

# Statement of Environmental Effects

138 Maroubra Road, Maroubra  
Mixed-use Development

Submitted to Randwick City Council  
On behalf of Maroubra Properties Pty Ltd



### 'Gura Bulga'

Liz Belanjee Cameron



'Gura Bulga' – translates to Warm Green Country. Representing New South Wales.

By using the green and blue colours to represent NSW, this painting unites the contrasting landscapes. The use of green symbolises tranquillity and health. The colour cyan, a greenish-blue, sparks feelings of calmness and reminds us of the importance of nature, while various shades of blue hues denote emotions of new beginnings and growth. The use of emerald green in this image speaks of place as a fluid moving topography of rhythmical connection, echoed by densely layered patterning and symbolic shapes which project the hypnotic vibrations of the earth, waterways and skies.

Ethos Urban acknowledges the Traditional Custodians of Country throughout Australia and recognises their continuing connection to land, waters and culture.

We acknowledge the Gadigal people, of the Eora Nation, the Traditional Custodians of the land where this document was prepared, and all peoples and nations from lands affected.

We pay our respects to their Elders past, present and emerging.

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### **A Architectural Plans**

*DJRD Architects*

### **B SEPP 65 / ADG Report and Verification Statement**

*DJRD Architects*

### **C Landscape Development Application Package**

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### **D Detail and Boundary Survey with Adjoining Lots Elevations**

*Craig and Rhodes*

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*JMT Consulting*

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### **H BCA Report**

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*Lindsay Bennelong*

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*Ethos Urban*

**R Clause 4.6 Variation Request – Height of Buildings**

*Ethos Urban*

**S Civil Design Report**

*SCP*

**T Erosion and Sediment Control Plan**

*SCP*

**U Energy Efficiency & Ecologically Sustainable Design Report**

*SLR*

**V Solar Access Assessment**

*SLR*

The development application is also accompanied by the following:

- **DIGITAL MODEL**, produced by DJRD Architects
- **PHYSICAL MODEL**, produced by Model-Tech 3D



# 1.0 Introduction

This Statement of Environmental Effects (SEE) is submitted to Randwick City Council (Council) in support of a Development Application (DA) for a mixed-use development at 138 Maroubra Road, Maroubra (the site).

Specifically, the DA seeks approval for the following:

- Site preparation works including demolition of the existing commercial building and bulk earthworks;
- Construction and use of a 9-storey mixed-use development including:
  - 2 x retail tenancies on ground floor
  - 1 x commercial tenancy on Level 1
  - 57 apartments including:
    - 23 x 1 bed apartments
    - 12 x 2 bed apartments
    - 21 x 3 bed apartments
    - 1 x 4 bed apartment
  - 3 level basement with driveway access via easement to Piccadilly Place, including:
    - 89 car parking spaces
    - 27 bicycle parking spaces
    - 5 motorbike spaces
- Landscaping to Level 1 and communal open spaces
- Extension / augmentation of services and utilities as required.
- Lot amalgamation.

This SEE has been prepared by Ethos Urban on behalf of Maroubra Property Developments Pty Ltd and is based on the architectural plans provided by DJRD Architects (see **Appendix A**) and other supporting technical information appended to the report (refer Appendix list).

This report describes the site, its environs and the proposed development, and provides an assessment of the environmental impacts and identifies the steps to be taken to protect or lessen the potential impacts on the environment. The application is recommended for approval given the following reasons:

- The proposed development is consistent with the aims and objectives of the *Randwick Local Environmental Plan 2012* (Randwick LEP) and the *Randwick Development Control Plan 2012* (Randwick DCP) as well as the relevant State Environmental Planning Policies. Whilst providing a differing building alignment to that envisaged in the DCP, the proposal has demonstrated that it provides a neutral or better outcome for the site, mindful that it cannot utilise the adjacent site to the immediate west.
- The proposed development provides a mix of well-designed residential apartments which will regenerate a long underutilised site in Maroubra Junction, replacing a two storey commercial building.
- The high-quality architectural design of the proposed development will provide a high level of residential amenity, consistent with the principles and objectives of *State Environmental Planning Policy No. 65 Design Quality of Residential Apartment Development* (SEPP65) as well as the *NSW Apartment Design Guide* (ADG).
- The intricate form, massing and articulation of the proposed development demonstrates a strong understanding of the site's unique contextual constraints. Specifically, the proposal accounts for the departure from the DCP prescribed envelope (which anticipates amalgamation with the adjacent Police Station site) by proposing a skilfully designed architectural volume that presents a contextual fit, does not cause unreasonable adverse impact to neighbouring development and does not restrict the future development of the Police Station site.
- Supporting technical studies that accompany this DA confirm that the proposed development will not give rise to any significant adverse environmental impacts, and that any potential impacts can be addressed through appropriate mitigation measures.
- Pre-lodgement consultation was undertaken with Randwick City Council and their Design Excellence Advisory Panel (DEAP) including meetings on 1 August 2022 and 30 August 2022. The Applicant and the project team have considered all feedback received and this has shaped the design development of the proposal, where reasonable and appropriate.

- The proposed variation to the maximum building height development standard is considered acceptable in the circumstances of the site and in accordance with the flexibility allowed under Clause 4.6 of the Randwick LEP. It demonstrates that the control is unreasonable in the circumstances and that there are environmental planning grounds to support the non-compliance with the standard.
- The proposed development is suitable for the site and is in the public interest.



## 2.0 Background

### 2.1 Applicant

Maroubra Property Developments Pty Ltd is controlled by Lindsay Bennelong, an established property development enterprise with a track record of creating innovative solutions on unique development sites, with a diverse portfolio of development. Lindsay Bennelong's developments have addressed complex in-fill and urban renewal sites with experience in residential apartment development. Lindsay Bennelong understands the key importance of addressing Council's planning and strategic framework in the design and preparation of a proposal.

### 2.2 Pre-lodgement discussions

Pre-lodgement consultation was undertaken with Randwick City Council including a meeting with Council's Design Excellence Review Panel (DEAP) on 1 August, 2022 and with Council officers on 30 August, 2022.

Written feedback was received from Council on 18 October 2022 and has been considered and addressed in the detailed documentation.

The Applicant and the project team have considered all feedback received and this has shaped the design development of the proposal, where reasonable and appropriate. A detailed response to Council's written feedback is provided at **Appendix Q**. The key items raised and the response made include, amongst others (refer to **Appendix Q** for further detail):

**Table 1** Key Items raised and addressed in the Development Advisory Meeting

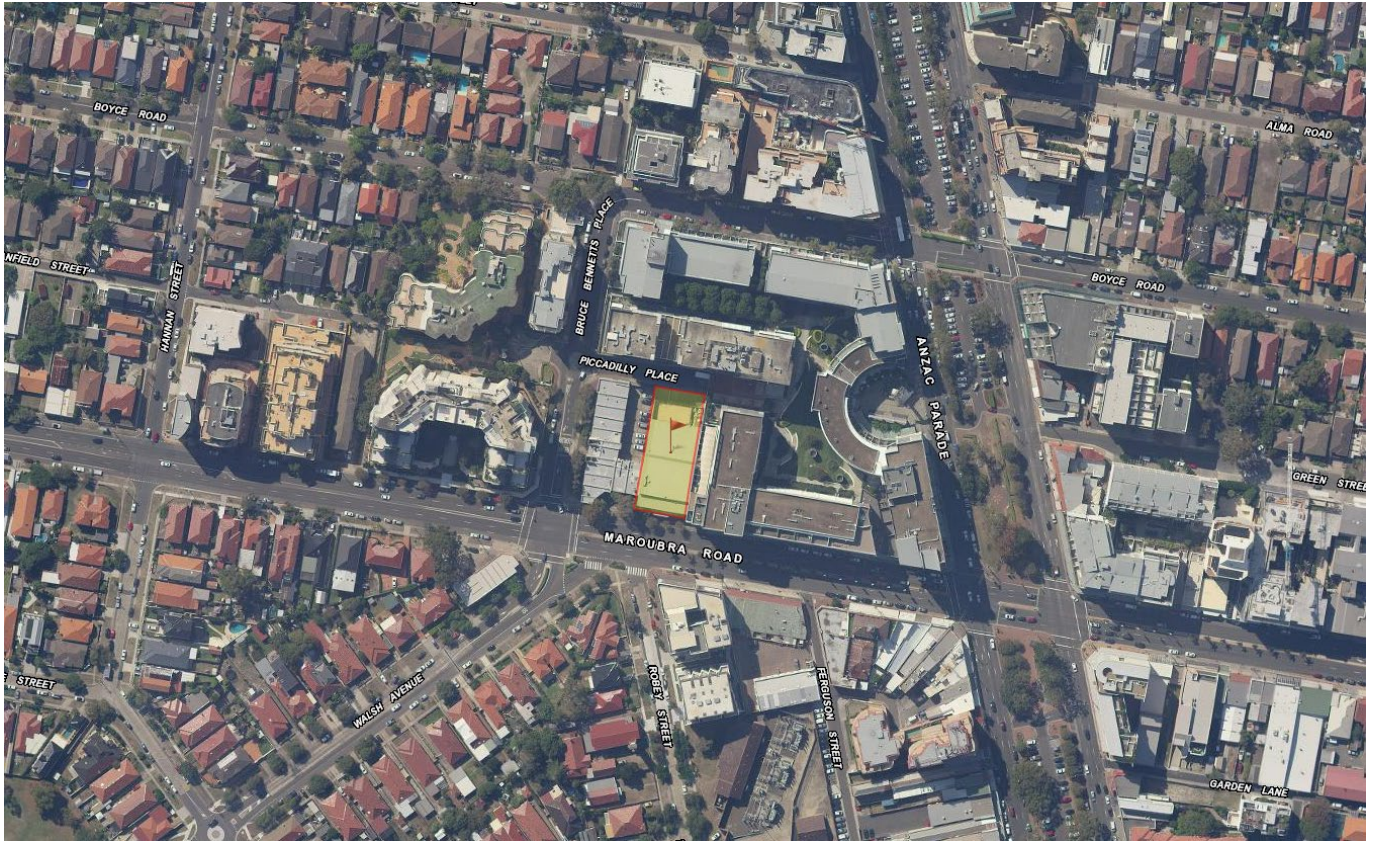
Item	Response
<b>Height of Buildings</b> exceedance – address objectives for the B2 local centre zoning and height of building development standards.	<p>A Clause 4.6 Variation request is provided at <b>Appendix R</b> and demonstrates that compliance with the maximum building height development standard contained in Clause 4.3 of the Randwick LEP is unreasonable and unnecessary in the circumstances of the site and that the justification is well founded.</p> <p>This is further discussed in the <b>Section 6.1</b> and the analysis that follows in this SEE. The consent authority can be satisfied that the proposed development is appropriate within the current and desired future context, and as such compliance with the maximum building height development standard is unreasonable and unnecessary.</p>
The proposed 8 storey <b>street wall</b> will be higher than the narrow 7-storey building to the east and it is unclear if the proposed development will fit in within the wider streetscape. For these reasons, it is recommended that your future DA includes:	<p>A streetscape elevation through to Anzac Parade has been included in the architectural set at <b>Appendix A</b>.</p> <p>Photomontages are also included at <b>Appendix X</b> and illustrate the proposed development in the context of existing neighbouring built form.</p> <p>These items are discussed in the <b>Section 6.1</b> and the analysis that follows in this SEE.</p>
A whole streetscape plan and 3-D photomontages showing adjoining development.	
<b>View loss:</b> The height variation has the potential for view loss from nearby apartments in buildings to the north, east and west. A future DA should include a view sharing analysis pursuant to the Land and Environment Court planning principle.	<p>A view impact assessment has been provided as part of the Clause 4.6 Variation Request and is also included at <b>Section 6.5</b> of this SEE.</p>
The <b>overshadowing diagrams</b> (plan, elevation, and sun view) are required to show... [items are listed in response on right]	<p>The overshadowing diagrams produced by the architect and included at <b>Appendix A</b> identify room uses and balconies of the adjacent Pacific Square development. The diagrams include comparison with a compliant envelope (height and setbacks) on the subject site.</p>

Item	Response
	<p>Additionally, the overshadowing analysis identifies overshadowing to the eastern adjoining roof top balcony of the adjoining 7-storey building, the widened footway dining areas of shops on the opposite side of Maroubra Road and the Heritage property at 2 Robey Street.</p> <p>Assessment of the overshadowing presented by the proposed development is included in the <b>Section 6.3</b> of this SEE.</p>
<p><b>Visual bulk and privacy:</b> These may be quantified against the Apartment design guide (ADG) separation controls. In terms of the variation to the height standard, the proposed visual bulk and privacy impacts are largely associated with the 8th and 9th storeys and 9th storey communal open space areas.</p>	<p>The proposed development presents a setback that meets the ADG objective for visual privacy from all habitable and non-habitable rooms to the boundary with Pacific Square. The rooftop communal open space at the 9th storey is bordered with planting, screening these spaces and restricting visibility of the adjacent Pacific Square development.</p> <p>For discussion of setbacks and privacy, please refer to <b>Table 4</b> of this SEE.</p>
<p>a future DA is required to address the <b>site isolation planning principal</b> provided by the Land and Environment Court (LEC) requiring:</p> <ul style="list-style-type: none"> <li>• A genuine attempt at securing the site adjoining identified as the Police Site.</li> <li>• Details showing how the police site can be developed on its own.</li> </ul>	<p>The LEC site isolation principle is addressed in the <b>Section 6.6</b> section of this SEE with indicative scheme on the Police Station site included in the architect's documentation at <b>Appendix A</b>. The applicant has made a genuine attempt to secure the adjacent site, with correspondence included at <b>Appendix O</b>.</p>
<p>Zero setback (of 6 storeys) along Maroubra Rd frontage. The proposal provides for an 8-storey street wall and does not comply. Please note comments made earlier under HOB standard and recommendation for a streetscape analysis.</p>	<p>A streetscape analysis is provided in the <b>Section 6.1</b> and the following analysis in this SEE, supplemented with a streetscape elevation provided by the architect at <b>Appendix A</b>. The analysis includes assessment of the proposed street wall in the context of existing adjacent development.</p>
<p>As noted in the HOB section variable separation requirements apply to buildings depending on the number of storeys involved.</p> <p>The following comments are provided in relation to separation:</p> <ul style="list-style-type: none"> <li>• The separation from the northern site on the opposite side of Piccadilly Place...</li> <li>• The eastern site requires variable separation of between 12m and 18m depending on the number of storeys.</li> <li>• There are concerns that the proposed T shaped layout is far less amenable in terms of outlook compared with the DCP 'C' shaped plan</li> </ul>	<p>The architect's plans at <b>Appendix A</b> provide dimensions to adjacent existing development to identify the applicant's approach to the ADG privacy objective.</p> <p>Please refer to the <b>Section 6.4</b> of this SEE for a detailed overview and assessment of privacy separation. The proposed development is compliant with the ADG objective's design criteria where practical. In some locations, the ADG privacy objective has been met through an alternate solution to achieve privacy.</p> <p>The outlook amenity of the eastern neighbour has been addressed through provision of landscaping capable of supporting mature planting. This is further discussed in the <b>Section 6.4</b> of this SEE.</p>

## 3.0 Site Analysis

### 3.1 Site Location and Context

The site is located at 138 Maroubra Road, Maroubra within the Randwick City Council Local Government Area (LGA). The site is within the Maroubra Junction precinct. This site's locational context is shown at **Figure 1**.



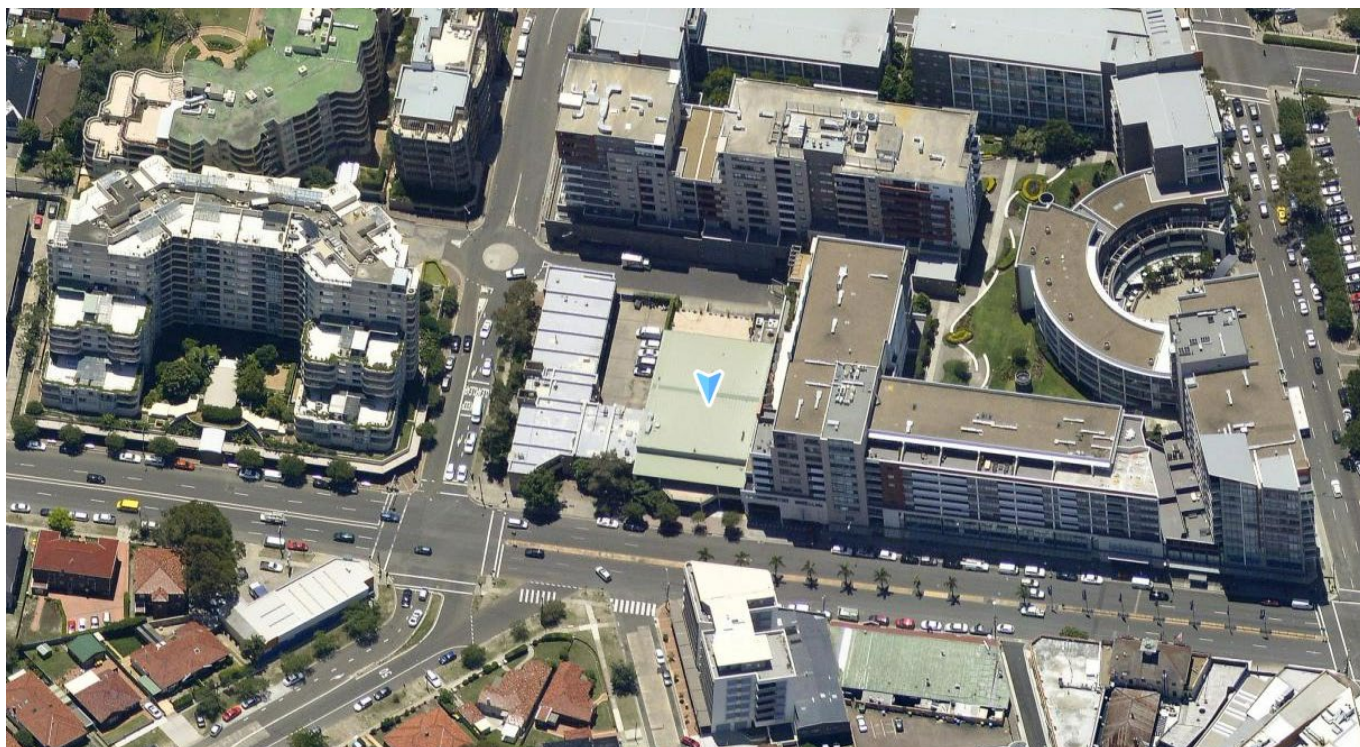
**Figure 1** Locational plan  
Source: Sixmaps, NSW Government

### 3.2 Site and Context

The site is legally described as Lots 1 and 2 in DP506844 and is owned by Maroubra Properties Pty Ltd. The site has a total area of 1,518.5sqm and is rectilinear in shape. The site has a primary frontage to Maroubra Road and a secondary frontage to Piccadilly Place, which is accessed via a right of carriageway over Lot 17 in DP1150018. The site has an existing two storey glass and concrete block commercial building with metal roofing and a single basement story across the full site extent. Vegetation in raised planters addresses the Maroubra Road frontage.

