



# URBAN DESIGN STATEMENT

138 MAROUBRA ROAD MAROUBRA

REV B 28-07-2025

**SMITH & TZANNES**

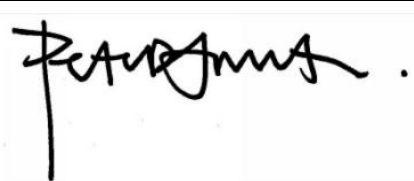
TITLE	<b>URBAN DESIGN STATEMENT</b>
PROJECT	<b>138 Maroubra ROAd MAROUBRA</b> 25_033
CLIENT	
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**SEARs Requirements Declaration: Mixed use development with in-fill affordable housing, 138 Maroubra Road, Maroubra**

Declaration		
Name	Peter Smith	
Qualifications	B.Arts (Architecture) BArch (Hon) GDEnvLaw, Registered Archtitect NSW 7024, Registered Urban Designer NSW	
	The undersigned declares that this Urban Design Statement has been prepared in response to the following SEARs requirements issued for the Project on 15/11/2024 for SSD-81426710:	
SEARs item no.	SEARs Requirement	Relevant Section of this Report
6	<i>Demonstrate how the proposed built form (layout, height, bulk, scale, separation, setbacks, interface and articulation) addresses and responds to the context, site characteristics, streetscape and existing and future character of the locality</i>	Section 4-5
Signed		
Dated	26-07-2025	

# 1 INTRODUCTION

## 1.1 PURPOSE

The purpose of this statement is to address the requirements of the Planning Secretary's Environmental Assessment Requirements dated 31 March 2025. In particular:

### SEARS

- 6. Demonstrate how the proposed built form (layout, height, bulk, scale, separation, setbacks, interface and articulation) addresses and responds to the context, site characteristics, streetscape and existing and future character of the locality.*

### COVERING LETTER

- 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.*

This report also demonstrates how the proposed development can be considered compatible with the surrounding local context as required by clause 21(3) of the Housing SEPP and addresses cl 6.11(4) of the Randwick Local Environmental Plan – Design Excellence.

## 1.2 DESIGN VERIFICATION STATEMENT

The architect DRJD has prepared a Design Verification Statement that demonstrates how the development meets the Design Principles in Schedule 9 of the Housing SEPP and the Objectives of the Apartment Design Guide (ADG)

## 1.3 PREVIOUS DEVELOPMENT APPLICATIONS

The previous development included shop top housing development with ground floor retail, first floor commercial, and residential apartments above including infill affordable housing. The application sought to exceed the height limit for the site. The consent authority maintained that the additional height made permissible by the Housing SEPP could not be utilised due to the savings and transitional provisions in Schedule 7A of the SEPP, as the development application was made before the commencement date of the Infill Affordable Housing provisions. Without the bonus provisions applying, the height of the proposal did not achieve the objectives of the LEP standard and the development was refused.

## 1.4 PROPOSED DEVELOPMENT

The State Significant Development Application (SSDA) seeks approval for a shop top housing development, comprising ground floor commercial premises and residential

uses including infill affordable housing, as well as basement car parking, landscaping, lot amalgamation and extension/augmentation of services and utilities.

The proposed development dedicates 15% of the apartments as affordable housing for a period of 15 years. This enables the provisions of Chapter 2 Part 2, Division 1 of the Housing SEPP that provides bonus height for development that dedicates affordable housing. The development complies with the height development standard.



FIGURE 1: ILLUSTRATION OF PROPOSED DEVELOPMENT FROM MAROUBRA ROAD

## 2 CONTEXT ANALYSIS

The site is located at the south-western corner of the Maroubra Junction Town Centre precinct. It is surrounded by high rise mixed use development with building of 6-13 storeys. This is a scale comparable with the proposed development.



