

# Environmental Impact Statement

138 Maroubra Road, Maroubra SSD-81426710

Submitted on behalf of Maroubra Property Developments Pty Limited

**Prepared by Planning & Co.**

6 November 2025 | 240128

planning&co

| REVISION  | REVISION DATE     | STATUS    | AUTHORISED: NAME | AUTHORISED: SIGNATURE                                                               |
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This document is a draft for discussion purposes only unless signed and dated by the persons identified.

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                       |                                                                        |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|------------------------------------------------------------------------|
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# Signed Declaration

| Project Details                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                         |
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| Project Name                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Mixed use development with in-fill affordable housing                                   |
| Application Number                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | SSD-81426710                                                                            |
| Address                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 138 Maroubra Road, Maroubra                                                             |
| Proponent Details                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                         |
| Proponent Name                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Maroubra Property Developments Pty Limited (ABN 35 659 805 786)                         |
| Proponent Address                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Ground Floor 21 Solent Circuit, Norwest NSW 2153<br>PO Box 7105 Baulkham Hills NSW 2153 |
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| Qualifications                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | GradDipPlan, BConstMgt(Bldg)(Hons)                                                      |
| Declaration by Registered Environmental Assessment Practitioner                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                         |
| Name                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Tom Goode                                                                               |
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| Qualifications                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | BA(Plan)                                                                                |
| Registration Number                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 4190                                                                                    |
| Organisation Registered With                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Planning Institute of Australia                                                         |
| <p>The undersigned declared that this EIS:</p> <ul style="list-style-type: none"><li>• has been prepared in accordance with the Environmental Planning and Assessment Regulation 2021, and</li><li>• contains all available information that is relevant to the environmental assessment of the development, activity or infrastructure to which this EIS relates, and</li><li>• does not contain any information that is false or misleading, and</li><li>• contains the required information under the Registered Environmental Assessment Practitioner Guidelines.</li><li>• addresses the Planning Secretary's environmental assessment requirements (SEARs) for the project;</li><li>• identifies and addresses the relevant statutory requirements for the project, including any relevant matters for consideration in environmental planning instruments;</li><li>• has been prepared having regard to the Department's State Significant Development Guidelines - Preparing an Environmental Impact Statement;</li><li>• contains a simple and easy to understand summary of the project as a whole, having regard to the economic, environmental and social impacts of the project and the principles of ecologically sustainable development;</li><li>• contains a consolidated description of the project in a single chapter of the EIS;</li><li>• contains an accurate summary of the findings of any community engagement; and</li><li>• contains an accurate summary of the detailed technical assessment of the impacts of the project as a whole.</li></ul> |                                                                                         |
| Signature                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |      |
| Date                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 06/11/2025                                                                              |

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| <b>B</b>  | SEARS Compliance Table                                             | Planning & Co          |
| <b>C</b>  | ADG / Housing SEPP Report                                          | DJRD                   |
| <b>D</b>  | Estimated Development Cost Report                                  | Rider Levett Bucknall  |
| <b>E</b>  | Architectural Drawings                                             | DJRD                   |
| <b>F</b>  | Design Verification Statement                                      | DJRD                   |
| <b>G</b>  | Deed of Agreement with NSW Police Force (commercial in confidence) | Applicant              |
| <b>H</b>  | Traffic Impact Assessment                                          | JMT Consulting         |
| <b>I</b>  | Landscape Plan                                                     | Place Design Group     |
| <b>J</b>  | Construction & Demolition Waste Plan                               | Elephants Foot         |
| <b>K</b>  | Operational Waste Plan                                             | Elephants Foot         |
| <b>L</b>  | Correspondence with Crown Lands (commercial in confidence)         | Applicant              |
| <b>M</b>  | Statutory Compliance Table                                         | Planning & Co          |
| <b>N</b>  | ESD Report                                                         | SLR Consulting         |
| <b>O</b>  | Engagement Report                                                  | Notting Hill Advisory  |
| <b>P</b>  | Visual and View Impact Assessment                                  | Planning & Co          |
| <b>Q</b>  | Mitigation Measure Table                                           | Planning & Co          |
| <b>R</b>  | Integrated Water Management Plan (Civil Drawings)                  | SCP Civil              |
| <b>S</b>  | Urban Design Statement                                             | Smith & Tzannes        |
| <b>T</b>  | Noise and Vibration Report                                         | SLR Consulting         |
| <b>U</b>  | Preliminary Site Investigation and Geotechnical Report             | Douglass Partners      |
| <b>V</b>  | Detailed Site Investigation                                        | Douglass Partners      |
| <b>W</b>  | Sampling and Analysis Quality Plan                                 | Douglass Partners      |
| <b>X</b>  | Supporting Letter from Bridge Housing                              | Bridge Housing         |
| <b>Y</b>  | BASIX Certificate                                                  | SLR Consulting         |
| <b>Z</b>  | NATHERs Certificate                                                | SLR Consulting         |
| <b>AA</b> | BDAR Waiver                                                        | DPHI, DCCEEW           |
| <b>BB</b> | Solar Access Assessment                                            | SLR Consulting         |
| <b>CC</b> | Statement of Heritage Impact                                       | Weir Phillips Heritage |
| <b>DD</b> | Aboriginal Objects Due Diligence Assessment                        | Urbis                  |
| <b>EE</b> | Proposed Floor to Floor Detail                                     | DJRD Architects        |

# Executive Summary

This Environmental Impact Statement (**EIS**) is submitted to the NSW Department of Planning, Housing and Infrastructure (**DPHI**) on behalf of Maroubra Property Developments Pty Limited (**the Applicant**), pursuant to Part 4 of the Environmental Planning and Assessment Act 1979 (**EP&A Act**). This EIS supports a State Significant Development Application (**SSDA**) to redevelop land at 138 Maroubra Road, Maroubra (**the Site**) for the purposes of a mixed-use development, comprising a residential flat building including affordable rental housing and a single ground floor retail premises.

Pursuant to s26A of Schedule 1 of State Environmental Planning Policy (Planning Systems) 2021 (**Planning Systems SEPP**), residential development that includes in-fill affordable housing pursuant to Chapter 2, Part 2, Division 1 of State Environmental Planning Policy (Housing) 2021 (**Housing SEPP**) with an estimated development cost (**EDC**) of more than \$75 million on land within the Eastern Harbour City in the Six Cities Region, is declared to be State Significant Development for the purposes of Division 4.7 of the EP&A Act. The proposed development is State Significant Development as the proposal is:

- Residential development that includes in-fill affordable housing pursuant to Chapter 2 of the Housing SEPP,
- Is in the Eastern Harbour City pursuant to Schedule 9 of the EP&A Act, and
- Has an EDC of more than \$75 million per the EDC Report provided as Appendix D.

This EIS has been prepared in accordance with the requirements of Part 4 of the EP&A Act, Section 175 of the Environmental Planning and Assessment Regulation 2021 (**EP&A Regulations**), DPHI's *State significant Development guidelines – preparing an environment impact statement* and the Secretary's Environmental Assessment Requirements (**SEARs**) SSD-81426710, received 31 March 2025. This EIS should be read in conjunction with all of the supporting technical documentation and plans attached as appendices. A SEARs compliance table has been provided as **Appendix B** that demonstrates where the SEARs have been addressed in this EIS and supporting technical documents.

## The Site

The Site is located at 138 Maroubra Road, Maroubra and is within the Randwick City Council Local Government Area (LGA). The Site is a total of 1,518.5sqm, is legally described as Lots 1 and 2 of DP 506844, and is wholly owned by Maroubra Property Developments Pty Limited. The Site has an approximate 24.83m primary frontage to Maroubra Road, and an approximate 24.83m secondary setback to Piccadilly Place. The Site is approximately 61.11m in depth.

The Site is within the Maroubra Junction town centre and is proximate a range of goods, services and public transport. The Site's broader context is shown in Figure 1. Surrounding development and the immediate context is shown in Figure 2.

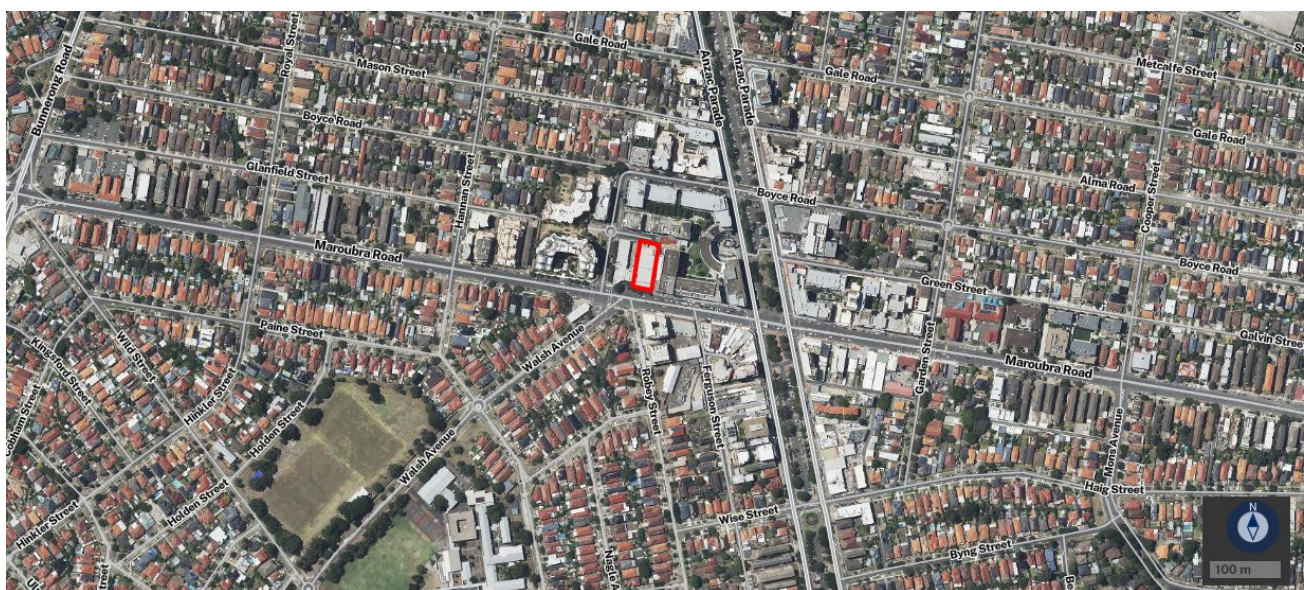


Figure 1: Site Context

Source: NSW SDT Explorer



Figure 2: Site Surrounds and relevant major development

Source: Planning&Co

## The Proposed Development

The proposed development is a mixed-use development comprising a residential flat building including in-fill affordable housing and ground floor retail premises. Pursuant to Chapter 2, Part 2, Division 1 of the Housing SEPP, at least 15% of the total GFA of the proposed development will be provided as in-fill affordable housing, which will be managed by a Community Housing Provider (**CHP**) for a minimum of 15 years.

Specifically, this SSDA seeks approval for the following:

- Demolition of existing structures.
- Site preparation and minor excavation works (existing basement level retained).
- Construction of a nine storey mixed-use development comprising a residential flat building and ground floor retail premise, including:
  - 27 x 1-bed apartments, including 7 affordable dwellings
  - 14 x 2-bed apartments, including 6 affordable dwellings
  - 23 x 3-bed apartments
  - Communal open space at rooftop level and on level two
- Replacement of an existing single level of basement to provide basement car parking, plus additional parking provided above ground on the first storey, comprising:
  - 70 car parking spaces,
  - 4 motorcycle parking spaces,
  - Resident bicycle parking integrated into secure storage lockers, and
  - 10 visitor/staff bicycle parking spaces.
- Associated services, end-of-trip facilities, loading and waste collection areas.

- Vehicle access and loading from Piccadilly Plane and vehicle egress onto Maroubra Road.
- Landscaping on structure
- Photomontages of the proposed development from Maroubra Road are provided in Figure 3 and Figure 4. Architectural drawings prepared by DJRD are provided as **Appendix E**.



Figure 3: The Proposed Development looking east along Maroubra Road  
Source: DJRD



Figure 4: The Proposed Development looking north-west along Maroubra Road  
Source: DJRD

A summary of the key statistics of the proposed development is provided in Table 1.

**Table 1: Summary of Proposed Development**

| Project Component               | Overview                                                                                                                                                                                                                                                                                                                                                                                       |
|---------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Site Address</b>             | 138 Maroubra Road, Maroubra NSW 2035                                                                                                                                                                                                                                                                                                                                                           |
| <b>Site Area</b>                | 1,518.5 sqm                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Proposed Uses</b>            | <ul style="list-style-type: none"> <li>Residential Flat Building including infill affordable housing</li> <li>Retail Premises</li> </ul>                                                                                                                                                                                                                                                       |
| <b>Gross Floor Area</b>         | <ul style="list-style-type: none"> <li>Apartment GFA: 5,129sqm <ul style="list-style-type: none"> <li>– Infill Affordable Housing GFA; 934sqm (15%)</li> </ul> </li> <li>Retail Premises GFA: 263sqm</li> <li>Total GFA: 6,226sqm</li> </ul>                                                                                                                                                   |
| <b>Height of Building</b>       | <ul style="list-style-type: none"> <li>32.5m from ground level (existing)</li> <li>RL 57.800</li> </ul>                                                                                                                                                                                                                                                                                        |
| <b>Storeys</b>                  | 9-storeys                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Basement</b>                 | 1 level of basement is proposed.                                                                                                                                                                                                                                                                                                                                                               |
| <b>Setbacks</b>                 | <ul style="list-style-type: none"> <li>South (Front setback, Maroubra Road): 0m (Ground to Level 6), 3.181m (Level 7 &amp; 8)</li> <li>East (Pacific Square, 140 Maroubra Road): 0m – 6.45m variable setback</li> <li>North (Rear setback, Piccadilly Place): 9m (Ground &amp; Level 1), 3m (Level 2 to Level 8)</li> <li>West (Police Station, 136 Maroubra Road): 0m – 3m setback</li> </ul> |
| <b>Total Dwellings</b>          | 64                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>Affordable Dwellings</b>     | 13                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>Apartment Mix</b>            | Market Dwellings: 51 <ul style="list-style-type: none"> <li>1 Bed: 20</li> <li>2 Bed: 8</li> <li>3 Bed: 23</li> </ul> Affordable Dwellings: 13 <ul style="list-style-type: none"> <li>1 Bed: 7</li> <li>2 Bed: 6</li> <li>3 Bed: 0</li> </ul>                                                                                                                                                  |
| <b>Retail NLA</b>               | 263sqm                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>Vehicular Access</b>         | Vehicle access from Piccadilly Place, egress to Maroubra Road                                                                                                                                                                                                                                                                                                                                  |
| <b>Car Parking</b>              | 70 total, including: <ul style="list-style-type: none"> <li>59 residential car parking spaces</li> <li>5 car share parking spaces</li> <li>3 visitor car parking spaces</li> <li>3 retail car parking spaces</li> </ul>                                                                                                                                                                        |
| <b>Motorcycle Parking</b>       | 3 total, including: <ul style="list-style-type: none"> <li>2 residential motorcycle parking spaces</li> <li>1 retail car parking space</li> </ul>                                                                                                                                                                                                                                              |
| <b>Bicycle Parking</b>          | 74 total, including: <ul style="list-style-type: none"> <li>64 secure residential bicycle parking spaces</li> <li>10 retail, staff and visitor bicycle parking spaces on vertical bicycle rack</li> </ul>                                                                                                                                                                                      |
| <b>Landscaping on structure</b> | 392sqm                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>Deep Soil Planting</b>       | 0sqm.                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>Communal Open Space</b>      | Level 2: 207sqm<br>Rooftop: 614sqm<br>Total COS: 821sqm (54% of site area)                                                                                                                                                                                                                                                                                                                     |
| <b>Job Creation</b>             | <ul style="list-style-type: none"> <li>Approximately 40 construction jobs created</li> <li>Approximately 10 operational jobs created</li> </ul>                                                                                                                                                                                                                                                |

## Urban Design & Desired Future Character

An Urban Design Statement has been prepared by Smith & Tzannes and is provided as **Appendix S**. The Urban Design Statement provides a context analysis of the surrounding Maroubra Junction town centre and considers that the proposed development is compatible with the desired future character of the local area, as established by all of the planning controls applying to the land. The Urban Design Report also determines that the proposed development exhibits design excellence, as:

- The proposed development has been designed to a high architectural standard and is compatible with the surrounding context,
- The proposed built form and external appearance will improve the quality of the public domain and will activate the street frontage with a retail tenancy,
- The proposed development responds to the environmental and built characteristics of the Site and achieves an acceptable relationship with other buildings, including allowing future development of the NSW Police site,
- The proposed development meets sustainable design principles including maximising opportunities for solar access and natural ventilation, and
- The proposed development does not unreasonably impact on view corridors

## Engagement

Engagement has been undertaken in accordance with SEARs Item 4 and DPHI's *Undertaking Engagement Guidelines for State Significant Projects*. An Engagement Report has been prepared by Notting Hill Advisory and is attached as **Appendix O** in support of the proposed development.

Relevant stakeholders have been consulted in the preparation of this SSDA, including neighbouring residents and DPHI. The Engagement report details engagement activities and communication undertaken to date. Activities included telephone surveys, the distribution of community information flyers, the creation of a website providing key details and online feedback form.

The NSW Police Force, Randwick City Council and Council's Design Excellence Advisory Panel have also been engaged during a previous development application, DA/80/2023.

## Project Justification

This EIS has provided an assessment of the proposed development with regard to the relevant legislation and subordinate legislation, environmental planning instruments, policies and the NSW strategic planning framework as well as reasons for refusal of the previous development application on the site. Potential environmental impacts have been identified and are reasonable in the context of the site's urban context within an identified strategic centre undergoing change. Where required, mitigation measures have been proposed to mitigate potential impacts.

Overall, the proposed development will provide net positive environmental, social and economic outcomes for the Site and the local area, as it:

- Responds to the strategic context and future desired character of the Eastgardens-Maroubra Junction Strategic Centre, and is aligned to the NSW strategic planning framework and Randwick City Council's local strategic planning statement and local housing strategy,
- Will deliver new housing within the National Housing Accord period in line with the aims and intent of the Housing SEPP – which wasn't in force at the time of lodgement of the previously refused DA,
- Provides well-located new dwellings, including infill affordable rental housing under Chapter 2 of the Housing SEPP, close to transport, jobs and social infrastructure in Maroubra,
- Provides a new retail tenancy and active frontage to the ground level along Maroubra Road, contributing to employment floor space in Maroubra Junction and creating ongoing employment in addition to construction jobs,
- Is suitable for the site, is permitted with consent in the E2 Commercial Centre Zone and satisfies the Zone objectives under the Randwick Local Environmental Plan 2012 (**LEP**), in particular:
  - To strengthen the role of the commercial centre as the centre of business, retail, community and cultural activity.

- To encourage investment in commercial development that generates employment opportunities and economic growth.
- To encourage development that has a high level of accessibility and amenity, particularly for pedestrians.
- To enable residential development only if it is consistent with the Council’s strategic planning for residential development in the area.
- To facilitate a high standard of urban design and pedestrian amenity that contributes to achieving a sense of place for the local community.
- To minimise the impact of development and protect the amenity of residents in the zone and in the adjoining and nearby residential zones.
- Provides a suitable alternative to the building envelope envisaged under the Randwick Development Control Plan 2013 (**DCP**) to the proposed development site and the neighbouring Maroubra Police Station land.
  - The proposed development achieves greater solar access and cross ventilation than the DCP envelope, provides for greater building separation over the length of the eastern boundary, delivers a greater quantum and quality of communal open space and will facilitate future feasible development of the neighbouring Police Station land in the event that that land is ever redeveloped,
- Is compliant with the permitted height of building under Section 18 of Chapter 2 of the Housing SEPP, which provides for 30% additional height for the delivery of at least 15% of the total gross floor area (**GFA**) as infill affordable housing. The proposed development provides 15% of GFA as affordable housing,
- Assesses the potential environmental, social and economic impacts of the proposed development and provides mitigation measures where required, and:
  - On balance, the environmental impacts of the proposed development are reasonable given the delivery of affordable housing and the sites location within a dense urban area undergoing change as a result of State and Federal government housing policies and strategic priorities,
  - Will result in positive economic outcomes as the proposed development provides new well-located housing close to employment, infrastructure, public transport and services, provides new retail floor and will create additional short- and long-term employment in preconstruction, construction and operation,
  - Will result in positive social outcomes as the proposed development provides 13 affordable housing dwellings across levels 1, 2, 3 and 4 that will be managed by a tier 1 community housing provider for at least 15 years,
  - Addresses the Reasons for Refusal cited by the Land and Environment Court for a previous proposal at the site.
- Is in the public interest, as the proposed development:
  - will facilitate the renewal of an underutilised site within Maroubra Junction, currently a vacant commercial building, to deliver a new mixed-use development that can maximise the site’s location within a strategic centre and proximity to public transport, jobs and social infrastructure,
  - will deliver 64 new dwellings including 13 affordable dwellings to meet the needs of existing and future residents of Maroubra and is aligned to state and federal housing targets and strategic planning frameworks,
  - will provide a new retail tenancy and active frontage to Maroubra Road, delivering new economic opportunities for local businesses or services and new ongoing employment,
  - promotes sustainable urban renewal by providing in-fill development that is within a strategic centre, reducing car dependency and consolidating Sydney’s growing population around existing infrastructure, and
  - Is largely compliant with relevant planning controls and is of an appropriate bulk and scale as anticipated by all of the environmental planning instruments that apply. The potential impacts of the proposed development have been assessed in this EIS and are considered reasonable and can be mitigated where required, and
- Is consistent with the objects of the EP&A Act, in particular:
  - ***to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,***

The proposed development is supported by an ESD report attached as **Appendix N** and will incorporate ecologically sustainable development into the design, construction and ongoing use of the building. The proposed development meets or exceeds all BASIX and NatHERS requirements.

– ***to promote the orderly and economic use and development of land,***

The existing building at the site is low-grade, vacant commercial development that is not the highest and best use of the site and which is inconsistent with the economic and strategic importance of Maroubra Junction. The proposed development will maximise the potential of the site whilst also ensuring the future orderly and economic use of neighbouring development.

– ***to promote good design and amenity of the built environment,***

The proposed development has been designed by DJRD. The final proposed development promotes good design and amenity of the built environment by maximising internal and external amenity with regard to solar access, view sharing, minimising overshadowing and providing significant communal open space for residents and visitors to use.

– ***to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,***

The proposed development will comply with the requirements and performance standards of the NCC and all relevant Australian Standards.

– ***to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,***

This SSDA seeks to collaborate and share responsibility between levels of government to deliver well located housing within Maroubra Junction in line with relevant Federal, State and Local government strategic policy.

## **Previous Development Application**

A development application at the site (DA/80/2023) was refused by the Sydney Eastern City Planning Panel in June 2024. A subsequent appeal was dismissed by the Land and Environment Court under appeal in NSWLEC 1716 [2024]. The reasons for refusal and the dismissal of the Court matter are addressed in detail in this EIS.

Importantly, the statutory planning context has changed since the previous development application with regard to the Housing SEPP Infill Affordable Housing bonus height, in response to a concerted focus of the NSW and Federal Government towards meeting the ambitious targets of the National Housing Accord.

At the time of determination of the previous application, the infill affordable housing provisions in the Housing SEPP could not be utilised due to the SEPP's savings and transitional provisions. The application sought to vary the LEP Height of Buildings control. Clause 4.6 of the Randwick LEP required that the consent authority be satisfied that compliance with the height standard was unreasonable or unnecessary in the circumstances of the case, and that there were sufficient environmental planning grounds to justify contravening the height standard. Clause 4.6 (at the time of determination) also required the consent authority to be satisfied that the proposed development would be in the public interest because it was consistent with the objectives of the height of building standard and the objectives of the E2 Zone. The Court determined that there were not sufficient environmental planning grounds to support the clause 4.6 variation to the height of building control due to additional impacts over and above the statutory height controls.

It is important to note that a development application made today is able to utilise the additional height made available under Chapter 2 of the Housing SEPP. In regard to the flexible application of in-fill affordable housing provisions, the Department's Infill Affordable Practice notes clarify that "the height and FSR bonus may not be achieved in full where the development would cause unreasonable overshadowing or would result in substantial reduction the mid-winter solar access available to existing dwellings". In this instance, the impact is not unreasonable nor is there a substantial reduction in mid-winter solar. This test is, however, less stringent than the tests of clause 4.6 as established in the Courts.

Therefore, the proposed development does not rely on Clause 4.6 of the LEP and complies with the maximum permitted height available for the provision of affordable housing under Section 18 of Chapter 2 of the Housing SEPP.

For completeness, this EIS has addressed all of the reasons for refusal in order to demonstrate that the proposed development that approval is sought for under this SSDA is consistent with the objectives of the E2 Zone, is compliant with the now permitted height and is in the public interest. The proposed SSDA development does not rely on Clause 4.6 of the LEP to vary the permitted building height.

## Mitigation of Potential Environmental Impacts

Mitigation measures have been built into the physical layout and design of the project. The following mitigation measures will ensure any potential negative impacts of the proposed development are appropriately managed and mitigated. In each of these instances, the proposed development has been assessed by technical experts across a range of disciplines as guided by the SEARs and industry best practice. These assessments confirm that whilst there may be potential impacts resulting from the change of the existing site conditions, these impacts can be appropriately managed and mitigated.

The proposed development is in the public interest and will not result in any unacceptable or unreasonable environmental impacts that cannot be appropriately managed by implementing the recommended mitigation measures as outlined in this EIS and supporting technical reports, and appropriate conditions of consent. Mitigation measures are summarised in **Table 2**.

Table 2: Mitigation Measures

| Potential impact               | Specifics                                                                                                                                        | Proposed mitigation measure(s)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|--------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Traffic impacts</b>         | Traffic generation<br>Sufficient parking<br>Potential traffic conflict to rear Piccadilly Lane                                                   | <ul style="list-style-type: none"> <li>Separate vehicle access and egress to limit potential for conflicting traffic movement on Piccadilly Lane.</li> <li>Residential parking is provided per Housing SEPP non-discretionary development standards for infill affordable housing, with sufficient visitor/retail/shared additional parking provided to reflect the well-located nature of the site.</li> </ul>                                                                                                                                                                                                                                                                                           |
| <b>Noise and vibration</b>     | Temporary construction noise<br>Operational noise impacts to neighbours / future residents from traffic, childcare centre, plant, police station | <ul style="list-style-type: none"> <li>Construction noise can be managed by a suitable construction management plan and through a condition of consent regarding work and construction hours.</li> <li>Noise attenuation measures will be incorporated into building materials during detailed design.</li> <li>Roof top plant and any other potential noise sources will be installed per the manufacturers specifications and can be tested by a suitably qualified acoustical engineer to ensure acceptable noise levels.</li> </ul>                                                                                                                                                                   |
| <b>Visual privacy</b>          | Opportunities for casual overlooking                                                                                                             | <ul style="list-style-type: none"> <li>Visual privacy to neighbouring development is protected through the use of fixed and moveable louvres and deep planting to communal open spaces.</li> <li>'Pop out' windows to the eastern boundary is an appropriate design solution and mitigation measure to maintain privacy to that setback.</li> </ul>                                                                                                                                                                                                                                                                                                                                                       |
| <b>Solar access</b>            | Solar access to neighbouring development<br>Solar access to future residents                                                                     | <ul style="list-style-type: none"> <li>The proposed building has been designed to maintain reasonable solar access to neighbouring development, mindful of the dense urban nature of the surrounding area and the fact that neighbouring buildings are built to boundary and include setbacks that do not comply with ADG building separation.</li> <li>The proposed development meets ADG requirements for solar access to future residents.</li> </ul>                                                                                                                                                                                                                                                  |
| <b>View and visual impacts</b> | Impact on neighbouring outlook<br>Equitable view sharing                                                                                         | <ul style="list-style-type: none"> <li>In terms of visual impact, the proposed development has been designed to strengthen and better define the Maroubra Street wall.</li> <li>In terms of view impact, the VVIA prepared as <b>Appendix P</b> concludes that surrounding residential buildings will experience low or moderate view loss, however these views are inherently susceptible to change as they are obtained across common boundaries within a dense urban centre, and the proposed development is compliant with the maximum building height permitted at the Site. In any case, the proposed development is consistent with the view sharing principle established in Tenacity.</li> </ul> |
| <b>Site isolation</b>          | Ability to develop 136 Maroubra Road (NSW Police Force Site)                                                                                     | <ul style="list-style-type: none"> <li>In the unlikely event that the adjoining NSW Police site at 136 Maroubra Road is redeveloped in the future, the proposed development provides appropriate setbacks to ensure that a feasible development can occur to that site.</li> <li>A deed of agreement between the Applicant and NSW Police will commence on the date a development consent for the proposed development is</li> </ul>                                                                                                                                                                                                                                                                      |

|                      |                                          |                                                                                                                                                                                                                                                                                                            |
|----------------------|------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                      |                                          | received, refer <b>Appendix G</b> . The deed provides agreed mitigation measures to be undertaken by the Applicant during construction works, including hoardings and temporary parking arrangements for Police vehicles, as well as providing arrangements for site access where required.                |
| <b>Contamination</b> | <b>Site suitability for proposed use</b> | <ul style="list-style-type: none"> <li>A detailed site investigation has been provided as <b>Appendix V</b>. It is anticipated, based on the findings of the preliminary site investigation and geotechnical report undertaken that the site is, or can be made, suitable for the proposed use.</li> </ul> |

## Summary

The proposed development will provide 64 new residential dwellings including 13 affordable dwellings within Maroubra Junction, close to employment, public transport, social infrastructure and amenity per the requirements and intent of the Infill Affordable Housing provisions of the Housing SEPP.

Maroubra Junction is part of the Eastgardens-Maroubra Junction strategic centre, identified by State and local government as a key economic and social centre within Randwick LGA. The strategic centre is identified as having the potential to accommodate additional housing and employment and drive future growth. The National Housing Accord requires 1.2 million new well-located homes to be built over 5 years from mid-2024, including 377,000 in New South Wales. Randwick Council's housing target, aligned to the Accord, is to provide 4,000 new dwellings by June 2029. The proposed development will contribute to the Housing Accord target and will deliver housing within the Accord period.

On balance, the environmental impacts of the proposed development are reasonable and acceptable given the Site's dense urban context and the strategic objectives and priorities of government. Where required, mitigation measures are proposed to reduce any potential impacts on the surrounding area and existing neighbouring development. The proposed development is compliant with the maximum permitted height under the Housing SEPP, meets the objectives of the E2 Commercial, is suitable for the Site and is in the public interest.

For these reasons, the proposed development has demonstrated strategic merit and, having considered all of the relevant matters, is recommended for approval subject to relevant conditions of consent.

# 1.0 Introduction

This Environmental Impact Statement (**EIS**) is submitted to the NSW Department of Planning, Housing and Infrastructure (**DPHI**) on behalf of Maroubra Property Developments Pty Limited (**the Applicant**), pursuant to Part 4 of the Environmental Planning and Assessment Act 1979 (**EP&A Act**). This EIS supports a State Significant Development Application (**SSDA**) to redevelop land at 138 Maroubra Road, Maroubra (**the Site**) for the purposes of a mixed-use development, comprising a residential flat building including affordable rental housing and a single ground floor retail premises.

Pursuant to s26A of Schedule 1 of State Environmental Planning Policy (Planning Systems) 2021 (**Planning Systems SEPP**), residential development that includes in-fill affordable housing pursuant to Chapter 2, Part 2, Division 1 of State Environmental Planning Policy (Housing) 2021 (**Housing SEPP**) with an estimated development cost (**EDC**) of more than \$75 million on land within the Eastern Harbour City in the Six Cities Region, is declared to be State Significant Development for the purposes of Division 4.7 of the EP&A Act. The proposed development is State Significant Development as the proposal is residential development that includes in-fill affordable housing pursuant to Chapter 2 of the Housing SEPP, is in the Eastern Harbour City pursuant to Schedule 9 of the EP&A Act and has an EDC of more than \$75 million.

DPHI issued Industry Specific Secretary’s Environmental Assessment Requirements (**SEARs**), SSD-81426710 on 31 March 2025. This EIS has been prepared in accordance with the requirements of Part 4 of the EP&A Act and the Industry Specific SEARs. A SEARs compliance table is attached as **Appendix A**. The EIS has also been prepared in accordance with DPHI’s *State Significant Development Guidelines - Appendix B Preparing an Environmental Impact Statement* dated July 2022.

This EIS is based on Architectural Plans prepared by DJRD and other supporting technical information appended to the report. This EIS should be read in conjunction with the supporting information and plans appended to and accompanying this report.

## 1.1 The Applicant

The Applicant is identified in **Table 3**.

Table 3: Proponent Details

| Detail    | Information                                                                             |
|-----------|-----------------------------------------------------------------------------------------|
| Applicant | Maroubra Property Developments Pty Limited.                                             |
| Address   | Ground Floor, 21 Solent Circuit Norwest NSW 2153<br>PO Box 7105 Baulkham Hills NSW 2153 |
| ABN       | 35 659 805 786                                                                          |
| Contact   | Leigh Manser<br>Development Director<br>leigh@bennelong.com                             |

## 1.2 Project Description

### 1.2.1 Overview of the Site

The Site is located at 138 Maroubra Road, Maroubra and is within the Randwick City Council Local Government Area (**LGA**). The Site is a total of 1,518.5sqm, is legally described as Lots 1 and 2 of DP 506844, and is wholly owned by Maroubra Property Developments Pty Limited. The Site has an approximate 24.83m primary frontage to Maroubra Road, and an approximate 24.83m secondary setback to Piccadilly Place. The Site is approximately 61.11m in depth.

The Site is within the Maroubra Junction town centre and is proximate a range of goods, services and public transport. The Site and surrounds are identified in Figure 5.

