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## Plan finalisation report – PP-2021-4267

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Randwick Local Environmental Plan 2012  
(Amendment No 9) – Randwick Comprehensive  
Planning Proposal

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# Acknowledgment of Country

The Department of Planning and Environment (the Department) acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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# 1 Introduction

## 1.1 Overview

### 1.1.1 Name of draft LEP

Randwick Local Environmental Plan (LEP) 2012 – Amendment No. 9.

### 1.1.2 Site description

**Table 1 Site description**

Site Description	The planning proposal applies to the whole Randwick local government area (LGA) with specific provisions applicable to individual sites or precincts.
Proposal Type	LGA wide
Council / LGA	Randwick City Council

### 1.1.3 Purpose of plan

The draft plan seeks to amend the Randwick Local Environmental Plan (LEP) 2012 to give effect to the strategic directions and priorities of the *Eastern City District Plan* and *Randwick Local Strategic Planning Statement* (LSPS), implement the findings and recommendations of other local strategies and studies, incorporate landowner-initiated rezoning and make miscellaneous amendments.

The objectives of the planning proposal are to:

- *Review the Randwick LEP 2012 to update planning controls to implement the planning priorities and actions of the Randwick LSPS and draft Randwick Housing Strategy.*
- *Provide a range of housing types and housing supply with access to jobs, services and public transport to meet the existing and future demand of the community.*
- *Address and encourage sustainable and resilient development in Randwick City.*
- *Address the key outcomes identified in the [Council's] Environment Strategy including water security and management, biodiversity, urban heat island and renewable energy.*
- *Ensure that the local heritage conservation planning framework is robust, up to date and affords adequate protection for buildings and places that have been identified as having heritage significance.*
- *Address the key relevant outcomes of the [Council's] draft Open Space and Recreation Needs Study, including a review of the RE1 Public Recreation zone objective, land zoning maps and local provisions.*
- *Strengthen Randwick City's cultural life and create a more diverse and inclusive night-time economy.*
- *Provide a range of employment opportunities and contribute to economic growth.*
- *Ensure that individual rezoning requests are considered strategically rather than on an ad-hoc basis.*
- *Actively consult and engage the community on strategic land use plans and policies to ensure the community's views are considered in decision making and planning.*

The proposed amendments to the Randwick LEP 2012 and the Department's assessment at the Gateway stage are detailed in the Gateway determination report.

A summary of the proposed amendments is provided below:

- Facilitate housing by amending the minimum subdivision lot size, minimum lot size and floor space ratios (FSRs) as they apply to certain residential development in the R2 Low Density Residential zone;
- Enable higher density and new land uses in five 'Housing Investigation Areas' (HIAs) and introduce a provision to levy contributions for affordable housing in these locations;
- Encourage sustainable and resilient development, and address key outcomes of Council's Environment Strategy and Open Space and Recreation Needs Study, including water security and management, biodiversity, urban heat island, renewable energy and open space connections and capacity, through amendments to the aims, zone objectives, relevant local provisions and maps;
- Rationalise the zoning and development standards for three existing public open spaces;
- Introduce new zone objectives, new exempt development provisions and changes to local provision to support a more diverse, inclusive day and night-time economy;
- Formalise the zoning to protect 20 existing shop clusters;
- Rationalise the zoning and development standards for existing approved State Significant development and infrastructure;
- Respond to various landowner rezoning requests to rezone or amend height, alternative building height or FSR standards for certain sites, including sites within the Kensington and Kingsford (K2K) Town Centres; and
- Introduce new heritage items, new and changes to heritage conservation areas to implement the findings of the Randwick Heritage Study and Randwick Junction Heritage Study, and address housekeeping matters.

In addition to administrative changes, certain components of the planning proposal have been amended or removed by Council prior to exhibition to satisfy Condition 1 of the Gateway determination:

- Included an explanation of options for implementing the Department's Employment Zones Reform Framework;
- Removed the proposed exempt development provision for non-hosted short-term rental accommodation; and
- Removed the proposed local character provision, mapping and local character statements.

At its meeting on 3 May 2022, Council resolved to endorse the planning proposal and supporting documents for exhibition. The Council resolution included the following additional changes to the proposal. These additional amendments, which were included in the planning proposal exhibited by Council, had not been assessed by the Department at the Gateway stage.

*Volume 1 Objectives and Intended Outcomes 1.2.4 Economic Development (p8) Third bullet - add the words "in Business zones where appropriate" so it reads: "Standardise and extend trading hours for shops and low impact business premises in **Business zones where appropriate**."* [The bolded text is the Department's emphasis.]

Department's comments: This post-Gateway change by Council clarifies that the proposed extended trading hours would apply to in business (employment) zones. The Department considers this as an administrative change.

*Volume 2 A. Planning Proposal Timeline Attachment B. LEP Clause and Schedule Changes Schedule 1 Additional permitted uses*

*1. Use of land at 58-64 Carr Street, Coogee (2) add "in conjunction with the site specific DCP." So this item to read "Development for the purpose of restaurants or cafes is permitted*

with development consent **in conjunction with the site specific DCP.**” [The bolded text is the Department’s emphasis.]

Department’s comments: The Department does not support this change as it introduces a new parameter to the clause, and that the reference to site-specific DCP is not appropriate for Schedule 1 *Additional permitted uses* of the LEP.

#### 1.1.4 State electorate and local member

The site falls within the Coogee, Maroubra and Heffron state electorates. Marjorie O’Neill MP is the State Member for Coogee, Michael Daley MP is the State Member for Maroubra and Ron Hoenig MP is the State Member for Heffron. The site falls within the Wentworth and Kingsford Smith federal electorates. Allegra Spender MP is the Federal Member for Wentworth and Matt Thistlethwaite MP is the Federal Member for Kingsford Smith.

To the team’s knowledge, none of the above MPs have made any written representations regarding the proposal.

There are no donations or gifts to disclose, and a political donation disclosure is not required.

There have been no meetings or communications with registered lobbyists with respect to this proposal.

## 2 Gateway determination and post-Gateway changes

### 2.1 Gateway determination

The Gateway determination issued on 12 September 2021 determined that the planning proposal should proceed subject to conditions. The Gateway determination contained conditions requiring various administrative amendments as well as the following specific changes to the planning proposal prior to exhibition:

- Remove the proposed Exempt Development provision for non-hosted short-term rental accommodation (STRA) (Condition 1.b);
- Remove the proposed local character provision, mapping and local character statements (Condition 1.c); and
- Remove the proposed rezoning of the land at 1903R Botany Road, Matraville from RE1 Public Recreation to RE2 Private Recreation (Condition 1.d).

### 2.2 Gateway determination review

On 5 November 2021, Council lodged a Gateway review request seeking the removal of three conditions - Conditions 1.b, 1.c and 1.d (see above) from the Gateway determination.

On 16 February 2022, the Independent Planning Commission (IPC) issued their advice on the Gateway review, which recommended the proposed rezoning of 1903R Botany Road, Matraville remain in the proposal and that the other two Gateway conditions (1.b and 1.c) remain in the Gateway determination.

### 2.3 Gateway alterations

On 14 December 2021, the Gateway determination was altered to extend the timeframe for reporting of the planning proposal to the Council for a final recommendation to the end of June 2022.

On 2 March 2022, following consideration of the IPC’s advice, the Department altered the Gateway determination to:

- Delete Condition 1.d relating to the rezoning of 1903R Botany Road, Matraville;

- Insert a new condition (Condition 1.m) to require an explanation and mapping to clarify that the reservation of the land at 1903R Botany Road, Matraville for acquisition by Council for Local Open Space purposes will be removed;
- Insert a new condition (Condition 2.d) to require revision of the planning proposal prior to finalisation to include a preliminary site investigation of the land at 1903R Botany Road, Matraville; and
- Amend Condition 5 to require consultation with the Environment Protection Authority.

Under the Gateway determination, the proposal was due to be finalised on 12 September 2022. Council submitted the planning proposal to the Department for finalisation on 20 September 2022.

Council has publicly exhibited the planning proposal as required by the Gateway determination and has considered the submissions.

Pursuant to Section 3.34(8) of the *Environmental Planning and Assessment Act 1979*, the draft LEP can be made as the community consultation requirements have been satisfied.

## 3 Public exhibition and post-exhibition changes

In accordance with the Gateway determination, the proposal was publicly exhibited by Council from 31 May to 12 July 2022.

A total of 317 community submissions were received with 144 (45.5%) supportive of the proposal or supportive subject to changes to the proposal, 137 (43%) opposed to the proposal, 22 (7%) neutral and 14 (4.5%) unsure or did not state a clear position.