FIGURE 2: SITE CONTEXT



FIGURE 3: MAROUBRA ROAD FRONTAGE ESTABLISHES A CONTEXT

Maroubra Junction is a key node in Sydney’s eastern suburbs, servicing as a commercial and transport hub with a significant residential density that has

developed over the past 25-30 years. The area features a mix of mid to high rise buildings. The key activity area centres are centred around the intersection of Maroubra Road and Anzac Parade.



FIGURE 4: AERIAL VIEW LOOKING NORTH. SUBJECT SITE IN CONTEXT OF HIGH RISE RESIDENTIAL DEVELOPMENT

Bruce Bennetts Place is a local street and Piccadilly Place is a service laneway. The northern side of Picadilly Place provides service areas, car parking, loading docks, driveway entrances and ventilation grills to the lower levels of the street providing an inhospitable environment.



FIGURE 5: PICCADILLY PLACE - A SERVICE LANEWAY

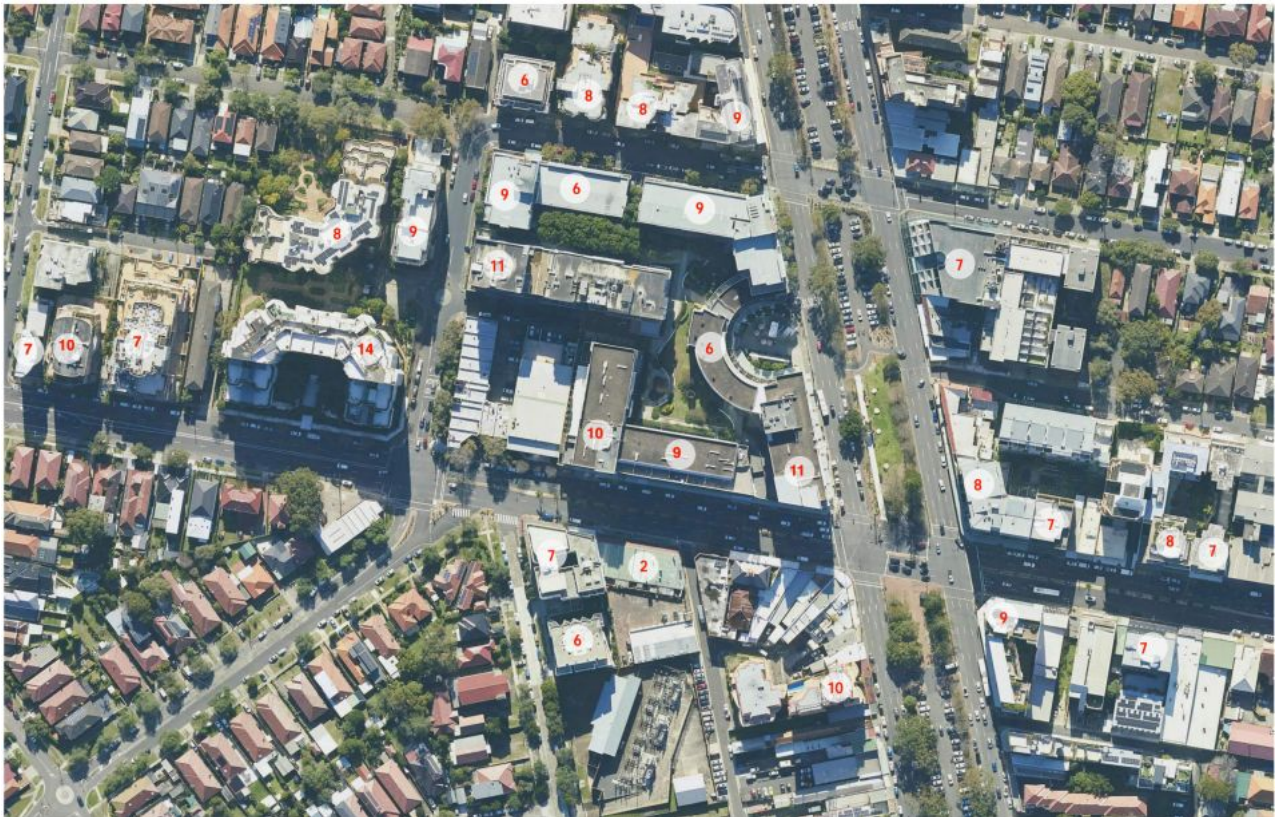


FIGURE 6: BUILDING HEIGHTS MAROUBRA JUNCTION - DEMONSTRATING HEIGHT IN STOREYS OF EXISTING DEVELOPMENT IN THE MAROUBRA JUNCTION PRECINCT