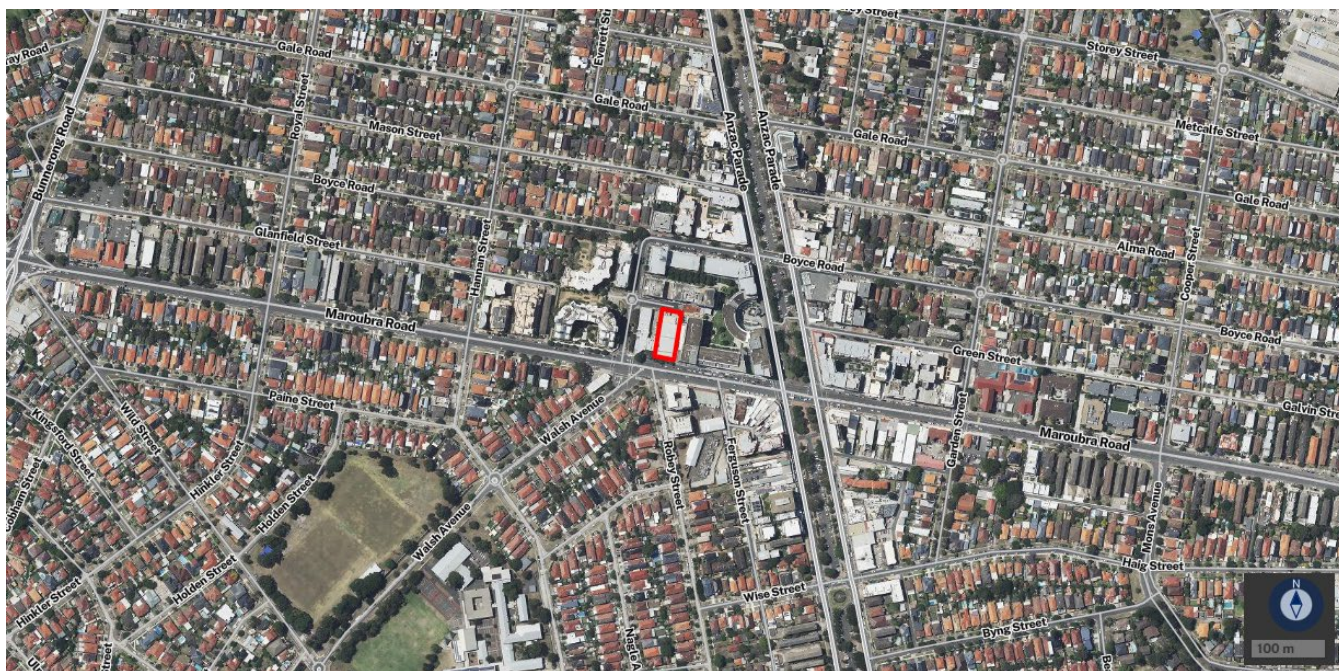


Figure 5: Site Context  
Source: NSW SDT Explorer

### 1.2.2 Overview of the Proposed Development

The proposed development is a mixed-use development comprising a residential flat building including in-fill affordable housing and ground floor retail uses. Pursuant to Chapter 2, Part 2, Division 1 of the Housing SEPP, at least 15% of the total GFA of the proposed development will be provided as in-fill affordable housing, which will be managed by a Community Housing Provider (**CHP**) for a minimum of 15 years.

Specifically, this SSDA seeks approval for the following:

- Demolition of existing structures as well as site preparation and minor excavation works (no additional basements).
- Construction of a nine storey mixed-use development comprising a residential flat building and ground floor retail premise, including:
  - 27 x 1-bed apartments, including 7 affordable dwellings
  - 14 x 2-bed apartments, including 6 affordable dwellings
  - 23 x 3-bed apartments
  - Communal open space at rooftop level and on level two
- Replacement of an existing single level of basement to provide basement car parking, plus additional parking provided above ground on the first storey.
- Vehicle access and loading from Piccadilly Plane and vehicle egress onto Maroubra Road.

### 1.2.3 Objectives of the Development

The objectives of the proposed development are as follows:

- To redevelop underutilised land within Maroubra Junction to deliver a new, high-quality mixed-use building.
- To deliver new residential dwellings including affordable housing within Maroubra Junction, close to transport, employment and services.
- To provide new employment floor space in Maroubra Junction to consolidate its position as an important town centre in Randwick LGA.

## 1.3 The Subject Site

### 1.3.1 Site Location and Context

The Site is located at 138 Maroubra Road, Maroubra, within the Randwick City Council LGA.

The Site is in Maroubra Junction, identified as one of two strategic centres within Randwick City<sup>1</sup>. Maroubra Junction comprises commercial uses, mixed-use development, shop-top housing and residential flat buildings of varying heights, architectural styles and ages. Comparable mixed-use residential development in the Maroubra Junction generally ranges from seven to eleven storeys in height. Many nearby developments provide ground floor commercial uses, reinforcing Maroubra Junction as an important mixed-use strategic centre in Randwick.

The Greater Sydney Region Plan identifies the Eastgardens-Maroubra Junction precinct as an important strategic centre within the Eastern Harbour City. The precinct is highly accessible and benefits from existing and planned future public transport linking Maroubra to the Sydney CBD and other local and business centres.



Figure 6: District Context

Source: Greater Sydney Region Plan

### 1.3.2 Site Description

The Site is a total of 1,518.5sqm and is legally described as Lots 1 and 2 of DP 506844. The Site has an approximate 24.83m primary frontage to Maroubra Road, and an approximate 24.83m secondary setback to Piccadilly Place. The Site is approximately 61.11m in depth.

A detailed survey plan has been prepared by Colliers and is provided as **Appendix A** to this EIS.

### 1.3.3 Site Surrounds

The Site is immediately adjacent the Maroubra NSW Police Station to the west at the corner of Maroubra Road and Bruce Bennetts Place. The large mixed-use development known as 'Pacific Square' borders the Site to the north and east, comprising the Pacific Square shopping centre and several residential flat buildings between five and nine storeys in height.

The 'Newington Towers' development is nearby the Site across Bruce Bennetts Place, comprising a twelve-storey and eight-storey building with ground floor commercial and retail premises. Lower density residential housing is to the south-west of the Site across Maroubra Road.

<sup>1</sup> Randwick Local Strategic Planning Statement 2019, p14



Figure 7: Site Surrounds and relevant major development  
Source: Planning&Co

### 1.3.4 Aboriginal Cultural Heritage

The traditional custodians of the land on which the Site is located are the Gadigal and Bidjigal people.

Due to the sites proximity to crown land that is understood to have been previously under Aboriginal land claim, a Aboriginal Objects Due Diligence Assessment (**ADD**) has been prepared by Urbis and is provided as **Appendix DD**. The ADD was prepared in accordance with the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* (2010). The assessment concludes that:

- 1) No known Aboriginal objects or declared Aboriginal places have been identified within the curtilage of the subject area.
- 2) The subject area is located within a sand dune system (the Tuggerah soil landscape) and within 200m of former natural waterway, both of which are considered indicative of likely past Aboriginal land use under the Due Diligence Code.
- 3) The subject area has been subjected to human activity that has changed the land's surface, including complete removal or disturbance of the potentially artefact-bearing A-horizon soils, being changes that remain clear and observable.

As the subject area is disturbed, no further investigation of the subject area is required under the Due Diligence Code.

Mitigation measures relating to record keeping and the provision of an unexpected finds procedure are provided in **Appendix Q**, based on the above conclusions.

It is also relevant to note that no matters relating to Aboriginal cultural heritage were raised by Council or the Court during the previous LEC matter.

### 1.3.5 Easements and Covenants

Existing access to the Site from Piccadilly Place is via a right of carriageway over Lot 17 of DP1150018, which comprises the existing development known as 'Pacific Square'.

## 1.4 Existing Development and Development Context

The Site is currently an existing two storey commercial building plus a single basement level. The existing building on the land is built to boundary over the full extent of the Site. The existing building is a low-grade commercial development and is subject to an existing fire order. As a result, the building cannot be occupied until it is redeveloped.

The existing building facade along Maroubra Road comprises glass, glass blocks and concrete materials. Raised planting is located to the Maroubra Road frontage either side of the primary entrance to the building. A number of street trees are located within the public domain footpath along Maroubra Road.

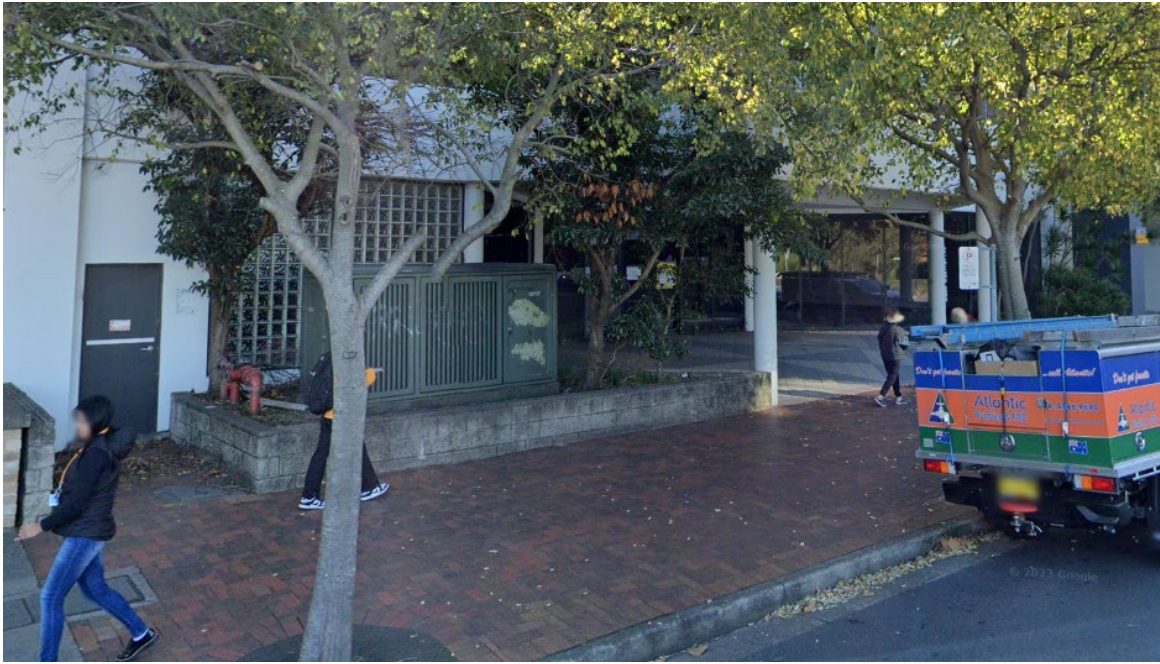
An electric substation is located to the south-west corner of the site along Maroubra Road.

The existing building along Piccadilly Place comprises at-grade private parking, basement entry and secondary pedestrian entrances. The facade comprises glass, concrete and sandstone masonry.

The site is one of the few undeveloped sites in the Maroubra Town Centre, which has seen extensive redevelopment appropriate of its status as a Strategic Centre.



Figure 8: The Site from Maroubra Road looking west  
Source: Planning & Co



**Figure 9: Substation Location along Maroubra Road**  
Source: Google Street View



**Figure 10: The Site from Piccadilly Place looking south-east**  
Source: Planning & Co



Figure 11: Maroubra town centre built form context west of the Site  
Source: Planning & Co



Figure 12: Maroubra town centre built form context west of the Site, looking east towards the site.  
Source: Planning & Co

## 1.5 Site Access and Transport Infrastructure

### 1.5.1 Public Transport

The Site is strategically located proximate existing transport infrastructure that will enable and encourage residents, workers and visitors to use public transport and reduce private vehicle use.

The Site is in an accessible area as defined under the Housing SEPP 2021 as it is within 400m walking distance to bus stops along Maroubra Road and Anzac Parade that are serviced by regular bus services as defined in Schedule 10 of the Housing SEPP. For the purposes of determining that the site is within an accessible area, Bus Stop: *Pacific Square, Anzac Parade* is serviced by Bus Route 396 *Maroubra Beach to City Circular Quay* at least once per hour between 6am and 9pm each day from Monday to Friday and between 8am and 6pm on each Saturday and Sunday. Refer to Figure 14 and Figure 15 which provides an overview of surrounding bus services.

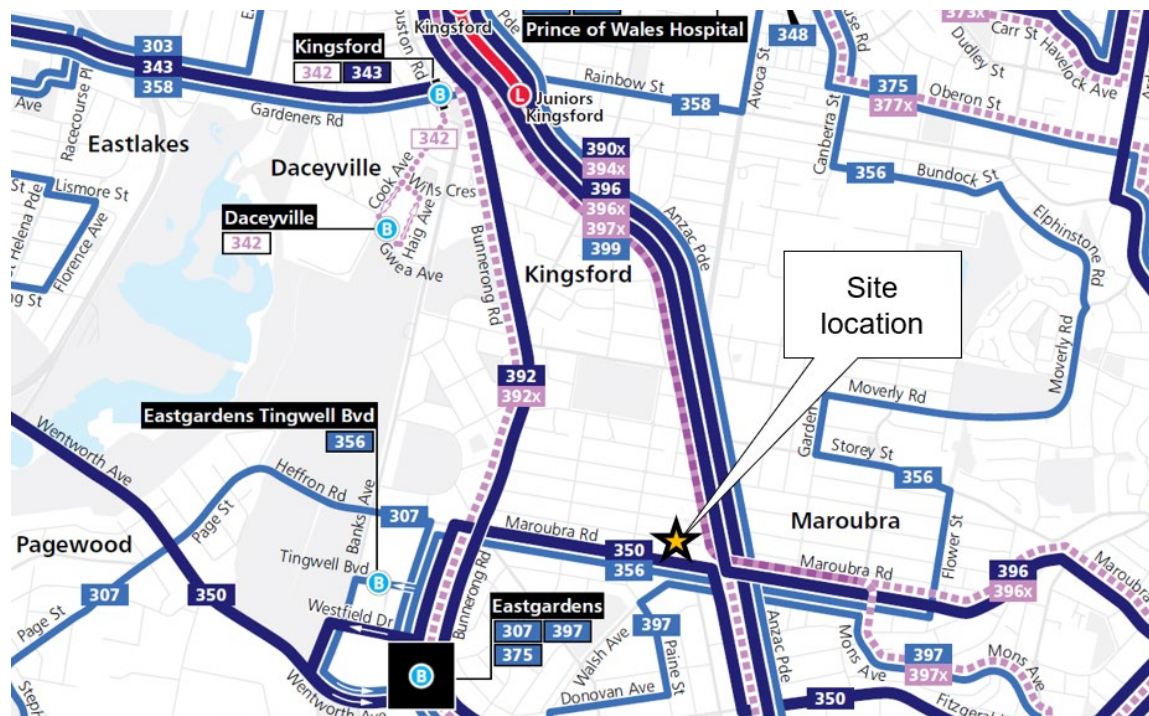


Figure 13: Bus network servicing the Site

Source: JMT Consulting

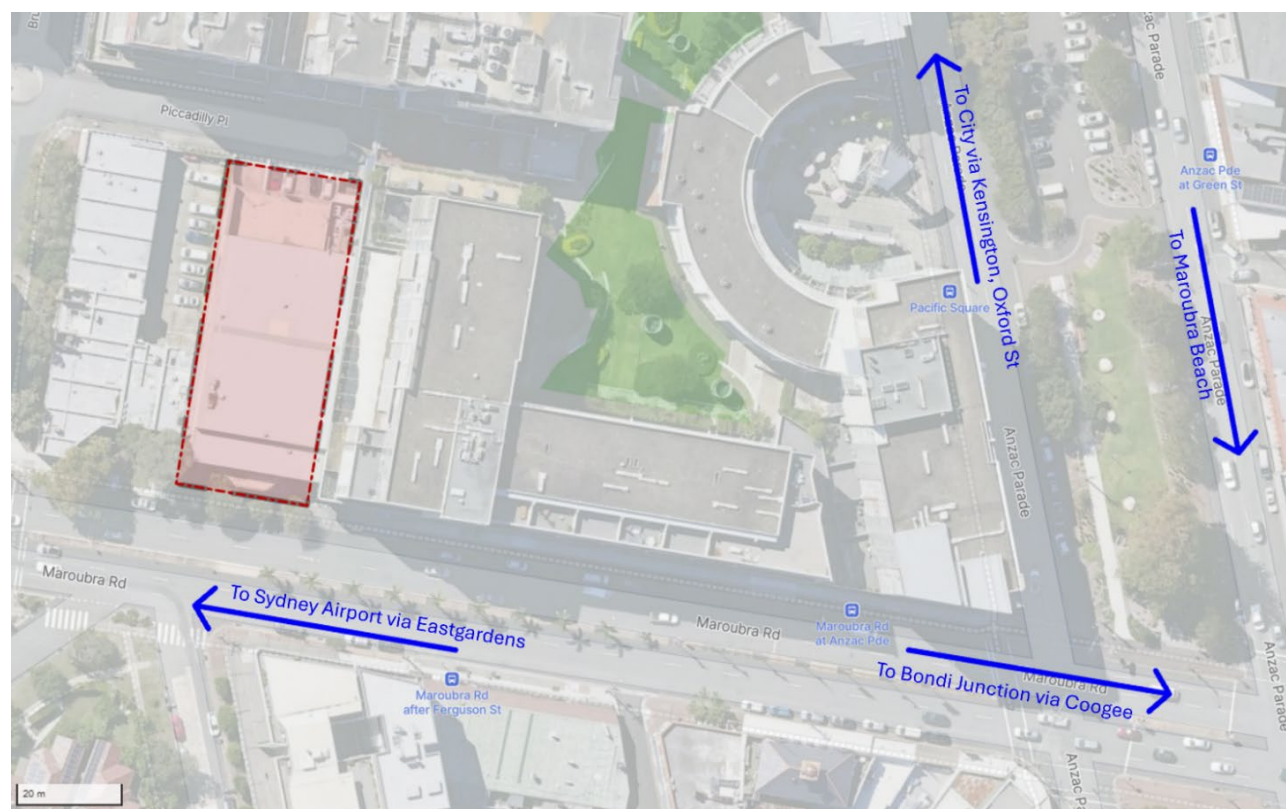


Figure 14: Bus stops proximate the Site and frequent major routes

Source: Planning&Co

### 1.5.2 Bicycle Network

The Site is proximate existing bicycle networks as shown in Figure 16. On-road cycle routes near the Site provide active transport routes towards Randwick, Kensington and the Centennial Parklands to the north and north-west, and Maroubra Beach to the east.

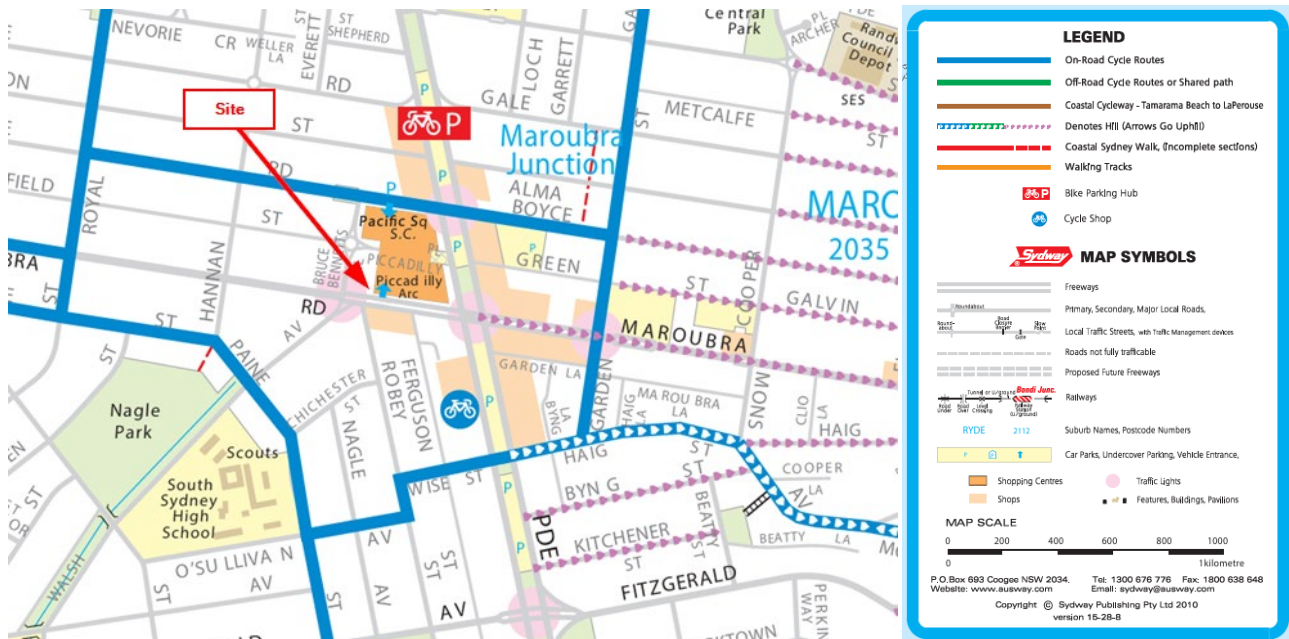


Figure 15: Cycling infrastructure proximate the Site

Source: Randwick City Council Updated Cycling and Walking Map

### 1.5.3 Vehicular Access

The Site benefits from road frontages to Maroubra Road and Piccadilly Place. Existing vehicle access is provided to a single level of basement via a vehicle access crossing on Piccadilly Place, however this access relies upon a right of carriageway over Lot 17 of DP1150018.

No existing vehicle access is provided to Maroubra Road, which is a State Classified Road per Transport for NSW (TfNSW) Schedule of Classified Roads and Unclassified Regional Roads.

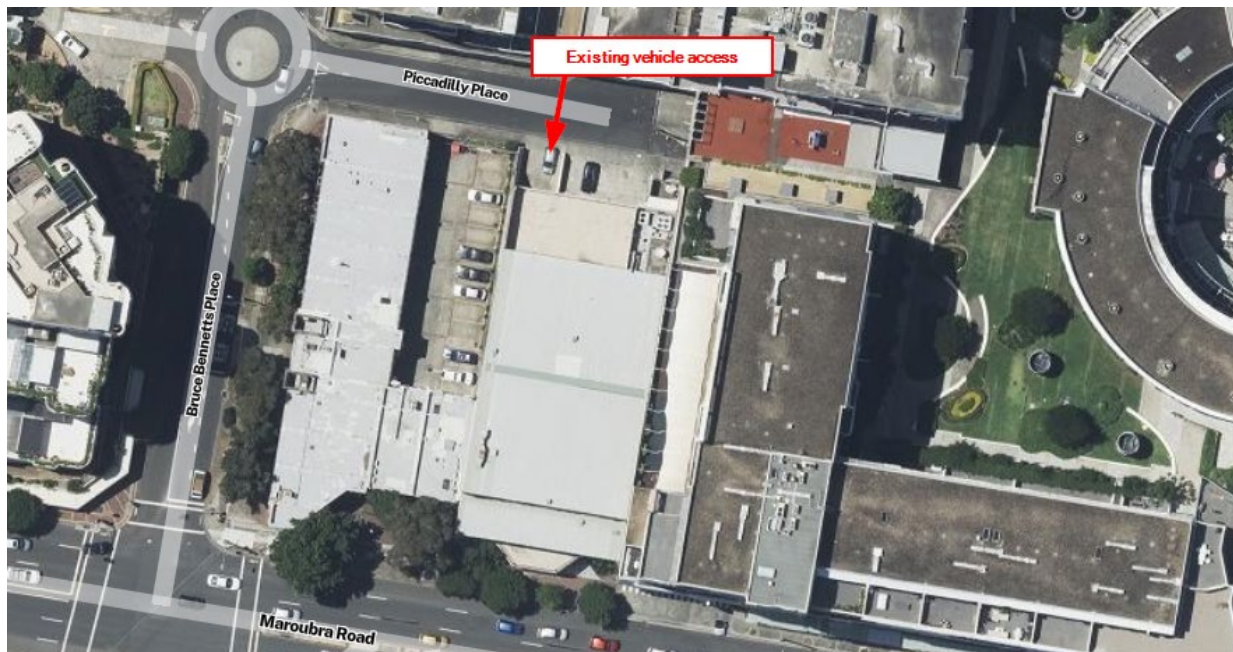


Figure 16: Existing Vehicle Access

Source: NSW SDT Explorer, Planning&Co



which is provided as **Appendix U**. The DSI identifies potential sources of contamination at the site including imported fill, former buildings / structures, historical underground storage tanks (at the site and adjacent police station), a transformer near the site's southern boundary, nearby dry-cleaning businesses and a nearby tyre shop.

No major earthworks or excavation are proposed as part of the development, and no new basement excavation is proposed. Mitigation measures for potential site contamination per the DSI are provided in Section 8.15.

## 1.8 Background to the Development

### 1.8.1 Planning Secretary's Environmental Assessment Requirements (SEARs) Request

A request for industry-specific SEARS was submitted 19 March 2025. SEARs SSD-81426710 was issued to the Applicant by DPHI 31 March 2025. A SEARs Compliance Table is provided as **Appendix B**.

### 1.8.2 In-fill Affordable Housing

Chapter 2 of the Housing SEPP incentivises the provision of in-fill affordable housing in well located areas in NSW. Part 2, Division 1 of Chapter 2 provides up to 30% additional height for the provision of at least 10% of the total GFA of a building being provides as affordable housing.

The proposed development provides 15% of the total GFA as affordable housing and is for the purposes of a residential flat building. Therefore the proposed development can access 30% additional height above a permitted under the Randwick LEP 2012, pursuant to s18 of Chapter 2, Part 2, Division 1. No FSR applies to the land under the LEP, and the additional FSR provided under s16 of Chapter 2 is not sought.

### 1.8.3 DA/80/2023 & NSW Land and Environment Court Appeal NSWLEC 1716 [2024]

A development application at the Site (DA/80/2023) was refused by the Sydney Eastern City Planning Panel in June 2024 and dismissed by the Land and Environment Court under appeal in NSWLEC 1716 [2024]. The Land and Environment Court matter is addressed in Section 7.0.

The reasons for refusal are addressed throughout this EIS, and are summarised in Table 4. Importantly, the planning context has changed since the refusal with regard to the Housing SEPP Infill Affordable Housing bonus height, in response to a concerted focus of the NSW Government towards meeting the ambitious targets of the National Housing Accord. The infill affordable housing provisions in Chapter 2 of the Housing SEPP could not be utilised at the time of determination of DA/80/2023 due to the savings and transitional provisions in Schedule 7A of the Housing SEPP.

Table 4: DA/80/2023

| Reason for Refusal           | Addressed in EIS                           | Summary                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|------------------------------|--------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Height of Building           | <b>Section 8.1,</b><br><b>Section 7.0</b>  | The proposed development is compliant with the maximum permitted height under SEPP Housing Chapter 2 for the delivery of in-fill affordable housing.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Design Excellence            | <b>Section 8.10,</b><br><b>Section 7.0</b> | Design excellence and the requirements under Clause 6.11 of the LEP are addressed in <b>Section 8.10</b> and <b>Appendix S</b> . In particular; <ul style="list-style-type: none"> <li>The proposed development has been designed to a high architectural standard,</li> <li>The proposed built form and external appearance will improve the quality of the public domain,</li> <li>The proposed development responds to the environmental and built characteristics of the Site and achieves an acceptable relationship with other buildings,</li> <li>The proposed development meets sustainable design principles including maximising opportunities for solar access and natural ventilation.</li> </ul> |
| Compliance with ADG          | <b>Appendix C,</b><br><b>Section 7.0</b>   | The proposed development is generally consistent with the ADG design guidelines and objectives. In particular the proposed development exceeds ADG minimum guidelines for solar access, cross ventilation, private and communal open space.                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Compliance with Randwick DCP | <b>Section 4.2,</b><br><b>Section 7.0</b>  | The Randwick DCP prescribes a building envelope to the site and adjoining site that requires amalgamation in order to be delivered. The proposed development provides a reasonable alternative                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

|                                                |                                                                                                                                                                                                                                                                                                                     |
|------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                | <p>envelope that reflects the current planning context whilst enabling future development of the neighbouring site to still occur. In any case, a DCP does not apply to State Significant Development and there is no statutory requirement to comply with the building envelope prescribed under the 2013 DCP.</p> |
| <b>Insufficient information</b>                | <p>This EIS and supporting appendices provides all of the reports and information required by the Industry Specific SEARS issued by DPHI on 31 March 2025.</p>                                                                                                                                                      |
| <b>Council internal referrals</b>              | <p>The proposed development will be exhibited in accordance with the requirements under the EP&amp;A Act and EP&amp;A Regulation 2021.</p>                                                                                                                                                                          |
| <b>Suitability of site for the development</b> | <p>The proposed development is entirely suitable for the Site. The proposed development is permitted with consent in the E2 Zone, is located within the Eastgardens-Maroubra Junction strategic centre and is proximate public transport, employment and social infrastructure.</p>                                 |

## 2.0 Strategic Context

The proposed development is aligned to the NSW strategic planning framework and will provide new dwellings, jobs and economic activity within a highly accessible centre. The proposed development will benefit from and enhance the competitive advantages of Maroubra Junction, promoting sustainability, mixed-use and vibrant centres and utilising existing and future transport modes including active transport.

In summary, the proposed development is aligned to and has regard for the following Federal, State and Local Government strategies:

- National Housing Accord 2024
- Greater Sydney Region Plan - A Metropolis of Three Cities
- Eastern City District Plan
- NSW Future Transport Strategy
- Randwick Local Strategic Planning Statement 2020
- Randwick Draft Local Housing Strategy 2019
- Randwick City Council Active Transport Plan

At all levels of government, the need for greater density in well located areas that can benefit from existing infrastructure and proximity to amenities is recognised. The National Housing Accord has informed the NSW State Government’s target to deliver 4,000 new dwellings in Randwick LGA by 2029. At a local level, the Randwick Local Strategic Planning Statement and Local Housing Strategy acknowledges that housing growth will be consolidated in and around existing town centres, including Maroubra Junction. The Local Housing Strategy also recognises the acute need for affordable housing in the LGA.

The proposed development site is one of the few remaining sites in Maroubra Junction that can achieve the additional housing density sought by Government, to deliver new homes, affordable housing and employment close to existing and planned infrastructure.

### 2.1 State & Regional Strategic Context

#### 2.1.1 National Housing Accord 2024

The National Housing Accord requires 1.2 million new well-located homes to be built over 5 years from mid-2024, including 377,000 in New South Wales. Randwick Council’s housing target, aligned to the Accord, is to provide 4,000 new dwellings by 2029. The proposed development will provide 64 dwellings, within walking distance of public transport, employment, local businesses and open space.

In response to the Housing Accord, NSW Government introduced Chapter 2, Part 2 of the Housing SEPP which saw incentives provided for the delivery of affordable housing in well located areas. This project takes advantage of these provisions, delivering housing in the Eastgardens – Maroubra Strategic Centre.

#### 2.1.2 Greater Sydney Region Plan (A Metropolis of Three Cities)

The Greater Sydney Region Plan is the NSW Government’s long-term plan to maintain Sydney’s role in the global economy, and to plan for growth and change. The Region Plan establishes three cities within the Greater Sydney Metropolis, the Eastern Harbour City, Central River City and Western Parkland City, where most residents live within 30 minutes of work and essential services. The Site is within the Eastern Harbour City.

The Greater Sydney Region Plan provides ten directions for the metropolis of three cities to establish liveability, productivity and sustainability frameworks. Table 5 demonstrates that the proposed development is strategically aligned with several directions and related objectives of the Region Plan.

Table 5: Greater Sydney Region Plan Directions

| Directions                                | Objectives                                                                                     | Proposed Development Alignment                                                                                                                                                                 |
|-------------------------------------------|------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>A city supported by infrastructure</b> | <ul style="list-style-type: none"><li>• Objective 4: Infrastructure use is optimised</li></ul> | The proposed development will optimise the use of existing regional public transport and road infrastructure and is located close to community and social infrastructure in Maroubra Junction. |

|                                     |                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                |
|-------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>A city for people</b>            | <ul style="list-style-type: none"> <li>Objective 6: Services and infrastructure meet communities' changing needs</li> <li>Objective 7: Communities are healthy, resilient and socially connected</li> <li>Objective 8: Greater Sydney's communities are culturally rich with diverse neighbourhoods</li> </ul>                                   | The proposed development will meet the communities changing needs, delivering more homes in Maroubra Junction, close to services and infrastructure. The proposed development will encourage active transport use and encourage residents to be active and socially connected. |
| <b>Housing the city</b>             | <ul style="list-style-type: none"> <li>Objective 10: Greater housing supply</li> <li>Objective 11: Housing is more diverse and affordable</li> </ul>                                                                                                                                                                                             | The proposed development will increase the supply of housing and affordable housing in the region.                                                                                                                                                                             |
| <b>A city of great places</b>       | <ul style="list-style-type: none"> <li>Objective 12: Great places that bring people together</li> </ul>                                                                                                                                                                                                                                          | The proposed development is mixed-use and will include activate commercial uses to the ground floor, improving the public domain along Maroubra Junction and creating opportunities for people to interact and build community close to their home and work.                   |
| <b>A well-connected city</b>        | <ul style="list-style-type: none"> <li>Objective 14: A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities</li> </ul>                                                                                                                                                                           | The proposed development will be well connected to public transport and provide a range of dwellings and other uses that will help realise a walkable 30-minute city in the Eastgardens-Maroubra Junction strategic centre.                                                    |
| <b>Jobs and skills for the city</b> | <ul style="list-style-type: none"> <li>Objective 18: Harbour CBD is stronger and more competitive</li> <li>Objective 22: Investment and business activity in centres</li> </ul>                                                                                                                                                                  | The proposed development will create approximately 40 construction and 10 operational jobs, and will support investment and business activity in the Eastgardens-Maroubra Junction strategic centre.                                                                           |
| <b>Using resources wisely</b>       | <ul style="list-style-type: none"> <li>Objective 33: A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change</li> <li>Objective 34: Energy and water flows are captured, used and re-used</li> <li>Objective 35: More waste is re-used and recycled to support the development of a circular economy</li> </ul> | The proposed development will incorporate energy and water efficiency strategies into the operational life of the building. Construction and operational waste will be re-used and recycled where possible.                                                                    |

### 2.1.3 Eastern City Plan

The Greater Sydney Region Plan divides the region into five districts. Randwick Local Government Area is in the Eastern City.

The proposed development is aligned to the Eastern City Plan, as the proposed development will contribute to the supply and diversity of well-located housing stock including affordable housing available in the district, support jobs and ongoing employment in Maroubra Junction and enable the urban renewal of a well located, but underutilised site within a strategic centre.

