



**MINUTES OF RANDWICK DEVELOPMENT ASSESSMENT PANEL  
MEETING OF THE COUNCIL OF THE CITY OF RANDWICK HELD ON  
THURSDAY, 10 MAY 2018 AT 10:03AM**

**Present:**

<b>Chairperson:</b>	Annelise Tuor
<b>Expert Members:</b>	Sandra Robinson; Heather Warton
<b>Community Representatives:</b>	Brenton Thomas (East Ward)
<b>Council Officers present:</b>	
Acting Director City Planning	Mr K Kyriacou
Acting Manager Development Assessment	Mr F Ko
Executive Planner	Ms E FitzRoy

**Declarations of Pecuniary and Non-Pecuniary Interests**

Nil.

**Address of RDAP by Councillors and members of the public**

Prior to consideration of the Agenda by the Panel, deputations were received in respect of the following matters:

D10/18 149-155 MALABAR ROAD, SOUTH COGEE (DA/502/2017) (DEFERRED)

**Applicant** Mr Mark Swain (representing the applicant)

The meeting was adjourned at 10.20am and was resumed at 11.40am.

**Development Application Reports**

**D10/18 Development Application Report - 149-155 Malabar Road, South Coogee (DA/502/2017) (Deferred)**

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**REASONS**

At its meeting on 22 March 2018, the Panel visited the site, considered the submissions and an assessment report (Report) prepared by Council officers. The Panel deferred the application for further information on the compliance of the proposal with the floor space ratio standard in clause 4.4 of Randwick Local Environmental Plan 2012.

The applicant has submitted amended plans, which reduce the FSR of the proposal to comply with this standard. The Panel has considered a supplementary report, which together with the Report, address the relevant matters detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended. The Panel has also considered a further submission, which reiterates the concerns from earlier submissions about the impacts on residential amenity and pedestrian safety from

increased traffic and parking, particularly access to the development off the laneway.

The majority of the Panel agrees with the Report and supplementary report that these and other amenity impacts are reasonable, including: that vehicular access from Garie Place lane is preferred over Malabar Road on the basis of consistency with RDCP which encourages vehicular entries from secondary street frontage where possible; access from Malabar Road could result in greater pedestrian/vehicular conflicts; access from Malabar Road would necessitate a long driveway along the southern side boundary and compromise the provision of deep soil open space; and pedestrian safety in the laneway will be improved through the provision of a new footpath.

Furthermore the majority of Panel agrees that the bulk and scale of the development is consistent with the desired future character of the area as set out in the planning controls.

The panel has amended the conditions of consent to improve pedestrian convenience and safety in Garie Place Lane and ensured that affected property owners are notified when pruning works will be undertaken.

The Panel (by majority vote) supports the exceptions to the height development standard under Clause 4.6 of Randwick Local Environmental Plan 2012 and approves the application by adopting the resolution detailed below.

**RESOLUTION:**

- A. That the RDAP is satisfied that the matters required to be addressed under clause 4.6(4) of Randwick Local Environmental Plan 2012 have been demonstrated and that consent may be granted to the development application, which contravenes the height of buildings development standard in Clause 4.3 of Randwick Local Environmental Plan 2012. The concurrence of the Director of the Department of Planning & Environment may be assumed.
- B. That the RDAP grants development consent under Sections 4.16 and 4.17 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 502/2017 for demolition of existing structures, construction of part 3, part 4 storey residential flat building containing 16 dwellings, basement parking for 22 cars, landscaping and associated works at No 149-155 Malabar Road, South Coogee, subject to the conditions contained in the supplementary report and the following amendments:

**Amend conditions 2, 44 and 68 to read as follows:**

2. The approved plans and documents must be amended in accordance with the following requirements and details provided to the Manager Development Assessment for approval prior to the issuing of a construction certificate:
  - a. Planter boxes having a minimum width of 900mm and a minimum height of 600mm shall be installed along the entire outer perimeter of the roof terrace. The plans including associated landscaped plan shall be amended to reflect this detail and also include details of the proposed vegetation to be installed in the planter boxes.
  - b. The footpath along the southern side of Garie Place Lane shall be extended to connect with Malabar Road.
44. An application for a 'Works Zone' and Construction Traffic Management Plan must be submitted to Councils Integrated Transport Department, and approved by the Randwick Traffic Committee, for a 'Works Zone' to be provided in **Malabar Road** for the duration of the demolition & construction works.

The 'Works Zone' must have a minimum length of 12m and extend for a minimum duration of three months. The suitability of the proposed length and duration is to be demonstrated in the application for the Works Zone. The application for the Works Zone must be submitted to Council at least six (6) weeks prior to the commencement of work on the site to allow for assessment and tabling of agenda for the Randwick Traffic Committee.

The requirement for a Works Zone may be varied or waived only if it can be demonstrated in the Construction Traffic Management Plan (to the satisfaction of Council's Traffic Engineers) that all construction related activities (including all loading and unloading operations) can and will be undertaken wholly within the site. The written approval of Council must be obtained to provide a Works Zone or to waive the requirement to provide a Works Zone prior to the commencement of any site work.

68. These approvals do not imply any right of entry onto a neighbouring property nor does it allow pruning beyond a common boundary; however, where such measures are desirable in the best interests of correct pruning procedures, and ultimately, the ongoing health of these trees, the applicant must negotiate with the neighbours/tree owners for access to perform this work.

A minimum of 2 days written notice of any pruning work shall be given to Council's landscape development officer and the owners of properties that accommodate trees where pruning is to occur.

**CARRIED.**

**A VOTE** was taken and the names of the Panel members voting FOR and AGAINST were as follows:

<b>FOR</b>	<b>AGAINST</b>
Annelise Tuor	Brenton Thomas
Sandra Robinson	
Heather Warton	
<b>Total (3)</b>	<b>Total (1)</b>

**The community representative voted against the resolution for the following reasons:**

The community member of the panel has expressed concerns about the use of Garie Place lane as an access point for the development's car park. Council staff have confirmed that Garie Place is Council property and has been used as a public walkway, while noting that it has been used for vehicle access by a small number of residents for some time. The community member considers from his understanding of traffic flows that there will be increase of up to 400 percent on the current usage of the laneway.

Presenters to the public hearing of the Panel on 22 March 2018 confirmed that the laneway was a major transit point for children accessing bus services and near-by pedestrian crossing points on Malabar Road. The developer also indicated at the public meeting that they had considered a car park access point on Malabar Road that would avoid usage of Garie Place Lane, but were not encouraged to proceed by Council staff. On this basis, the community panel member opposes the development until proper consideration can be given the option of a vehicle access point directly onto Malabar Road.

It is the community member's view that the additional measures put in place by a majority of the panel still do not overcome the problems mentioned above.

## **Miscellaneous Reports**

Nil.

The meeting closed at 11.46am.

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**CHAIRPERSON**