. The operation of plant and equipment must not cause an offensive noise to the occupants of the building or nearby residents and must comply with relevant noise control criteria.

If there is a potential significant noise source, Council may require the submission of an acoustic report from a suitably qualified consultant.
8. Plant and equipment should be concealed within the building and shall not be visually obtrusive.

2.3.5 Solar Access and Energy Efficiency

Objectives

- Orientate buildings to achieve the maximum solar access wherever possible and maximise the opportunities for use of natural light and ventilation throughout new development.
- Optimise energy usage by minimising the building's dependence on grid-supplied electricity through the use of alternative energy sources wherever feasible.

LEP Controls

None Applicable

DCP Controls

1. Buildings with a residential component are to be designed and sited so as to maximise the living areas facing north and minimise any overshadowing of the living areas of adjoining buildings. *Refer to Figure 9.*
2. Living area windows in buildings with a residential component are to be orientated and sized to achieve at least three hours of sunlight between 9:00 am and 3:00 pm on June 21.
3. The windows of the main activity rooms and living areas of both commercial and residential development should be shaded to minimise penetration of direct summer sunlight. Balconies may be used in situations where the use of hoods or other shade structures is inappropriate.
4. Each dwelling unit in new residential developments is to achieve a minimum 3.5 stars rating by NatHERS or equivalent.

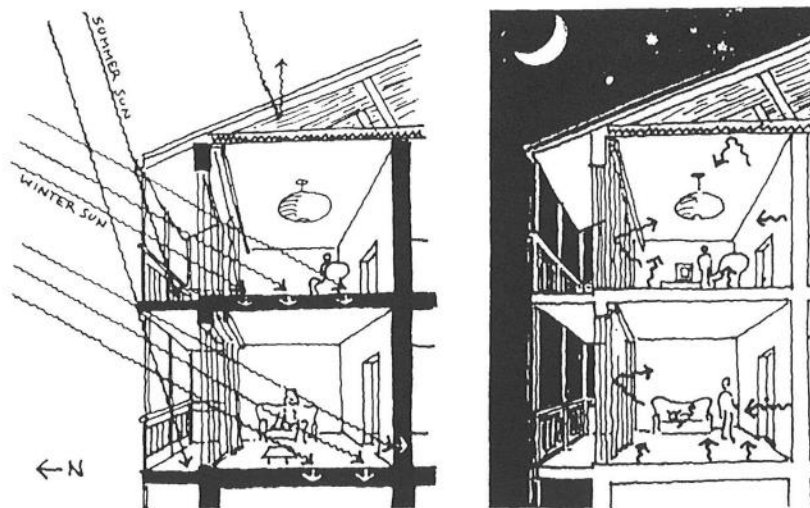


Figure 9 - The benefits of orientating living spaces towards north. In summer the interior walls are shaded. In winter, sun enters and warms the internal bulk and concrete walls and floors, which release the warmth in the evening. Curtains and insulation help retain heat.

2.3.6 Safety and Security

Objectives

- Provide for appropriate levels of security within new developments.
- Ensure that new developments contribute to the overall safety of the public domain in Maroubra Beach Commercial Precinct.

LEP Controls

None Applicable

DCP Controls

1. Entries should be easily identifiable from the street. Different uses e.g. commercial and residential should have separate entries from the street to enhance the safety and permeability of the street frontage.
2. In mixed-use developments, clear distinction between or physical separation of the entrances to public, semi-public and private areas should be provided.
3. Building facades should not use recessed doorways and windows at ground level with depths that could potentially conceal persons from casual surveillance from the street.
4. Foyers should be designed at a human scale, doorways should be flush with the corridor walls (not recessed) and clear sight lines to alternative exits should be maintained.
5. Corridor lengths and the number of dwellings / premises accessing each corridor should be minimised.
6. Corridors should be designed to that they have access to natural light and ventilation.