### 3.1 Submissions

#### 3.1.1 Submissions supporting the proposal

The 144 submissions in support were received in relation to the following aspects of the proposal:

- housing affordability, diversity and supply, walkable neighbourhoods, support for local businesses and job creation;
- The Housing Investigation Areas (HIAs) would facilitate housing delivery and affordability, address population growth and the resultant housing demand, and meet the Government's housing targets. They would create sustainable and diverse communities that are close to transport, jobs and services, revitalise the economy, support local jobs and businesses and the construction industry;
- The proposed affordable housing contributions are supported; however, some submissions consider that the level of contributions is not sufficient;
- The proposed minimum lot size / dual occupancy controls would contribute to housing supply, diversity and affordability;
- The heritage measures would protect the built heritage within the LGA;
- There is general support for the proposed planning changes relating to open space and recreational uses and the resilience provisions; however, there are also concerns that they are not sufficient; and
- The proposal would revitalise the night-time economy, support the growth of the local economy, create jobs and boost foot traffic.



### 3.1.2 Submissions objecting to and/or raising issues about the proposal

There were 137 submissions from individuals and community groups objecting to and/or raising issues about the proposal. Based on Council's theme-based analysis, the issues raised are summarised in **Table 2** below. For details of the community submissions and Council's response, refer to the business paper of Council's Extra-Ordinary Meeting on 30 August 2022 and Council's Community Consultation Outcomes Report available on Council's website ([link](#)).

**Table 2 Summary of Key Issues**

Issue raised	No. of submissions <sup>1</sup>	Council's response and Department's assessment
<p>Housing Investigation Areas (including affordable housing contributions scheme<sup>2</sup>) related matters, including:</p> <ul style="list-style-type: none"> <li>Amenity impacts, including streetscape appearances, overshadowing, ventilation, local climate, pedestrian amenity and construction impacts;</li> <li>Built form, height and overdevelopment;</li> <li>Environmental and open space related impacts, such as the lack of new open space and loss of trees;</li> <li>Impacts on local and regional infrastructure; transport, traffic and parking impacts; and</li> <li>Concern over design quality and appearance of new buildings and changes to existing character.</li> </ul>	<p>127</p> <p>(38% Supportive or supportive with changes, 50% opposed, 7% neutral and 5% unsure)</p>	<p><b>Council's response:</b></p> <p>Future development in the HIAs will need to address the provisions of State Environmental Planning Policy (SEPP) No. 65 - Design Quality of Residential Apartment Development and the supporting Apartment Design Guide (ADG), clause 6.11 Design Excellence of the Randwick LEP and the Development Control Plan (DCP). These planning controls will ensure that development achieves design excellence, provides adequate amenity (for both existing and proposed developments) and responds appropriately to the existing streetscape and desired future character of the areas.</p> <p>Overshadowing studies have been prepared for each HIA to inform the proposed height controls. The studies indicate that new development would not result in significant increase in overshadowing.</p> <p>The five proposed HIAs are located within convenient walking distance of established open spaces, including Centennial Park, Writtle Park, Paine Reserve and Dacey Gardens. Council's comprehensive DCP review will seek to strengthen controls for open space connectivity, access and environment, and include green infrastructure requirements to help combat urban heats.</p>

<sup>1</sup> The "number of submissions" indicates how many times the key themes/issues were raised in the written submissions, including those supporting or opposing the proposal. The total number in this column exceeds the total number of submissions received, as many submissions provided comments on more than one key theme.

<sup>2</sup> During the finalisation assessment process, the Department also received correspondence raising concerns regarding Council's post exhibition change to increase the affordable housing contribution rates to 10%.



Issue raised	No. of submissions <sup>1</sup>	Council's response and Department's assessment
		<p>The ADG also includes landscaping and deep soil requirements for canopy tree planting and standards on communal and private open space.</p> <p>Council commissioned the <i>Local Transport Study – Randwick Junction and Housing Investigation Areas</i> (Stantec, 2022), which would inform the future public transport, active transport, and local pedestrian, bicycle, and traffic infrastructure and car parking needs of the HIAs.</p> <p>Council has consulted Transport for NSW (TfNSW) and School Infrastructure NSW (SINSW) in developing the plans for the HIAs to ensure infrastructure needs are addressed in supporting future growth.</p> <p>In response to TfNSW's feedback, Council's traffic consultant has completed intersection modelling, which shows that 4 of the 5 intersections will be marginally impacted in the future arising from the additional dwellings and business-related trips. The intersection of Anzac Parade/Alison Road/Dacey Avenue will continue to experience delays particularly in the AM peak and is currently operating at near capacity. Council will continue to work with TfNSW to explore options to optimise performance for this intersection, which is a State-owned asset and a convergence of light rail, buses and traffic.</p> <p><b>Department's assessment:</b></p> <p>The Department considers that Council has adequately addressed the issues raised by the community.</p> <p>Post-exhibition changes have been made in relation to the some of the HIAs as a result of Council's resolution. This is discussed in section 4.1.4 <i>Post exhibition changes</i> of this report.</p>
<p>Dual occupancy and subdivision minimum lot size related matters, including:</p> <ul style="list-style-type: none"> <li>Concern over loss of development potential for lots below 550 sqm;</li> <li>Impacts on local and regional infrastructure, and transport, traffic and parking impacts;</li> </ul>	<p>96</p> <p>(63% Supportive or supportive with changes, 29% opposed, 4% neutral and 4% unsure)</p>	<p><b>Council's response:</b></p> <p>Planning controls are not static and have been reviewed based on detailed design analysis to ensure alignment with changing planning priorities and strategies.</p>

Issue raised	No. of submissions <sup>1</sup>	Council's response and Department's assessment
<ul style="list-style-type: none"> <li>• Amenity impacts, including streetscape appearances, overshadowing, privacy, noise, views and construction impacts;</li> <li>• Environmental and open space related impacts, including lack of new open space areas, loss of trees and issues regarding landscaping and deep soil area controls; and</li> <li>• Concern over design quality and appearance of new buildings and changes to existing character.</li> </ul>		<p>The proposed controls for dual occupancies (attached)<sup>3</sup> were informed by a detailed analysis and could result in an estimated housing yield of 474 dwellings to help meet Council's 6 to 10-year housing target. Council's analysis included considerations of alternative lot sizes, which has found that a minimum lot size standard of 450 sqm would result in significant increase in density in the southern portion of the LGA that is less serviced by public transport and with limited access to shops and services; and that a 650 sqm minimum lot size would not provide the capacity to meet the needs of the growing and diversifying population. In addition, aligning the lot sizes for construction and subdivision to 550 sqm would make such development more appealing and therefore increase the rate of uptake for this type of development, which will contribute to housing supply, diversity and affordability.</p> <p>The proposed minimum lot size was also informed by design testing that considered the requirements for on-site parking, deep soil area, tree canopy, open space as well as potential amenity impacts. Development controls will also be further strengthened as part of the comprehensive DCP review to ensure buildings enhance the quality of the streetscapes of neighbourhoods.</p> <p>The proposal would only result in a moderate amount of additional housing in the southern portion of the LGA and would not cause an unacceptable burden on existing public transport services or the local road network.</p> <p>SINSW, NSW Health and Sydney Water were consulted, and no issues have been raised from these agencies regarding unacceptable impacts on school, health and water infrastructure.</p> <p><b>Department's assessment:</b></p> <p>The Department considers that the community's feedback has been adequately addressed by Council. The planning proposal will align the minimum lot sizes for construction and subdivision of dual occupancies (attached) within the R2 zone, which will be 550 sqm. Currently, the minimum</p>

<sup>3</sup> The proposed controls for dual occupancies (attached) refer to the proposed minimum lot size (development) of 550 sqm. The planning proposal also includes sliding scale floor space ratios of 0.6:1 (for sites of 600 sqm or greater) to 0.65:1 (for sites of 550-600 sqm).

Issue raised	No. of submissions <sup>1</sup>	Council's response and Department's assessment
		lot size for developing a dual occupancy (attached) is 450 sqm; however, the minimum lot size for subdivision is 400 sqm (800 sqm parent lot). The proposal would encourage this type of low-rise medium density housing by reducing the land size for subdivision and helping increase housing supply, diversity and affordability in appropriate locations in the LGA for a range of household types. The proposal will also ensure the planning controls are clear and consistent.
<p>Heritage related matters, including:</p> <ul style="list-style-type: none"> <li>• Opposition to the proposed heritage listing of specific properties<sup>4</sup>; and</li> <li>• Concerns over the heritage listing process.</li> </ul>	<p>68</p> <p>(54% Supportive or supportive with changes, 43% opposed, 3% neutral and 0% unsure)</p>	<p><b>Council's Response:</b></p> <p>Council commissioned an independent heritage study by Extent Heritage that identified places with potential heritage values. The study commenced following an open invitation to the community to nominate properties for investigation by the consultant. The properties recommended for heritage listing by Council's consultant have been assessed in accordance with the NSW Heritage Office criteria, including a review against the degree of representation in the locality, streetscape presentation, integrity and aesthetic quality.</p> <p><b>Department's assessment:</b></p> <p>The Department's Gateway assessment notes that the heritage study by Extent Heritage is a high-level review only and does not provide sufficient justification to introduce new heritage listings. The Gateway determination has required further justification to be provided to support the proposed listing.</p> <p>In response to the Gateway, Council commissioned City Plan Heritage to prepare a set of heritage inventory sheets with assessments against the listing criteria under the NSW Heritage Office manual, <i>Assessing Heritage Significance</i>, 2001. This has satisfied the condition of the Gateway.</p> <p>However, Council's Resolution of 30 August 2022 sought to list 3 properties as heritage items, contrary to the officers' recommendation and the findings of</p>

<sup>4</sup> The Department also received several correspondence opposing the proposed heritage listing of 21 Baden Street, Coogee, during the finalisation assessment process.

