

# Visual and View Impact Analysis

138 Maroubra Road, Maroubra

Submitted on behalf of Maroubra Property Developments Pty Ltd

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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# 1.0 Introduction

This Visual and View Impact Analysis (VVIA) has been prepared as part of a State significant development application (SSDA) submitted by Maroubra Property Developments Pty Ltd (**the Applicant**) to the Department of Planning, Housing and Infrastructure for a nine-storey mixed-use development comprising a residential flat building including in-fill affordable housing and ground floor retail uses (**the proposal**).

It has been prepared with reference to the ‘View impact renderings and methodology report’ prepared by Virtual Ideas and assesses the proposal’s view and visual impact on the public domain and surrounding dwellings.

The VVIA addresses the Planning Secretary’s Environmental Assessment Requirements (SEARs) issued on the 31 March 2025 for SSD-81426710 and reproduced in the table below.

It is noted that the SEARs identify that a View Impact Analysis and Visual Impact Assessment are to be provided only ‘if required’. This report contains both given the site’s previous development application history which included consideration of view impact.

Table 1: VVIA SEARs

Issue and Assessment Requirements	Supporting Documentation
7. Environmental Amenity <ul style="list-style-type: none"><li>Assess amenity impacts on the surrounding locality, including solar access, visual privacy, view loss and view sharing, as well as wind, lighting and reflectivity impacts. A high level of environmental amenity for any surrounding residential or other sensitive land uses must be demonstrated.</li></ul>	<u>If required:</u> View Impact Analysis
8. Visual Impact <ul style="list-style-type: none"><li>Provide a visual analysis of the development from key viewpoints, including photomontages or perspectives showing the proposed and likely future development.</li><li>If the proposal would result in significant visual impact not anticipated by the planning controls, provide a visual impact assessment that addresses the visual impacts of the development on the existing catchment.</li></ul>	Visual Impact Analysis <u>If required:</u> Visual Impact Assessment

## 2.0 The Site & Surrounds

### 2.1 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 Properties Pty Ltd. 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 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. The Site and surrounds are identified in **Figure 1**.

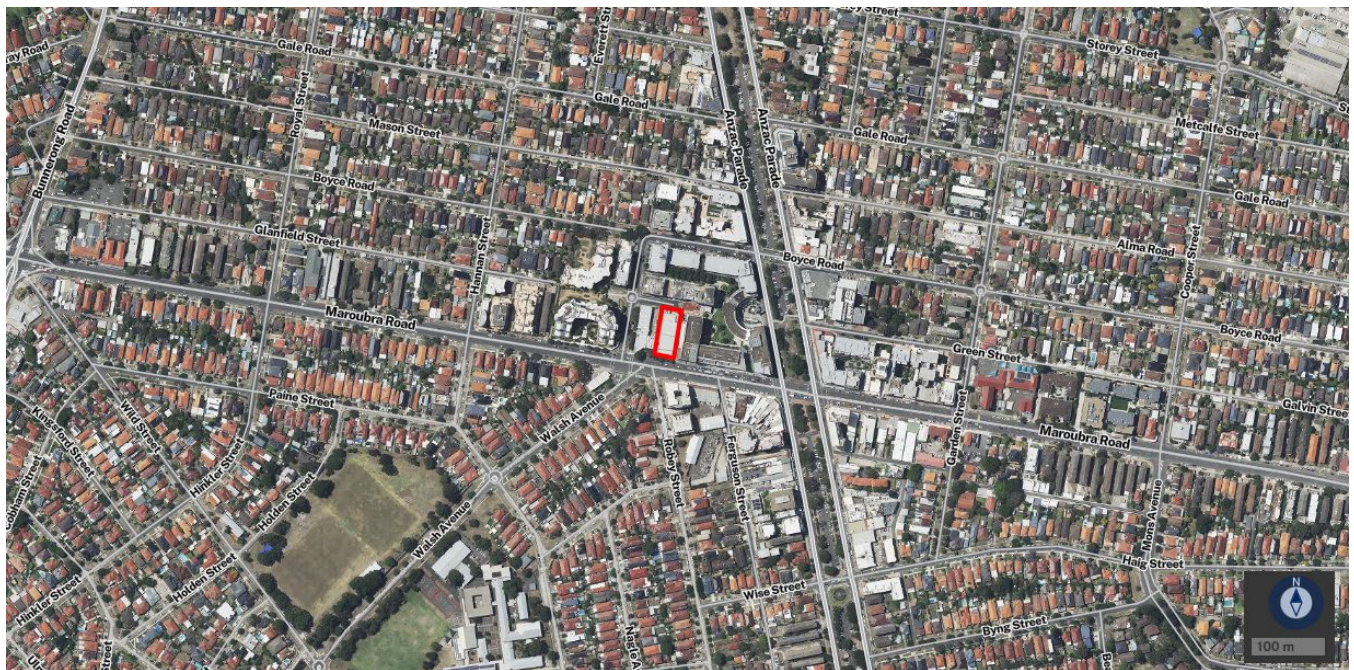


Figure 1: The Site and Surrounds

Source: NSW SDT Explorer

<sup>1</sup> [Randwick Local Strategic Planning Statement 2019](#), p14

## 2.2 Site Surrounds

The Site is immediately adjacent the Maroubra NSW Police Station to the west at the corner of Maroubra Road and 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.



Figure 2: Site Surrounds

### 3.0 The Proposed Development

The proposed development is a mixed-use development comprising a residential flat building including in-fill affordable housing and ground floor commercial 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.
- Site preparation and excavation works.
- Construction of a nine storey mixed-use development comprising a residential flat building and ground floor commercial 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

A photomontage of the proposal is provided at **Figure 3**.



Figure 3: The proposal looking east along Maroubra Road

## 4.0 Planning Context

The environmental planning instruments, policies or guidelines of relevance to the consideration of visual and view impacts are addressed below.

### 4.1 State Significant Planning Policy (Housing) 2021

The proposal is subject to Chapter 2 of Housing SEPP which 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 and floor space ratio subject to the provision of at least 10% of the total GFA of a building being provided as affordable housing.

The proposal 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 FSR and a commensurate 30% additional height over and above the FSR and height permitted under the Randwick LEP 2012, pursuant to s16 of Chapter 2, Part 2, Division 1.