7. Buildings that contain multi-unit dwellings shall provide a security system that allows for quick and easy resident access and that minimises the time that residents and guests spend waiting in the public domain.
8. Buildings should always address the street and excessive facade modulation that results in the creation of shadowed alcoves on street frontages is to be avoided. Similarly, large expanses of blank walls.
9. Mixed use buildings must be designed so that permanent and transient accommodation uses are provided on separate levels within the development.
10. Buildings should be designed to provide direct and well lit access between carparks and dwellings, between carparks and lift lobbies, and to all dwelling entrances.
11. Appropriate levels of illumination is be provided for all common areas.

Part 3

**OUTDOOR ADVERTISING
AND RESTAURANT SEATING**

3.1 ADVERTISING SIGNS AND STRUCTURES

Objectives

- Ensure that signage is in keeping with the scale and character of the building to which it is attached and does not detract from its architectural style or features.
- Ensure fair and equitable opportunities for the occupation of limited advertising space.
- Ensure that signage respects the unique characteristics of the commercial / beach precinct.
- Reduce the visual complexity of streetscapes by providing fewer, more effective signs.

LEP Controls

None applicable.

DCP Controls

1. Signage and outdoor advertising structures are to comply with the requirements of Council's DCP - Outdoor Advertising.
2. Signs should respect the design, structure and expression of the buildings on which they are placed, not overpower or visually distort them.
3. The size, location and number of signs should fit with the scale of the building and its features (eg. parapets, cornice lines, and pattern of modulation).
4. The replacement and/or removal of nonconforming and obsolete signs is encouraged and will be considered in assessing development proposals for signage, alterations and additions to existing buildings.

3.2 OUTDOOR RESTAURANT SEATING

Objectives

- Encourage a lively pedestrian environment in the Maroubra Beach commercial centre.
- Provide opportunities for outdoor dining while protecting the rights of public access.

LEP Controls

None applicable

DCP Controls

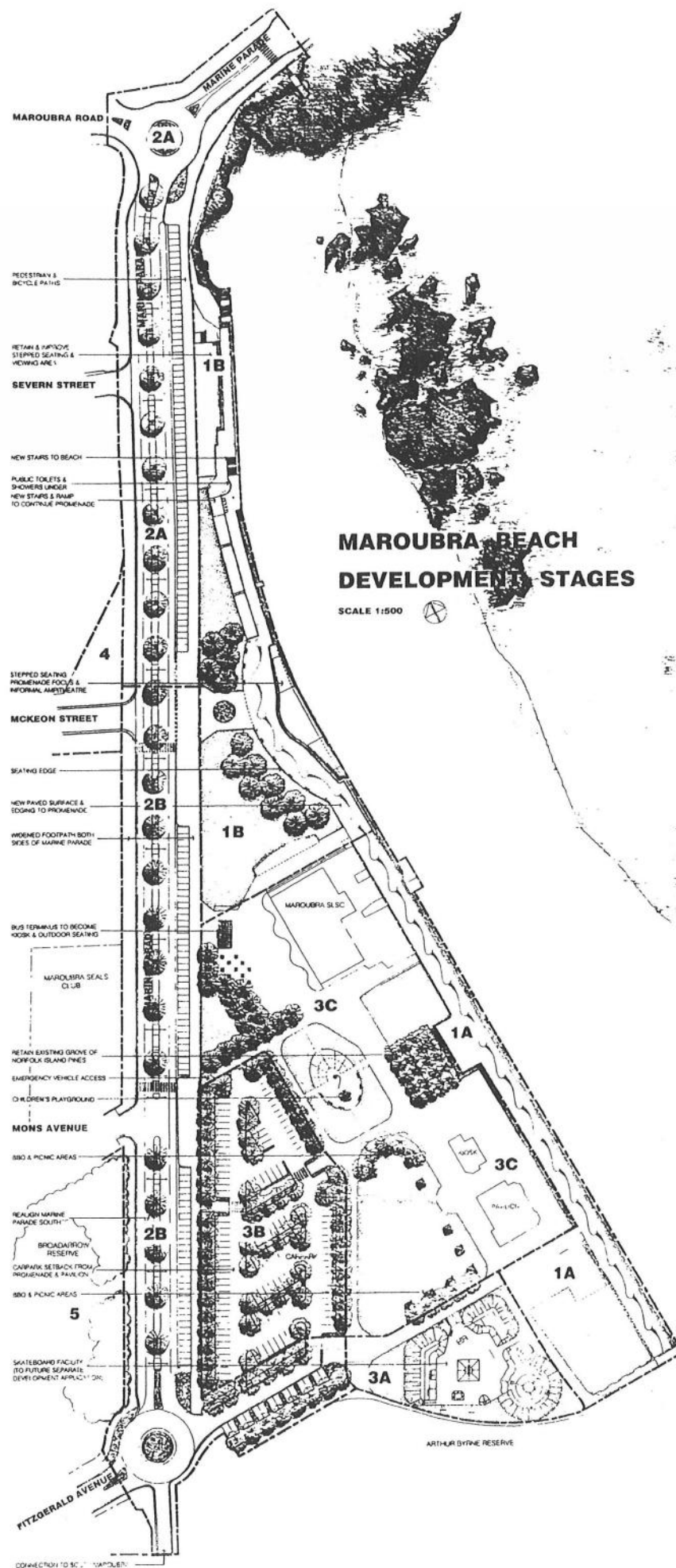
1. All areas used for outdoor restaurant seating are to comply with the provisions of Randwick DCP 20 - Restaurants on Public Road Footways; Airspace above Roads and Public Land.
2. The use of a footway for a restaurant is only permissible if it is operated in conjunction with a restaurant adjacent to the footway.
3. The minimum unencumbered residual footway width is 2.5m
4. Development consents for footway restaurants will be limited to a period which will not exceed seven years.
5. Approval is required under the Roads Act to use a footway for the purpose of dining. A combined application (Development Application/Roads Act) may be lodged with Council.