Issue raised	No. of submissions <sup>1</sup>	Council's response and Department's assessment
		the heritage inventory sheets. The heritage listing of these properties is not supported. Refer to section 3.3 of this report for further details.
<p>General housing and housing targets related matters, including:</p> <ul style="list-style-type: none"> <li>• General objection to housing targets and increased densities (no specifics provided);</li> <li>• Increased population density and associated impacts on local character, infrastructure, schools, transport and parking;</li> <li>• Impact of population increases on the environment and climate change;</li> <li>• Overpopulation, overcrowding and loss of amenity;</li> <li>• Suggestion that other areas of the State / Sydney Metropolitan Area should take on more growth;</li> <li>• Request that Council push back on the State Government over mandated housing targets; and</li> <li>• Concern over the plan making process and plans not being informed by the community.</li> </ul>	<p>55</p> <p>(49% Supportive or supportive with changes, 44% opposed, 3.5% neutral and 3.5% unsure)</p>	<p><b>Council's response:</b></p> <p>It is important for Council to continue planning for expected future growth in the LGA and manage the local planning framework for additional housing to meet the changing demography and needs, and promote better housing outcomes.</p> <p>Council's endorsed Local Strategic Planning Statement (LSPS) and Local Housing Strategy outline the vision for growth, which seeks to attain a balance between providing the required housing, delivering community benefits and minimising potential development impacts. The proposed HIAs and the minimum lot size standards for dual occupancies in the R2 Low Density Residential zone are two key housing initiatives that would achieve Council's vision and provide for increased housing choice, diversity and affordability.</p> <p>It is the role of strategic planning to manage future change in a suitable and sustainable way. Council has taken a place-based approach and considered the existing and desired character of the areas. The HIAs have been identified based on their proximity to infrastructure and significant employment within the Randwick Strategic Centre. The proposed dual occupancy standards will allow for a moderate increase that addresses the character of the R2 zone.</p> <p>The planning proposal involves amendments to encourage sustainable and resilient development and address the key outcomes outlined in the Randwick Environment Strategy.</p> <p>Planning controls in the Randwick DCP and the Apartment Design Guide will ensure future development delivers amenity to residents without causing unacceptable impacts on the surroundings.</p> <p>Councils within the Central and Western Districts of Greater Sydney have housing targets that exceed those of Randwick.</p>

Issue raised	No. of submissions <sup>1</sup>	Council's response and Department's assessment
		<p>Council has also undertaken a comprehensive communication and engagement program designed to ensure the community was aware of the proposal and was able to provide informed comments.</p> <p><b>Department's assessment:</b></p> <p>The Department considers that Council has adequately addressed the community's feedback.</p>
<p>New rezoning requests, seeking:</p> <ul style="list-style-type: none"> <li>• Spot rezoning;</li> <li>• Inclusion of sites within an HIA boundary;</li> <li>• Changes to proposed controls within an HIA boundary; and</li> <li>• Request sites identified in areas of 'no change' within an HIA to be included for rezoning.</li> </ul>	<p>19</p> <p>(63% Supportive or supportive with changes, 11% opposed, 26% neutral and 0% unsure)</p>	<p><b>Council's response:</b></p> <p>Council has provided a response to submissions regarding each spot rezoning request. The details are in the officer's report to the Ordinary Council Meeting of 30 August 2022. A high-level summary of submissions and council's response is provided below:</p> <ul style="list-style-type: none"> <li>• Objection to proposed rezoning of <u>1903R Botany Road, Matraville</u> from RE1 Public Recreation to RE2 Private Recreation – This is a vacant lot with no public road access, and as such does not readily support use as public open space. The riparian zone of Bunnerong Creek, which traverses the site, will be protected under the <i>Water Management Act 2000</i> in future development.</li> <li>• Objection to proposed rezoning of <u>1401-1409 Anzac Parade, Little Bay</u> (increase FSR from 1:1 to 2:1 and increase building height from 9.5m to 15m) – The site will be identified on the Key Sites Map and subject to clause 6.12 of the Randwick LEP, which requires preparation of a DCP with specific design guidance for the site. The increase in height and density would not create unacceptable traffic impacts.</li> <li>• Objection to the proposed increase in the alternative building height for part of the site from 31m to 51m at <u>558A-580 Anzac Parade, Kingsford (South's Juniors Club)</u> – The proposed amendment would allow additional height at the western portion of the site, while allowing a stepped transition in height towards the low-density residential development to the east along Wallace Street. Council has reviewed</li> </ul>

Issue raised	No. of submissions <sup>1</sup>	Council's response and Department's assessment
		<p>the proponent's planning studies and is satisfied that the change would achieve appropriate streetscape and amenity outcomes.</p> <ul style="list-style-type: none"> <li>Request for rezoning of: <ul style="list-style-type: none"> <li><u>897-897A Anzac Parade, Maroubra</u> from R2 Low Density Residential to R3 Medium Density Residential</li> <li><u>1A Bradley Street, Randwick</u> from R2 Low Density Residential to R3 Medium Density Residential <ul style="list-style-type: none"> <li>– Not supported at this time. A review of transition and buffer areas around town and strategic centres will be undertaken as a separate action under the Housing Strategy.</li> </ul> </li> </ul> </li> <li>Request to include <u>2 Harbourne Road, Kingsford</u> in the Local Centre zone – Not supported at this time as it should form part of a review of the transition and buffer areas around town and strategic centres.</li> <li>Request for rezoning <u>204 Malabar Road, South Coogee</u> from R2 Low Density Residential to R3 Medium Density Residential – Not supported at this time as it should be considered as part of the Maroubra Junction Town Centre Study.</li> <li>Request for rezoning <u>178 Coogee Bay Road, Coogee</u> from R3 Medium Density Residential to E1 Local Centre – Not supported at this time as it should be considered as part of the Local Centres review as per the actions in the Housing Strategy.</li> <li>Request for rezoning <u>26 Goorawahl Avenue, La Perouse</u> from B1 Neighbourhood Centre to R2 Low Density Residential – Any rezoning of this site should be considered in conjunction with the adjoining property at 28 Goorawahl Avenue, as both fall under the same business zone. This should be considered as part of a proponent-led planning proposal to allow for community consultation and feedback.</li> <li>Request for rezoning <u>20 Barker Street, Kingsford</u> with FSR increased to 3:1 and height to 19m – Not supported as the request does not demonstrate sufficient strategic merit.</li> </ul>

Issue raised	No. of submissions <sup>1</sup>	Council's response and Department's assessment
		<ul style="list-style-type: none"> <li>Request to include additional uses for the <u>Royal Randwick Racecourse</u> – Council is of the view that this should be considered as part of a separate planning proposal.</li> <li>Request to include <u>27-29 Boronia Street, Kensington</u> in the Kensington North HIA – Not supported at this time as it should be considered as part of the review of transition and buffer areas of town and strategic centres.</li> <li>Request to include <u>33-43 Boronia Street, Kensington</u> in the Kensington North HIA – Not supported at this time as it should be considered as part of the local centres review.</li> <li>Request to identify <u>1406-1408 Anzac Parade, Little Bay</u> as a Housing Investigation Area with additional height and density, along with the adjacent Land and Housing Corporation estate – Not supported as it does not align with the LSPS and Housing Strategy, given the existing lack of transport infrastructure and that the site is not in proximity to strategic and town centres.</li> <li>Request for rezoning of <u>24 Blenheim Street, Randwick</u> from R3 Medium Density Residential to B2 Local Centre – Not supported as the site is part of the Arthur Street HIA which is envisaged to deliver housing to support the employment hubs at UNSW and the Prince of Wales Hospital.</li> <li>Request for medical uses to be included as an additional permitted use at <u>47 Botany Street, Randwick</u>, increase FSR to 3.3:1 and height to 10-12 storeys, and removal of site amalgamation requirements – Not supported as Council's urban design analysis demonstrates that an 8-storey scale would provide appropriate transition to the surrounding residential areas. Additionally, health related uses are already permissible under the existing R3 zoning and the State Environmental Planning Policy (SEPP) (Transport and Infrastructure) 2021.</li> <li>Request for including commercial premises for <u>471-477 Anzac Parade, Kingsford</u>, and increasing FSR to 2.1:1 and height to 19.5m – This site is within the Kingsford South HIA and is proposed by Council</li> </ul>