The proposed development supports the directions of the Plan by supporting job growth, housing diversity, and improved connectivity. The district plan emphasizes protecting job capacity, expanding economic activities, and leveraging future public transport connections in the south-east of the district. It encourages place-making initiatives to enhance public spaces, promote walking and cycling, and integration with the Green Grid.

The provision of in-fill affordable housing within the proposed development also aligns to the Plan, which advocates for affordable housing to support nearby health, education, and employment facilities, ensuring balanced growth and vibrant community development.

### 2.1.4 Future Transport Strategy

The Future Transport Strategy sets Transport's vision for safe, healthy, sustainable, accessible and integrated passenger and freight journeys in NSW. The Strategy includes five priorities:

- **More choice, better access:** Improving transport solutions for our customers
- **Environmentally responsible:** Moving towards net zero emissions

- **Thriving places:** Enhancing liveability for customers and communities
- **Maximising the use of our network:** Releasing the potential of our infrastructure
- **Resilient communities:** Building for resilience and economic growth

The Strategy identifies important future transport projects for Maroubra Junction, that will shape future infrastructure delivery and mass transit in the strategic centre and provide significant opportunities at the Site and surrounding area. Specifically, the Strategy calls for:

- A mass transit/train link investigation from the Sydney CBD to Malabar via Randwick and Eastgardens-Maroubra Junction
- Light rail investigation from Kingsford to Maroubra Junction

The proposed development is aligned to the Future Transport Strategy as it focuses new residential and retail development in well located areas close to existing public transport infrastructure, promoting sustainable travel behaviour and maximising use of existing and planned transport networks.

## 2.2 Local Strategic Context

### 2.2.1 Randwick Local Strategic Planning Statement 2020

The Randwick Local Strategic Planning Statement (**LSPS**) 2020 guides future land use planning and development in Randwick LGA, including Maroubra Junction. The LSPS prioritises liveability, productivity and sustainability in the LGA, and seeks to align future growth with infrastructure delivery. These priorities are underpinned by a focus on long-term planning, community engagement and alignment to state and regional level strategic plans.

The Eastgardens-Maroubra Junction strategic centre is identified as a key economic and social centre within Randwick LGA, with potential to accommodate additional housing and employment and drive future growth.

### 2.2.2 Draft Randwick Local Housing Strategy 2019

The draft Randwick Local Housing Strategy (**LHS**) identifies Maroubra Junction as one of the only town centres in Randwick City where higher-density housing is concentrated. The LHS recognises that town centres including Maroubra Junction have historically provided 40% of Randwick City's housing growth. The residential areas surrounding Maroubra Junction also play an important role in supporting the economic function of the town centre.

The proposed development is aligned to the housing delivery strategy outlined in the LHS, locating housing near jobs, services, and public transport. The LHS also highlights the importance of aligning housing growth with existing and planned infrastructure improvements to support the needs of current and future residents. The proposed development seeks to maximum and leverage access to the existing and planned transport infrastructure in Maroubra Junction.

Critically, the LHS recognises an acute need for affordable housing in Randwick, with approximately 39.3% of renters in Randwick City in rental stress, spending more than 30% of their income on rent<sup>2</sup>. The LHS notes that between 2006 and 2016, Randwick City experienced a significant reduction in affordable rental housing stock:

- Affordable rental stock for very low-income households decreased by 78%.
- Affordable rental stock for low-income households decreased by 72%.
- Affordable rental stock for moderate-income households decreased by 43%.

The delivery of new affordable housing is critical to retain a stable workforce in Randwick and provide adequate housing for residents on very low, low and moderate incomes in Randwick. The proposed development will provide 15% of the total GFA as infill affordable housing, which will be managed by a tier 1 CHP for a period of at least 15 years per the requirements of Chapter 2 of the Housing SEPP.

### 2.2.3 Randwick City Council Active Transport Plan 2024

Randwick City Council's Active Transport Plan was endorsed by Council on 10 December 2024. The Active Transport Plan identifies Council's long term Cycling Network Plan, prioritising safety, comfort and connection.

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<sup>2</sup> [Randwick LHS](#), p 73

The proposed development will include end-of-trip facilities to encourage active transport opportunities including cycling, maximising use of the cycle networks envisaged by Randwick City Council. The network will provide improved connection to local shops, schools, employment and public transport for residents, visitors and workers at the Site, reducing private vehicle use and promoting sustainable and accessible living.

#### **2.2.4 Maroubra Junction Public Domain Masterplan**

Randwick Council has prepared a 20-year masterplan to guide the future of Maroubra Junction. The masterplan proposes improving pedestrian access across Anzac Parade with a new mid-block crossing, large tree plantings, connecting the centre median parking and plaza to retailers and a new bi-directional cycleway on the eastern side of the central median.

Community feedback found general support for the plan that proposes a range of changes to create a lively and pedestrian-orientated town centre. The Plan was formally adopted by Council on 27 June 2023 following public exhibition.

Works have commenced on the Maroubra and Matraville town centres in July 2025. Any renewal of the subject site will need to have regard to these plans and their interface.

# 3.0 Project Description

## 3.1 Project Overview

The proposed development is a mixed-use development comprising a residential flat building including in-fill affordable housing and ground floor retail uses. Pursuant to Chapter 2, Part 2, Division 1 of the Housing SEPP, at least 15% of the total GFA of the proposed development will be provided as in-fill affordable housing, which will be managed by a CHP for a minimum of 15 years.

Specifically, this SSDA seeks approval for the following:

- Demolition of existing structures.
- Site preparation and minor excavation works (existing basement level retained).
- Construction of a nine storey mixed-use development comprising a residential flat building and ground floor retail premise, including:
  - 27 x 1-bed apartments, including 7 affordable dwellings
  - 14 x 2-bed apartments, including 6 affordable dwellings
  - 23 x 3-bed apartments
  - Communal open space at rooftop level and on level two
- Replacement of an existing single level of basement to provide basement car parking, plus additional parking provided above ground on the first storey, comprising:
  - 70 car parking spaces,
  - 4 motorcycle parking spaces,
  - Resident bicycle parking integrated into secure storage lockers, and
  - 10 visitor/staff bicycle parking spaces.
- Associated services, end-of-trip facilities, loading and waste collection areas.
- Vehicle access and loading from Piccadilly Place and vehicle egress onto Maroubra Road.
- Landscaping on structure

## 3.2 Estimated Development Cost

The estimated development cost (EDC) for the proposed development is \$77,600,000. The proposed development is State Significant Development pursuant to s26A of Schedule 1 of SEPP Planning Systems, as the EDC for the is more than \$75 Million and provides in-fill affordable housing pursuant to Chapter 2, Part 2, Division 1 of the Housing SEPP.

An EDC Report is attached as **Appendix D**.

## 3.3 Key Development Information

A summary of the proposed development is provided in **Table 6**.

Table 6: Summary of Proposed Development

| Project Component | Overview                                                                                                                                                                                                                               |
|-------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Site Address      | 138 Maroubra Road, Maroubra NSW 2035                                                                                                                                                                                                   |
| Site Area         | 1,518.5 sqm                                                                                                                                                                                                                            |
| Proposed Uses     | <ul style="list-style-type: none"><li>• Residential Flat Building</li><li>• Retail Premises</li></ul>                                                                                                                                  |
| Gross Floor Area  | <ul style="list-style-type: none"><li>• Apartment GFA: 5,129sqm<ul style="list-style-type: none"><li>– Infill Affordable Housing; 934sqm (15%)</li></ul></li><li>• Retail Premises GFA: 263sqm</li><li>• Total GFA: 6,226sqm</li></ul> |

|                                 |                                                                                                                                                                                                                                                                                                                                                                                                        |
|---------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Height of Building</b>       | <ul style="list-style-type: none"> <li>• 32.5m from ground level (existing)</li> <li>• RL 57.800</li> </ul>                                                                                                                                                                                                                                                                                            |
| <b>Storeys</b>                  | 9-storeys                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Basement</b>                 | 1 level of basement is proposed.                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Setbacks</b>                 | <ul style="list-style-type: none"> <li>• South (Front setback, Maroubra Road): 0m (Ground to Level 6), 3.181m (Level 7 &amp; 8)</li> <li>• East (Pacific Square, 140 Maroubra Road): 0m – 6.45m variable setback</li> <li>• North (Rear setback, Piccadilly Place): 9m (Ground &amp; Level 1), 3m (Level 2 to Level 8)</li> <li>• West (Police Station, 136 Maroubra Road): 0m – 3m setback</li> </ul> |
| <b>Total Dwellings</b>          | 64                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>Affordable Dwellings</b>     | 13                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>Apartment Mix</b>            | Market Dwellings: 51 <ul style="list-style-type: none"> <li>• 1 Bed: 20</li> <li>• 2 Bed: 8</li> <li>• 3 Bed: 23</li> </ul> Affordable Dwellings: 13 <ul style="list-style-type: none"> <li>• 1 Bed: 7</li> <li>• 2 Bed: 6</li> <li>• 3 Bed: 0</li> </ul>                                                                                                                                              |
| <b>Retail NLA</b>               | 263sqm                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Vehicular Access</b>         | Vehicle access from Piccadilly Place, egress to Maroubra Road                                                                                                                                                                                                                                                                                                                                          |
| <b>Car Parking</b>              | 70 total, including: <ul style="list-style-type: none"> <li>• 59 residential car parking spaces</li> <li>• 5 car share parking spaces</li> <li>• 3 visitor car parking spaces</li> <li>• 3 retail car parking spaces</li> </ul>                                                                                                                                                                        |
| <b>Motorcycle Parking</b>       | 3 total, including: <ul style="list-style-type: none"> <li>• 2 residential motorcycle parking spaces</li> <li>• 1 retail car parking space</li> </ul>                                                                                                                                                                                                                                                  |
| <b>Bicycle Parking</b>          | 74 total, including: <ul style="list-style-type: none"> <li>• 64 secure residential bicycle parking spaces</li> <li>• 10 retail, staff and visitor bicycle parking spaces on vertical bicycle rack</li> </ul>                                                                                                                                                                                          |
| <b>Landscaping on structure</b> | 358sqm                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Deep Soil Planting</b>       | 0sqm.                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Communal Open Space</b>      | Level 2: 207sqm<br>Rooftop: 614sqm<br>Total COS: 821sqm (54% of site area)                                                                                                                                                                                                                                                                                                                             |
| <b>Job Creation</b>             | <ul style="list-style-type: none"> <li>• Approximately 40 construction jobs created</li> <li>• Approximately 10 operational jobs created</li> </ul>                                                                                                                                                                                                                                                    |

### 3.4 Demolition and Excavation

Existing structures are proposed to be demolished during demolition works for the proposed development. No new basement levels are proposed and only very minor excavation works are proposed. It is proposed to replace the existing basement structure, with some minor modifications to make fit-for-purpose.

Refer to the demolition plan included in the Architectural Drawings prepared as **Appendix E**.

### 3.5 Building Layout and Design

The proposed development is a 9-storey mixed-use building comprising residential dwellings and a ground floor retail premises. The ground floor includes a single retail tenancy, in addition to a residential lobby, building services, end-of-trip facilities, waste storage, loading bay and substation.

The proposed development includes the replacement of a single level of basement comprising car parking. No additional basement levels are proposed. Further car parking is also provided to level 1. Vehicle access to the Site is from Piccadilly Place. Vehicles will exit the Site onto Maroubra Road.

The proposed development includes 8 levels of residential development, including affordable rental housing. Dwellings are provided generous terraces and balconies that generally exceed the minimum balcony size and depth required in the Apartment Design Guide. Primary communal open space is proposed to the roof top, with an additional communal open space proposed to level 2. A mix of 1, 2 and 3-bedroom dwellings are proposed to provide for the different needs of the community.

A Design Verification Statement has been prepared by DJRD as **Appendix F**.

### 3.6 Substation Location

The substation is proposed to be located to the Maroubra Road, as it serves a number of surrounding properties and traffic signals. Alternative positions were offered to the service provider however these were rejected on grounds of requiring access easements, replacement from the public domain (Piccadilly Place is private land) and the ability to stage a transition of supply.

Numerous discussions have taken place between the Applicant, their Level 3 Electrical Designer and Ausgrid in February 2023 with regards to removing the substation; as that was the Applicant's preference. Unfortunately, the substation services the police site next door and there is no spare capacity in any of Ausgrid's nearby substations to divert power. The substation isn't able to be relocated to Piccadilly Place as this is a private road owned by Pacific Square and therefore the mains cables cannot be run down that road.

### 3.7 Proposed Development by Floor

Table 7: Proposed Development by Floor

| Floor        | Proposed Uses                                                                                                                                                                                                                                                              |
|--------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Basement     | <ul style="list-style-type: none"> <li>Car parking and storage</li> </ul>                                                                                                                                                                                                  |
| Ground Floor | <ul style="list-style-type: none"> <li>Retail premise</li> <li>Vehicle access and egress</li> <li>Services and loading</li> <li>Waste storage including separate retail waste and bulky waste stores</li> <li>Residential lobby</li> <li>End-of-trip facilities</li> </ul> |
| Level 1      | <ul style="list-style-type: none"> <li>3 x residential dwellings</li> <li>Car parking and storage</li> <li>Bicycle and motorcycle parking</li> </ul>                                                                                                                       |
| Level 2      | <ul style="list-style-type: none"> <li>9 x residential dwellings</li> <li>Communal open space and landscaping</li> </ul>                                                                                                                                                   |
| Level 3      | <ul style="list-style-type: none"> <li>9 x residential dwellings</li> </ul>                                                                                                                                                                                                |
| Level 4      | <ul style="list-style-type: none"> <li>9 x residential dwellings</li> </ul>                                                                                                                                                                                                |
| Level 5      | <ul style="list-style-type: none"> <li>9 x residential dwellings</li> </ul>                                                                                                                                                                                                |
| Level 6      | <ul style="list-style-type: none"> <li>9 x residential dwellings</li> </ul>                                                                                                                                                                                                |
| Level 7      | <ul style="list-style-type: none"> <li>8 x residential dwellings</li> </ul>                                                                                                                                                                                                |
| Level 8      | <ul style="list-style-type: none"> <li>8 x residential dwellings</li> </ul>                                                                                                                                                                                                |
| Roof         | <ul style="list-style-type: none"> <li>Communal open space and landscaping</li> <li>Services and plant</li> </ul>                                                                                                                                                          |

### 3.8 Services and Utilities

Services and utilities are primarily located to the Ground Floor, with some additional electrical and communication services provided on Level 1. Despite some services being necessarily located to the street and ground floor plane, it is considered suitable in its context, provided that for any multi-storey buildings certain parts of a street façade cannot comprise of an active frontage, including:

- Booster and sprinkler assemblies (Part E1 NCC Vol 1)
- Gas / water meter valves. (Authority requirements)
- Fire escapes (Part D2 NCC Vol 1)

Following extensive investigations, it was found that these cannot be relocated to Piccadilly Place as the land adjacent the boundary is not a public road.

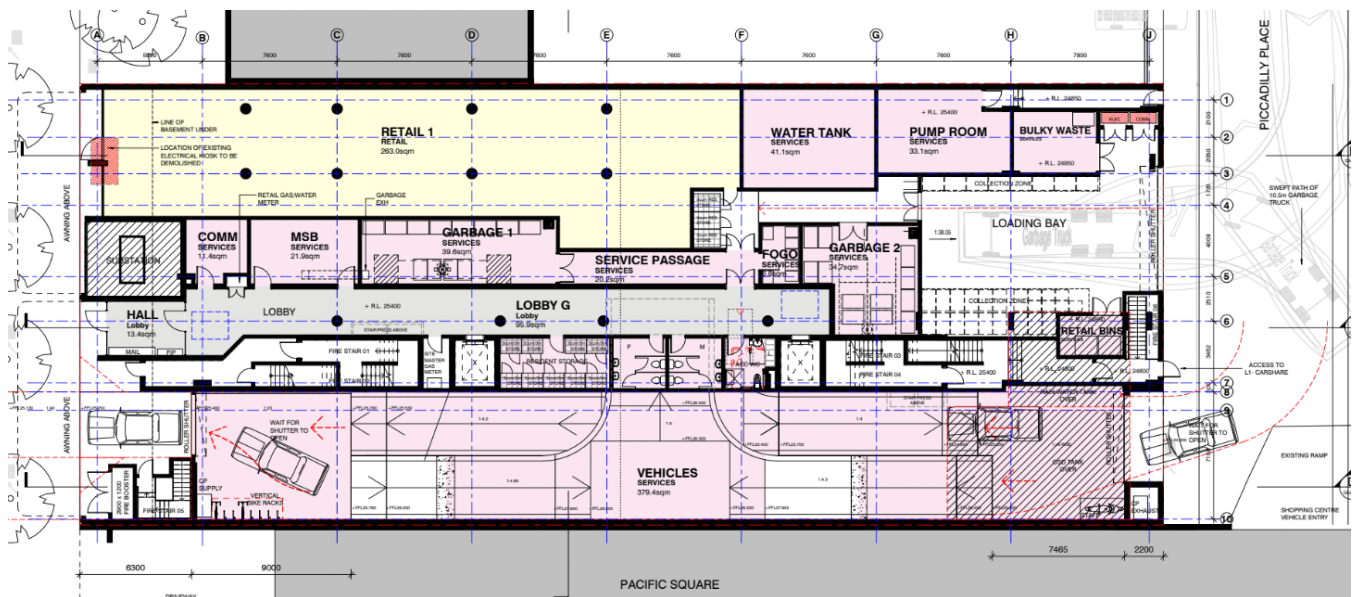


Figure 19: Ground Floor Plan showing main services and utility locations

Source: DJRD

### 3.9 Project Staging

The proposed development will be built in a single stage. The proposed development's power, water, communications & sewer will all be constructed at the same time. This will include all relevant infrastructure, such as substation, meters, fire pumps and the like.

### 3.10 Site Access & Parking

Pedestrian access for residents will be from Maroubra Road. A secondary pedestrian access for residents and car-share uses will be provided from Piccadilly Place as shown on the Architectural Drawings prepared by DJRD.

Separate vehicle access and egress is proposed to ensure efficient vehicle movement to and from the Site and to avoid potential conflicts with service vehicles accessing Pacific Square. Vehicle access to the Site is proposed from Piccadilly Place. Vehicle egress is proposed to Maroubra Road. The vehicle movement strategy for the proposed development is informed and supported by the Traffic Impact Assessment prepared as **Appendix H**.

### 3.11 Materials and Finishes

A materials and finishes schedule has been prepared by DJRD and included with the Architectural Drawings provided as **Appendix E**.

### 3.12 Landscaping & Deep Soil

A landscape plan has been prepared by Place Design Group and is provided as **Appendix I**. Landscaping is proposed to the rooftop and level 2 communal open spaces to facilitate community focused spaces and to provide suitably flexible areas for residents to enjoy. A total of 358sqm of landscaping is provided across these areas, as shown in Figure 22.

The existing building on the site is built to all four boundaries and has an existing basement level to the full extent of the Site. As a result, no deep soil landscaping currently exists at the Site. Whilst no new deep soil landscaping is proposed, the proposed development provides sufficient soil depths suitable for tree planting to the Level 2 and rooftop communal open spaces. The proposed development provides approximately 358sqm of landscaping on structure. This approach is suitable given the sites constraints and the proposed re-use of the existing basement level and footprint on the site.

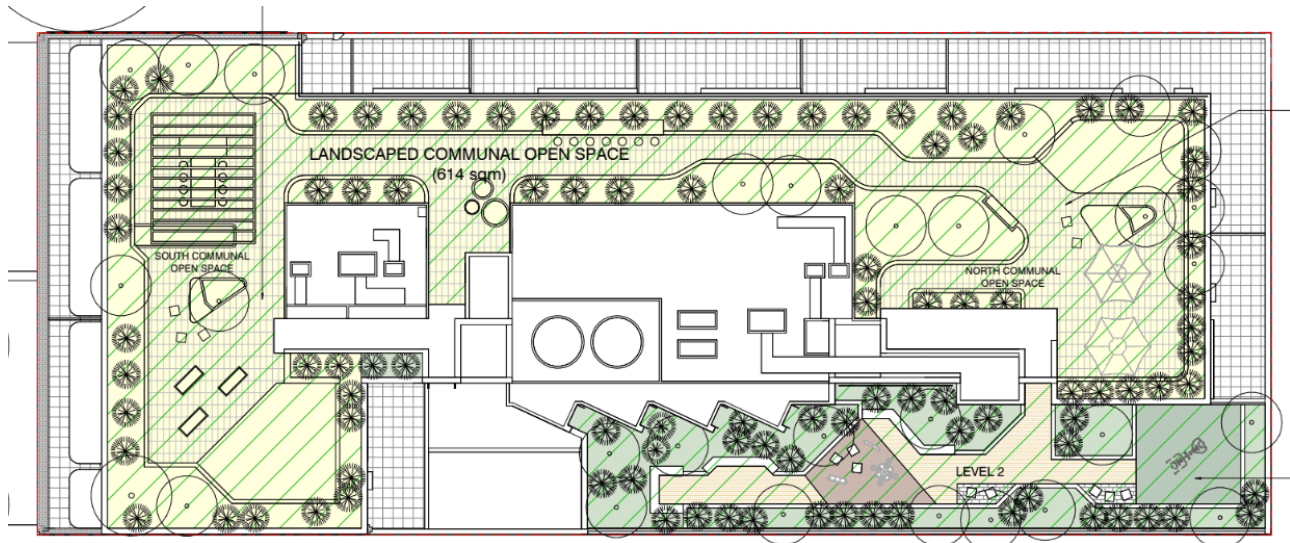


Figure 20: Landscaped areas (Rooftop & Level 2)

Source: DJRD

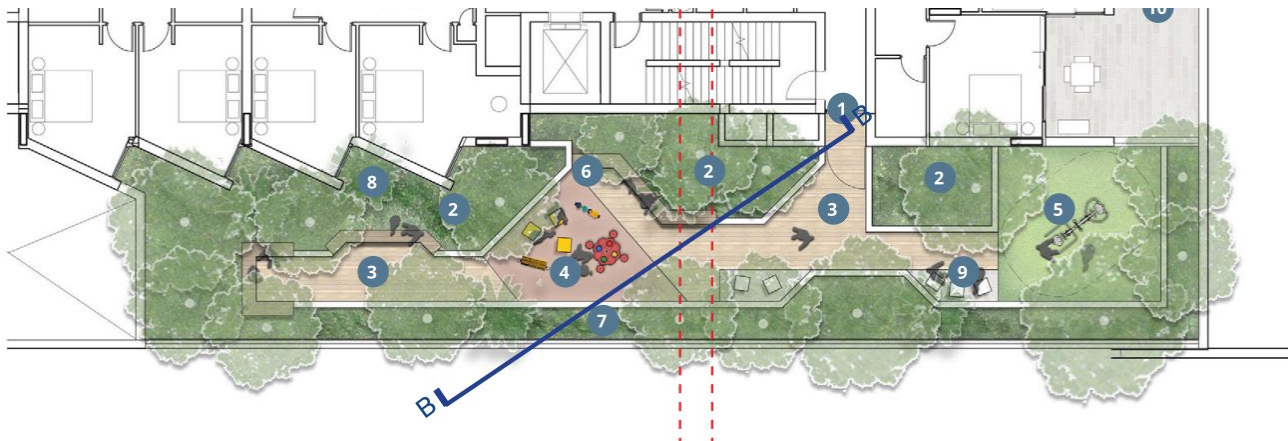
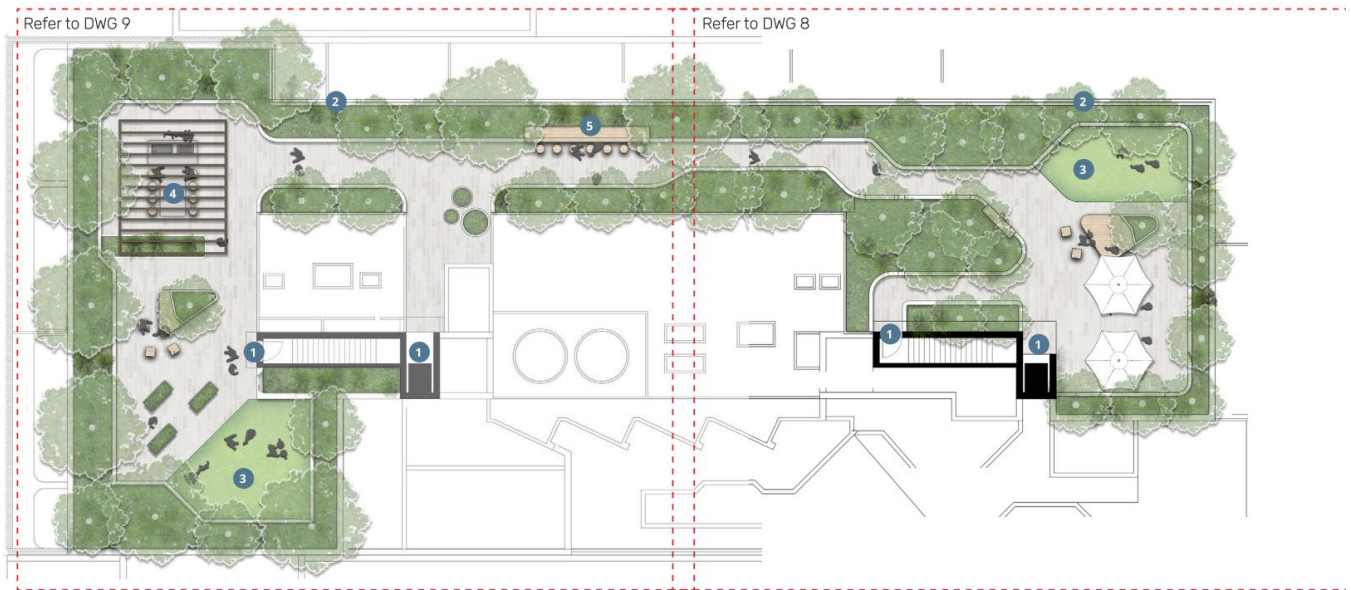


Figure 21: Level 2 landscape plan exert

Source: Place Design Group



**Figure 22: Rooftop landscape plan excerpt**  
Source: Place Design Group

### 3.13 Waste Management

A Construction & Demolition Waste Management Plan (**CDWP**) and Operational Waste Management Plan (**OMWP**) have been prepared by Elephants Foot as **Appendix J** and **Appendix K** respectively. Waste generated during the construction stage of the development will be managed by the principal contractor and sub-contractors, with materials being reused and recycled wherever possible. Where neither reuse nor recycling are possible, waste will be disposed of as general waste at a licensed landfill site.

The OWMP provides strategies and targets for the residential and retail components of the proposed development and has regard to Council's *Waste Management Guidelines for Proposed Developments 2012*. Sufficient waste rooms including bulky waste rooms are provided for all building users to adequately hold waste prior to collection.

### 3.14 Project Phases and Sequencing

The phases and sequencing of key project phases of the proposed development are estimated in Table 8. Durations are estimates only.

**Table 8: Project Phases**

| Project Phase          | Estimated Duration (months) (approx.)                         |
|------------------------|---------------------------------------------------------------|
| Demolition             | 2 months                                                      |
| Site Preparation Works | 1 month                                                       |
| Construction           | 19 months                                                     |
| Fit Out and Furnishing | 1 month                                                       |
| Operation              | from completion, approx. 24 months from start of construction |

### 3.15 Planning Agreements

No voluntary planning agreement, negotiated agreement or benefit-sharing schemes have been entered or agreed to by the proponent.

## 4.0 Alternatives Considered

Design alternatives have been considered during design development as summarised in Table 9.

Table 9: Summary of Alternatives Considered

| Design Alternative   | Description                                                                                                                                                  |
|----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Do Nothing Approach  | No development and retention of existing low-grade commercial building at the site.                                                                          |
| DCP Envelope Scheme  | Development massing as prescribed by Randwick DCP 2013.                                                                                                      |
| Proposed Development | The proposed development, which delivers a Housing SEPP compliant height and will provide 15% of the total GFA of the building as affordable rental housing. |

### 4.1 Do Nothing Alternative

The existing building on the site is a low-grade commercial building that has been vacant for some time. The entire existing building is subject to a fire certificate and would require significant remedial works to make the building suitable for occupation. A 'do nothing' alternative is not the best use of the land and is inconsistent with the Site's strategic location within the Eastgardens-Maroubra Junctions Strategic Centre – and intent in Council's own plans and policies. The Site can be better utilised to deliver market and affordable housing and new retail floor space. The 'do-nothing' alternative would result in:

- A vacant commercial building within Maroubra Junction Town Centre, that is not fit for purpose and does not contribute to the town centre or serve the needs of the community,
- A shortfall of housing supply including affordable housing in Maroubra Junction, contrary to government priorities and the National Housing Accord,
- A scale and density at the Site that is inconsistent with development anticipated under the LEP and Housing SEPP for well-located and accessible areas, and
- The loss of new retail floor space and active frontages along Maroubra Road, as would be delivered by the proposed development.

### 4.2 Randwick DCP 2013 Envelope

The Randwick DCP 2013 identifies the Site as within 'block 6' of the Maroubra Junction Centre.

The DCP block 6 controls prescribes a 'C-shape' building envelope at the Site and the neighbouring land at 134-136 Maroubra Road, which is currently the Maroubra NSW Police Station, understood to be a strategically important police station for the Eastern Beaches Police Area Command.

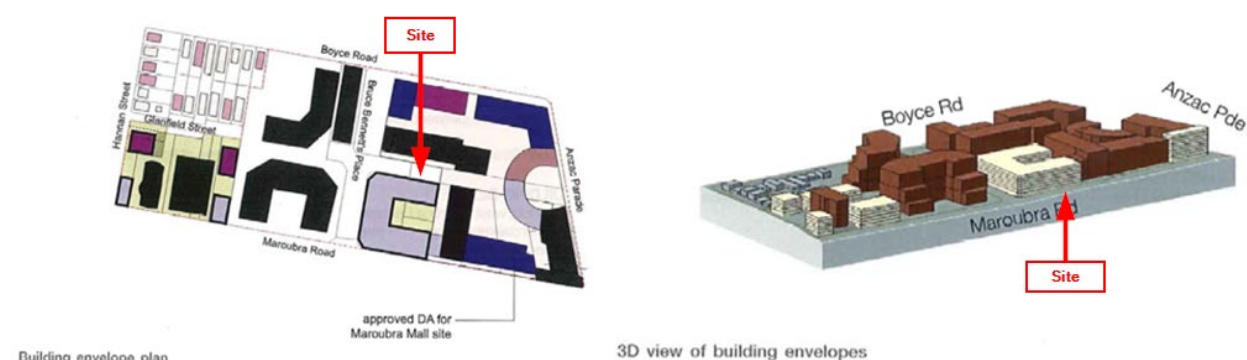


Figure 23: Randwick DCP Envelope for the Site

Source: Randwick DCP 2013

In order to deliver the DCP envelope in its entirety, the Site would be required to be amalgamated with the neighbouring Maroubra NSW Police Station (**police site**), which is Crown Land. The Site cannot be amalgamated with the police site for a number of reasons, as set out below.

Primarily, an offer to purchase the police site in 2023 was refused by the then Department of Planning and Environment's Crown Lands team. Email correspondence between the Applicant and NSW Police is provided as **Appendix L**, which confirms that NSW Police are not willing to consider offers for the Site due to the stations ongoing

strategic importance. Additionally, Police NSW noted that the police site land was subject to two Aboriginal Land Claims under the Aboriginal Land Rights Act 1983. Crown Lands advised the Applicant that “*In the circumstances, and despite noting the unsolicited submission is a formal application, Crown Lands has determined not to proceed with the sale application and advises the property is not for sale.*”

The planning principle for site isolation is considered in Section 8.6 of this EIS.

The Applicant has tested an alternative scheme that would deliver the ‘part’ of the DCP envelope that was located on the Site. The remainder of the DCP envelope, located on the police station land, would be subject to a future development application. Figure 25 shows that more than 60% of the DCP envelope is located on the police site (shown yellow). Development that complied with the DCP envelope but did not include the police site would be restricted to two isolated tower forms at the north and south of the land (shown orange), and would not be a feasible development.

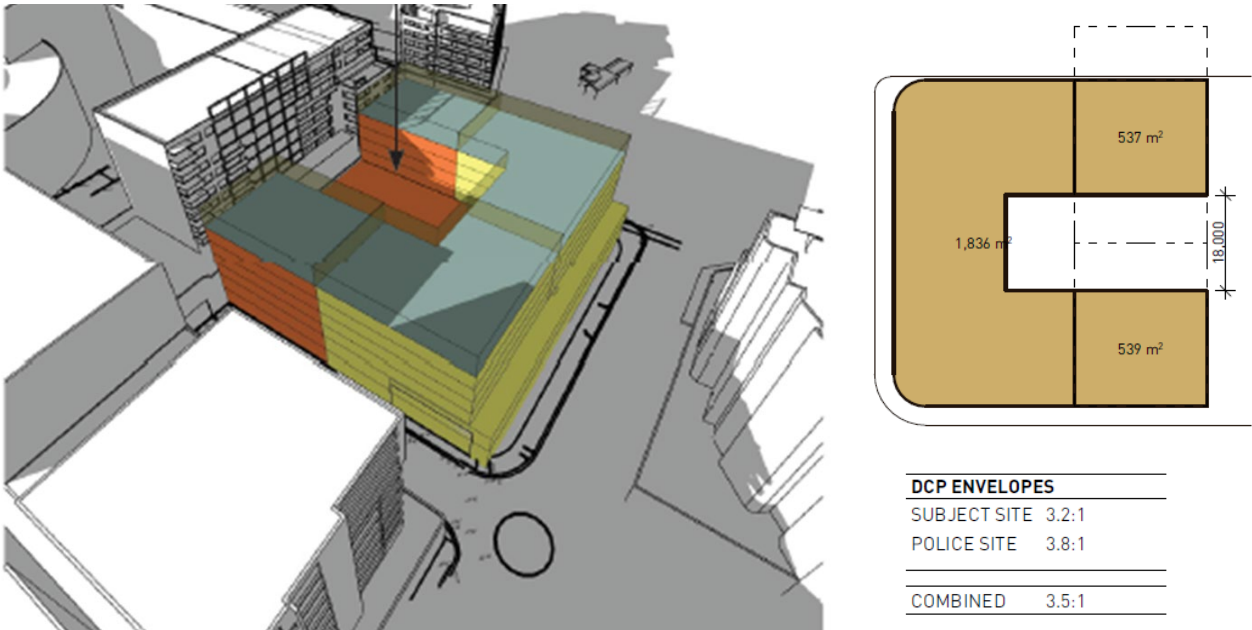


Figure 24: DCP Envelope massing across proposed Site (orange) and Police Site (yellow)  
Source: DJRD, Smith & Tzannes

In addition, analysis of the DCP envelope undertaken also demonstrates that the proposed central communal open space ‘courtyard’ does not receive adequate solar access in accordance with the ADG and would result in self-shadowing of apartments to the south. Further, it would result in two wings of the building (i.e. 2/3rds of the eastern side boundary) that would be built to the neighbouring boundary, resulting in considerable view and solar impact.