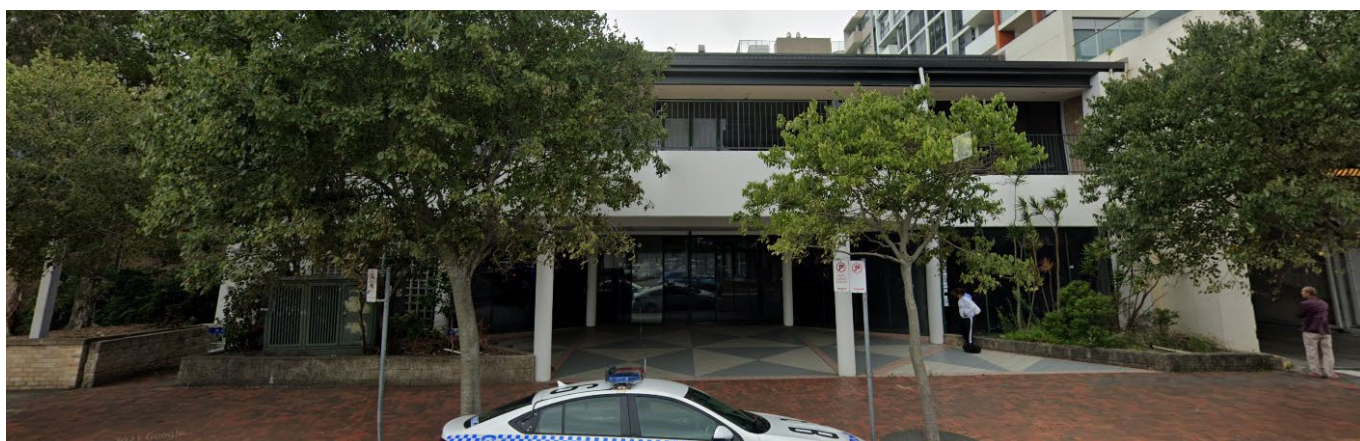
**Figure 2** illustrates the site with immediate context. **Figure 3** and **Figure 4** illustrates the existing development on the site. A Survey Plan has been prepared by Craig and Rhodes and is included at **Appendix D**.





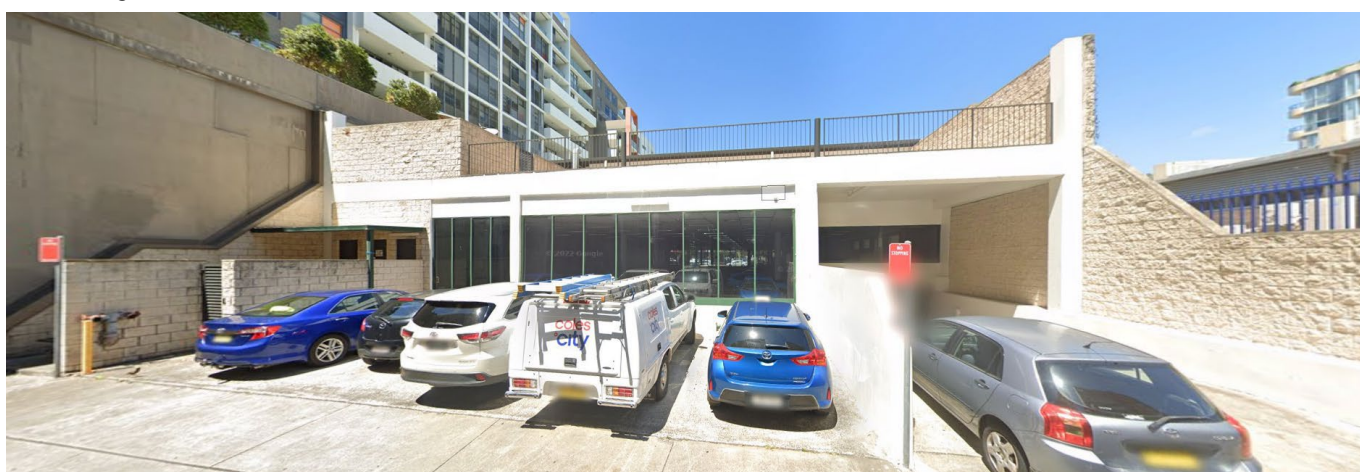
**Figure 2** Aerial Image of the site with immediate context

Source: Nearmap



**Figure 3** Site with existing development viewed from Maroubra Road

Source: Google Street View



**Figure 4** Site with existing development viewed from Piccadilly Place

Source: Google Street View



### 3.3 Surrounding Development

The site's surrounding development is described below:

**North:** The Pacific Square development is a landmark component of Maroubra Junction. The development is bound by Maroubra Road to the south, Anzac Parade, Boyce Road to the north and Bruce Bennets Place. A series of residential towers sit above a podium containing retail and commercial space. The loading dock is accessed off Piccadilly Place, immediately adjacent to the rear boundary of the site. A podium wall with mechanical louvres, equivalent in height to 2 storeys, is immediately opposite the site with 9 storeys of residential above.



**Figure 5** The rear (north) of the site with Piccadilly Place, the adjacent loading dock and Pacific Square  
Source: Google Street View

**East:** As described above, the Pacific Square development extends from the north, to the immediate east of the site to Maroubra Road. A loading dock entry off Maroubra Road is adjacent the boundary to the site, which has a height equivalent to two storeys. There are 8 storeys of residential above. The lower 6 floors have a reduced setback to the shared boundary at the front of the site (Maroubra Road frontage).



**Figure 6** East of the site with the Pacific Square loading dock in podium, with residential above.  
Source: Google Street View

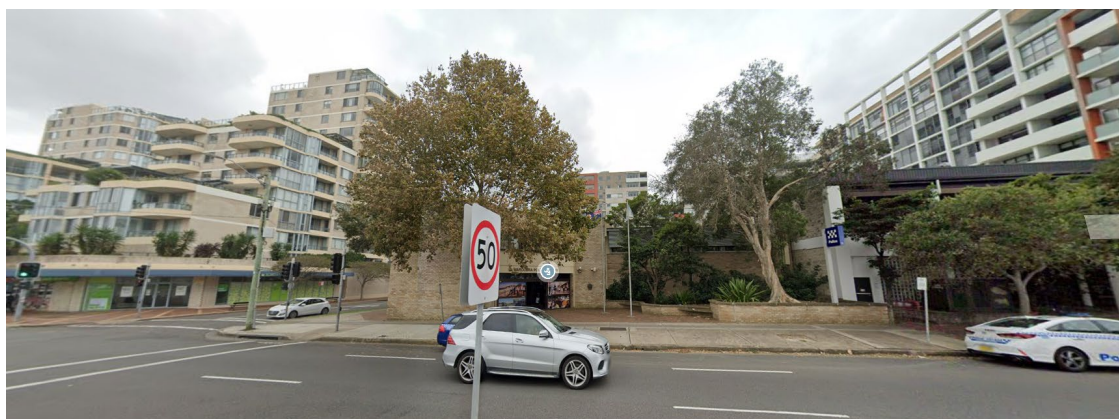
**South:** Maroubra Road is 6 lanes wide with a central median. Directly opposite the site is a mixed use development (165-167 Maroubra Road) with retail at ground floor and 6 floors of residential above. This development is on the corner of Robey Place.



**Figure 7** South of the site with a mixed use development across Maroubra Road

Source: Google Street View

**West:** The Maroubra Police Station occupies the site to the immediate west, a two storey brick building that occupies the full width of the site facing Maroubra Road. At the rear of the site, the built form is set back from the common boundary to accommodate on grade parking. Further west, to the west of Bruce Bennetts Place is “Newington Towers”. A mixed use development with retail at ground and 13 floors of residential above, tapering down to 3 storeys of residential fronting Maroubra Road



**Figure 8** Maroubra Police Station to the west of the site, mixed use development across Bruce Bennetts Place

Source: Google Street View



## 4.0 Description of Proposed Development

This application seeks approval for the following development:

- Site preparation works including demolition of the existing commercial building and bulk earthworks;
- Construction and use of a 9 storey mixed-use development including:
  - 2 x retail tenancies on ground floor
  - 1 x commercial tenancy on Level 1
  - 57 apartments including:
    - 23 x 1 bed apartments
    - 12 x 2 bed apartments
    - 21 x 3 bed apartments
    - 1 x 4 bed apartment
  - 3 level basement with driveway access via easement to Piccadilly Place, including:
    - 89 car parking spaces
    - 27 bicycle parking spaces
    - 5 motorbike spaces
- Landscaping to Level 1 and communal open spaces
- Extension / augmentation of services and utilities as required.
- Lot amalgamation.

Architectural drawings illustrating the proposed development are included at **Appendix A**. A photomontage of the proposed development is shown at **Figure 9**. Further detail is provided in the Architect's SEPP65 Design Verification Statement included at **Appendix B**.



**Figure 9** Photomontage of the proposed development from Maroubra Road looking east

Source: DJRD Architects



## 4.1 Numerical Overview

The key numeric development information is summarised in **Table 2**.

**Table 2** Key development information

Component	Proposal	
Site area	1,518.5 sqm	
Maximum Height	32.5 m	
Boundary setbacks	North (Piccadilly Place)	Ground to Level 2: 0m (note: ground floor includes loading undercroft) Level 3 to Level 7: 3m Level 8: 3m to perimeter planter
	South (Maroubra Road)	Ground to Level 7: 0m Level 8: 0m to perimeter planter
	East (Pacific Square)	Ground to Level 1: 0m Level 2 at north and south ends: 0m Level 3 to Level 8 at south end: 0m Level 3 to Level 8 at north end, Level 2 to Level 6 in centre: 5m Level 7 to Level 8 in centre: 7.6m
	West (Police Station)	Ground to Level 2: 0m Level 3 to Level 8 at south end: 0m Level 3 to Level 8 at north end: 3m
Apartments	57	
Apartment Mix	• 1 bedroom	23 apartments
	• 2 bedroom	12 apartments
	3 bedroom.	21 apartments
	4 bedroom	1 apartment
Car spaces	89	
Parking Allocation	Resident	69 spaces (includes 12 for adaptable apartments)
	Visitor	8 spaces (includes 1 accessible)
	Retail + Commercial	12 spaces (includes 1 accessible)

## 4.2 Development/Urban Design Principles

A Design Verification Statement has been prepared by DJRD Architects and is provided at **Appendix B**. Together with the architectural documentation included at **Appendix A**, this details the progression of the proposed design concept and provides insight into the massing approach. To inform this, the architect has undertaken a detailed site analysis involving multiple site visits to ensure the design of the proposed development is highly responsive to the surrounding built form and natural context, including the unique contextual features of the site. Accordingly, the key principles that have guided the concept design include:

- Rejuvenate an under-utilised site, addressing an undeveloped “gap” in the Maroubra Junction Centre informed by Council's DCP.
- Develop a thoroughly tested massing volume that responds to the site's contextual constraints. Most significantly, the limitation of not amalgamating with the adjacent Police Station site (as envisaged by Council's DCP).
- Address the sensitivities of the existing adjacent residential development surrounding the site, including the Pacific Square development to the north and east. This includes delivering a design that minimises overshadowing, retains neighbouring privacy and addresses viewing impact with respect to a height-compliant scheme.
- Consider the future developability of the Police Station site through design of an indicative scheme that aligns with prevailing setbacks and is informed by the proposed development by way of height, floor space and overshadowing considerations.
- Deliver a high-quality residential offering that meets the provisions for resident amenity despite being contained by taller development in close proximity on two sides.

- Provide a design solution with additional height that is a contextual fit, commensurate to its town centre location and achieves solar access to apartments that would otherwise not be achievable with a shorter overshadowed development.
- Ensure apartment design has been informed by the objectives and design criteria established under SEPP65 and the Apartment Design Guide.
- Provide an architecturally refined addition to the Maroubra Road streetwall.

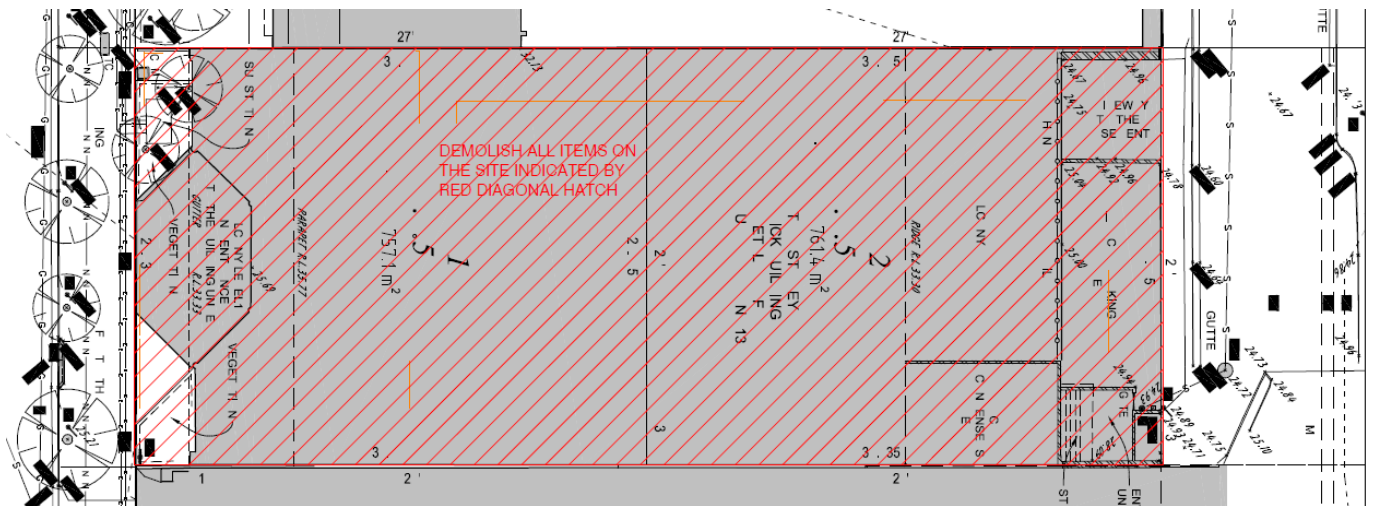
### 4.3 Site Preparation

The existing two storey commercial building on the site is proposed to be demolished. The demolition includes all other structures on the site including planter beds at the Maroubra Road frontage, refer to **Figure 10**. The existing development includes a single level basement occupying the full site extent. The proposed excavation will provide for an additional two basement levels. The Preliminary Site Investigation included at **Appendix L** notes that the excavation depth will likely reach groundwater levels – this is further discussed in **Section 5.1.1**. Specific earthwork volumes are to be calculated as part of the detailed design phase of the project.

The existing development includes a substation located at the Maroubra Road frontage. This is proposed to be removed and a new substation provided at the rear off Piccadilly Lane. The existing basement entry ramp off Piccadilly Lane is located consistent with the proposed basement access point.

#### Lot amalgamation

The two existing lots are proposed to be amalgamated to facilitate the proposed development.



**Figure 10** Demolition of all existing structures on site.

Source: DJRD Architects

### 4.4 Built Form and Urban Design

Analysis of the urban context has been undertaken to establish a building envelope that departs from the anticipated envelope defined in the Maroubra Junction Centre DCP for Block 6. The DCP anticipates amalgamation of the subject site with the adjacent Police Station site however the subject site has not been amalgamated, despite a genuine offer of purchase being made by the applicant to purchase the adjoining site (refer site isolation discussion in the **Section 6.6**). As a result, a customised envelope for the subject site has been informed through contextual analysis and with the intent to minimise adverse environmental impact to adjoining properties. This includes consideration of viewing impact, overshadowing, privacy and visual bulk.

The proposed development includes height above that prescribed in the Randwick LEP development standard for Height of Buildings. The additional height proposed follows assessment of the anticipated DCP volume, the amenity of future residents on the site and the amenity of residents adjacent the site. Also, consistency with the desired future character of the locality has informed the proposed additional height. This analysis is detailed in the **Section 6.1** and the following analysis in this SEE, and the application is supported by a Clause 4.6 Variation Request (**Appendix R**).

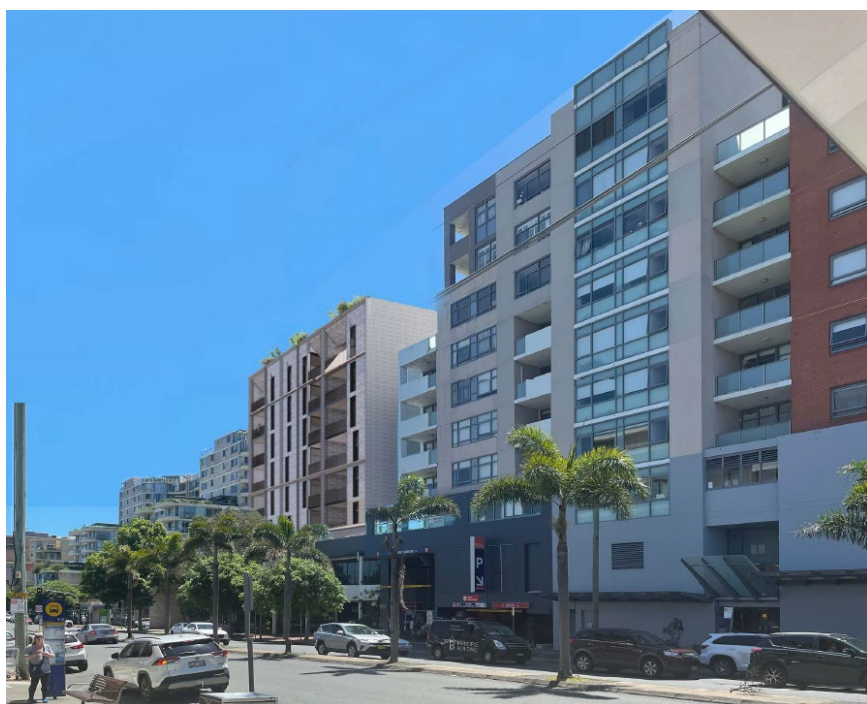
The proposed mixed-use development consists of nine storeys over a three-storey basement (refer architectural documentation at **Appendix A**). The ground floor comprises two retail tenancies and two lift cores off a combined lobby providing access to the residential apartments and commercial floor space above. The Maroubra Road frontage is

activated with glazing to retail tenancies. A large planter zone is provided at Level 1 (refer landscape documentation at **Appendix C**). Vehicular access is provided off Piccadilly Place at the rear of the site in a location that approximates the existing vehicular access point. Waste collection and loading is proposed to take place within the site boundary off Piccadilly Place.

Commercial floor space is provided at Level 1. Also at this floor, fronting Maroubra Road, are three apartments. Level 2 comprises residential apartments and common open space to the east of the site. The apartments at this floor have terraces to the extent of the commercial floor below. The built form extends to both side boundaries at the Maroubra Road frontage as an extension of the existing street wall to the east. The proposed form behind the street wall is setback on all sides, with additional setback provided at Level 7 and 8 to the east. There are two apartments at Level 8 (9<sup>th</sup> storey). Also at this floor is communal open space to both the north and south rooftop areas. Rooftop plant is proposed above the ninth storey.