Issue raised	No. of submissions <sup>1</sup>	Council's response and Department's assessment
		<p>to be rezoned to E1 Local Centre, which would permit commercial premises. Council proposes a height of 17.5m based on a detailed urban design analysis that has considered the potential amenity impacts. As such, the increases to development standards as requested are not supported.</p> <ul style="list-style-type: none"> <li>Request density and height uplift for <u>3, 5, 25 and 29 Blenheim Street, 24B and 24C Arthur Street and 40 Waratah Avenue, Randwick</u> – Not supported at this time, as HIAs will be reviewed at the 7-year review of the Housing Strategy.</li> <li>Request density and height uplift for <u>40-44 Arthur Street, Randwick</u><sup>5</sup>– Not supported at this time, as HIAs will be reviewed at the 7-year review of the Housing Strategy.</li> </ul> <p><b>Department's assessment:</b></p> <p>The Department considers that Council has adequately addressed the community's feedback and that these post exhibition amendments should be subject to community consultation. These changes could be considered as part of future council or proponent led planning proposals.</p>
<p>Employment Zones Reform related concerns, including:</p> <ul style="list-style-type: none"> <li>Opposition to the re-classification of the existing IN2 Light Industrial zone in Matraville to E4 General Industrial, and associated amenity impacts on nearby residential uses including noise, pollution and traffic;</li> <li>Concerns over freight transport facilities being a mandated use within the E4 General Industrial zone; and</li> </ul>	<p>18</p> <p>(0% Supportive or supportive with changes, 72% opposed, 11% neutral and 17% unsure)</p>	<p><b>Council's response:</b></p> <p>The E4 General Industrial zone permits a range of industrial and manufacturing processes. Council considers that a merit assessment of the potential amenity impacts arising from industrial development could be managed via conditions of consent.</p> <p>The new E4 General Industrial zone includes two new mandated uses that were not permitted under the previous IN2 Light Industrial zone, being freight transport facilities and general industries. These development types generally require heavy vehicles for their operations and subsequently may have a greater impact on surrounding sensitive residential areas. To address this issue, Council proposes a local provision to prohibit development consent</p>

<sup>5</sup> The Department also received correspondence requesting uplift for this site during the finalisation assessment process.

Issue raised	No. of submissions <sup>1</sup>	Council's response and Department's assessment
<ul style="list-style-type: none"> <li>Concerns over warehousing uses increasing in the Matraville industrial area under Complying Development Certificates.</li> </ul>		<p>from being granted for freight transport facilities on land within the E4 General Industrial zone.</p> <p>Council also states that Perry Street, Matraville has a 3.5 tonnage limit, which prevents heavy vehicles from accessing the road. Council imposed this restriction on heavy vehicles to minimise the intrusion of large trucks on local roads and encourage heavy vehicles to use state and regional roads. The existing heavy vehicle restriction, in conjunction with the proposed local provision prohibiting development consent from being granted for freight transport facilities within the E4 General Industrial zone.</p> <p><b>Department's assessment:</b></p> <p>The Department agrees that potential amenity impacts of industrial and warehouse uses within the E4 General Industrial zone could be managed via conditions of development consent in cases where development applications are required for such uses, or the standards and requirements of the SEPP (Exempt and Complying Development Codes) 2008 (Codes SEPP) for complying developments.</p> <p>As part of the Employment Zones Reform, the Department did not agree to Council's local provision to prohibit freight transit facilities in the E4 zone, as this is a state-wide mandated use in this zone. Notwithstanding, to address Council's concerns, Clause 6.23 <i>Articulated vehicle limit – Perry Street, Matraville</i>, is proposed to be inserted into the Randwick LEP. This clause provides that development consent must not be granted for freight transport facilities or warehouse or distribution centres on land within the E4 zone with a frontage or road access to Perry Street, Matraville, which provides access for articulated vehicles. This provision seeks to minimise amenity impacts on nearby residential premises due to the use of heavy articulated vehicles.</p> <p>Further discussion about freight transit facilities and the use of articulated vehicles is provided in Section 4.14 of this report.</p>

Issue raised	No. of submissions <sup>1</sup>	Council's response and Department's assessment
<p>Open space and recreation related matters, including:</p> <ul style="list-style-type: none"> <li>• Additional open space is not being provided to accommodate increased density;</li> <li>• Increasing density will reduce existing open space;</li> <li>• Existing open space is lacking and needs upgrading; and</li> <li>• Existing trees should be protected and new trees planted.</li> </ul>	<p>15</p> <p>(40% Supportive or supportive with changes, 47% opposed, 13% neutral and 0% unsure)</p>	<p><b>Council's response:</b></p> <p>There are existing planning controls to ensure open space is provided in line with increases in density, including the Randwick DCP 2013 and ADG which contains provisions regarding communal and private open space to support residents' recreation needs.</p> <p>Council has been investigating expansion and creation of new public open spaces. The Randwick Section 7.12 Contributions Plan levies on new developments are used, among other things, to fund the provision of public open space and ensure infrastructure keeps pace with development.</p> <p>The Randwick DCP will be reviewed to strengthen requirements for new and replacement tree planting and native vegetation in new developments in line with Council's Environment Strategy. Council is also implementing a range of initiatives that seek to increase tree canopy cover across the LGA.</p> <p><b>Department's assessment:</b></p> <p>The Department considers that Council has adequately addressed the community's feedback. The Department notes that the planning proposal also contains amendments to objectives in the LEP to address open space connectivity in future development.</p>
<p>Environmental resilience related matters:</p> <ul style="list-style-type: none"> <li>• Inadequate protection of native vegetation;</li> <li>• Recommendations for increased vegetation mapping as well as greater targets for deep soil and canopy cover; and</li> <li>• Calls for incentives to be provided to support the implementation of higher BASIX standards and thermal performance.</li> </ul>	<p>10</p> <p>(30% Supportive or supportive with changes, 50% opposed, 20% neutral and 0% unsure)</p>	<p><b>Council's response:</b></p> <p>Council has considered the inclusion of additional mapping layer (steppingstone habitat mapping developed under the Southern Sydney Regional Organisation of Councils' connected corridor mapping project) in the Terrestrial Biodiversity Map. However, it is more appropriate that this mapping layer be considered as part of the DCP to allow for flexibility in response to the changing nature of vegetation mapping.</p> <p>Council is currently reviewing the Randwick DCP 2013 regarding deep soil provision requirements to ensure adequate canopy tree species can be accommodated on development sites. Council is also undertaking a street</p>

Issue raised	No. of submissions <sup>1</sup>	Council's response and Department's assessment
		<p>tree mapping project to assess current tree canopy and to identify opportunities for future canopy tree plantings.</p> <p>Councils cannot set standards inconsistent with the SEPP (Building Sustainability Index: BASIX) 2004. Notwithstanding, Council is reviewing the Randwick DCP to identify areas for sustainability incentives and measures that are not already covered by BASIX, including key sites within business zones.</p> <p><b>Department's assessment:</b></p> <p>The Department considers that Council has adequately addressed the community's feedback.</p>
<p>Economic development related matters, including:</p> <ul style="list-style-type: none"> <li>• Potential amenity impacts on residents as a result of neighbourhood cluster rezonings;</li> <li>• Rezoning of neighbourhood clusters will undermine the hierarchy of town centres; and</li> <li>• Impacts of night-time economy proposals on street parking.</li> </ul>	<p>10</p> <p>(30% Supportive or supportive with changes, 40% opposed, 30% neutral and 0% unsure)</p>	<p><b>Council's response:</b></p> <p>The proposed rezoning of existing clusters of shops seeks to rationalise the zoning to reflect existing land uses. The proposal does not seek changes to the existing height limits. Any uplift resulting from the proposed increase in FSR (from 0.5:1 to 1.1) would be generally confined to the rear of the site without additional overshadowing impacts. Impacts on traffic and parking are expected to be minimal as only clusters within reasonable access to public transport are identified for rezoning.</p> <p>Council proposed a new local provision requiring development considers the smaller scale, fine grained character of neighbouring centres.</p> <p>There are different types and extent of mitigation measures to address potential on-street parking impacts, including extension of residential parking scheme in impacted areas and providing 5 to 10-minute time limit parking spaces after the peak hour restrictions to support visitors/customers.</p> <p>The proposed extended trading hours apply to low impact businesses only and would not apply to businesses that have the potential to create noise, such as licensed premises, gymnasium and food and drink premises.</p>

Issue raised	No. of submissions <sup>1</sup>	Council's response and Department's assessment
		<p><b>Department's assessment:</b></p> <p>The Department considers that Council has adequately addressed the community's feedback.</p> <p>The Department agrees with Council that the proposed trading hours provisions proffer a balanced approach by facilitating greater flexibility for low impact businesses to operate later, diversifying the night-time economy and contributing to a safer public domain, while ensuring that amenity impacts are capable of being minimised through compliance.</p> <p>Amending the Codes SEPP to vary the application of section 2.46C regarding hours of operation and trading in the Randwick LGA to allow extended trading hours for low impact uses is a more appropriate mechanism than amending the LEP to implement Council's policy intent. Refer to further discussion in Section 4.1.4 of this report.</p>
<p>Objections to:</p> <ul style="list-style-type: none"> <li>• The rezoning of 1903R Botany Road, Matraville as the site acts as a buffer between the residential and industrial zones;</li> <li>• The proposed rezoning of 1401-1409 Anzac Parade, Little Bay due to overshadowing and traffic; and</li> <li>• The proposed alternative building height at 558A-580 Anzac Parade, Kingsford (Souths Juniors site) due to impacts on adjoining property and streetscape.</li> </ul>	<p>3 (100% opposed)</p>	<p><b>Council's response:</b></p> <p><u>1903R Botany Road, Matraville:</u> The current and previous landowners offered the site for Council's acquisition in accordance with the LEP provisions for RE1 zoned land. In June 2019, Council advised that it was not able to purchase the land. The site has no formal road access and sits adjacent to an industrial precinct and road reserve. It has never been publicly accessible due to its private ownership status, and constrained site access with high perimeter fencing.</p> <p>The site acts as a buffer between existing industrial uses and residential development along Moorina Avenue. Bunnerong Creek traverses across the northern portion of the site. Under the <i>NSW Water Management Act 2000</i>, a riparian zone would be required in future development to protect the transition between the terrestrial environment and the watercourse. As such, an environmental buffer would continue to be provided for the nearby residential uses.</p> <p><u>1401-1409 Anzac Parade, Little Bay:</u> Council proposes to identify the site on the Key Sites Map, which would be subject to Clause 6.12 of the Randwick LEP; that would require a DCP with specific design guidance to be prepared</p>

