

Submissions and Amendment Report

**Infill Affordable Housing
138 Maroubra Road, Maroubra
SSD-81426710**

**19 May 2026
240128**

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TABLE OF CONTENTS

1.0	Introduction.....	4
2.0	Analysis of Submissions	5
2.1	Breakdown of Submissions.....	5
2.2	Overview of Government & Agency Submissions	5
2.3	Categorising Issues	6
3.0	Proposed Amendments and Actions Taken Since Exhibition	8
3.1	Further Engagement Undertaken.....	8
3.2	Proposed amendments	11
4.0	Response to Submissions	13
4.1	Department of Planning, Housing and Infrastructure	13
4.2	Government Agencies	23
4.3	Randwick Council	26
4.4	Public Submissions	40
5.0	Updated Project Justification	47
5.1	Design of the Proposed Development.....	47
5.2	Strategic Context.....	47
5.3	Statutory Context	48
5.4	Likely Impacts of the Development.....	49
5.5	Suitability of the Site	50
5.6	The proposed development meets the objectives of the E2 Commercial Zone	50
5.7	Public Interest.....	52
6.0	Conclusion	53

FIGURES

Figure 1: Landscape area coverage	18
Figure 2: Planting areas	18
Figure 3: Solar study of DCP and proposed envelope	30
Figure 4: DCP envelope and the site	31
Figure 5: Sun eye diagrams 12pm & 2pm 21 June	32
Figure 6: Sun eye diagram and comparison to DCP envelope.....	33
Figure 7: Google Street View, Maroubra Road (2023)	38
Figure 8: Landscape section through Level 2 COS.....	39
Figure 9: Future police station redevelopment residential floor plate	45
Figure 10: Future police station redevelopment built form.....	46

TABLES

Table 1: Summary of categorised issues	6
Table 2: DPHI response to submissions advice 19 February 2026	8
Table 3: DPHI response to submissions advice 19 February 2026	10
Table 4: DPHI response to submissions advice 3 March 2026	11
Table 5: Proposed amendments	11
Table 6: Response to DPHI's Key Issues Letter.....	13
Table 7: Response to DPHI's Design Advice Letter	19
Table 8: Government Agencies Response to Submissions Table	23
Table 9: Response to Randwick Council.....	26
Table 10: Public Submissions Response Table	40
Table 11: Objectives of E2 Zone	50

1.0 INTRODUCTION

This submissions and amendment report has been prepared on behalf of Maroubra Property Developments Pty Limited (**the Applicant**) to address the matters raised during the Public Exhibition of the State Significant Development Application SSD-81426710 at 138 Maroubra Road, Maroubra (**the site**). The SSDA seeks approval for a mixed-use development, comprising a residential flat building including affordable rental housing and ground floor retail use.

The proposed development is State significant pursuant to s26A of Schedule 1 of *State Environmental Planning Policy (Planning Systems) 2021* (**Planning Systems SEPP**), as it is residential development that includes in-fill affordable housing per Chapter 2 of *State Environmental Planning Policy (Housing) 2021* (**Housing SEPP**), is in the Eastern Harbour City per Schedule 9 of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**) and has an estimated development cost (**EDC**) of more than \$75 million.

The SSDA, Environmental Impact Statement (**EIS**) and accompanying documents were publicly exhibited between Wednesday 26 November 2025 and Tuesday 9 December 2025. During the public exhibition period, 3 submissions were received from state and local government agencies including Randwick Council and 81 unique submissions received from the public.

The DPHI issued a Request for Response to Submissions letter on the 10 December 2025 pursuant to s59(2) of the *Environmental Planning and Assessment Regulation 2021* (**EP&A Regulation**). DPHI requested on 3 March 2026 that the submissions report be accompanied by an amendment report, detailing the changes proposed as a result of the exhibition process and community and government agency feedback.

This submissions report has been prepared in accordance with *Appendix C – Preparing a submissions report* and *Appendix D – Preparing an amendment report* of DPHI's *State Significant Development Guidelines* (**the Guidelines**).

The following amended documents are appended to this report:

- Appendix A – Amended Architectural Drawings prepared DJRD,
- Appendix B – Amended Landscape Drawings prepared by Place Design Group,
- Appendix C – Noise and Vibration Impact Assessment prepared by SLR,
- Appendix D – Amended Operational Waste Management Plan prepared by Elephants Foot,
- Appendix E – Legal advice regarding calculation of ground level (existing) prepared by KL Gates,
- Appendix F – Addendum Traffic Advice prepared by JMT Consulting,
- Appendix G – ESD Report, BASIX and NatHERS Certificates prepared by SLR.

The following new appendices are provided with this report:

- Appendix 1 – LEC Architectural Drawings
- Appendix 2 – Pacific Square Engagement
- Appendix 3 – Substation Staging

2.0 ANALYSIS OF SUBMISSIONS

This section provides a breakdown of submissions and categorises them to identify the issues raised.

2.1 Breakdown of Submissions

The following government agencies provided submissions during the exhibition period:

- Randwick City Council
- Transport for NSW
- NSW Police Force
- Ausgrid

There were 81 submissions received from the public during the exhibition period. Of the submissions:

- 78 submissions objected to the proposed development,
- 2 submissions made comments regarding the proposed development, and
- 1 submission supported the proposed development.

2.2 Overview of Government & Agency Submissions

2.2.1 Randwick City Council

Randwick City Council (**Council**) submitted a letter dated 24 December 2025 objecting to the proposed development on the following grounds:

- Building height,
- Car parking provision and configuration,
- Affordable housing calculation and amenity,
- The building envelope,
- Consistency with the Maroubra Junction Development Control Plan,
- Ground floor configuration,
- Landscaped area, and
- Consideration of the adjacent childcare centre.

A response to Council's key issues are provided in **Section 4.3**.

2.2.2 Transport for NSW

Transport for NSW (**TfNSW**) were generally supportive of the proposed development, noting that *"the proposed development is unlikely to have significant impact on the state classified road network."* TfNSW recommended a Road Occupancy Licence (**ROL**) to be obtained for any works that may impact on traffic flows at nearby signalised intersections during construction.

The proposed vehicle access and egress has since been amended in response to submissions from neighbouring residents. The proposed development will be reexhibited and TfNSW will have an opportunity to provide further feedback if required.

2.2.3 NSW Police Force

NSW Police Force (**NSWPF**) have submitted an objection to the proposal on the grounds that it could pose an unacceptable risk to the day-to-day operations or the future expansion of Maroubra Police Station. However, the submission states that the concerns can be addressed by the developer agreeing to additional measures in a

deed of agreement with the NSWPF and that subject to the agreement, the NSWPF intend to withdraw their objection.

The Applicant has engaged with the NSWPF during the preparation of this submissions report and it is understood that concerns have been resolved and that the NSWPF no longer object to the proposed development. Refer to **Section 3.1** of the report.

2.2.4 Ausgrid

Ausgrid advise the proponent must continue discussions regarding any new connections and load requirements to the site directly with Ausgrid and submit a connection application. Ausgrid advice is addressed in **Section 4.2**.

It is also relevant to note that Ausgrid were consulted in February 2023 during the previous DA process regarding the relocation of the substation from Maroubra Road, as detailed in the EIS. This consultation confirmed that:

- The existing substation also services the police site next door and that there is no spare capacity in any of Ausgrid's nearby substations to redivert 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.

2.3 Categorising Issues

A summary of the issues raised in the submissions received is provided in **Table 1** in accordance with the Guidelines.

Table 1: Summary of categorised issues

Category	Issue	Stakeholder
The project	Architecture and Urban Design • Concerns in relation to the overall massing of the development including height and bulk and scale • Inadequate building separations.	Public, NSWPF
	Landscaping • Compliant landscaping and deep soil provision	Council, DPHI
Procedural matters	Past DA History • Referencing of the DA history on the site of DA/80/2023 and LEC Appeal outcomes	Public, Council
	IPC Trigger • Claims that this DA triggers an IPC referral	Public
	Community Consultation • Consultation process and timing given for public submissions	Public
	Affordable Housing • Public sentiment towards suitability of site for affordable housing	Public
	Measurement of height of building • Confirmation of how height of building has been measured from ground level (existing)	Council, DPHI
The economic, environmental and social impacts of the project	Overshadowing Impact • Concerns for impact to sunlight for adjacent childcare	Public
	View Impact • Concerns that the proposal would impact on views from neighbouring properties	Public, DPHI

	Privacy Impact • Privacy concerns for adjacent childcare • Privacy for the Maroubra Police Station	Public, DPHI, NSWPF
	Acoustic Impact • Cumulative residential noise impact – particularly from rooftop communal open space • Traffic noise	Public, DPHI
	Safety • Protection in the event that an occupant of the proposed development were to throw objects from the building	NSWPF
	Active Frontages • Council considered that the proposal did not provide sufficient active frontage along Maroubra Road	Council
	Building Articulation • Use of articulation and visual interest to side elevations	DPHI
	Traffic Impact and Vehicle Egress • Traffic congestion at the intersection of Maroubra Road, Bruce Bennetts Place and Piccadilly Place. • Parking concerns in relation to capacity • Private residential vehicle access concerns for neighbouring residence • Vehicle egress to Maroubra Road • Safety for pedestrians • Construction traffic impacts	Public, Council, DPHI, NSWPF
	Local Infrastructure Capacity • Strain on local infrastructure – schools, childcare, roads, public transport	Public
	Flooding Impact • Potential extent of potential impact of flooding	Public
	Construction Impacts • Health concerns related to construction dust and noise for neighbouring residents and adjacent childcare • Impacts to road network during construction phase • Cumulative impact with concurrent construction works for remedial program for Pacific Square	Public
	The justification and evaluation of the project as a whole	
	Character • Consistency with existing character • Impact to existing neighbourhood amenity	Public, Council
	Affordable Housing • Public concern to the motive of utilising infill affordable housing provision to access bonuses	Public

3.0 PROPOSED AMENDMENTS AND ACTIONS TAKEN SINCE EXHIBITION

This section summarises the actions the Applicant has taken since the public exhibition to address the issues raised in submissions.

3.1 Further Engagement Undertaken

3.1.1 NSW Police Force

The Applicant has engaged with NSW Police Force (**NSWPF**) in response to the submission received during exhibition, which is summarised in Table 2 for completeness. The NSWPF have since withdrawn their objection to the proposed development on 4 May 2026, noting that “*The NSWPF has reached an agreement with the developer to address the NSWPF concerns in relation to the Proposed Development.*”

The NSW PF sought resolution on the following prior to withdrawing their objection:

- Ensure the safety and privacy of the Police Station, including additional privacy mitigation measures and protection from objects being thrown,
- Minimise impacts on police parking along Maroubra Road, including during construction,
- Prepare a building management plan in consultation with NSWPF,
- Ensure that the NSWPF site can be redeveloped in the future.

The proposed development as amended includes additional privacy measures and fixed louvres to the western elevation to maintain safety and privacy. Vehicle egress is no longer proposed to Maroubra Road and will not impact on police parking in that location. A building management plan can be prepared. As set out in the EIS and Design Report, the proposed development has been designed to ensure that an equitable built form can be delivered on the Police Site in the future.

Table 2: DPHI response to submissions advice 19 February 2026

NSWPF Submission	Response
Bulk & Scale 3.1 While the NSWPF acknowledges that the Proposed Development is compliant from a building height perspective (in light of section 18 of Chapter 3 of the Housing SEPP), the bulk and scale of the Proposed Development together with its location adjacent to the boundary of the NSWPF Land is unacceptable to the NSWPF. 3.2 While some impacts are ameliorated by measures in the Proposed Development, the NSWPF considers that additional measures should be put in place to ensure the safety and privacy of police operations on the NSWPF Land. These are set out in this objection. 3.3 In addition, as with a previous proposal NSWPF expects the developer to enter into negotiations with the NSWPF to ensure additional measures can be agreed so as to ensure the continued safety and privacy of the Maroubra Police Station.	The proposed development complies with the permitted height under Chapter 2 of the Housing SEPP. Chapter 3 of the Housing SEPP doesn't apply to the proposal. The proposed developments bulk and scale is addressed in the EIS and is appropriate for its location within a dense urban environment. The proposal does not result in any significant environmental impacts beyond what it anticipated by the planning controls that apply to the land. The proposal has been amended to provide additional safety and privacy measures to ensure that the development does not result in any unreasonable impacts on NSWPF operations.
Parking and access to Maroubra Police Station 4.1 There are six designated curb side NSWPF vehicle parking spaces along Maroubra Road, which are used by NSWPF vehicles when responding the emergency incidents. It is critical for those six NSWPF vehicle parking spaces to be retained. NSWPF operational responses would be impacted if those spaces were to be altered in any way during the construction and operation of the Proposed Development. 4.2 Maroubra Property Development Pty Ltd previously engaged with the NSWPF during the assessment of its previous development application (DA80/2023) about the NSWPF vehicle parking along Maroubra Road.	Note.

4.3 Section 8.13 of the Environmental Impact Statement (EIS) refers to the temporary relocation of six on-street NSWPF parking spaces to a 55-degree rear to curb configuration to facilitate the establishment of a construction zone to the front of the Proposed Development along Maroubra Road. 4.4 The NSWPF considers that the proposed temporary re-configuration of the six NSWPF vehicle parking along Maroubra Road to be an acceptable outcome. The NSWPF also agrees with the proposal in the EIS that the six NSWPF vehicle parking spaces along Maroubra Road should revert to its current configuration following the construction of the Proposed Development (should it be approved). 4.5 The NSWPF considers that any changes to its parking on Maroubra Road (including the requirement to revert the parking to its current configuration) should form part of any conditions of consent. 4.6 Construction of the Proposed Development, including the temporary re-configuration of the six NSWPF vehicle parking along Maroubra Road, will result in changes to pedestrian movements into and out of the Maroubra Police Station. While section 4.11 of the EIS Appendix H provides that pedestrian movements will be managed and controlled by site personnel, the nature of the controls is unclear. 4.7 The NSWPF requests that, if the Proposed Development is approved, appropriate conditions be considered to ensure the development does not impede access to the Maroubra Police Station and that pedestrians are not directed into the Maroubra Police Station.	
Privacy and Security 5.1 The Proposed Development comprises a 9-storey residential flat building with ground floor retail. There are 35 apartments on the western side of the Proposed development that face the Maroubra Police Station. 5.2 There are five apartments on the western side of the Proposed Development on level 2 that have terraces which directly adjoin and overlook the NSWPF Land. The terrace wall is proposed to be 1.4m high as shown below. 5.3 It would appear that the individuals of the five apartments on level 2 can move out onto their terrace and view over the wall directly into NSWPF Land. This is unacceptable to the NSWPF as it poses a significant safety and security risk. The NSWPF considers that the 1.4m wall adjoining the NSWPF Land should be increased to improve the safety and security of NSWPF operations. The NSWPF also requires that the same visual treatments be installed on the western wall of the terrace (such as a fixed lattice or louvered treatment) of the terrace areas on level 2 to ensure that the safety and security of NSWPF operations is not compromised. 5.4 Above level two, there are 30 apartments on the western side of the Proposed Development that have balconies which overlook the NSWPF Land. The Proposed Development includes some window treatment (such as louvers and translucent (visually obscured) glass) to mitigate some of the privacy and security concerns of the NSWPF. 5.5 Notwithstanding the above, individuals can still see into the NSWPF Land including: (1) an open-air carpark which is located between the external police building and the wall adjacent to the Proposed Development; and (2) the office space on the upper level of the Maroubra Police Station. 5.6 The NSWPF considers that individuals may have the opportunity to undertake surveillance of police operations and for objects to fall or be thrown into the NSWPF Land. NSWPF will require the developer to undertake additional measures to ensure the safety and privacy of police operations on the NSWPF Land. The NSWPF has previously negotiated additional measures with the developer and will require it to again agree to additional measures to ensure its concerns are addressed.	Additional privacy and security measures have been proposed to the interface between the development and the PFNSW land to address these concerns. Refer to the Architectural Drawings prepared with this Submissions Report and the response to key issues in Section 4.1. In particular, units above level 2 on the western elevation have been provided ‘winter-garden’ style balconies with visually obscured louvers that prevent casual overlooking into the police site and will ensure NSWPF operations are not compromised. Additionally measures to the NSWPF car park will be provided by the Applicant to prevent surveillance of police operations or protect NSWPF property in the unlikely event a projectile is thrown from the proposed development.