**Figure 11** Photomontage of the proposed development from Piccadilly Place  
Source: DJRD Architects



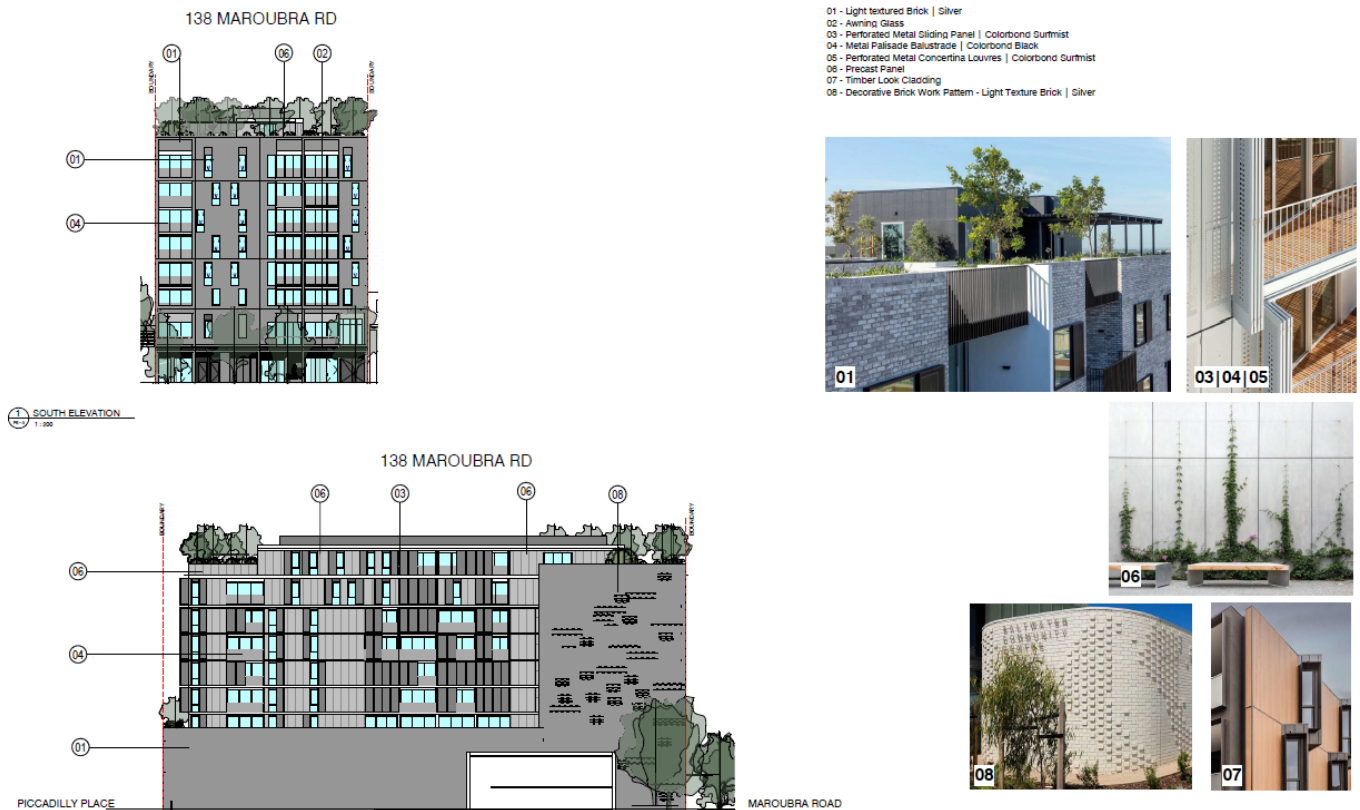
**Figure 12** Photomontage of the proposed development from Maroubra Road looking west  
Source: DJRD Architects

## 4.5 External Materials and Finishes

A schedule of materials and finishes has been developed by DJRD Architects (**Appendix A**). The proposed built form is highly articulated with a refined palette adding visual interest to the streetscape.

The proposed development presents a combination of contemporary materials that exhibit a range of colours and textures to demarcate the built elements and various uses. Light coloured face brick is contrasted with perforated metal and palisade metal balustrades. Fibre cement sheeting with the appearance of pre-cast concrete compliments the robust appearance of brickwork. Timber look cladding offers a warmth to offset the lighter finishes. The boundary wall facing the Police Station site is articulated with a decorative brickwork pattern, offering visual interest in a sophisticated manner to an exposed wall that will be abutted by development on the adjacent site in the future. Perforated metal screens are proposed to balconies and windows for visual privacy and to provide a dynamic nature to the façade as residents their outlook and viewing conditions.

The materials schedule is illustrated at **Figure 13** below.



**Figure 13 External finishes to the proposed mixed-use development**

Source: DJRD Architects

## 4.6 Access and Parking

Access to the three-storey basement is provided via a ramp off Piccadilly Place, consistent with the current vehicular access point to the site. Loading and waste collection for the site is proposed to be off Piccadilly Place. A loading bay is located parallel to the rear site boundary. The traffic engineer at **Appendix E** has provided a set of swept path diagrams to demonstrate that loading and waste vehicles can enter and exit the site in a forwards direction. The location of loading, being on site, does not obstruct access to the Pacific Square loading dock. The basement will consist of the following:

- 89 car parking spaces (including 13 disabled spaces) involving:
  - 69 residential spaces;
  - 8 visitor spaces; and
  - 12 spaces for commercial / retail;
- 27 bicycle spaces. Resident bicycle parking is also accommodated within resident storage cages.
- 5 motorbike spaces.



The publicly accessible retail / commercial and visitor parking spaces are located in Basement 1. Basement levels 2 and 3, as well as part Basement 1, comprise residential parking. Vehicular manoeuvrability in the basement has been tested and illustrated by the traffic engineer, with swept paths included at **Appendix E**. The basement is also designed to contain resident storage cages, tanks and plant rooms and a resident waste collection room.

## 4.7 Landscape and Communal Open Areas

A comprehensive landscape design has been developed by Place Design Group and is included at **Appendix C**. The proposed design provides a variety of landscaped spaces across the development, contributing to both the amenity of the future residents and providing a buffer to the neighbouring apartments. Further, the rooftop planting softens the edge upper edge of the proposed built form. The proposal includes:

- **Landscaped podium at Level 1.** This podium is adjacent to the Level 1 commercial area, and provides outdoor amenity and break out for workers on the site. This area is therefore additional to the communal open space provided elsewhere for residents. A variety of seating zones are proposed, together with buffer planting to the edges to provide screening and amenity to future residents and to the existing apartments within the Pacific Square development.
- **Landscaped podium at Level 2.** This podium provides part of the communal open space offering to residents. The area includes an ‘imaginative play’ space with softfall surfaces and an outdoor gym. Similar to the Level 1 podium, buffer planting is provided to the edge to visually obscure the proposed development from the adjacent Pacific Square terraces.
- **Landscaped rooftop.** The landscaped rooftop comprises two areas, the northern rooftop and the southern (Maroubra Road adjacent) rooftop (**Figure 14**). Both include perimeter buffer planting providing that prevents overlooking from the rooftop to the existing residential to the north and east, as well as to any future residential development on the Police Station site. Both rooftop areas comprises communal dining and BBQ facilities and passive recreation space. The northern rooftop also includes community garden raised planter beds.

The total area of communal open space is 546sqm, or 36% of the site area (greater than the ADG minimum of 25%). Further the principal usable part of communal open space, located on the rooftop areas, receives greater than 2 hours of direct solar access (exceeds the ADG minimum). Please refer to open space diagrams produced by DJRD at **Appendix A**.



**Figure 14 Landscape design to rooftop open space**

Source: Place Design Group

## 4.8 Waste Management

An Operational Waste Management Plan has been prepared by Elephants Foot Consulting and is included at **Appendix M**. The proposal outlines the strategies for residential, retail and commercial waste generated by the proposed development, in accordance with relevant NSW policy and the Randwick City Council's *Waste Management Guidelines for Proposed Developments*.

### Residential waste

The development is provided with the bin quantities listed below. Each core is provided with a chute for residents to dispose of waste and commingled recycling. The chutes discharge into chute rooms at Basement 1, for holding in the residential waste holding room at this Level. The Development's service personnel will be responsible for transferring waste for collection via a bin-tug up the car park ramp and to the temporary holding zone adjacent the loading area off Piccadilly Place. A bulky waste room is also provide at ground floor adjacent the loading area. Council will be engaged to collect the residential waste and recycling in accordance with Council's collection schedule.

- **General waste:** 11 x 660L MGBs collected 1 x weekly
- **Recycling:** 11 x 660L MGBs collected fortnightly
- **Food Organics Garden Organics (FOGO):** 6 x 240L MGBs collected 1 x weekly
- **Service Bins:** 4 x 660L MGBs

### Commercial and retail waste

The development is provided with the bin quantities listed below. Commercial and retail waste holding is provided at ground floor in a room adjacent the loading dock. On completion of each trading day or as required, nominated staff or contracted cleaners will transport all general waste and recyclables to the Retail/Commercial Bin Room and place into the appropriate collection bins. A private waste collection contractor will be engaged to service the retail waste and recycling bins per an agreed schedule. On the day of service, a private waste collection vehicle will enter the site from Piccadilly Place and park in the loading bay. The waste consultant recommends this occurs on a separate day to the residential waste collection to avoid conflict of loading dock use.

- **General waste:** 2 x 1100L MGBs collected 3 x weekly
- **Recycling:** 3 x 1100L MGBs collected 3 x weekly

Elephants Foot Consulting have also prepared a Construction and Demolition Waste Management Plan included at **Appendix M**. In this report, the waste consultant has outlined the nature of the material to be demolished, site constraints and subsequent waste management practices for the duration of the demolition and construction stages of the development.

## 4.9 Water Cycle Management

A stormwater management strategy has been developed by SCP and is included at **Appendix S**. The development includes a rainwater tank with a weir overflow to the adjacent on-site detention tank (OSD) located in the ground floor, in accordance with Randwick Council's Water Management for Development Policy.

## 4.10 Ecologically Sustainable Development

The proposed development has been designed to address Ecologically Sustainable Development (ESD) principles. A BASIX Certificate and Stamped Plans have been prepared by SLR and are provided at **Appendix G**. Further, an Energy Efficiency & Ecologically Sustainable Design Report (also prepared by SLR) is provided at **Appendix U**. This sets out the various ESD initiatives that are being incorporated into the development and confirms that the proposed development meets the relevant energy, thermal comfort and water reduction targets.

## 4.11 Future fit-out of commercial and retail spaces

The fit-out of the commercial and retail tenancies will be subject to a future development application. This future application will include the location and design of signage to the façade and underside awning. It is noted that the lifts providing access to the basement parking will be utilised for residents, visitors and commercial / retail staff. At ground floor, the lifts access a common corridor that provides access to the entry off Maroubra Road. The corridor also provides access to the loading dock at the rear of the site as well as end of trip facilities. A separate stair is provided from ground to the Level 1 commercial tenancy. This tenancy has flexibility to be divided into two separate tenancies in the future. The commercial space is also provided with amenities.

## 5.0 Planning Assessment

This section considers the planning issues relevant to the proposed development and provides an assessment of the relevant matters prescribed in section 4.15(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

### 5.1 Environmental Planning Instruments

The DA's consistency and compliance with the relevant environmental planning instruments is considered in the sections below. Variations to, and non-compliance with, the key standards and guidelines highlighted in the table are discussed in the following sections of this environmental assessment.

#### 5.1.1 State Legislation

The relevant Acts are assessed in **Table 3** below.

**Table 3** Summary of consistency with State Acts

Plan	Comments
<i>Environmental Planning and Assessment Act 1979</i>	<p>The proposal has been assessed in accordance with the relevant provisions of the EP&amp;A Act. This section provides an assessment of the relevant matters prescribed in section 4.15(1) of the Environmental Planning and Assessment Act 1979 (EP&amp;A Act).</p> <p>The Preliminary Site Investigation prepared by Douglas partners advises that, with respect to the Botany Sands Aquifer, "<i>The groundwater is anticipated at levels above RL 20 m, which is above the proposed lowest basement level</i>". Pursuant to Section 4.46 of the EP&amp;A Act, the proposal is therefore 'Nominated Integrated Development' and an Aquifer Interference Approval is required from WaterNSW under s91 of the <i>Water Management Act 2000</i>.</p>

#### 5.1.2 State Environmental Planning Policies

The relevant state environmental planning policies are assessed in **Table 4** below.

**Table 4** Summary of consistency with State Environmental Planning Policies

Plan	Comments
<i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>	Chapter 4 details an assessment framework for potentially contaminated land. The preliminary site investigation prepared by Douglas Partners (provided at <b>Appendix L</b> ) confirms the site can be made suitable for the proposed residential development subject to the recommended investigations and remediation and / or management of contamination that may be identified from the investigations. This is further discussed in <b>Section 6.10</b> .
<i>State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (2002 EPI 530)</i>	<p>This SEPP details provisions relating to design quality of residential apartments to ensure they provide an appropriate level of amenity. A SEPP65 Statement has been prepared by DJRD Architects that address the principles of SEPP65 and is included at <b>Appendix B</b>.</p> <p>Consideration of the NSW Apartment Design Guide is included in the Architect's Statement, further detail is provided in the next section.</p>
<i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i>	A BASIX Certificate and BASIX Stamped plans are provided at <b>Appendix G</b> which confirms that the proposed development is capable of meeting BASIX requirements.
<i>State Environmental Planning Policy (Planning Systems) 2021</i>	The proposal is a type of <i>Regionally significant development</i> described in Schedule 6 of the SEPP (development that has a capital investment value (CIV) of more than \$30 million, the cost report for the proposed development states a CIV of \$44,330,000 (see <b>Appendix I</b> )). Section 2.15 of the EP&A Act applies and the functions of the consent authority under Part 4 of the Act will be exercised by the Sydney Eastern City Planning Panel.
<i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>	Clause 2.120 (Impact of road noise or vibration on non-road development) requires the consent authority to not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that specified LAeq levels are not exceeded. This has been addressed in the acoustic engineer's report included at <b>Appendix K</b> and discussed in <b>Section 6.9</b> below.



### 5.1.3 SEPP65 – Design Quality of Residential Apartment Development

The proposed development has been designed to provide all dwellings with a high quality of internal amenity and outlook. As outlined in the SEPP65 Statement prepared by DJRD Architects included at **Appendix B**, the proposal has been designed in accordance with the nine principles of State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development (SEPP 65).

The Apartment Design Guide (ADG) accompanies SEPP65 and the underlying purpose of the ADG is to provide guidance for the development of new apartment buildings, specifically in relation to achieving the design principles set out in SEPP65. Of particular relevance to the assessment of development applications is Parts 3 and 4 of the ADG. Within these parts are a number of objectives, some of which contain Design Criteria and Design Guidance.

Where provided, Design Criteria are the first step in ensuring consistency with an objective. Essentially, if a proposal numerically complies with the criteria, it automatically achieves the objective. There is an acknowledgment in the ADG that rigid numerical controls (the criteria) are not always able to be achieved. As such, a set of Design Guidance principles are provided as a starting point for an alternative solution to achieve the objective. The guidance principles are assessed on merit and importantly are not intended to be an exhaustive list of alternative solutions of achieving consistency with the objective.

The ADG reinforces the validity in this method of implementation by stating:

*“The design criteria set a clear measurable benchmark for how the objective can be practically achieved. If it is not possible to satisfy the design criteria, applications must demonstrate what other design responses are used to achieve the objective and the design guidance be used to assist in this.”*

The Department of Planning and Environment’s publication ‘Better Apartment Design Frequently Asked Questions’ (June 2015) also reinforces this method of implementation:

*“It may not be possible in all instances to satisfy the design criteria in the Guide, so it gives designers the flexibility to innovate and demonstrate they will achieve the same result with a different approach.”*

Whilst the proposal is almost entirely consistent with the Design Criteria, an alternative solution is proposed for a minor number of objectives where strict numerical compliance with the criteria is unable to be achieved due to the constraints of the site. Key points of compliance and methods employed to achieve key objectives is discussed in **Table 5** and a general assessment of the proposal’s consistency with the objectives of the ADG is provided in **Table 6** and the SEPP65 Statement by DJRD Architects included at **Appendix B**.

**Table 5 Key points of SEPP65 Apartment Design Guide compliance, departures and alternative solutions**

Clause	Proposal
3E Deep Soil Zones	<p>The site is located in Maroubra Junction, part of the Eastgardens – Maroubra Junction strategic centre as identified by the Greater Cities Commission in the Eastern City District Plan. The site is constrained between existing dense development to the north and east. In accordance with the DCP control, the lower two floors contain non-residential space.</p> <p>As an alternative to deep soil, planting has been provided on the proposed structure. At ground level, a planter is provided with sufficient soil depth to support mature tree planting. In this manner, the ADG objective to provide soil depth that can support healthy plant and tree growth, providing for improved residential amenity is achieved. Further, the ADG acknowledges that on constrained sites in centres, achievement of deep soil may not be possible, particularly where there is non-residential uses at ground floor level.</p>
3F Visual Privacy	<p>The proposed development achieves the ADG objective for visual privacy through both meeting the design criteria and presenting alternate solutions where required.</p> <p>The site has existing residential apartments to both the north and east. The Police Station to the west is considered a future development site and as such separation has been provided in conjunction with an indicative scheme prepared for that site. Privacy has been achieved at each floor and to each boundary as detailed in <b>Section 6.4</b> of this SEE.</p>
3J Bicycle and Car Parking	<p>The site is located in close proximity to the major Anzac Parade bus routes that connect to the Sydney CBD. Although the reduced parking rates permissible in the ADG are not applicable to this development (site is not within 800m of a train station or light rail stop, nor in proximity to land zone B3 or B4), the application proposes a reduced rate to that prescribed in the Randwick DCP.</p>

Clause	Proposal
	The traffic engineer has carried out analysis and made recommendations that support the reduced parking provision in their report at <b>Appendix E</b> . This is discussed in the <b>Section 6.8</b> below.

**Table 6 Consistent with the NSW Apartment Design Guide**

Objectives and Design Criteria		Consistent
Part 2		
Part 3 Siting the Development		
3D Communal and Public Open Space		
<i>Objective</i> An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping		✓
<i>Design Criteria</i> Communal open space has a minimum area equal to 25% of the site		✓ (546sqm, 35.9%)
Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter)		✓
3E Deep Soil Zones		
<i>Objective</i> Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality.		✓
<i>Design Criteria</i> Deep soil zones are to meet the following minimum requirements:		Alternate Solution (refer <b>Table 5</b> )
Site Area	Minimum Dimensions	Deep Soil Zone (% of site area)
Less than 650m <sup>2</sup>	-	7%
650m <sup>2</sup> – 1,500m <sup>2</sup>	3m	
Greater than 1,500m <sup>2</sup>	6m	
Greater than 1,500m <sup>2</sup> with significant existing tree cover	6m	
3F Visual Privacy		
<i>Objective</i> Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.		✓
<i>Design Criteria</i> Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:		✓ Alternate solution (refer <b>Table 5</b> )
Building Height	Habitable rooms and balconies	Non-habitable rooms
Up to 12m (4 storeys)	6m	3m
Up to 25m (5-8 storeys)	9m	4.5m
Over 25m (9+ storeys)	12m	6m
3J Bicycle and Car Parking		
<i>Objective</i> Car Parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas		✓

Objectives and Design Criteria	Consistent												
<p><i>Design Criteria</i></p> <p>For development in the following locations:</p> <ul style="list-style-type: none"> <li>on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or</li> <li>on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre</li> </ul> <p>The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.</p> <p>The car parking needs for a development must be provided off street.</p>	Alternate solution (refer <b>Table 5</b> )												
<b>Part 4 Designing the Buildings</b>													
<b>4A Solar and Daylight Access</b>													
<p><i>Objective</i></p> <p>To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space</p>	✓												
<p><i>Design Criteria</i></p> <p>Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas.</p>	✓ 71.9%												
A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.	✓ 14%												
<b>4B Natural Ventilation</b>													
<p><i>Objective</i></p> <p>The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents</p>	✓												
<p><i>Design Criteria</i></p> <p>At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.</p>	✓ 63.1%												
Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	✓												
<b>4C Ceiling Height</b>													
<p><i>Objective</i></p> <p>Ceiling height achieves sufficient natural ventilation and daylight access</p>	✓												
<p><i>Design Criteria</i></p> <p>Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</p> <table border="1"> <thead> <tr> <th colspan="2">Minimum ceiling height</th></tr> </thead> <tbody> <tr> <td>Habitable rooms</td><td>2.7m</td></tr> <tr> <td>Non-habitable</td><td>2.4m</td></tr> <tr> <td>For 2 storey apartments</td><td>2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area</td></tr> <tr> <td>Attic spaces</td><td>1.8m at edge of room with a 30 degree minimum ceiling slope</td></tr> <tr> <td>If located in mixed use areas</td><td>3.3m for ground and first floor to promote future flexibility of use</td></tr> </tbody> </table> <p>These minimums do not preclude higher ceilings if desired.</p>	Minimum ceiling height		Habitable rooms	2.7m	Non-habitable	2.4m	For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area	Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope	If located in mixed use areas	3.3m for ground and first floor to promote future flexibility of use	✓
Minimum ceiling height													
Habitable rooms	2.7m												
Non-habitable	2.4m												
For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area												
Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope												
If located in mixed use areas	3.3m for ground and first floor to promote future flexibility of use												
<b>4D Apartment Size and Layout</b>													
<p><i>Objective</i></p>	✓												

Objectives and Design Criteria		Consistent
The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity		
<i>Design Criteria</i> Apartments are required to have the following minimum internal areas:		✓
Apartment Type	Minimum internal area	
Studio	35m <sup>2</sup>	
1 bedroom	50m <sup>2</sup>	
2 bedroom	70m <sup>2</sup>	
3 bedroom	90m <sup>2</sup>	
The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m <sup>2</sup> each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m <sup>2</sup> each.		
Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.		✓
<i>Objective</i> Environmental performance of the apartment is maximised		✓
<i>Design Criteria</i> Habitable room depths are limited to a maximum of 2.5 x the ceiling height.		✓
In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.		✓
<i>Objective</i> Apartment layouts are designed to accommodate a variety of household activities and needs		✓
<i>Design Criteria</i> Master bedrooms have a minimum area of 10m <sup>2</sup> and other bedrooms 9m <sup>2</sup> (excluding wardrobe space).		✓
Bedrooms have a minimum dimension of 3m (excluding wardrobe space).		✓
Living rooms or combined living/dining rooms have a minimum width of: 3.6m for studio and 1 bedroom apartments 4m for 2 and 3 bedroom apartments		✓
The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.		✓
4E Private Open Space and Balconies		
<i>Objectives</i> Apartments provide appropriately sized private open space and balconies to enhance residential amenity		✓
<i>Design Criteria</i> All apartments are required to have primary balconies as follows:		✓
Dwelling Type	Minimum Area	Minimum depth
Studio apartment	4m <sup>2</sup>	-
1 bedroom apartment	8m <sup>2</sup>	2m
2 bedroom apartment	10m <sup>2</sup>	2m
3+ bedroom apartment	12m <sup>2</sup>	2.4m
The minimum balcony depth to be counted as contributing to the balcony area is 1m.		
For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m <sup>2</sup> and a minimum depth of 3m.		✓
4F Common Circulation and Spaces		

Objectives and Design Criteria		Consistent
<i>Objective</i> Common circulation spaces achieve good amenity and properly service the number of apartments		✓
<i>Design Criteria</i> The maximum number of apartments off a circulation core on a single level is eight.		✓
For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.		N/A
<b>4G Storage</b>		
<i>Objective</i> Adequate, well designed storage is provided in each apartment		✓
<i>Design Criteria</i> In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:		✓
Dwelling Type	Minimum Area	
Studio apartment	4m <sup>2</sup>	
1 bedroom apartment	6m <sup>2</sup>	
2 bedroom apartment	8m <sup>2</sup>	
3+ bedroom apartment	10m <sup>2</sup>	
At least 50% of the required storage is to be located within the apartment.		