Issue raised	No. of submissions <sup>1</sup>	Council's response and Department's assessment
		<p>for the site prior to the granting of development consent. The DCP provisions could address amenity issues such as overshadowing, privacy (including acoustic privacy and noise protection from adjoining dwellings and surrounding uses) traffic and site access.</p> <p><u>558A-580 Anzac Parade, Kingsford</u>: The proposed amendment to the alternative building height control incorporates an appropriate transition in scale to the low-density development to the east of the site along Wallace Street. Council has considered a detailed massing study and indicative plans provided by the landowner, which demonstrate the change would result in an appropriate urban design and amenity outcome. Any potential overshadowing created by a future tower building would primarily affect the Anzac Parade road corridor.</p> <p><b>Department's assessment:</b></p> <p>The Department considers that Council has adequately addressed the community's feedback.</p> <p>In relation to the rezoning of 1903R Botany Road, Matraville, the Gateway determination issued by the Department required the removal of the rezoning from the proposal (condition 1.d). The Department did not support the rezoning as there was insufficient justification as to why the site is no longer needed to meet public open space and recreation needs in the LGA, and the concern that the rezoning to RE2 does not guarantee public access to an open space or recreation facilities that may be provided.</p> <p>On 16 February 2022, the Independent Planning Commission (IPC) issued Gateway review advice, which recommends the Gateway determination be altered to delete condition 1.d. The advice states that the site is comparatively small, fully fenced and is physically isolated, it has been inaccessible to the public for a considerable period of time and rezoning the land to RE2 may facilitate the redevelopment of the site for a use that would serve the recreational and social needs of the community.</p>

Issue raised	No. of submissions <sup>1</sup>	Council's response and Department's assessment
		Following consideration of the IPC advice, the Department issued an alteration to the Gateway determination to remove condition 1.d in March 2022.



## 3.2 Advice from agencies

In accordance with the Gateway determination, Council was required to consult with agencies listed below:

- Commonwealth Department of Infrastructure, Transport, Regional Development and Communication;
- Commonwealth Department of Agriculture, Water and Environment;
- Sydney Airport Corporation;
- Airservices Australia;
- Civil Aviation Safety Authority (CASA);
- Environment, Energy and Science (EES) Group of the Department (currently the Environment and Heritage Group);
- Environment Protection Authority (EPA);
- Transport for NSW (TfNSW);
- Centennial Park and Moore Park Trust;
- Randwick Racecourse Trust;
- Land and Housing Corporation (LAHC);
- La Perouse Local Aboriginal Land Council;
- Heritage NSW (currently the Environment and Heritage Group);
- Sydney Water Corporation;
- Ausgrid;
- Bayside Council;
- Waverley Council; and
- Woollahra Municipal Council.

A total of 18 agencies provided submissions (including agencies not listed above), as outlined in **Table 3** below. For details of the agency submissions and Council's response, refer to the agenda paper of Council's Extra-Ordinary Meeting of 30 August 2022.

**Table 3 Advice from public authorities**

Agency	Advice	Council response
Commonwealth Department of Infrastructure, Transport, Regional Development and Communication	<p>Future development at the Souths Juniors site, Kingsford, and the five proposed HIAs have the potential to penetrate the Obstacle Limitation Surface (OLS) and would therefore constitute a "controlled activity" under the <i>Airports Act 1996</i> and <i>Airports (Protection of Airspace) Regulations 1996</i> and would require Commonwealth approval.</p> <p>Future development should be undertaken in a manner that physically reduces noise impacts from aircraft noise.</p> <p>The Prince of Wales Hospital has a helipad that may be impacted by future development. Council should consult with</p>	The issues raised are matters for assessment for future development applications.

Agency	Advice	Council response
	<p>the hospital regarding any potential impacts on helipad operations.</p> <p>Council should assess the potential lighting impact on the operation of Sydney Airport; future development applications may be required to be referred to the Civil Aviation Safety Authority (CASA) for detailed advice and assessment.</p>	
Sydney Airport Corporation	<p>Future developments at the Souths Juniors Site, Kingsford, and the Arthur Street and Kingsford South HIAs have the potential to penetrate the OLS and may constitute a “controlled activity” under the <i>Airports Act 1996</i> and <i>Airports (Protection of Airspace) Regulations 1996</i> and require Commonwealth approval.</p> <p>Some proposed development may be located within Sydney Airport’s ANEF 20 contour, which means Council would need to consider aircraft noise related issues in accordance with Clause 6.9 <i>Development in areas subject to aircraft noise</i> of Randwick LEP 2012.</p>	The issues raised are matters for assessment for future development applications.
Airservices Australia	No specific comments were provided. All subsequent developments proposed to be built, or use of cranes during construction, may require separate assessment.	The issues raised are matters for assessment for future development applications.
Civil Aviation Safety Authority (CASA)	No objections to the planning proposal. CASA will continue to assess buildings (and cranes) that will infringe prescribed airspace under the <i>Airports (Protection of Airspace) Regulations 1996</i> on a case-by-case basis on receipt of an Invitation to Comment from Sydney Airport.	The issues raised are matters for assessment for future development applications.
Environment and Heritage Group (EHG) of the Department of Planning and Environment	<p><u>Biodiversity</u></p> <p>EHG notes that the land the subject of the proposal is in an urban area but could provide steppingstone habitat between pockets of remnant native vegetation for some threatened entities listed under the Biodiversity Conservation Act 2016 (BC Act).</p> <p>EHG notes that the planning proposal land contains various trees; based on the information provided, it cannot ascertain</p>	<p><u>Biodiversity</u></p> <p>The Southern Sydney Regional Organisation of Councils (SSROC) led a connected [habitat] corridor project which includes mapping of habitat corridor within the Randwick LGA. This mapping will be included in Council’s DCP, which is being prepared.</p> <p>Council previously considered including this mapping to form part of the LEP map layer for terrestrial</p>

Agency	Advice	Council response
	<p>whether any significant biodiversity values are present.</p> <p>An assessment of the triggers for entry into the Biodiversity Offset Scheme (BOS) should be provided to understand the likely level of ecological assessment that may be required.</p> <p>Native vegetation mapping would provide a better indication of biodiversity values.</p> <p><u>Flooding</u></p> <p>EHG considers that the Randwick HIA Flood Constraints Review report to be reasonable for the purposes of the planning proposal, and recommends Council to consider its findings.</p> <p><u>Kamay Botany Bay National Park</u></p> <p>EHG supports for the proposed realignment of the Botany Bay National Park Heritage Conservation Area (HCA) with the boundaries of the equivalent item listed on the State Heritage Register.</p> <p>It notes that the C1 National Parks and Nature Reserves zone will continue to apply in addition to section 2.73 of the SEPP (Transport and Infrastructure) 2021.</p> <p>It recommends Council consider updating the name of the heritage conservation area to reflect the current name of the National Park and thereby acknowledge the traditional owners of the land.</p>	<p>biodiversity. However, Council considers that by so doing would cause confusion as to what vegetation is protected under the NSW Biodiversity Conservation Act and what areas are part of the local habitat corridor.</p> <p><u>Flooding</u></p> <p>The HIAs Flood Constraints Review concludes that the proposal is generally consistent with the Ministerial Directions for flood planning. The Randwick DCP 2013 contains flood related measures to ensure land is developed in accordance with clause 5.21 Flood planning of the Randwick LEP. A comprehensive review of the DCP is being undertaken by Council, with new controls proposed to the HIAs to address and manage flood relating impacts.</p> <p><u>Heritage</u></p> <p>The renaming of the Botany Bay National Park HCA aligns with Planning Priority 5 of Council's LSPS, which seeks to safeguard and celebrate Indigenous cultural heritage. The final proposal has been updated to amend the HCA's name to "Kamay Botany Bay National Park Heritage Conservation Area".</p>
Heritage NSW	<p>Heritage NSW encourages the listing of local heritage. It supports the proposed boundary alignment of the Botany Bay National Park HCA with the curtilage of the equivalent item on the State Heritage Register. No specific advice on the proposed local heritage listing.</p>	<p>Noted.</p>
Environment Protection Authority (EPA)	<p><u>Water quality</u></p> <p>EPA agrees with the proposed amendments to 'Clause 6.4 Stormwater management' to consider water sensitive urban design matters and recommends a further amendment to require the consent authority to be satisfied that development implements principles contained in the</p>	<p><u>Water quality</u></p> <p>The proposed amendment to the LEP will be further supported by new objectives and controls in the Randwick DCP 2013. The provisions of the <i>Risk-based Framework for Considering Waterway Health Outcomes in Strategic Land-use</i></p>