There are no specific clauses under Chapter 2 that require the consent authority to consider the impact of development on visual impact or view sharing.

Chapter 4 of the Housing SEPP applies to residential apartment development that is three or more storeys. The consent authority must consider the design principles for residential development set out in Schedule 9 of the Housing SEPP. Principle 2 (3)(b) states that:

*“(3) Appropriate built form-*

*(b) contributes to the character of streetscapes and parks, including their views and vistas,”*

### 4.2 Randwick Local Environmental Plan 2012

Notwithstanding the application of the Housing SEPP, with respect to views, the Randwick LEP 2012 includes a common objective under both Clause 4.3 Height of buildings and Clause 4.4 Floor space ratio to protect neighbouring amenity which is reproduced below:

*“to ensure that development does not adversely impact on the amenity of adjoining and neighbouring land in terms of visual bulk, loss of privacy, overshadowing and views.”*

Further, Clause 6.11(4)(e) Design excellence requires the consent authority to have regard to:

*‘whether the proposed development detrimentally impacts on view corridors and landmarks.’*

The Randwick LEP 2012 does not identify any view corridors or landmarks in the vicinity of the proposal.

The proposal is not located in the vicinity of any heritage items or heritage conservation areas; therefore, consideration of heritage settings and views is not relevant to this VVIA.

### 4.3 Randwick Development Control Plan 2013

The Randwick DCP 2013 identifies the Site as within ‘block 6’ of the Maroubra Junction Centre. The DCP vision statement for Maroubra Junction is the following:

***Maroubra Junction Centre is envisaged to be a vibrant place, well-designed, bustling with activity, easily accessible to all, which attracts people from all over to come to it and be a part of it.***

*Maroubra Junction Centre will continue its role as the main centre within Randwick City, and will provide a mix of commercial, retail and residential uses that serve the needs of the local community. A mix of high quality medium and higher density built forms that enhance the centre and provide better amenity for residents and the public domain is envisaged, and the controls and performance criteria in this DCP have been designed to facilitate this*

The DCP block 6 controls prescribes a ‘C-shape’ building envelope at the Site and the neighbouring land at 134-136 Maroubra Road (refer **Figure** below), which is currently the Maroubra NSW Police Station (police site), understood to be a strategically important police station for the Eastern Beaches Police Area Command (PAC).

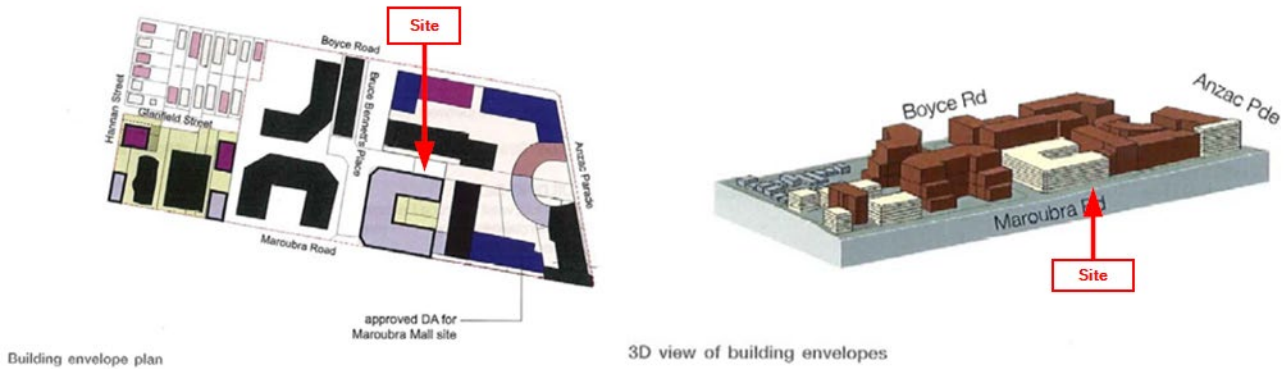


Figure 4: Randwick DCP Envelope for the Site

To deliver the DCP envelope in its entirety, the Site would be required to be amalgamated with the police site, which is Crown Land. The Site cannot be amalgamated with the police site for a number of reasons, as set out in the 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 site, would be subject to a future development application. **Figure 5** 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 ‘towers’ at the north and south of the land (shown orange) and would not deliver the necessary quantum of dwellings to make the project including delivery of separated ‘towers’ feasible.

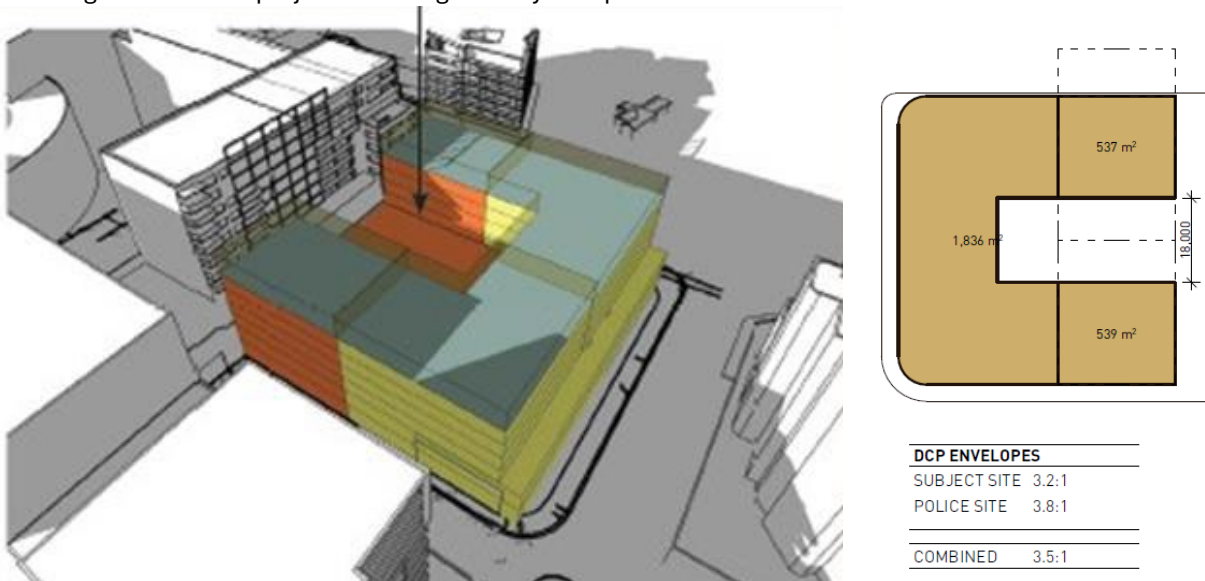
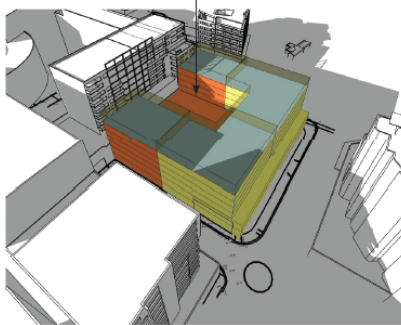