## 5.1.4 Local Environmental Plan

**Table 7 Assessment against Randwick City Council Local Environmental Plan 2012**

Clause	Provision / Standard	Proposal	
<i>Clause 2.3 – Zone Objectives and Land Use Table</i>	B2 Local Centre	Shop top housing	<p>The proposed use is permitted with consent in the zone and in accordance with the anticipated use in the Maroubra Junction Centre DCP.</p> <p>The proposed development meets the objectives of the zone as it:</p> <ul style="list-style-type: none"> <li>• Contributes to the provision of retail and commercial space to serve the needs of the local community</li> <li>• Encourages employment opportunities in Maroubra Junction</li> <li>• Encourages use of public transport patronage and active transport</li> <li>• Provides residential accommodation that is well-integrated with the business function of Maroubra Junction</li> <li>• Presents a well-considered urban design outcome to contribute to a sense of place in Maroubra</li> <li>• Minimises the impact of development to adjoining residents and the residential zone to the south</li> <li>• Contributes to the safety of the public domain through passive surveillance.</li> </ul> <p>The above is discussed further in the accompanying Clause 4.6 Variation Request.</p>
<i>Clause 2.7 – Demolition requires development consent</i>	Demolition must follow consent.		This application seeks consent for the demolition of all existing structures on site pursuant to this clause.
<i>Clause 4.3 – Height of Buildings</i>	25m	32.5m	<p>The maximum permissible height is 25m from existing ground. The proposed maximum height is 32.5m to the top of the rooftop plant enclosure, which is an increase of 7.5m (30%).</p> <p>This is further discussed in <b>Section 6.1</b> and the following analysis, as well as in the request to vary the maximum building height development standard under Clause 4.6, provided at <b>Appendix R</b>.</p>
<i>Clause 6.2 – Earthworks</i>	Development consent is required for earthworks.		<p>This application seeks development consent for earthworks. A geotechnical report and a preliminary site investigation has been prepared by Douglas Partners and is available at <b>Appendix J</b> and <b>Appendix L</b>.</p> <p>The consent authority can be satisfied that the proposed bulk excavation will not have a detrimental impact on environmental functions and processes, neighbouring uses or features of the surrounding land, subject to the further investigations and recommendations provided by the geotechnical engineer.</p>
<i>Clause 6.4 – Stormwater management</i>	Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development addresses or meets listed criteria.		A civil design report has been prepared by SCP and is included at <b>Appendix S</b> . Stormwater management is in accordance with Council's policy and the proposal is designed to accommodate the measures contained in the SCP report and accompanying drawings, including provision of on-site stormwater detention.
<i>Clause 6.11 – Design excellence</i>	Applies to the construction of a new building that will be at least 15 metres in height.		The design of the proposed development is considered to exhibit design excellence, as outlined in <b>Section 6.7</b> of this SEE. The consent authority can be satisfied that this clause has been addressed, and that the proposed development contributes to the visual and built character values of Maroubra Junction.

## 5.2 Development Control Plans

The site is subject to the relevant provisions of the Randwick Comprehensive Development Control Plan 2013 (DCP). Specifically, the development is subject to the provisions set out in part D4 Maroubra Junction Centre. A comprehensive analysis of the proposed development's consistency with the objectives and provisions of the DCP is provided at **Appendix P**.

It is acknowledged that in developing a bespoke development outcome that is highly responsive to the site's unique constraints as well as its strategic and locational attributes, some minor departures to the DCP are proposed. In this regard, Section 3.42 of the EP&A Act states that *"the provisions of a development control plan made for that purpose are not statutory requirements"*.

Section 4.15(3A) of the EP&A Act makes clear that when considering a standard contained within a DCP with which a development application does not comply, a consent authority must *"be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards"*. The following assessment demonstrates that the proposed development employs a reasonable alternative solution to the relevant DCP provisions that achieves the relevant objectives of the DCP and is appropriate in the circumstances of the subject site and development proposal.

Key items of non-compliance are discussed below, please refer also to the comprehensive overview provided at **Appendix P** as well as the response to Council pre-lodgement comments provided at **Appendix Q**:

**Table 8 DCP Controls**

Control	Compliance Assessment
3.1.4 Building Height	<p>This control refers to the block by block diagrams, which identify 6 storeys for the subject site. The application includes a Clause 4.6 Variation Request at <b>Appendix R</b> that provides a comprehensive assessment of the additional height proposed. The DCP objective for Building Height is considered satisfied, given that:</p> <ul style="list-style-type: none"> <li>Reasonable daylight and solar access has been retained to adjacent development and to the public domain; and</li> <li>The development responds to the desired scale and character of Maroubra Road and the Maroubra Junction centre.</li> </ul> <p>This is discussed further in the <b>Section 6.1</b> and the following analysis.</p>
3.1.6 Building Separation	<p>This control refers to building separation distances between habitable and non-habitable rooms, which increase with building height. The privacy assessment provided in this SEE defers to the separation design criteria prescribed in the ADG, pursuant to SEPP 65. The proposed development achieves the ADG objective for visual privacy through both meeting the design criteria and presenting alternate solutions where required. The site has existing residential apartments to both the north and east. The Police Station to the west is considered a future development site and as such separation has been provided in conjunction with an indicative scheme prepared for that site. Privacy has been achieved as detailed in <b>Table 5</b> of this SEE. The relevant DCP objectives are considered to be met, being that visual and acoustic privacy is provided in accordance with the ADG objectives, landscaped communal open space is provided between the existing and proposed development and overshadowing has been minimised through envelope sculpting.</p>
3.2.6 Block 6	<p>The proposed development comprises 9 storeys with rooftop plant (greater than the 6 storeys anticipated in the DCP). Part residential is proposed on Level 1. However, the majority of this floor comprises commercial floor space. Detailed analysis of the Maroubra Junction context, the future desired character of the area and the amenity of both existing adjacent development and future development of the Police Station site has informed the approach. Detailed comparison with the DCP C-shape envelope (anticipated on the subject site following amalgamation with the Police Station site) is provided in the <b>Section 6.1</b> and the following analysis.</p> <p>In this alternative approach, the proposed development is considered to achieve the objectives of this control in that it reinforces Maroubra Road as the cross street, encourages a mix of uses in the core, provides communal open space away from traffic noise and is a lower in height compared to the existing adjacent development.</p>
3.2 Vehicle Parking Rates	<p>The proposed development does not include provision of parking at the rates specified in the DCP. As detailed in the traffic engineer's report at <b>Appendix E</b>, the reduced rate is response to the conditions specific to the Maroubra Junction centre, further discussed in the <b>Section 6.8</b>.</p>



## 6.0 Assessment of Key Issues

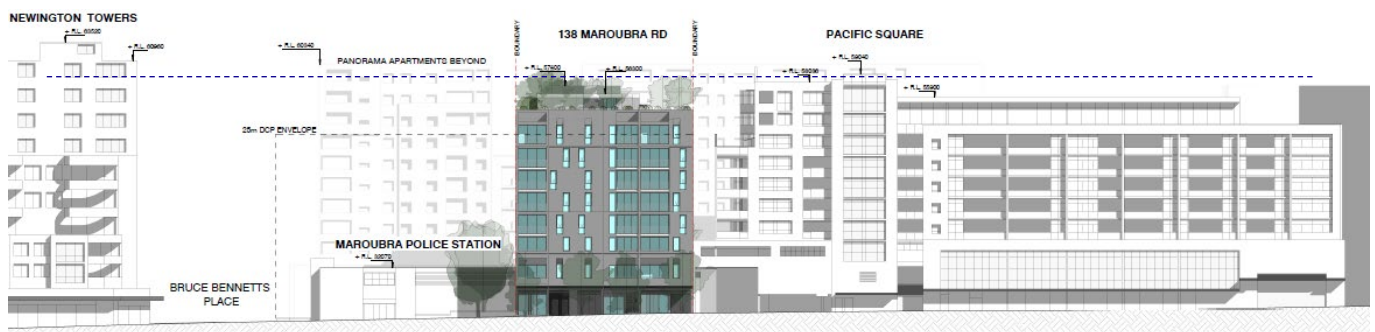
### 6.1 Built Form and Urban Design

The site is contained within 'Block 6' of the Maroubra Junction DCP. The DCP anticipates a lower height for development on the subject site than that proposed, and lower than the immediate neighbours. The lower height is anomalous in Maroubra Junction (part of the Eastgardens – Maroubra Junction strategic centre) and impedes orderly and economic development of the site.

**Figure 15**, produced by DJRD Architects, illustrates the street elevation of Maroubra Road with the proposed development on the subject site. **Figure 16** is a street elevation of Bruce Bennetts Place, which illustrates that the proposed development provides a transitional scale between the Pacific Square development to the north and 165-167 Maroubra Road opposite the site.

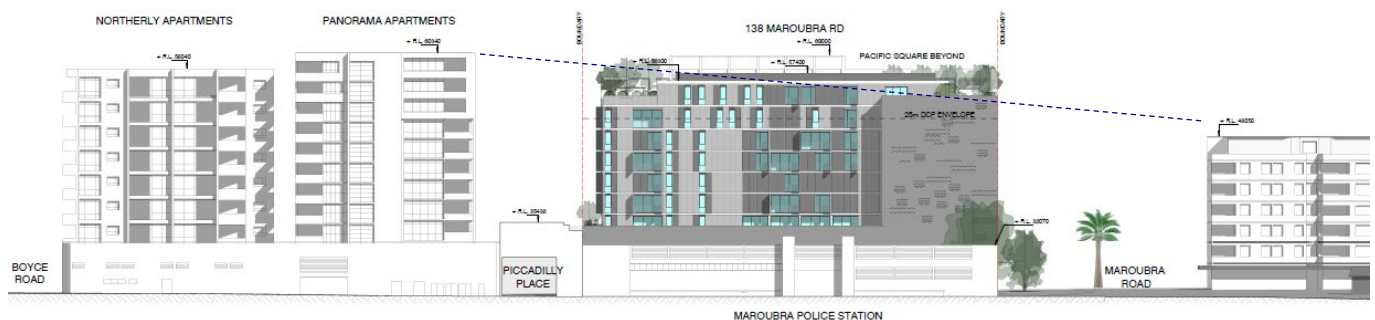
The proposed development is consistent with the DCP's vision for the precinct: to provide a mix of commercial, retail and residential uses that serve the needs of the local community. Further, the proposed development meets the Block 6 objectives in that:

- It reinforces Maroubra Road as the cross street;
- It provides a mix of retail and commercial uses within the retail core; and
- It provides a transition in scale from the centre along Maroubra Road to the lower scale residential buildings on the periphery.



**Figure 15** Street elevation of Maroubra Road illustrating the prevailing building height

Source: DJRD Architects



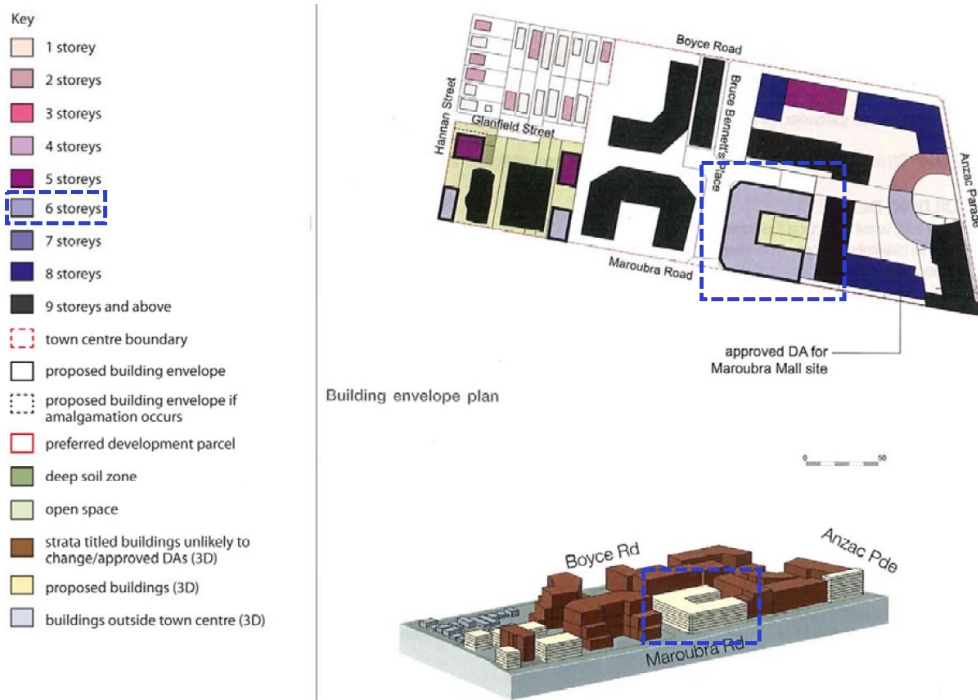
**Figure 16** Street elevation of Bruce Bennetts Place illustrating prevailing building height

Source: DJRD Architects

The architect has produced an analysis of the DCP "C-shape" volume (refer **Figure 17**) to assess viability (located at **Appendix A**, refer also **Figure 18**), findings below:

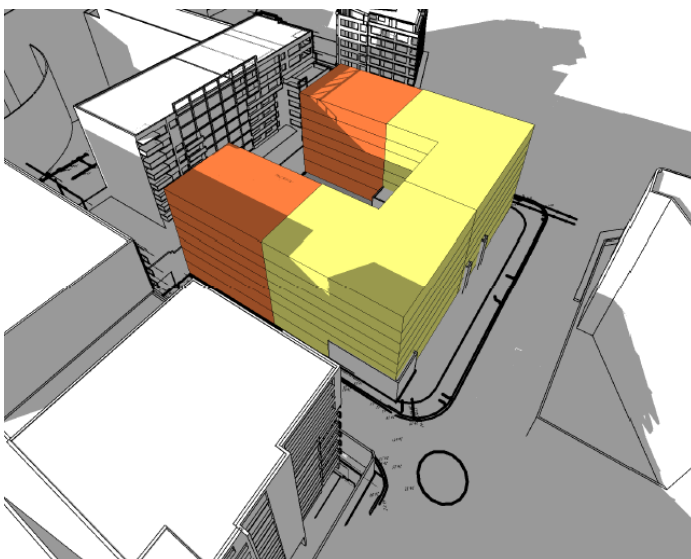
- The taller development to the north and east of the site presents overshadowing of a shorter volume. As a result, the C-shape volume does not achieve the solar access amenity prescribed in the ADG (limited to approximately 45%).

- The solar amenity of apartments in the C-shape volume is compromised by being self-shadowed (taller adjacent development is additional to the self-shadowing).
- The communal open space is self-shadowed. As a result, it only serves as a 'visual amenity' and does not provide a functional recreation space.
- In accordance with the Land and Environment Court Planning Principle, an offer has been made to purchase the adjacent Police Station site (refer **Appendix O**). The client has been advised that the site is not for sale and thus amalgamation cannot proceed as anticipated in the DCP.
- Without amalgamation occurring with the Police Station site, the portion of C-shape envelope on the subject site is limited and falls short of meeting the development potential of the subject site. The architect finds that the yield is likely to fall shorter on ADG amenity compliance than the greater C-shape volume (approximately 38% solar access apartments).



**Figure 17 Maroubra Junction Block 6**

Source: Randwick DCP 2013



**Figure 18 Analysis of the DCP 'C-shape' volume: poor solar access to apartments and to the central open space**

Source: DJRD Architects

The proposed development addresses the desired future character of Maroubra Junction as a vibrant Strategic Centre in Randwick City. The additional height affords a residential capacity that addresses housing demand and is consistent with its surrounds and as such allows the orderly and economic development of the site. Further, when additional transport connectivity is realised (including possible light rail extension), the proposed development provides an increase to dwellings within the 800 metre catchment.

The Randwick LEP makes permissible taller development to the north, east and west of the subject site (**Figure 19**). A lower height applied to the subject site is anomalous in this context. The existing built form adjacent the site is compliant with the taller, adjacent LEP height, and any future redevelopment of these sites will recognise the 34 metre permissible height. With respect to current and future urban design outcomes, shorter development on the subject site is not compatible with the planning context and would result in an incongruous street wall and poor amenity (solar, privacy) for future residents on the subject site.



**Figure 19 The LEP Height of Building map illustrating adjacent taller permissibility**

Source: ePlanning Spatial Viewer

The proposed development is consistent with the adjacent built form (not anomalous) and presents a demonstrated improvement to the amenity of the DCP C-shape envelope with respect to both communal open space and apartments. Further, the proposed development provides a transition in scale from the development immediately north and east to the south, addressing the DCP objectives.

## 6.2 Visual bulk

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

- The C-shape volume anticipates two blank wall ends to the “C” facing the eastern neighbour. Conversely, the proposed development presents one ‘end’ – albeit a longer façade, which is a continuation of the Maroubra Road street wall. To the rear of the site, the proposed volume is setback from the eastern boundary and provided with façade articulation. Further, communal open space at both Level 2 and Level 7 present a landscaped buffer to the eastern neighbour.
- The C-shape volume anticipates a continuous street wall along Piccadilly Place. The proposed development provides setback to both side boundaries, as well as to Piccadilly Place. In this manner, the extent of facade facing Piccadilly Place is limited to a “finger” within the site boundaries, offering breaks to the visual mass of the volume as viewed by the northern neighbour.

The façade is highly articulated in both form and detail, mitigating the visual bulk of the proposed development. The following articulation is noted, as further illustrated in the photomontages at **Figure 9** and **Figure 11**:

- Windows on the eastern façade are located within pop outs that orient views toward the rear boundary. This breaks up the continuity of form when viewed by the eastern neighbour.