5.7 The Proposed Development includes a rooftop terrace with safety screens proposed along the northern and western boundary (Table A EIS Appendix C). The NSWPF considers the inclusion of the safety screens as essential to ensure the safety and privacy of police operations on the NSWPF Land. The NSWPF seeks additional information about the finish and treatment of the safety screens.	
Boundary set back and building management plan 6.1 The western side of the Proposed Development includes a proposed set back of 3m from level 2 and above. There is no setback on the western side of the Proposed Development below level 2. The NSWPF considers that additional building set backs should be required on the western side of the Proposed Development to ensure it is compliant with the National Construction Code. 6.2 Given the proximity of the Proposed Development to the Maroubra Police Station, the developer should be required to develop a building management plan in consultation with the NSWPF for the management of the development once constructed (if approved). 6.3 The NSWPF considers that a requirement for the developer to develop a building management plan in consultation with the NSWPF plan should form part of any conditions of consent, if the Proposed Development were to be approved.	The EIS and supporting documents demonstrate that the proposed development will not prevent or unreasonable impact on the development of the NSWPF site in the future. The proposed development can meet the requirements of the National Construction Code. A building management plan in consultation with the NSWPF can be prepared by the Applicant at an appropriate time in the future.
Future Needs of the NSWPF 7.1 As stated above, the Maroubra Police Station is a vitally important station for the NSWPF. It is a major centre of operations and contains features that are critical to the safety and security of the New South Wales public including the provision of holding cells. The station is close to full capacity. 7.2 NSWPF has operational requirements that will mean the station needs to expand in the near future. The timing of the expansion is yet to be determined, but it is likely to involve a substantial increase in floor space together with additional operational features. 7.3 The existence of a residential flat building directly on the boundary of NSWPF Land is not ideal, and risks prejudicing the future safety and security of the NSWPF and the public because it is likely to impact the operations of the NSWPF.	The EIS and supporting documents demonstrate that the proposed development will not prevent or unreasonable impact on the development of the NSWPF site in the future.

3.1.2 NSW DPHI

The Applicant has engaged constructively with the DPHI regarding the response to submissions and key design amendments between January and March 2026. In particular, the Applicant has highlighted the long history of the proposed development which has undergone several rounds of design changes to address the reasons for refusal in the previous DA and the subsequent LEC matter.

The design of the proposed development has also been amended in response to submissions received during the exhibition period of the previous DA and the current SSDA from the public and government agencies.

The DPHI recommended the following actions on 19 February 2026 as set out in

Table 3: DPHI response to submissions advice 19 February 2026

DPHI Advice	Response
<i>The ground floor design should be reviewed and vehicular access point relocated to the rear. The retail tenancy and lobby areas are burdened with narrow and restricted floor area and impacted sightlines. The new vehicular access to Maroubra Road is a poor design outcome and could instead be improved with additional retail tenancy at the ground floor of the proposed shop-top housing development. On the phone you mentioned working on additional information to address technical matters relating to Australian Standards, however the issue relates largely to the presentation of the shop-top housing to the street, the conflict with pedestrian safety and achieving design excellence.</i>	The Applicant has relocated vehicle egress to the rear Piccadilly Place and increased the street frontage of the ground floor retail tenancy along Maroubra Road. The remainder of the Maroubra Road frontage is required to provide pedestrian access from the street, a fire booster and substation (refer Ausgrid advice in Section 2.2.4).

<i>Building design improvements to the side elevations, including the introduction of a central building inset, should be included. As discussed, this is one way of responding to the extensive length and lack of articulation to the side elevations and would assist with reducing the perceived bulk and scale of the development. A building inset to break up the building designed around the two lobby cores provides a visual distinction and relief to the building, and will assist with addressing the requirements of design excellence.</i> <i>Whilst The Department has indicated these improvements would be beneficial applied to both side elevations, the western elevation should be targeted as the primary area for improvement. The Department can consider potentially applying the improvements under (2) above to the western elevation only. Any design amendments and resulting and/or proposed GFA amendments can be reviewed in draft form.</i>	Additional building articulation and use of materials have been provided to the side elevations, in particular the western elevation, to reduce the perceived bulk and scale of the development. The northern core has also been redesigned to provide visual distinction and to separate the building massing at each core.
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DPHI raised the following additional items on 3 March 2026, as set out in Table 3.

Table 4: DPHI response to submissions advice 3 March 2026

DPHI Advice	Response
<i>The structural columns in the retail tenancy remain restrictive to the space, and every opportunity to remove/reduce this should be explored.</i>	The structural columns in the retail tenancy have been relocated as much as possible to maximise use of the space. The additional width of the retail tenancy as well as the redesigned layout provide for sufficient usable area, mindful of the structural requirements of the floors above.
<i>The Western Elevation response is generally in keeping with the design advice provided and these improvements can be supported without the additional design changes (deletion/setback changes) to the eastern elevation or upper levels. While any additional reduction should be explored and is encouraged, the proposal should at a minimum maintain the 450mm depth reduction proposed in draft.</i>	The proposed development as amended has improved the western elevation articulation and perceived bulk, whilst also providing additional privacy mitigation measures in response to DPHI and NSWPF comments. The proposed 450mm depth reduction has been retained.
<i>The other matters raised in the Key Issues Letter will need to be addressed in their entirety along with the above.</i>	The matters raised in the Key Issues Letter are addressed in Section 4.1 of this report.
<i>The RtS will need to be accompanied with an Amendment Report.</i>	This report has been prepared to satisfy the guidelines and requirements for both a submission report and amendment report.

3.2 Proposed amendments

The following amendments are proposed in response to submissions per Table 5. The following amendments should be read in conjunction with the architectural drawings prepared by DJRD (**Appendix A**).

Table 5: Proposed amendments

Amendment	Particulars
Removal of vehicle egress to Maroubra Road	- Basement access and egress has been consolidated to Piccadilly Place in response to submissions and at the directive of DPHI. - The pedestrian lobby from Maroubra Road has been relocated to the eastern part of the ground floor and the layout of ground floor amenities improved.
Retail frontage to Maroubra Road increased	- Approximately 3.4m of additional shop front provided to the ground floor retail. - Total area of retail space increased from 263.0 sqm to 269.7 sqm.
Additional privacy and safety measures	- Additional fixed screens and louvres to west and north facing balconies. - Fixed screen to Level 2 communal open space boundary to childcare centre. - Refer to amended Architectural Drawings.
Additional building articulation	Western facade amended to provide greater building articulation.

	• Eastern facade amended to include additional pop-out windows to suit internal layout changes.
Level 1 non-trafficable area deleted	• Non-trafficable area to the north of Apartment 103 has been removed.
Level 2 communal open space	• Revised open space plan to suit amended internal layout to Level 2.
Amendments to northern core and apartment layouts	• Fire stairs relocated and layout changes to the apartments to the north of the development.
Increase in rooftop open space	• Minor increase in rooftop communal open space from 614sqm to 637 sqm as a result of minor design changes.

4.0 RESPONSE TO SUBMISSIONS

This section provides a detailed summary of the Applicant's response to the matters raised in submissions received. The Applicant's responses are provided in the following sections and have been structured as follows:

- Department of Planning, Housing and Infrastructure (**Section 4.1**)
- Government Agencies (**Section 4.2**)
- Randwick Council (**Section 4.3**)
- Public (**Section 4.4**)

4.1 Department of Planning, Housing and Infrastructure

The Applicant's response to the DPHI's Key Issues Letter dated 16 January 2026 is outlined in **Table 6** below.

Table 6: Response to DPHI's Key Issues Letter

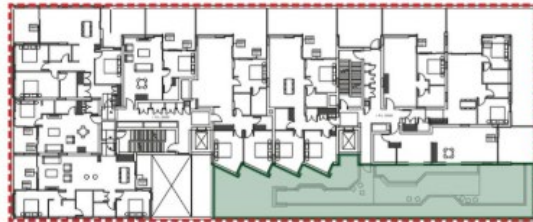
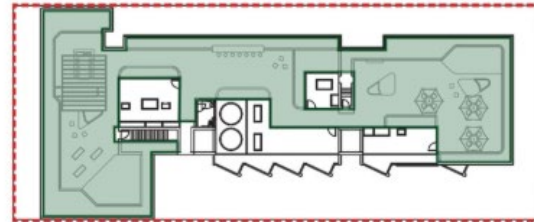
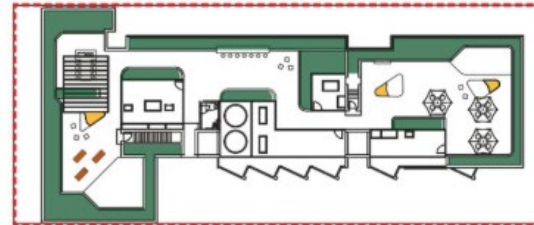
Item	Issue / Comment	Applicant Response
Building height		
1	Provide updated architectural plans (as needed) with clear building height measurements, base and topmost RL points as extracted from the Survey Plan.	• Refer to the amended elevations (DA2.200, 201, 202, 203) and roof plan (DA1.114) provided with the Architectural Drawings prepared by DJRD (Appendix A).
2	Provide details of the methodology utilised to establish the base RL or the existing ground levels, noting Council's concerns regarding the calculation of existing ground levels and the recent directions from the NSW Land and Environment Court (LEC).	• Refer to the KL Gates legal advice dated 20 February 2026 (Appendix E) regarding calculation of ground level (existing). The legal advice finds that: – In the assessment of the previous development application (DA 80/2023) for the development of an eight-storey mixed-use development on the Site, the height of the development was calculated consistently with the principles in Bettar. This methodology was accepted by Council in the assessment before the Sydney Eastern City Planning Panel, and during the subsequent Land and Environment Court proceedings. There was agreement as to the maximum height of the proposed development. – Consistently with Bettar, the measurement of height was based on the existing ground level as identified by survey, with ground level measured from the level of the footpath at either end of the Site boundary and extrapolated across the Site to measure the vertical distance to the highest point of the building. – Contrary to this previous approach, Council now suggests that the methodology in Merman should be applied to measure the existing ground level of the Site. – The height of the building the subject of the SSD Application should be measured consistently with the principles in Bettar. Merman is not to be preferred and should not be followed.
3	Review the calculation of the building height and identify any building height exceedances beyond the maximum permissible as a result of recalculating the base RLs.	• As above, refer to the KL Gates legal advice regarding calculation of existing ground levels. • A Clause 4.6 variation request is not needed as the proposed building complies with the maximum permitted height on the site.

Item	Issue / Comment	Applicant Response
	Note that a Clause 4.6 variation request would be needed if the building height exceeds beyond the maximum permissible height for this site.	
Visual Privacy		
4	Additional privacy measures should be designed or added to the following building components to address the adverse visual privacy impacts: a. screens or higher balustrade to the west facing terraces on level 2 at nil setback to the site boundary to alleviate overlooking onto the adjoining police station	- Refer to the amended Architectural Drawings (DA2.100, 101, 102, 103, DA2.200, 201, 203, DA8.400, DA8.503, DA1.106, 107, 108, 109, 110, 111, 112) and Landscape Drawings (Appendix B). - The proposed privacy measures are consistent with the objectives of Part 3F Visual Privacy of the ADG, being: - Adequate building separation distances are <u>shared equitably</u> between neighbouring sites, <u>to achieve reasonable levels of external and internal visual privacy</u>. - Site and building design elements (such as louvres and screening) increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private space. - The use of privacy devices and pop-out windows is consistent with the case studies provided in the ADG for narrow infill sites and are appropriate in the context.
	b. redesigned screens to the wintergardens (currently with clear louvres) facing the western elevation to reduce overlooking onto the adjoining police station	- The proposed development provides clear glass operable louvres and clear glass awning sashes to approximately the 'top two-thirds' of the balconies facing the neighbouring police site. Clear glass louvres are proposed so that these apartment dwellings are provided ventilation and reasonable sunlight. - The 'bottom third' of the window is proposed to be translucent, similar to a translucent or obscure glazed balustrade, to prevent downward casual overlooking of police operations at the current Maroubra Police Station, or of a future residential development in the event the neighbouring site is redeveloped. - The proposed design restricts casual overlooking and an occupant would only be able to gain downward views if they were to stand at a restricted position inside the balustrade line. - It is also anticipated that the NSW Police Force will construct a carport per the terms of the agreement with the Applicant. The carport will further prevent opportunities for casual overlooking and protect privacy. - If the Police site were to redevelop in the future for the purposes of residential development, the Architectural Drawings have demonstrated that ADG compliant building separation can be achieved between the proposed development and a future development at the Police site. - Privacy screens are also proposed to the Level 2 'terrace' private open space adjacent the neighbouring police site. These privacy screens will prevent casual overlooking from these terraces to that site.
	c. screens / louvres to the rear balconies of apartments 203, 303, 403, 503, 603, 703 and 803 which potentially overlook the outdoor play area of the adjacent childcare centre.	- Please refer to the amended architectural drawings which provided additional louvres/screening as recommended to these balconies, as well as obscure glazing to balcony balustrades to further prevent casual overlooking, as is provided to the balconies facing the police site. - Translucent glass balustrade is proposed to the north facing balcony of Level Unit 203 to prevent downward casual overlooking of the childcare centre. - North facing units 303, 403, 503, 603, 703 and 803 are provided translucent glass balustrade and angled privacy screens to prevent casual overlooking of the childcare centre. - It is considered that the combination of privacy screening, obscure glazing and screening and landscaping to the Level 2 COS is sufficient and will prevent casual overlooking of the childcare centre.