Figure 5: DCP Envelope showing prescribed massing on proposed Site (orange) and on Police Site (yellow)

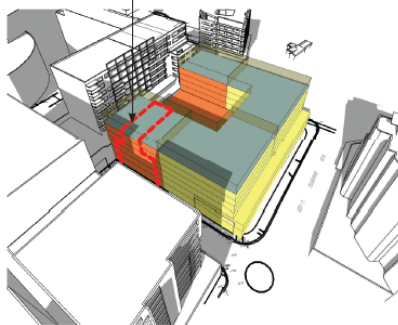
The analysis of the DCP envelope also demonstrates that the proposed central communal open space ‘courtyard’ does not receive adequate solar access per the ADG and would result in self-shadowing of apartments to the south.

Central courtyard does not receive mid winter light for landscaped Communal Open Space



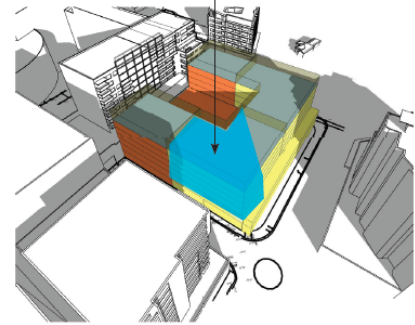
3 MID WINTER SHADOW - 9 AM

ADG setbacks required, as well as reducing solar impact to the east



6 MID WINTER SHADOW - 12 PM

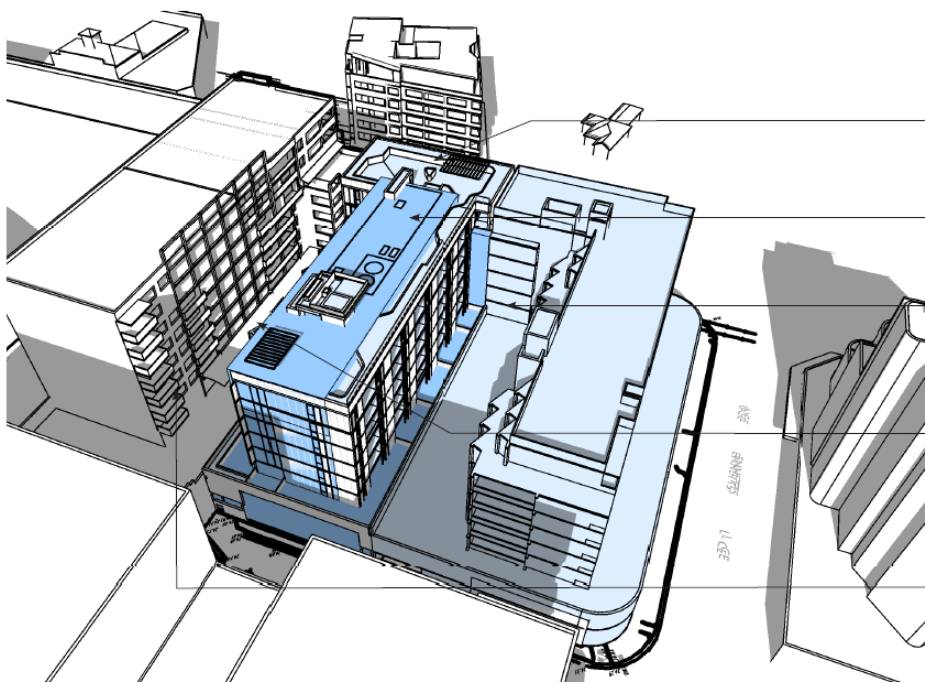
NW corner of Police site must be reduced to permit light to central courtyard



9 MID WINTER SHADOW - 3 PM

Figure 6: DCP Envelope Analysis  
Source: Applicant

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.



**6.1 ALTERNATE PLAN FORM**

**6.2 Outcome:**

- DCP objectives of street wall, height lower than Pacific Square are achieved
- Communal Open space on roof complies
- ADG ventilation complies
- ADG daylight complies (more dwellings exposed to sun)

**6.3 Neighbour impact:**

- ADG compliant facade is >15m away with windows rotated north to overcome privacy concerns
- Low level landscape (COS) viewed from Pacific Square is reduced.
- More dwellings in Pacific Square receive winter sun compared to DCP envelope

Figure 7: Study of alternative to DCP with Police concept scheme  
Source: Applicant

In addition, the DCP doesn't identify any specific development controls that specifically regulate visual impact or view sharing. Further, 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.

This Report considers the DCP envelope where relevant when assessing the visual and view impacts of the proposal.

## 5.0 Visual Analysis

Photomontage views have been prepared from three locations in the surrounding catchment. They are:

- **View 1:** Looking east towards the proposal from the corner of Maroubra Road and Walsh Avenue.
- **View 2:** Looking south-east towards the proposal from the intersection of Bruce Bennetts Place and Piccadilly Place.
- **View 3:** Looking north-west from the southern side of Maroubra Road.

The view locations are identified on **Figure 8** below.

