

Our ref: Mixed-use development with in-fill affordable housing at 138 Maroubra Road, Maroubra (SSD-81426710)

Mr Leigh Manser  
Development Director  
MAROUBRA PROPERTY DEVELOPMENTS PTY LIMITED  
Ground Floor, 21 Solent Circuit  
Baulkham Hills NSW 2153

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**Subject:** Planning Secretary's Environmental Assessment Requirements – Industry Specific

Dear Mr Manser

Please find attached a copy of the Planning Secretary's environmental assessment requirements (SEARs) for the Mixed-use development with in-fill affordable housing at 138 Maroubra Road, Maroubra (SSD-81426710).

Based on the information provided in your application, industry-specific SEARs have been issued for your project.

Please contact the department as soon as possible if your project changes, such that consultation is required with public authorities (under Part 8 of the EP&A Regulation). Your SEARs may need to be reissued and a scoping report may also be required.

If required, the Planning Secretary may modify your SEARs to ensure the environmental assessment of the project covers all relevant matters and is consistent with contemporary assessment practice.

Your SEARs will expire two years from the date of issue (or the date they were last modified) unless the Planning Secretary has granted an extension. If you would like to seek an extension, you should contact the department at least three months prior to the expiry date.

If your application is not submitted within two years (or by the agreed extension date), you will need to make a new application for SEARs to progress your project.

## Additional assessment requirements

The department has identified assessment requirements additional to those attached. These requirements, in addition to the industry-specific SEARs, are provided below and should be taken to be the collective SEARs for the project.

1. Address the relationship of the proposal with the neighbouring property at 136 Maroubra Road (the Western Neighbour). Should the proposal seek to reduce setbacks to the extent that it borrows amenity from the Western Neighbour and directly impacts on its future development potential, the EIS must:
  - a. provide evidence of an agreement with the Western Neighbour's landowner confirming that the Western Neighbour will not be redeveloped and/or any future development will be appropriately setback to preserve the residential amenity of the north-facing apartments and communal open space at the subject site
  - b. address legal mechanisms, such as an easement or restriction on title, to ensure that any setback on the Western Neighbours land is preserved in perpetuity.
2. The EIS must include a comprehensive response detailing how the proposal responds to the reasons for refusal of Development Application DA/80/2023 determined on 26 June 2024 and the related court appeal dismissed by the Land and Environment Court on 7 November 2024.

## Preparing your EIS

Your environmental impact statement (EIS) must be prepared having regard to the department's *State Significant Development Guidelines* including the *Preparing an Environmental Impact Statement Guideline*. All relevant guides for State significant projects that are referenced in the SEARs are available at <https://www.planning.nsw.gov.au/policy-and-legislation/planning-reforms/rapid-assessment-framework/improving-assessment-guidance>.

During the preparation of your EIS, you are required to consult with various parties, including the department and any relevant agencies, in accordance with the *Undertaking Engagement Guidelines for State Significant Projects*. For more information, please visit the [Prepare EIS page](https://www.planningportal.nsw.gov.au/major-projects/assessment/guide-agency-directory) on the NSW planning portal. Agency contact details can be found at <https://www.planningportal.nsw.gov.au/major-projects/assessment/guide-agency-directory>.

You will need a Registered Environmental Assessment Practitioner (REAP) to declare that your EIS meets certain standards in relation to its completeness, accuracy, quality and clarity before it is submitted to the department, as per Division 5 of Part 8 of the Environmental Planning and Assessment Regulation 2021. A pro forma declaration can be found in [Appendix B of the Preparing an Environmental Impact Statement Guideline](#).

## Biodiversity Development Assessment Report

Any development application that is required to be submitted with a Biodiversity Development Assessment Report must use the template available at:

<https://www.environment.nsw.gov.au/research-and-publications/publications-search/guidance-for-the-biodiversity-development-assessment-report-template>.

## Lodging your development application (DA)

Once you submit your EIS, we will check it for completeness to confirm it addresses the requirements in Part 8 of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation). We will also notify you of the DA fee for your project.

Please note that your DA is not taken to be lodged until the DA fee has been paid.

To minimise delays, please contact the department at least two weeks before you submit your EIS to confirm fee determination information and payment arrangements. This will give us sufficient time to ensure your DA fee can be determined quickly.

## Information needed to determine the DA fee

Your application will need to be accompanied by an Estimated Development Cost (EDC) Report supporting the estimated development cost for your project. You must ensure that the information in the report is consistent with the information provided in your DA form.

Once you submit your EDC Report, we will check it for completeness against the requirements of the EP&A Regulation and the relevant Planning Circular.

If your project involves marinas, extractive industries or any subdivision of land, you must also ensure that your report includes a breakdown of estimated costs for any other component of your project.

## Public exhibition requirements

When you contact us regarding the applicable DA fee, we will also advise whether hard and/or electronic copies of the DA and EIS will be required for public exhibition.

## Matters of National Environmental Significance

Any development likely to have a significant impact on matters of National Environmental Significance will require approval under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). This approval is in addition to approvals required under NSW legislation.

It is your responsibility to contact the Australian Government Department of Climate Change, Energy, the Environment and Water to determine if you need approval under the EPBC Act (<https://www.dcceew.gov.au/> or 6274 1111).

If you have any questions, please contact Jasmine Tranquille on (02)92746568 or via email at [jasmine.tranquille@dpie.nsw.gov.au](mailto:jasmine.tranquille@dpie.nsw.gov.au).

Yours sincerely,



Amy Watson  
Director  
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Department of Planning, Housing and Infrastructure  
as delegate for the Planning Secretary