



21 August 2024

27 August 2024 - Randwick City Council v Maroubra Property Developments Pty Ltd

Development Address: 138 Maroubra Road, Maroubra

Development Application (As Amended): DA/80/2023 for the demolition of existing structures and the construction of a 8-storey mixed use development with 3 basement levels comprising 56 units, retail and commercial tenancies, 89 car parking spaces and strata subdivision.

Good morning,

Corona Projects have been engaged by the Strata Committee of Pacific Square mixed-use complex to undertake an assessment of DA/80/2023 and provide a submission to the Court on their behalf. Pacific Square adjoins the development site to the north and east.

I note that we had provided a comprehensive submission to the original DA and made a formal address at the s34 Conciliation Conference. The amended plans, dated the 24th April 2024, fail to overcome the core issues as expressed in our previous submissions.

Whilst it is noted that the design has been amended to delete the upper most floor, the now 8-storey mixed use proposal at 138 Maroubra Road continues to raise considerable concerns regarding:

- Traffic, congestion and parking;
- Construction impact (acoustic/vibration/dust disturbance);
- Negative impact on children and the childcare centre;
- Overlooking;
- Overshadowing;
- Visual bulk;
- Drainage;
- And non-compliances with applicable planning provisions.

I will now summarise each of these key concerns. Detailed information on each of these matters have been provided in a previous submission from Corona Projects, which we request that the Commissioner also revisit for the purposes of this Hearing.



1. Traffic, Congestion and Parking

Currently, the locality surrounding Pacific Square and Maroubra Junction is subject to high levels of vehicle traffic and congestion. This existing traffic and congestion is caused by the large number of existing residential units surrounding the area and an inadequate driveway and road network.

This DA will have a detrimental cumulative impact on traffic and congestion around Pacific Square and Maroubra Junction, introducing 56 residential apartments in the latest scheme and 850sqm of commercial floor space with only a single driveway entry and exit. The DA will also place pressure on the availability of parking spaces in the area, proposing a substantial 27% shortfall in on-site parking.

2. Construction Impact (Acoustic/Vibration/Dust Disturbance)

The expected long construction period will undoubtedly pose acoustic, vibration and dust disturbances for surrounding residents, visitors, local wildlife and young children at the childcare centre directly adjoining the construction site.

3. Acoustic Privacy

Pacific Square residential units that have balconies and windows facing 138 Maroubra Road are currently subject to ongoing noise impacts from frequent vehicle movements including commercial truck loading and unloading. The DA will considerably worsen the ongoing vehicle movements which will contribute to adverse noise. It will also disrupt the established separation between residential balconies by proposing a large obtrusive wall along all facades that is likely to cause noise from existing Pacific Square balconies and the childcare centre to be funnelled back to neighbours.

Proposed rooftop mechanical plants and noise from outdoor entertaining along proposed balconies will also cause noise issues.



4. Visual Privacy and Overlooking

Whilst slightly angled, windows along the northern and eastern elevations under the DA will still allow for direct, unobstructed and close views into the principal private open space, and primary habitable living areas and bedrooms of residential units at Pacific Square.

5. Solar Access and Overshadowing

At present the balconies, living rooms and bedrooms of west-facing Pacific Square residential units receive pleasant sunlight throughout the afternoon on the Winter Solstice. The same is provided for the children's play area of the childcare centre in the complex. The works proposed under the DA will substantially decrease the amount of sunlight received by these spaces due to the excessive and partially non-compliant bulk proposed, notwithstanding the reduction in height in the latest scheme.

The addendum to the Statement of Environmental effects states that the overshadowing assessment has excluded consideration of the child care centre *"as there is a fabric shading awning that extends from the building across the terrace"*. It is unreasonable to assume that an 8-storey building would have the same solar impact as the existing shade sails. The childcare centre must be considered in terms of solar impact considering the devastating impact the proposal is likely to inflict.

It's important to note that even if the height of the building was reduced to comply with the LEP standard that the resultant overshadowing would be detrimental. Overshadowing arising out of poor design is not acceptable, even if it satisfies numerical guidelines, as established by Senior Commissioner Moore under *The Benevolent Society v Waverley Council* (2010) NSWLEC 1082. Accordingly, a redistribution of bulk will be required in addition to a reduction in height to ensure an acceptable level of amenity to surrounding units is retained.

6. Water Damage

The excavation and impacts of the deep footings of the existing Pacific Square buildings have caused drainage issues, with water pooling in their loading dock along with the residential and retail carpark, resulting in an expensive and invasive reparation project. Similar footings and excavation are proposed under this DA, which are expected to result in similar or worsened soil and water impacts for 138 Maroubra Road and the Pacific Square complex. The applicant has not provided confirmation from a qualified engineer that the proposed basement can be constructed in a manner that ensures the integrity of Pacific Square buildings.



7. Non-compliances

Lastly, the DA continues to exhibit major non-compliances with the objectives and controls of the RLEP 2012 and RCDGP 2013 meaning that the proposal can therefore not be supported as it does not contain planning merit. These include issues that have already been detailed, as well as the following.

- The design excellence clause of the LEP has not been satisfied by the proposal as an appropriate scale is not achieved and the proposal has the potential to obscure views from surrounding units towards Botany Bay.
- The proposed development seeks a maximum building height of 31.8 metres, or 6.8 metres (27%) higher than the development standard at its maximum point. The submitted drawings indicate that an additional 5m in height is afforded to the development given the proposed provision of affordable housing. However, the statement of environmental effects fails to address the relevant clause of the Housing SEPP 2021.
- The E2 Commercial Centre objectives are not met due to the adverse amenity and urban design impacts created.
- The proposal results in a significant parking shortfall and issues that will impact driver and pedestrian safety.
- Site specific controls for Block 6 (Maroubra Junction) within the RCDGP the are not met in relation to building envelope variations and amenity and function concerns. Specifically, Block 6 limits development to six (6) storeys. The proposal is eight (8) storeys, plus a rooftop storey for access to the communal rooftop;
- Inadequate non-compliant waste arrangements are proposed without any consideration for the separation of waste chutes for general waste and recycling. The basement dimensions will also not allow for successful on-site waste collection.



Conclusion

For the reasons discussed today and detailed further in our previously submitted letter dated May 2023, the DA as amended will pose an unacceptable and substantial impact on the residential amenity of Pacific Square residents and surrounding apartment blocks, on the safety and health of children using the Pacific Square childcare centre, and on the traffic of the locality. For the reasons I've detailed today we respectfully ask that the Court refuse this proposal.

In the event that any revised design is considered, the following amended should be implemented:

- Reduce the height of the proposed development to, at a minimum, comply with the LEP standard;
- Implementing a tiered / increasing front setback, similar to that of No. 124 Maroubra Road;
- Increase building separation, modify the bulk, and reduce the height of the proposal to 6 storeys in accordance with the site-specific controls for Block 6 (Maroubra Junction) within the RCDGP; and
- Frosting east and north-facing windows.

Thank you.