

DATE OF DETERMINATION	25 June 2024
DATE OF PANEL DECISION	25 June 2024
PANEL MEMBERS	Carl Scully (Chair), Amelia Thorpe, Alice Spizzo, Marea Wilson and Joanne McCafferty
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held by teleconference on 20 June 2024, opened at 2.35pm and closed at 4.28pm.

MATTER DETERMINED

PPSSEC-268 – Randwick – DA/80/2023 at 138 Maroubra Road, Maroubra - Demolition of existing structures and construction of an 8 storey mixed use development with 3 basement levels comprising 56 units, retail and commercial tenancies, 90 car parking spaces, rooftop communal open space, and strata subdivision (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters listed at item 8 in Schedule 1.

Application to vary a development standard

Following consideration of a written request from the applicant, made under cl 4.6 (3) of the Randwick Local Environmental Plan 2012 (LEP), the Panel was not satisfied that:

- a) compliance with cl. 4.3 (Height of Buildings) is unreasonable or unnecessary in the circumstances; or
- b) that there are sufficient environmental planning grounds to justify contravening the development standard

the Panel was not satisfied that:

- a) the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP; and
- b) the development is in the public interest because it is consistent with the objectives of cl. 4.3 (height of buildings) of the LEP and the objectives for development in the E2 Commercial Centre zone; and
- c) the concurrence of the Secretary has been assumed.

Development application

The Panel determined to refuse the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to not uphold the Clause 4.6 variation to building height and to refuse the application for the reasons outlined in the Council Assessment Report.






CONDITIONS

Not applicable

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the Panel. The Panel notes that issues of concern included:

- Traffic generation, queuing/congestion and parking
- Building height and storeys
- Visual bulk
- Overshadowing
- View loss
- Building separation and privacy
- Lack of sustainable measures
- Acoustic impacts
- Economic impact to Pacific Square
- Conflicts with adjoining land uses (childcare and police station)

PANEL MEMBERS	
 Carl Scully (Chair)	 Amelia Thorpe
 Alice Spizzo	 Marea Wilson
 Joanne McCafferty	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSEC-268 – Randwick – DA/80/2023
2	PROPOSED DEVELOPMENT	Demolition of existing structures and construction of an 8 storey mixed use development with 3 basement levels comprising 56 units, retail and commercial tenancies, 90 car parking spaces, rooftop communal open space, and strata subdivision
3	STREET ADDRESS	138 Maroubra Road, Maroubra
4	APPLICANT OWNER	Leigh Manser - Maroubra Property Developments Pty Limited Bonrill Pty Limited
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> Environmental Planning and Assessment Act, 1979 Water Management Act, 2000 State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Sustainable Buildings) 2021 State Environmental Planning Policy (Housing) 2021 and Apartment Design Guidelines Randwick Local Environmental Plan 2012 Draft environmental planning instruments: Draft Remediation of Land SEPP, Draft SEPP (Environment) and Draft Randwick Comprehensive Planning Proposal Development control plans: <ul style="list-style-type: none"> Randwick Development Control Plan 2013 Planning agreements: Nil Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council Assessment Report: 29 May 2024 Clause 4.6 variation – Height of buildings (cl.4.3 of Randwick Local Environmental Plan, 2012) Written submissions during public exhibition: 49 Total number of unique submissions received by way of objection: 49 Verbal submissions at the public meeting: <ul style="list-style-type: none"> Louise Dunn, Santhira Bala, Joanne Bowen, Davone Khamphet, Lauren Ziegler, Ruth Anastasia, Ernest Shum, Mathew Fortunato Consultant Planner (Council) - Gerard Turrisi On behalf of the applicant - Leigh Manser, Tom Goode and Andrew Hipwell, Paul Lailch

8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Council/Applicant Briefing: 11 April 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair) ○ <u>Applicant representatives</u>: Leigh Manser, Andrew MacBride, Aaron Hogan, Andrew Hipwell ○ <u>Council assessment staff</u>: Ferdinando Macri ○ <u>Department staff</u>: Lillian Charlesworth and Suzie Jattan • Council Briefing: 11 July 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), Amelia Thorpe, Alice Spizzo, Marea Wilson, Joanne McCafferty ○ <u>Council assessment staff</u>: Ferdinando Macri ○ <u>Department staff</u>: Carolyn Hunt • Council/Applicant Briefing: 2 November 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), Amelia Thorpe, Alice Spizzo, Marea Wilson, Joanne McCafferty ○ <u>Applicant representatives</u>: Leigh Manser, Aaron Hogan, Andrew MacBride, Paul Lailch, Andrew Hipwell and Tom Goode ○ <u>Council assessment staff</u>: Ferdinando Macri and Frank Ko ○ <u>Department staff</u>: Carolyn Hunt • Council/Applicant Briefing: 8 February 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), Amelia Thorpe, Marea Wilson, Joanne McCafferty ○ <u>Applicant representatives</u>: Leigh Manser, Andrew MacBride, Paul Lailch, Andrew Hipwell, Tom Goode, Simon Hill and Madeline Ryan ○ <u>Council assessment staff</u>: Ferdinando Macri ○ <u>Consultant Planners</u>: Gerard Turrisi ○ <u>Department staff</u>: Carolyn Hunt • Council/Applicant Briefing: 14 March 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), Amelia Thorpe, Alice Spizzo, Marea Wilson, Joanne McCafferty ○ <u>Applicant representatives</u>: Leigh Manser, Andrew MacBride, Paul Lailch, Andrew Hipwell and Tom Goode ○ <u>Council assessment staff</u>: Frank Ko ○ <u>Consultant Planners</u>: Gerard Turrisi and Krystal Narbey ○ <u>Department staff</u>: Carolyn Hunt and Lisa Ellis • Council/Applicant Briefing: 16 May 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair) ○ <u>Applicant representatives</u>: Leigh Manser and Paul Lailch ○ <u>Council assessment staff</u>: Ferdinando Macri ○ <u>Department staff</u>: Carolyn Hunt and Lisa Ellis • Site inspection: 20 June 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), Amelia Thorpe, Alice Spizzo, Marea Wilson ○ <u>Council assessment staff</u>: Ferdinando Macri ○ <u>Consultant Planners</u>: Gerard Turrisi and Krystal Narbey • Final briefing to discuss Council's recommendation: 20 June 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), Amelia Thorpe, Alice Spizzo, Marea Wilson, Joanne McCafferty
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9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Not applicable