Agency	Advice	Council response
	<p><i>Risk-based Framework for Considering Waterway Health Outcomes in Strategic Land-use Planning Decisions</i> (EPA and Office of Environment and Heritage, 2017).</p> <p><u>Employment zone reform</u></p> <p>EPA recommends that the translation of industrial zone from IN2 Light Industrial to E4 General Industrial for the Matraville area be informed by consideration of whether this may result in activities requiring an Environment Protection License (EPL) from the EPA. Consideration should also be given to whether the translation may increase the chance of land use conflict between intensive industrial uses and nearby sensitive receivers.</p> <p><u>Night-time economy</u></p> <p>The proposed exempt development provisions to extend trading hours for low impact businesses may result in adverse noise impacts on sensitive receivers; there is a greater risk of this occurring in the context of infill development. EPA suggests Council to be guided by the Noise Guide for Local Government (EPA, 2013) to ensure these potential impacts are considered at the strategic planning stage.</p>	<p><i>Planning Decisions</i> will be considered as part of Council's DCP review.</p> <p><u>Employment zone reform</u></p> <p>Any requirement for an EPL will be addressed at the development application stage. The final planning proposal includes a local provision to manage the potential impacts of freight transport facilities on nearby residential uses.</p> <p>(<b>Note:</b> further consideration of this aspect will be provided in section 4.1.4 of this report.)</p> <p><u>Night-time economy</u></p> <p>The proposed exempt development provisions are limited to low impact businesses only, and these premises must comply with any existing conditions of consent relating to noise, parking, loading and waste management. Uses that have a higher potential to create amenity and noise impacts, such as food and drink premises, gyms and licenses premises are not permitted to utilise the proposed provision.</p>
<p>Greater Sydney Parklands (GSP) (on behalf of Centennial Park and Moore Park Trust)</p>	<p>GSP supports LEP provisions that better align with the <i>50 Year Vision for Greater Sydney's Open Space and Parklands</i> and relevant state and local strategic plans. These include the proposed strengthening of open space requirements and creating new open space; additional RE1 zone objective to facilitate public access; and amendments to clause 6.12 Development requiring the preparation of a development control plan to address urban heat island effect and the capacity and connection to existing open space.</p> <p>It recommends a minor change to part (a), clause 1.2 Aims of Plan of the Randwick LEP to make reference to connections to open space in fostering a liveable city.</p>	<p>Noted. The final proposal has been amended to include the recommended amendment to clause 1.2 Aims of plan of the Randwick LEP.</p>

Agency	Advice	Council response
<p>Australian Turf Club (ATC), as operators of the Randwick Racecourse on behalf of the Randwick Racecourse Trust</p>	<p><u>Night-time economy</u></p> <p>ATC recommends the proposed exempt development provisions relating to small scale cultural activities and extended trading hours to be applied to RE1 Public Recreation zoned land.</p> <p><u>Temporary structures</u></p> <p>ATC raised concerns regarding the proposed area limitation on temporary structures (i.e. combined total of 200 sqm) relating to special event and temporary use of land, which would impact on-going events at the racecourse.</p> <p><u>West Randwick HIA</u></p> <p>There is no objection to the proposed land use and built forms controls for the West Randwick HIA, provided traffic impacts on Alison Road can be managed, and that future development does not adversely affect day-to-day operations of the racecourse and race and non-race day events on the site. Future development applications for residential purposes will need to consider the operational aspects of the racecourse and its functional requirements.</p> <p><u>Heritage</u></p> <p>There is no objection to the proposed local heritage listing of the Tramway Turnstile Building Complex, provided this does not place any additional obligations on ATC regarding the ongoing maintenance of this item and that its listing does not hinder any future redevelopment aspirations of the ATC elsewhere on the site.</p> <p><u>Additional permitted uses</u></p> <p>ATC requests Council to consider the inclusion of additional permitted uses on the racecourse site, being entertainment facilities, food and drink premises and commercial premises (note: the above is based on a separate, draft proponent-led planning proposal, which was prepared by ATC, but has not been endorsed by Council for Gateway).</p> <p><u>Opportunity site</u></p>	<p><u>Night-time economy</u></p> <p>The proposed exempt development provisions seek to support the functioning of the business zones and not the RE1 Public Recreation zone.</p> <p><u>Temporary structures</u></p> <p>The planning proposal has been amended to remove reference to the maximum area of temporary structures. This post-exhibition change by Council is to avoid inconsistency with the Codes SEPP, which specifies a maximum combined area of 300 sqm for temporary structures.</p> <p><u>West Randwick HIA</u></p> <p>Council does not consider the proposed planning controls for the West Randwick HIA will result in unacceptable impacts on the existing operations of the racecourse.</p> <p>Existing conditions of consents for developments and activities at the racecourse that relate to the management of potential amenity impacts will continue to apply as the HIA is redeveloped.</p> <p><u>Heritage</u></p> <p>Council's heritage assessment has found that the Tramway Turnstile Building Complex satisfies relevant criteria for local heritage listing. Any future development of the subject building itself or in proximity to the site will require consideration of its potential heritage impacts in accordance with the provisions of clause 5.10 Heritage conservation of the Randwick LEP as well as relevant provisions in the DCP.</p> <p><u>Additional permitted uses and opportunity site</u></p> <p>Council notes that a formal planning proposal for the additional permitted uses has not been received. Council</p>

Agency	Advice	Council response
	<p>ATC requests Council to recognise land parcels on High Street that are within the racecourse as “opportunity sites”.</p>	<p>does not support the inclusion of the additional permitted use as part of the subject planning proposal.</p> <p>Council did not respond specifically to the ATC’s suggestion for identifying parts of the racecourse as “opportunity sites”. The Department considers that this matter should form the subject of a separate proposal based on more detailed analysis.</p>
<p>Transport for NSW (TfNSW)</p>	<p><u>Pre-exhibition consultation</u></p> <p>In summary, TfNSW:</p> <ul style="list-style-type: none"> <li>Queried the discrepancy relating to dwelling numbers between the planning proposal and Council’s <i>Local Transport Study</i>.</li> <li>Provided technical feedback on the <i>draft Local Transport Study</i>, including vehicle trip generation rates, mode share assumptions, and the need for intersection and traffic modelling, etc., as well as the recommendations contained therein.</li> <li>Raised the issue that there is no certainty that any of the public/active transport measures in the <i>draft Local Transport Study</i> will be feasible to achieve the recommended mode share targets for future residents.</li> <li>Supported a review of Council’s car parking management and suggested the inclusion of maximum parking rates in the DCP.</li> <li>Advised that Belmore Road is a principal axis for transit operations within Randwick Junction and any active transport works would need to respect this character.</li> <li>Made recommendations regarding HIAs including: setting maximum parking rates to encourage trips by walking, cycling and public transport; ensuring future development provides adequate off-street loading and servicing to avoid increased demand for on-street servicing; and providing</li> </ul>	<p>The HIAs have been informed by the findings of the draft Local Transport Study, which provides recommendations regarding transport infrastructure and service improvements to support uplift.</p> <p>Council’s response is summarised below. In summary, Council:</p> <ul style="list-style-type: none"> <li>Provided clarification about the origin of the dwelling figures and accounted for the discrepancy between documentation.</li> <li>Addressed and resolved the technical issues with the draft Local Transport Study before exhibition.</li> <li>Will investigate the feasibility of achieving the mode share targets for the HIAs.</li> <li>Will consider TfNSW’s recommendations, including maximum parking rates and measures to encourage active and public transport as part of the DCP review. TfNSW will be consulted as part of this review.</li> <li>Will maintain the character of Belmore Road as part of any future active transport studies for the area.</li> </ul> <p>Council’s traffic consultant has completed traffic modelling of five key intersections near the uplift areas. The results show that four of the five intersections will be</p>