- Brick coursing detail is provided to the exposed face brick walls at the side boundaries of the Maroubra Road street wall volume. Until the Police Station site is developed, this highly articulated wall presents as architecturally sophisticated with a subtle brick patterned treatment.
- All habitable rooms and balconies on the northern and western facades are provided with retractable or sliding screens that provide a relief to the solidity of the form, and a dynamic operability as residents tailor their viewing.
- Multiple landscaped spaces soften the upper edges of the proposed form, and mitigate the overall visual bulk of the development. This includes large scale planting from ground level adjacent the eastern neighbour and communal roof spaces above the commercial floor and at the rooftop.

The massing of the proposed envelope is compliant with the DCP prescribed envelope controls and development provisions listed in **Table 9** (among others detailed in the DCP Compliance Summary at **Appendix P**), demonstrating that the additional height does not compromise:

**Table 9 DCP envelope controls not affected by the proposed additional height**

DCP Control	Assessment
3.1.3 Building Envelope	The GFA of the proposed ground and first floors does not exceed 80% of the maximum building envelope. The GFA of the proposed residential floors does not exceed 70% of the maximum building envelope
3.1.5 Building Depth	The depth of the proposed residential floors (glass line to glass line) does not exceed 18 metres, or 22 metres between perimeter walls
3.1.6 Building Separation	The proposed development achieves the ADG objective for visual privacy either by meeting the design criteria or through alternate solutions where required, as discussed in <b>Section 6.4</b> .
3.1.7 Articulation	The development is articulated on all facades, through the methods prescribed in this control. This includes balconies of varying depths, variations in floor-to-floor height at lower levels, recessed entries, vertical elements, fenestration that responds to use and a clear definition of the base, residential floors and recessed top floor.
4.1.4 Open Space	The development has four landscaped zones. The area of communal open space exceeds the ADG minimum design criteria.

## 6.3 Overshadowing

The proposed additional height does not result in adverse additional overshadowing of neighbouring properties and the public domain. The architect has provided a detailed comparison against a compliant envelope on the site at **Appendix A**. The compliant envelope does not exceed the LEP height development standard and is setback from each boundary to meet the ADG design criteria for visual privacy.

The overshadowing assessment and outcomes is provided at **Table 10**.

**Table 10 Overshadowing assessment**

Subject	Assessment
West-facing façade of adjacent development to east of site: Pacific Square	The assessment produced excludes consideration of apartments at Level 2 (above the podium) as these apartments have a fabric shading awning that extends from the building across the terrace (refer <b>Figure 20</b> ). As such, these apartments are considered to be self-shadowed from receiving direct solar access.





**Figure 20** Fabric awning to Level 2 apartments, self-shadowing direct solar

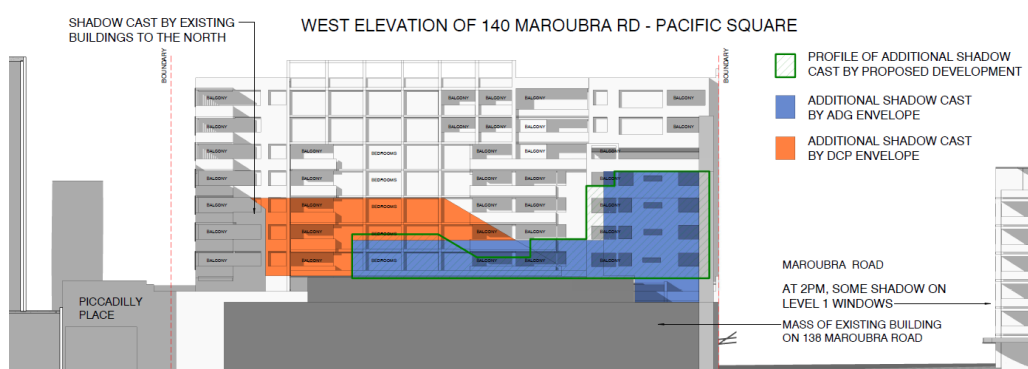
Source: DJRD Architects

The architect's analysis of Levels 3 to 9 is illustrated at **Figure 22**. The west facing apartments typically have the living room behind the balcony (refer blue arrows at **Figure 21**).



**Figure 21** Typical level of Pacific Square apartments facing the subject site

Source: Crone Nation Architects (Council records for DA1188/03)



**Figure 22** Overshadowing comparison of the west facing façade of Pacific Square

Source: DJRD Architects

The façade begins to receive direct sun at midday. The figure above illustrates the overshadowing at 2pm (after a two hour window).

- In existing condition, 4 apartments receive less than 2 hours solar to the balcony/living (being overshadowed by existing development to the north). Shown in grey in the figure above.

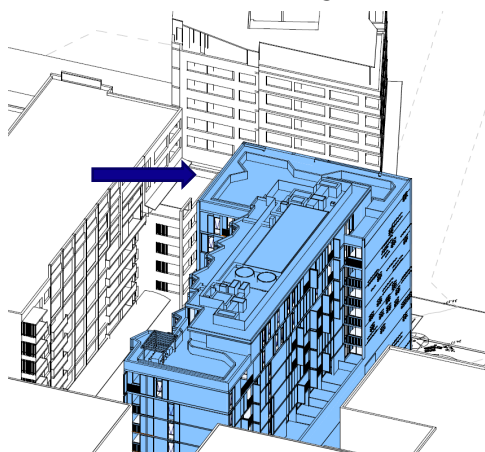
- The DCP envelope overshadows an additional 6 apartments to existing overshadowing. Shown in orange in the figure above.
- The compliant envelope overshadows an additional 4 apartments to existing overshadowing. Shown in blue in the figure above (refer also DA8.305 in the architectural set).
- The proposed envelope overshadowing extent is illustrated by the green outline in the figure above. The proposed envelope overshadows an additional 5 apartments to existing overshadowing (that is, one more than the compliant envelope). It is noted that the balconies shown on the right of the façade (within the green outline) are corner balconies, with both north and west exposure.
- The architect identifies that although 1 more apartment is overshadowed by the proposed when compared to a compliant envelope, 74% of living rooms and balconies on the west façade of 140 Maroubra Road retain 2 hours solar, exceeding the ADG minimum.

Although comprising additional stories, the proposed development overshadows one additional apartment when compared to the compliant envelope. This is a result of the sculpting of the upper floors to provide increased separation to the west façade of Pacific Square. The ADG guidance to retain compliant solar access to neighbouring developments is therefore achieved for the Pacific Square development.

The Level 7 rooftop terrace to the east of the subject site: Pacific Square

The sun eye view diagrams demonstrate that the L7 terrace of Pacific Square begins receiving direct solar at 11am mid-winter. The proposed development does not start to overshadow the terrace until 1pm (refer **Figure 23** below). The terrace continues to receive solar for part of its area until 2pm.

In accordance with ADG Objective 3B-2, solar access to neighbouring private open space should be retained for compliance with 4A Solar and daylight access, which prescribes a minimum of 2 hours direct solar (minimum of 1m<sup>2</sup> of direct sunlight, measured at 1m above floor level). The proposed development therefore retains ADG compliance to this terrace, which continues to receive greater than 2 hours of direct solar.



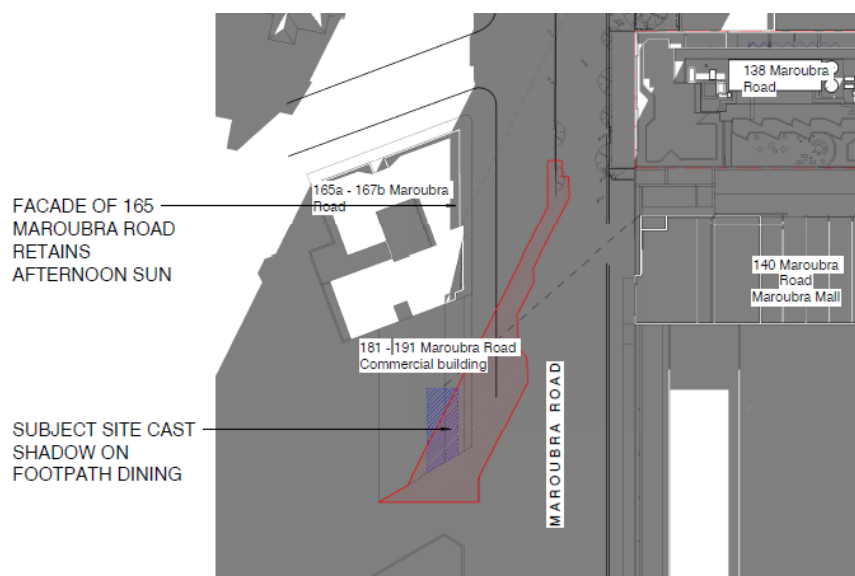
**Figure 23** Sun eye view at 1pm, June 21st

Source: DJRD Architects

Widened footway and dining areas of shops on the opposite side of Maroubra Road

The widened footway opposite the site is overshadowed, at least in part, by the existing Pacific Square development for most of the day in mid-winter. Part of the footway is exposed to direct solar from approximately 11am onwards. The proposed development casts additional shadow on the footway from approximately 2.30pm.

The footway dining area thus remains partially exposed to direct solar from 11am to 2.30pm, which is considered to be the critical period of solar access (lunchtime). The loss of solar access from 2.30pm is considered to be a minor environmental impact and not detrimental to the function of lunchtime dining or overall amenity at the very worst part of the year being mid-winter (June 21).



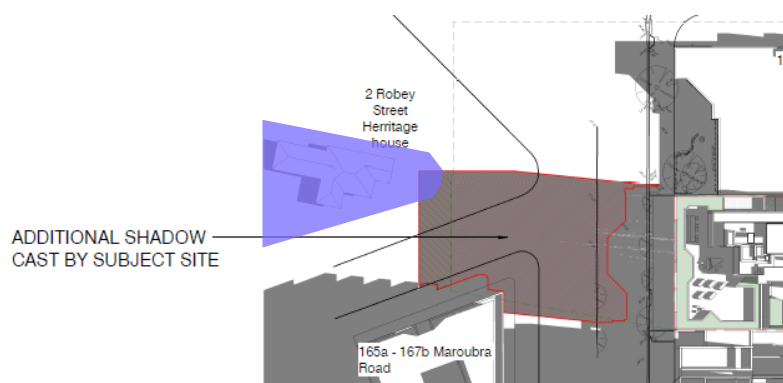
**Figure 24 Additional overshadowing of the widened footway at 4pm**

Source: DJRD Architects

Heritage property at 2 Robey Street

The 2 Robey Street residence currently receives direct solar from approximately 9.30am mid-winter. The proposed development casts additional shadow from approximately 9.30am to 11.30am. The additional shadow is contained primarily to the front yard (**Figure 25**). The proposed development does not change the solar access to the property from 11.30am through the remainder of the day.

The additional overshadowing of this property is considered to be minor and does not present adverse impact to the property.



**Figure 25 Additional overshadowing of 2 Robey Street at 11am**

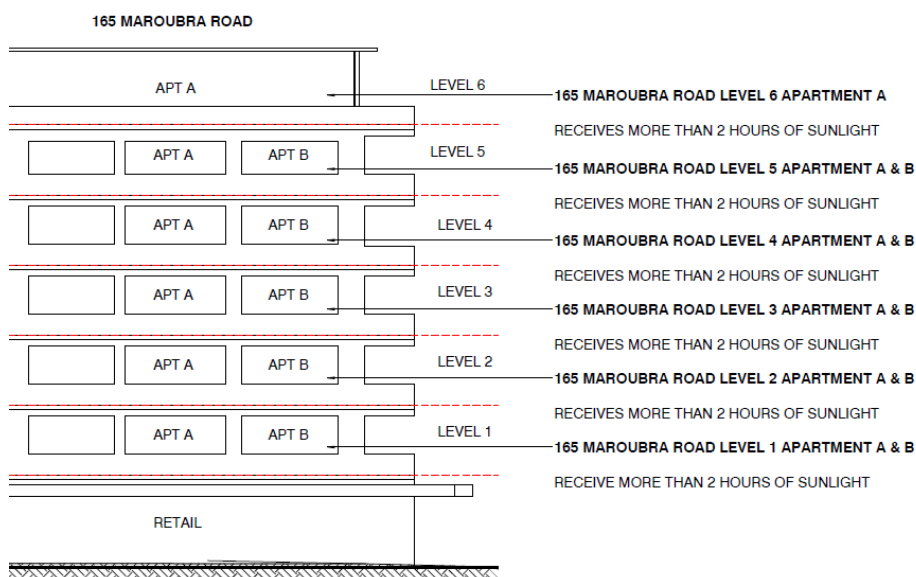
Source: DJRD Architects

North facing façade of development to south across Maroubra Road: 165-167 Maroubra Road

From levels 1 to 6, the northern façade of 165-167 Maroubra Road comprises 11 apartments with living and balcony facing north. DJRD Architects have analysed the extent of overshadowing of this development by the proposed, illustrated at **Figure 26**.

The architect has found that all Maroubra Road facing apartments continue to receive greater than 2 hours direct solar. Therefore, the additional height proposed does cause adverse impact to the solar amenity of these apartments.





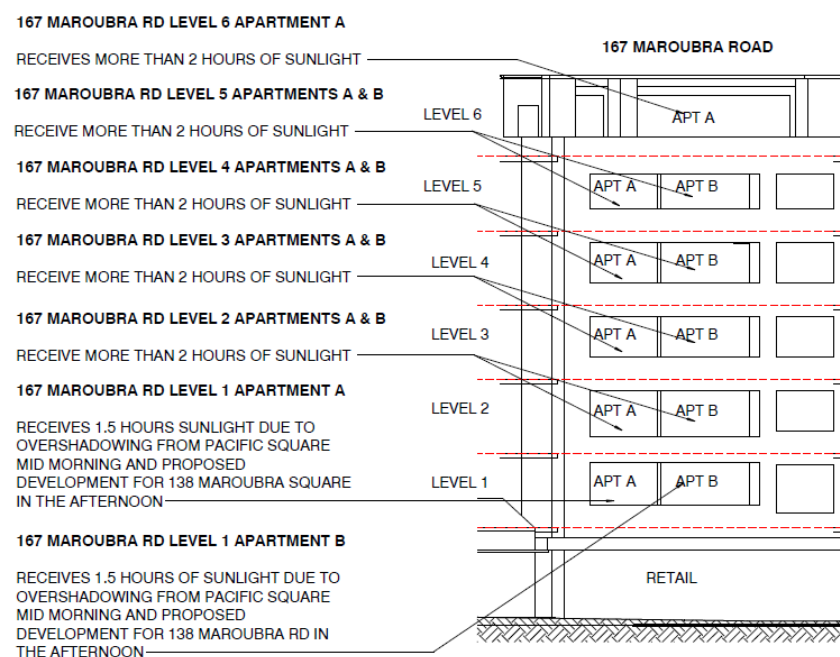
**Figure 26 165-167 Maroubra Road**

Source: DJRD Architects

Maroubra Road frontage of development at 3 Robey Street, Maroubra

Abutting the development identified above (165-167 Maroubra Road) is the north facing component of the development at 3 Robey Street, Maroubra (the component fronting Maroubra Road). From levels 1 to 6, the facade comprises 11 apartments with living and balcony facing north. DJRD Architects have analysed the extent of overshadowing of this development by the proposed, illustrated at **Figure 27**.

The architect has found that there are four apartments at Levels 1 and 2 that receive less than 2 hours direct solar in existing condition, overshadowed by the Pacific Square development. The proposed development with additional height presents overshadowing to these same four apartments. The period of direct sun (1.5 hours) to these 4 apartments is not further reduced from the existing condition. The remainder of north facing apartments continue to receive greater than 2 hours of direct sun. The proposed development with additional height therefore does not present adverse impact to the 3 Robey Street development.



**Figure 27 North facing component of 3 Robey Street**

Source: DJRD Architects

## 6.4 Privacy

The proposed additional height has been designed to avoid loss to neighbouring privacy. The ADG objective for visual privacy is achieved through both meeting the design criteria and presenting alternate solutions where required. The site has existing residential apartments to both the north and east. The Police Station to the west is considered a future development site and as such separation has been provided in conjunction with an indicative scheme prepared for that site (refer **Figure 29**). Typical setbacks are annotated on the plan at **Figure 28**. Privacy has been achieved as follows:

### *North (Pacific Square)*

- a. Up to 12m (4 storeys): ADG Compliant: The site is separated from the development to the north by Piccadilly Place and thus complies
- b. Up to 25m (5-8 storeys): Alternative Solution: A retracting screen is provided to balconies, and a sliding screen to habitable windows on this façade. These screens obscure overlooking and present as solid when fully closed, refer architect's façade at **Appendix A**.
- c. Over 25m (9+ storeys): Alternative Solution: Perimeter planting is provided to the rooftop terrace. The landscape architect has included a detail to illustrate the proposed height and arrangement of the planter to achieve privacy, refer **Appendix C**.

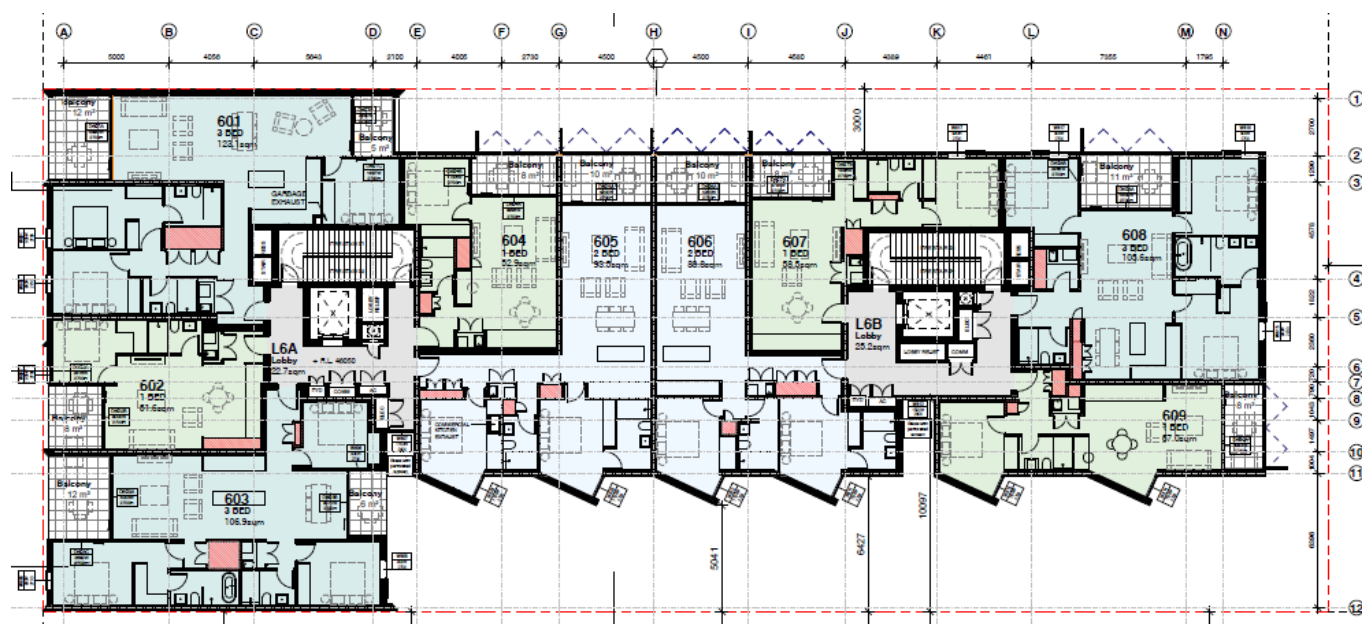
### *East (Pacific Square)*

- a. Up to 12m (4 storeys)
  - i. Alternative Solution: Perimeter planting is provided to the Level 2 terrace. The landscape architect has included a detail to illustrate the proposed height and arrangement of the planter to achieve privacy, refer **Appendix C**.
  - ii. ADG Compliant: Windows to habitable rooms have been oriented to face the northern boundary by means of a pop-out in the façade (refer **Appendix A**).
- b. Up to 25m (5-8 storeys): Alternative Solution Windows to habitable rooms have been oriented to face the northern boundary by means of a pop-out in the façade (refer **Appendix A**).
- c. Over 25m (9+ storeys)
  - i. Alternative Solution: Windows to habitable rooms have been oriented to face the northern boundary by means of a pop-out in the façade (refer **Appendix A**).
  - ii. ADG Compliant: Lobby walls facing the boundary are proposed to be solid. Natural light enters the lobbies at these floors via glazed doors to the rooftop terraces.
  - iii. Alternative Solution: Perimeter planting is provided to the rooftop terraces. The landscape architect has included a detail to illustrate the proposed height and arrangement of the planter to achieve privacy, refer **Appendix C** to the SEE.