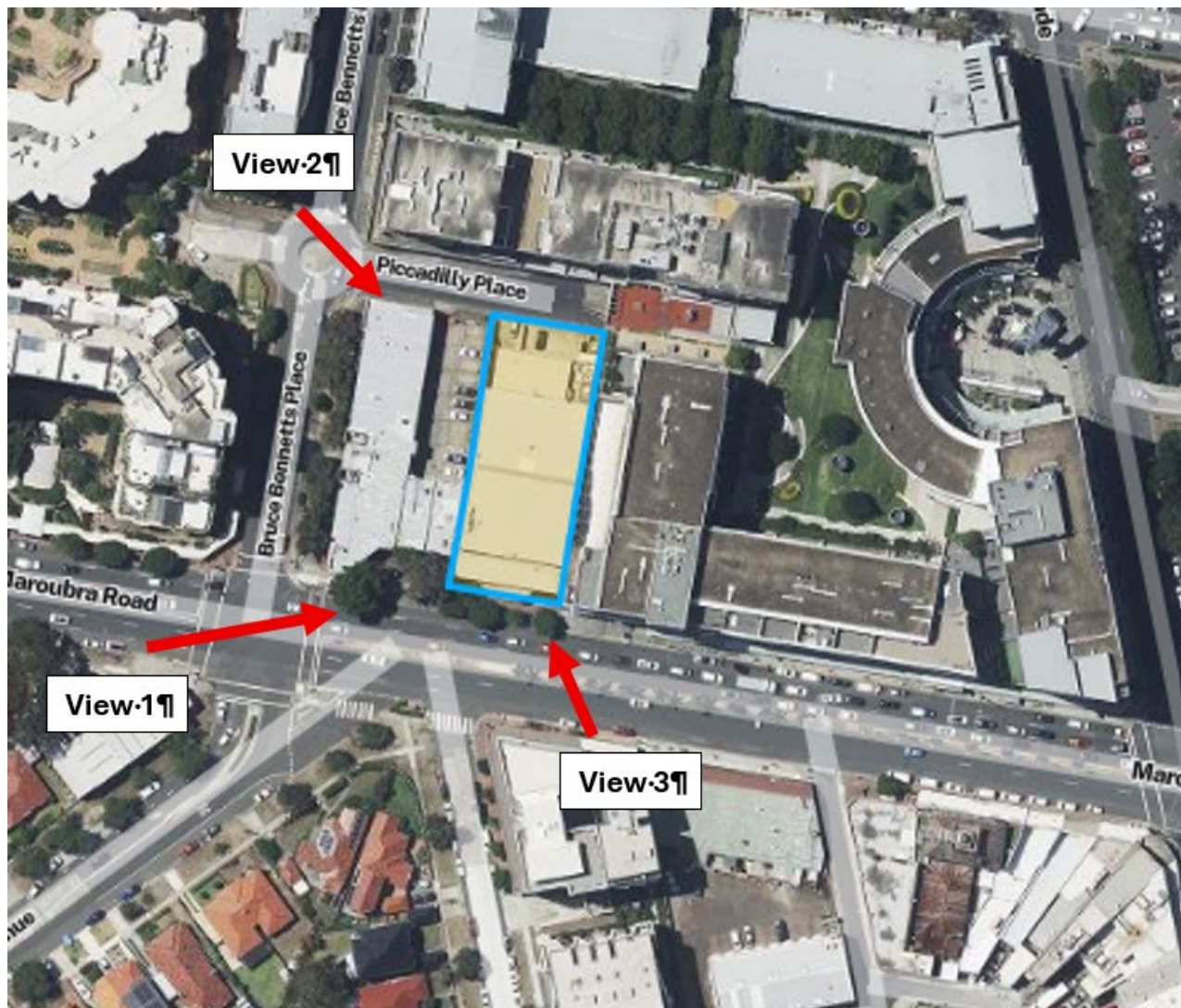


Figure 8: The proposal looking east along Maroubra Road

## 5.1 View 1

A photomontage of View 1 is provided below. It is an urban view east along Maroubra Road to its intersection with Anzac Parade. The view will be seen by pedestrians and motorists along Maroubra Road. The view comprises a variety of elements including:

- Maroubra Road in the foreground which directs the eye east to the intersection with Anzac Parade.
- Medium and high-density housing along the northern side of Piccadilly Place and Maroubra Road extending from the midground to the background.
- Medium density housing in the mid ground at the corner of Maroubra Road and Walsh Avenue.
- Mature landscaping along Maroubra Road and Bruce Bennetts Place in the foreground, midground and extending to the Anzac Parade intersection.

The view doesn't contain any high value or iconic elements and is not identified as a view corridor in Randwick City Council's planning framework. The proposal will result in a permanent change to the existing view by replacing the existing two-storey low grade commercial building. As a result, the proposal will change the visual character of this part of the Maroubra Road streetscape to a more contemporary, urban character that is consistent and compatible with the existing higher density built form to the immediate east and north. The streetwall will appear as a continuation of the general Maroubra Road height datum which is punctuated by the increased height at the corner and midblock. The proposal will establish a more coherent streetwall than the existing condition, and the articulation and openings on the western elevation are visually compatible with the facades of the existing residential flat buildings to the north along Piccadilly Place.



Figure 9: The proposal looking east along Maroubra Road

## 5.2 View 2

A photomontage of View 2 is provided below. It is an urban view south-east across Bruce Bennett Place towards the Maroubra Police Station and the intersection with Maroubra Road. The view will be seen by pedestrians and motorists along Bruce Bennett Place and Piccadilly Place. The view comprises a variety of elements including:

- The rear blank wall of the Pacific Square shopping centre, the sterile and partially obscured façade of the Maroubra Police Station and mature street trees are in the foreground and lead the eye south to the intersection with Maroubra Road and the trees and lower density development on the southern side of Maroubra Road.
- The rear access from Piccadilly Place to properties within the Pacific Square development and the high-density residential buildings within Pacific Square with frontage to Maroubra Road are visible in the mid-ground.

The view doesn't contain any high value or iconic elements and is not identified as a view corridor in the Randwick Council's planning framework. The view is obtained from a secondary street that is utilised as a service road to Pacific Square and the surrounding high density residential buildings. It is not a highly trafficked thoroughfare. The proposal will result in a permanent change to the existing view by introducing a nine-storey built form into the mid-ground of the view. The degree of change is moderate as the existing view includes views towards a high-density residential building in the general direction of the proposal. The proposal will appear closer than the existing high-density building; however, it will sit comfortably with the existing high density built form as it will appear similar in scale, height and form to the residential development at Pacific Square. The proposal will improve the view along Piccadilly Place by rationalising and enclosing the rear access and parking. The architectural treatment of the proposal's western elevation breaks down the perceived bulk and massing when viewed from the public domain and will have a lesser impact than a DCP compliant envelope which would be closer to the view as it would be located on the police site. The visual characteristics of the proposed view, while a change from the existing, do not create any unreasonable impacts to the view.