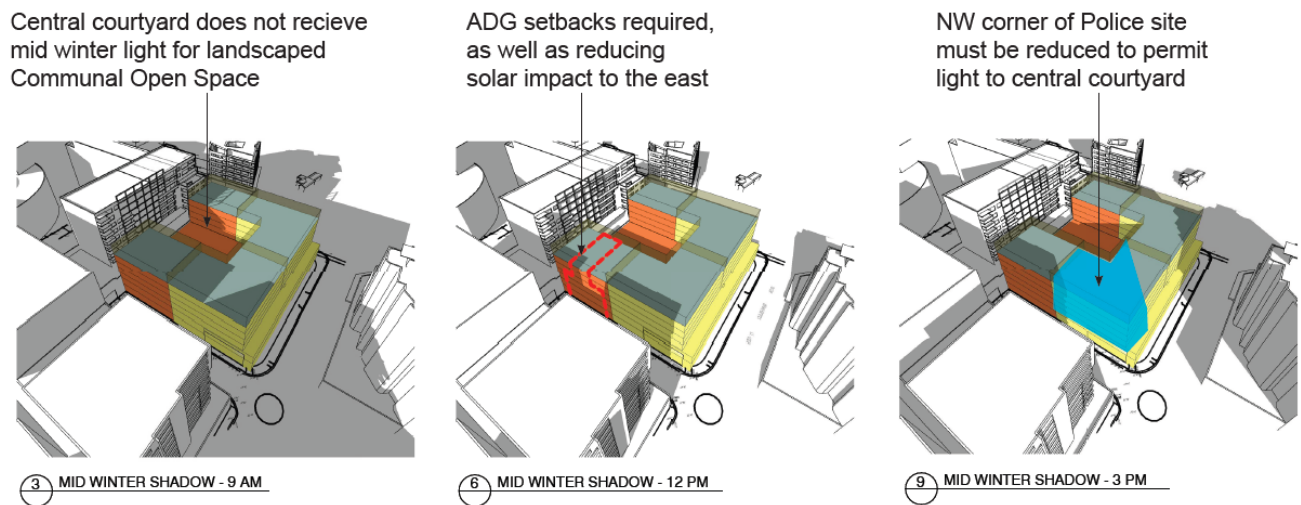


Figure 25: DCP Envelope Analysis  
Source: DJRD

A study of an alternate plan for the site and the neighbouring police site demonstrates that the two parcels can be developed separately, and that the proposed development does not compromise future development of the police site. The proposed scheme achieves a better outcome in terms of communal open space, cross ventilation and solar access than the DCP envelope.

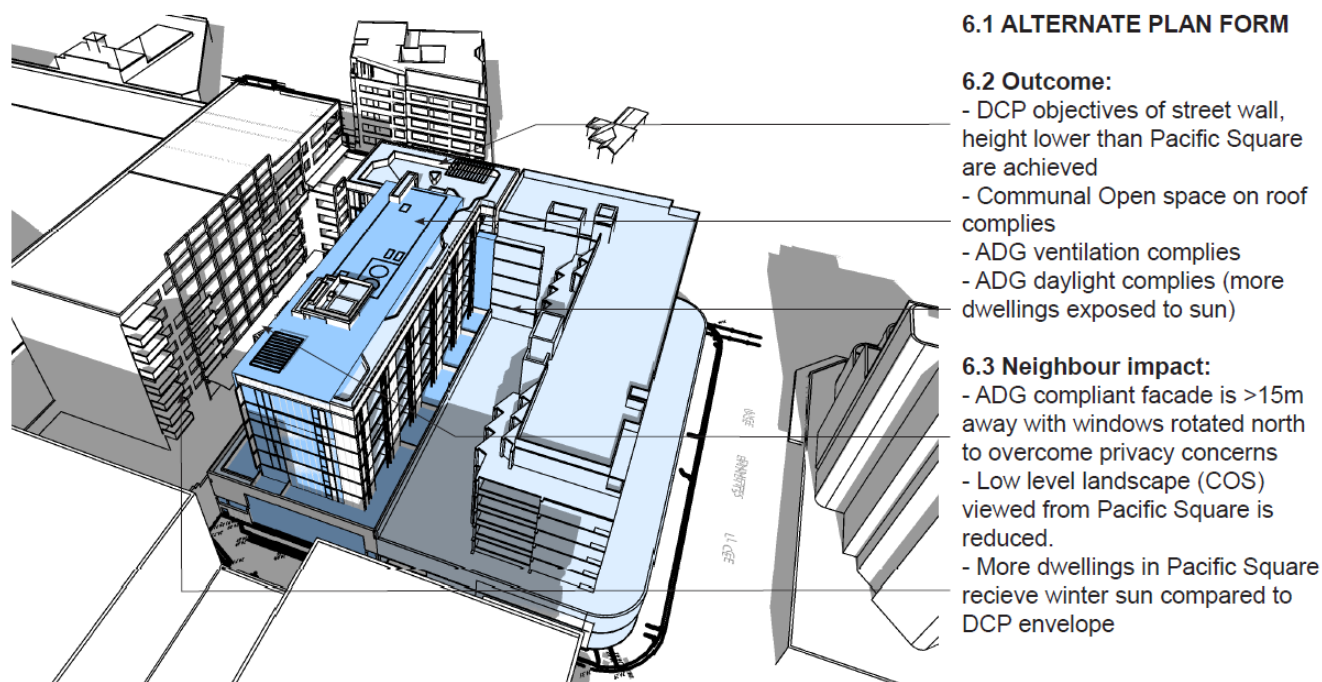


Figure 26: Study of alternative to DCP with Police concept scheme  
Source: DJRD

### 4.3 The Proposed Development

It is reasonable and appropriate to propose an alternative building envelope to that prescribed by the DCP, which does not apply to State Significant Development and relies on site amalgamation with the Maroubra Police Station. We note that pursuant to Section 2.10(1)(a) of *State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP)*, a DCP does not apply to State Significant Development and there is no statutory requirement to comply with the building envelope prescribed under the 2013 DCP. In any case, Section 3.42 of the Environmental Planning and Assessment Act 1979 reinforces the purpose and status of DCPs, which are to facilitate development that is permissible under any such instrument and are not to have the practical effect of preventing or unreasonably restricting development that is otherwise permissible under an environmental planning instrument.

The proposed development in effect 'rotates' the DCP C-shape envelope so that part of the envelope can be delivered on the Site, whilst still facilitating future feasible development at the Police Station Site. This alternative envelope achieves better visual outlook, privacy and solar access to neighbours and residents of the proposed building. The proposed 'U-shape' provides comparable potential yields for the development Site and for the neighbouring Police station land, in the event that that land is redeveloped in the future, as demonstrated in Figure 28.

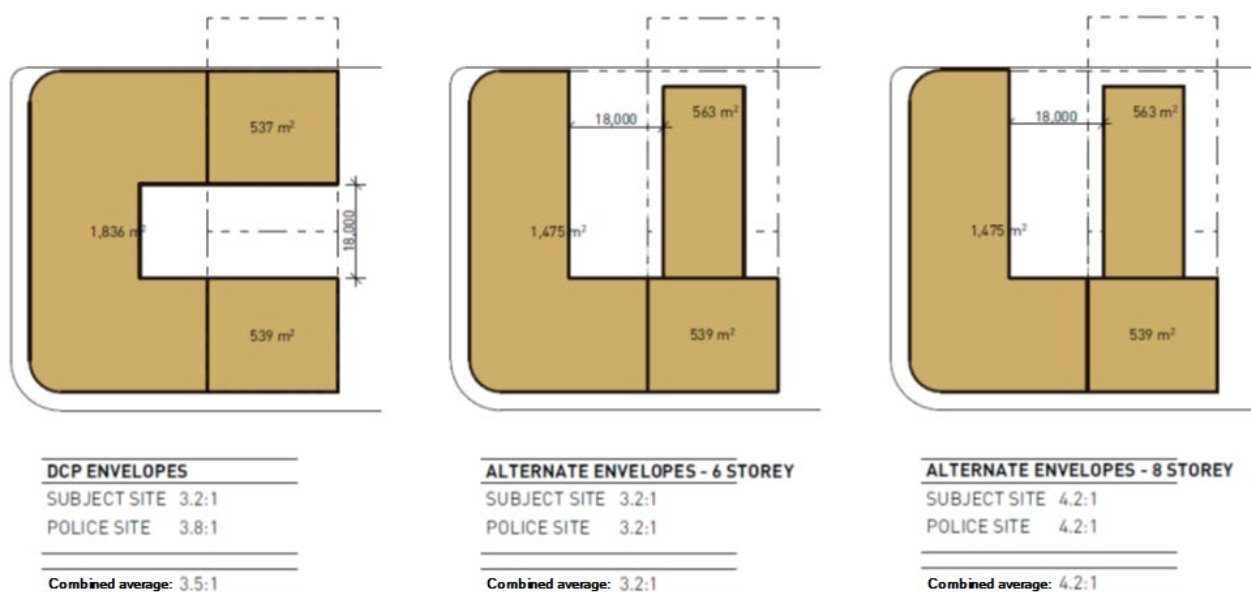


Figure 27: DCP and proposed envelope comparison

Source: Smith & Tzannes

The proposed development is the preferred option as it provides for economic and orderly development of the Site, does not unreasonably impact neighbouring development and will allow future development to occur to the neighbouring Maroubra Police Station land. The proposed envelope, which utilises the 30% additional height permitted for the delivery of 15% infill affordable housing pursuant to Section 16 of Chapter 2, Part 2 of the Housing SEPP will deliver 64 dwellings including 13 affordable rental dwellings within the East Gardens-Maroubra Junction strategic centre. The proposed development reflects NSW State Government priorities to locate new dwellings including affordable dwellings within and near established town centres, close to transport, jobs and social infrastructure.

## 5.0 Statutory Context

Relevant statutory requirements of the proposed development are considered in Table 10.

Table 10: Assessment of Statutory Context

| Category                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Action Required                                                                                                                                                                                                                                                                                                                                                                                                                                                          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---------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Power to grant approval                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <ul style="list-style-type: none"> <li>Section 4.36(2) of the Environmental Planning &amp; Assessment Act (1979) (<b>EP&amp;A Act</b>) states: “A State environmental planning policy may declare any development, or any class or description of development, to be State significant development.”</li> <li>The proposed development is declared to be state significant under Schedule 1, Section 26A of State Environmental Planning Policy (Planning Systems) 2021 (<b>Planning Systems SEPP</b>).</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               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| Qualification to be State Significant Development                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <p><b>Planning Systems SEPP</b></p> <ul style="list-style-type: none"> <li>In accordance with Section 26A of Schedule 1 of the Planning Systems SEPP, development for the purposes of residential development that includes in-fill affordable housing pursuant to Chapter 2, Part 2, Division 1 of State Environmental Planning Policy (Housing) 2021 (<b>Housing SEPP</b>), with an Estimated Development Cost (<b>EDC</b>) of more than \$75 million on land within the Eastern Harbour City in the Six Cities Region is declared to be State Significant Development for the purposes of Division 4.7 of the EP&amp;A Act.</li> <li>The proposed development is State Significant Development as the proposal is residential development that includes in-fill affordable housing pursuant to Chapter 2 of the Housing SEPP, is in the Eastern Harbour City pursuant to Schedule 9 of the EP&amp;A Act and has an EDC of more than \$75 million.</li> <li>The proposed development is assessed against the requirements of the Planning Systems SEPP below:</li> </ul> <table> <tr> <th>Planning Systems SEPP, Schedule 1, Section 26A</th><th>Assessment</th></tr> <tr> <td> <p>(1) Development to which State Environmental Planning Policy (Housing) 2021, Chapter 2, Part 2, Division 1 applies if—</p> <p>(a) the part of the development that is residential development has an estimated development cost of—</p> <p>(i) for development on land in the Eastern Harbour City, Central River City or Western Parkland City in the Six Cities Region—more than \$75 million, or</p> <p>(ii) for development on other land—more than \$30 million, and</p> </td><td> <ul style="list-style-type: none"> <li>Chapter 2, Part 2, Division 1 of the Housing SEPP applies to the development.</li> <li>The development is on land in the Eastern Harbour City per Schedule 9 of the EP&amp;A Act as it is land within the City of Randwick LGA.</li> <li>The residential component of the development has an EDC of more than \$75 million, refer to the EDC Report prepared as <b>Appendix D</b>.</li> </ul> </td></tr> <tr> <td> <p>(b) the development does not involve development prohibited under an environmental planning instrument applying to the land.</p> </td><td> <p>The proposed development is permitted with consent on the land under the Randwick LEP and does not involve any prohibited development.</p> </td></tr> <tr> <td> <p>(1A) In determining the estimated development cost for subsection (1)(a), the estimated development cost of existing residential development must be included if—</p> <p>(a) the development will be carried out on the same land as the existing residential development, and</p> <p>(b) the development will result in—</p> <p>(i) for development on land to which subsection (1)(a)(i) applies—at least 40 additional dwellings, or</p> <p>(ii) for development on land to which subsection (1)(a)(ii) applies—at least 20 additional dwellings.</p> </td><td> <p>No existing residential development is present on the land and in accordance with Subsection (2B) below, Subsection (1A) does not apply.</p> </td></tr> <tr> <td> <p>(2) This section does not apply to—</p> <p>(a) development to which State Environmental Planning Policy (Housing) 2021, Chapter 3, Part 4 applies, or</p> </td><td> <p>Chapter 3, Part 4 of the Housing SEPP does not apply to the development, and the development application has not been made before the commencement of this section.</p> </td></tr> </table> | Planning Systems SEPP, Schedule 1, Section 26A | Assessment | <p>(1) Development to which State Environmental Planning Policy (Housing) 2021, Chapter 2, Part 2, Division 1 applies if—</p> <p>(a) the part of the development that is residential development has an estimated development cost of—</p> <p>(i) for development on land in the Eastern Harbour City, Central River City or Western Parkland City in the Six Cities Region—more than \$75 million, or</p> <p>(ii) for development on other land—more than \$30 million, and</p> | <ul style="list-style-type: none"> <li>Chapter 2, Part 2, Division 1 of the Housing SEPP applies to the development.</li> <li>The development is on land in the Eastern Harbour City per Schedule 9 of the EP&amp;A Act as it is land within the City of Randwick LGA.</li> <li>The residential component of the development has an EDC of more than \$75 million, refer to the EDC Report prepared as <b>Appendix D</b>.</li> </ul> | <p>(b) the development does not involve development prohibited under an environmental planning instrument applying to the land.</p> | <p>The proposed development is permitted with consent on the land under the Randwick LEP and does not involve any prohibited development.</p> | <p>(1A) In determining the estimated development cost for subsection (1)(a), the estimated development cost of existing residential development must be included if—</p> <p>(a) the development will be carried out on the same land as the existing residential development, and</p> <p>(b) the development will result in—</p> <p>(i) for development on land to which subsection (1)(a)(i) applies—at least 40 additional dwellings, or</p> <p>(ii) for development on land to which subsection (1)(a)(ii) applies—at least 20 additional dwellings.</p> | <p>No existing residential development is present on the land and in accordance with Subsection (2B) below, Subsection (1A) does not apply.</p> | <p>(2) This section does not apply to—</p> <p>(a) development to which State Environmental Planning Policy (Housing) 2021, Chapter 3, Part 4 applies, or</p> | <p>Chapter 3, Part 4 of the Housing SEPP does not apply to the development, and the development application has not been made before the commencement of this section.</p> |
| Planning Systems SEPP, Schedule 1, Section 26A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Assessment                                                                                                                                                                                                                                                                                                                                                                                                                                                               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| <p>(1) Development to which State Environmental Planning Policy (Housing) 2021, Chapter 2, Part 2, Division 1 applies if—</p> <p>(a) the part of the development that is residential development has an estimated development cost of—</p> <p>(i) for development on land in the Eastern Harbour City, Central River City or Western Parkland City in the Six Cities Region—more than \$75 million, or</p> <p>(ii) for development on other land—more than \$30 million, and</p>                                                                            | <ul style="list-style-type: none"> <li>Chapter 2, Part 2, Division 1 of the Housing SEPP applies to the development.</li> <li>The development is on land in the Eastern Harbour City per Schedule 9 of the EP&amp;A Act as it is land within the City of Randwick LGA.</li> <li>The residential component of the development has an EDC of more than \$75 million, refer to the EDC Report prepared as <b>Appendix D</b>.</li> </ul>                                     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| <p>(b) the development does not involve development prohibited under an environmental planning instrument applying to the land.</p>                                                                                                                                                                                                                                                                                                                                                                                                                         | <p>The proposed development is permitted with consent on the land under the Randwick LEP and does not involve any prohibited development.</p>                                                                                                                                                                                                                                                                                                                            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| <p>(1A) In determining the estimated development cost for subsection (1)(a), the estimated development cost of existing residential development must be included if—</p> <p>(a) the development will be carried out on the same land as the existing residential development, and</p> <p>(b) the development will result in—</p> <p>(i) for development on land to which subsection (1)(a)(i) applies—at least 40 additional dwellings, or</p> <p>(ii) for development on land to which subsection (1)(a)(ii) applies—at least 20 additional dwellings.</p> | <p>No existing residential development is present on the land and in accordance with Subsection (2B) below, Subsection (1A) does not apply.</p>                                                                                                                                                                                                                                                                                                                          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| <p>(2) This section does not apply to—</p> <p>(a) development to which State Environmental Planning Policy (Housing) 2021, Chapter 3, Part 4 applies, or</p>                                                                                                                                                                                                                                                                                                                                                                                                | <p>Chapter 3, Part 4 of the Housing SEPP does not apply to the development, and the development application has not been made before the commencement of this section.</p>                                                                                                                                                                                                                                                                                               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|--|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | (b) a development application made, but not finally determined, before the commencement of this section.                                                                                                                                       |                                                                                                                                                                                 |
|  | (2A) This section, as in force immediately before the commencement of State Environmental Planning Policy Amendment (Housing) 2024, continues to apply to a development application made, but not finally determined, before the commencement. | The development application has not been made prior to the commencement of State Environmental Planning Policy Amendment (Housing) 2024.                                        |
|  | (2B) Subsection (1A) applies only if the development application for the development is made—<br>(a) on or after 2 August 2024, and<br>(b) before 3 August 2025.                                                                               | The development application for the development is not made on or after 2 August 2024 and before 3 August 2025 and therefore 1A does not apply to this development application. |

|                       |                                                                                                                                                                                                                                                                                                                                                   |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Permissibility</b> | <b>Randwick Local Environmental Plan 2012</b><br>The <i>Randwick Local Environmental Plan 2012</i> (RLEP) is the applicable environmental planning instrument that applies to the site. The site is zoned E2 Commercial Centre under the LEP and development for the purpose of <i>shop top housing</i> is permitted with consent in the E2 Zone. |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                        |                                                                                                                                                                                                                                           |
|------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Other Approvals</b> | <b>Approval under the EP&amp;A Act</b><br>Section 4.41 of the EP&A Act lists certain authorisations that are not required for State Significant Development. The following authorisations do not apply for State Significant Development. |
|------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

| Authorisation                                                                                                                                                                                                     | Would authorisation be required if not SSD? |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|
| a permit under section 201, 205 or 219 of the Fisheries Management Act 1994,                                                                                                                                      | No                                          |
| an approval under Part 4, or an excavation permit under section 139, of the Heritage Act 1977,                                                                                                                    | No                                          |
| an Aboriginal heritage impact permit under section 90 of the National Parks and Wildlife Act 1974,                                                                                                                | No                                          |
| a bush fire safety authority under section 100B of the Rural Fires Act 1997,                                                                                                                                      | No                                          |
| a water use approval under section 89, a water management work approval under section 90 or an activity approval (other than an aquifer interference approval) under section 91 of the Water Management Act 2000. | No                                          |

Section 4.42 of the EP&A Act stipulates that certain authorisations cannot be refused if it is necessary for carrying out state significant development. The Section applies to the following authorisations.

| Authorisation                                                                                                                                                               | Is authorisation required for the proposed development? |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|
| an aquaculture permit under section 144 of the Fisheries Management Act 1994,                                                                                               | No                                                      |
| an approval under the Coal Mine Subsidence Compensation Act 2017, section 22,                                                                                               | No                                                      |
| a mining lease under the Mining Act 1992,                                                                                                                                   | No                                                      |
| a production lease under the Petroleum (Onshore) Act 1991,                                                                                                                  | No                                                      |
| an environment protection licence under Chapter 3 of the Protection of the Environment Operations Act 1997 (for any of the purposes referred to in section 43 of that Act), | No                                                      |
| a consent under section 138 of the Roads Act 1993,                                                                                                                          | <b>Yes</b>                                              |
| a licence under the Pipelines Act 1967.                                                                                                                                     | No                                                      |

#### Approval under EPBC Act

The proposed development is located within a highly urbanised area without any significant vegetation on site. It is considered that the proposed development is unlikely to impact a matter of

national environmental significance and does not contain any controlled action requiring approval under the *Environmental Protection and Biodiversity Conservation Act 1999 Act* (EPBC Act).

**Pre-condition to exercising the power to grant approval**

The following pre-conditions are addressed as per Appendix D of the *State Significant Development Guidelines – preparing an environmental impact statement*:

| Statutory Reference                                         | Pre-condition                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Relevance                                                                                                                                                                                                                                                     | Section in EIS |
|-------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| SEPP Biodiversity and Conservation 2021- section 6.1        | A consent authority must not grant consent to the carrying out of development under Part 4 of the Act on land in the Sydney drinking water catchment unless it is satisfied that the carrying out of the proposed development would have a neutral or beneficial effect on water quality.                                                                                                                                                                                                      | The project is located on land within the Sydney Harbour Catchment. The proposed development will have a neutral or beneficial effect on water quality.                                                                                                       | 8.17           |
| SEPP Resilience and Hazards 2021 - section 4.6(1)           | A consent authority must consider whether land is contaminated.                                                                                                                                                                                                                                                                                                                                                                                                                                | The DSI concludes that “ <i>the site, from a contamination standpoint, is suitable for the proposed mixed residential / commercial development.</i> ” In any case, only minor excavation is proposed as part of the development.                              | 8.15           |
| SEPP Transport and Infrastructure 2021 – section 2.118      | Consent for development for any of the following purposes on land reserved for the purposes of a classified road (but before the land is declared to be a classified road) may be granted only with the concurrence of TfNSW;<br>(b) development with an estimated development cost greater than \$185,000,                                                                                                                                                                                    | No works are proposed on land reserved for the purposes of a classified road.                                                                                                                                                                                 | N/A            |
| SEPP Transport and Infrastructure 2021 – section 2.222      | A public authority, or a person acting on behalf of a public authority, must not carry out development to which this section applies that this Chapter provides may be carried out without consent unless the authority or person has—<br>(a) given written notice of the intention to carry out the development to TfNSW in relation to the development, and<br>(b) taken into consideration any response to the notice that is received from TfNSW within 21 days after the notice is given. | The proposed development is not traffic generating development under s2.122 of the T&I SEPP, as the proposed development does not contain 75 or more dwellings, and does not propose 2,500sqm of commercial GFA (per Column 3 of Schedule 3 of the T&I SEPP). | N/A            |
| Concept development consent (refer section 4.24 of the Act) | Determination of any further development application in respect of the site cannot be inconsistent with the consent for the concept proposals for the development of the site.                                                                                                                                                                                                                                                                                                                 | A concept consent does not apply to the site                                                                                                                                                                                                                  | N/A            |

## 5.1 Mandatory Considerations

The consent authority must consider the below matters in deciding whether to grant consent to the SSDA, in accordance with Appendix E of *State Significant Development Guidelines – preparing an environmental impact statement*.

| Statutory Reference                                        | Mandatory Consideration                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Section in EIS                                                                         |
|------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| <b>Consideration under the EP&amp;A Act and Regulation</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                        |
| Section 1.3                                                | Relevant objects of the Act: <ul style="list-style-type: none"> <li>to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</li> <li>to promote the orderly and economic use and development of land,</li> <li>to promote good design and amenity of the built environment,</li> <li>to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,</li> <li>to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,</li> </ul> | <b>9.1.</b>                                                                            |
| Section 4.15                                               | Relevant Environmental Planning Instruments: <ul style="list-style-type: none"> <li>SEPP Sustainable Buildings 2022</li> <li>SEPP Housing 2021</li> <li>Randwick LEP 2012</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <b>Appendix M</b>                                                                      |
|                                                            | Relevant proposed Environmental Planning Instruments <ul style="list-style-type: none"> <li>Nil</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <b>N/A.</b>                                                                            |
|                                                            | Relevant Development Control Plans: <ul style="list-style-type: none"> <li>Randwick DCP 2013</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <b>N/A.</b><br><b>Per s2.10 of SEPP Planning Systems, a DCP does not apply to SSD.</b> |
|                                                            | the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <b>7.0, 9.3, 9.4, 9.5.</b>                                                             |
|                                                            | The suitability of the site for the development.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>9.6</b>                                                                             |
|                                                            | The public interest.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <b>9.7.</b>                                                                            |
| Section 4.24                                               | Relevant concept approval <ul style="list-style-type: none"> <li>Nil</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>N/A.</b>                                                                            |
| <b>Considerations under EPIs</b>                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                        |
| SEPP Sustainable Buildings 2022                            | SEPP Sustainable Buildings applies to the mixed use development. The ESD Report provided as <b>Appendix N</b> provides a detailed assessment against relevant provisions of the SEPP.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <b>Appendix N</b>                                                                      |
| SEPP Transport & Infrastructure 2021                       | The consent authority must consider the safe vehicular access provided by a road other than the classified road, and that the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                        |
| SEPP Housing 2021                                          | Chapter 2 and Chapter 4 of the Housing SEPP are relevant for the proposed development which includes infill affordable housing.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                        |
| Randwick LEP 2012                                          | The LEP is the primary EPI applying to the site. An assessment against relevant provisions of the LEP is provided in the Statutory Compliance Table attached as <b>Appendix M</b> .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                        |

# 6.0 Engagement

Engagement has been undertaken in accordance with SEARs Item 4 and DPHI’s *Undertaking Engagement Guidelines for State Significant Projects*. An Engagement Report has been prepared by Notting Hill Advisory and is attached as **Appendix O** in support of the proposed development.

## 6.1 Department of Planning, Housing and Infrastructure

An early scoping meeting was held on 4 February 2025 between representatives from the Applicant and DPHI. Following the meeting, an RFI response letter was provided to DPHI on 27 February, that clarified a number of items relating to the proposed development. These items related to minimum floor to floor heights, solar access to neighbours, car parking and clarification around the previous local DA proposal. All items were addressed in detail, and the RFI response if provided as Appendix 3 to the Engagement Report.

It is also noted that whilst the RFI states that the project would need to go to the State Design Review Panel (**SDRP**) due to a design excellence clause in the LEP, correspondence with DPHI and the Government Architect (GA) in March 2025 confirmed that an SDRP was not required. Design excellence is addressed in Section 8.10.

### 6.1.1 SEARs Covering Letter

The covering letter accompanying the industry specific SEARs received from DPHI dated 31 March 2025 included two additional assessment requirements that are addressed in this EIS, as summarised in Table 11.

Table 11: SEARs covering letter from DPHI

| Requirement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Addressed in EIS                            |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|
| <p>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:</p> <p>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.</p> <p>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.</p> | <p>A requirement to provide evidence of an agreement or restriction on title that prevents the Western Neighbour’s landowner (being NSW Crown) from redeveloping that land in the future is unnecessary and contrary to Object (c) of the EP&amp;A Act, “to promote the orderly and economic use and development of land.”</p> <p>The Western Neighbour is the Maroubra Police Station, an important operational station that is unlikely to be redeveloped in the future. The land is also subject to an unresolved native title claim, as confirmed during negotiation between the Applicant and Crown Lands, and as provided in <b>Appendix L</b>.</p> <p>Nonetheless, the proposed development has been appropriately setback to preserve the residential amenity of the development and enable a future development on the Western Neighbours land. A concept scheme for the Western Neighbour has been provided and demonstrates that that site can be redeveloped in the future and would achieve commensurate amenity and gross floor area.</p> <p>The Western Neighbour, by virtue of being bound by Piccadilly Place to the north and Bruce Bennett Place to the west, can achieve good solar access and outlook for future residents whilst ensuring adequate building separation to the proposed development at 138 Maroubra Road is maintained.</p> | <p><b>Sections 7.0, 8.3, &amp; 8.6.</b></p> |
| <p>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.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <p>This EIS has provided a comprehensive response to the reasons for refusal of DA/80/2023 and the related court appeal.</p> <p>It is important to note that the statutory and strategic planning context has changed considerably since the refusal and subsequent dismissal of the LEC appeal. The infill affordable housing provisions in Chapter 2 of the Housing SEPP could not be utilised at the time of determination due to the savings and transitional provisions in Schedule 7A of the Housing SEPP. These provisions can now be utilised and the proposed</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <p><b>Sections 1.8.3 &amp; 7.0.</b></p>     |

development seeks a compliant height of 32.5m for the delivery of at least 15% of total GFA as affordable housing.

These reforms were implemented by the State Government in response to the Federal Government's National Housing Accord to address the growing housing crisis in Australia.

In any case, this EIS provides detailed assessment of the proposed development's environmental, social and economic impacts and addresses the reasons for refusal of the previous DA and LEC appeal.

## 6.2 NSW Police

A deed of agreement between the Applicant and NSW Police will commence on the date a development consent for the proposed development is received, refer **Appendix G**. The deed provides agreed mitigation measures to be undertaken by the Applicant during construction works, including hoardings and temporary parking arrangements for Police vehicles, as well as providing arrangements for site access where required.

## 6.3 Randwick City Council

The Applicant met with Council on the 18 October 2022 and Council's Design Excellence Advisory Panel (**DEAP**) on 30 August 2022 during pre-lodgement discussions for the previous DA. Council will have an opportunity to respond to the proposed development during the public exhibition process.

Council and DEAP pre-lodgement consultation is summarised in the following sections.

### 6.3.1 Pre-Lodgement 18 October 2022

During pre-lodgement discussions between representatives of the Applicant and Council, Council raised the following matters relevant to the SSDA proposed development, as addressed in Table 12.