Item	Issue / Comment	Applicant Response
5	Update the architectural plans to include clear notations for all visual privacy mitigation measures.	Refer to the amended Architectural Drawings and Landscape Drawings which have been updated to show all visual privacy measures including additional measures provided in response to the submissions.
Communal open space (COS)		
6	The proposed COS along the eastern elevation on Level 2 adjoins an existing childcare centre and associated outdoor play area within the Pacific Square development. In this regard, provide further justification or additional information to: - outline the treatment of the interface between these two areas so that the privacy of both the residents and the childcare centre are maintained suitably - address the suitability of siting the COS in this location - outline the treatment to this elevation with visual privacy measures and/or any additional mitigation measures that may be appropriate.	- The proposed COS to Level 2 has been setback from the adjoining child care centre and provided privacy screening to prevent casual overlooking from this area. These screens are identified in the amended architectural drawings provided with this Submissions Report, refer to the amended Architectural Drawings (DA2.100, DA2.103, DA2.201, DA2.203, DA1.106) and the amended Landscape Drawings - The primary COS remains to the rooftop which provides high quality open space for residents. The Level 2 COS is intended as a secondary open space providing flexibility for future residents, and is anticipated to be less frequented than the roof top space. - In any case, the proposed Level 2 COS is provided suitable visual privacy measures and landscaping that will ensure a suitable level of privacy for the childcare centre. Refer to the Architectural Drawings and Landscape Drawings for details of proposed mitigation measures. - The amended architectural drawings include notation and additional details of privacy screening and obscure glazing.
Affordable housing – amenity		
7	Provide further information demonstrating affordable apartments would achieve a level of amenity that is equitable to the market apartments, particularly in relation to solar access and natural ventilation.	Refer to the amended Architectural Drawings (DA8.250) which demonstrate that the proposal achieves an equitable level of amenity for market and affordable dwellings.
Vehicular crossing		
8	Provide justification regarding why a new vehicular access is required from Maroubra Road, noting this limits the retail frontage of the site within the town centre and also adds a vehicular access point from a classified road.	- The proposed vehicular access to Maroubra Road was a direct response to feedback received from the public and Council regarding existing road conditions during the previous local DA and LEC process. - Based on advice from the DPHI, it is proposed to remove the vehicle access point from Maroubra Road, and to consolidate basement access and egress to the rear Piccadilly Place. - Refer to the amended Architectural Drawings.
9	The new vehicular access point on Maroubra Road immediately adjoins the existing loading bay and the driveway for the neighbouring Pacific Square development resulting in three consecutive driveway crossings in the public domain. Having regard to the above circumstance, provide supporting information to demonstrate how safe vehicular sightlines, pedestrian access across the driveways, and the relationship of the three vehicular	Basement egress has been revised and all vehicle movements is now proposed from the rear Piccadilly Place.

Item	Issue / Comment	Applicant Response
	crossings with the public domain would be maintained.	
10	Confirm if the proposed new driveway location to Maroubra Road will impact on existing street trees.	A driveway to Maroubra Road is no longer proposed and therefore street trees on Maroubra Road will not be impacted.
Other matters		
11	Provide an additional Demolition Plan specific to any works in the basement to clearly identify any additional areas of excavation and extent of new works proposed.	- Refer to the amended Architectural Drawing DA0.152a which shows the extend of concrete slab to be demolished and shallow excavation to facilitate the proposed basement. - Please refer to the amended architectural drawings which provide additional information regarding basement existing and proposed levels. DA2.102 shows the proposed and existing basement level in section.
12	Provide the following, noting the information have not been included in the Engagement Report: - a comparison between the SSD proposal and the previous development approval, clearly identifying what elements of the SSD have been amended following the local DA refusal. - a copy of the plans considered by the NSW LEC.	- Refer to additional Appendix 1 - LEC Architectural Drawings and the comparison drawings provided with the Submissions Report. - Section 7.0 of the EIS addresses the particulars of the Judgement for NSWLEC1716 [2024].
13	Provide a revised Acoustic Report that: - addresses any road noise mitigation measures due to the proximity of the site to Maroubra Road in accordance with Guide to Transport Impact Assessment. - confirms that the above noise mitigation measures will not conflict with achieving natural cross ventilation to any affected apartments. - addresses the potential acoustic amenity issues from the proposed internal floor layout, such as bedrooms adjoining the main living areas of adjacent apartments and bedrooms on Level 1 adjoining car parking area.	- A revised Noise & Vibration Impact Assessment (Acoustic Report) has been prepared by SLR (Appendix C) addressing these matters. The revised report clarifies that: - With regard to 13a, the Transport for NSW Guide to Transport Impact Assessment refers to the Development near Rail Corridors and Busy Roads – Interim Guideline 2008 for guidance on establishing the suitable criteria. Refer sections 1.1 and 4.4.1 of the revised report. - With regard to 13b, a mechanical ventilation fan system should be implemented whilst allowing affected facades to remain closed to preserve the internal acoustic amenity. This has been discussed and recommended in the report. Refer to section 7.2.1 of the revised report. - With regard to 13c, The report has been updated to recommend a minimum acoustic performance for partitions separating sole occupancy units from carpark spaces in accordance with the BCA and NCC 2022. Refer to section 6.4.2 of the revised report.
14	Provide evidence of engagement with the adjoining property at Pacific Square (140 Maroubra Road), particularly having regard to construction management methods and upcoming major upgrade	- Refer to additional Appendix 2 – Pacific Square Engagement provided with this RFI response letter. - The Applicant notes the submission received by the Pacific Square Building Management Committee (BMC) at 140 Maroubra Road during the exhibition period.

Item	Issue / Comment	Applicant Response
	works to their building, including works along the shared boundary.	• The proposed development the subject of this SSDA and the ongoing remediation works to the existing Pacific Square development can occur concurrently without resulting in any unreasonable cumulative impacts or conflicts. • The Applicant has addressed items raised in submission from Pacific Square Building Manager. The applicant has done this by engaging with the Pacific Square building manager and strata manager. During this engagement, the applicant reached out and shared high level timeline of works, and the Pacific Square strata manager provided a detailed Construction Program from the remedial contractor undertaking the work at Pacific Square. • The Applicant undertook a detailed review of the program to prepare a staging plan that considered what interfaces there might be between the projects for coordination during construction. This staging plan was shared with Pacific Square who confirmed receipt and did not raise any concerns with the timeline of the proposed work at 138 Maroubra Road. The Applicant and Pacific Square have agreed to keep each other informed of any changes to planned works. The Applicant has confirmed to Pacific Square that it intends to undertake more detailed coordination in the event development consent is granted and a head contractor appointed.
15	Provide further information with regards to: a. demolition/relocation of the existing substation on site. b. impacts to underground cables. c. evidence of engagement with Ausgrid.	• Refer to additional Appendix 3 – Substation Staging provided with this RFI response letter which provides an indicative timeline for the substation works. • The staging plan identifies a construction start in March 2027 to isolate the site from the existing substation and to begin demolition work. The fitout of the new substation is proposed to occur in mid-October 2027 and is to be completed in March 2028, including removal of the old substation.
16	Provide a photomontage of the proposal as part of the architectural package including views from the immediately adjoining properties and the public roads.	• Refer renders prepared by DJRD with Appendix A.
17	Clarify and update the relevant plans noting the Landscape Plan shows Level 1 planting area on the eastern elevation but this is not depicted within the Architectural Plans.	• Landscape and architectural drawings have been updated to be consistent, including the Level 1 planting areas.
18	Revise the landscape area calculation plan to provide separate calculations of landscaped area and communal open space areas.	• Refer to the amended Landscape Drawings which shows the total landscaped area coverage and the Architectural Drawings which measures compliant communal open space.

Item	Issue / Comment	Applicant Response																
		LEVEL 2  LEGEND - Site Boundary - Landscape Area Coverage <table><tr><th>Apartment Design Guide (ADG)</th><th>DA</th></tr><tr><td>Site area</td><td>1,517.4 sqm</td></tr><tr><td>Communal Open Space</td><td>225 sqm</td></tr><tr><td>Total provided</td><td>15%</td></tr></table> ROOF TOP  LEGEND - Site Boundary - Landscape Area Coverage <table><tr><th>Apartment Design Guide (ADG)</th><th>DA</th></tr><tr><td>Site area</td><td>1,517.4 sqm</td></tr><tr><td>Communal Open Space</td><td>644 sqm</td></tr><tr><td>Total provided</td><td>42.5%</td></tr></table> Figure 1: Landscape area coverage Source: Place Design Group LEVEL 2  LEGEND - Site Boundary 1200mm planters 500mm planters ROOF TOP  LEGEND - Site Boundary 1200mm planters 1000mm modular seating planters 750mm planter boxes Figure 2: Planting areas Source: Place Design Group	Apartment Design Guide (ADG)	DA	Site area	1,517.4 sqm	Communal Open Space	225 sqm	Total provided	15%	Apartment Design Guide (ADG)	DA	Site area	1,517.4 sqm	Communal Open Space	644 sqm	Total provided	42.5%
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Total provided	42.5%																	
19	Revise the comparison shadow plan (DA8.321) as it does not appear to depict the proposal accurately.	- Shadow plan DA8.321 compares the proposed development with a 6-storey ‘DCP envelope’ as well as an 8-storey ‘DCP + 30% Affordable Housing envelope’. The study finds that at mid-winter between 12pm and 2pm; – the DCP envelope would overshadow 4 balconies																

Item	Issue / Comment	Applicant Response
		– the DCP + 30% AH envelope would overshadow 11 balconies – the proposed development would overshadow 6 balconies.. • Therefore, when utilising the available 30% additional height for the provision of affordable housing, the proposed development achieves a better solar impact than compared to a DCP + 30% envelope.
20	Provide a plan highlighting the allocated bicycle parking areas to demonstrate there is sufficient space for the 74 spaces proposed and how the visitor bicycle spaces are accessed.	• Refer to the marked-up basement (DA1.103), ground (DA1.104) and level 1 (DA1.105) plans which identify bicycle parking. • The final amended design proposes 74 bicycle parking spaces including 11 visitor spaces. Visitor / retail bicycle parking is accessed via the main lobby with a security intercom.
21	Confirm that the minimum required storage volumes under part 4G of the ADG have been satisfied, noting that if bicycle parking is proposed within apartment storage lockers, the bicycle storage volume should be counted as additional to the ADG minimum required volume.	• Refer to updated Architectural Drawings.
22	Confirm tandem car parking spaces would be allocated to single apartments.	• Tandem spaces will be allocated to single apartments.
23	The survey plan indicates the site area is calculated as 1,517.4 m2, while supporting documentation states 1,518.5 m2. Please ensure the response confirms the correct site area.	• The correct site area is 1517.4sqm per the survey plan. Relevant calculations (such as COS) have been revised as required.
24	Update the floor plans to include RLs and ensure colour-coding of the unit mix is consistent.	• Refer to updated Architectural Drawings.

4.1.1 DPHI Government Architect Design Advice

Table 7: Response to DPHI's Design Advice Letter

Item no.	Issue / Comment	Proponent Response
Ground Floor Layout		
1	Consider opportunities to remove the driveway egress to Maroubra Road to improve activation along this frontage.	• The proposed development has been amended to remove the driveway egress from Maroubra Road and to improve activation along this frontage.
2	Maximise active uses, such as retail, cafes etc., that foster social interaction and contribute to the vitality of the street.	• Retail and commercial uses are proposed to the ground floor along Maroubra Road. • It is noted that contextually, of the approximate 180m street frontage along Maroubra Road between Anzac Parade and Bruce Bennetts Place, only the c. 15m pedestrian entry to Pacific Square can be considered 'active'.

Item no.	Issue / Comment	Proponent Response
		This is only 8% of the total street frontage. The remainder of the street frontage consists of loading docks, car access, opaque window signage and blank walls.
3	Review layout design and explore opportunity to provide minimal interruption to the lobby and retail spaces.	- The proposal has been designed to provide retail space to the ground floor, mindful of the sites constraints and planning requirements. The proposed substation cannot be provided to the rear Piccadilly Place per Ausgrid correspondence. - The amended ground floor plane Maroubra Road has been improved through the removal of the vehicle egress point, which will not be consolidated with basement access to the rear. Structural columns within the retail floor are necessary for the building and will not unreasonable disrupt future use of the ground floor.
Western Elevation		
4	Pursue opportunities to break down the singular façade by: a) Splitting the envelope to differentiate the cores. b) Differentiating each core through materiality may also assist in reducing bulk. Include natural, robust materials such as face brick. c) Stepping the building height down to the north by providing increased upper - level setbacks to the north. This might provide greater height differentiation and mitigate visual bulk by reducing the considerable length of the building. d) Recessing upper level(s) will provide greater differentiation and help define a ‘middle’ and ‘top’. This could be supported by change in texture, material, detail & colour.	Additional building articulation has been provided to the western elevation to differentiate the cores and provide greater architectural treatment. Refer to the amended architectural drawings.
5	Improve privacy by: a) Exploring the use of angled glazing to direct views away from the adjoining property. b) Reducing the depth of the terraces and adding landscape planters to provide a visual buffer and reduce overlooking opportunities. c) Improving the ratio of solid to glazed elements, which will assist in mitigating heat gain.	Additional privacy measures have been provided to the western elevation to reduce potential casual overlooking and mitigate privacy concerns. Refer to the amended architectural drawings.
6	Improve residential amenity by providing shade to openings. This will add depth and shadows to the facade and better mitigate heat gain.	- Louvres are provided to balconies to provide shading to the western facade. - The Architect DJRD provides the following additional information regarding the facade treatment: A range of shrouds, blades and balcony projections are used to generate relief to the facades by shadow and colour

Item no.	Issue / Comment	Proponent Response
		contrast. Access, control and exclusion of direct solar gain to the most exposed west facade is managed by a wintergarden glazed suite.
7	Demonstrate how varied façade treatments respond to the solar orientation of each façade.	• Appropriate facade treatments have been proposed to each orientation. • The northern facade provides for natural daylight whilst maintaining privacy to existing dwellings across Piccadilly Place. • The western facade provides building articulation and a mix of clear and obscure glazing as well as louvres in response to the privacy concerns of the NSW PF and to mitigate against afternoon sun. • The eastern facade is treated with pop-out windows to maximise solar access whilst maintaining privacy to neighbouring dwellings. • The southern facade comprises balconies with large glazed openings to maximise natural light, noting the solar limitations of this orientation. • The Architect DJRD provides the following additional information regarding the façade treatment: – The northern facade faces the existing taller residential development across Piccadilly Place. This facade receives midday sun in mid summer and the glazing is protected by the depth of the balconies and the shroud around the adjacent windows. – The western facade has added security requirements as noted below that make a wintergarden solution possible. The louvred facade permits residents to finely control the ventilation to that space and combined with balcony doors create a "double glazed" effect significantly improving the thermal performance of the interior. – The eastern facade is treated with pop-out windows that all serve bedrooms. The pop-outs are oriented north to catch year round late morning daylight. Given the direct daily exposure is only an hour or two, no shrouds or other shading devices are proposed. The angle of the pop-outs controls views away from the adjacent Pacific Square building. – The south elevation has a higher glass to solid ratio in order to increase the level of natural light admission."
8	Review the enclosed configuration of the winter gardens to avoid configurations that result in poor quality amenity and conflicts with ventilation, daylight and privacy. Consider traditional open form balcony.	• Winter gardens are proposed in response to lengthy negotiation with NSW Police, who raised issues about privacy, the ability for a resident to throw projectiles into to the police station. • The Architect DJRD provides the following additional information regarding the facade treatment – The facade treatment to balconies on the west facade balances resident amenity with the requirement of the NSW Police to address safety and security of their staff and the public. After a number of rounds of iterative design, a clear brief was derived that: required the exclusion of view to the internal parking area behind the Police Station; and the prevention of objects being thrown into the Police site. – Drawing DA8.503 has a section showing obscure, translucent glass balustrades to prevent downward view by residents. The operable clear glass louvres permit some downward view by residents standing immediately adjacent, but prevents downward view for people in a more concealed location within the dwelling. The downward view to the parking area is entirely blocked by the proposed awning roof over the vehicles. The whole wintergarden suite will have a maximum opening of 125mm preventing dangerous objects being thrown from the balcony.