Figure 10: The proposal looking south east across Bruce Bennetts Place

### 5.3 View 3

A photomontage of View 3 is provided below. It is an urban view north-west across Maroubra Road towards Pacific Square and the proposal. The view will be seen by pedestrians and motorists heading west along Maroubra Road. The view comprises a variety of elements including:

- High density residential at Pacific Square in the foreground which tapers to high density residential in the mid ground and background along the northern side of Maroubra Road.
- Maroubra Road in the foreground which directs the eye west to high density residential and mature trees in the background. The palm trees in the Maroubra Road median strip are prominent.

The view doesn't contain any high value or iconic elements and is not identified as a view corridor in the Randwick Council's planning framework. The proposal will result in a permanent change to the existing view by replacing the existing two-storey low grade commercial building. As a result, the proposal will change the visual character of this part of the Maroubra Road streetscape and contribute to a more contemporary, urban character that is consistent and compatible with the existing higher density built form to the immediate east and the built form west of Bruce Bennett Place. The street wall will appear as a continuation of the general height datum along the northern side of Maroubra Road between Anzac Parade and Bruce Bennett Place. The proposal will establish a more coherent street wall than the existing condition.



Figure 11: The proposal looking north-west along Maroubra Road

Consistent with the planning context and planning instruments that are of relevance to the consideration of visual and view impacts, the proposed development will not result in any unreasonable impacts to views and vistas from the surrounding environment.

The proposed development presents an improvement to the bulk anticipated in the DCP C-shape volume, in two locations. First, to the rear of the site, the proposed volume is setback from the eastern boundary and provided with façade articulation. Second, the proposed development provides setback to both side boundaries, as well as to Piccadilly Place. In this manner, the extent of facade facing Piccadilly Place is limited to a “finger” within the site boundaries, offering breaks to the visual mass of the volume as viewed by the northern neighbour.

The façade is highly articulated in both form and detail, mitigating the visual bulk of the proposed development.

## 6.0 View Impact

To assess loss to viewing experienced by the adjacent existing development, a view sharing analysis has been conducted. The view sharing analysis is informed by the following source material:

- Plans of the Pacific Square development obtained from Council's records on 11th July, 2022.
- A survey of the relevant facades of Pacific Square carried out by Craig and Rhodes. The survey identifies the relative levels for each floor and the size and position of each window and balcony.
- View Impact Renders were produced by Virtual Ideas (located at **Appendix A** and included in this report). Four viewing states have been produced:
  - The current condition.
  - The current condition with proposed development.
  - The proposed development with the maximum height limit permissible under the Housing SEPP.

Viewing from the development to the west of Bruce Bennetts Place is considered to be unaffected by the proposed development, given the proposed height does not exceed the existing Pacific Square development to the east. As such, the existing distant viewing past and above the Pacific Square development will not change.

The analysis considers only the dwellings of Pacific Square against the principles established by the courts in *Tenacity Consulting v Warringah [2004] NSWLEC 140 (Tenacity)*. Tenacity specifies a four-step process:

- “26 The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (e.g. of the Opera House, the Harbour Bridge, etc) are valued more highly than views without icons. Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.
- 27 The second step is to consider from what part of the property the views are obtained. For example, the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.
- 28 The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.
- 29 The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable”.

For the purposes of this view impact assessment, only those views that are affected are analysed. While views may have some value, the scope of assessment in NSW is limited to the parameters outlined in Tenacity. As is recognised by other consent authorities, the ability to shape massing to reduce view impact is more challenged in a more urban setting such as this. Therefore, Tenacity should be used as a guide and applied flexibly in these contexts.

13.1 VIEWPOINT 09 - 1 Piccadilly Place (RL58.85m)

CAMERA POSITION



CURRENT CONDITION



CAMERA DETAILS

Position: 1 Piccadilly Place  
Height: RL 58.85m  
Focal length: 24mm

CURRENT CONDITION WITH PROPOSED DEVELOPMENT (LODGED SCHEME)



PROPOSED DEVELOPMENT WITH SEPP HEIGHT CONTROL



Figure 12 View from 1 Piccadilly Place RL58.85

Source: Virtual Ideas

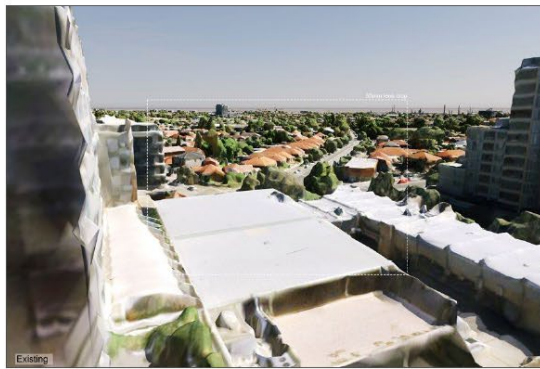
Tenacity Principle	Analysis
View to be affected	Medium to high density urban areas in the immediate foreground with distant low-density areas further south.
Where view obtained	The value assessment of the view is identified as low value. Outdoor balcony areas from the western most part of Pacific Square
Extent of impact	The proposed development will obscure short-mid range views of existing medium density residential development. Partial mid-long range views are maintained. It is considered low-moderate impact.
Reasonableness	The proposal retains a greater proportion of the mid-range view compared to the DCP envelope and is compliant with the Housing SEPP height envelope. Therefore, the impact is reasonable.

14.1 VIEWPOINT 10 - 737 Anzac Parade (RL52.49m)

CAMERA POSITION



CURRENT CONDITION



CAMERA DETAILS

Position: 737 Anzac Parade  
Height: RL 52.49m  
Focal length: 24mm

CURRENT CONDITION WITH PROPOSED DEVELOPMENT (LODGED SCHEME)



PROPOSED DEVELOPMENT WITH SEPP HEIGHT CONTROL



Figure 13 View from 737 Anzac Parade RL52.49

Source: Virtual Ideas

Tenacity Principle	Analysis
View to be affected	Medium to high density urban areas in the immediate foreground with distant low-density areas further south and some distant water views of Port Botany. The value assessment of the view is identified as moderate.
Where view obtained	Outdoor balcony areas from Pacific Square, north of the site on Piccadilly Place.
Extent of impact	The proposed development will obscure medium/long term views of existing lower density residential development and distant views to the horizon to the south. It is of moderate impact.
Reasonableness	The maximum height of the proposal is below the maximum height permissible for a compliant SEPP Housing envelope. The proposal will maintain some glimpses of a long-term view – but obscure a large proportion of the immediate short / medium views. The proposed development will obscure longer term views of Port Botany. Considering the urban nature of the site and the impact of a compliant scheme, the impact of the proposal is reasonable.