Table 12: Pre-DA Engagement with Council

| Council Comment                                                                                                                                                                                                                                                                                                                                                                                                                                        | Summary of Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Addressed in EIS                                            |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| <b>Building Height</b><br>The proposed size and scale associated with a variation to the Height of buildings standard in the LEP would be difficult for Council to support unless it can be demonstrated that the objectives of the standard are being satisfied noting the key objectives relate to ensuring the built form is compatible with the desired streetscape character and does not result in adverse impacts on the amenity of neighbours. | The proposed development is compliant with the permitted height under Chapter 2 of the Housing SEPP, which provides for an additional 30% building height over the permitted LEP height for the provision of at least 15% of the total GFA as affordable rental housing, to be managed by a community housing provider for a minimum of 15 years.<br>Notwithstanding, the built form is compatible with the existing and desired streetscape character and does not result in adverse impacts on the amenity of neighbours mindful of the public benefit provided by the proposal.                   | <b>Section 8.1</b>                                          |
| <b>Height in Storeys DCP Control</b><br>Address the DCP 6 storeys height.                                                                                                                                                                                                                                                                                                                                                                              | Per Section 2.10(1)(a) of Planning Systems SEPP, the DCP does not apply to State Significant Development and there is no statutory requirement to comply with the building height in storeys prescribed under the 2013 DCP. Further, Section 3.42 of EP&A Act reinforces the purpose and status of DCPs, which are to facilitate development that is permissible under any such instrument (i.e. Chapter 2 of SEPP Housing) and are not to have the practical effect of preventing or unreasonably restricting development that is otherwise permissible under an environmental planning instrument. | <b>N/A</b>                                                  |
| <b>Neighbouring Amenity</b><br>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.                                                                                                                                                                                                                                                  | Neighbouring amenity is considered in this EIS and determines: <ul style="list-style-type: none"> <li>In terms of visual bulk, the proposed development may result in some impact on visual outlook from neighbouring dwellings to the east and north, however</li> </ul>                                                                                                                                                                                                                                                                                                                            | <b>Sections 8.3, 8.4 &amp; 8.5</b><br><br><b>Appendix P</b> |

|                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                 | <p>this is commensurate with and as anticipated by the planning controls (Housing SEPP) that apply to the land. Further, the proposed development provides better outlook from some dwellings in the neighbouring development compared to a DCP ‘C-Shape’ envelope, which would have greater impact, particularly to buildings located to the north, and north-eastern corner of the development site. Overall it is considered that the impact is acceptable in the circumstances.</p> <ul style="list-style-type: none"> <li>• In terms of privacy, the proposed development has been designed to prevent casual overlooking through pop-out windows (as found acceptable by the ADG, Appendices Part 4) and deep planting on structure to communal open spaces. Reasonable building separation has been provided that shares permitted ADG setbacks between the building to the east and a future building to the west (the Police Station Site) to provide for equitable privacy and solar access outcomes.</li> <li>• In terms of overshadowing, <ul style="list-style-type: none"> <li>– DJRD analysis shows that 7 dwellings (89%) currently receive 2 hours of midwinter light and the proposed development would cast shadow on 6 of those dwellings reducing their mid-winter light to 1.5 hours. The result is that 61 (81%) of dwellings in the building will receive 2 hours which is a reduction of 6% - thus complying with the ADG Objective 3b-2.</li> <li>– The vast majority of dwellings in the developments to the immediate south, across Maroubra Road, receive at least 2 hours of solar access on 21 June. Some studio dwellings on level 1 and 2 receive less than 2 hours of solar access on 21 June, however this impact is as anticipated by a complaint building envelope (and by Council’s DCP envelope if it were to include infill affordable housing and utilise a 30% height uplift as permitted under the Housing SEPP). It is inevitable that there is some solar impact on existing buildings immediately south of new development in dense urban environments, and the solar impact is reasonable given the sites constraints and surrounding context.</li> </ul> </li> </ul> |                                                    |
| <p><b>Site Isolation</b></p> <p>A future DA is required to address the site isolation planning principal provided by the Land and Environment Court (LEC) requiring:</p> <ul style="list-style-type: none"> <li>• A genuine attempt at securing the site adjoining identified as the Police Site.</li> <li>• Details showing how the police site can be developed on its own.</li> </ul>                                        | <p>The planning principal for site isolation is addressed in the EIS. In summary, a genuine attempt was made by the Applicant to purchase the Site (which was rejected by Crown Lands due to the operational importance of Maroubra Police Station) and the site can still be developed on its own in the future, as demonstrated in the concept scheme provided for the site</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <p><b>Section 8.6</b></p> <p><b>Appendix U</b></p> |
| <p><b>Building Separation</b></p> <p>The following comments are provided in relation to separation:</p> <ul style="list-style-type: none"> <li>• The separation from the northern site on the opposite side of Piccadilly Place requires 24m building to building separation under the ADG for habitable-to-habitable uses. This separation doesn’t appear to be provided at the 9th storey. Future documentation is</li> </ul> | <ul style="list-style-type: none"> <li>• Due to the constrained nature of the site, the proposed development cannot provide building separation as per the ADG as this would prevent the development from achieving an adequate or feasible floor plate.</li> <li>• However, the objectives of Part 3F are still achieved through alternative design solutions and the proposal will “<i>achieve reasonable levels of external and internal visual privacy</i>”.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <p><b>Section 8.3</b></p>                          |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|
| <p>required showing at each of the respective levels the separation required in the ADG.</p> <ul style="list-style-type: none"> <li>The eastern site requires variable separation of between 12m and 18m depending on the number of storeys. The proposal does not provide the requisite separation, seeking to configuring building and window layouts in a northeast and northwest direction to justify appropriate privacy. There are still some areas where this is not possible such as windows facing directly</li> </ul> | <ul style="list-style-type: none"> <li>The proposed development provides adequate building separation that will maintain privacy to existing neighbours to the north and east, whilst facilitating feasible development of the site and future feasible development of the NSW Police Site to the west.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                       |
| <p><b>Non-compliance with DCP Envelope ‘C-Shape’</b></p> <p>There are concerns that the proposed T shaped layout is far less amenable in terms of outlook compared with the DCP ‘C’ shaped plan scenario which is considered a far superior outcome in terms of outlook for future occupants in a two-building form and neighbours (notable to the east) as they would overlook a landscaped podium level courtyard in the centre.</p>                                                                                          | <ul style="list-style-type: none"> <li>As noted above, the Randwick DCP does not apply to the proposed State significant development.</li> <li>Nonetheless, it has been demonstrated that the proposed building envelope, referred to by Council as a ‘t-shape’ provides better solar access to neighbours to the east and provides shared building separation and visual outlook with the neighbouring development to the east and a future development to the west.</li> <li>Whilst some dwellings in the ‘centre’ of the eastern neighbour may enjoy a theoretical outlook to a podium if the DCP envelope was delivered, neighbouring dwellings to each ‘end’ of the eastern neighbour would have a far worse outlook to blank walls that are built to the boundary. This is considered a worse overall outcome overall than the proposed development envelope which provides more equitable building separation and where visual privacy and outlook is still protected by pop-out windows and landscaping on structure, including ‘climber’ planting.</li> <li>In any case, the ‘C-shape’ cannot be delivered without Site amalgamation with the police site, which cannot be acquired, and the proposed development provides a reasonable alternative to the envelope prescribed by the DCP.</li> </ul> | <p><b>Section 1.8.3 &amp; 4.0</b></p> |

### 6.3.2 Design Excellence Advisory Panel Meeting

During pre-lodgement discussions between representatives of the Applicant and Council’s DEAP, the DEAP raised the following matters relevant to the SSDA proposed development, as addressed in Table 13.

**Table 13: Pre-DA Engagement with DEAP**

| DEAP Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Summary of Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Addressed in EIS                                   |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| <p><b>Context and neighbourhood character</b></p> <p>The proposed development presents 7 storeys to Maroubra Road, one storey higher than the 6-storey DCP envelope. It appears to be similar in height to the part of the Pacific Square complex that it abuts to the east.</p> <p>The panel supports this continuation and reinforcement of the existing street wall height whilst noting that it is a relatively low component of the current and envisioned future streetscape. The low height assists with the assimilation of the lower heritage hotel building diagonally opposite within, the newer, higher street wall of Maroubra Road.</p> | <p>The proposed development will continue and reinforce the existing street wall height along Maroubra Road and is compliant with the permitted building height under Chapter 2 of the Housing SEPP.</p> <p>It is not considered that the proposed height of the development has any unreasonable heritage impact on a dwelling house of local significance on Robey Street. The heritage item also receives solar access from at least 11am-3pm on 21 June, and the proposed developments solar impact at 10am is minor and limited to only a small portion of the front of the dwelling.</p> | <p><b>Section 8.4</b></p> <p><b>Appendix E</b></p> |
| <p><b>Built Form and Scale</b></p> <p>The scale of the proposed building rises to nine storeys behind the street frontage, three storeys higher than the DCP envelope for block 6, however lower than the surrounding built forms. The rear</p>                                                                                                                                                                                                                                                                                                                                                                                                       | <p>Noted.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                    |

wing takes on a slender finger, which sits well within this context of bulky buildings.

### Density

The proposal increases the density of the site beyond that envisaged by the DCP envelope, albeit commensurate with the surrounding development. The impact on the many dwellings close to this site could be severe unless appropriately handled.

Whether the site is developed in the form envisaged by the DCP or the proposed T-shaped scheme, the design must meet the design minimum ADG requirements to safeguard the amenity of the existing neighbourhood as well as the future occupants. Therefore, the maximum density of the new building will need to comply with the ADG at the very least.

The proposal amounts to an increase in density for this well-serviced area. However, the additional floor space results in sub-standard amenity of internal spaces at lower levels and a bulky presence, closely packed with its neighbours.

Potential impacts on neighbouring dwellings are addressed throughout this EIS, and mitigation measures proposed where required.

The proposed dwelling provides adequate internal amenity to future residents and exceeds ADG guidance for solar access, cross ventilation, storage, communal open space and private open space, including for affordable dwellings.

Neighbouring amenity is reasonably protected in terms of overshadowing, view and visual impact and visual privacy, with building separation shared between the eastern neighbour (which does not provide ADG compliant separation) and a future development to the west.

### Sustainability

The proposal's density compromises sustainable aspects such as solar access; see discussion in 6. Amenity, below.

The Panel would like to see sustainability measures included in the design to alleviate the impact of the new development on the existing neighbours. In addition, the Panel believes landscaping will be critical to the success of future development.

Given the extreme site coverage proposed, the development should harvest, store, treat and re-use all rainwater falling on to the site.

The proposed development achieves ADG guidelines for solar access, with 73% of all dwellings (and 72% of affordable dwellings) receiving at least 2 hours of solar and daylight access on 21 June, and less than 15% receiving less than 1 hour of solar access on 21 June. Rooftop communal open space also ensures that high solar access is achieved to the primary communal open space for all residents to enjoy.

Sustainability measures are incorporated into the design as detailed in the ESD Report prepared by SLR.

Landscaping plans have been prepared by Place Design Group and detail significant landscaping proposed on structure.

Stormwater capture and re-use is detailed in the concept civil drawings prepared by SCP.

**Appendix I,  
N, U**

### Landscape

The panel does not support the site's lack of deep soil area, which becomes a critical amenity in such a dense urban area. The communal space to the street is well located for views and privacy.

However, the residual open spaces above the retail level are privatised, and are likely to have poor amenity in terms of sunlight and outlook – this is a negative outcome compared to the C-shaped block's shared communal area. The applicant should consider other ways in which landscape delivery could be satisfied on-site, including climbing plants and low maintenance vertical accessible gardens – these might also contribute to solving some of the environmental issues, as well as providing the means to address some of the privacy concerns that result from the shift in DCP envelope.

The existing building on the site is built to all boundaries and it is proposed to re-use and replace the existing single level of basement to minimise excavation and the extent of required earthworks. As a result, no deep soil planting is provided.

However, sufficient soil depths have been provided to on-structure planting that can support significant planting and mature trees.

A climbing plant feature is proposed, as suggested by the DEAP, to the eastern boundary that will provide further greening and pleasant outlook from neighbouring buildings.

**Section 8.9**

**Appendix I**

### Amenity

Privacy, view sharing, views of the sky, and outlook are issues of great importance to the surrounding residents, which the applicant does not fully address in comparing its proposed envelope and the DCP's

The 3m setback on the western boundary does not allow for sufficient building separation with a future building on the police site without compromising

Amenity outcomes for residents and neighbours have been detailed throughout this EIS and in the ADG Compliance Report and Design Verification Statement prepared by DJRD.

The proposed 3m setback to the western boundary does not compromise the development potential of the neighbouring NSW Police Station site, as a future development on this site can be built to boundary along 3 street frontages. An example concept scheme has

**Appendix C,  
F, N, Q**

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                           |            |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| that site's development potential. The scheme should comply with ADG building separation requirements at the very least. There may be potential to achieve proper separation setbacks with the T-shaped plan if the eastern side only contains non-habitable rooms or the windows are angled to the north on the upper levels, as shown on the east side lower levels.<br>The proposal's height and setbacks compromise the neighbours' solar access, view sharing, and privacy. The height should be lowered where it impacts the neighbours' mid-winter solar access. | been prepared that demonstrates a future development can occur at the Police site.                                                                                        |            |
| <b>Safety</b><br>The plans should be developed to allow for passive surveillance of the dead-end lane and delivery area.                                                                                                                                                                                                                                                                                                                                                                                                                                                | Balconies are provided to lower levels facing the rear lane that can provide passive surveillance to Piccadilly Lane.                                                     | <b>N/A</b> |
| <b>Housing Diversity and Social Interaction</b><br>The panel recommends a mix of apartment sizes is included once the design develops.<br>The applicant should consider lobby area adjacencies with visibility between ground floor retail and apartments, building lobby and circulation and encourage use of the stairs.                                                                                                                                                                                                                                              | The proposed development provides a mix of 1, 2 and 3 bedroom apartments. Circulation areas and communal open space will encourage social interaction between neighbours. | <b>N/A</b> |

## 6.4 Ausgrid

The Applicant consulted with Ausgrid during design development to determine the requirements and location of the proposed substation. Ausgrid confirmed via email that *“the proposed development site at 138 Maroubra Road will need to establish a new substation onsite prior to the removal of the existing kiosk substation onsite, the existing substation services the police station next door as well as street lighting along Maroubra and Anzac Parade, Ausgrid has no objection to the proposed location on [the] Maroubra Road frontage”*.

## 6.5 Community Views

The Engagement Report details engagement activities and communication undertaken to date. Activities included telephone surveys, the distribution of community information flyers, the creation of a website providing key details and online feedback form.

The survey was responded to by 75 residents living in Maroubra. Issues raised by respondents included the need for housing affordability, traffic and parking, a preference for mid-rise development over ‘high-rise towers’ and access to public transport. 85% of respondents agreed that the proximity to public transport made the location suitable for new housing. The community consultation process provided the following key findings:

- 58% of respondents were either favourable or neutral towards the proposal, with 28% unfavourable.
- A majority of respondents had favourable views regarding ground floor retail use, the proximity of the site to public transport and the inclusion of affordable housing.
- Most residents saw benefits in the proposal, agreeing that the sites proximity to public transport makes the location suitable for new housing, that the project responds to the housing shortage in Maroubra, would help retain young residents and essential workers, as well as be suitable for local ‘downsizers’.
- Residents were open to new housing, and half of residents believed that local housing affordability was poor.

Neighbouring residents and the general public will have an opportunity to provide a submission to the proposed development during the public exhibition process.

## 6.6 Ongoing Engagement

The Applicant will provide ongoing updates to key stakeholders and the community at key project milestones as the project progresses. The proposed development will be publicly exhibited as part of the SSDA process and the Applicant will provide a formal response to any submissions raised during the notification period.

## 7.0 Response to NSWLEC 1716 [2024]

An appeal by the Applicant against the refusal of DA/80/2023 was dismissed in the NSW Land and Environment Court (LEC) on 7 November 2024. The Commissioner determined in paragraphs [89-115] that the primary reason for dismissing the appeal was that “*the objectives of the height standard was not achieved*” which is a key requirement of any Clause 4.6 variation.

We note that at s15A of the Housing SEPP, the objective of the division as it relates to In-fill Affordable housing is “*to facilitate the delivery of new in-fill affordable housing to meet the needs of very low, low and moderate income households.*”

However, at the time of determination of DA/80/2023, the infill affordable housing provisions in Chapter 2 of the Housing SEPP could not be utilised due to the savings and transitional provisions in Schedule 7A of the Housing SEPP. As a result, the Applicant relied on clause 4.6 of the LEP in seeking an appropriate level of flexibility in the specific circumstances of the proposed development in order to deliver affordable housing at the Site.

The Clause 4.6(a)(i) required that the consent authority be satisfied (per Clause 4.6(3)(a) & (b)), that compliance with the height standard was unreasonable or unnecessary in the circumstances of the case, and that there were sufficient environmental planning grounds to justify contravening the height standard. Clause 4.6(4)(a)(ii) of the LEP required the consent authority to be satisfied that the proposed development would be in the public interest because it was consistent with the objectives of the height of building standard and the objectives of the E2 Zone.

The Commissioner found that the proposed development did not satisfy those prerequisites under Clause 4.6, for the following reasons as addressed in Table 14.

**Table 14: Exert from Judgement NSWLEC 1716 [2024]**

| Para  | Particulars                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|-------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 91-92 | <i>The first opinion of satisfaction, in cl 4.6(4)(a)(i), is that the Applicant’s written request seeking to justify the contravention of the development standard has adequately addressed the matters required to be demonstrated by cl 4.6(3). These matters are twofold: first, that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case (cl 4.6(3)(a)) and, secondly, that there are sufficient environmental planning grounds to justify contravening the development standard (cl 4.6(3)(b)). The written request needs to demonstrate both of these matters (Initial Action at [15]). For the reasons that follow, the Court cannot be satisfied in respect of either of these matters.</i> | Responses to the particulars are listed as follows however the proposed development does not rely upon Clause 4.6 of the LEP to justify a variation to the permitted building height.<br><br>The proposed development is compliant with the permitted height of building under Chapter 2 of the Housing SEPP, as it will provide 15% of the total GFA as infill affordable housing.                                                                                                                                                                                                               |
| 93    | <i>In respect of the objective at cl 4.3(1)(a) of the RLEP, I accept that there is no inconsistency between the height and number of storey controls in Part D4 of the RDCP and the height standard at cl 4.3 of the RLEP.</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | The DCP number of storey control does not apply to this SSDA due to the provisions of the Planning Systems SEPP and the proposed height is compliant with the height permitted under Chapter 2 of the Housing SEPP.                                                                                                                                                                                                                                                                                                                                                                               |
| 94    | <i>The height standard is not applied as a blanket across a wide area of Maroubra Junction, as is often the case, but is conspicuously particular about its application, most notably on the subject site and adjoining Police Site where the height is indeed a departure from the 35m height standard that is otherwise widely applied in the immediate vicinity of the site.</i>                                                                                                                                                                                                                                                                                                                                                                      | It is understood that the height at the Site is informed by the ‘block 6’ urban design study believed to have been prepared by UDAS in the early 2000s and subsequent DCP part which does not reflect the current strategic planning context that identifies Eastgardens-Maroubra Junction as a strategic centre capable of increased density.<br><br>In any case, the proposed height of building is compliant with the current statutory provisions for the site.<br><br>Neighbouring buildings that were redeveloped may also seek to utilise the provisions of Chapter 2 of the Housing SEPP. |
| 95    | <i>The Applicant submits that the height of buildings map is “curious to say the least”. It may be so.</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Noted.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 96    | <i>The applicable height standard of 25m is consistent with the explanation provided by [the Council’s urban design expert] at</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | The proposed building height is compliant with the current statutory provisions and services and roof                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

|     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|     | <i>[73], to the extent that six storeys is anticipated within a height of 21m, with a remainder of 4m available to accommodate roof plant and the like.</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | plant is incorporated into the development and does not exceed the maximum permitted height.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 97  | <i>So understood, the approval of development at seven storeys across the road at 165-167 Maroubra Road is not an abandonment by the Respondent of the controls, but is entirely consistent with them.</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | The proposed development will be contextually appropriate with other existing development in the area and meets the requirements of s20(3) which requires development to be compatible with the desirable elements of the character of the local area or the desired future character of the area.                                                                                                                                                                                                                                                                                                                                                                                                          |
| 98  | <i>As a consequence, I cannot accept the Applicant's argument that the height preferred in Part D4 of the RDCP is inconsistent or incompatible with the height standard at cl 4.3 of the RLEP.</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <p>The proposed building height is compliant with Chapter 2 of the Housing SEPP and no longer relies on Clause 4.6 of the LEP to seek a variation to the permitted height under Clause 4.3 of the LEP.</p> <p>The DCP is not a consideration of State Significant Development per the Planning Systems SEPP.</p>                                                                                                                                                                                                                                                                                                                                                                                            |
| 99  | <i>Likewise, while [the Applicant's urban planning expert] relies on Stockland Development Pty Ltd v Manly Council [2004] NSWLEC 472 (at [87]) to contend the age of the RDCP now renders it at odds with other environmental planning instruments such as the Housing SEPP. The RDCP is a development control plan for the purposes of s4.15(1)(a)(iii) of the EPA Act, with height controls that are consistent with those in the RLEP.</i>                                                                                                                                                                                                                                                                                   | <p>The DCP is 12 years old and does not account for the provisions of the Housing SEPP or respond to the current strategic planning context, which in accordance with the National Housing Accord, requires 377,000 new well-located dwellings to be constructed in NSW including 4,000 in Randwick by June 2029.</p> <p>In any case, per Section 2.10(1)(a) of SEPP Planning Systems, a DCP does not apply to State Significant Development.</p> <p>Further, Section 3.42 of the Environmental Planning and Assessment Act 1979 reinforces that the purpose and status of DCPs are to facilitate development that is permissible under environmental planning instruments, including the Housing SEPP.</p> |
| 100 | <i>I also accept [the Council's urban planning expert] opinion that while the strategic planning documents cited at [59(1)] may be read to prefigure a desired future character of greater growth and density in Maroubra Junction, such strategic statements are not understood to supplant development standards in the RLEP.</i>                                                                                                                                                                                                                                                                                                                                                                                             | The proposed development does not rely on strategic planning documents to supplant the development standards of the LEP, however statutory planning provisions (the Housing SEPP) have been amended to reflect the strategic planning context of the National Housing Accord. The proposed building height is compliant with the Housing SEPP.                                                                                                                                                                                                                                                                                                                                                              |
| 101 | <i>The growth and density sought in these documents are for the area bounded by Shepherd Street, Wise Street, Garden Street and Hannan Street, within which the site is located but is not otherwise identified as the object of additional height or density. To the extent the written request invokes the potential for such incentives to apply under State Environmental Planning Policy (Housing) 2021, I note that as the site is not subject to a floor space ratio standard, it is unclear how additional height incentives would be obtained by a development seeking the same in the future, given s 16(4) of the Housing SEPP excludes the application of additional FSR on land not subject to an FSR control.</i> | <p>The Site is not subject to a floor space ratio.</p> <p>The Commissioner's statement regarding the use of Section 16(4) of the Housing SEPP does not consider that Section 18 of the Housing SEPP would allow 30% additional height for the provision of 15% affordable housing, irrespective of any FSR control that may or not may apply to a site under Section 16.</p> <p>The proposed development does not seek any additional FSR, as no FSR standard applies to the Site.</p>                                                                                                                                                                                                                      |
| 102 | <i>Additionally, development in respect of Parts 3 and 5 of the Housing SEPP may permit additional height or FSR but not without also considering the desirable elements of the character of the local area, or for precincts undergoing transition, the desired future character of the precinct.</i>                                                                                                                                                                                                                                                                                                                                                                                                                          | The proposed development does not seek approval under Parts 3 or 5 of the Housing SEPP. Relevantly, Section 20 of Chapter 2, Part 2 requires the consent authority to consider whether the design of a residential development is compatible with (either): (a) the desirable elements of the character of the local area, or (b) for precincts undergoing transition—the desired future character of the precinct.                                                                                                                                                                                                                                                                                         |

|              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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|              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | The desired future character of the precinct is considered in Section 8.2 and is considered to be consistent.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 103 –<br>104 | <p><i>The experts agree that the parapet height of the proposed development fronting Maroubra Road appears consistent with the desired future character of the precinct. This is unremarkable as the parapet height virtually aligns to the height standard of 25m, and below which are seven storeys.</i></p> <p><i>It is the built form above this level that represents the exceedance, and it is this built form that impacts the amenity of adjoining development, which is an objective of the height standard at cl 4.3(1)(c) of the RLEP.</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <p>Noted. The environmental impact of the proposed development's built form has been addressed in Section 8.</p> <p>Notwithstanding compliance with the Housing SEPP permitted height, the additional height above the LEP permitted height does not cause unreasonable additional impact in terms of solar access, privacy or outlook.</p>                                                                                                                                                                                                                                                                                                                                                  |
| 105 –<br>108 | <p><i>The built form comprising the exceedance fails to ensure the development does not adversely impact the amenity of adjoining land in two ways I consider fatal.</i></p> <p><i>Firstly, it is not disputed by the experts that the built form comprising the exceedance obstructs views from apartments in the Pacific Square East development. The written request characterises these views at [61 (4)(c)] as views to medium to high density urban areas in the immediate foreground with distant low density areas further south. The extent of impact is said to obscure medium/long term views of existing lower density residential development and distant views to the horizon to the south to Port Botany, with a moderate to severe impact (p 33). The Applicant submits that views are not so much lost as changed. As I understand it, the thrust of this submission is that views are views, whether they are of the waters of Botany Bay or of an apartment building in close proximity.</i></p> <p><i>Viewpoints 10-12 and 15-16, re-produced in the written request, depict these views being retained by development on the subject site at a height of 25m, but are either wholly or mostly lost as a result of the height of the proposed development.</i></p> <p><i>Under the Tenacity assessment in the written request, the reasonableness of these Viewpoints is expressed in virtually identical ways, stating, in the case of Viewpoint 15;</i></p> <p><i>“A DCP compliant envelope would maintain some glimpses of a long term view to Port Botany - but obscure a large proportion of the immediate short/medium views. A compliant SEPP Housing envelope would obscure long term view to Port Botany. The proposed development will obscure longer term views of Port Botany. Considering the urban nature of the site and the impact of a compliant SEPP envelope, the impact is considered of moderate impact.”</i></p> | <p>Amenity, as described in the LEP, is not limited only to view sharing, and the consent authority should instead consider ‘all’ of the amenity provided by reasonable view sharing, solar access, privacy, outlook, open space, cross ventilation, noise attenuation etc.</p> <p>The proposed development, notwithstanding the additional height permitted under Chapter 2 of the Housing SEPP, provides for reasonable amenity to residents and neighbours through the sharing of building separation and privacy devices to provide for reasonable solar access, view sharing, outlook and privacy.</p> <p>The VVIA provided as <b>Appendix P</b> provides further analysis of this.</p> |
| 110          | <p><i>For reasons set out at [101]-[102], I do not consider a comparison with a hypothetical envelope that relies on height incentives in the Housing SEPP helpful, and to the extent such a comparison is relied on, as it is, I consider the assessment of the severity of impact resulting from the proposal to be under estimated in the written request. Absent reference to an actual proposal that enjoys the benefit of such incentives, the reality is that views to Port Botany (which lies on the shores of Botany Bay) are retained by a compliant development and lost by the proposed development.</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <p>The proposed development can lawfully use the provisions of Chapter 2 of the Housing SEPP including the height incentives under Section 18. Therefore the consideration required by clause 4.6 – to demonstrate no environmental impact is not the test required by this application.</p>                                                                                                                                                                                                                                                                                                                                                                                                 |
| 111          | <p><i>The second reason I consider fatal is that I am also unable to find the environmental planning grounds advanced in the written request sufficient to justify the contravention because the statement summarised at [64] is not made out. The adverse impact on views at Viewpoints 10-12 and 15-16 results from the exceedance that is evenly distributed across the uppermost levels of the proposal such that I am unable to find that the proposed development minimises the impact of development, while the extent and degree of view loss fails to demonstrate that</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <p>Impacts on views have been assessed in <b>Appendix P</b> and are determined to be reasonable in the circumstances of the provisions of the Housing SEPP.</p> <p>As above, ‘amenity’ as referenced in the LEP refers to a number of items – not just view impacts.</p>                                                                                                                                                                                                                                                                                                                                                                                                                     |

|              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|--------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|              | <i>the proposal protects the amenity of residents, which is the seventh objective of the E2 zone.</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 112          | <i>As such, I cannot be satisfied that there are sufficient environmental planning grounds as I am required to be by cl 4.6(3)(b) of the RLEP, nor do I consider the proposal consistent with the objectives of the E2 zone.</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | The proposed development does not rely upon Clause 4.6 of the LEP. Consistency with the objectives of the E2 Zone is demonstrated in <b>Section 0</b> .                                                                                                                                                                                                                                                                                                                             |
| 113          | <i>As the Court cannot be satisfied that the exceedance is justified on the basis of those matters about which the Court must be satisfied at cl 4.6(3) and cl 4.6(4)(a)(ii) of the RLEP, the Court does not have power to grant consent.</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | The proposed development does not rely upon Clause 4.6 of the LEP.                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 114 -<br>115 | <p><i>The Applicant submits that notwithstanding the non compliances, the endorsed recommendations of the Randwick Design Excellence Advisory Panel (Exhibit 3, Tab 11) states its support for the proposal in the following terms:</i></p> <p><i>“The panel welcomes considered challenges to DCP envelopes where property ownership patterns assumed in the DCP are not achievable...The T-shaped block proposal would be suitable providing it:</i></p> <ul style="list-style-type: none"> <li><i>• Achieves compliant solar access to the subject site and all the adjacent apartments.</i></li> <li><i>• Is amended to achieve compliant building separation between the subject site and all adjacent apartments, including potential future habitable rooms on the police site to the west.</i></li> <li><i>• Improves landscape areas, communal open space and deep soil planting</i></li> <li><i>• Does not negatively impact on privacy and views, both onsite and on neighbouring sites.”</i> <p><i>For reasons set out above, it is evident that not all of the provisos of the Panel have been achieved so as to rely upon its endorsement.</i></p> </li></ul> | <p>The proposed development provides a reasonable alternative to the DCP envelope, which:</p> <ul style="list-style-type: none"> <li>• achieves commensurate solar access to neighbouring development compared to the DCP envelope,</li> <li>• provides for reasonable shared building separation,</li> <li>• provides landscaped communal areas in exceedance of ADG requirements (54% of site area), and</li> <li>• does not unreasonably impact on privacy and views.</li> </ul> |

## 8.0 Assessment and Mitigation of Impacts

### 8.1 Building Height

The maximum permitted height of building on the land under the Randwick LEP is 25m. As the proposed development is for the purposes of a residential flat building and will provide 15% of the total gross floor area of the building as in-fill affordable housing, the maximum permitted building height for the development pursuant to Housing SEPP Chapter 2 Part 2 Division 1 Section 18 is 25m plus an additional 30%.

Therefore, the permitted height of building for the proposed development is 32.5m. The proposed development has a maximum height of 32.5m from ground level (existing) and is wholly compliant with the permitted maximum height of building.

Relevantly, surrounding land immediately to the west, north and east of the Site has a greater maximum permitted building height of 34m. The proposed development will provide a consistent street wall along Maroubra Road, is compatible with neighbouring development and is compliant with the maximum permitted building height provided by Chapter 2 of the Housing SEPP for the delivery of in-fill affordable housing. This was a contention agreed by the urban design experts in the Land and Environment Court matter.

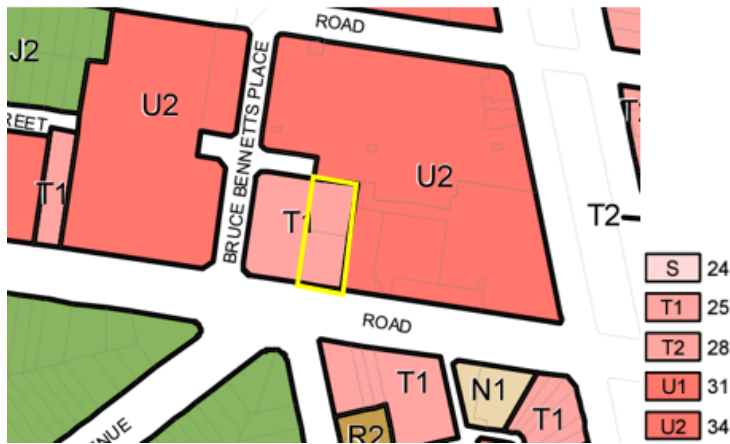


Figure 28: Surrounding Height Context  
Source: Randwick LEP 2012

### 8.2 Bulk, Scale and Desired Future Character

An Urban Design Statement has been prepared by Smith & Tzannes and is provided as **Appendix S**. The Urban Design Statement provides a context analysis of the surrounding Maroubra Junction town centre and considers that the proposed development is compatible with the desired future character of the local area, as established by all of the planning controls applying to the land. The Urban Design Statement also determines that the physical impacts of the proposed development on surrounding development are acceptable and that the proposed development will appear in harmony with the buildings around it.

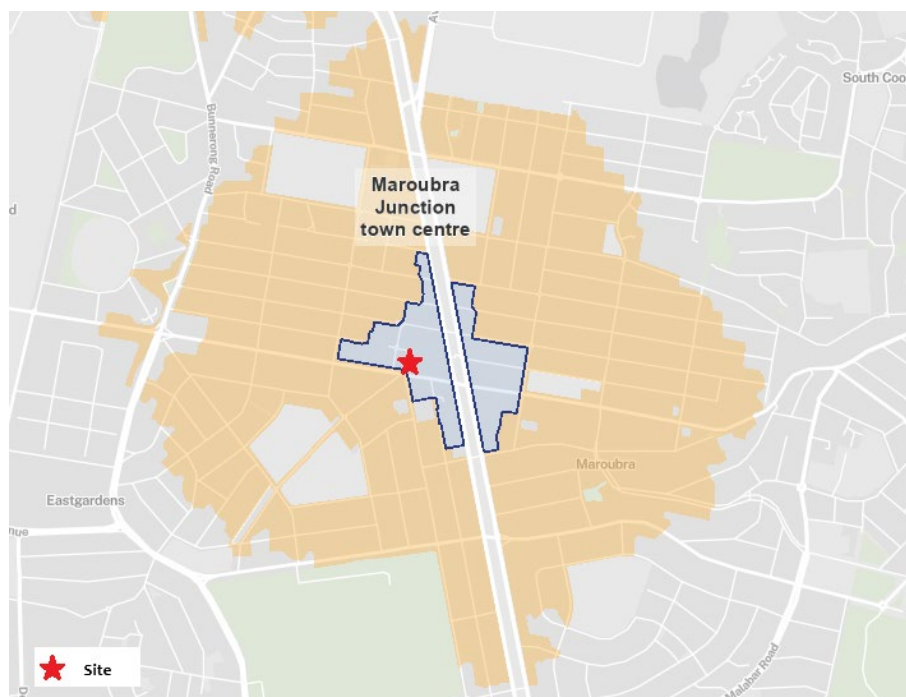


Figure 29: Maroubra Road Streetscape  
Source: DJRD

As required by s20 of the Housing SEPP, the bulk and scale of the proposed development is compatible with the future desired character of Maroubra Junction, as established by the Randwick LEP and Chapters 2 and 6 of the Housing SEPP. The proposed development's bulk and scale is also compatible with its surrounding context despite proposing an alternative building envelope to the 2023 DCP. *Big Property Group Pty Ltd v Randwick City Council [2021] NSWLEC 1161* establishes that desired future character is not only determined by the development standards that control building envelopes for an area. In relation to desired future character being determined only by development standards, Commissioner O'Neill stated that "... nor can they [standards] account for provisions under other EPIs that incentivise particular development with GFA bonuses or other mechanisms that intensify development". Commissioner O'Neill held that development standards for building envelopes are frequently generic standards which do not account for existing and approved development, site amalgamations, SEPP allowances, heritage issues or the nuances of an individual site.

The matter of context and compatibility was agreed in the Land and Environment Court matter on the proposed development. The Urban Design Statement prepared reinforces that the proposed development will appear in harmony with the buildings around it.

It is relevant that both the LEP (2012) and the DCP (2013) are more than ten years old. The recently commenced Low- and Mid-Rise Housing policy, inserted into Chapter 6 of the Housing SEPP, identifies Maroubra Junction as a 'Low and Mid Rise Town Centre' capable of sustaining greater densities of housing close to goods, services and public transport and accordingly provides for additional height and floor space ratio. The LMR makes shop top housing permitted in the R3 and R4 Zones surrounding the Maroubra Junction Town Centre up to a height of 24m and with an FSR of 2.2:1. Future LMR development that also delivered in-fill affordable housing under Chapter 2 of the Housing SEPP would be eligible for an additional 30% height and FSR, up to 31.2m and 2.86:1. Whilst the LMR does not apply to the Site, as it is within the designated Town Centre area, the LMR does apply to the land within 800m walking distance of the town centre, shown orange in Figure 31. The (future) context of this site, even since the LEC matter, has changed considerably.



**Figure 30: Low and Mid Rise Housing Uplift Area**

Source: DPHI Indicative LMR Mapping

The proposed development's bulk and scale also remains compatible and consistent with the surrounding development to the east, north and west of the Site within the Town Centre and is of a comparable height to surrounding development. In any case, *Project Venture Developments Pty Ltd v Pittwater Council*<sup>3</sup> establishes that buildings can exist together in harmony without having the same density, scale or appearance. The proposed development is in harmony and compatible with the existing and future expected character of Maroubra Junction,

<sup>3</sup> [Project Venture Developments v Pittwater Council - NSW Caselaw](#)

which consists of residential flat buildings and shop top housing development of similar heights within a dense urban environment.