Item no.	Issue / Comment	Proponent Response
		– The wintergarden concept permits residents to choose whether to close, partially or fully open the louvres to respond to daily climate conditions. ADG 4J notes the added benefit of acoustic and pollution control. The balconies will be more useable more of the time compared to open balconies. Given they are west facing, an increased shading coefficient will be embedded in the glass to reduce heat gain. Combined with the balcony doors, a kind of "double glazed" effect will substantially improve the thermal performance of the apartment interior.
Eastern Elevation		
9	Pursue opportunities to improvement this elevation, including: a) splitting the envelope along its length, b) stepping the building height down toward the north and recessing upper levels.	• Additional articulation has been provided to the eastern elevation, refer to the amended architectural drawings. • It is not feasible to step the building height down at the north, and the proposal complies with the maximum height permitted on the site.
10	Consider also: a) reducing the height of the vertical fins and providing variations , b) introducing horizontal elements to add depth and shadows, c) introducing greater material variation including the use of natural, robust materials such as face brick , d) expanding the use of the decorative brick patterning to other areas of blank façade.	• Refer to the updated architectural plans that have taken into consideration these items.
11	Provide detailed analysis of the interface between the level 2 communal open space and adjoining property to demonstrate there will be no overlooking impacts .	• Refer to amended sections provided with the architectural drawings and landscape plans.
12	Demonstrate the viability of the vertical landscaping. Include analysis of soil volume, species selection and solar amenity.	• A soil plan and maintenance schedule is provided in the amended Landscape Drawings.
General		
13	The street level awning may impact the viability of the street trees along Maroubra Road. Provide detailed sections of the public domain interface along Maroubra Road illustrating the extent of awning and footpath to demonstrate the viability of the trees.	• Proposed awnings can be designed to minimise impacts on existing street trees. This can be conditioned.

Item no.	Issue / Comment	Proponent Response
14	Provide detailed drawings to demonstrate the viability of the mature canopy trees as proposed in the communal open spaces.	Refer to amended landscape drawings.
15	Pursue opportunities to provide deep soil.	- The existing development on the site currently provides no deep soil. - Whilst recognising the ADG Objective, this is not unusual in highly urbanised locations and rarely delivered in locations such as this. Sufficient soil depths on the rooftop COS has been provided to support mature trees in accordance with the landscape drawings.

4.2 Government Agencies

The Applicant's response to the received government agency submissions are outlined in **Table 8** below.

Table 8: Government Agencies Response to Submissions Table

Issue/ Comment	Proponent Response
Ausgrid	
Ausgrid has reviewed the documents included in the submission and advise the proponent must continue discussions regarding any new connections and load requirements to the site directly with Ausgrid and submit a connection application to Ausgrid as soon as practicable.	The Applicant will continue discussions regarding any new connections and load requirements to the site.
Ausgrid Underground Cables are in the vicinity of the development.	Noted. The Applicant can undertake a BYDA search prior to excavation as recommended and take into consideration Ausgrid comments regarding cable depths and ground anchors.
Ausgrid Overhead Powerlines are in the vicinity of the development	The Applicant will refer to the SafeWork NSW Document – Work Near Overhead Powerlines: Codes of Practice as recommended by Ausgrid.
Ausgrid Kiosk Substation in the vicinity of the development	A new substation is proposed to Maroubra Road based on pre-SSD discussions with Ausgrid.
New Driveways - Proximity to Existing Poles	No new driveway is proposed near existing poles.
New or modified connection	The Applicant will engage an accredited service provided and submit a connection application to Ausgrid as recommended.
Transport for New South Wales	
TfNSW has reviewed the submitted EIS and advises that the proposed development is unlikely to have a significant impact on the state classified road network.	Noted.
TfNSW recommends that the following requirement is included in any development consent issued by Department of Planning, Housing and Infrastructure (DPHI):	Noted and can be conditioned.

Issue/ Comment		Proponent Response
1. Due to the location of the site in close proximity to Anzac Parade and traffic control signals at Maroubra Road/Walsh Avenue/Bruce Bennetts Place, a Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on at the signalised intersection of Maroubra Road/Walsh Avenue/Bruce Bennetts Place or Anzac Parade during construction activities. A ROL can be obtained through https://myrta.com/oplinc2/pages/security/oplincLogin.jsf		
NSW Police Force		
Bulk and Scale	- Acknowledges that building height is compliant - Concerns regarding bulk and scale: <i>While some impacts are ameliorated by measures in the Proposed Development, the NSWPF considers that additional measures should be put in place to ensure the safety and privacy of police operations on the NSWPF Land.</i> - NSWPF expects the developer to enter into negotiations with the NSWPF to ensure additional measures can be agreed.	Refer to Section 3.1 regarding the NSW PF deed, which is in the process of being finalised. This will result in NSW PF ‘withdrawing’ their submission.
Parking and access to Maroubra Police Station	<u>Parking</u> - The NSWPF considers that the proposed temporary re-configuration of the six NSWPF vehicle parking along Maroubra Road to be an acceptable outcome. The NSWPF also agrees with the proposal in the EIS that the six NSWPF vehicle parking spaces along Maroubra Road should revert to its current configuration following the construction of the Proposed Development (should it be approved). - The NSWPF considers that any changes to its parking on Maroubra Road (including the requirement to revert the parking to its current configuration) should form part of any conditions of consent.	Noted. The proposed amendment to Vehicle Egress will further reduce potential impacts on Police parking along Maroubra Road.
	<u>Access to Maroubra Police Station</u> Request that appropriate conditions be considered to ensure the development does not impede access to the Maroubra Police Station and that pedestrians are not directed into the Maroubra Police Station.	Noted and can be conditioned.
Privacy and Security	<u>Apartments adjacent to NSWPF Land</u> The NSWPF considers that the 1.4m wall adjoining the NSWPF Land (of five apartments on the western side of the Proposed Development on level 2) should be increased to improve the safety and security of NSWPF operations. The NSWPF also	- The amended architectural drawings provide additional treatment and privacy mitigation measures to the western elevation in response to NSWPF’s concerns. - It is understood that the proposed amendments to the building has resolved these concerns.

Issue/ Comment		Proponent Response
	requires that the same visual treatments be installed on the western wall of the terrace (such as a fixed lattice or louvered treatment) of the terrace areas on level 2 to ensure that the safety and security of NSWPF operations is not compromised. Additional measures to be agreed to ensure safety and privacy of police operations in relation to overlooking to open-air carpark and office space on the upper level of the police station.	
	<u>Rooftop</u> <i>The Proposed Development includes a rooftop terrace with safety screens proposed along the northern and western boundary (Table A EIS Appendix C). The NSWPF considers the inclusion of the safety screens as essential to ensure the safety and privacy of police operations on the NSWPF Land. The NSWPF seeks additional information about the finish and treatment of the safety screens.</i>	Additional information regarding finish and treatment of safety screen can be conditioned prior to CC stage.
Boundary set back and building management plan	<u>Boundary set back</u> <i>The western side of the Proposed Development includes a proposed set back of 3m from level 2 and above. There is no setback on the western side of the Proposed Development below level 2. Additional building set backs should be required on the western side of the Proposed Development to ensure it is compliant with the National Construction Code.</i>	The proposed development is capable of compliance with the NCC.
	<u>Building management plan</u> <i>The developer should be required to develop a building management plan in consultation with the NSWPF for the management of the development once constructed (if approved).</i> <i>The NSWPF considers that a requirement for the developer to develop a building management plan in consultation with the NSWPF plan should form part of any conditions of consent, if the Proposed Development were to be approved.</i>	A building management plan prepared in consultation with NSWPF can be conditioned prior to OC stage.
Future Needs of the NSWPF	<i>NSWPF has operational requirements that will mean the station needs to expand in the near future. The timing of the expansion is yet to be determined, but it is likely to involve a substantial increase in floor space together with additional operational features.</i> <i>The existence of a residential flat building directly on the boundary of NSWPF Land is not ideal, and risks prejudicing the</i>	Residential flat buildings are a permitted use on the site. The prepared architectural drawings, design report and EIS demonstrate that the two sites can be developed separately and equitably.

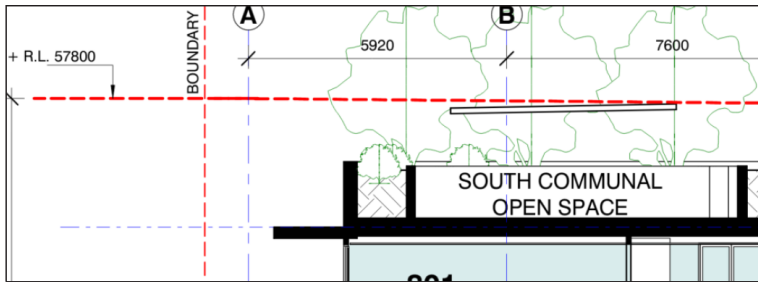
Issue/ Comment	Proponent Response
<i>future safety and security of the NSWPF and the public because it is likely to impact the operations of the NSWPF.</i>	

4.3 Randwick Council

The Applicant's response to Randwick Council's submission letter are outlined in **Table 9** below.

Table 9: Response to Randwick Council

Item	Issue/ Comment	Proponent Response
Further assessment framework considerations		
1	The previous proposal had a 25% shortfall in the required car parking. In the current proposal, the carparking is relying on the SEPP (Housing) 2021 non-discretionary development standards. Councils' calculations show that 58.3 spaces are required for the units. 59 residential spaces are proposed. The following other car parking spaces are provided. 6 visitor and retail; 5 carshare. The total car parking and the configuration is not supported, for the reasons outlined further in this advice due to the non-compliant provision of visitor and retail parking spaces.	- The proposed residential car parking complies with the non-discretionary standards for infill affordable housing provided in the Housing SEPP. - The DCP does not apply to State significant development. The TIA provided in the EIS submission noted that Council's DCP controls <i>"are generic and do not distinguish parking rates for areas with high public transport accessibility such as Maroubra Junction."</i> - The retail and visitor parking is appropriate as: - The site is within a highly accessible location. - It is anticipated that the ground floor retail tenancy will attract predominately 'walk-in' customers, who are unlikely to be reliant on on-site car parking. - 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. - Site access and egress is constrained, and minimising vehicle movement to and from the site for retail and visitor parking should be prioritised over additional parking.
2	The previous application (DA/80/2023) resulted in a breach of the 25m Building Height Development Standard, which was not supported by Council, the Sydney Eastern Planning Panel or the NSW Land and Environment Court. It is acknowledged that this proposal is seeking to utilise the SEPP (Housing) affordable housing bonus. For this to be utilised, the standards must be satisfactorily met. This is discussed within this letter noting that the proposal is still breaching the maximum Building Height under the subject proposal.	- At the time of lodgement of the previous DA (DA/80/2023), the in-fill affordable housing provisions under Chapter 2 Part 2 of the Housing SEPP were not available due to the savings and transitional provisions in the SEPP. The height controls was therefore 25m - The additional height permitted under Chapter 2 is available for the proposed SSDA. The proposed development complies with the maximum building height permitted under Chapter 2 (32.5m) as the proposal provides at least 15% of the total floor area as affordable housing. The proposed development is consistent with the objectives of Chapter 2, Part 2 of the Housing SEPP, <i>to facilitate the delivery of new in-fill affordable housing to meet the needs of very low, low and moderate income households.</i>
3	Background research and analysis is currently underway for the Maroubra Junction Town Centre. This work will be progressed in 2026, with a report to Council in mid-2026 for public exhibition. The current DCP chapter for Maroubra Junction Town Centre has been updated to ensure references to legislation, policies and plans are current.	Noted. The DCP does not apply to SSD pursuant of Section 2.10 of the Planning Systems SEPP.