### *West (Police Station – future development site)*

- a. Up to 12m (4 storeys): Alternative Solution: A retracting screen is provided to balconies, and a sliding screen to habitable windows on this façade. These screens obscure overlooking and present as solid when fully closed, refer architect's façade at **Appendix A**. Further, the indicative scheme produced for the Police Station site achieves ADG privacy design criteria without compromise to its indicative yield, which is comparable to the proposed development (refer **Appendix A**).
- b. Up to 25m (5-8 storeys): Alternative Solution: A retracting screen is provided to balconies, and a sliding screen to habitable windows on this façade. These screens obscure overlooking and present as solid when fully closed, refer architect's façade at **Appendix A**. Further, the indicative scheme produced for the Police Station site achieves ADG privacy design criteria without compromise to its indicative yield, which is comparable to the proposed development (refer **Appendix A**).
- c. Over 25m (9+ storeys):
  - i. Alternative Solution: A retracting screen is provided to balconies, and a sliding screen to habitable windows on this façade. These screens obscure overlooking and present as solid when fully closed, refer architect's façade at **Appendix A**. Further, the indicative scheme produced for the Police Station site achieves ADG privacy design criteria without compromise to its indicative yield, which is comparable to the proposed development (refer **Appendix A**).

- ii. Alternative Solution: Perimeter planting is provided to the rooftop terraces. The landscape architect has included a detail to illustrate the proposed height and arrangement of the planter to achieve privacy, refer **Appendix C** to the SEE.

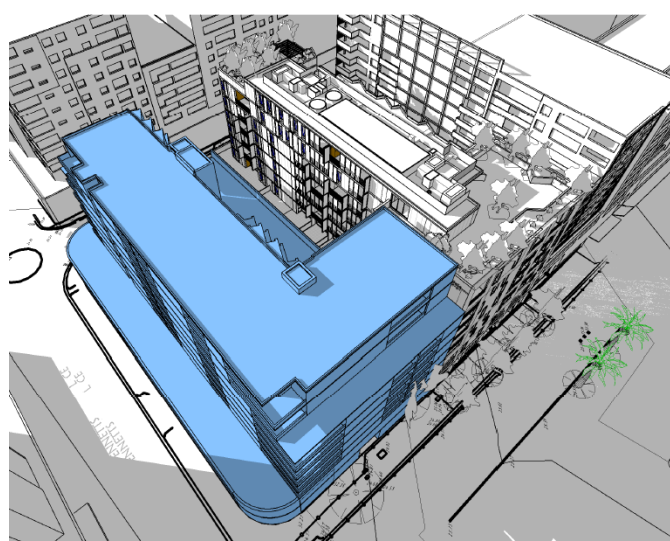


**Figure 28** Setback distances annotated at Level 6

Source: DJRD Architects



**Typical residential floor of indicative Police Station scheme**



**Volume of indicative Police Station scheme**

**Figure 29** Indicative scheme adjacent to the proposed development on the Police Station site

Source: DJRD Architects

## 6.5 View Loss

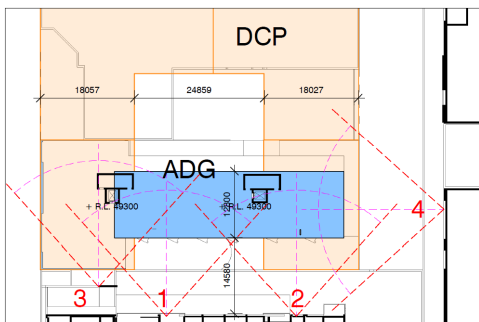
To assess loss to viewing experienced by the adjacent existing development, a view sharing analysis has been conducted. The view sharing analysis is informed by the following source material:

- Plans of the Pacific Square development were received from Council's records on 11th July, 2022.
- A survey of the relevant facades of Pacific Square was carried out by Craig and Rhodes and is included at **Appendix D** to the SEE. The survey identifies the relative levels for each floor and the size and position of each window and balcony.

- View visualisations were produced by DJRD Architects (located at **Appendix A** and included in this report). Cameras are positioned to replicate a standing height on the subject floors (1500mm above FFL), facing directly outwards (perpendicular) to the façade. The cameras adopt a 24mm lens cone of vision (84 degrees).
- Four viewing states have been produced by DJRD Architects:
  - The existing view;
  - The view with DCP envelope positioned on an amalgamated site (across the subject site and the Police Station site) combined with;
  - The view with a compliant envelope positioned on the subject site (compliant LEP height, site not amalgamated); and
  - The view with the proposed development.

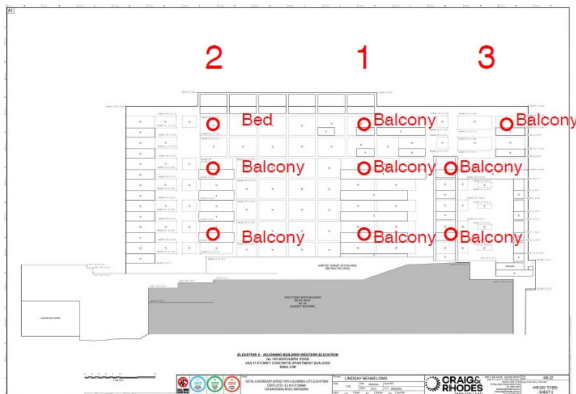
The viewing condition of Pacific Square residents to the north and east of the site is assessed below. Viewing from the development to the west of Bruce Bennetts Place is considered to be unaffected by the proposed development, given the proposed height does not exceed the existing Pacific Square development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

To assess view loss, twelve viewing locations have been identified to provide a comprehensive assessment that captures typical viewing. These views are located in plan in **Figure 30** and in elevation in **Figure 31**. A comparison of each view state is provided in the subsequent figures.



**Figure 30 View locations assessed (plan)**

Source: DJRD Architects



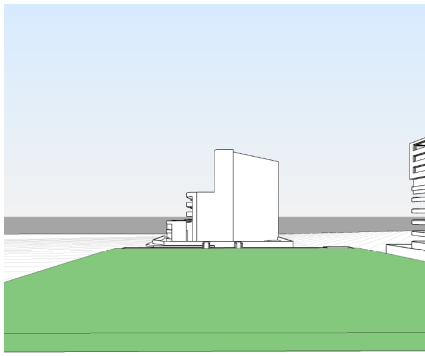
**Viewing locations assessed north of the site**

**Figure 31 View locations assessed (elevation)**

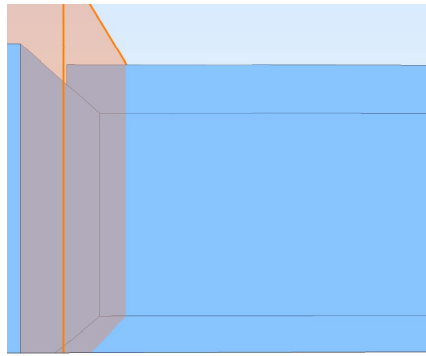
Source: DJRD Architects



**Viewing locations assessed east of the site**



**Existing**



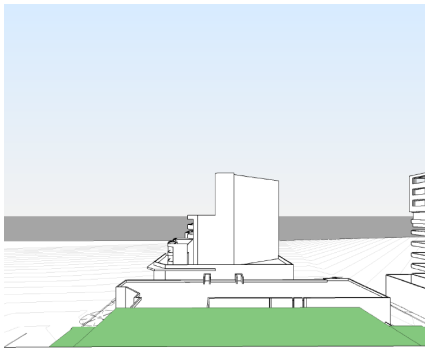
**DCP envelope (orange) +  
Compliant envelope (blue)**



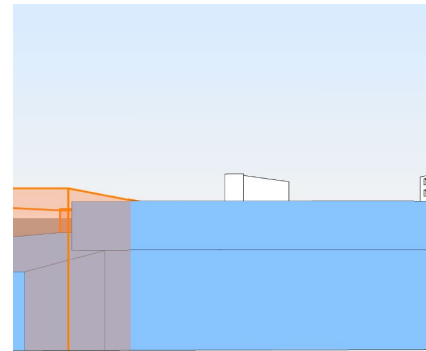
**Proposed Development**

**Figure 32 View 1, Level 4 (balcony off living room)**

Source: DJRD Architects



**Existing**



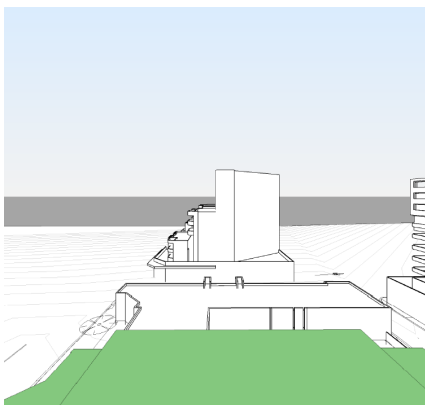
**DCP envelope (orange) +  
Compliant envelope (blue)**



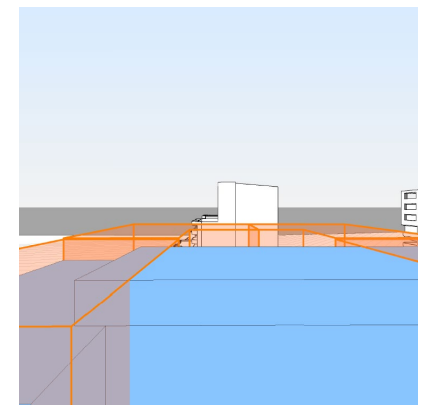
**Proposed Development**

**Figure 33 View 1, Level 7 (balcony off living room)**

Source: DJRD Architects



**Existing**



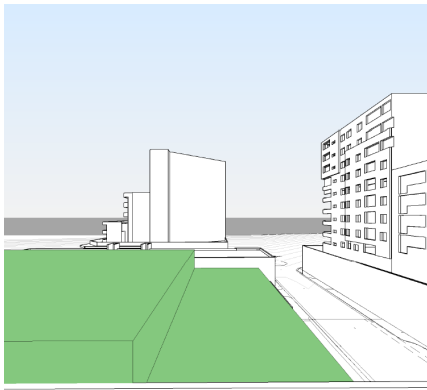
**DCP envelope (orange) +  
Compliant envelope (blue)**



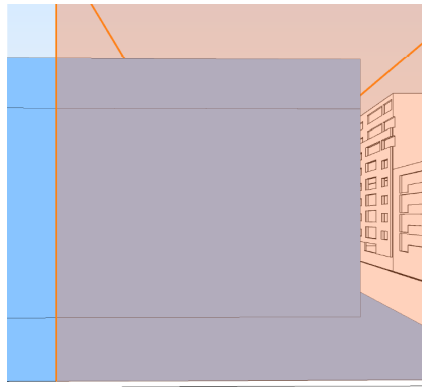
**Proposed Development**

**Figure 34 View 1, Level 9 (balcony off living room)**

Source: DJRD Architects



**Existing**



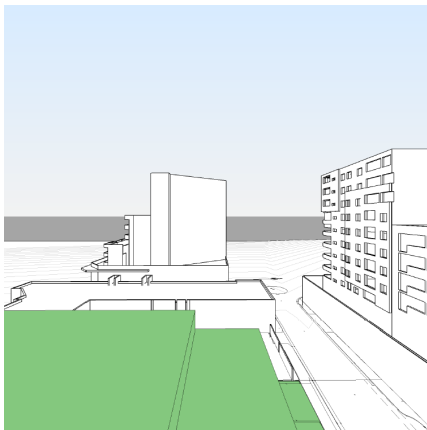
**DCP envelope (orange) +  
Compliant envelope (blue)**



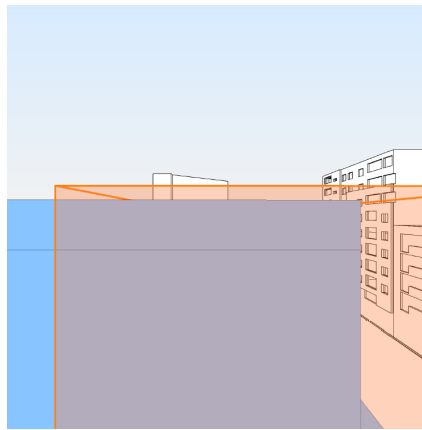
**Proposed Development**

**Figure 35 View 2, Level 4 (balcony off living room)**

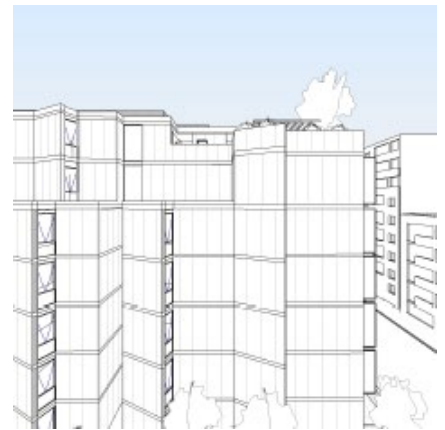
Source: DJRD Architects



**Existing**



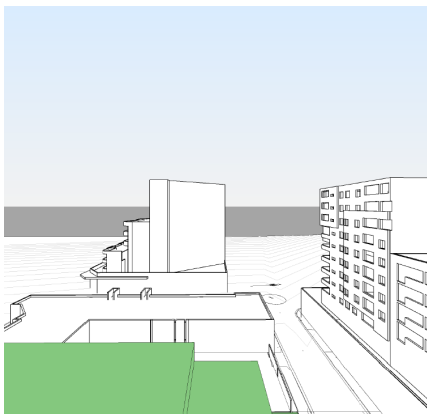
**DCP envelope (orange) +  
Compliant envelope (blue)**



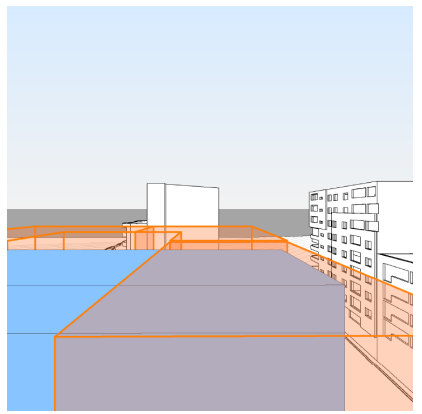
**Proposed Development**

**Figure 36 View 2, Level 7 (balcony off living room)**

Source: DJRD Architects



**Existing**



**DCP envelope (orange) +  
Compliant envelope (blue)**

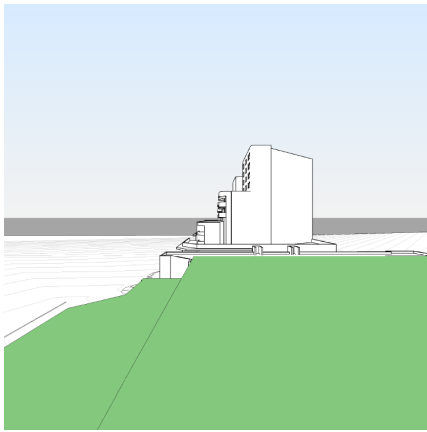


**Proposed Development**

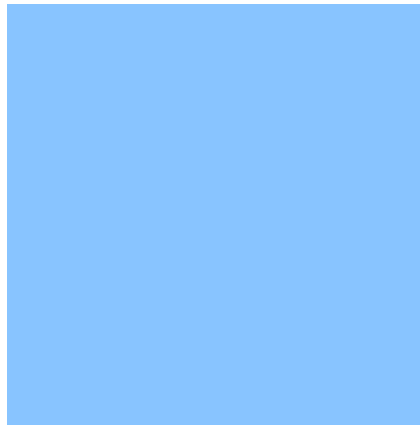
**Figure 37 View 2, Level 9 (bedroom)**

Source: DJRD Architects

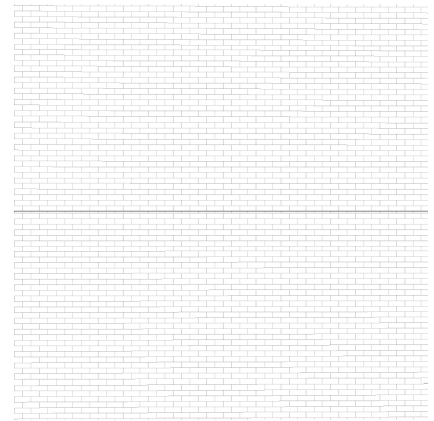




**Existing**



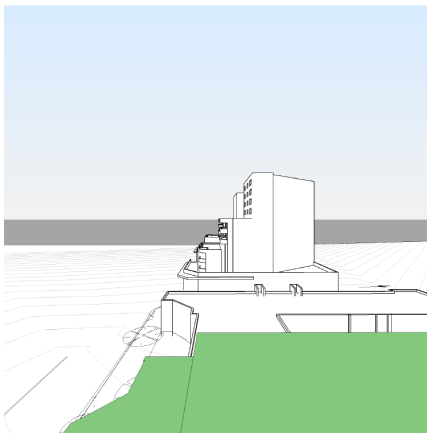
**DCP envelope (orange) +  
Compliant envelope (blue)**



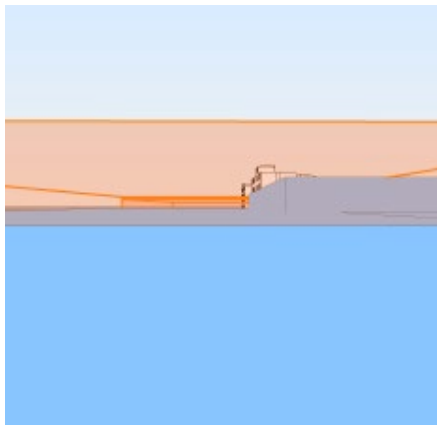
**Proposed Development**

**Figure 38 View 3, Level 4 (balcony off living room)**

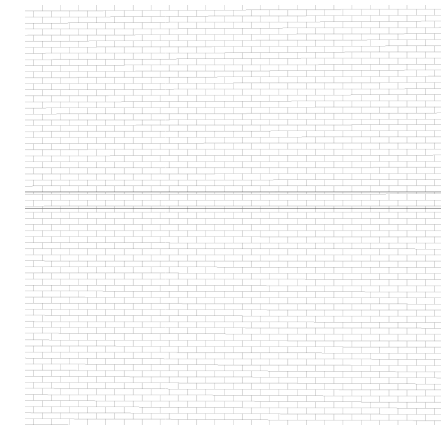
Source: DJRD Architects



**Existing**



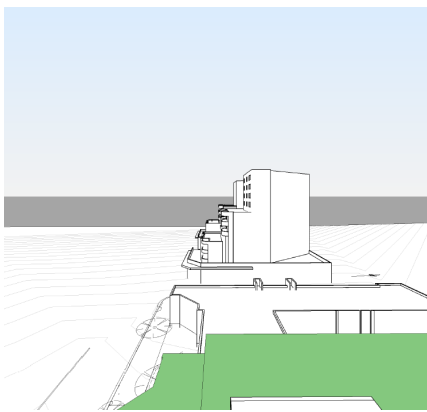
**DCP envelope (orange) +  
Compliant envelope (blue)**