15.1 VIEWPOINT 11 - 737 Anzac Parade (RL55.47m)

CAMERA POSITION



CURRENT CONDITION



CAMERA DETAILS

Position: 737 Anzac Parade  
Height: RL 55.47m  
Focal length: 24mm

CURRENT CONDITION WITH PROPOSED DEVELOPMENT (LODGED SCHEME)



PROPOSED DEVELOPMENT WITH SEPP HEIGHT CONTROL



Figure 14 View from 737 Anzac Parade RL55.47

Source: Virtual Ideas

Tenacity Principle	Analysis
View to be affected	Medium to high density urban areas in the immediate foreground with distant low-density areas further south and some distant water views of Port Botany. The value assessment of the view is identified as moderate.
Where view obtained	Outdoor balcony areas from Pacific Square, north of the site on Piccadilly Lane.
Extent of impact	The proposed development will obscure medium/long term views of existing lower density residential development and distant views to the horizon to the south. It is of moderate impact.
Reasonableness	A DCP compliant scheme would obscure a large portion of the short-mid range view. The proposal will maintain some glimpses of a long-term view – but obscure a large proportion of the immediate short / medium views. The proposed development will obscure longer term views of Port Botany. Considering the urban nature of the site and the proposal’s compliance with the SEPP Housing building height, the impact is reasonable.

**16.1 VIEWPOINT 12 - 737 Anzac Parade (RL58.50m)**

**CAMERA POSITION**



**CURRENT CONDITION**



**CAMERA DETAILS**

Position: 737 Anzac Parade  
 Height: RL 58.50m  
 Focal length: 24mm

**CURRENT CONDITION WITH PROPOSED DEVELOPMENT (LODGED SCHEME)**



**PROPOSED DEVELOPMENT WITH SEPP HEIGHT CONTROL**



**Figure 15 View from 737 Anzac Parade RL58.50**

Source: Virtual Ideas

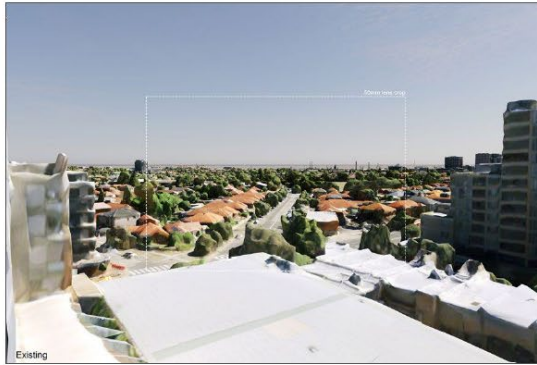
Tenacity Principle	Analysis
View to be affected	Medium to high density urban areas in the immediate foreground with distant low-density areas further south and some distant water views of Port Botany.
Where view obtained	The value assessment of the view is identified as moderate.
Extent of impact	Outdoor balcony areas from Pacific Square, north of the site on Piccadilly Lane.
Reasonableness	The proposed development will obscure medium-long range views of existing lower density residential development and distant views to the horizon to the south. It is of moderate impact.
	A DCP compliant scheme would obscure a large portion of the short-mid range view. The proposal will maintain some glimpses of a long-term view, including towards the horizon – but obscure a large proportion of the immediate short / medium views. The proposed development will obscure longer term views of Port Botany. Considering the urban nature of the site and the proposal’s compliance with the SEPP Housing building height, the impact is reasonable.

18.1 VIEWPOINT 14 - 737 Anzac Parade (RL49.72m)

CAMERA POSITION



CURRENT CONDITION



CAMERA DETAILS

Position: 737 Anzac Parade  
Height: RL 49.72m  
Focal length: 24mm

CURRENT CONDITION WITH PROPOSED DEVELOPMENT (LODGED SCHEME)



PROPOSED DEVELOPMENT WITH SEPP HEIGHT CONTROL



Figure 16 View from 737 Anzac Parade RL49.72

Source: Virtual Ideas

Tenacity Principle	Analysis
View to be affected	Medium to high density urban areas in the immediate foreground with distant low-density areas further south.
Where view obtained	The value assessment of the view is identified as moderate. Outdoor balcony areas from Pacific Square, north-east of the site.
Extent of impact	The proposed development will obscure medium/long term views of existing lower density residential development and distant views to the horizon to the south and Port Botany. It is of moderate impact
Reasonableness	A DCP compliant envelope would obscure short / medium / long views. The impact is therefore minor when compared to a permissible and DCP compliant envelope. Given the proposal complies with the Housing SEPP height, the impact is reasonable.

19.1 VIEWPOINT 15 - 737 Anzac Parade (RL52.72m)

CAMERA POSITION



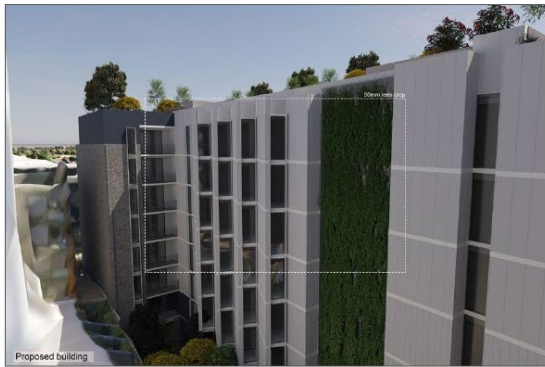
CURRENT CONDITION



CAMERA DETAILS

Position: 737 Anzac Parade  
Height: RL 52.72m  
Focal length: 24mm

CURRENT CONDITION WITH PROPOSED DEVELOPMENT (LODGED SCHEME)