Item	Issue/ Comment	Proponent Response
	Therefore, the existing DCP- D4 is applicable and relevant for consideration of any new development proposals. This is relevant because the previous commentary by the applicant argued that the DCP was too old to reflect the current and future desired character of Maroubra Junction.	
Key Issues and areas of non-compliance		
Building height		
4	Councils' methodology for measuring building height is to take the existing ground level (being the underside of the existing basement level slab) RL 22.52 and calculate what the building height is based off the maximum height of the building in accordance with the most recent direction of the NSW LEC. The maximum overall height of the development being the pergola structure is at RL 57.8, as shown below. The maximum building height is 35.28m. Therefore, the development exceeds the AFH Bonus height of 32.5m by 8.55%. No Clause 4.6 Variation Request has been provided for assessment and as such it is not considered that consent cannot be granted in the absence of a variation request. Furthermore, much of the reasoning for the previous refusal by the Sydney Eastern Planning Panel and the Land Environment Court was based upon the associated amenity impacts above the Building Height development standard being an unreasonable outcome. Council considers this has not changed under the subject SSD scheme.  Figure 2: Section showing the height of the pergola (Source: Applicant)	- In the assessment of the previous development application (DA80/2023) the height of the development was calculated consistently with the principles in <i>Bettar</i>. This approach was accepted by Council in the assessment before the Sydney Eastern City Planning Panel and during the subsequent LEC proceedings. - Council now instead suggest that the building height should be measured in accordance with the methodology established in <i>Merman Investments Pty Ltd v Woollahra Municipal Council [2021] NSWLEC 1582 (Merman)</i>. - Refer to the legal advice prepared by KL Gates as to the proposed methodology for measuring building height. The legal advice notes that (in particular): - It appropriate to measure building height consistent with the principles in <i>Bettar v Council of the City of Sydney [2014] NSWLEC 1070 (Bettar)</i> BECAUSE adopting the methodology in <i>Merman</i> is not appropriate and would artificially exaggerate the height of the development when compared with height measured from an interpolated level which is consistent with that of the adjoining properties – and does not place the building in it's surrounding context. This is the approach taken in the SSDA. - With regard to the previous LEC matter, the appropriateness of the Clause 4.6 variation request ultimately turned on the impact of height above the LEP control. The Housing SEPP Chapter 2 provision for 30% additional height is statute based on the strategic objective of delivering housing and affordable housing in well located areas.
Car parking rates		
5	Considered under the SEPP (Housing) 2021:	- Appropriate visitor and retail parking has been provided as discussed above. The proposed parking is supported by the TIA. - Council's DCP does not apply to the proposed SSD.

Item	Issue/ Comment	Proponent Response																					
	<table border="1"> <thead> <tr> <th>Room type and number</th><th>Calculation</th><th>Spaces Req.</th></tr> </thead> <tbody> <tr> <td>20 x 1-bedroom units</td><td>20 x 0.5</td><td>10 spaces</td></tr> <tr> <td>7 x 1-bedroom affordable units</td><td>7 x 0.4</td><td>2.8 spaces</td></tr> <tr> <td>8 x 2-bedroom units</td><td>8 x 1</td><td>8 spaces</td></tr> <tr> <td>6 x 2-bedroom affordable units</td><td>6 x 0.5</td><td>3 spaces</td></tr> <tr> <td>23 x 3-bedroom units</td><td>23 x 1.5</td><td>34.5 spaces</td></tr> <tr> <td></td><td>Total</td><td>59 Residential spaces</td></tr> </tbody> </table> In addition to this 6 visitor and retail spaces and 5 car share spaces are proposed. Based on Part B7 of the Randwick Development Control Plan 2013, the required visitor spaces are 16 spaces. Council raises issue with the provision of visitor and retail spaces. The proposal does not provide the required retail spaces within the development, as noted in this advice. Therefore, the proposal does not provide sufficient parking, and it was noted that in the original assessment the applicant's traffic and parking assessment had sought to rely upon the public parking within the Pacific Square development, which was raised as an objection by the neighbouring shopping centre operator. The proposal is for 263m2 of retail space (which is far below the required amount) based on this 6.57 spaces are required. Based on the total development GFA of 6,226m2, a minimum of 30% of this should be used for retail/commercial purposes. This equates to 1867.8m2, which would require 47.7 carparking spaces. It is further noted that the loss of commercial and retail space within the Maroubra Junction contrary to the relevant DCP and master planning framework is a sub-optimal land use planning outcome and generates a poor urban design outcome. Council recommends that parking demands should be catered for in a basement responding to the capacity of the constrained site area.	Room type and number	Calculation	Spaces Req.	20 x 1-bedroom units	20 x 0.5	10 spaces	7 x 1-bedroom affordable units	7 x 0.4	2.8 spaces	8 x 2-bedroom units	8 x 1	8 spaces	6 x 2-bedroom affordable units	6 x 0.5	3 spaces	23 x 3-bedroom units	23 x 1.5	34.5 spaces		Total	59 Residential spaces	
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Housing SEPP																							
6	Affordable Housing Calculations Council disagrees that the "affordable lobbies" can be counted as affordable housing. Council would recommend that only the internal floor area of units is included to inform the relevant development bonus. Therefore, 31m2 must be deducted from the GFA of the affordable housing calculation. This results in 937m2 of affordable unit floor area, which is 14.67%. Therefore, the applicable AFH bonus is also reduced in terms of the maximum height and GFA bonus.	Common areas have been proportionally attributed to market and affordable GFA. This is standard practice in development applications.																					
7	Solar access and deep soil are considered under Part 4 of the Housing SEPP – the ADG.	The proposed development site is 138 Maroubra Road. It is unclear what Council mean by 'consider the future development of 138 Maroubra Road and what impact this will have on the development site'																					

Item	Issue/ Comment	Proponent Response
	Solar access must consider the future development of 138 Maroubra Road and what impact this will have on the development site, particularly in relation of further impacts associated with any proposed building height variations and the relevant environmental planning grounds provided by the applicant. The proposal does not provide any deep soil. It is recognised that no deep soil currently exists on the site and that this should be sought to be improved adjacent to the public domain. Character test: the applicant must satisfy the following design requirements: <i>(3) 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—</i> <i>(a) the desirable elements of the character of the local area, or</i> <i>(b) for precincts undergoing transition—the desired future character of the precinct.</i>	• The proposed development provides planting on structure with sufficient soil depths to support mature trees to the communal open space areas. This is an appropriate response to the site's constraints and location within a dense urban environment. • The proposed development is compatible with the desired future character of the precinct as established by all of the planning controls applying to the site and surrounding land. The desired future character of the area is addressed in the EIS.
Building Envelope		
8	1. Building separation The proposal does not comply with the numerical requirements of the building separation in the Apartment Design Guide. The following areas of concerns are noted in the review of the plans: • On the southern frontage there is a nil side setback to the east and west from level 1 to level 8. These are blank walls. • The terraces on the 2nd floor also provides a nil side setback to the west and a nil rear setback to the north. The communal open space has a nil side setback to the east. • From levels 3 – 8, there is a 3m side setback to the west. • The rear side setback is 3m and the eastern side setback to the east is 6.45m. These separations and setbacks are not supported. Concern is raised for the proposed western side setback. It is not considered reasonable for the applicant to assume the redevelopment of the neighbouring property, without any formal block plan. The share of setback distances are not equitable, noting that the development site provides 3m, whereas the adjoining site is being expected to provide a minimum of 15m.	• The proposed development provides adequate building separation on a constrained site that maintains privacy to existing neighbours and that facilitates future feasible development of the NSW Police Site. • The proposed building separation is consistent with the objectives of Part 3F Visual Privacy of the ADG, being: – Adequate building separation distances are <u>shared equitably</u> between neighbouring sites, <u>to achieve reasonable levels of external and internal visual privacy</u>. – Site and building design elements (such as louvres and screening) increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private space. • The design guidance in Part 3F-1 notes that “new development should be located and oriented to <u>maximise visual privacy between buildings on site and for neighbouring buildings</u>.” • The strict adherence to the DCP when the site cannot be developed in concert with the adjoining site to deliver an integrated block form is overly burdensome and a merit based approach to the site should be taken. • A solar heat map comparison of the DCP and proposed envelopes including a future police site development were prepared in the joint expert planning and urban design report during the previous LEC matter (p 39). The comparison demonstrated that the proposed envelope achieved better solar access than the DCP envelope and was consistent with the ADG objective to maximise solar access-

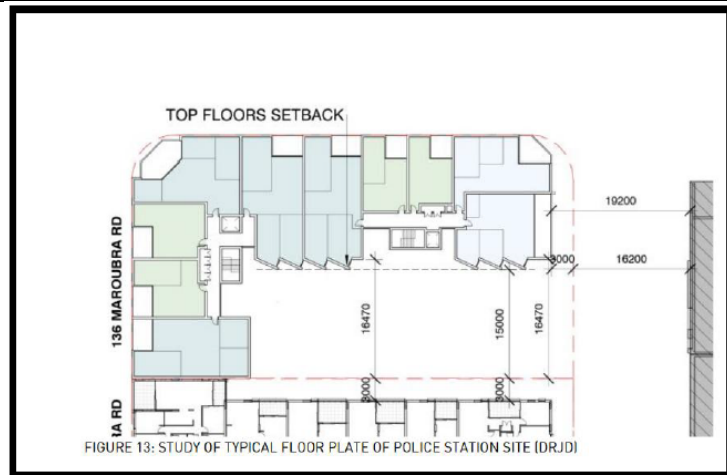
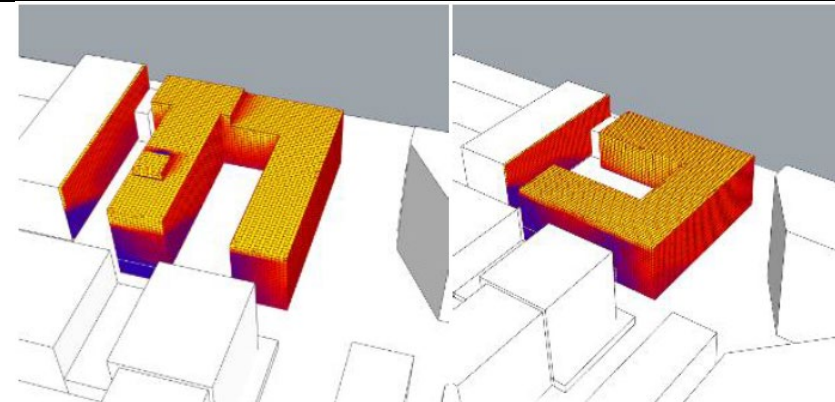
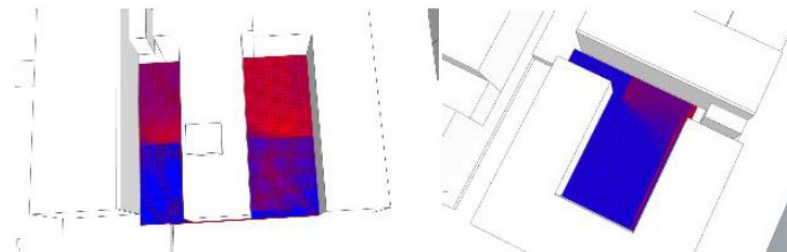


Figure 3: Inequitable share of building separations with the Police Station (Source: Applicant)



Solar Heat map comparison of C (left) vs U (right) shaped forms.



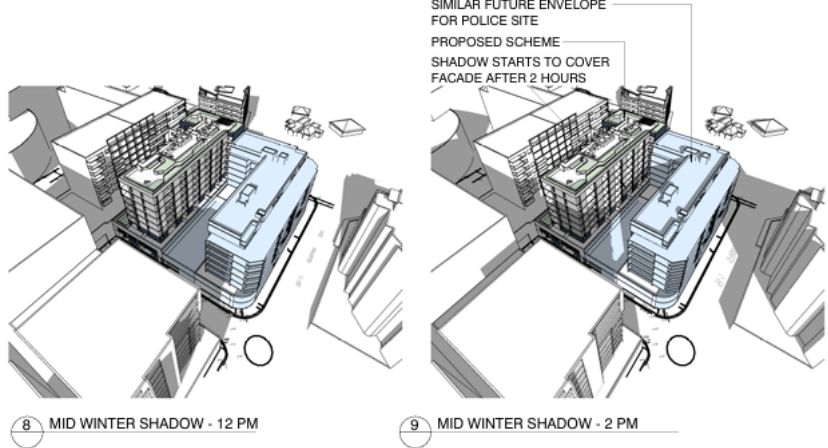
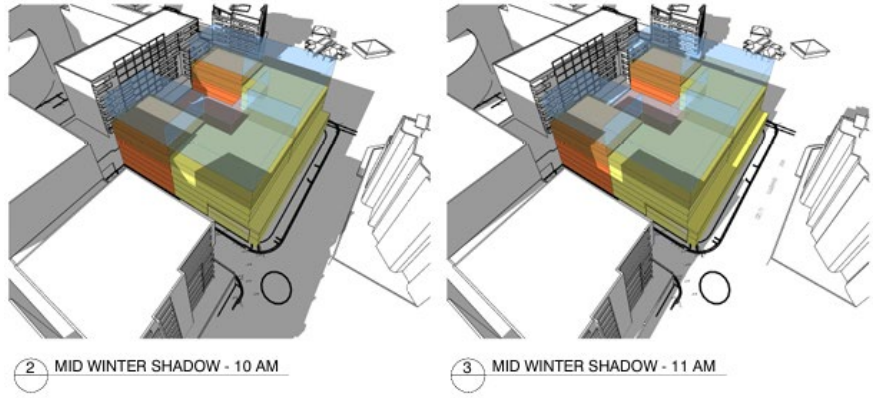
Solar heat map of courtyard C(left) vs (u) shaped forms

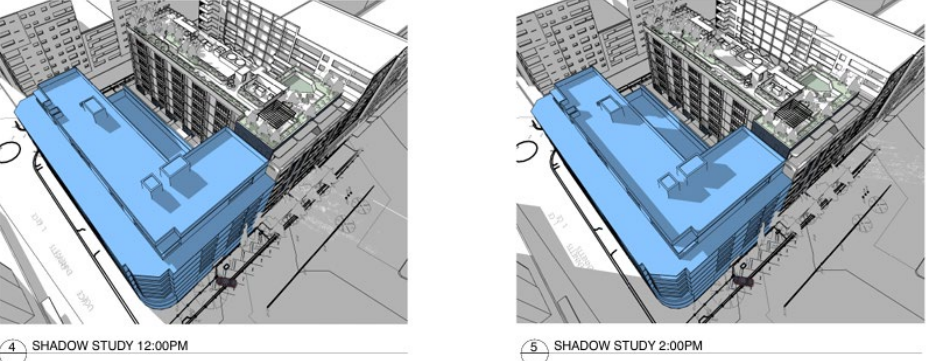
Figure 3: Solar study of DCP and proposed envelope

Source: Joint Expert Planning and Urban Design Report, LEC 1716 [2024]

- The proposed setback to the NSW Police Site to the west is a reasonable response to the constraints of the site and will allow the Police site – should it ever be redeveloped – to deliver zero-boundary setbacks to its three street frontages to maximise GFA.
- Council's DCP (which does not apply to the SSD) seeks an inequitable 'share' of GFA across the development site and the police site as shown in the below figure, and as outlined in the Design Report prepared by DJRD and the EIS.
- The proposed side setbacks meet ADG habitable to non-habitable building separation requirements and utilises 'pop-out' windows as per the ADG 'Hutchison' case-study.
- Overall, the proposed development provides adequate building separation in the specific circumstances of the development, and achieves appropriate privacy and solar access for existing and future development per the objectives of the ADG.