Agency	Advice	Council response
	<p>adequate end of trip facilities in future development.</p> <p><u>Post-exhibition comments (on SIDRA Modelling)</u></p> <p>It provided technical comments on Council's SIDRA modelling and report, which cover matters such as high density retail trip rates, peak flow factors, road speed limits and per annum trip growth, etc.</p>	<p>marginally impacted by the additional dwellings and business-related trips.</p> <p>The intersection of Anzac Parade / Alison Road / Dacey Avenue is currently operating at capacity and will continue to experience delays particularly in the AM peak. As this key intersection is a state-owned asset, which is a convergence of light rail, bus and private vehicle traffic, Council will continue to work with TfNSW to explore options for intersection reconfiguration or upgrade to optimise performance.</p> <p><b>Note:</b> The Department understands that there have been further discussions between Council and TfNSW in relation to the latter's technical comments. Council advised that most of the technical comments have been resolved and the changes to the SIDRA model would not affect the outcomes and recommendations of the draft Local Transport Study and Council is satisfied that the existing study is sufficient to support the HIA component of the proposal.</p>
TfNSW Property Group - Commercial, Performance & Strategy Infrastructure and Place	<p>No issues were raised, as the suburbs/areas affected by the proposal are not near the freight rail corridor in the Randwick LGA (there is a short section of freight rail line at Port Botany that is within the LGA).</p>	<p>Noted.</p>
Land and Housing Corporation (LAHC)	<p><u>Minimum lot size</u></p> <p>The proposed increase in the minimum lot size for dual occupancies (attached) under clause 4.1C of the Randwick LEP from 450 sqm to 550 sqm would decrease housing affordability and supply.</p> <p><u>47-55 Bunnerong Road, Kingsford</u></p> <p>There are concerns over the proposed planning controls (a building height of 5 storeys and an FSR of 1.6:1) for the LAHC-owned site at 47-55 Bunnerong Road, Kingsford, which is within the Kingsford South HIA. The uplift envisaged by Council</p>	<p><u>Minimum lot size</u></p> <p>Council states that the proposed planning controls have been informed by detailed analysis that factored in the capacity and location of the new housing. The proposed changes to align the minimum lot sizes for construction and subdivision would make dual occupancies more appealing for landowners, and therefore is expected to increase the rate of uptake for this type of development. This will in turn contribute to housing supply,</p>



Agency	Advice	Council response
	<p>would not support economically feasible redevelopment.</p> <p>LAHC requests amendments to facilitate the renewal and increase of social housing on the site based on an 8-storey (28m) height limit and an FSR of 2:1 (plus the bonus FSR for social housing of 0.5:1 under the Housing SEPP). Alternatively, the site should be deferred to allow a separate planning proposal to be prepared.</p>	<p>affordability and diversity, while protecting the character of the R2 Low Density Residential zone.</p> <p><u>47-55 Bunnerong Road, Kingsford</u></p> <p>On 3 August 2022, Council officers met with LAHC's representatives, who advised that the proposed controls would not provide sufficient yield. Deferral of the site from the proposal will allow for further planning investigation of the site in collaboration with LAHC. The deferral is not expected to impact significantly on the delivery of housing in the LGA. The proposal has been amended to require the preparation of a site-specific DCP, prior to any redevelopment of the site.</p> <p>Note: The Department does not support the identification of the subject land on the Key Sites Map when there are no changes to the existing development standards. Further discussion on this matter is provided in Section 4.1.4 of this report.</p>
Sydney Water Corporation	<p>In summary, Sydney Water:</p> <ul style="list-style-type: none"> <li>• Supports Council's vision for growth in a sustainable and resilient manner and will collaborate with Council on water management and conservation initiatives.</li> <li>• Notes the more stringent requirements for large scale residential development regarding water conservation, renewable energy and mitigation of the heat island effect, and to have a greater focus on stormwater treatment within development sites to improve the water quality of beaches and waterways.</li> <li>• Notes Council's dwelling yield forecast, which will be used to inform future servicing strategies for the Randwick LGA.</li> <li>• Requests updated advice from Council on the anticipated yearly growth as it becomes available.</li> </ul>	<p>Noted. Council will liaise with Sydney Water regarding market uptake of the proposed uplift as the information becomes available.</p>

Agency	Advice	Council response
Bayside Council	<p>In summary, Bayside Council:</p> <ul style="list-style-type: none"> <li>• Supports the new provisions to promote environmental resilience, measures to preserve heritage and changes to protect open space, parks and playgrounds.</li> <li>• Raises concerns about potential impacts from future developments within the Kingsford South HIA on the heritage significance of the Daceyville Heritage Conservation Area and Dacey Garden Reserve and Substation. A heritage impact assessment should be undertaken, which should include analysis of the potential overshadowing and impacts on heritage items in the immediate vicinity. The proposal should be amended to minimise any identified impacts on heritage items.</li> <li>• Raises concerns that the proposed 5- to 6-storey height in the Kingsford South HIA would not provide an appropriate transition to the low-density housing in Daceyville. Council recommends further evidence-based analysis to consider the scale and built form of Daceyville.</li> <li>• Suggests that assumptions in the <i>Local Transport Study</i> around expected modal shift to public transport should be further investigated. This is to determine the impacts of vehicle movements based on the full development potential of the area. It should also address the traffic impacts on Gardeners Road, and connectivity to the broader transport infrastructure (such as WestConnex) that have the potential to affect the Bayside LGA.</li> <li>• Suggests that the cumulative traffic and heritage impacts including those from the Kensington and Kingsford Town Centres be considered.</li> <li>• Identifies that two shop clusters proposed to be rezoned to E1 Local Centre zone and applied with an increased FSR of 1:1, adjoin the</li> </ul>	<p><u>Potential impact on Daceyville HCA</u></p> <p>The two sites within the Kingsford South HIA that have direct interface with the Daceyville HCA are 47-55 Bunnerong Road and 1-5 Sturt Street, Kingsford.</p> <p>In response to submissions received, Council resolved to defer the proposed increase to height and FSR standards for 47-55 Bunnerong Road (LAHC site). There will be opportunities to address the heritage impacts on the Daceyville HCA as part of the future planning investigation for the LAHC site.</p> <p>Regarding 1-5 Sturt Street, specific provisions can be included in the Randwick DCP to mitigate potential impacts on the Daceyville HCA. Council has reviewed solar analysis previously undertaken for all HIAs; due to the width of Bunnerong Road, there would be no overshadowing of buildings within the Daceyville HCA between 9am and 3pm on 21<sup>st</sup> June.</p> <p><u>Transport and traffic</u></p> <p>The <i>Local Transport Study</i> has investigated several scenarios for the HIAs and included measures to encourage modal shift towards more active transport options to reduce impacts of growth at the municipal scale. The transport related provisions within the Randwick DCP will be updated to encourage active transport and reduce private car trips, as informed by the recently completed <i>Randwick Integrated Transport Strategy</i>. .</p> <p><u>Exempt Development provisions</u></p> <p>The proposed Exempt Development provisions are unlikely to result in significant negative impacts. Clause 6.13 Business premises, office premises, restaurants or cafes and shops in residential zones of the Randwick LEP 2012 already permits a variety of businesses in residential</p>

Agency	Advice	Council response
	<p>Bayside LGA. There are concerns about impacts from the proposed extended trading hours exempt development provisions, and provisions to allow art galleries and studios in the residential zones.</p>	<p>zones, which are accommodated within existing buildings purposefully designed or constructed for such uses. Clause 6.13 also requires the consent authority to consider residential amenity impacts in determining whether to grant development consent.</p>
State Emergency Service (SES)	<p>In summary, SES:</p> <ul style="list-style-type: none"> <li>Notes that some areas within the 5 HIAs are prone to flash flooding. It refers to the provisions of section 9.1 Direction and the principles of the <i>NSW Floodplain Development Manual, 2005</i>, which must be considered when assessing the merits of the proposal.</li> <li>Provides a set of site-specific recommendations to minimise the risk to life for inclusion within the DCP. These include, among other things, setting minimum habitable floor levels for residential and commercial uses above the Probable Maximum Flood (PMF) level, and requiring that sensitive uses are not located within the PMF.</li> </ul>	<p>Council's <i>Flood Constraints Review</i> for the HIAs concludes that the proposal is generally consistent with the Ministerial Direction for flood planning.</p> <p>The Randwick DCP 2013 contains flood related measures to ensure land is developed in line with clause 5.21 Flood planning of the Randwick LEP. A comprehensive review of the DCP is under way with new controls being proposed to the HIAs to address and manage potential flood relating impacts.</p>
School Infrastructure NSW (SINSW), Department of Education	<p>In relation to the HIAs, the enrolment demand resulting from future development can likely be accommodated within the existing schools in the LGA.</p> <p>In cases of sustained and stable enrolments that are unable to be met through expanded facilities in existing schools, new schools will be provided, as necessary, having regard to the context and prioritisation of needs across the state.</p> <p>SINSW will work with Council to ensure schools are supporting community needs and continue to be appropriately resourced to respond to student population changes. SINSW requests on-going engagement with Council regarding any future growth and change identified for the locality.</p> <p>SINSW is generally supportive of Council's <i>Local Transport Study</i> (for Randwick Junction and the HIAs) to investigate</p>	<p>Council will liaise with SINSW whenever new population growth is planned for the LGA.</p> <p>Council is committed to delivering quality transport planning within the LGA and will utilise the Movement and Place Framework, among other things.</p>