### 8.3 Building Separation and Visual Privacy

The proposed development provides adequate building separation that will maintain privacy to existing neighbours to the north and east, whilst facilitating future feasible development of the NSW Police Site to the west.

Table 15: Proposed Setbacks

|                 |                                                                                                                                                                                                                                                                                                                                                                                                   |
|-----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Setbacks</b> | <ul style="list-style-type: none"><li>• South (Front setback, Maroubra Road): 0m (Ground to Level 6), 3.181m (Level 7 &amp; 8)</li><li>• East (Pacific Square, 140 Maroubra Road): 0m – 6.45m variable setback</li><li>• North (Rear setback, Piccadilly Place): 9m (Ground &amp; Level 1), 3m (Level 2 to Level 8)</li><li>• West (Police Station, 136 Maroubra Road): 0m – 3m setback</li></ul> |
|-----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

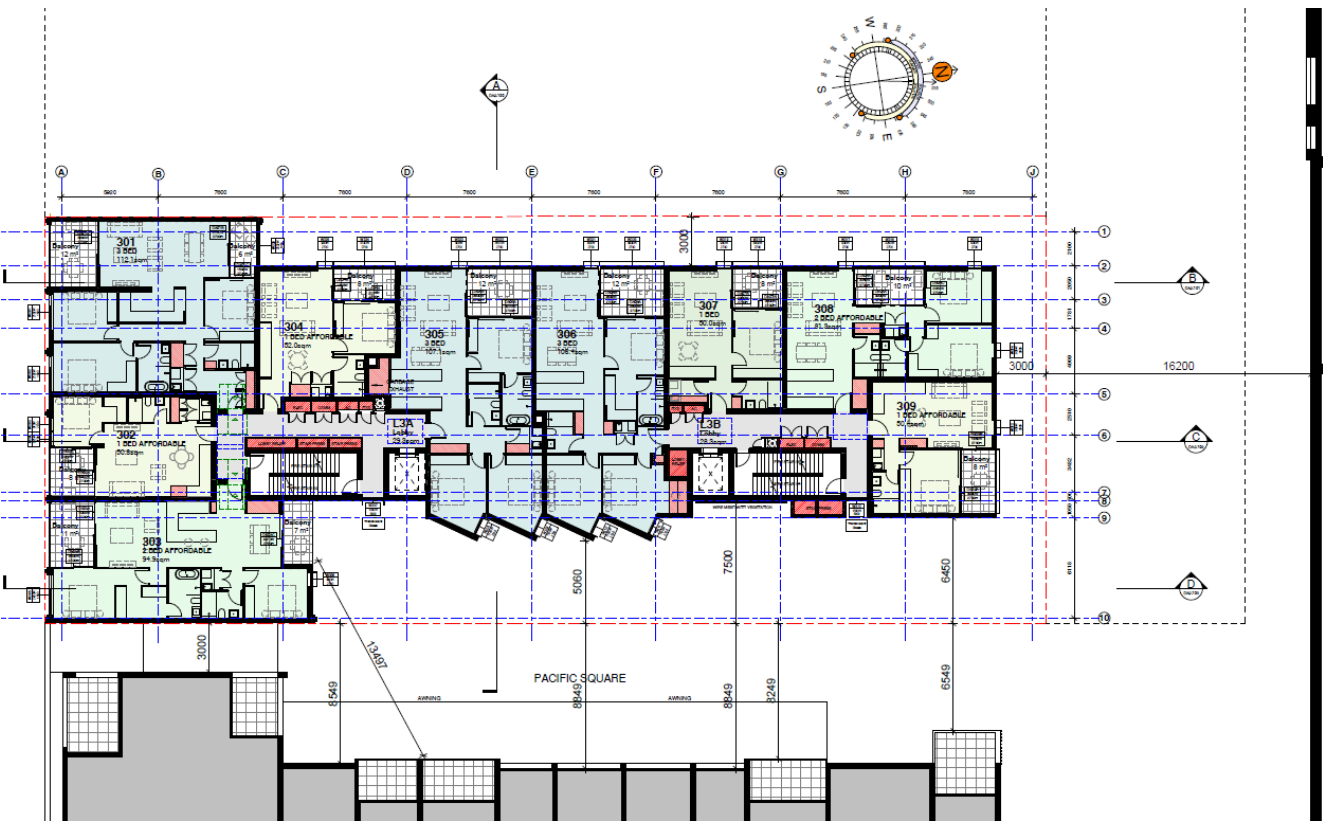


Figure 31: Level 3 Plan  
Source: DJRD

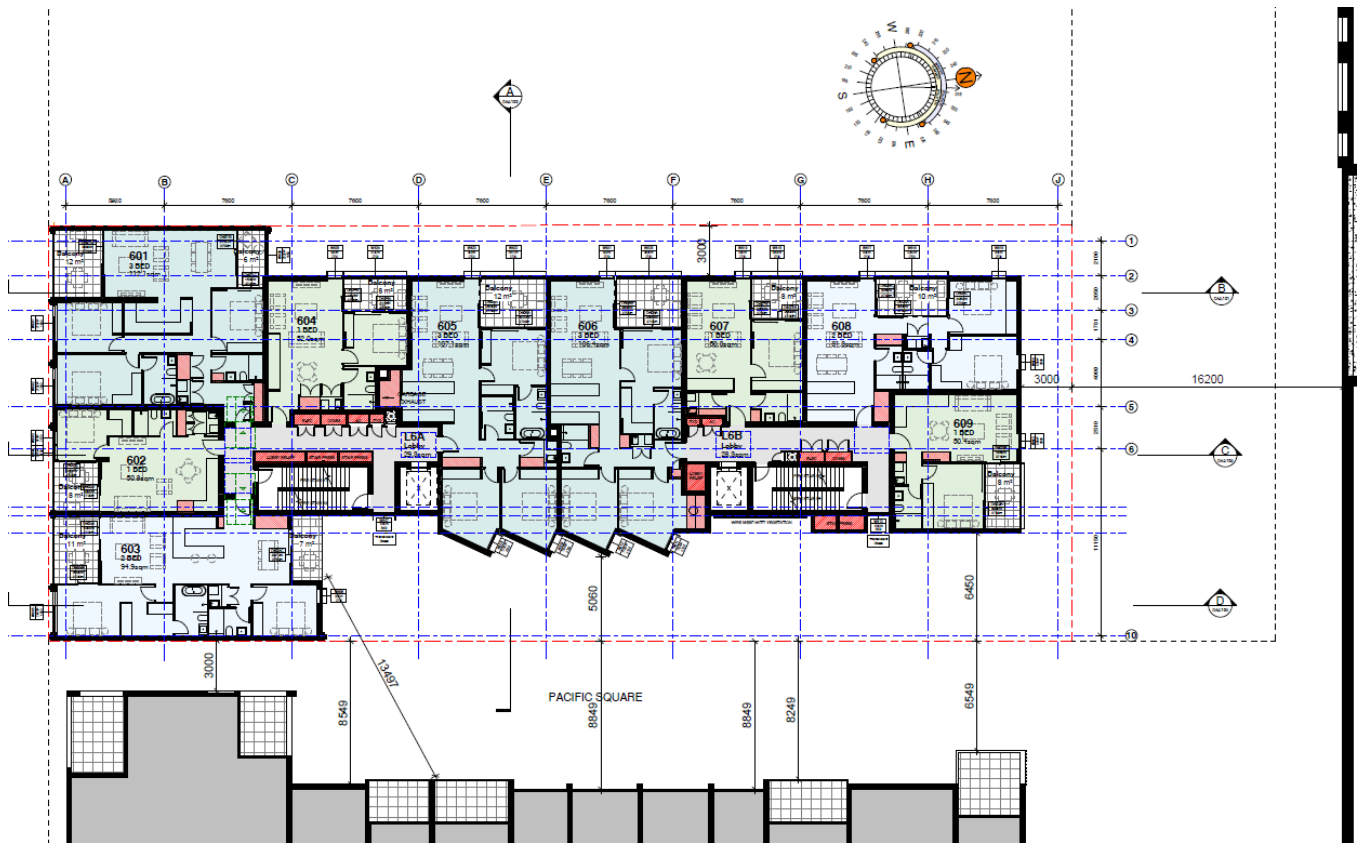


Figure 32: Level 6 Plan  
Source: DJRD

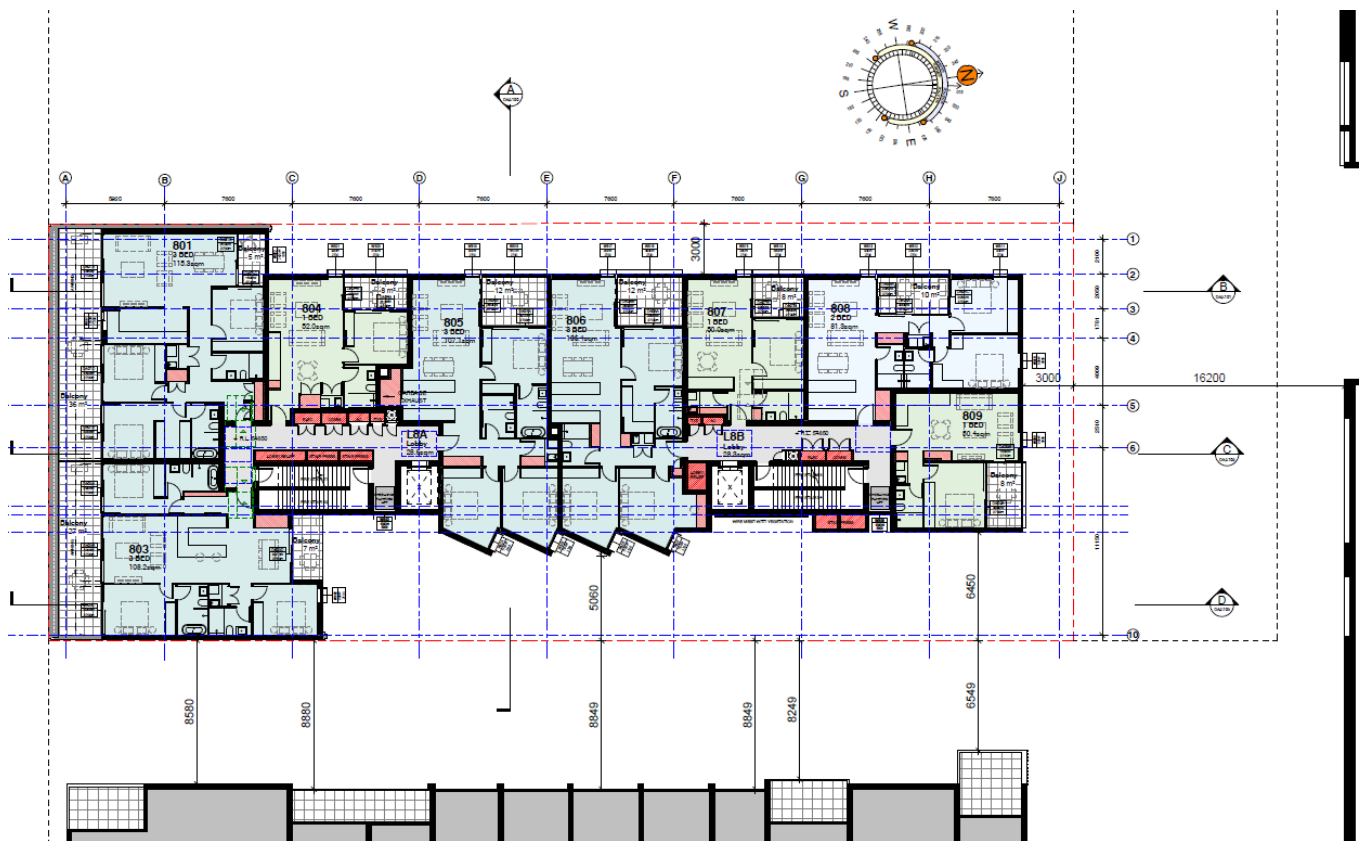


Figure 33: Level 8 Plan  
Source: DJRD

To the east, the proposed setback to boundary varies between 0m (blank wall along Maroubra Road elevation) and 6.45m (to bedrooms and common circulation areas), resulting in a variable building separation with the neighbouring building at 140 Maroubra Road of between 3m and 13.909m. Whilst part of the proposed development does not achieve strict compliance with the design criteria for building separation in Part 3F of the ADG, the objectives of Part 3F are still achieved through alternative design solutions. In particular, 'pop-out' windows along the eastern boundary are orientated north-east to maintain visual privacy and prevent casual overlooking. Pop-out windows are identified in the ADG case study 'Watermark Apartments, Huskisson' as an appropriate design solution for infill development to maintain visual privacy<sup>4</sup>. Blank facade walls are also provided where necessary to maintain visual privacy to existing balconies. It is also relevant to note that the existing building to the east does not provide for ADG compliant setbacks.

To the west, the proposed development provides a reasonable alternative that will enable future development to occur to the Police Station land, in the (unlikely) event that the land is redeveloped. The proposed development provides a part 0m blank-wall setback and part 3m setback to the western boundary, and will allow a future development on the Police Station land to achieve a comparable development yield to the proposed development and is a reasonable alternative as shown in Figure 35 below. Visual privacy will also be maintained through movable privacy screens to west facing balconies and windows of the proposed development.

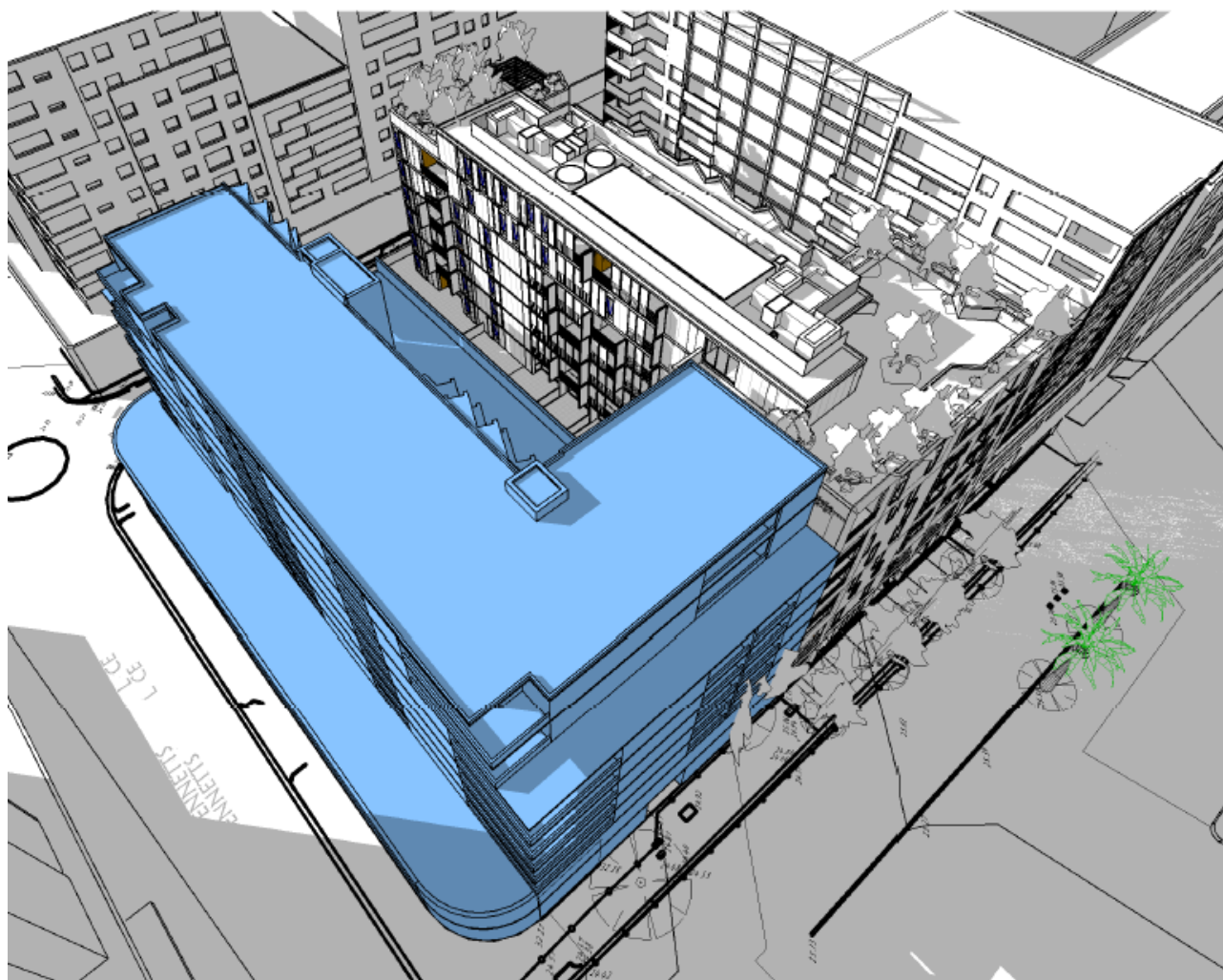


Figure 34: Potential envelope for future Police Station redevelopment  
Source: DJRD

<sup>4</sup> [apartment-design-guide-appendices.pdf](#)

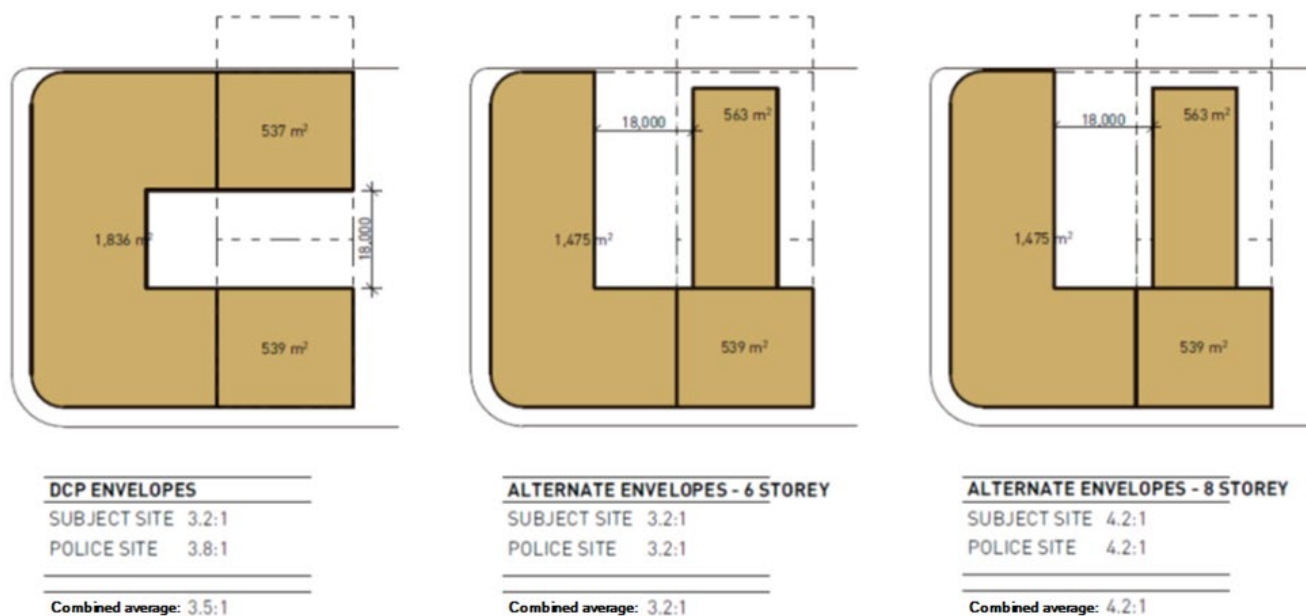


Figure 35: DCP and proposed envelope comparison

Source: Smith & Tzannes

The proposed development effectively ‘shares’ building separation with the existing neighbouring development to the east and a future development to the west. Building separation is adequately shared to achieve reasonable levels of amenity to existing, proposed and future development. The proposed building also provides adequate building separation to the rear southern boundary to existing development opposite the Site on Piccadilly Place.

In any case, the proposed development provides appropriate alternatives and the objectives for ADG Part 3F Visual Privacy are satisfied where ADG design guidelines for building separation are not met, as addressed in Table 16.

Table 16: ADG Part 3F Visual Privacy

| Objective                                                                                                                                                                                          | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Objective 3F-1</b><br>Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy              | The proposed development shares building separation with the existing neighbouring development to the east and a future development to the west to achieve reasonable levels of external and internal visual privacy. The proposed separation distances are appropriate for the site, which is within an existing dense urban environment identified as a strategic centre capable of increased density.                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>Objective 3F-2</b><br>Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space | The proposed development provides privacy and reasonable access to light and air for existing and proposed dwellings. Outlook and views from habitable rooms and private open space of neighbouring dwellings in Pacific Square will be affected, however this impact is commensurate to a building envelope anticipated by the existing planning controls under the LEP and Housing SEPP. Further, the proposed development will have a lesser impact on access to light and air from neighbouring development when compared to the DCP envelope, which proposes two blank walls constructed to the eastern boundary. The sun eye views prepared by SLR Consulting and provided as <b>Appendix BB</b> demonstrate that the majority of the neighbouring developments impacted by the proposed development still received at least 2 hours of solar access on 21 June. |

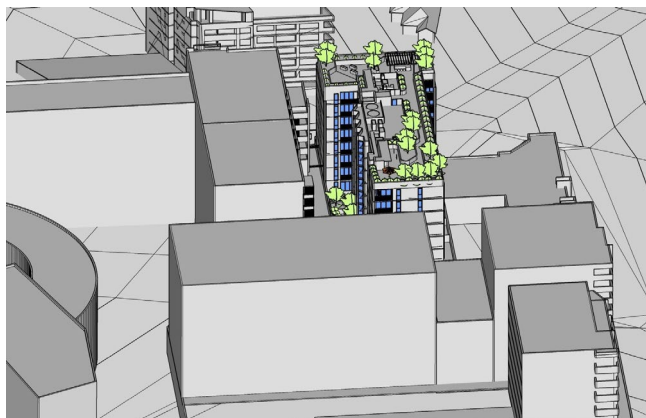
## 8.4 Overshadowing and Solar Access

The proposed development will result in shadow being cast that is commensurate with, and as anticipated by, the planning controls applying to the land. The proposed development is compliant with the maximum height of building permitted under the LEP and Chapter 2 of the Housing SEPP for the delivery of in-fill affordable rental housing.

Shadow diagrams and sun eye views have been prepared by DJRD and are including in the architectural drawings prepared as **Appendix E**. A Solar Access Assessment has also been prepared by SLR Consulting and is provided as **Appendix BB**.

The analysis by DJRD of the western wing of the adjacent Pacific Square residential flat building to the east (built pre-ADG) contains 75 dwellings facing either east or west. It is estimated that 67 dwellings (89%) currently receive 2 hours of midwinter light. The proposed development would cast shadow on 6 of those dwellings reducing their mid-winter light to 1.5 hours. The result is that 61 (81%) of dwellings in the building will receive 2 hours which is a reduction of 6% and thus complying with the Objective 3b-2 of the ADG.

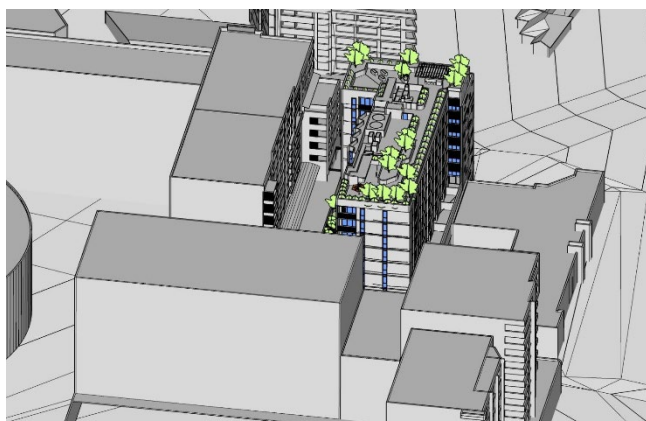
It is also relevant to note that the proposed building provides for greater solar access than the Council's DCP envelope, which would be built-to-boundary at the north-eastern corner of the Site.



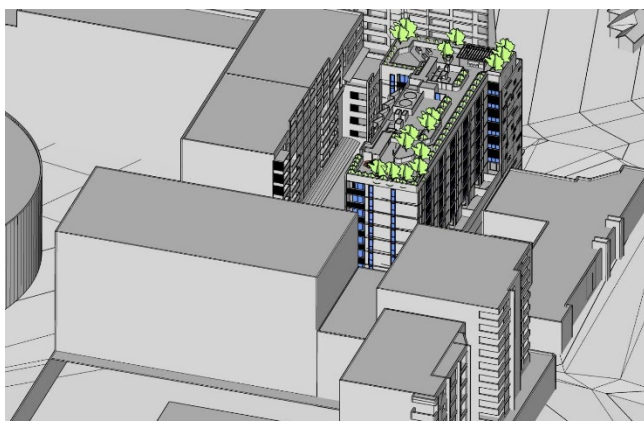
11am



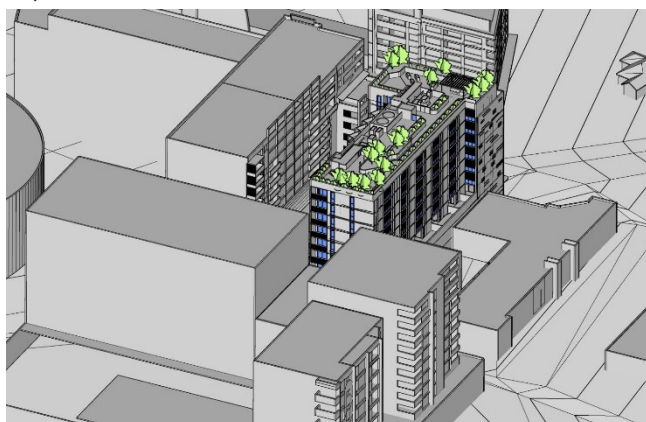
11:30am



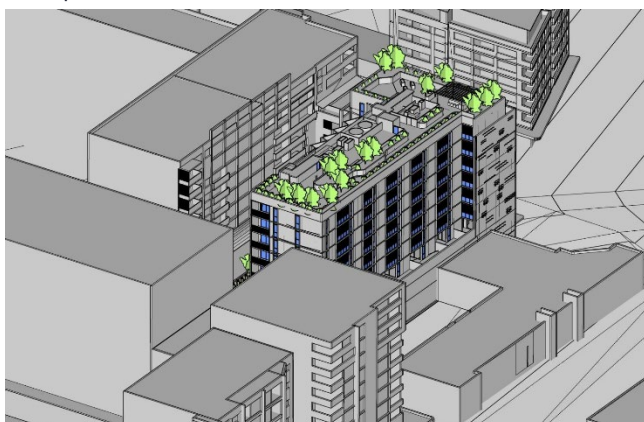
12pm



12:30pm



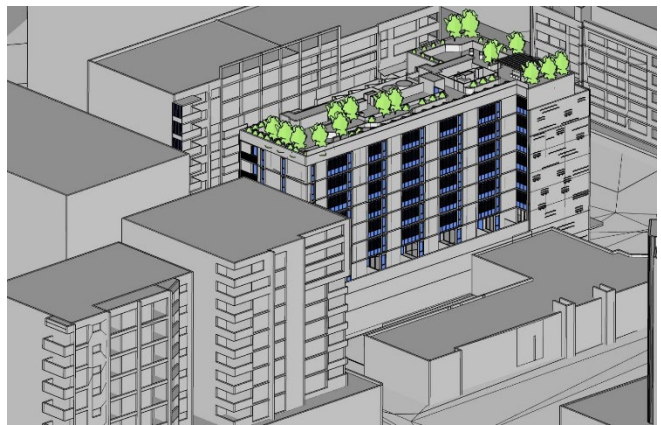
1pm



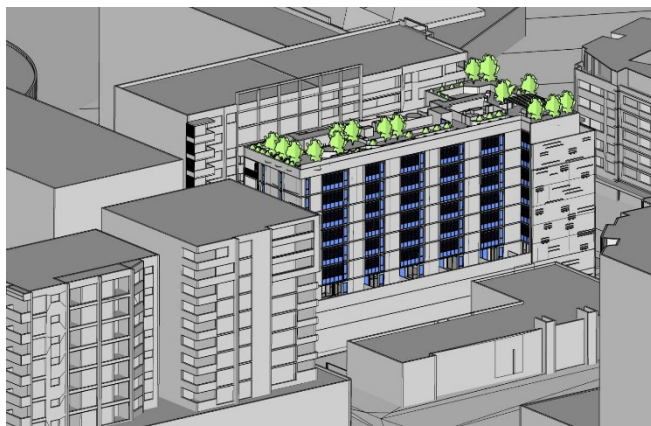
1:30pm



2pm



2:30pm



3pm

**Figure 36: Extract, sun eye diagrams 11:00am - 3pm 21 June**  
Source: SLR Consulting

The properties across Maroubra Road to the south at 165-167 and 169-171 Maroubra Road are existing shop top developments with 6-storeys of residential dwellings above ground floor business premises. The sun eye diagrams indicate that the proposed development will have some additional solar impact on four apartments on levels 1 and 2 of 165-167 Maroubra Road, and six apartments on levels 1 and 2 of 169-171 Maroubra Road.

A typical floor plan for 165-167 Maroubra Road is shown in Figure 38, obtained from the notification plans of the development application. With regard to 169-171 Maroubra Road, the Statement of Environmental Effects in support of DA/84/2013 identify “3 north facing studios on level 1-5”. Refer to Figure 39 below. In the absence of available architectural drawings for these dwellings, it is assumed that the existing building contains three studio dwellings per level along the northern elevation.

The sun eye diagrams prepared demonstrate that the existing dwellings at 165-167 and 169-171 Maroubra Road are not impacted by the proposed development before 11am on 21 June, however are impacted by the existing neighbouring development within Pacific Square. The dwellings on level 1-3 165-167 and 169-171 are impacted to varying degrees by the proposed development between 11:00am and 3pm on 21 June. Level 1 dwellings do not receive 2 hours of solar access, although do receive some sun between 9am and 3pm on 21 June. Dwellings on levels 2 all receive at least 1.5 hours of solar access on 21 June, and dwellings on level 3 receive at least 2 hours of solar access on 21 June.

In any case, the solar impact is the same as what would be expected by the permitted building height and Housing SEPP. The solar impact on these dwellings to the south are a resultant outcome of ensuring solar access is provided to the immediate neighbour at 140 Maroubra Road and to the proposed development, and it is inevitable that there is some solar impact on existing buildings immediately south of a proposed development in a dense urban environment that is undergoing change and renewal.

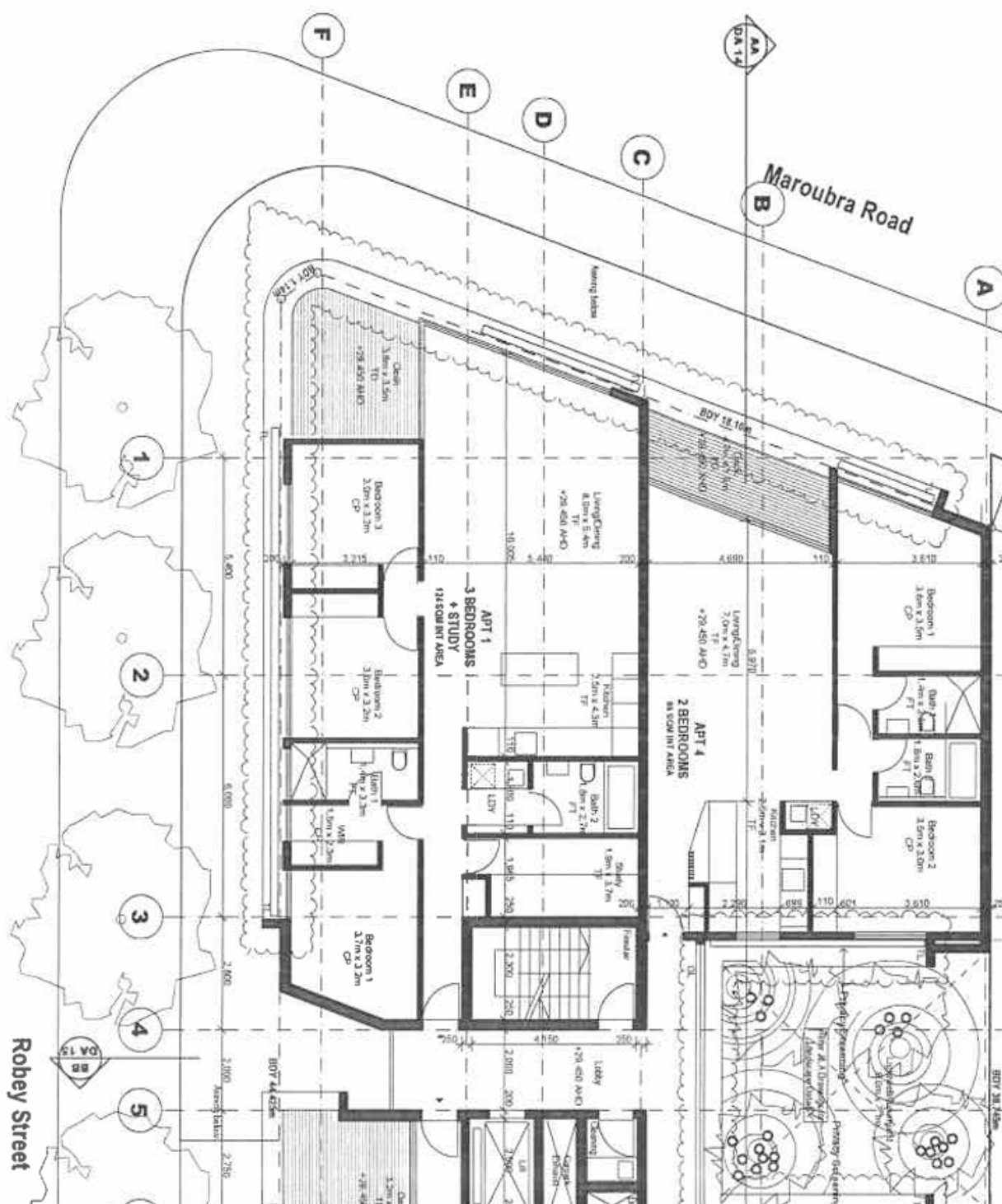


Figure 37: Excerpt from notification plans 165-167 Maroubra Road, DA/503/2008/B (approved 2009)  
Source: Randwick City Council, Online DA tracking tool

The proposed 6 storey street wall aligns with the street wall of the adjoining building whilst the upper level recessed units are also compatible with the recessed level on top of the corner building. **The Maroubra Road building contains 3 north facing studios on levels 1-5** and a studio/2-bedroom unit on levels 1-5 on the southern side. The lack of solar access to the south facing units is compensated by an attractive outlook to the communal open space whilst also enjoying an open aspect in general. It is considered that the Maroubra Road building has a suitable relationship with the completed development at 165A-167B Maroubra Road whilst it also allows for future redevelopment of the sites to the east.