Item	Issue/ Comment	Proponent Response
		 Building envelope plan Building Envelope Plan - Extract DCP Figure 4: DCP envelope and the site Source: DJRD
9	2. Heavy reliance on privacy measures The side facing balconies to the west are not appropriate. These balconies are enclosed on three sides and as shown below proposed to be fitted with windows and louvres in a wintergarden arrangement. Council does not consider these afford sufficient amenity to future occupants in terms of private open space. Additionally, the orientation of these rooms is not appropriate.	• The west-facing balconies have been provided additional privacy treatments, refer to the amended architectural drawings prepared by DJRD. • The ADG notes that achieving visual privacy should balance site and context specific design solutions for views, outlook and solar access. The use of privacy devices and pop-out windows is consistent with the case studies provided in the ADG for narrow infill sites and are appropriate in the context of the site within a dense urban environment.
10	3. Unarticulated and extensive expanses of walls The proposal includes a wall of 45m in length along the western side of the development, with only inset balconies, which council considers will present as predominantly enclosed areas, as per the assessment above. This significantly exceeds the building depth controls and it will result in the presentation of unacceptable bulk and scale for 136 Maroubra Road.	• Additional articulation has been provided to side elevations to complement the existing articulation provided by the balconies and architectural treatment of the western facade. Refer to the amended architectural drawings.
	4. Vulnerability of future overshadowing from the redevelopment of the Police station – inconsistent with Maroubra Junction DCP. As shown in the Eye of the Sun Diagrams much of the development will not receive sunlight in the case of a similar scale redevelopment of the Police Station to the west and that sunlight access would be predominantly lost from 1:30pm to 3pm.	• DCP Envelope Analysis was prepared by DJRD with the EIS (Appendix E, DA0.150). The analysis demonstrates that in the event that the Police Station site is developed to a commensurate height, depth and GFA to the proposed development, that both developments achieve minimum solar requirements per the ADG. • The analysis demonstrates that the proposed development is not overshadowed by a future police station site between at least 9am and 1pm on the 21 June.

Item	Issue/ Comment	Proponent Response
		 8 MID WINTER SHADOW - 12 PM 9 MID WINTER SHADOW - 2 PM SIMILAR FUTURE ENVELOPE FOR POLICE SITE PROPOSED SCHEME SHADOW STARTS TO COVER FACADE AFTER 2 HOURS Figure 5: Sun eye diagrams 12pm & 2pm 21 June Source: DJRD Additionally, the solar analysis also demonstrates that the DCP envelope desired by Council does not achieve ADG solar access to the ground floor communal open space, which is the location prescribed under the DCP.  2 MID WINTER SHADOW - 10 AM 3 MID WINTER SHADOW - 11 AM

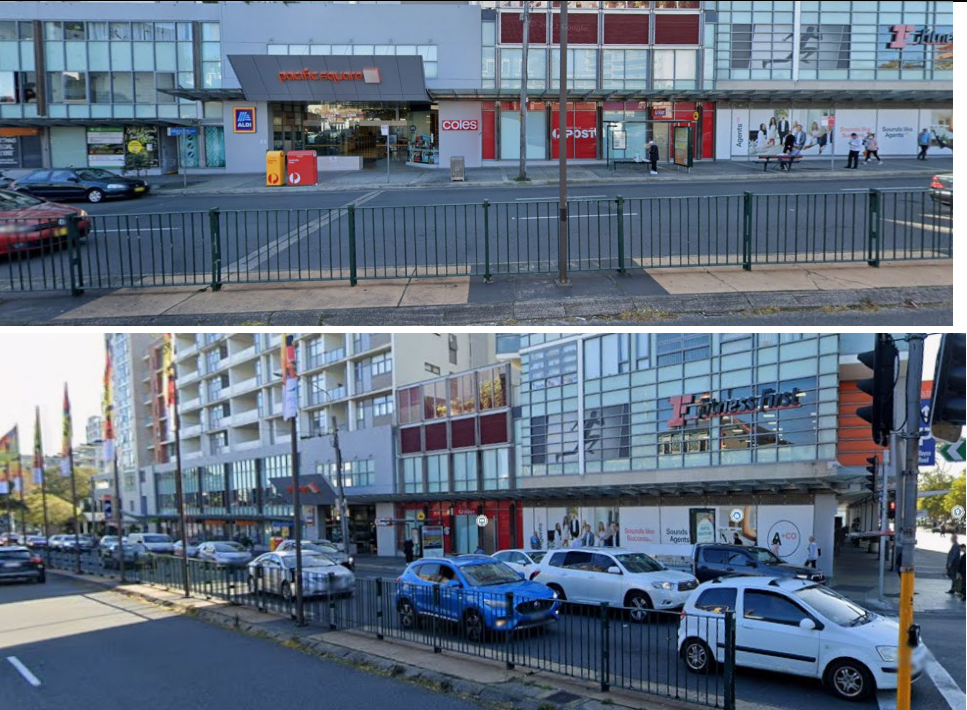
Item	Issue/ Comment	Proponent Response
		 Figure 6: Sun eye diagram and comparison to DCP envelope Source: DJRD
Maroubra Junction Development Control Plan		
11	Randwick Council's Draft DCP states that the objectives of Block 6 are to: 1. Reinforce Anzac Parade as the main street 2. Reinforce Maroubra Road as the cross street 3. Reinforce the "Junction" of Maroubra Road and Anzac Pde as the main focus of the Maroubra Junction Centre. 4. Encourage a mix of commercial/retail uses within the retail core 5. Provision of an open space in the middle of the centre away from the traffic noise and surrounded by shopping activity providing the focus for the centre 6. Provide a transition in scale from the centre along Boyce Rd, Maroubra Rd and Glanfield St to the lower scale residential buildings on the periphery. 7. Maintain the amenity of the residential buildings by providing a green buffer between the busy commercial/retail activities on Anzac Parade and adjacent low scale residential use. The building envelope plan anticipates a maximum of 6 stories along Maroubra Road. It also states that between Anzac Parade and Bruce Bennetts Place, there should be two levels of retail/commercial with residential above that is not provided in the subject scheme.	• The DCP does not apply to the SSD. • The anticipated building envelope must consider all of the planning controls that apply to the site including Chapter 2 of the Housing SEPP, which permits additional height in exchange for the provision of infill affordable housing. • The proposed development is consistent with the built form as anticipated under Chapter 2 of the Housing SEPP. • One level of retail uses are proposed to the ground floor. This approach is considered appropriate for a number of reasons, not least that the proposal has sought to reduce the number of basement levels to minimise excavation depth. The DCP control does not apply in any case.
Assessment against the objectives		
12	The proposal does not reinforce Anzac Parade as the main street or Maroubra Road as the secondary Street. The scale of the proposed building does not reinforce the junction (the corner of Maroubra Rd and Anzac Pde) as the main focus of the centre and will not provide a transition in scale.	• The scale of the proposed building complies with the height permitted under Chapter 2 of the Housing SEPP. • The proposed height is consistent with the future desired character of the precinct, which is undergoing transition per s20(3) of the Housing SEPP as a result of the recent Low and Mid

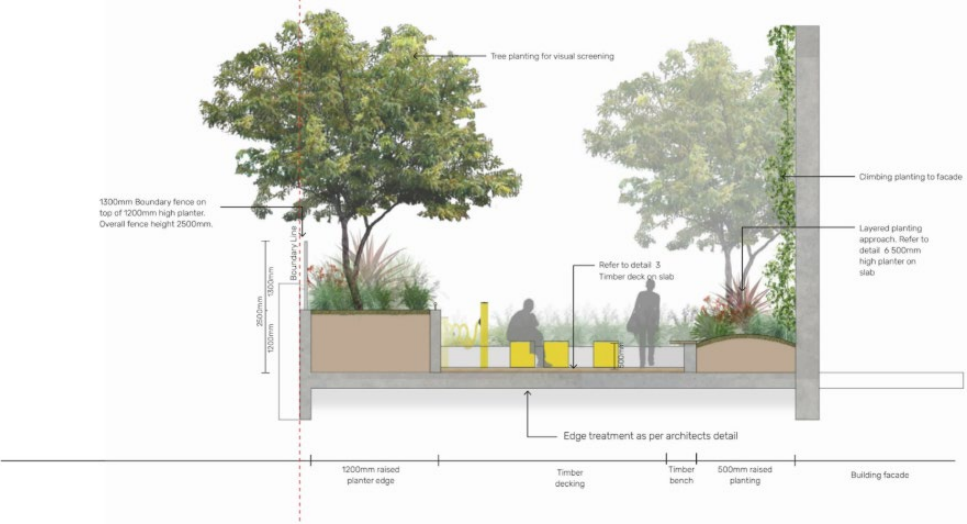
Item	Issue/ Comment	Proponent Response
		Rise Housing provisions (Maroubra is an identified town centre) and infill affordable housing uplift.
DCP Section 3.1.3 Building Envelope states that:		
13	a) Residential Floors – GFA achieved occupies not more than 70% of the maximum building envelope for residential floors. As discussed in the parking section of this advice, the proposal has not provided the required retail and commercial uses. The ground floor configuration does not foster retail activation, with shops and commercial uses. Instead, it is used for the building services and storage or car access. No justification has been provided for the removal of the previous basement levels, and the reasoning for this change is unclear in the documentation. There is only 1 retail space provided, which is 263m². The other 1220m² of the ground plane is taken up by services, storage or access and is not a supported outcome. As per the Maroubra Junction DCP, the ground and first floors should accommodate further retail and commercial uses.	• The DCP does not apply to the SSD. • The proposed development seeks to ‘reuse’ the existing basement at the site within only minor excavation and earthworks required. • A primary driver behind this design decision was that the DSI prepared with the EIS identified potential contamination at the site, which was raised by Council during the assessment of the previous DA and during the LEC appeal. • Submissions from neighbouring residents during the LEC appeal also sought a reduced basement excavation. • The retail space has been expanded due to the removal of vehicle egress from Maroubra Road. It is necessary to include some services including the proposed substation to meet the design and service provider requirements.
Section 3.1.5. Building Depth		
14	a) The maximum allowable depth of residential building envelopes is 22m b) The maximum allowable depth of commercial/retail building envelopes is 25m. The proposed building depth is 55m (residential levels). This is more than double the anticipated building depth in the DCP and is not supported by Council.	• The DCP does not apply to the SSD. • The building footprint is not inconsistent with Council’s DCP, and is essentially a ‘rotation’ of the C-shaped building envelope prescribed in the DCP.
Section 3.1.6 Building separation		
15	As previously outlined, the proposal does not comply with the building separation or setbacks. This is a particular issue along the western elevation	• Refer to the architectural drawings and EIS. The proposed building separation meets ADG habitable to non-habitable requirements and is an acceptable approach given the sites constraints.
Section 3.1.9 Side and rear setbacks		

Item	Issue/ Comment	Proponent Response
16	The relevant objectives are: Side setbacks - Minimise the impact of development on light, air, sun, privacy, views and outlook for neighbouring properties, including future buildings. This has not been achieved as the proposal has not adequately considered the future development of 138 Maroubra Road. The applicant has designed a potential development at 138 Maroubra Road, but this does not align with the RDCP or a realistic future development at 138 Maroubra Road.	• The DCP does not apply to the SSD. • Refer to Alternatives Considered in EIS which addresses the DCP envelope and determines that it is not the most suitable approach to the site, and that the proposed development is a better outcome in terms of light, air, sun, privacy, views and outlook. • The proposed development minimises impacts whilst addressing the implication of the NSW PF being unable or unwilling to sell the site. The DCP does not propose an equitable alternative to the prescribed envelope in the event that the sites cannot be developed together. This is addressed throughout the EIS and during the previous LEC appeal. • Council have consistently attempted to apply the DCP as a statutory instrument when it cannot be delivered – and must be applied flexibly where a reasonable alternative solution is proposed per S4.15(3A) of the EP&A Act. • The NSW PF will not sell the site, have not indicated any intention to redevelop, and therefore the site does not and cannot form part of the development site.
Section 3.1.10 Rights of carriageway		
17	Roads and Maritime Service has advised that new vehicular access to developments fronting Maroubra Road will not be supported. Therefore, the proposed crossing and access on Maroubra Road is unlikely to be supported.	• Transport for NSW provided a submission during the exhibition period and did not object to the development or the proposed vehicle egress to Maroubra Road. • In any case, vehicle egress has been revised and is no longer proposed to Maroubra Road.
Inconsistency with the zone objectives and public interest		
18	The site is zoned E2 – Commercial Centre and it is located within the Maroubra Junction Town Centre. The proposal does not comply with the following objectives: • 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 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. • 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.	• The proposed development is consistent with the zone objectives as addressed in Section 9.6 of the EIS and is in the public interest as addressed in Section 9.7 of the EIS. • The proposed will strengthen the role of the commercial centre by providing retail use on the ground floor alongside necessary services and pedestrian access for residents in upper levels. It is wholly permitted development in the E2 Zone. The substation must be provided to Maroubra Road as required by Ausgrid. • The proposed development meets the objective of Chapter 2 Part 2 of the Housing SEPP to facilitate the delivery of new in-fill affordable housing and is development in an accessible area per Schedule 10 of the SEPP, capable of greater density to meet the needs of future residents. • The DCP does not apply and is not relevant to the strategic planning framework. The proposed development is consistent with the strategic planning framework as set out in Section 2 of the EIS. The proposal delivers infill affordable housing within an existing centre, close to transport, jobs and services – aligned with State government priorities and the National Housing Accord.

Item	Issue/ Comment	Proponent Response
	- To support a diverse, safe and inclusive day and night-time economy. Council comments: - The proposal is not strengthening the role of the commercial centre because it is not providing suitable retail or commercial spaces. The ground floor should not consist of services, storage and access, this is a poor design outcome. - The development is not providing sufficient ongoing investment in commercial development or employment opportunities. - The proposed development does not have high levels of accessibility or amenity, especially for pedestrians. - The development is not consistent with Councils DCP / block plan and therefore the strategic planning framework. - The proposal does not provide a sufficient active frontage to attract pedestrian traffic. - The proposal does not facilitate a high standard of urban design and doesn't achieve a suitable sense of place for the local community.	
Ground Floor comments		
19	The configuration of the ground floor is not supported. It is unclear why the additional levels of basement have been removed from the proposal. The services and storage areas proposed on the ground floor would be better suited in the basement.	As above, a single level of basement is proposed to minimise potential contamination and in response to concerns raised by neighbours during the LEC process.
20	The entrance to the building from Maroubra Road is inappropriate, consisting of 20m or 40m corridor length to the lift. This area has no natural light and passes by the services and storage rooms.	The design of the building must contend with the constraints of the site including a narrow primary frontage with planning requirements such as active uses, end-of-trip facilities and staff amenities, services, storage, waste facilities. It is considered that there is no feasible alternative to the proposed building entrance from Maroubra Road provided all of these competing constraints.
21	A vehicular exit onto Maroubra Road is not appropriate outcome – noting the previous comments in relation to the RMS.	- It is important to note that Transport for NSW did not raise an opposition to the proposed vehicle exit to Maroubra Road. - Nonetheless, the Applicant has discussed this matter with DPHI during the preparation of the Submissions Report and has amended the proposal to provide basement access and exit from the rear lane, rather than exit to Maroubra Road.
22	The proposed retail space is an undesirable configuration, being 7m wide and 35m deep.	Council have provided no justification as to why this configuration is 'undesirable'.
Carparking configuration		
23	The basement carpark now exits onto Maroubra Road, this is not supported and is supposed to facilitate an active retail / commercial frontage under the relevant DCP framework.	- Council's position that the DCP framework has facilitated active uses along Maroubra Road is untrue, refer to the below images taken from Google Street View in 2023. - Of the approximate 180m street frontage along Maroubra Road between Anzac Parade and Bruce Bennetts Place, only the c. 15m pedestrian entry to Pacific Square can be considered

Item	Issue/ Comment	Proponent Response
	The elevated carparking at the first floor level and the areas taken up for access and ramps is not supported.	‘active’. This is only 8% of the total street frontage. The remainder of the street frontage consists of loading docks, car access, opaque window signage and blank walls. - Some advertising signage has been changed since the below images however the opaque nature of the frontage remains unchanged. - In this regard, the vehicle egress proposed in the SSDA would be entirely consistent with other uses on the street frontage. - However, based on discussions with DPHI and additional traffic input prepared by JMT (Appendix F), it is now proposed to consolidate basement access and egress to the rear Piccadilly Place. 