### 3 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.

Specifically it includes:

- Demolition of existing structures.
- Site preparation and excavation works.
- 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

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.

The ground floor facing Maroubra Road comprises retail tenancy, services, building entrance vehicle entrances.

Loading and services have a frontage to Piccadilly Place.

While car parking is provided above ground level, this is not visible from Maroubra Road as residential apartments face Maroubra Road.

The podium car park is exposed to Piccadilly Place. This is appropriate given the character of this laneway. Pacific Square also has car parking and services providing a frontage to Piccadilly Place.



FIGURE 7: SECTION DEPICTING GROUND FLOOR USES, PARKING ARRANGEMENT AND INTERFACE AT THE STREET.

The application complies with the development standards for height ratio that include bonus height provide under the of the Housing SEPP.

## 4 COMPATABILITY WITH LOCAL CHARACTER OF THE AREA

Clause 21(3) of *State Environmental Planning Policy (Housing) 2022* requires that:

Development consent must not be granted to development under this division unless the consent authority has considered whether the design of the residential development is compatible with—

- (a) the desirable elements of the character of the local area, or
- (b) for precincts undergoing transition—the desired future character of the precinct.

The area is considered to have largely undergone the transition anticipated by the planning controls that were developed in the early 2000's. Development that surrounds the site has largely created a substantial built form context. The subject site and adjacent Police Station site remain one of the few undeveloped sites.

The proposed can be considered compatible with the character of the local area, and it can be considered compatible with the desired future character of the precinct.

### What is desired future character

Recent case law shows that 'desired future character' is determined by a range of factors including the planning controls that apply to the land and the approved buildings neighbouring a development. The surrounding site context is important when considering character and compatibility.

### How can a development demonstrate compatibility with the local area

*Project Venture Development Pty Ltd v Pittwater Council* provides us with guidance when considering the compatibility of a proposal within its local area.

The guidance provided by the Court in *Project Venture Development* is as follows:

**1. Compatibility is different from "sameness":** *"There are many dictionary definitions of compatible. The most apposite meaning in an urban design context is capable of existing together in harmony. Compatibility is thus different from sameness. It is generally accepted that buildings can exist together in harmony without having the same density, scale or appearance, though as the difference in these attributes increases, harmony is harder to achieve."*

**2. Compatibility is not always desirable:** *"There are situations where extreme differences in scale and appearance produce great urban design involving landmark buildings. There are situations where the planning controls envisage a change of character, in which case compatibility with the future character is more appropriate than with the existing. Finally, there are urban environments that are so unattractive that it is best not to reproduce them."*

**3. Where compatibility is desirable, physical and visual impacts need to be considered:**

*“The physical impacts, such as noise, overlooking, overshadowing and constraining development potential, can be assessed with relative objectivity. In contrast, to decide whether or not a new building appears to be in harmony with its surroundings is a more subjective task. Analysing the existing context and then testing the proposal against it can, however, reduce the degree of subjectivity.*”

*For a new development to be visually compatible with its context, it should contain, or at least respond to, the essential elements that make up the character of the surrounding urban environment. In some areas, planning instruments or urban design studies have already described the urban character. In others (the majority of cases), the character needs to be defined as part of a proposal’s assessment. The most important contributor to urban character is the relationship of built form to surrounding space, a relationship that is created by building height, setbacks and landscaping. In special areas, such as conservation areas, architectural style and materials are also contributors to character.”*