Figure 38: Excerpt from SEE, 169-171 Maroubra Road, DA/84/2013 (approved 2013)  
Source: Randwick City Council, Online DA Tracking Tool

SLR has also assessed the childcare open space of the Pacific Square development in the Solar Access Report provided as **Appendix BB**. The report determines that *“it is expected that the elevated childcare open space areas will receive 1.5 hours of direct sunlight to 50% of the principal usable portion of the childcare open space on June 21, between 9:00 am and 3:00 pm. SLR has also assessed the impact of the building on the childcare open space on September 21. While the building will affect the solar access, the childcare open space areas will receive 2 hours of direct sunlight to 50% of the principal usable portion of the space between 9:00 am and 3:00 pm.”*

## 8.5 View and Visual Impact

A visual and view impact assessment (VVIA) is provided as **Appendix P**. The VVIA finds that the proposal has an acceptable visual impact from the public domain mindful of its statutory context for the following key reasons:

- The proposal will strengthen and better define the Maroubra Road street wall by filling the void adjacent to Pacific Square in a manner that creates a coherent street wall along the northern side of the Road.
- There will be no impact on any valuable short, mid or long-range public domain views or view corridors.
- There are no heritage items or heritage conservation areas in the vicinity of the proposal. Therefore, the proposal has no impact on any heritage views.
- The proposal facilitates the evolution of Maroubra Junction in a manner that is compatible with the desired future character of Maroubra Junction.
- Continuous and unobstructed public sightlines along Maroubra Road are maintained to the junction with Anzac Parade.
- The proposal will contribute to the delivery of housing, including 30% of the dwellings as affordable housing, in a highly accessible location.

With respect to the view impact, the VVIA finds that:

- The view loss analysis has concluded that views from the surrounding residential buildings will experience either low or moderate qualitative extent of view loss.
- The views are of moderate value which include distant viewing of Port Botany across lower density suburban streets. These views are inherently susceptible to change as they are obtained across common boundaries and Piccadilly Lane towards an underutilised site in a dense centre that is planned for change in the form of larger and taller buildings. Notwithstanding, glimpses of the distant view will be maintained.
- The proposal is compliant with the maximum building height and FSR of the site, with consideration of the Randwick LEP 2013 and the infill affordable housing bonus provisions of the Housing SEPP. Despite the moderate impact to moderately valued views, this extent of impact is considered reasonable given the proposal's compliance with the relevant planning controls.
- The density and urban built form surrounding Maroubra Junction is anticipated to continue to change as it continues to accommodate higher densities and taller built forms that are allowable under the infill affordable housing and LMR the Housing SEPP. The proposal and the view impact are therefore considered to be commensurate with the State's long-term vision for the area, regarding density and height.
- Tenacity does not provide that anyone has a proprietary right to retain all, or part of the views enjoyed from their land. The Court specifically acknowledges that partial loss of a view in some cases can be reasonable and acceptable if it is a compliant development.
- Given the planning controls that apply to the site and surrounds, and the potential for significant change to the immediate context to the south, the partial retention of views where practical is consistent with the principle of 'view sharing'.

Considering the project in its totality, the assessment of the visual and view impacts concludes that the proposal is reasonable in the circumstances.

## 8.6 Site Isolation

The site-specific provisions in Randwick DCP proposes a building envelope over the Site and the neighbouring Maroubra Police Station, which is Crown Land. The proposed development does not include amalgamation with the

Police Station site and that land may be developed independently in the future. A previous DA at the site was appealed in the NSW Land and Environment Court (NSWLEC 1716 [2024]). In that case, the Commissioner's judgement notes that Council (the Respondent) accepted that *"the Applicant has made reasonable efforts to acquire the adjoining property known as the Police Site and that, according to correspondence between the Applicant and Police NSW, those approaches have proven fruitless"*.

The NSW Land and Environment Court (LEC) has established a planning principle for site isolation that describes the desired outcome and lists appropriate matters to consider where the potential isolation of a site may occur as a result of the redevelopment of adjacent land. This planning principle is established in *Karavellas v Sutherland Shire Council* [2004] NSWLEC 251, with reference to *Melissa Grech v Auburn Council* [2004] NSWLEC 40 at 51 and *Cornerstone Property Group Pty Ltd v Warringah Council* [2004] NSWLEC 189 at 31-34.

The law under these planning principle decisions set out what is required when dealing with any site isolation issue for an assessment of whether the purchase and amalgamation of the site (in this case the Police Station site) is feasible. Each of these matters in respect of the steps established in the Planning Principles are addressed below:

### **1. Is amalgamation of the subject site and 136 Maroubra Road feasible?**

136 Maroubra Road is the Maroubra NSW Police Station and is Crown Land. An enquiry on behalf of the Applicant was made to Crown Lands on 19 August, 2022 regarding purchase of the site. Crown Lands advised on 25 August 2022 that "Crown Lands has determined not to proceed with the sale application and advises the property is not for sale". Further, Crown Lands noted that, *"Any potential sale of Crown land is subject to a rigorous assessment process to ensure that the sale is appropriate and compliant with legislation. The sale of Crown land must also meet the objectives of the Crown Land 2031 - State Strategic Plan. The assessment includes consideration of the objectives and principles of the Crown Land Management Act 2016, native title interests, Aboriginal land claims, Direct Dealing Policy and the Community Engagement Strategy. This assessment determines if further consideration can be given to the sale. As you can appreciate this is not a matter that is taken lightly."*

Details of the negotiation between the Applicant and Crown Lands are provided in **Appendix L**.

The enquiry to Crown Lands did not include a monetary offer, however it was made clear that the property was not for sale. NSW Crown Lands also confirmed that the site is subject to an undetermined Aboriginal Land Claim. Prior to the inquiry to Crown Lands, the Applicant made a reasonable offer to NSW Police Force on 3 August, 2022. The NSW Police Force responded on 15 August, 2022, stating, *"Unfortunately we are unable to assist as the sale of Crown land must be dealt with pursuant to the provisions of the Crown Land Management Act 2016. Additionally we note that the property in question is currently an operational police station and continues to be required for essential police operational purposes."*

The correspondence provided demonstrates a reasonable offer has been made during negotiations. Crown Lands (and supported by NSW Police Force) have confirmed that the property is not for sale.

### **2. Can orderly and economic use and development of the separate sites be achieved if amalgamations is not feasible?**

The site is identified for amalgamation in Randwick's DCP for Maroubra Junction, which illustrates a "C-shape" envelope that spans both 136 and 138 Maroubra Road. Notwithstanding this, 136 Maroubra Road is not subject to a minimum lot size under the Randwick LEP and does not require amalgamation with 138 Maroubra Road as a prerequisite to redevelopment, if it were ever to be redeveloped in the future.

The proposed development has provided adequate building separation to enable future feasible development of the police site to occur. An indicative scheme has been prepared by Smith & Tzannes for the neighbouring land, provided in **Appendix U**, that adopts an envelope based on the prevailing setbacks to Maroubra Road and Bruce Bennetts Place at the lower podium and upper residential levels, and that is of a commensurate height, depth and GFA to the proposed development.

The indicative scheme demonstrates that a future development at the police site can comply with ADG design criteria for solar access and natural ventilation. It is also demonstrated that the indicative scheme would not compromise the solar and ventilation amenity of the proposed development below ADG minimum requirements.

In this regard, 136 Maroubra Road has the capacity to be independently developed in a manner that does not exceed prevailing street setbacks, is commensurate in height and floor space to the proposed, meets ADG requirements and does not impose impact to the proposed development. When compared with the proposed development at 138 Maroubra Road, 136 Maroubra Road has three street frontages (improved outlook for apartments), and street to the

west (improved solar access potential). The development potential of 136 Maroubra Road is high and is not compromised by development on the subject site. Despite the proposed reduced setback to the common boundary, a development at the police site is able to achieve a building depth and yield that provides for ADG compliance and is commensurate to the proposed.

8.7 Internal Amenity

The proposed development provides good internal amenity for residents and exceeds ADG minimums for solar access, cross ventilation, communal open space, private open space and storage. All dwellings meet or exceed minimum internal areas per ADG section 4D.

An ADG – Housing SEPP Assessment has been prepared by DJRD and is provided as **Appendix C**. A Solar Access Assessment has also been prepared by SLR Consulting and is provided as **Appendix BB**.

Table 17: Internal amenity of all dwellings

| ADG Consideration | Required         | Proposed |
|-------------------|------------------|----------|
| Solar Access      | 70% of dwellings | 73.4%    |
| Cross Ventilation | 60% of dwellings | 65.6%    |

Whilst not a statutory requirement, the affordable housing dwellings also independently exceed the ADG guidelines for solar access, cross ventilation, as shown in Table 18, as well as private open space and storage.

Table 18: Internal amenity of infill affordable housing dwellings

| ADG Consideration | Required         | Proposed |
|-------------------|------------------|----------|
| Solar Access      | 70% of dwellings | 72%      |
| Cross Ventilation | 60% of dwellings | 82%      |

Some of the levels in the proposed development are designed with approximately 3100mm floor-to-floor heights. Refer to **Appendix EE** which demonstrates that the proposed floor-to-floor height is sufficient.

8.8 Communal Open Space

A total of 821sqm of communal open space is provided on the rooftop and on level 2, equivalent to 54% of the site area. Rooftop communal open space receives compliant solar access and is a high-amenity space for all residents. All communal open space has been designed to allow for flexible use by groups of different sizes and for different purposes.

Deep planting to both roof top and level 2 communal open space will prevent casual overlooking of neighbouring properties from occurring and ensure equitable privacy is maintained.

As demonstrated in Section 4.2, the proposed communal open space receives better solar access than the communal open space that would be delivered in a ‘central courtyard’ under a DCP prescribed building envelope.

The rooftop communal open space of the proposed development receives 6 hours direct sunlight between 9am and 3pm on 21 June. The communal open space on level 2 receives 1.25 hours of solar access on 21 June, due to its location on the eastern boundary. This communal open space is secondary to the rooftop communal open space and is in addition to the 25%-of-site-area required by the ADG. Per the ADG, the principal usable part of the communal open space (being the rooftop) achieves at least 50% direct sunlight for a minimum of 2 hours between 9am and 3pm.

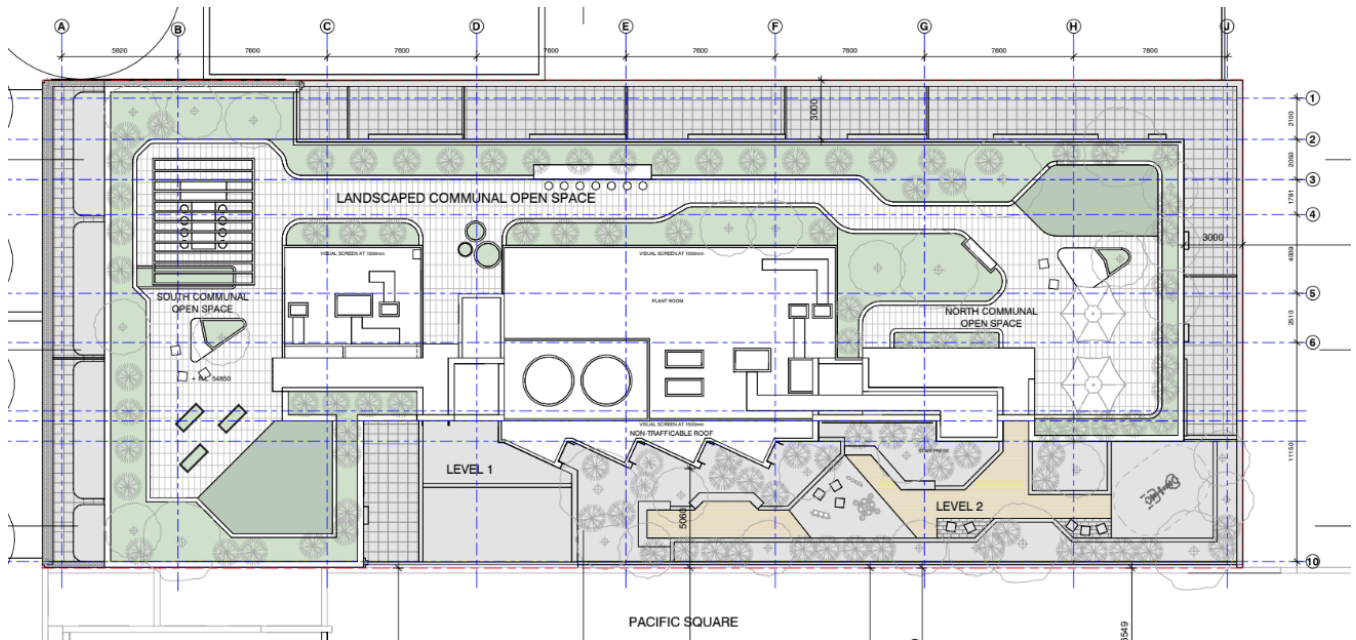


Figure 39: Proposed rooftop communal open space

Source: DJRD

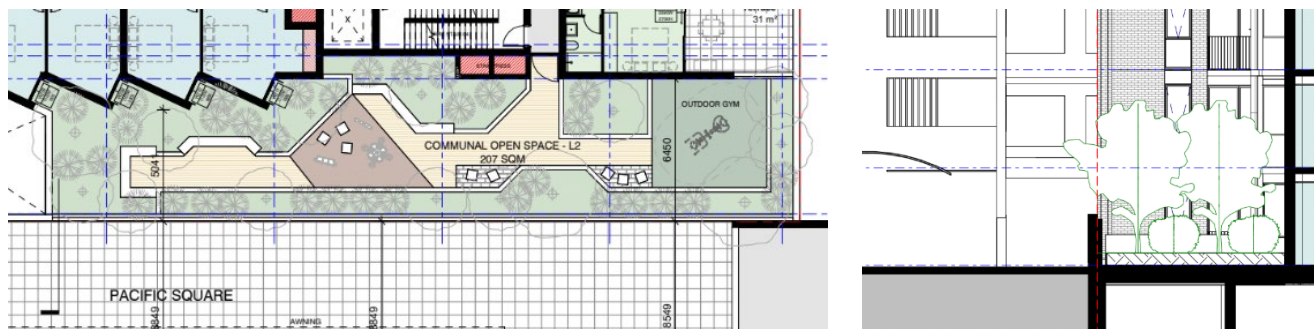


Figure 40: Level 2 communal open space (left), interface with neighbour in section (right)

Source: DJRD

## 8.9 Landscaping and Deep Soil Area

The proposed development will provide integrated landscaping on structure at street level, on level 2 and to the rooftop open space. Vertical 'climber' planting is proposed to the east elevation that will provide further greening and soften the visual impact of the proposed development. A vertical climber planting feature was suggested by Council's DEAP during pre-lodgement discussions for DA/80/2023.

No deep soil planting is proposed. The existing building on the site covers the entirety of the site and includes an existing basement that is built to all four boundaries. The site is constrained in terms of the development envelope that can be delivered on the site whilst ensuring internal and external amenity and the delivery of adequate parking, services and plant. Additionally, it is proposed to 'reuse' the existing basement at the site within only minor excavation and earthworks required, which will mean that the total extent of the single level basement remains as is currently built on site.

As a result, no deep soil planting is proposed. However, the proposed development still provides planting that is of a sufficient depth to locate mature trees that will provide shade and improved outlook from residences, as well as significant landscaping on structure to communal open spaces. This approach is considered appropriate provided the dense urban nature of the site and the level of communal amenity provided by the proposed development.

## 8.10 Urban Design

An Urban Design Report prepared by Smith & Tzannes has been provided **Appendix S**. The Urban Design Report determines that the proposed development achieves design excellence and satisfies the considerations under Clause 6.11(4) of the Randwick LEP. In particular, the Report determine that:

- The proposed development has been designed to a high architectural standard and is compatible with the surrounding context,
- The proposed built form and external appearance will improve the quality of the public domain and will activate the street frontage with a retail tenancy,
- The proposed development responds to the environmental and built characteristics of the Site and achieves an acceptable relationship with other buildings, including allowing future development of the NSW Police site,
- The proposed development meets sustainable design principles including maximising opportunities for solar access and natural ventilation, and
- The proposed development does not unreasonably impact on view corridors

A complete response to the considerations under Clause 6.11 is provided in the Urban Design Report. The Report also summarises how the proposed built form addresses and responds to the context, site characteristics, streetscape and future character of the locality. In summary:

- The proposal development is of a similar height, scale and form to the adjacent development, providing a street wall of similar height to the adjacent building and an overall building height similar to adjacent development.
- The proposed building form and bulk maximises the solar access to the proposed apartments and enables the future development of the adjacent police station site. The primary reason for refusal of the previous application by the Land and Environment Court was on the basis that the proposal exceeded the height standard for the site, and that part of the development that exceeded the height did not satisfy the objectives of the height standard in the LEP – in that it infringed on the views from the adjacent development, and that there were not sufficient environmental planning grounds which justified the height non-compliance.
- This proposal complies with the height development standard that applies to the development. In that context the view loss can be considered reasonable and no justification for non-compliance is required.

## 8.11 Design Excellence Strategy

This design excellence strategy has been prepared in accordance with the requirements of the industry specific SEARs Item 5. Design Quality. The strategy demonstrates that the proposed development will achieve design excellence in accordance with Clause 6.11 of the Randwick LEP, satisfies the seven objectives for good design in Better Placed. The development was not required to undertake a competitive design process under any EPI. The Government Architect also considered that the proposed development did not require review by the State Design Review Panel (**SDRP**).

In considering whether the development exhibits design excellence, the consent authority must have regard to the matters in Clause 6.11 (4) of the Randwick LEP. It is considered that the proposed development exhibits design excellence, as addressed in Table 19.

**Table 19: Matters for the consent authority in considering design excellence**

| Matter                                                                                                                                       | Design Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved, | <ul style="list-style-type: none"><li>• The design is compatible with the surrounding context as determined in the Urban Design Statement prepared by Smith &amp; Tzannes as <b>Appendix S</b>.</li><li>• The design is detailed with robust materials that are responsive to the character of the area and use of the building.</li><li>• The detailing is responsive to the context and appropriate for a residential apartment building.</li><li>• The design intent is to respond positively to the scale, massing, height and density of the existing adjacent buildings.</li><li>• The proposed project seeks to exhibit a subtle point of difference in texture and colour by utilising brick and sheet cladding in contrast to the painted render neighbours. The location can tolerate simply expressed and well detailed forms.</li></ul> |

|                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                                                                        | <ul style="list-style-type: none"> <li>• Subtle patterning variations in the sheet cladding combined with metal blades and screens and planting will provide adequate variety and articulation to the simple forms.</li> <li>• The Ground and Level 1 component will be subtly expressed as a podium with an alternate expression for the residential levels over with “apartment sized” façade bays that express the internal planning.</li> </ul>                                                                                                               |
| (b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,                                                                                                                                                             | <ul style="list-style-type: none"> <li>• The proposed development is the renewal of a vacant building within a strategic centre, and will improve the quality and amenity of the public domain with the activation of the street and retail tenancy.</li> <li>• The proposal continues the “build to boundary” street wall form of the neighbouring buildings and will permit the further continuation when the adjacent Police site is eventually developed.</li> <li>• This urban design response is as prescribed in the Council planning controls.</li> </ul> |
| (c) how the proposed development responds to the environmental and built characteristics of the site and whether it achieves an acceptable relationship with other buildings on the same site and on neighbouring sites,                                                               | <ul style="list-style-type: none"> <li>• The proposed development provides a strong response to it’s context and delivers a building that is compatible with the streetscape character. The proposal provides a setback to adjacent residential development at the rear and shares setbacks with the NSW Police Station site, which will facilitate redevelopment of both sites independently.</li> </ul>                                                                                                                                                         |
| (d) whether the building meets 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, | <ul style="list-style-type: none"> <li>• The proposed development maximises solar access and natural ventilation through the building form and demonstrates compliance with the ADG design criteria.</li> <li>• The proposed development adequately provides for visual and acoustic privacy and achieves the ADG objectives.</li> <li>• The roof garden provides mitigation against the urban heat island effect.</li> </ul>                                                                                                                                     |
| (e) whether the proposed development detrimentally impacts on view corridors and landmarks.                                                                                                                                                                                            | <ul style="list-style-type: none"> <li>• The proposed development will not have determinantal impacts on any significant view corridors or landmarks. Refer to the</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                     |

The Better Placed policy, developed by the Government Architect NSW, establishes a framework for achieving good design in the built environment across New South Wales. It advocates for sustainable, inclusive, and high-quality design processes and outcomes that enhance liveability, community cohesion, and long-term value for people, places, and the environment.

The proposed development meets the objectives of the NSW Better Placed integrated design policy, as addressed in Table 20.

**Table 20: NSW Better Placed Objectives**

| Objectives        | Particulars                                                                                                                                                                                                                                                                                                                                                                | Design Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Better fit</b> | <p><b><i>Better fit contextual, local and of its place.</i></b></p> <p><i>Good design in the built environment is informed by and derived from its location, context and social setting. It is place-based and relevant to and resonate with local character, heritage and communal aspirations. It also contributes to evolving and future character and setting.</i></p> | <ul style="list-style-type: none"> <li>• The proposed infill development is located within an existing mixed use precinct, between Pacific Square and the Maroubra Police station site. The proposed development will ensure that the police station site can be developed independently in the future, whilst also maintaining reasonable amenity to the existing Pacific Square development.</li> <li>• The proposed development’s relationship with its location and context is formed predominantly by its scale and continuation of the street wall along Maroubra Road. The proposed development is of the same scale as the medium density development that has been completed in the broader precinct, delivering well located affordable housing and urban renewal of a vacant site – and positively contribute to the evolving and future character of Maroubra Junction.</li> <li>• The design response for the proposed development includes the provision of a street wall parapet and material palette that is compatible with the neighbouring development to the east,</li> </ul> |

|                             |                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|-----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                             |                                                                                                                                                                                                                                                                                                                                                                                           | <p>maintaining masonry elements whilst also providing subtle, contemporary points of difference.</p> <ul style="list-style-type: none"> <li>• Prior to the Police site being developed, the west façade of the building will be visible from the public domain and the blank masonry wall on the boundary is seen as a significant public art opportunity. The proposed development will incorporate public art in this location that can resonate with Maroubra's local character, heritage and communal aspirations.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Better performance</b>   | <p><b>Better performance is sustainable, adaptable and durable.</b></p> <p><i>Environmental sustainability and responsiveness is essential to meet the highest performance standards for living and working. Sustainability is no longer an optional extra, but a fundamental aspect of functional, whole of life design.</i></p>                                                         | <ul style="list-style-type: none"> <li>• The building takes a wholistic approach to responsible environmentally sustainable design principles. Refer to the ESD Report prepared by SLR as <b>Appendix N</b> and considered in Section 8.14.</li> <li>• The proposed development will include prefabricated elements that will reduce construction time, energy usage and waste. The building form and footprint will also allow for efficient crane and scaffolding locations on site during construction.</li> <li>• The proposed development exceeds ADG recommendations for solar access and cross ventilation, allowing for natural heating and cooling and reducing reliance on resources and energy. Flexible, multi-zone air conditioning and mechanical ventilation systems will provide residents choice and flexibility.</li> <li>• DJRD architects have confirmed that all fittings and appliances will be efficient and low resource consuming, and materials will be selected for their ability to be recycled.</li> <li>• A number of car parking spaces will be utilised for privately operated carshare services to reduce demand for car ownership.</li> <li>• In the future, the internal planning can be conveniently adapted to suit other occupancy models. Most of the internal partitions are non-load bearing and can be conveniently reconfigured with low resource consumption.</li> </ul> |
| <b>Better for community</b> | <p><b>Better for community is inclusive, connected and diverse.</b></p> <p><i>The design of the built environment must seek to address growing economic and social disparity and inequity, by creating inclusive, welcoming and equitable environments. Incorporating diverse uses, housing types and economic frameworks will support engaging places and resilient communities.</i></p> | <ul style="list-style-type: none"> <li>• The proposed development includes 1, 2 and 3 bed dwellings, adaptable units and affordable housing.</li> <li>• The proposed development is within an established and largely developed precinct. The precinct includes a range of residential, employment, retail and recreation uses. The proposed development will benefit from and further improve the diversity of uses by providing new residential dwellings as well as retail floor space.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>Better for people</b>    | <p><b>Better for people is safe, comfortable and liveable.</b></p> <p><i>The built environment must be designed for people with a focus on safety, comfort and the basic requirement of using public space. The many aspects of human comfort which affect the usability of a place must be addressed to support good places for people.</i></p>                                          | <ul style="list-style-type: none"> <li>• The orientation of the site and proximity to neighbours requires a design solution that maximises privacy, light and ventilation.</li> <li>• The proposed development provides a "T" shape floor plate. Dwellings facing Maroubra Road will enjoy inherent privacy due to their elevation and outlook. The dwellings in the northern part of the "T" shape generally face west with operable glazed louvres to individually control light and vent. To the east, the façade includes 'butterfly' windows to bedroom that are oriented north along the boundary, rather than across into neighbouring units. The proposed development provides adequate and reasonable privacy and outlook from the proposed development and neighbouring dwellings.</li> <li>• Communal Open Spaces is provided to the rooftop as well as on level 2. These communal open space exceeds the minimum requirements of the ADG in terms of total usable area and solar access, and are designed to allow for multiple users in groups at one time with adequate amenity, safety and privacy.</li> </ul>                                                                                                                                                                                                                                                                                        |

|                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|-----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Better working</b>       | <p><b>Better working is functional, efficient and fit for purpose.</b></p> <p><i>Having a considered, tailored response to the program or requirements of a building or place, allows for efficiency and usability with the potential to adapt to change. Buildings and spaces which work well for their proposed use will remain valuable and well-utilised.</i></p>                                                                                          | <ul style="list-style-type: none"> <li>• The proposed development will deliver in the immediate term residential dwellings including affordable dwellings and a single retail premises. Dwellings have been planned and are of a size that will allow for a diversity of tenants including diversity in income, family size and accessibility.</li> <li>• The proposed development satisfies both the ADG and Randwick DCP requirement to provide 20% of apartments as adaptable dwellings, and to incorporate the Liveable Housing Guideline's silver level universal design features. Commensurate adaptable parking spaces have also been provided in accordance with the requirements.</li> <li>• Internal partitions within residential dwellings are non-load bearing and would allow for adaptable internal alteration to be undertaken in the future if required.</li> </ul> |
| <b>Better value</b>         | <p><b>Better value is creating and adding value.</b></p> <p><i>Good design generates ongoing value for people and communities and minimises costs over time. Creating shared value of place in the built environment raises standards and quality of life for users, as well as adding return on investment for industry.</i></p>                                                                                                                              | <ul style="list-style-type: none"> <li>• The proposed materials are robust and low maintenance to minimise ongoing costs.</li> <li>• The communal open spaces are distributed around the building to offer a range of shelter, privacy, safety and amenity. These shared spaces will create shared value in residents built environment and raise quality of life for users. Desirable communal open space will make the broader use of the building more desirable and ensure it is maintained and the value retained.</li> </ul>                                                                                                                                                                                                                                                                                                                                                   |
| <b>Better look and feel</b> | <p><b>Better look and feel engaging, inviting and attractive.</b></p> <p><i>The built environment should be welcoming and aesthetically pleasing, encouraging communities to use and enjoy local places. The feel of a place, and how we use and relate to our environments is dependent upon the aesthetic quality of our places, spaces and buildings. The visual environment should contribute to its surroundings and promote positive engagement.</i></p> | <ul style="list-style-type: none"> <li>• The retail shopfront and residential entry are clearly expressed to the public realm and permit surveillance.</li> <li>• The ground floor street awning provides shelter and a feeling of place, with visitors able to utilise the space prior to entering the building. The residential lobby is a two stage space where access through the initial gate provides safety and security to access mail prior to entering the building proper. The space is linear to permit view and surveillance all the way to the lift doors.</li> </ul>                                                                                                                                                                                                                                                                                                  |

## 8.12 Noise and Vibration

A Noise and Vibration Impact Assessment has been prepared by SLR and is provided as **Appendix T**. The assessment details potential construction and operational noise and vibration impacts that may be caused by the proposed development, and provides mitigation measures and management strategies that can be implemented to minimise impacts on nearby sensitive receivers.

The Assessment considers noise intrusion from surrounding sources has been considered including traffic noise from Maroubra Road, childcare outdoor play area, external off-site plant room and Maroubra Police Station's operation. Operational noise from the site including noise emission from the site's rooftop plantroom and equipment, loading dock activities, communal area and traffic generation has also been considered. The potential cumulative impacts from the proposal and other potential sources of noise in the area have also been accounted for in the Assessment.

## 8.13 Traffic, Parking and Active Transport

A Traffic Impact Assessment (TIA) has been prepared by JMT Consulting and is provided as **Appendix H**. The TIA determines that the proposed development provides sufficient car parking, will not unreasonable impact the surrounding traffic network and that the proposed access and egress arrangements for the development are acceptable.

The proposed development provides 70 car parking spaces including residential, visitor, retail and car share parking spaces. The proposed parking represents a net increase of 19 car spaces over the existing parking arrangements at the Site.

The following car parking is provided:

- Residential: 59 spaces
- Visitor & Retail: 6 spaces
- Car Share: 5 spaces
- Total: 70 car parking spaces

The proposed development provides compliant residential car parking per the non-discretionary development standards in Chapter 2, Part 2, Division 1, Section 19 of the Housing SEPP. The NSW Guide to Traffic Impact Assessment (**GTIA**) recommends 1 visitor car parking space per 7 apartments, and the Randwick DCP recommends 1 retail car parking space per 40sqm of retail GFA. Due to the proposed development being in a highly accessible area, it is proposed to 'combine' retail and visitor parking, of which 6 spaces are provided in total. 5 car share spaces are also provided, which will be available for residents and the general public. The Randwick DCP encourages car share arrangements in higher density development, noting that *"where car parking rates are being considered, Council will look more favourably on proposed reductions within close walking distance to strategic bus corridors and areas of high public transport provision and where a car share scheme is provided on site."*

The TIA notes that Council's DCP controls *"are generic and do not distinguish parking rates for areas with high public transport accessibility such as Maroubra Junction."* A reduced number of visitor and retail parking spaces is considered appropriate provided the highly accessible location and walkable nature of Maroubra Junction. It is also anticipated that the ground floor retail tenancy will attract predominately 'walk-in' customers, who are unlikely to be reliant on on-site car parking. In any case, the TIA identifies more than 200 surface parking spaces available in public car parking locations along Anzac Parade that in close proximity to the development site and can be used by visitors and retail customers.

The proposed development also provides bicycle parking for residents and retail staff in accordance with Council's DCP, including end-of-trip facilities located at the ground floor.

The TIA determines that the proposed development will not have any adverse impact on the traffic condition of the surrounding area, including during construction works. A temporary relocation of 6 on-street NSW Police Force parking spaces is required to facilitate a necessary construction zone to the front of the Site along Maroubra Road. An in principle agreement between the Applicant and NSW Police has been reached regarding the temporary parking arrangement including proposed design.

To minimum impacts on the surrounding road network and to the Pacific Square shopping centre carpark, which is accessed from Piccadilly Place, separate vehicle access and egress points are proposed. Vehicles will enter the site via Piccadilly Place and exit onto Maroubra Road. Both entry and exit for service vehicles accessing the loading dock will be via Piccadilly Place. Referral to Transport for NSW (**TfNSW**) is not required as Maroubra Road is an unclassified regional road and the development includes less than 75 dwellings, and therefore does not trigger the notification requirements for traffic-generating development under Section 2.122 and Schedule 3 of the T&I SEPP.

## 8.14 Sustainability

An Energy Efficiency & Ecologically Sustainable Design Report (**ESD Report**) has been prepared by SLR Consulting and is provided as **Appendix N**. The ESD Report identifies positive sustainability and energy efficiency features and provides recommendations for further energy and water efficiency provisions that can be incorporated during detailed design. Recommendations regarding the mechanical ventilation system, domestic hot water, other appliances and operational waste have also been made in the ESD Report.

Positive features identified include:

- The proposed development will incorporate passive and active energy saving measures such as operable windows to enhance natural ventilation through apartments, where appropriate;
  - 65.6% of the proposed residential units will be naturally cross ventilated across the first nine stories of the development. The above percentage equates to 42 apartments out of 64 apartments are naturally cross ventilated.

- The form dictated by the site has been designed to maximise the solar access of residential units;
  - 73.4 % (47 of 64) of apartments will achieve 2 hours solar access across the assessment window.
  - 10.9 % (7 of 64) of apartments will receive no solar access across the assessment window.
- Incorporation of thermal mass.
  - Concrete slab construction is proposed for all floors throughout the development - concrete has amongst the highest thermal mass capacity of a range of common building products. External walls, structural internal walls and slabs of the proposed development should be predominantly high thermal mass material

## 8.15 Contamination

The proposed development includes the replacement of the existing single level basement and as a result, only minor excavation works below natural ground level are required. Comprehensive soil testing and geotechnical investigations have informed the approach to the design of the proposed development and excavation strategy.

A Preliminary Site Investigation (**PSI**) and Geotechnical Report has been prepared by Douglass Partners and is provided as **Appendix U**. The PSI identifies potential sources of contamination including imported fill, former buildings / structures, historical underground storage tanks (at the site and adjacent police station), a transformer near the site's southern boundary, nearby dry-cleaning businesses and a nearby tyre shop.

A Detailed Site Investigation (**DSI**) has also been prepared as recommended by the PSI. The DSI is attached as **Appendix V**. A sampling and analysis quality plan (SAQP) has also prepared by Douglas Partners and provided as **Appendix W**, which informed the scope of works for the DSI.