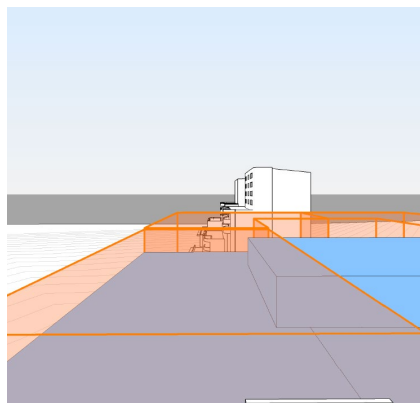
**Proposed Development**

**Figure 39 View 3, Level 7 (balcony off living room)**

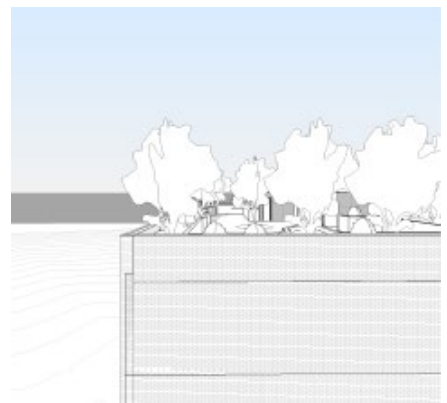
Source: DJRD Architects



**Existing**



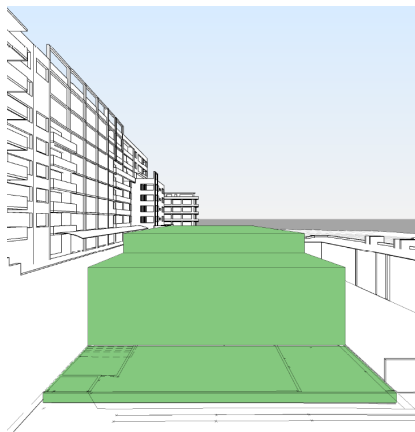
**DCP envelope (orange) +  
Compliant envelope (blue)**



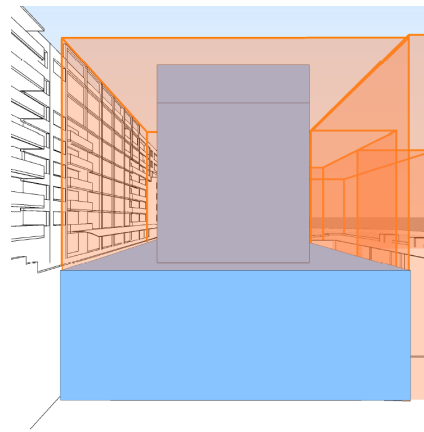
**Proposed Development**

**Figure 40 View 4, Level 9 (balcony off living room)**

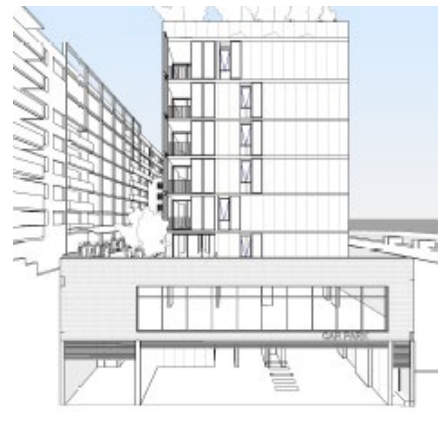
Source: DJRD Architects



**Existing**



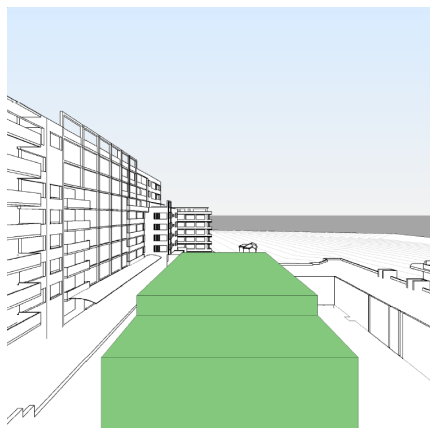
**DCP envelope (orange) +  
Compliant envelope (blue)**



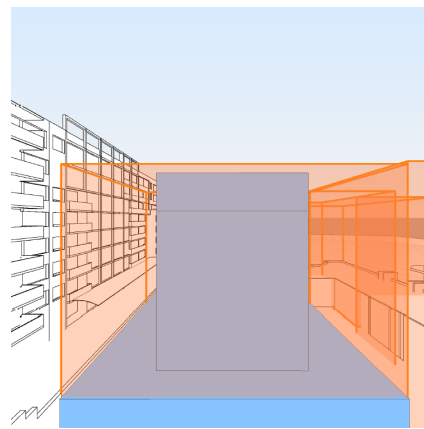
**Proposed Development**

**Figure 41 View 5, Level 3 (balcony off living room)**

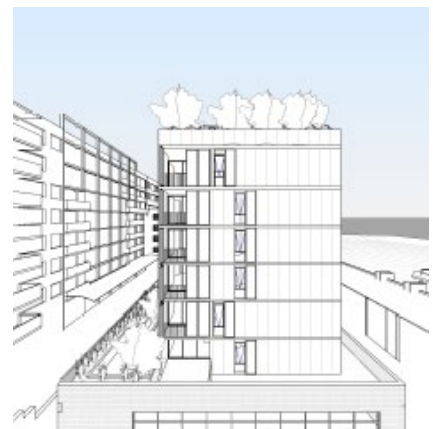
Source: DJRD Architects



**Existing**



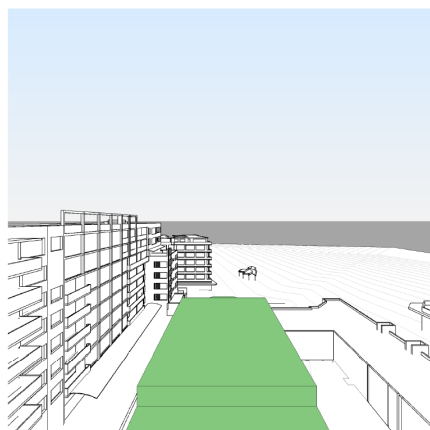
**DCP envelope (orange) +  
Compliant envelope (blue)**



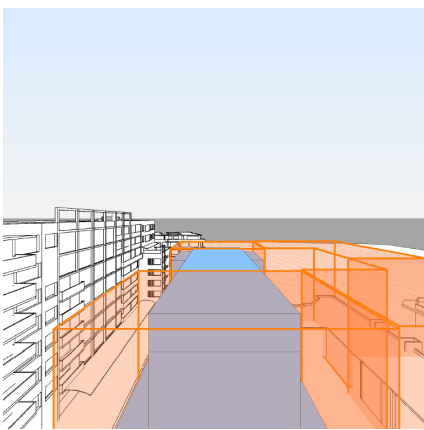
**Proposed Development**

**Figure 42 View 5, Level 6 (balcony off living room)**

Source: DJRD Architects



**Existing**



**DCP envelope (orange) +  
Compliant envelope (blue)**



**Proposed Development**

**Figure 43 View 5, Level 10 (living room)**

Source: DJRD Architects

The view loss assessment for each view is provided in **Table II**. A comparative rating is provided to each view. If the proposed envelope produces the same loss of viewing as the compliant envelope, the loss is rated negligible. A minor rating describes a small increase to viewing loss produced by the proposed envelope. Moderate and major describe increasing loss of viewing when compared to the compliant envelope. If rated as 'improved' the proposed development retains a greater extent of viewing when compared to the compliant envelope and/or DCP envelope.

**Table 11**      **Assessment of view loss at each viewing location**

Location	Assessment	Rating of proposed envelope compared to compliant envelope
View 1, Level 4	The resident currently experiences distant westerly viewing. The DCP and compliant envelope occlude distant landscape viewing. The proposed development occludes the same distant landscape viewing, presenting additional loss of sky viewing. Proposed tree planting in the ground floor open space offers a landscaped buffer to the proposed built form.	Minor
View 1, Level 7	The resident currently experiences distant westerly viewing. The DCP and compliant envelope occlude distant landscape viewing (the upper portion of closer development remains visible). The proposed development occludes the same distant landscape viewing, presenting additional loss of sky viewing and of the upper portion of closer development. Proposed tree planting in the ground floor open space offers a landscaped buffer to the proposed built form.	Minor
View 1, Level 9	The resident currently experiences distant westerly viewing. The DCP and compliant envelope retain partial distant landscape viewing. The proposed development occludes the remaining distant landscape viewing. Proposed tree planting in the ground floor open space offers a landscaped buffer to the proposed built form.	Moderate
View 2, Level 4	The resident currently experiences distant westerly viewing. The DCP and compliant envelope obstruct viewing. The proposed development presents a consistent obstruction. It is noted that this balcony, being a protruding element in the neighbouring built form, experiences views to both the west and north. The proposed development does not obstruct northerly viewing.	Negligible
View 2, Level 7	The resident currently experiences distant westerly viewing. The DCP and compliant envelope occlude distant landscape viewing. The proposed development occludes the same distant landscape viewing, presenting additional loss of sky viewing. It is noted that this balcony, being a protruding element in the neighbouring built form, experiences views to both the west and north. The proposed development does not obstruct northerly viewing.	Minor
View 2, Level 9	The resident currently experiences distant westerly viewing. The DCP and compliant envelope retain partial distant landscape viewing. The proposed development occludes the majority of the remaining distant landscape viewing, however the proposed landscaped rooftop communal open space	Moderate
View 3, Level 4	The resident currently experiences distant westerly viewing. The DCP and compliant envelope obstruct viewing. It is noted that the DCP C-shape volume extends to the common boundary, producing a greater level of view loss when compared to the compliant envelope. The proposed presents additional loss of sky viewing when compared to the compliant envelope. The proposed development is an improvement to the DCP envelope, being set back from the boundary and retaining a portion of sky viewing. The proposed landscaped rooftop at Level 2 provides a mitigating buffer to the proposed development form.	Improved (DCP comparison) Minor (compliant comparison)
View 3, Level 7	The resident currently experiences distant westerly viewing. The DCP and compliant envelope obstruct distant viewing, retaining sky viewing. It is noted that the DCP C-shape volume extends to the common boundary, producing a greater level of view loss when compared to the compliant envelope. The proposed presents additional loss of sky viewing when compared to the compliant envelope. The proposed development is an improvement to the DCP envelope, being set back from the boundary. The proposed landscaped rooftop at Level 2 provides a mitigating buffer to the	Improved (DCP comparison) Minor (compliant comparison)

Location	Assessment	Rating of proposed envelope compared to compliant envelope
	proposed development form. At this floor, the upper rooftop landscape is also visible, offering a high level visual amenity.	
View 3, Level 9	The resident currently experiences distant westerly viewing. The DCP and compliant envelope obstruct the majority of distant landscape viewing, retaining sky viewing. It is noted that the DCP C-shape volume extends to the common boundary, presenting greater visual bulk. The proposed presents additional loss of distant landscape viewing when compared to the compliant envelope. The proposed rooftop landscape mitigates the visual bulk of the proposed development.	Negligible (DCP comparison) Moderate (compliant comparison)
View 4, Level 3	The resident currently experiences distant southerly viewing. The DCP envelope significantly obstructs viewing as it extends to the boundary and is continuous across both the subject and Police Station lots. The compliant envelope obstructs distant landscape and sky viewing directly south only. The proposed presents additional loss of sky viewing when compared to the compliant envelope. The proposed development is an improvement to the DCP envelope, being set back from the boundary. The proposed landscaped rooftop at Level 2 provides a mitigating buffer to the proposed development form.	Improved (DCP comparison) Minor (compliant comparison)
View 4, Level 6	The resident currently experiences distant southerly viewing. The DCP envelope significantly obstructs the majority of distant landscape viewing as it extends to the boundary and is continuous across both the subject and Police Station lots. The compliant envelope obstructs the majority of distant landscape viewing directly south only. The proposed presents additional loss of sky viewing when compared to the compliant envelope. The proposed development is an improvement to the DCP envelope, being set back from the boundary. The proposed landscaped rooftop at Level 2 provides a mitigating buffer to the proposed development form. At this floor, the upper rooftop landscape is also visible, offering a high level visual amenity.	Improved (DCP comparison) Minor (compliant comparison)
View 4, Level 10	The resident currently experiences distant southerly viewing. The DCP envelope significantly obstructs viewing as it extends to the boundary and is continuous across both the subject and Police Station lots. The compliant envelope obstructs distant landscape and sky viewing directly south only. The proposed presents a minor additional loss of landscape viewing when compared to the compliant envelope. The proposed development is an improvement to the DCP envelope, being set back from the boundary. The proposed rooftop landscape mitigates the visual bulk of the proposed development.	Improved (DCP comparison) Negligible (compliant comparison)

For the 12 viewing locations assessed, the rating of view loss produced by the proposed development when compared to a LEP + DCP compliant envelope is summarised below:

- 2 experience negligible view loss;
- 7 experience minor view loss; and
- 3 experience moderate view loss.

It has been identified that 6 viewing locations (50%) experience a negligible or reduced loss of viewing extent produced by the proposed development when compared to the DCP envelope. The viewing loss when compared to a compliant envelope on the site predominantly relates to additional loss of sky viewing. In most cases, the compliant envelope occludes distant landscape viewing. As the site has not been amalgamated with the Police Station, the development outcome across both sites is a significant improvement to the viewing from apartments to the north, as each development is separated with landscape between.

Compliant development on the subject site will significantly change the viewing currently experienced. The proposed development is not considered to present a significant change to this experience in comparison. Mitigating features of landscaped rooftops at both a high and low level, proposed windows obscured by pop-outs, additional setback to the upper floor and a provision of setback at the north end of the site compared to the DCP envelope demonstrate a considered architectural and volumetric response to viewing loss.

Accordingly, we have formed the considered opinion that a view sharing scenario is maintained in accordance with the LEP provision, and the view sharing principles established in the matter of Tenacity Consulting Pty Ltd v Warringah Council [2004] NSWLEC140.

## 6.6 Site isolation of adjacent Police Station

Council's DCP for Maroubra Junction identifies the subject site for amalgamation with the adjacent Maroubra Police Station site (136 Maroubra Road, Lot 1 DP504393) prior to redevelopment. The proposed development does not include amalgamation and therefore the Police Station site is subject to being developed independently in the future. As such, the Land and Environment Court's (LEC) planning principle for site isolation has been addressed as outlined below.

The LEC have established 'planning principles' describing the desired outcome, and list of appropriate matters to consider, for the potential isolation of sites by the redevelopment of adjacent sites. These principles set out in the following cases:

- Melissa Grech v Auburn Council [2004] NSWLEC 40 at 51;
- Cornerstone Property Group Pty Ltd v Warringah Council [2004] NSWLEC 189 at 31-34; and
- Karavellas v Sutherland Shire Council [2004] NSWLEC 251.

The law under these planning principle decisions set out what is required when dealing with any site isolation issue for an assessment of whether the purchase and amalgamation of the site (in this case the Police Station site) is feasible.

Each of these matters in respect of the steps established in the Planning Principles are addressed below:

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

*Firstly, where a property will be isolated by a proposed development and that property cannot satisfy the minimum lot requirements then negotiations between the owners of the properties should commence at an early stage and prior to the lodgement of the development application.*

136 Maroubra Road is not subject to a minimum lot size pursuant to the Randwick LEP. However, the site is identified for amalgamation in Randwick's DCP for Maroubra Junction. The DCP illustrates a "C-shape" envelope that spans both 136 and 138 Maroubra Road. In light of this, prior to lodgement of this application, the applicant has engaged in correspondence with the owner of 136 Maroubra Road, detailed further below.

*Secondly, and where no satisfactory result is achieved from the negotiations, the development application should include details of the negotiations between the owners of the properties. These details should include offers to the owner of the isolated property. A reasonable offer, for the purposes of determining the development application and addressing the planning implications of an isolated lot, is to be based on at least one recent independent valuation and may include other reasonable expenses likely to be incurred by the owner of the isolated property in the sale of the property.*

Being a Police Station, 136 Maroubra Road is Crown Land. An Enquiry to purchase Crown Land form was completed by the Applicant and issued to the DPE (Crown Lands) by Colliers International on behalf of the Applicant on 19 August, 2022. A response was received via email from Tim Deverell, Director Regional Operations East, Land and Asset Management, Crown lands on 25 August 2022. Crown Lands advised that, "Crown Lands has determined not to proceed with the sale application and advises the property is not for sale". Further, Crown Lands noted that, "Any potential sale of Crown land is subject to a rigorous assessment process to ensure that the sale is appropriate and compliant with legislation. The sale of Crown land must also meet the objectives of the Crown land 2031 - State Strategic Plan. The assessment includes consideration of the objectives and principles of the Crown Land Management Act 2016, native title interests, Aboriginal land claims, Direct Dealing Policy and the Community Engagement Strategy. This assessment determines if further consideration can be given to the sale. As you can appreciate this is not a matter that is taken lightly." This correspondence is provided at **Appendix O**.

The application form to Crown Lands does not include a monetary amount to be provided. However, prior to the inquiry to Crown Lands, the Applicant made an offer to NSW Police Force on 3 August, 2022. This offer does include a monetary figure and is representative of a reasonable offer being arranged on the Applicant's behalf by Henry Burke, National Director, Development Sites. The NSW Police Force responded on 15 August, 2022, stating, "Unfortunately we are unable to assist as the sale of Crown land must be dealt with pursuant to the provisions of the Crown Land

Management Act 2016. Additionally we note that the property in question is currently an operational police station and continues to be required for essential police operational purposes.” A copy of this correspondence is also included at **Appendix O**.

*Thirdly, the level of negotiation and any offers made for the isolated site are matters that can be given weight in the consideration of the development application. The amount of weight will depend on the level of negotiations, whether any offers are deemed reasonable or unreasonable, any relevant planning requirements and the provisions of s 79C of the Environmental Planning and Assessment Act 1979.*

Negotiations and a reasonable offer is demonstrated in the correspondence at **Appendix O**. Crown Lands (and supported by NSW Police Force) have confirmed that the property is not for sale.

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

*In answering this question the key principle is whether both sites can achieve a development that is consistent with the planning controls. If variations to the planning controls would be required, such as non-compliance with minimum allotment size, will both sites be able to achieve a development of appropriate urban form and with acceptable level of amenity.*

*To assist in this assessment, an envelope for the isolated site may be prepared which indicates height, setbacks, resultant site coverage (both building and basement). This should be schematic but of sufficient detail to understand the relationship between the subject application and the isolated site and the likely impacts the development will have on each other, particularly solar access and privacy impacts for residential development and the traffic impacts of separate driveways if the development is on a main road.*

The architect has produced an indicative scheme for the Police Station site, included at **Appendix A**. This scheme demonstrates the following:

- The indicative scheme adopts massing set by the prevailing setbacks to both Maroubra Road and Bruce Bennetts Place at lower podium and upper residential levels.
- The scheme adopts a height that is commensurate with the proposed application, informed by the prevailing height of adjacent existing development.
- The scheme proposes a building depth that is consistent with the proposed development, with internal habitable windows that are oriented towards the rear of the site (a strategy that matches that of the proposed).
- The scheme has capacity to comply with ADG design criteria for solar access and natural ventilation. Further, the architect has assessed the impacts of the indicative scheme on the proposed development, and found that the scheme does not cause the solar and ventilation amenity of the proposed to fall below ADG minimum requirements.
- The yield of the indicative scheme is comparable to the yield of the proposed development.
- The indicative scheme benefits from vehicular access of Piccadilly Place at the rear in the same way as the proposal development.

In summary, 136 Maroubra Road has the capacity to be independently developed in a manner that does not exceed prevailing street setbacks, is commensurate in height and floor space to the proposed, meets ADG requirements and does not impose impact to the proposed development.

*The subject application may need to be amended, such as by a further setback than a minimum in the planning controls, or the development potential of both sites reduced to enable reasonable development of the isolated site to occur while maintaining the amenity of both developments.*

When compared with the proposed development at 138 Maroubra Road, 136 Maroubra Road has two street frontages (improved outlook for apartments), a street to the west (improved solar access potential) and is able to be developed in a manner that more closely resembles the portion of the “C-shape” situated on the site in the Maroubra Junction DCP. As such, the development potential of 136 Maroubra Road is high and is not compromised by development on the subject site. Despite the proposed reduced setback to the common boundary, the indicative scheme is able to achieve a building depth and yield that provides for ADG compliance and is commensurate to the proposed.