PROPOSED DEVELOPMENT WITH SEPP HEIGHT CONTROL

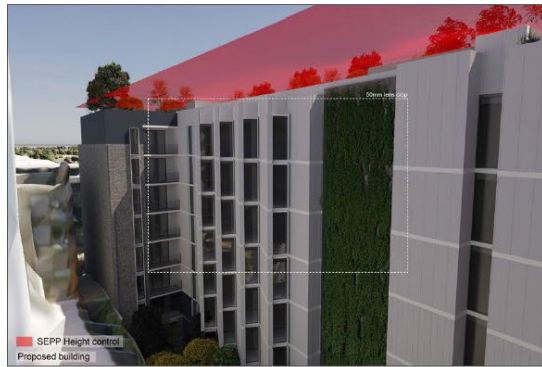


Figure 17 View from 737 Anzac Parade RL52.72

Source: Virtual Ideas

Tenacity Principle	Analysis
View to be affected	Medium to high density urban areas in the immediate foreground with distant low-density areas further south including distant views to Port Botany. The value assessment of the view is identified as moderate.
Where view obtained	Outdoor balcony areas from Pacific Square, north-east of the site.
Extent of impact	The proposed development will obscure medium/long term views of existing lower density residential development and distant views to the horizon to the south to Port Botany. Glimpses of the view to the horizon are maintained. It is of moderate impact.
Reasonableness	A DCP compliant envelope would obscure the short-mid range view. The proposed development will obscure distant views of Port Botany. Considering the urban nature of the site and the impact of a compliant SEPP envelope, the proposal is reasonable.

20.1 VIEWPOINT 16 - 737 Anzac Parade (RL55.81m)

CAMERA POSITION



CURRENT CONDITION



CAMERA DETAILS

Position: 737 Anzac Parade  
 Height: RL 55.81m  
 Focal length: 24mm

CURRENT CONDITION WITH PROPOSED DEVELOPMENT (LODGED SCHEME)



PROPOSED DEVELOPMENT WITH SEPP HEIGHT CONTROL

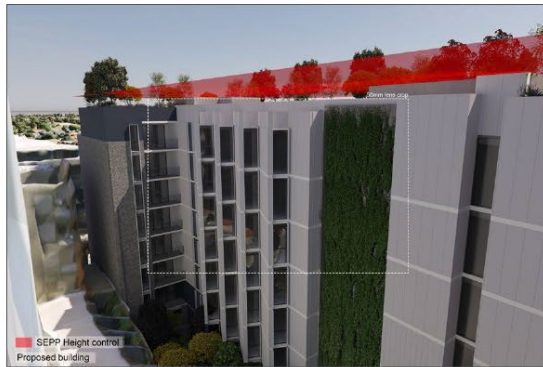


Figure 18 View from 737 Anzac Parade RL55.81

Source: Virtual Ideas

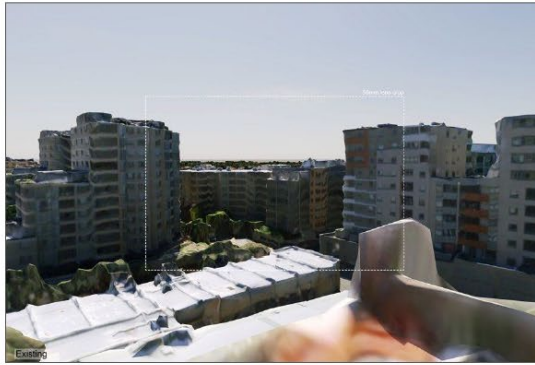
Tenacity Principle	Analysis
View to be affected	Medium to high density urban areas in the immediate foreground with distant low-density areas further south including distant view to Port Botany. The value assessment of the view is identified as moderate.
Where view obtained	Outdoor balcony areas from Pacific Square, north-east of the site.
Extent of impact	The proposed development will obscure medium/long term views of existing lower density residential development and distant views to the horizon to the south to Port Botany. Glimpses of the view to the horizon are maintained. It is of moderate impact.
Reasonableness	A DCP compliant envelope would obscure the short-mid range view. The proposed development will obscure distant views of Port Botany. Considering the urban nature of the site and the impact of a compliant SEPP Housing envelope, the proposal is reasonable.

**23.1 VIEWPOINT 19 - 737 Anzac Parade (RL52.72m)**

**CAMERA POSITION**



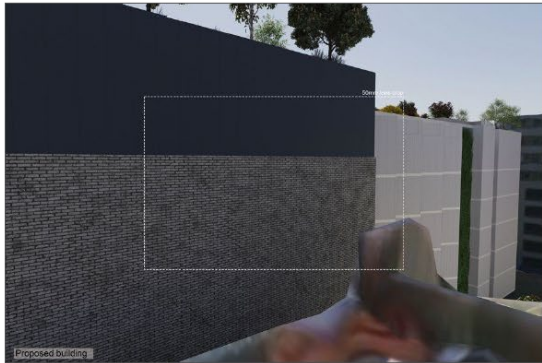
**CURRENT CONDITION**



**CAMERA DETAILS**

Position: 737 Anzac Parade  
 Height: RL 52.72m  
 Focal length: 24mm

**CURRENT CONDITION WITH PROPOSED DEVELOPMENT (LODGED SCHEME)**



**PROPOSED DEVELOPMENT WITH SEPP HEIGHT CONTROL**



**Figure 19 View from 737 Anzac Parade RL52.72**  
 Source: Virtual Ideas

Tenacity Principle	Analysis
View to be affected	Medium to high density urban areas in the immediate foreground with distant low-density areas further north-west.
Where view obtained	The value assessment of the view is identified as low.
Extent of impact	Outdoor terrace areas from Pacific Square, east of the site.
Reasonableness	The proposed development will obscure views of existing medium density residential development to the north and some minor distant views to the north between buildings. It is of moderate impact.
	A DCP compliant envelope would obscure a large proportion of the immediate short / medium views. The proposed development will obscure longer term views however considering the urban nature of the site and the impact of a compliant SEPP Housing envelope, the impact is reasonable.