#### **4. There are other contributing factors, including height, setbacks and landscaping:**

*“Buildings do not have to be the same height to be compatible. Where there are significant differences in height, it is easier to achieve compatibility when the change is gradual rather than abrupt. The extent to which height differences are acceptable depends also on the consistency of height in the existing streetscape.*

*Front setbacks and the way they are treated are an important element of urban character. Where there is a uniform building line, even small differences can destroy the unity. Setbacks from side boundaries determine the rhythm of building and void. While it may not be possible to reproduce the rhythm exactly, new development should strive to reflect it in some way.*

*Landscaping is also an important contributor to urban character. In some areas landscape dominates buildings, in others buildings dominate the landscape. Where canopy trees define the character, new developments must provide opportunities for planting canopy trees.”*

#### **5. To assess the matters above, two questions should be considered:**

In order to test whether a proposal is compatible with its context, two questions should be asked.

1. Are the proposal’s physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.
2. Is the proposal’s appearance in harmony with the buildings around it and the character of the street?

## **4.1 PHYSICAL IMPACTS ON THE SURROUNDING DEVELOPMENT**

The Design Report prepared by DJRD, Visual Impact Assessment and the EIS prepared by Planning and Co assess the physical impacts on the surrounding development.

There are minor overshadowing impacts to the lower levels of the development on the south side of Maroubra Road, and view loss from apartments within the Pacific Square development – however these are expected given the scale of development permissible on the land. This is discussed in detail in the EIS prepared by Planning & Co.



#### 4.2 APPEARANCE IN HARMONY WITH THE BUILDINGS AROUND IT.

The proposed can be considered to be in harmony with the buildings around it for the following reasons.

- The proposal has a very similar scale and form as adjacent buildings
- The proposal has a parapet at the street boundary similar to the buildings to the east between the site and Anzac Parade.

Maintaining a parapet height that is similar to adjacent buildings will create a **harmonious and visually appealing streetscape**. When buildings align in height, especially at the parapet level, it helps establish a consistent architectural rhythm and scale that enhances the overall aesthetic of the street. This visual continuity contributes to a sense of order and cohesion, making the environment more inviting and pleasant for pedestrians and residents. It also respects the existing urban character and form on a part of the street block where the building height is quite uniform. By ensuring compatibility in parapet height, the new development will integrate seamlessly into their surroundings, supporting both functional urban design and community identity.

The adjacent building has a predominantly 8 storey street wall with small portions (at each end of the building extending to 11 storeys). The proposal continues the 8 storey street wall.

While the planning controls established in 2001 provided for lower scale development on the site, subsequent development in the area and more recent state planning policies render this lower scale redundant and inappropriate.

While the DCP encourages buildings of 6 storeys along Maroubra Road – high building forms have since been constructed, and state planning policies that permit additional height to encourage additional affordable housing have increased building heights generally.

While providing increased height beyond the LEP standard, the resulting height is contextually compatible because of the consistency of the street wall.

The part of the building (setback from the street wall) is also unremarkable and compatible with the surrounding context as many other developments in the area also have upper levels setback from the street wall – the scale of what is proposed is also compatible with the surrounding context.



FIGURE 8: PARAPET HEIGHT OF PROPOSED DEVELOPMENT SIMILAR TO THAT OF ADJACENT DEVELOPMENT



FIGURE 9: MAROUBRA ROAD FRONTAGE. SOLID LINE = STREET BOUNDARY PARAPET. DASHED LINE = TOP FLOOR PARAPET (STREET ELEVATION SUPPLIED BY DJRD)



FIGURE 10: PHOTOMONTAGE OF MAROUBRA PARADE FRONTAGE LOOKING WEST (DJRD ARCHITECTS) WITH ORANGE LINES INDICATING THE DOMINANT STREET WALL HEIGHT

### 4.3 IMPLICATIONS TO POLICE STATION SITE

The proposed development is adjacent State Government owned land that is currently an operational Police Station. The applicant has been unable to amalgamate the subject site with the police station land despite making reasonable efforts to acquire the land.