Item	Issue/ Comment	Proponent Response
		 Figure 7: Google Street View, Maroubra Road (2023) Source: Google Maps
Level 1 comments		
24	The affordable units on level 1 are south facing with two of them being single aspect. These also directly adjoin the elevated car parking which is not a supported configuration and generates insufficient amenity for future occupants in terms of natural light and potential acoustic impacts. Council has developed Affordable Housing Design Guidelines which are explicit in relation to the amenity expected for affordable housing apartments. These Guidelines were adopted by Council in December 2025 and are available on Council's website. The submitted landscape plan doesn't appear to align with architectural plans for the design of the landscaped area. This will be situated below the retaining wall of Pacific Square. It is unclear how this space is intended to be used by future occupants noting its constrained position within the development.	• The level 1 units are market housing and not affordable units. • The Applicant has strived to provide a reasonable amenity to all apartments including affordable apartments within the context of a constrained site. A letter of support from Bridge Housing, a Tier 1 Community Housing Provider was provided with the EIS in support of the development. • 70% of affordable apartments achieve at least 2 hours of solar access at 21 June per the ADG. • The basement egress to Maroubra Road has also been moved to the rear lane, away from the level 1 dwellings. • Council's recently adopted Affordable Housing Design Guideline notes on page 3 that <i>"the purpose of the affordable housing design requirements is to assist developments and Council in the assessment and allocation of affordable housing dwellings to be dedicated to Council in accordance with Randwick City Council Affordable Housing Strategy and</i>

Item	Issue/ Comment	Proponent Response
		<i>Scheme” and that the guide “should be used to guide the design of proposed affordable housing dwellings that are to be dedicated to Council.”</i> The proposed development does not dedicate affordable housing to Council and therefore Council’s guidelines do not apply. • The architectural drawings and landscape plans have been updated to be consistent. Refer to the updated documents provided as appendices to this report.
Further assessment required:		
25	No consideration has been provided regarding how the development will impact the childcare centre to the east. The interface and levels with the childcare centre are very unclear. • It appears that the balcony constituting the outdoor space has not been surveyed due to an “obstructed view”. Council does not consider this acceptable. • The awning to the outdoor space is at RL 36.57. Meaning that this outdoor space approximately aligns with the third floor of the proposed development.	• The proposed development utilises pop out windows (per ADG) to reduce overlooking on a narrow site. The proposed pop out windows are an appropriate design solution and mitigation measure to maintain privacy to that setback. • The landscaping and architectural drawings have been amended to show consistent privacy treatment to the interface between the level 2 communal open space and the childcare centre. Section BB from the landscape drawings shows a 2.5m boundary fence with deep planting and vegetation to limit opportunities for casual overlooking. • The survey plan notes “(Limited survey in this area obstructed view)” due to the presence of the awning to the over the childcare centre terrace. Section A of the amended architectural drawings shows the interface between Level 2 and the childcare centre including awning.  Figure 8: Landscape section through Level 2 COS Source: Place Design Group

4.4 Public Submissions

The Applicant's response to key concerns raised in the public submissions are outlined in **Table 10** below.

Table 10: Public Submissions Response Table

Number of submission mentions	Matter Raised	Response
78	Excessive height, bulk and density	
	The proposed 9–10 storey building (plus rooftop garden and structures) exceeds the Randwick DCP height limit of 6 storeys (25 metres) for this precinct.	- The purpose of a DCP is to support the aims and controls of environmental planning instruments, which includes the Housing SEPP which permits additional height at the site for the delivery of infill affordable housing. - The DCP does not apply to SSD per SEPP Planning Systems s2.10. - The proposed height of the proposal at 32.5m (from ground level (existing)) is compliant with the permitted maximum building height control of 32.5m applicable to the site.
	The proposal has resubmitted a scheme that materially exceeds the refused 8-storey design by the SEPP and LEC rulings	The proposed development complies with the permitted height under the Housing SEPP, which was not available at the time of the previous application due to the savings and transitional provisions in Schedule 7A of the SEPP.
	The site is a small, narrow allotment of 1,518 sqm. The Randwick DCP (Section 3.1.1 – Amalgamation) explicitly acknowledges that maximum allowable height may not be achievable on small allotments.	Noted.
	The rooftop garden, with trees, permanent structures and regular occupation, is characterised by submitters as functionally equivalent to an additional storey, making the effective height comparable to a 10–11 storey building.	The rooftop communal open space is not an additional storey of the building and is open to the air.
	The scheme is described as representing yield maximisation rather than a genuine planning response to the site's constraints, character or community need.	- The proposed development complies with the permitted height on the site and provides adequate setbacks and building separation in the specific circumstances of a narrow site. - The proposed development is compatible with the future desired character of the area and provides affordable housing for members of the community.
75	Loss of Privacy and Overshadowing	
	Views from and sunlight to Pacific Square, particularly upper level residences on the western and south-western side, are directly or materially impacted by the proposed development, particularly on the upper level	A View and Visual Impact Assessment (VVIA) was prepared with the EIS (Appendix P). The VVIA demonstrated that some surrounding residential dwellings 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.
	Units on lower levels of the Botanica Building will directly face the new building with minimal separation, resulting privacy and overshadowing impacts.	The proposed development provides ADG building separation to the Botanic Building across Picadilly Lane, and is an acceptable approach given the infill nature of the development within a dense urban environment.

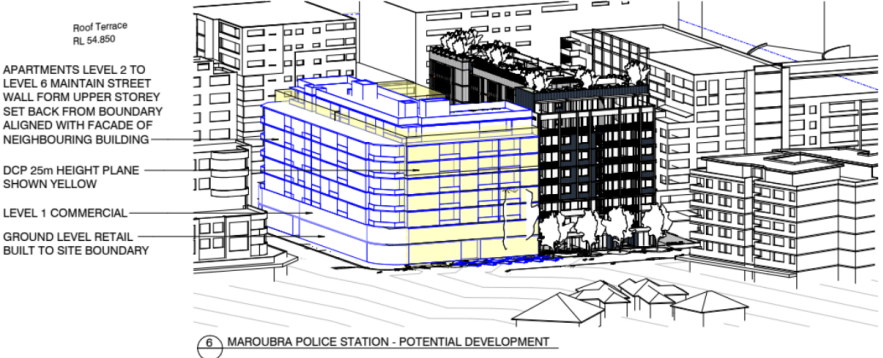
Proposal will have direct overlooking to the adjacent Maroubra Junction Early Education Centre (childcare) and the Maroubra Police Station holding cells, raising security concerns raising both privacy and safety concerns.	- Potential environmental impacts related to building separations and visual privacy is addressed in Section 8.3 of the EIS. - Additional mitigation measures have been implemented to mitigate opportunities for casual overlooking including: - Visual privacy to neighbouring development is protected through the use of fixed and moveable louvres and deep planting to communal open spaces. - Additional privacy measures are proposed to the western elevation (to the NSW Police site) per the amended architectural drawings (Appendix A). - Privacy screens are proposed to the Level 2 COS to prevent casual overlooking of the childcare centre. 'Pop out' windows to the eastern boundary is an appropriate design solution and mitigation measure to maintain privacy to that setback, and face away from the primary outdoor areas of the childcare.
Shadow diagrams submitted with the EIS do not account for existing built form, seasonal sun paths, and overshadowing of the childcare centre.	The sun eye diagrams submitted with the EIS consider the childcare centre. SLR prepared a solar access report (Appendix BB to EIS) that determined: <i>“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.”</i>
The proposed setbacks, while marginally increased from the earlier scheme, remain insufficient given the increased height.	The EIS and supporting documents have demonstrated that the objectives of the ADG setback controls relating to visual privacy and solar access have been met and that neighbouring dwellings are provided an adequate level of amenity. The proposed setbacks are an appropriate response on a narrow site and minimise impacts on neighbours.
72	Traffic congestion – Piccadilly Place access and parking
Piccadilly Place is a narrow, single-lane no-through road and the roundabout at Bruce Bennetts Place / Piccadilly Place, both already experience regular congestion and is considered to be operating at or beyond capacity. The proposal adds a further 70-space basement car park with entry/exit from Piccadilly Place and does not propose any upgrades to the road or the roundabout.	A Traffic Impact Assessment (TIA) was prepared by JMT Consulting (EIS 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 EIS has actively not acknowledged or assessed the existing loading dock at the end of Piccadilly Place	- The proposed development as amended in response to submissions provides vehicle access and egress from Piccadilly Place. - The TIA identifies that the proposal will generate an acceptable number of vehicle movements per day during peak times and that the proposed development will have a negligible impact on the surrounding road network, which includes vehicle movement to and from the loading areas of Pacific Square.

Traffic modelling is criticised for using standard weekday peak hours, rather than weekend peaks which are higher due to Pacific Square’s retail activity.		- JMT consulting is a leading traffic expert in NSW. JMT have prepared a TIA utilises TfNSW approved SIDRA traffic modelling and best industry practice to determine the existing road usage. - The modelling demonstrates that the two critical intersections adjacent to the site continue to perform at a strong level of service in both the AM and PM peak hours.
Emergency vehicle access is a specific concern – concurrent congestion from development traffic and retail/loading traffic could impede fire brigade response.		- The TIA demonstrates that cause any unreasonable impacts on the surrounding road network. - Section 4.13 of the TIA provides that emergency vehicle access will be maintained during construction.
Parking provision is inadequate and insufficient on-site parking is likely to cause overflow onto surrounding streets and reliance on retail car parks which are already at capacity.		- The proposed residential car parking provision is compliant with the minimum parking requirements for in-fill affordable housing under the Housing SEPP. - The proposed development seeks to combine retail and visitor parking at the site. This approach is considered reasonable as: - The site is within a highly accessible location. - It is anticipated that the ground floor retail tenancy will attract predominately ‘walk-in’ customers, who are unlikely to be reliant on on-site car parking. - 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. - Site access and egress is constrained, and minimising vehicle movement to and from the site for retail and visitor parking should be prioritised over additional parking.
65	Affordable housing	
While submitters generally do not oppose the principle of affordable housing, submitters challenge the 15% in-fill affordable housing bonus under the Housing SEPP as a tactical mechanism to access the 30% height bonus rather than providing a genuine social contribution.		- The provisions in Chapter 2 of the Housing SEPP are in order to incentivise development to deliver infill affordable housing in accessible areas inline with State housing priorities and the National Housing Accord. - The Applicant seeks to utilise a legally available mechanism under the Housing SEPP. A condition of consent can require that the delivery of affordable housing in accordance with the Housing SEPP is put on title.
No detail is provided in the EIS regarding the quality, integration, management model, or long-term tenure of affordable housing dwellings.		- The affordable housing units will be managed by a registered Tier 1 community housing provider. - Refer to the letter of support from Bridge Housing provided with the EIS in support of the development.
Noted that at the June 2024 SECPP hearing on the previous DA, the developer stated that the SSD pathway could deliver a taller building, and urged the Panel to approve the 8-storey scheme as a lesser impact alternative.		The infill affordable housing state significant development is a statutory pathway available for sites and proposals that meet the requirements under Schedule The site is deemed suitable for affordable housing if it satisfies the requirements outlined in Section 15C of the Housing SEPP for development to which the provisions for in-fill affordable housing can apply. The site satisfies the requirements as: The development is permitted with consent under Randwick LEP 2012,

		The affordable housing component is 15%, and All of the development is carried out in an accessible area (as defined in the Housing SEPP).
	Claims that the proposal is a “tokenistic approach” to infill affordable housing supply with provision used to utilise the bonus additional height uplift available through the Housing SEPP.	- The affordable housing units will be managed by a registered Tier 1 community housing provider. - Refer to the letter of support from Bridge Housing provided with the EIS in support of the development. - The SSD pathway is a statutorily available pathway for development that delivers infill affordable housing under Chapter 2 of the Housing SEPP. Refer Schedule 1, s26A of the Planning Systems SEPP.
	Suitability of site for affordable housing.	Chapter 2 of the Housing SEPP applies to the site as it is within an accessible area as defined.
65	Community consultation process	
	Community information flyers were distributed to limited locations with many submitters noting the exclusion of the Botanica Building (140 Maroubra Road) and therefore not notified during the early consultation phase	- Community engagement has been undertaken by the Applicant and Notting Hill Advisory as set out in the Engagement Report. The Engagement Report identifies in Appendix 1 that information flyers were distributed to the apartments surrounding the site. - All members of the community have had the opportunity to make submissions to the proposal during the public notification period. - It is anticipated that the proposed development will be renotified as a result of the amendments made during response to submissions.
	The public exhibition period was limited to 14 days (26 November – 9 December 2025), not meeting the 28 day exhibition period statutory requirements	- SSD for the purposes of in-fill affordable housing has a minimum 14-day exhibition time frame per the DPHI’s Community Participation Plan. - The public exhibition period was from Wednesday 26 November – 9 December 2025 which satisfies the 14-day exhibition requirement.
55	Previous refusal by SECPP and LEC	
	The revised SSD scheme does not materially address the fundamental design and compliance issues identified by the SECPP and LEC for the previous DA (DA/80/2023) – the height, bulk, massing and setbacks remain substantially similar, with the addition of 1–2 additional storeys.	The previous development application and LEC matter is addressed in detail in the EIS.
	Submitters argue the SSD pathway should not be used as a mechanism to circumvent or override decisions of the Planning Panel and the Court on substantially identical proposals.	- The SSD pathway is a statutorily available pathway for development that delivers infill affordable housing under Chapter 2 of the Housing SEPP. Refer Schedule 1, s26A of the Planning Systems SEPP. - The SSD pathway is not ‘opt in’ and the proposed development meets the requirements to be declared SSD.
52	IPC referral and political donation protocol	
	Submitters specifically request the Department refer the matter to the IPC rather than determining it internally as Randwick City Council has objected to the application and with more than 50 objections to the proposal	Recent NSW reforms have removed the Independent Planning Commission (IPC) trigger for State Significant Development (SSD) infill affordable housing projects, even if local councils object or there are over 50 public submissions.
	A previous breach to the NSW political donation laws should constitute a reportable political donation trigger for IPC referral purposes.	The Applicant has not made any reportable political donations in the statutory period.