**24.1 VIEWPOINT 20 - 737 Anzac Parade (RL55.81m)**

CAMERA POSITION



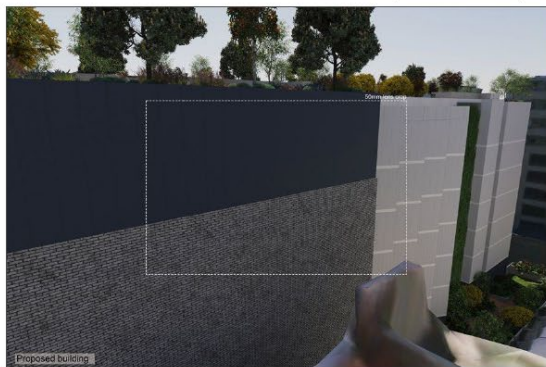
CURRENT CONDITION



CAMERA DETAILS

Position: 737 Anzac Parade  
Height: RL 55.81m  
Focal length: 24mm

CURRENT CONDITION WITH PROPOSED DEVELOPMENT (LODGED SCHEME)



PROPOSED DEVELOPMENT WITH SEPP HEIGHT CONTROL



**Figure 20 View from 737 Anzac Parade RL55.81**

Source: Virtual Ideas

Tenacity Principle	Analysis
View to be affected	Medium to high density urban areas in the immediate foreground with distant low-density areas further north-west. The value assessment of the view is identified as low.
Where view obtained	Outdoor terrace areas from Pacific Square, east of the site.
Extent of impact	The proposed development will obscure views of existing medium density residential development to the north and some minor distant views to the north between buildings. It is of moderate impact.
Reasonableness	A DCP compliant envelope would obscure a large proportion of the immediate short / medium views. The proposed development will obscure longer term views however considering the urban nature of the site and the impact of a compliant SEPP Housing envelope, the impact is reasonable.

It has been identified that those viewing locations most effected will experience some impact, and in all cases, a compliant SEPP Housing height envelope precludes distant views. The views assessed are inherently susceptible to change as they generally obtained across common boundaries and laneways towards an underutilised site in a dense centre that is planned for change in the form of larger and taller buildings. The proposal is compliant with the infill affordable housing bonus provisions of the Housing SEPP, which allows for up 30% additional height and FSR, where affordable housing (up to 15%) is provided. Given its compliance with the provisions of the Housing SEPP, the extent of view impact presented under Tenacity step 3 above is reasonable and acceptable. View loss arising from development at the site is not a significant concern in the context of accommodating additional density at well-located sites near transport nodes – such as Maroubra Junction.

As noted in the EIS, the recently commenced Low- and Mid-Rise Housing policy (LMR), 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 (FSR). 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 and would result in further changes to the built environment as development accommodates significantly higher buildings and densities permissible under the LMR.

Given the planning controls that apply to the site 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’.

The proposal incorporates skilful design measures including landscaped rooftops at both a high and low level, proposed windows obscured by pop-outs, additional setback to the upper floor and a provision of setback at the north end of the site compared to the DCP envelope that increases winter sunlight to Pacific Square all demonstrate a considered architectural and volumetric response to viewing loss.

The proposed development presents an improvement to the bulk anticipated in the DCP C-shape volume, in two locations:

- The C-shape volume anticipates two blank wall ends to the “C” immediately adjacent the eastern neighbour (60% of the shared boundary) – and the windows and balconies contained within Pacific Fair. Conversely, the proposed development presents one ‘end’, which is a continuation of the Maroubra Road street wall (30% of the shared boundary). The setback to the residents to the east is compliant with the Apartment Design Guideline.
- The C-shape volume anticipates a continuous street wall along Piccadilly Place. The proposed development provides setback to both side boundaries, as well as to Piccadilly Place. In this manner, the extent of facade facing Piccadilly Place is limited to a “finger” within the site boundaries, offering breaks to the visual mass of the volume as viewed by the northern neighbour. The proposal provides a far greater response to existing residents to the north.

It is acknowledged that there will be additional mass in the middle part of the site when compared to the ‘C’ shape of the DCP. Notwithstanding, this part of the site complies with the Design Criteria of Objective 3F-1 regarding Visual Privacy as it provides a setback greater than the requisite 4.5m for non-habitable rooms. This is further in accordance with the Design Guidance items of the ADG listed below:

- New development should be located and oriented to maximise visual privacy between buildings on site and for neighbouring buildings.
- Direct lines of sight should be avoided for windows and balconies across corners.

The massing of the proposed envelope is compliant with the following envelope controls and development provisions prescribed in the Randwick DCP, demonstrating that the additional height does not affect the visual bulk of the proposal:

<b>3.1.3 Building Envelope</b>	<ul style="list-style-type: none"> <li>• The GFA of the proposed ground and first floors does not exceed 80% of the maximum building envelope.</li> <li>• The GFA of the proposed residential floors does not exceed 70% of the maximum building envelope</li> </ul>
<b>3.1.5 Building Depth</b>	<ul style="list-style-type: none"> <li>• The depth of the proposed residential floors (glass line to glass line) does not exceed 18 metres, or 22 metres between perimeter walls</li> </ul>
<b>3.1.6 Building Separation</b>	<ul style="list-style-type: none"> <li>• The proposed development achieves the ADG objective for visual privacy either by meeting the design criteria or through alternate solutions where required, as detailed above.</li> </ul>
<b>3.1.7 Articulation</b>	<ul style="list-style-type: none"> <li>• The development is articulated on all facades, through the methods prescribed in this control. This includes balconies of varying depths, variations in floor-to-floor height at lower levels, recessed entries, vertical elements, fenestration that responds to use and a clear definition of the base, residential floors and recessed top floor.</li> </ul>
<b>4.1.4 Open Space</b>	<ul style="list-style-type: none"> <li>• The development has four landscaped zones. The area of communal open space exceeds the ADG minimum design criteria.</li> </ul>

As the site has not been amalgamated with the police site, the development outcome across both sites is a significant improvement to the viewing from apartments to the north. Accordingly, we have formed the considered opinion that a view sharing scenario is maintained in accordance with the LEP provision, and the view sharing principles established in the matter of *Tenacity Consulting Pty Ltd v Warringah Council [2004] NSWLEC140*.

## 7.0 Conclusion

The proposal has an acceptable visual impact from the public domain 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.
- The site is not within a heritage conservation areas and will not have any impact on any heritage views or from items of heritage significance in the surrounding area, including the single dwelling opposite the site on Maroubra Junction.
- 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 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 compliance with the relevant planning controls.
- The density and urban built form surrounding Maroubra Junction is anticipated to continue 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 complying 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.