The Randwick DCP (which does not apply to this State Significant development application) indicated a 'C' shaped development across both the subject site and the Police Station land.

As each site will be developed separately, the 'C' shaped building form is not preferred as this would result in two small towers at the open end of the 'C' shape. This provides for an expensive building form, reduced development potential and a space between the buildings that has very limited amenity.

The 'T' shaped building with the wider section fronting Maroubra Road replicates the pattern of the adjacent Pacific Square building.

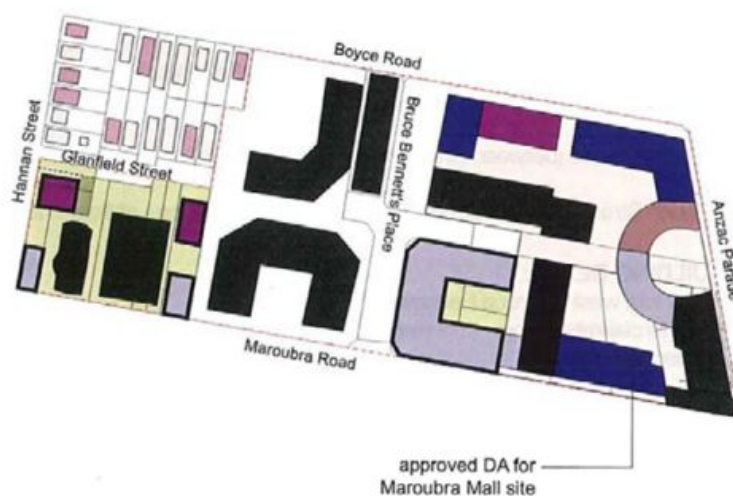


FIGURE 11: BUILDING ENVELOPE PLAN EXTRACT FROM RANDWICK DCP

Notwithstanding, that the development is State Significant, the provisions of a development control plan cannot be used to interpret the provisions of an LEP or SEPP unless the instrument refers to the DCP expressly for that purpose.<sup>1</sup> Thus, for the lack of ability to amalgamate the two sites and status of the DCP the shape of the building form in the DCP should be given no consideration.

#### Potential development on Police Station site.

DJRD have prepared a concept for future development on the Police Station site to demonstrate that a reasonable development potential can be achieved.

<sup>1</sup> *Woollahra Municipal Council v SJD DB2 Pty Ltd* [2020] NSWLEC 115, at [46].

The land does not have a floor space ratio that applies under the Randwick Local Environmental Plan that can be used as a benchmark.

The concept demonstrates a perimeter block form, where apartments generally orientate to the street frontages. This is typical of contemporary apartment development of this scale and in the area. The apartments indicated in the concept comply with the design criteria for the Apartment Design Guide (ADG) for solar access, cross ventilation and privacy. The apartments are at, or slightly above the minimum sizes in the ADG and receive solar access and cross ventilation that complies with ADG design criteria.

This form of development compliments the proposed development on the subject site.



FIGURE 12: POTENTIAL DEVELOPMENT ON THE POLICE STATION SITE (MODEL PROVIDED BY DJRD)

It allows good solar access to both future development on the Police Station site (should it develop in this way) and also good solar access to the proposed development.