Note: Applicants are advised to consult with Council's Assets and Infrastructure Services department in relation to licensing and leasing issues.

Part 4

THE PUBLIC DOMAIN

Figure 10



4.1 PUBLIC DOMAIN IMPROVEMENTS

4.1.1 Purpose of the Improvement Works

The works outlined in Section 4.1.2 below have been designed to:

- enhance the amenity and overall appearance of the area;
- integrate urban areas (particularly the commercial core) with the beach promenade;
- integrate the promenade with the foreshore walk and cycle system;
- improve beach access; and
- consolidate the fragmented and under-used beachfront parklands within the precinct.

4.1.2 Proposed Improvement Works

The major improvement works for the Maroubra Beach area are outlined below and are shown in Figure 10.

- Realignment of Marine Parade by straightening the kink at Mons Avenue and relocation of the car parking area adjacent to the new alignment.
- Reduction of the Marine Parade carriageway to allow one traffic lane in each direction.
- Provision of 90 degree angle parking on the eastern (beachfront) side of Marine Parade and widened footpath on both sides (an additional 2metres on the western side).
- Creation of a shared zone in McKeon Street between Marine Parade and Fenton Street with a 'mall' like appearance and special paving and bollards to enable the carriageway to be closed off for special events.
- Planting of Norfolk Island pines in the central median of Marine Parade.

- Creation of an almost continuous green space from McKeon Street to Arthur Byrne Reserve, incorporating access paths and informal recreation areas with native planting.
- Retention of the open grassed character of the northern part of the beach.
- A general upgrade of the appearance of the promenade and environs with new paving, finishes, seating and signage and part reconstruction of the seawall.
- Provision of new facilities including:
 - new stairs and ramp access to various portions of the promenade;
 - a widened walking and seating area above the existing seawall;
 - stepped seating forming an informal amphitheatre;
 - new picnic shelter on the northern side of the surf club;
 - a childrens playground;
 - new kiosk, barbeque and picnic areas;
 - a second new kiosk in the former bus terminus; and
 - skateboard facility.

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