22	Concurrent construction risk with Pacific Square remediation works	
- Concerns in relation to concurrent demolition, excavation and construction works with the remediations program due to commence at the Pacific Square precinct (140 Maroubra Road), in particular, the following unassessed risks include vibration impacts, dust and debris contamination, overlapping crane and hoist exclusion zones, constrained access for remediation contractors, scaffold and hoarding and compromised pedestrian and emergency egress. - Submitters request conditions requiring: a joint construction coordination plan; sequencing controls preventing high-impact SSD works during critical remediation phases; real-time vibration monitoring with automatic stop-work thresholds; and formal interface risk assessments.		- The proponent will prepare a construction management plan that considers the construction management plan of the adjacent Pacific Square remediation works. - This may be conditioned at any determination.
20	Structural integrity and water table / flooding	
Three levels of basement excavation immediately adjacent to the Pacific Square buildings (which we constructed above the natural water table) would disturb groundwater and potentially compromise the structural integrity and waterproofing of these buildings.		The proposed development includes one level of basement, 're-using' the existing single basement level.
The existing water table issue at Pacific Square is already being addressed as part of the Pacific Square remediation program, and there are concerns that the SSD excavation could undo or undermine that work.		Noted. The proposed development has been specifically designed to reuse the existing basement level to avoid impacts on ground conditions.
18	Childcare centre impacts	
The development would eliminate direct sunlight to the childcare centre's outdoor play areas.		The sun eye diagrams submitted with the EIS consider the childcare centre. SLR prepared a solar access report (Appendix BB to EIS) that determined: <i>"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."</i>
Upper storey windows and balconies of the proposed building would directly overlook the childcare centre, raising serious safety and child privacy concerns.		'Pop out' windows to the eastern boundary, which diverts direct views away from the childcare are an appropriate design measure to maintain privacy.
Construction impacts (noise, dust, vibration, heavy vehicles) would directly affect the childcare centre and its occupants throughout the construction period.		Potential construction noise and dust can be managed by a suitable construction management plan which details work and associated construction hours, which can be conditioned at any determination.

		The childcare can be engaged during the preparation of a detailed construction management plan to ensure potential impacts from construction activity can be further minimised or managed in consideration of the operation of the childcare centre.
10	Constraints to future development of Maroubra Police Station	- Insufficient setbacks and proposed height would compromise the development potential of the adjoining Maroubra Police Station site (136 Maroubra Rd). - The Architectural drawings demonstrate that the police site can be developed independently and achieve a commensurate height and gross floor space. This was a key consideration during the LEC Matter in which the Applicant and their urban design consultant demonstrated in significant detail that the NSWPF site could be developed independently. TOP FLOORS SETBACK 136 MAROUBRA RD 138 MAROUBRA RD 19200 16200 16470 15000 16470 5060 6550 TYPICAL APARTMENT PLATE POLICE STATION POTENTIAL DEVELOPMENT 3 1 : 450
		Figure 9: Future police station redevelopment residential floor plate Source: DJRD

	 Figure 10: Future police station redevelopment built form Source: DJRD
Submitters note the Maroubra DCP's intent was that sites amalgamate in order to achieve the maximum height and setbacks contemplated by the controls.	- The DCP does not apply to the SSD. - The NSW Police are not willing to sell the police site and therefore the sites cannot be developed together.
Any future development of the police land would likely need to adopt an equally non-compliant scheme to achieve a viable outcome given the constraints if the proposal is approved	The Architectural drawings demonstrate that the police site can be developed independently and achieve a commensurate height and gross floor space with appropriate building separation.
Community Sentiment and Governance Process	
18	Residents express frustration over inadequate consultation, lack of transparency, and perceived disregard for community values. - Community and stakeholder engagement has been undertaken by the Applicant and Notting Hill Advisory in process of this SSDA. Key matters raised by the community over the course of engagement activities are outlined in the EIS and Engagement Report provided with the EIS. - The public exhibition of this SSDA provided another opportunity for the public to provide additional commentary and feedback, which this report addresses.
23	Lack of change from the scheme proposed for past DA that was dismissed at LEC. The EIS demonstrates how the scheme has been amended to address the matters raised during the LEC matter.
13	Independent Planning Commission (IPC) referral trigger referencing Schedule 1 Clause 26 of the Planning Systems SEPP – regarding thresholds for automatic referral to IPC. - Recent NSW reforms have removed the Independent Planning Commission (IPC) trigger for State Significant Development (SSD) infill affordable housing projects, even if local councils object or there are over 50 public submissions. - Schedule 1, Clause 26 of the Planning Systems SEPP relates to housing development carried out by certain public authorities, being the Aboriginal Housing Office or the Land and Housing Corporation, and is not relevant to the proposed development. - The applicable Part 2.2, Division 1, Section 2.7 of the Planning Systems SEPP provides provisions for <i>Designation of Independent Planning Commission as consent authority for certain State significant development</i>. As per Section 2.7 (7), the IPC is not declared to be the consent authority for this SSDA as it is development specified in Schedule 1, Section 26A, <i>In-fill affordable housing</i>.

5.0 UPDATED PROJECT JUSTIFICATION

This section provides an updated justification and evaluation of the project as a whole, incorporating any relevant issues raised in submissions and the Applicant's response to these issues.

Design refinements and assessments undertaken in response to submission or further design development have not resulted in any additional environmental impact. As such, the project justification presented in the EIS is reinforced and further supported through the amendments to support this proposal.

5.1 Design of the Proposed Development

The design of the proposed development has been carefully considered to ensure that potential impacts are suitably mitigated or minimised. A number of design changes are proposed in response to submissions received.

The proposed development as amended remains compatible with desired future character of the local area and complies with the key planning controls under Chapter 2 of the Housing SEPP. The proposed development continues to exhibit 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 PF 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.

The design of the proposed development the subject of the SSDA is the result of a complex project history and responds to the matters raised by the consent authorities over that period, as well as the matters raised in the LEC proceedings.

5.2 Strategic Context

The proposed development as amended remains 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.

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 remains aligned to the NSW Strategic Planning Framework as it:

- Supports the vision of the Eastern Harbour City as a productive, liveable and sustainable city.
- Provides market and affordable housing within an identified centre, close to jobs, transport and amenity.
- Aligns with the National Housing Accord target to deliver 4,000 new dwellings in Randwick LGA by 2029.

5.3 Statutory Context

The proposed development as amended remains consistent with applicable environmental planning instruments and the EP&A Act as set out in the EIS. The proposed development continues to meet the preconditions to be declared state significant development under Section 26A of Schedule 1 of the Planning Systems SEPP.

For completeness, the proposed development is assessed under the Objects of the EP&A Act as amended by *Environmental Planning and Assessment Amendment (Planning System Reforms) Act 2025 No 71* in

Amended Objects	Assessment
<i>(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,</i>	The proposed development will promote the social and economic welfare of the community through the provision of well-located new housing including affordable housing, close to services, employment and public transport per government priorities. The proposed development will not significantly or disproportionately impact upon the proper management, development and conservation of the State's natural and other resources.
<i>(b) to promote the supply, delivery and maintenance of housing, including affordable housing,</i>	The proposed development will deliver new housing including affordable housing at a site that is currently vacant. Affordable housing will be managed by a Tier 1 community housing provider.
<i>(c) to promote productivity through the development and management of the State and its resources,</i>	The proposed development promotes productivity through the redevelopment of land within an important local centre that is capable of greater density and urban renewal.
<i>(d) to protect the environment, including the conservation of threatened species of native animals and plants and ecological communities and their habitats,</i>	The proposed development will not impact on the conservation of threatened and other species or native animals and plants, ecological communities or their habitats.
<i>(e) to promote resilience to climate change and natural disasters through adaptation, mitigation, preparedness and prevention,</i>	The proposed development provides appropriate mitigation measures to promote resilience to climate change and natural disaster. Basement excavation is deliberately minimised to avoid potential contamination and impacts on the water table.
<i>(f) to promote the sustainable management of built and cultural heritage, including Aboriginal cultural heritage,</i>	It is not anticipated that the proposed development will adversely impact on Aboriginal cultural heritage. The proposed development will have no impact on any heritage items in the surrounding area.
<i>(g) to promote good design, amenity and the proper construction and maintenance of built environments, including the protection of the health and safety of the occupants of buildings,</i>	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. The proposed development will comply with the requirements and performance standards of the NCC and all relevant Australian Standards.
<i>(h) to provide opportunities for participation in environmental planning and assessment,</i>	The proposed development was publicly exhibited and it is anticipated that the amended proposal will be re-notified to the public.
<i>(i) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</i>	The proposed development incorporates ecologically sustainable development into the design, construction and ongoing use of the building. The proposed development meets or exceeds all BASIX and NatHERS requirements. An ESD Report was prepared in support of the EIS (Appendix N).
<i>(j) to promote a proportionate and risk-based approach to environmental planning and assessment,</i>	The proposed development as amended does not result in any adverse or disproportionate environmental impacts and represents a risk-based approach that reflects the characteristics and constraints of the site and neighbouring land.
<i>(k) to promote the orderly and economic use and development of land.</i>	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.

5.4 Likely Impacts of the Development

The likely impacts of the proposed development will remain consistent with the submitted EIS. The potential environmental, economic and social impacts are summarised below.

5.4.1 Natural and Built Environment Impacts

The proposed development as amended will not result in any unreasonable or disproportionate impacts on the natural or built environment. The proposed development as amended considers the feedback received during the public exhibition period and has been designed to minimise environmental impacts to future residents, existing neighbouring dwellings, the locality and the environment more generally. In particular:

- 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. Where ADG setbacks cannot be achieved, pop-out windows have been provided and are an appropriate privacy mitigation measure on a narrow infill site.
- 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.

5.4.2 Social Impacts

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 have positive social impacts for the following reasons:

- It will provide 13 affordable housing dwellings that will be managed by a community housing provider for at least 15 years.
- 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.
- The site is zoned appropriately, and the proposal is permissible under the applicable planning controls.

5.4.3 Economic Impacts

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. The existing building at the site is vacant and does not contribute to the local economy.
- Create additional short- and long-term employment in preconstruction, construction and operation.

5.5 Suitability of the Site

The site remains suitable for the proposal as:

- The proposed development is permitted with consent under the Randwick LEP and Housing SEPP,
- It continues to be consistent with the NSW strategic planning framework and will deliver additional housing including affordable housing aligned to the National Housing Accord,
- It 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,
- Is of 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
- It has as been designed to be developed in a manner that minimises impacts on its surrounds.

5.6 The proposed development meets the objectives of the E2 Commercial Zone

The proposed development as amended remains consistent with the objectives of the E2 Zone per Table 11.

Table 11: 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 as amended includes additional non-residential floor space to the ground floor 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 will contribute to the provision of employment opportunities in Maroubra Junction. 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 has a high level of accessibility and pedestrian 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>	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". 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. • The site is located in Maroubra Junction, identified as a highly accessible location in the LSPS and LHS. • 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; • The LSPS at Page 25: Planning Priority 1: Provide Diverse housing options close to transport, services, facilities • 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 Undertake a comprehensive study of the Eastgardens-Maroubra Junction Strategic Centre that integrates land use and planning – short/medium term. • 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 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.” 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. The proposed development as amended remains consistent with this objective.
<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>	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. 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 be dedicated to services and non-active uses. These services cannot be relocated to Piccadilly Place as the land adjacent the boundary is not a public road. The proposed development as modified includes changes to the ground floor plane along Maroubra Road to expand the retail frontage and to further rationalise services and pedestrian entry for residents.
<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>	As the subject site has not been amalgamated with the NSW PF 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 PF 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. The proposed development as modified includes an expanded active street frontages that will encourage pedestrian amenity and contribute to a sense of place for the local community.
<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>	The proposed development minimises the impact of the development and protect the amenity of adjoining and nearby residents. The proposal provides reasonable amenity to existing neighbours and also enables a future equitable development at the police station site.
<i>To facilitate a safe public domain.</i>	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.
<i>To support a diverse, safe and inclusive day and night-time economy.</i>	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.

5.7 Public Interest

The proposed development as modified remains 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 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 as amended provides an expanded ground floor retail tenancy in response to public submissions.
- 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.
- Subject to the implementation of the mitigation measures identified for the proposed development, potential social and environmental impacts resulting from the proposal will be eliminated or minimised to an appropriate extent.

6.0 CONCLUSION

This submissions and amendment report has been prepared on behalf of Maroubra Property Developments Pty Limited to address the matters raised during the Public Exhibition of the State Significant Development Application SSD-81426710 at 138 Maroubra Road, Maroubra. The SSDA seeks approval for a mixed-use development, comprising a residential flat building including affordable rental housing and ground floor retail use.

The SSDA was publicly exhibited between Wednesday 26 November 2025 and Tuesday 9 December 2025. During the public exhibition period, 3 submissions were received from state and local government agencies including Randwick Council and 81 unique submissions received from the public.

The DPHI issued a Request for Response to Submissions letter on 10 December 2025. DPHI also requested on 3 March 2026 that the submissions report be accompanied by an amendment report, detailing the changes proposed as a result of the exhibition process and community and government agency feedback.

The following key amendments are proposed in response to submissions:

- The removal of vehicle egress to Maroubra Road, with all basement access and egress consolidated to the rear Piccadilly Place.
- The increase in retail frontage provided to Maroubra Road
- Additional privacy measures in response to submissions received from the NSW Police Force, adjoining childcare centre and residents within the Pacific Square apartment building.
- Additional building articulation to the west and east facades.
- The deletion of the level-1 non trafficable area.
- A revised Level 2 communal open space.
- Amendments to the northern lift and fire stair core.
- A minor increase in rooftop communal open space from 614sqm to 637sqm as a result of design changes.

The proposed development as amended complies with the key planning controls under the Randwick LEP and Chapter 2 of the Housing SEPP and is consistent with NSW State Government priorities to deliver housing and affordable housing in well located areas close to public transport, jobs and amenity.

It is anticipated that the amended proposal will be public exhibited and the community will have an additional opportunity to make submissions regarding the proposed development.