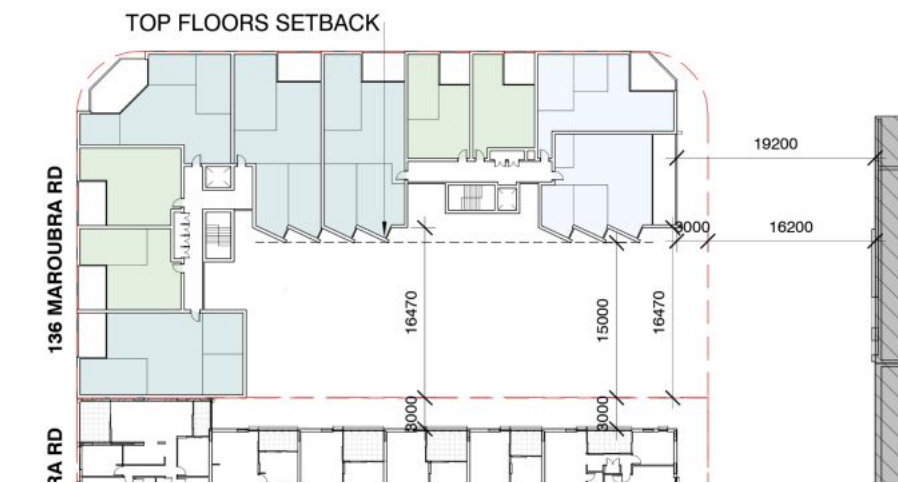


FIGURE 13: STUDY OF TYPICAL FLOOR PLATE OF POLICE STATION SITE (DRJD)

**Do the setbacks impact development potential.**

The minimum building separation between opposing buildings in the ADG where habitable rooms in an 8 storey buildings oppose each other is 18m. The concept plan above indicates 18m to the edge of fins and more than 18m to walls.

If further development potential on the Police Station site was sought, architectural devices such as angled windows (used on the subject site) could be provided to further increase development potential

Objective 3F-1 of the ADG requires consideration that “Adequate separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.”

While the distance demonstrated in the above plan is ‘unequal’ across the boundary line, adequate building separation is achieved. Since the dominant pattern of development is to place buildings along the street boundary, a building on the Police Station site would most certainly be placed there. However, there is a limited depth of any building along this boundary before internal spaces would not receive adequate daylight or ventilation. The remaining land contributes to the privacy separation between the buildings. The wider lot geometry of the subject site means that the better outcome is one that does not share the separation distance equally.

## 5 DESIGN EXCELLENCE

Clause 6.11(4) requires the consent authority to consider whether the development achieves design excellence. The consent authority can consider that the development does achieve design excellence for the reasons set out in the following table:

LEP Requirement - cl6.11(4)	Design Response
<b>(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,</b>	<ul style="list-style-type: none"> <li>• The design is compatible with the context as noted above.</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> </ul>
<b>(b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,</b>	<ul style="list-style-type: none"> <li>• Renewal of abandoned building in a strategic centre</li> <li>• Activates the street with 1 x retail tenancy</li> <li>• Service areas are located to the rear to consolidate with the service areas of adjoining development</li> </ul>
<b>(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,</b>	<ul style="list-style-type: none"> <li>• As noted above in this report the proposal provides a strong response to the context delivering a building that is compatible with the streetscape character.</li> <li>• The proposal provides a setback to adjacent residential development at the rear of the site and</li> <li>• Shares setbacks w NSW Police site – but allows redevelopment of both sites independently</li> </ul>
<b>(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,</b>	<ul style="list-style-type: none"> <li>• The proposal demonstrate that it maximises opportunities for solar access and natural ventilation through the selected building form and is demonstrated by compliance with the ADG design criteria.</li> <li>• The proposed development addresses visual and acoustic privacy and the objectives in the ADG are achieved – refer to the Design Verification Statement</li> <li>• Sustainability is addressed and demonstrated in the BASIX certificate, it is also addressed through the siting and orientation of the proposed development that maximises opportunities for passive heating and cooling, natural light and ventilation.</li> <li>• The roof garden provides mitigation against the urban heat island effect.</li> </ul>
<b>(e) whether the proposed development detrimentally impacts on view corridors and landmarks.</b>	<ul style="list-style-type: none"> <li>• The maximum height of building complies with the bonus height provided under the Housing SEPP provisions.</li> <li>• Refer to the Visual impact assessment for impacts on view corridors and landmarks.</li> </ul>

## 6 SUMMARY

This report sets out how the proposed built form (layout, height, bulk scale, separation, setback, interface and articulation) addresses and responds to the context, site characteristics, streetscape and existing and future character of the locality.

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.