The DSI concludes that *“the site, from a contamination standpoint, is suitable for the proposed mixed residential / commercial development.”* In any case, the proposed development seeks to replace the existing single level of basement to approximately the same RL, with only minor localised additional earthworks proposed. No major earthworks or significant excavation is proposed.

## 8.16 Heritage

The proposed development is in the vicinity of some local heritage items, most relevantly item I227 ‘Post-war house’, located to the south across Maroubra Road.



Figure 41: Heritage items in vicinity of proposed development

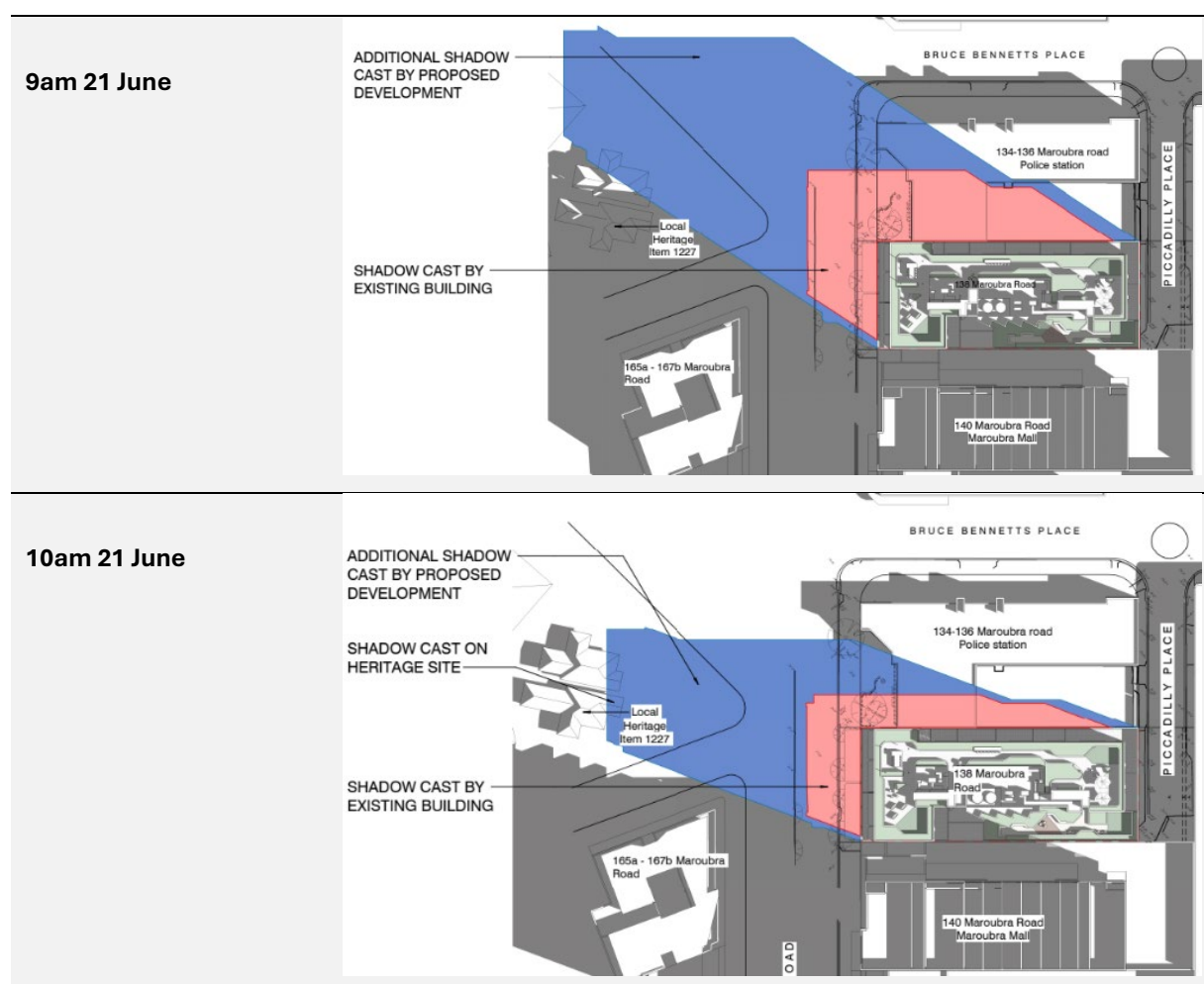
Source: Randwick LEP Digital Mapping, mark up Planning & Co

A Statement of Heritage Impact (SoHI) has been prepared by Weir Phillips Heritage as **Appendix CC**. It is not considered necessary to prepare a heritage management document as the proposed development will have a negligible impact on the significance of these heritage items. The SoHI summarises that the proposed development will have a minimal and acceptable impact on the heritage items in the vicinity for the following reasons:

- *The proposed works are sufficiently removed by distance, intervening buildings, and the existing setbacks from surrounding heritage items. The proposed works will have no physical impact on the heritage items in the vicinity of the subject site.*
- *The proposed works will not detract from significant view corridors to and from heritage items adjacent to, and within the vicinity of the subject site. The visual impact of proposed works will be mitigated by the intervening buildings, distance and mature vegetation, and will integrate into the existing character of mid-rise contemporary development along Maroubra Road.*
- *The proposed works will retain the character of the existing setting of Maroubra Road, and surrounding heritage items. The works will replace an existing, contemporary building, with a sympathetic design that will be subordinate to the wider adjacent development, Pacific Square.*
- *The proposed works will accommodate the desired future character of the Maroubra Junction Centre by providing a medium density, mixed retail and residential development, whilst also respecting the historic and aesthetic character of the surrounding area, and heritage items within. The works will use sympathetic materials and finishes to mitigate the visual impact of the proposed works to the surrounding heritage items, and will remain subordinate to existing contemporary development along Maroubra Road.*

The proposed development results in some minor additional overshadowing of the heritage item I227 between approximately 9:15am and 10:15am on 21 June, however this is limited to the front yard fronting Maroubra Road and a small portion of the building. In any case, the additional overshadowing will be imperceptible impact on the heritage significance of the dwelling.

Minor additional solar impact on heritage item I227 is demonstrated in Figure 43.



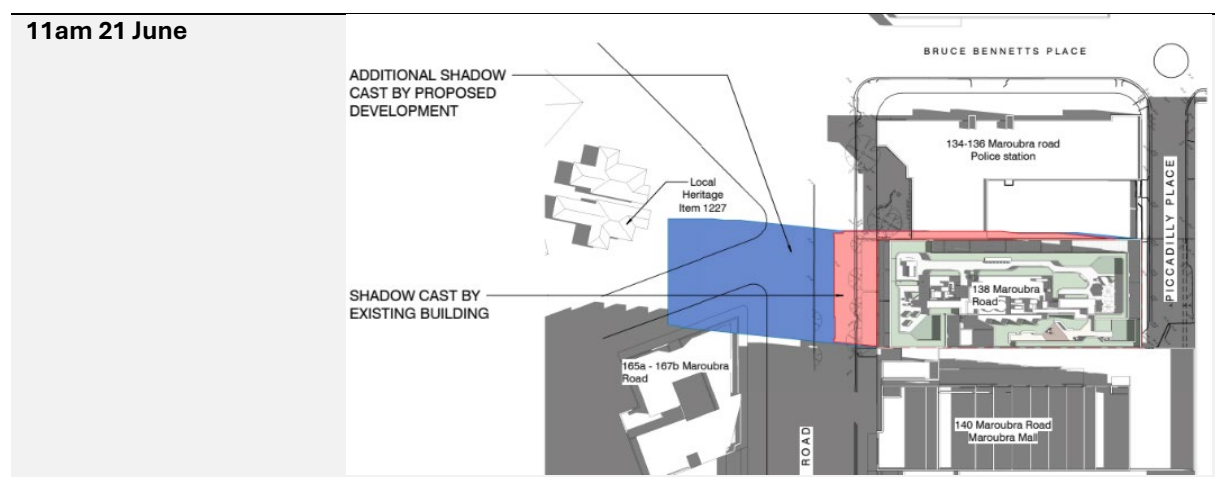


Figure 42: Overshadowing to heritage item between 9am and 11am on 21 June

Source: DJRD

## 8.17 Stormwater & Flood Management

An integrated water management plan and concept stormwater design has been prepared by SCP Consulting and is provided as **Appendix R**. The management plan details the water management strategies for the development and provides a proposed drainage design for stormwater and wastewater. The plan also considers the flood risk of the proposed site, and notes that whilst the site was identified as a flood control lot by Council, on further consultation, *“Council advised that the site is not burdened by the 1% AEP flood event and no flood water is stored on site for all storms up to the 1% AEP flood.”*

The proposed drainage design complies with Randwick Council’s drainage requirements as outlined in Council’s *Private Stormwater Code*. The proposed development will incorporate an on-site detention tank and capture stormwater runoff via a hydraulic stormwater system. The size of the tank is as specified by the BASIX certificate.

## 8.18 Accessibility and Universal Design

The proposed development satisfies both the ADG and Randwick DCP requirement to provide 20% of apartments as adaptable dwellings, and to incorporate the Liveable Housing Guideline’s silver level universal design features. Commensurate adaptable parking spaces have also been provided in accordance with the requirements.

## 8.19 Mitigation Measures

Mitigation measures have been built into the physical layout and design of the project. No mitigation offset agreements apply to the site. The following mitigation measures will ensure any potential negative impacts of the proposed development are appropriately managed and mitigated.

Table 21: Mitigation Measures

| Potential impact           | Specifics                                                                                                                                                                                                | Proposed mitigation measure(s)                                                                                                                                                                                                                                                                                                                                                                                  |
|----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Traffic impacts</b>     | <ul style="list-style-type: none"> <li>Traffic generation</li> <li>Sufficient parking</li> <li>Potential traffic conflict to rear Piccadilly Lane</li> </ul>                                             | <ul style="list-style-type: none"> <li>Separate vehicle access and egress to limit potential for conflicting traffic movement on Piccadilly Lane.</li> <li>Residential parking is provided per Housing SEPP non-discretionary development standards for infill affordable housing, with sufficient visitor/retail/shared additional parking provided to reflect the well-located nature of the site.</li> </ul> |
| <b>Noise and vibration</b> | <ul style="list-style-type: none"> <li>Temporary construction noise</li> <li>Operational noise impacts to neighbours / future residents from traffic, childcare centre, plant, police station</li> </ul> | <ul style="list-style-type: none"> <li>Construction noise can be managed by a suitable construction management plan and through a condition of consent regarding work and construction hours.</li> <li>Noise attenuation measures will be incorporated into building materials during detailed design.</li> </ul>                                                                                               |

|                                |                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|--------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                |                                                                                                                                      | <ul style="list-style-type: none"> <li>Roof top plant and any other potential noise sources will be installed per the manufacturers specifications and can be tested by a suitably qualified acoustical engineer to ensure acceptable noise levels.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>Visual privacy</b>          | <ul style="list-style-type: none"> <li>Opportunities for casual overlooking</li> </ul>                                               | <ul style="list-style-type: none"> <li>Visual privacy to neighbouring development is protected through the use of fixed and moveable louvres and deep planting to communal open spaces.</li> <li>'Pop out' windows to the eastern boundary is an appropriate design solution and mitigation measure to maintain privacy to that setback.</li> </ul>                                                                                                                                                                                                                                                                                                                                                       |
| <b>Solar access</b>            | <ul style="list-style-type: none"> <li>Solar access to neighbouring development</li> <li>Solar access to future residents</li> </ul> | <ul style="list-style-type: none"> <li>The proposed building has been designed to maintain reasonable solar access to neighbouring development, mindful of the dense urban nature of the surrounding area and the fact that neighbouring buildings are built to boundary and include setbacks that do not comply with ADG building separation.</li> <li>The proposed development meets ADG requirements for solar access to future residents.</li> </ul>                                                                                                                                                                                                                                                  |
| <b>View and visual impacts</b> | <ul style="list-style-type: none"> <li>Impact on neighbouring outlook</li> <li>Equitable view sharing</li> </ul>                     | <ul style="list-style-type: none"> <li>In terms of visual impact, the proposed development has been designed to strengthen and better define the Maroubra Street wall.</li> <li>In terms of view impact, the VVIA prepared as <b>Appendix P</b> concludes that surrounding residential buildings will experience low or moderate view loss, however these views are inherently susceptible to change as they are obtained across common boundaries within a dense urban centre, and the proposed development is compliant with the maximum building height permitted at the Site. In any case, the proposed development is consistent with the view sharing principle established in Tenacity.</li> </ul> |
| <b>Site isolation</b>          | <ul style="list-style-type: none"> <li>Ability to develop 136 Maroubra Road (NSW Police Force Site)</li> </ul>                       | <ul style="list-style-type: none"> <li>In the unlikely event that the adjoining NSW Police site at 136 Maroubra Road is redeveloped in the future, the proposed development provides appropriate setbacks to ensure that a feasible development can occur to that site.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>Contamination</b>           | <ul style="list-style-type: none"> <li>Site suitability for proposed use</li> </ul>                                                  | <ul style="list-style-type: none"> <li>A detailed site investigation has been provided as <b>Appendix V</b>. It is anticipated, based on the findings of the preliminary site investigation and geotechnical report undertaken that the site is, or can be made, suitable for the proposed use.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>NSW Police Force site</b>   | <ul style="list-style-type: none"> <li>Construction impacts on police operations</li> <li>Ongoing police operations</li> </ul>       | <ul style="list-style-type: none"> <li>A deed of agreement between the Applicant and NSW Police will commence on the date a development consent for the proposed development is received, refer <b>Appendix G</b>. The deed provides agreed mitigation measures to be undertaken by the Applicant during construction works, including hoardings and temporary parking arrangements for Police vehicles, as well as providing arrangements for site access where required.</li> </ul>                                                                                                                                                                                                                     |

The above mitigation measures will ensure any potential negative impacts of the proposed development are appropriately managed and mitigated. In each of these instances, the proposed development has been assessed by technical experts across a range of disciplines as guided by the SEARs and industry best practice. These assessments confirm that whilst there may be potential impacts resulting from the change of the existing site conditions, these impacts can be appropriately managed and mitigated.

On balance, the proposed development is in the public interest and will not result in any unacceptable or unreasonable environmental impacts that cannot be appropriately managed by implementing the recommended mitigation measures as outlined in this EIS and supporting technical reports, and appropriate conditions of consent.

## 8.20 Development Contributions & Public Benefit

No voluntary planning agreement is proposed to be entered into as part of the SSDA. The proposed development is subject to development contributions per the *Randwick City s7.12 Plan 2024*, pursuant to section 7.12 of the EP&A Act, and the housing and productivity contribution.

## 8.21 Cumulative Impacts of the Proposed Development

The site is located within Maroubra Junction, which is a strategically important urban centre comprising well-located, medium and high-density mixed-use development. Maroubra Junction is undergoing urban renewal aligned to strategic planning framework and direction.

Overarchingly, the National Housing Accord requires NSW to construct some 377,000 new well-located dwellings by June 2029. New development in Maroubra Junction is both anticipated and necessary to meet these strategic targets. The cumulative impact of concurrent and future anticipated development must therefore be considered in this broader context. Impacts during construction and operation of the proposed development can be appropriately minimised and mitigated through design interventions and reporting as demonstrated throughout this EIS, and will ensure that the area surrounding the site can develop in a manner that ensures the ongoing amenity of residents, businesses and visitors to Maroubra.

Further, the proposed development has been designed to generally comply with relevant statutory requirements and with input from key stakeholders including government. As such, any impacts of the proposed development are anticipated and expected for the site and the surrounding area, and are acceptable on balance. The economic, environmental and social impacts of the proposed development are considered further in Section 9.0.

# 9.0 Project Justification

The proposed development is appropriate for its location, has been carefully designed to minimise potential impacts, is consistent with strategic objectives and relevant statutory requirements and will positively contribute to Maroubra Junction and Randwick LGA more broadly. The proposed development will deliver new housing including affordable housing within close proximity to employment, public transport and services, aligned to State government priorities and the National Housing Accord. A letter of support from Community Housing Provider Bridge Housing is provided as **Appendix A**, which supports the proposed development and the delivery of infill affordable rental housing.

The proposed development will replace existing underutilised and low-grade commercial development with much needed and well-located residential dwellings within a mixed-use development. The proposed development has been designed to facilitate future orderly and economic development to neighbouring sites and, on balance, the impacts are not unreasonable given the dense urban context of the site and can be suitably managed during detailed design, construction and operation.

The proposed development is consistent with the objects of the EP&A Act, with relevant environmental planning instruments and is entirely permitted development in the E2 Commercial Centre Zone. The economic, environmental and social impacts of the proposed development are also summarised in the following sections.

## 9.1 Objects of the EP&A Act

The proposed development is consistent with the objects of the EP&A Act, in particular:

- (a) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,

The proposed development is supported by an ESD report attached as **Appendix N** and will incorporate ecologically sustainable development into the design, construction and ongoing use of the building. The proposed development meets or exceeds all BASIX and NatHERS requirements.

- (b) to promote the orderly and economic use and development of land,

The existing building at the site is low-grade, vacant commercial development that is not the highest and best use of the site and which is inconsistent with the economic and strategic importance of Maroubra Junction. The existing building is subject to a fire safety order and cannot be occupied without redevelopment. The proposed development

will maximise the potential of the site whilst also ensuring the future orderly and economic use of neighbouring development.

- (c) to promote good design and amenity of the built environment,

The proposed development has been designed by DJRD. The final proposed development promotes good design and amenity of the built environment by maximising internal and external amenity with regard to solar access, view sharing, minimising overshadowing and providing significant communal open space for residents and visitors to use.

- (d) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,

The proposed development will comply with the requirements and performance standards of the NCC and all relevant Australian Standards.

- (e) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,

This SSDA seeks to collaborate and share responsibility between levels of government to deliver well located housing within Maroubra Junction in line with relevant Federal, State and Local government strategic policy.

## 9.2 Consistency with Environmental Planning Instruments

As demonstrated in **Section 5.0** and the Statutory Compliance Table prepared by Planning & Co and provided as **Appendix M**, the proposed development is compliant with the applicable environmental planning instruments.

## 9.3 Economic Impacts of the Proposed Development

The proposed development will have a positive economic impact. The existing building at the site is entirely vacant and does not contribute to the local economy or the region more generally. The proposed development will:

- Provide new well-located housing including infill affordable housing close to employment, social infrastructure, public transport and other services that will cater for the needs of the community.
- Provide new retail floor space to the ground floor, contributing to the Maroubra Junction centre.
- Create additional short- and long-term employment in preconstruction, construction and operation.

## 9.4 Environmental Impacts of the Proposed Development

It is not anticipated that the proposed development will have unreasonable or consequential impacts on the natural or built environment. The proposed development has been carefully designed to minimise environmental impacts to future residents, neighbouring dwellings, the locality and the environment more generally.

To maximise amenity on the site, reduce environmental impacts to the surrounding development and mitigate the perceived bulk and scale from an immediate and district context, the following approach to built form and urban design has been adopted:

- The proposed development is setback from neighbouring dwellings and shares building separation to provide reasonable solar access at the winter solstice, mindful of ensuring other neighbouring land can still be redeveloped in the future.
- The proposed building height is compliant with the height permitted under Chapter 2 of the Housing SEPP for the delivery of 15% of total gross floor area as infill affordable housing. The additional height permitted under s18 of the Housing SEPP for the delivery of affordable housing does not have unreasonable additional environmental impacts on neighbouring development, and the proposed building is of a commensurate height to the buildings immediately to the east and north of the site, as well as to the west across Piccadilly Lane.
- The proposed development building does result in some impact on outlook from neighbouring development to the east, however this view loss is acceptable given the dense urban nature of the site and that the proposed development is compliant with the permitted building height on the land under the Housing SEPP.
- The proposed development provides adequate car parking spaces and will encourage shared car use schemes and active transport options for residents and visitors.

- The proposed development incorporates landscaping and planting on structure including to the rooftop.

## 9.5 Social Impacts of the Proposed Development

It is considered that the proposed development will have an overall positive social impact, not least as the proposed development includes 15% of the total gross floor area of the building as infill affordable housing under Chapter 2 of the Housing SEPP. The proposed development will provide 13 affordable housing dwellings across levels 1, 2, 3 and 4 that will be managed by a community housing provider for at least 15 years. A letter of support from Bridge Housing, a leading tier 1 community housing provider is provided as **Appendix X**. The letter confirms that the proposed mix of 1- and 2-bedroom affordable dwellings aligns to the target group for the Maroubra area and to Bridge Housing's needs.

The proposed development is a mixed-use residential project, including both market and affordable housing, located within the Maroubra Junction centre, which is an identified strategic centre. The site is zoned appropriately, and the proposal is permissible under the applicable planning controls. The delivery of housing and affordable housing within an identified centre is consistent with State and local strategic objectives and is expected to provide positive social outcomes through increased housing supply, diversity of dwelling types, and improved affordability.

Item 18 of the SEARs requires that a Social Impact Assessment (SIA) be undertaken if the Environmental Impact Statement (EIS) identifies significant social impacts. In this case, the proposed development is compliant with key controls and proposes reasonable variations where necessary to minimise impacts. Social impacts were not identified as a concern during assessment of the previous DA, nor in the subsequent Land and Environment Court proceedings. Likewise, Council and the community did not raise social impact issues in submissions or appeals.

Given the strategic location, alignment with planning policy, and absence of adverse social impacts, it is considered that an SIA is not required. For completeness, the proposed development is considered against the Principles to guide Social Impact Assessment in Table 2 of DPHI's Social Impact Assessment Guideline.

| SIA Guide Principles  | Assessment                                                                                                                                                                                                                                                                                                                                                                                       |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Action-oriented       | The proposed development is in an identified centre, provides both market and affordable housing, and is compliant with key controls that will support practical, achievable and equitable outcomes.                                                                                                                                                                                             |
| Adaptive              | The proposed development is for the purposes of a mixed use infill development within an identified centre, there is no need to adapt to adverse circumstances and risks are well understood.                                                                                                                                                                                                    |
| Culturally responsive | An Aboriginal Objects Due Diligence Assessment is provided as <b>Appendix DD</b> and concludes that no known Aboriginal objects or declared Aboriginal places are identified within the curtilage of the subject area and that no further investigation is required. It is not anticipated that the proposed development will cause any cultural social impacts and is low risk in this context. |
| Distributive equity   | The inclusion of affordable housing will promote equitable access. No known vulnerable groups will be disproportionately affected.                                                                                                                                                                                                                                                               |
| Impartial             | There is no reliance on biased or impartial sources and social issues were not raised previously by Council or the community during the previous development application, or on appeal.                                                                                                                                                                                                          |
| Inclusive             | An engagement report has been prepared as <b>Appendix O</b> , detailing community consultation which has been undertaken to ensure community is included in the proposed development process. The development will be publicly exhibited in accordance with the regulations.                                                                                                                     |
| Integrated            | Social considerations are integrated within the EIS and appendices including the detailed assessment of potential impacts.                                                                                                                                                                                                                                                                       |
| Life-cycle focus      | Cumulative impacts are considered in the EIS and the proposed development includes the renewal of an end of life, vacant commercial premises to deliver new residential dwellings and commercial flood space.                                                                                                                                                                                    |
| Material              | There are no material social risks identified. The material benefits (housing supply, affordability) are clear and central to the proposed development.                                                                                                                                                                                                                                          |
| Precautionary         | No significant or irreversible social harm is anticipated that may require a precautionary approach. The proposed development aligns with desired strategic planning outcomes for Maroubra Junction.                                                                                                                                                                                             |
| Proportionate         | The proposed development will not have an unproportionate social impact.                                                                                                                                                                                                                                                                                                                         |
| Rigorous              | The reasoning for social impact assessment to be considered in this EIS is based on documents and evidence provided by technical experts and per the previous DA process.                                                                                                                                                                                                                        |
| Transparent           | The rationale for addressing social impacts in the EIS is clear, no issues were previously raised and the proposed development will provide market and affordable housing                                                                                                                                                                                                                        |

In summary, and having considered the NSW Social Impact Assessment Guidelines, the proposed development is not expected to generate adverse social impacts. The provision of both market and affordable housing within an identified centre represents a positive social outcome, supporting housing diversity, accessibility, and strategic planning objectives. Given the absence of material risks, and noting that social impacts were not raised as concerns in the prior DA assessment or appeal, the social implications of the project can be appropriately addressed within the EIS. It is considered that a Social Impact Assessment is therefore not required.

## 9.6 Suitability of the Site

The proposed development is entirely suitable for the site as it:

- is it development that is permitted with consent under the Randwick LEP and Housing SEPP,
- directly responds to the strategic vision and directions for the local area as established in state and local strategic frameworks,
- will delivery additional housing including affordable housing aligned to the National Housing Accord,
- provides a mixed-use development that provides new well-located homes in the Eastgardens-Maroubra Junction strategic centre, close to employment, services, public transport and open space,
- proposes an appropriate scale, height and built form that is commensurate with the surrounding area and that does not present any unreasonable environmental impacts that can be appropriately managed and mitigated, and
- has been designed to be developed in a manner that minimises impacts on its surrounds.
- The proposed development meets the objectives of the E2 Commercial Zone, as demonstrated in Table 22.

Table 22: Objectives of E2 Zone

| Objectives of Zone                                                                                                                               | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|--------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>To strengthen the role of the commercial centre as the centre of business, retail, community and cultural activity.</i>                       | The proposed development includes non-residential floor space that will strengthen the role of the centre as a centre of business, retail, community and cultural activity.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <i>To encourage investment in commercial development that generates employment opportunities and economic growth.</i>                            | The non-residential floor space contributes to the provision of employment opportunities in Maroubra Junction. The proposed mixed-use development provides non-residential floor space on the ground floor. The residential upper floors facilitate an increase to the residential population of Maroubra within the Strategic Centre, contributing to the economic vitality of the precinct.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <i>To encourage development that has a high level of accessibility and amenity, particularly for pedestrians.</i>                                | The site is in close proximity to the major bus routes on both Anzac Parade and Maroubra Road and therefore has a high level of accessibility and amenity. Projected future public transport connectivity through the LGA (including potential future light rail extension) will reinforce the accessibility of the site. Future residents can take advantage of public transport, walking and cycling to meet their everyday need for work, recreation and shopping.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <i>To enable residential development only if it is consistent with the Council's strategic planning for residential development in the area.</i> | <p>Part D4 Maroubra Junction Centre in the Randwick DCP outlines the desired future character for the precinct "to provide a mix of commercial, retail and residential uses that serve the needs of the local community".</p> <p>The endorsed Local Strategic Planning Statement and Local Housing Strategy both identify the centre as a location for additional housing. These documents are now given weight by the LEP objective.</p> <ul style="list-style-type: none"> <li>• The site is located in Maroubra Junction, identified as a highly accessible location in the LSPS and LHS.</li> <li>• The LSPS at Page 17 notes: Focusing housing growth in and around our strategic and town centres close to shops, transport and services to support a 30-minute City;</li> <li>• The LSPS at Page 25: Planning Priority 1: Provide Diverse housing options close to transport, services, facilities</li> <li>• The LSPS at Page 40 Eastgardens Maroubra Junction Strategic Centre: Key challenges and opportunities for planning for the Eastgardens-Maroubra Junction Strategic Centre include Action 9.4</li> </ul> |

|                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                  | <p>Undertake a comprehensive study of the Eastgardens-Maroubra Junction Strategic Centre that integrates land use and planning – short/medium term.</p> <ul style="list-style-type: none"> <li>• The LHS at Page 39 notes: HS Priority 7 Ensure future redevelopment sites are aligned with future transport investment.... The Future Transport Strategy 2056 identifies ‘City Shaping’ and ‘City Serving’ transport projects for the City to 2056, as outlined in the District Plan. These include mass transit/train link investigation from the Harbour CBD to Malabar via Randwick and Eastgardens-Maroubra Junction; and Light rail investigation from Kingsford to Maroubra Junction</li> <li>• The LSPS at Page 47 notes: Long term housing growth – notes Eastgardens-Maroubra Junction Strategic Centre... “The Eastgardens-Maroubra Strategic Centre is identified in the Eastern City District Plan as a new Strategic Centre that straddles both Randwick City and Bayside Councils. Council will work with Bayside Council to undertake a study of the Strategic Centre to investigate the current and potential future economic and social roles of the combined centre, and the implications for land use and transport planning.”</li> </ul> <p>The site is identified as suitable for residential development and residential uses (including residential flat buildings, dwelling houses and shop top housing) are permitted with consent in the zone.</p> |
| <i>To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.</i> | <p>The proposed development includes non-residential uses at ground level that will attract pedestrian traffic and contribute to a vibrant, diverse and function street and public space.</p> <p>Despite some services being necessarily located to the street and ground floor plane, it is considered suitable in its context and that for any multi-storey buildings there are certain parts of a street façade that will not comprise of an active frontage including:</p> <ul style="list-style-type: none"> <li>• Booster and sprinkler assemblies (Part E1 NCC Vol 1)</li> <li>• Gas / water meter valves. (Authority requirements)</li> <li>• Fire escapes (Part D2 NCC Vol 1)</li> </ul> <p>These cannot be relocated to Piccadilly Place as the land adjacent the boundary is not a public road.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <i>To facilitate a high standard of urban design and pedestrian amenity that contributes to achieving a sense of place for the local community.</i>                                              | <p>As the subject site has not been amalgamated with the NSW Police Station site as anticipated in Council’s DCP, the proposal follows a detailed envelope design process that makes best use of the site in accordance with the LEP and relevant SEPP provisions (particularly the ADG that is given weight through the Housing SEPP). This process included due consideration to the environmental impacts to adjoining existing development, as well as to the future development of the NSW Police Station site and to the public domain. The final envelope that formed the basis of the resolved architectural design minimises adverse impact as outlined in this EIS.</p> <p>The proposed development includes an active street frontages that will encourage pedestrian amenity and contribute to a sense of place for the local community.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <i>To minimise the impact of development and protect the amenity of residents in the zone and in the adjoining and nearby residential zones.</i>                                                 | <p>The amenity impacts are addressed in Section 8.0 of this EIS.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <i>To facilitate a safe public domain.</i>                                                                                                                                                       | <p>The proposed development is consistent with this objective. The proposed retail tenancy at ground floor has direct access to the street, with a glazed frontage. Residential floors above provide passive surveillance of both Maroubra Road and Piccadilly Place.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <i>To support a diverse, safe and inclusive day and night-time economy.</i>                                                                                                                      | <p>As above, the proposed development provides a retail tenancy at ground floor with direct access to the street that will provide passive surveillance of both Maroubra Road and Piccadilly Place. Further, the proposed mixed use development will provide a diversity of uses and provide well located dwellings, enabling residents and workers to participate in the local day and night-time economy.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

## 9.7 The Public Interest

The proposed development is in the public interest for the following reasons:

- The proposed development will facilitate the renewal of an underutilised site within Maroubra Junction, currently a vacant commercial building, to deliver a new mixed-use development that can maximise the sites location within a strategic centre and proximity to public transport, jobs and social infrastructure.
- The proposed development will deliver 64 new dwellings including 13 affordable dwellings to meet the needs of existing and future residents of Maroubra and is aligned to state and federal housing targets and strategic planning frameworks.
- The proposed development will provide a new retail tenancy and active frontage to Maroubra Road, delivering new economic opportunities for local businesses or services and new ongoing employment.
- The proposed development promotes sustainable urban renewal by providing in-fill development that is within a strategic centre, reducing car dependency and consolidating Sydney's growing population around existing infrastructure.
- The proposed development is largely compliant with relevant planning controls and is of an appropriate bulk and scale as anticipated by all of the environmental planning instruments that apply. The potential impacts of the proposed development have been assessed in this EIS and are considered reasonable and can be mitigated where required.

## 10.0 Conclusion

This Environmental Impact Statement is submitted to the NSW Department of Planning, Housing and Infrastructure on behalf of Maroubra Property Developments Pty Limited, pursuant to Part 4 of the Environmental Planning and Assessment Act 1979. This EIS supports a State Significant Development Application to redevelop land at 138 Maroubra Road, Maroubra for the purposes of a mixed-use development, comprising a residential flat building including affordable rental housing and a single ground floor retail premises.

This EIS has had regard to and addressed all the matters in the Secretary's Environmental Assessment Requirements received 31 March 2025, SSD-81426710.

The proposed development is State Significant Development pursuant to Section 26A of Schedule 1 of State Environmental Planning Policy (Planning Systems) 2021 as the proposal is:

- Residential development that includes in-fill affordable housing pursuant to Chapter 2 of the Housing SEPP,
- Is in the Eastern Harbour City pursuant to Schedule 9 of the EP&A Act, and
- Has an EDC of more than \$75 million per the EDC Report provided as Appendix D.

The proposed development is a mixed-use residential flat building and ground floor retail premises. The proposed development will provide 64 new residential dwellings including 13 affordable dwellings and a retail tenancy within Maroubra Junction, close to employment, public transport, social infrastructure and amenity. Maroubra Junction is part of the Eastgardens-Maroubra Junction strategic centre, identified by State and local government as a key economic and social centre within Randwick LGA, that has potential to accommodate additional housing and employment and drive future growth. The proposed development will contribute to the National Housing Accord target and will deliver housing within the Accord period.

This EIS has been prepared in accordance with the requirements of Part 4 of the EP&A Act, Section 175 of the Environmental Planning and Assessment Regulation 2021, DPHI's *State significant Development guidelines – preparing an environment impact statement* and the Secretary's Environmental Assessment Requirements (SEARs) received for the preparation of this EIS. This EIS should be read in conjunction with supporting technical documentation and plans attached as appendices, accompanying this statement.

On balance, the environmental impacts of the proposed development are reasonable and acceptable given the Sites dense urban context and the strategic objectives and priorities of government. Where required, mitigation measures are proposed to reduce any potential impacts on the surrounding area and existing neighbouring development. The proposed development is compliant with the maximum permitted height under the Housing SEPP, meets the objectives of the E2 Commercial, is suitable for the Site and is in the public interest. The assessment of the proposal has demonstrated that the development will not result in any unreasonable environmental impacts that cannot be appropriately managed consistent with the relevant planning controls for the site.

For these reasons, the proposed development has demonstrated strategic merit and, having considered all of the relevant matters, is recommended for approval subject to relevant conditions of consent.