## 6.7 Design Excellence

The proposed design for the mixed-use development by DJRD Architects is considered to achieve design excellence pursuant to the LEP clause 6.11. The achievement of design excellence is applicable to the proposed development, being a new construction that is greater than 15 metres in height. The objective of this clause is to “*deliver the highest standard of architectural and urban design.*”

The consent authority must consider the following matters, and can be satisfied that each has been addressed to inform and enrich the proposal as discussed in **Table 12** below:

**Table 12 Assessment of Design Excellence**

Design Excellence Matter	Response
<i>(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,</i>	A refined architectural approach has been employed by the architect to the façade design and materiality of the proposed development ( <b>Appendix A</b> ). A rich and textural palette of brickwork, black metal palisade balustrades, timber-look panels and glazing presents a sophisticated arrangement that makes a positive contribution to the streetscape.
<i>(b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,</i>	<p>The quality and amenity of the public domain will be greatly enhanced by the proposed development. The existing two storey commercial development is a tired and dated building that does not meet the potential of the highly desirable Maroubra Junction locality.</p> <p>The proposed form presents a full width street wall to Maroubra Road, extending the existing street wall to the east. The glazed ground floor façade maximises activity to Maroubra Road. The boundary wall adjacent the Police Station site is carefully crafted with brick coursing details for articulation, acknowledging that the Police Station site is subject to future development.</p> <p>The “finger” that extends down the site is setback on all sides, with all habitable room windows articulated to achieve privacy and to offer architectural richness to the façade. The habitable room windows to the east are contained within pop-outs that focus viewing to the rear of the site. The remaining habitable room windows and balconies are provided with retracting or sliding screens that offer visual privacy and a dynamic operability to the façade.</p> <p>Planting to the rooftop areas softens the upper edge of the built form and provides a secondary layer of visual interest. Refer to further discussion in the <i>built form and urban design</i> section above.</p>
<i>(c) how the proposed development responds to the environmental and built characteristics of the site and whether it achieves an acceptable relationship with other buildings on the same site and on neighbouring sites,</i>	<p>The development has been designed to minimise adverse impact to existing neighbouring built form, and to potential future development of the Police Station site. The proposed built form is provided with an increasing setback to the eastern neighbour to minimise overshadowing to that imposed by a DCP and height compliant envelope on the site.</p> <p>The development in the context of neighbouring built form is discussed in detail in the <i>built form and urban design</i> section above.</p>
<i>(d) whether the building meets sustainable design principles in terms of sunlight, natural ventilation, wind, reflectivity, visual and acoustic privacy, safety and security and resource, energy and water efficiency,</i>	<p>The RFB development has been designed to include Environmentally Sustainable Development (ESD) principles. A BASIX Certificates and Stamped Plans have been prepared and by SLR and are located at <b>Appendix G</b>. This sets out the various ESD initiatives that are being incorporated into the development.</p> <p>The proposal meets ADG requirements for solar and natural ventilation. Glazing is limited to habitable rooms to avoid adverse reflectivity impact to the public domain. A carefully considered mix of ADG compliant and alternate privacy strategies has been employed to address privacy – refer the ADG compliance discussion at <b>Section 5.1.3</b><sup>Error! Reference source not found.</sup>. The development provides a safe and secure demarcation between public and private spaces, with all communal open space elevated above the ground plane. Lift lobbies are located off Maroubra Road behind a secure consolidated entry point.</p>
<i>(e) whether the proposed development detrimentally impacts on view corridors and landmarks.</i>	A comprehensive viewing analysis is provided in the view loss discussion below, as well as in the Clause 4.6 Variation Request. The viewing analysis is supported by a set of views produced by DJRD Architects. View loss has been compared to

Design Excellence Matter	Response
	that imposed by both the DCP anticipated envelope and a compliant envelope on the site.
	The proposed development is not considered to result in adverse viewing impact beyond that which is commensurate to development in the Maroubra Junction town centre. This is further discussed in the view loss section below.

### 6.8 Traffic and parking

The parking provision for visitor, retail and commercial vehicles is less than the rate prescribed in the Randwick DCP. The resident vehicle provision closely approximates the Randwick DCP rate. The traffic engineer at **Appendix E** has provided a thorough analysis of the parking provision proposed, accounting for the site's location in Maroubra Junction. A summary of the reduced parking provision is provided below:

- Resident parking: 69 spaces are proposed in lieu of the DCP rate calculation of 70 spaces
- Visitor parking: 8 spaces are proposed in lieu of the DCP rate calculation of 14 spaces
- Commercial and retail parking: 12 spaces are proposed in lieu of the DCP rate calculation of 41 spaces

The traffic engineer provides the following key locational attributes to support the reduced parking provision:

- Maroubra Junction has a high level of public transport accessibility. The engineer concludes that, *"This fact is acknowledged in Randwick Council's Integrated Transport Strategy, with Outcome 3 of the strategy to "Review DCP car parking requirements, particularly in areas with regular public transport services by 2023." The parking rates for the non-residential uses noted in the DCP are more suited to areas where users have no alternative but to use a car, not Maroubra Junction which is serviced by a high number of bus routes."*
- The commercial and retail floor space of the site is ancillary in nature and will draw in a mostly walk-up trade, with visitors unlikely to be reliant on car parking. Further, employees commuting to the site benefit from ready access to public transport.
- In addition to the 8 visitor parking spaces, there are approximately 150 below ground public car parking spaces at the adjacent Pacific Square shopping centre and more than 200 surface car parking spaces in the Council car parking areas located between the northbound and southbound carriageways on Anzac Parade.

Further, the traffic engineer advises that by limiting the amount of on-site car parking for visitors and non-residential uses, the impact of the proposal on the existing road network is mitigated, supporting its continued efficient operation. This approach also meets the objective for parking in Maroubra Junction as prescribed in the DCP; minimising car dependency for commuting and recreational transport use and promoting alternative means of transport - public transport, bicycling, and walking.

### 6.9 Acoustic

Pursuant to Clause 2.120 of the Infrastructure SEPP, as the development (being residential accommodation) is adjacent to a road with annual average daily traffic volume of more than 20,000 vehicles (Maroubra Road) the following LAeq levels must not be exceeded (2.120(3)):

- (a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10 pm and 7 am,
- (b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

The acoustic report included at **Appendix K** outlines recommendations to inform detailed design development of the façade. Specifically, category 3 façade construction (AS3671:1989) is required to achieve suitable internal noise levels.

Further to the above, the acoustic engineer has assessed the operational noise emissions from the proposed development to the surrounding receivers. The engineer concludes that the predicted levels are expected to comply with the noise trigger levels at all noise sensitive receivers (the engineer makes reference to the proposed 1.8-meter barrier around the plant rooftop plant). As such, no specific mitigation measures are required to be considered. The

engineer advises that re-assessment of mechanical plant be conducted during the detailed design stage when the equipment selection is definitive, and the indicative layout is refined.

The consent authority can be satisfied that the development as proposed and assessed by the acoustic engineer at **Appendix K** will meet the requirements of SEPP (Infrastructure), AS 3671:1989 Acoustics – Road traffic noise intrusion – Building siting and construction, and Randwick Council's requirements. Noise break-out from the proposed development, including operation of all proposed mechanical plant & equipment; will comply with the relevant standards and does not present impact to adjacent sensitive receivers.

## 6.10 Preliminary Site Investigation

The preliminary site investigation prepared by Douglas partners (provided at **Appendix L**) confirms the site can be made suitable for the proposed residential development subject to the recommended investigations and remediation and / or management of contamination that may be identified from the investigations. The engineer concludes:

- The excavation depth will likely intercept the water table and possibly Acid Sulfate Soils (ASS). The report notes, however, that numerous basements are present near the site (with unknown depths and construction methods) and as such, actual groundwater depths at the site may differ from those expected.
- Potential sources of contamination identified include imported fill, former buildings/structures, historical USTs (at the site and adjacent police station), a transformer near the site's southern boundary, nearby dry-cleaning businesses and a nearby Beaurepairs tyre shop.
- The PSI makes the following recommendations, which the applicant will undertake as part of detailed site preparation works:
  - Detailed Site Investigation - A detailed site investigation (DSI) for contamination with intrusive soil and groundwater (and possibly soil vapour) sampling to evaluate the potential contamination status of the site and assess the site's suitability (from a contamination standpoint) for a more sensitive land use.
  - Acid Sulfate Soils (ASS) Investigation - An ASS investigation is recommended to determine the presence (or otherwise) and extent of possible acid sulfate soils at the site.
  - Hazardous Building Materials (HBM) Assessment – Prior to demolition of the existing building, a HBM assessment should be undertaken.
  - Dewatering Management Plan (DMP) - In the likely case that excavations extend beyond the water table, a dewatering management plan is recommended to detail geotechnical and environmental considerations and requirements associated with dewatering at the site.

## 6.11 Crime Prevention through Environmental Design (CPTED)

Crime Prevention through Environmental Design (CPTED) is a situational crime prevention strategy that focuses on the design, planning and structure of the environment. It aims to reduce opportunities from crime by employing design and place management principles that minimise the likelihood of essential crime ingredients.

The proposed development has been considered in the context of the following design principles:

- Surveillance;
  - Provision of passive surveillance from balconies and communal open spaces across the development, overlooking the public domain, communal open space and internal access paths.
- Lighting and technical supervision;
  - Clear identification of pedestrian and vehicle entries and exits (separated to different road frontages)
  - The proposed development is capable of accommodating a security video system.
- Territorial reinforcement;
  - Secure entry to define and separate private and public domain, designed to minimise opportunity for concealment.
- Environmental maintenance;
  - The proposed development will receive regular maintenance to buildings and landscape pursuant to strata management requirements
- Management of activity and space;

- Clearly defined movement within the development, with lifts designed to restrict access to residential floors to residents only, access to communal open space limited to residents via secure lift access, commercial space and retail spaces demarcated with secure access points.
- Access control; and
  - Secure access systems are proposed to all pedestrian access points to the development.
- Design, Definition and Designation.
  - The proposed development includes clear demarcation of windows and balconies
  - Pedestrian movement is separated from vehicular movement at boundary entry / exit points. In particular, the primary pedestrian access point is off Maroubra Road, and the vehicular access point is off Piccadilly Place. All servicing / loading is contained to Piccadilly Place. Basement access measures are proposed as outlined in the traffic engineer's report at **Appendix E** and the architect's plans at **Appendix A** to manage safe shared movement within the basement.

Acknowledging the site and the CPTED principles listed above, the proposed development is unlikely to produce any adverse effect to crime risk levels in the area. The development represents a significant increase to passive surveillance of the adjacent public domain when compared to the existing 2 storey commercial development.



## 6.12 Other Impacts of the Development

An assessment of the other impacts of the development have been undertaken by the relevant specialist consultants and are appended to this SEE as set out in **Table 13** below.

**Table 13 Summary of other technical assessments**

Consideration	Consultant	Summary	Reference
Geotechnical	Douglas Partners	<p>The engineer makes the following recommendations for further work:</p> <ul style="list-style-type: none"> <li>Geotechnical investigation of the site including CPT tests to practical refusal (cone resistance values of more than 50 MPa) at a minimum six locations across the proposed basement footprint. It is noted that the feasibility of the CPT is subject to the site access conditions and may not be possible before demolition of the existing building.</li> <li>Installation and monitoring of water levels in standpipes across the basement footprint</li> <li>Groundwater monitoring, chemical analyses (for assessment of disposal options) and permeability testing to inform inflow assessment.</li> <li>Footing investigation of any adjacent buildings to determine footing type(s), depths and founding conditions, with loads of adjacent footings to be confirmed by the designers</li> <li>Waste Classification Assessment of material proposed to be transported off site in accordance with the appropriate guidelines.</li> </ul>	<b>Appendix J</b>
BCA	Steve Watson and Partners	The BCA statement concludes that the proposed development is capable of achieving compliance with the BCA. The proposed design will therefore be capable of being approved under a Development Consent Approval, subject to the provision of further details regarding performance-based solutions and other documentation necessary to satisfy the relevant legislative requirements at Construction Certificate stage.	<b>Appendix H</b>
Accessibility	Accessible Building Solutions	<p>The Access Report identifies the compliance status of the architectural design with reference to the relevant provisions of the BCA and AS, Disability Standards and the Randwick DCP. The proposed development is capable of complying with the relevant provisions. Where the development does not comply with the relevant controls, the report makes recommendations which are capable of being made during the construction certificate stage.</p> <p>There is proposed to be 12 apartments capable of adaption in accordance with AS4299, compliant with the Randwick DCP's requirement for minimum 20% of dwellings to be adaptable. The apartments are identified, together with pre and post adaptation plans in <b>Appendix A</b>. Further, 20% of apartments are designed to meet the Silver level of the Livable Housing Design Guidelines in accordance with the AFG requirement. These are also identified and described by the architect at <b>Appendix A</b>.</p>	<b>Appendix F</b>
BASIX	SLR	The BASIX Certificate provided demonstrates that the proposed development will satisfy the relevant requirements for energy, water and thermal comfort.	<b>Appendix G</b>
Construction Impacts	-	The proposed construction works for the development are not expected to give rise to any unacceptable impacts. A detailed Construction Management Plan (CMP) will be prepared prior to the commencement of works. Generally, demolition and construction activities will be contained within the site with hoardings established to mitigate noise, dust and access impacts.	-

Consideration	Consultant	Summary	Reference
		Standard construction hours and noise mitigation measures will be applied to the works to minimise impact to the adjacent sensitive receivers.	

## 6.13 Suitability of the site for the development

Having regard to the characteristics of the site and its location, the proposed development is appropriate in that it:

- Maintains the mixed land use pattern of Maroubra Road and the wider Maroubra Junction locality, revitalising an under-utilised site.
- Proposes development that capitalises on the excellent locational attributes of Maroubra Junction, including proximity to services and transport thoroughfares. The development proposes a density that is commensurate to the projected growth in housing supply and public transport connectivity.
- Responds appropriately to the site's frontage to Maroubra Road with an activated street frontage, continuation of the existing street wall to the east and a set back upper floor with rooftop communal open space.
- Has been designed and articulated in a manner that addresses key amenity issues for surrounding properties where reasonably practical, with particular regard to built form, visual amenity, privacy and overshadowing.
- Addresses the existing scale of development to the north, east and west of the development whilst retaining visual privacy and solar access to both neighbouring residents and future residents on the site.
- Does not restrict or compromise the future independent development of the Police Station site, with a robust indicative scheme prepared to demonstrate a development volume that considers adjacent setback alignment, ADG compliance, overshadowing and is commensurate to the scale of development proposed on the subject site.
- Includes rear vehicular access off Piccadilly Place, separating pedestrians from vehicular movement. All servicing and waste collection is provided off Piccadilly Place within the site boundary.

In regard to the characteristics of the site and its location, it is also considered to be highly suitable for the proposal in that:

- The proposal is a mixed-use development comprising retail, commercial and residential uses. Shop top housing is a permissible use in the B2 Local Centre zone.
- It already contains commercial development even though the existing building has reached the end of its life cycle and no longer exhibits design excellence or best practice sustainable design.
- It is capable of being appropriately serviced to accommodate future development of the scale proposed.
- The character of the surrounding area, including the existing built environment, and the likely future character is compatible with and enhanced by the proposal, which is informed by a rigorous envelope planning process to define an envelope that departs from that illustrated in the Maroubra Junction DCP, being proposed to a non-amalgamated site.

## 6.14 Public Interest

The proposed development is in the public interest as it will:

- Deliver an appropriate housing and employment-generating floorspace that suits the context of the locality and addresses the need for housing and employment growth in Randwick City.
- Deliver a development outcome that will be a positive contribution to the ongoing urban renewal of Maroubra Junction.
- The intricate form, massing and articulation of the proposal has sought to retain existing surrounding residential amenity where practical, whilst simultaneously maximising the amenity for future residents of the proposed.
- Provide exceptional internal amenity to the residential component in line with the principles and objectives established by the SEPP 65 and the ADG, delivering a high quality residential offering. The retail and commercial spaces also exhibit high-quality design in line with Council's DCP and integrated with the landscape design.
- Reinvigorate a time-worn development site that currently detracts from the streetscape and does not address the needs of the locality.

## 7.0 Conclusion

The proposed development seeks approval for:

- Site preparation works including demolition of the existing commercial building and bulk earthworks;
- Construction and use of a 9 storey mixed-use development including:
  - 2 x retail tenancies on ground floor
  - 1 x commercial tenancy on Level 1
  - 57 apartments including:
    - 23 x 1 bed apartments
    - 12 x 2 bed apartments
    - 21 x 3 bed apartments
    - 1 x 4 bed apartment
  - 3 level basement with driveway access via easement to Piccadilly Place, including:
    - 89 car parking spaces
    - 27 bicycle parking spaces
    - 5 motorbike spaces
- Landscaping to Level 1 and communal open spaces
- Extension / augmentation of services and utilities as required.
- Lot amalgamation.

The proposal is generally consistent with the relevant environmental planning instruments applying to the site including the Randwick Local Environmental Plan 2012, Randwick Development Control Plan 2013 (including the Maroubra Junction Centre Development Control Plan) and other state policies. A detailed assessment of the environmental impacts has been provided in accordance with Section 4.15(1) of the EP&A Act and the proposal is considered suitable for the site. The application is recommended for approval given the following reasons:

- The proposed development is consistent with the aims and objectives of the Randwick LEP and Randwick DCP as well as the relevant State Environmental Planning Policies. Whilst providing a differing building alignment to that envisaged in the DCP, the proposal has demonstrated that it provides a neutral or better outcome for the site, mindful that it cannot utilise the adjacent site to the immediate west.
- Pre-lodgement consultation was undertaken with Randwick City Council including a meeting on 30 August 2022. The Applicant and the project team have considered all feedback received and this has shaped the design development of the proposal, where reasonable and appropriate.
- The proposed development provides a mix of well-designed, appropriately sized residential apartments and commercial and retail tenancies that regenerate an under-utilised site and improve the Maroubra Road streetscape.
- The high-quality design of the proposed development will provide a high level of residential amenity. The RFB component is consistent with the principles and objectives of State Environmental Planning Policy No. 65 Design Quality of Residential Apartment Development as (SEPP 65) well as the NSW Apartment Design Guide (ADG).
- The intricate form, massing and articulation of the proposed development demonstrates a strong understanding of the site's unique contextual constraints. Specifically, the proposal is a result of thorough analysis of existing adjacent residential development and public domain and seeks to minimise environmental impact. The proposal has demonstrated that overshadowing, view impact, privacy and visual bulk has been minimised with comparison to a compliant envelope scheme and Council's DCP envelope.
- The proposed height departure from Council's LEP has been comprehensively assessed in both this SEE and the accompanying Clause 4.6 Variation Request (analysis noted in the point above). The proposed variation to the maximum building height development standard is considered acceptable in the circumstances of the site and accordance with the flexibility allowed under Clause 4.6 of the Randwick LEP.
- A view sharing scenario is maintained in accordance with the LEP provision, and the view sharing principles established in the matter of Tenacity Consulting Pty Ltd v Warringah Council [2004] NSWLEC140. Viewing impact has been assessed against a compliant LEP + DCP envelope, which will significantly change the viewing currently experienced. The proposed development is not considered to present a significant change to this experience in comparison.

- The Police Station site has been assessed against the LEC's site selection planning principle. The architect has provided a scheme that demonstrates successful and compatible development of this site. The land owner has demonstrated attempts to make a reasonable offer for the land.
- Supporting technical studies that accompany this DA confirm that the proposed development will not give rise to any significant adverse environmental impact, and that any potential impacts can be addressed through appropriate mitigation measures; and
- The proposed development is suitable for the site and is in the public interest.

In light of the merits of the proposed development and in absence of any significant environmental impacts we support this application and recommend its approval.