Agency	Advice	Council response
	additional pedestrian prioritisation and active transport measures. It requests transport planning for the LGA to be guided by the NSW Government's Movement and Place Framework (MAPF) and its Built Environment Performance Indicators.	
South-Eastern Sydney Local Health District (SESLHD), NSW Health	<p>In summary, the South-Eastern Sydney Local Health District:</p> <ul style="list-style-type: none"> <li>• Supports provisions that relate to environmental resilience and the capacity and connectivity of open space, as well as rezoning of land to RE1 Public Recreation in Kingsford, Little Bay and Randwick.</li> <li>• Welcomes the proposed exempt development provision for extended trading hours for low impact uses that exclude licensed premises.</li> <li>• Supports the rezoning of the Randwick Hospital campus site to SP2 Health Services Facility to accommodate new research and education facilities.</li> </ul>	Noted.
NSW Ports	<p>In summary, NSW Ports:</p> <ul style="list-style-type: none"> <li>• Supports the transition of IN2 Light Industrial zone to E4 General Industrial zone.</li> <li>• Opposes the proposed rezoning of 1401-1409 Anzac Parade, Little Bay (increased FSR from 1:1 to 1.2:1 and height from 9.5m to 15m), as: <ul style="list-style-type: none"> <li>○ The intensification of the land use would increase exposure or susceptibility of future development to impacts (e.g. noise) from industrial and port-related operations in the area.</li> <li>○ Existing Council policy does not include appropriate housing design measures to address amenity impacts from Port Botany and surrounding industrial areas.</li> </ul> </li> </ul>	<p>The site at 1401-1409 Anzac Parade, Little Bay would be included on the Key Sites Map and subject to Clause 6.12 Development requiring the preparation of a development control plan of the LEP. This would require a DCP to be prepared prior to redevelopment, which could incorporate design guidance to address potential amenity impacts.</p> <p>Redevelopment of the site for a residential flat building or shop top housing would be subject to the Apartment Design Guide, which specifies acoustic privacy requirements.</p> <p>The proposal is not expected to create unacceptable traffic impact.</p> <p>The inclusion of noise related criteria in Council's planning controls will be considered as part of the</p>

Agency	Advice	Council response
	<ul style="list-style-type: none"> <li>○ The proposal will increase residential traffic passing through the Port Botany precinct.</li> <li>● Recommends Council adopt appropriate noise and amenity criteria and an LEP clause to manage impacts of port and industrial operations on residential development and sensitive land uses, which are located in proximity to industrial areas.</li> </ul>	comprehensive review of the Randwick DCP 2013.

Council has adequately addressed matters raised in submissions from public authorities. There are no outstanding agency objections.

## 3.3 Post-exhibition changes

### 3.3.1 Council Resolution 30 August 2022

At its Extraordinary Meeting of 30 August 2022, Council resolved to proceed with the planning proposal with some post-exhibition changes.

On 6 September 2022, an Extraordinary Council Meeting was held to consider rescission motions. Council resolved to rescind the resolution at its meeting of 30 August 2022 relating to certain aspects of the minimum lot size for subdivision and dual occupancy as well as landowner rezoning requests and proceeded to resolve to uphold those aspects of the proposal as exhibited.

Below is a summary of the post exhibition changes as a result of the Council resolutions of these two meetings:

- Removal of proposed changes (as exhibited) with respect to the following items:
  - Part of the West Randwick HIA (land zoned R3 Medium Density Residential) – remove the proposed increase to maximum FSR and building height;
  - Part of the Arthur Street HIA (the city block west of Botany Street) – remove the proposed increase to maximum FSR and building height;
  - Part of the Kingsford South HIA (47-55 Bunnerong Road, Kingsford) – not proceed with the maximum FSR and building height;
  - The entire Kensington North HIA – remove the proposed increase to maximum FSR and building height;
  - Listing of 5 Severn Street, Maroubra, as an archaeological site;
  - Removing of two properties previously proposed to be included as part of the extended boundary of the Moira Crescent HCA; and
  - Remove an Exempt Development provision relating to small scale cultural activities.
- New items to be included in the proposal:
  - Identify the site at 47-55 Bunnerong Road, Kingsford (a site owned by LAHC and is within the boundary of the Kingsford South HIA) on the Key Site Map;
  - Rezone land at the north-western corner of Anzac Parade and Botany Street in the Kingsford South HIA to E1 Local Centre;

- Rename the Botany Bay National Park Heritage Conservation Area to “Kamay Botany Bay National Park Heritage Conservation Area”;
- Include a local provision requiring any new development within the E1 Local Centre zone to consider existing character and to retain the fine grain village character of development within neighbourhood centres;
- Omit the land use “freight transport facilities” from the list of uses that are “permissible with consent” in the IN2 Light Industrial zone (to be translated to E4 General Industrial as part of the Employment Zones Reform); alternatively, a new local provision is to be included to have the effect of prohibiting the issuing of development consent for freight transport facilities within the E4 General Industrial zone;
- Omit the reference to the maximum area for a temporary facility under the item, *Special events and temporary use of land (including erection of associated temporary structures such as stalls, shade structures, marquees, stages, etc)* in ‘Schedule 2 - Exempt Development’ in Randwick LEP;
- Change the Land Reservation Acquisition Map to reflect the proposed rezoning of the existing Light Rail Stabling Yard from RE1 Public Recreation to SP2 Infrastructure; and
- Amend Clause 4.1AA *Minimum subdivision lot size for community title schemes* and Clause 4.1A *Minimum subdivision lot size for strata plan schemes in Zone R2*, so as to reduce the minimum lot size standards applicable to community title scheme and strata title scheme subdivisions to align with the proposed changes to the minimum subdivision lot size standard under Clause 4.1 *Minimum subdivision lot size*.
- For the proposed affordable housing contribution scheme for the HIAs - increase the contribution rate from part 3% / 5% to 10%;
- Further changes to Clause 1.2 *Aims of Plan* of the Randwick LEP to refer to ‘connections to open space’; and
- Further changes to Clause 4.4 *Floor space ratio* of the Randwick LEP to:
  - ‘Grandfather’ (i.e. retain for specific application) the sliding scale FSR controls for dwellings houses and semi-detached dwellings in the R2 Low Density Residential zone under existing subclause (2A) and (2B) to only apply to lots that were created prior to this LEP taking effect; and
  - Apply a sliding scale FSR control for dwellings and semi-detached dwellings in the R2 Low Density Residential zone on lots created after this LEP taking effect, as follows:
    - if the lot is between 275 sqm and 300 sqm - 0.65:1, or
    - if the lot is more than 300 sqm - 0.6:1.

### 3.3.2 Council Resolution May 2023

The Department wrote to Council on 9 January 2023 raising several issues with the planning proposal, including the merits of progressing all five HIAs; the unresolved flooding issues; the lack of evidence that the new 10% affordable housing contribution rate for the HIAs (resolved by Council) would be feasible; and the insufficient evidence to demonstrate that three of the proposed heritage items meet the threshold for listing, among other things.



Council staff prepared a report to Council with a response to the matters raised by the Department. At the Ordinary Meeting of 23 May 2023, Council resolved to:

- a) *amend the Housing Investigation Area Affordable Housing Plan endorsed by Council in August 2022 to 3% and 5% as exhibited in the draft Planning Proposal given that the Department has advised that a 10% affordable housing contribution is not supported;*
- b) *confirm its previous resolution to exclude the North Kensington Housing Investigation Areas from the draft Comprehensive LEP;*
- c) *authorise the Director City Planning to amend the Housing Investigation Area Affordable Housing Plan to include the North Kensington and part of West Randwick HIAs only if the Department of Planning and Environment reinstates these areas as part of the final Comprehensive LEP amendment;*
- d) *endorse the removal of 3 Bishops Avenue, Randwick and 41-43 Kyogle Street, Maroubra from the Comprehensive Planning Proposal and associated LEP amendment; and*
- e) *having regard to recent heritage advice, re-endorse the inclusion of 21 Baden Street, Coogee as a proposed heritage item under Schedule 5 of the Randwick LEP 2012.*

### 3.3.3 Employment Zones Reform

On 26 April 2023, amendments to the Randwick LEP to give effect to the Department's employment zones reform commenced. This involved amendments to the land use table and Land Zoning Map to replace the previous business zones, being B1 Neighbourhood Centre or B2 Local Centre, with E1 Local Centre or E2 Commercial Centre, and the previous IN2 Light Industrial zone with E4 General Industrial zone. The land zoning map has been transitioned to digital platform as part of this process.

In the previous IN2 Light Industrial zone, "freight transport facilities" were a prohibited use, which are not permitted with consent under the E4 General Industrial zone. As part of the implementation of the reform, and to address Council's concern that the use heavy vehicles associated with "freight transport facilities" would create significant amenity impacts on the nearby residential uses, the Department inserted a new local provision in the LEP to regulate the use of articulated vehicle as follows:

#### **6.23 Articulated vehicle limit—Perry Street, Matraville**

- (1) *This clause applies to land in Zone E4 General Industrial with a frontage or road access to Perry Street, Matraville.*
- (2) *Development consent must not be granted to development for the following purposes unless the consent authority is satisfied the development will not provide access to or from the land by articulated vehicles—*
  - (a) *freight transport facilities,*
  - (b) *warehouse or distribution centres.*
- (3) *In this clause—*

**articulated vehicle** *has the same meaning as in AS 2890.2—2018, Parking facilities, Part 2: Off-street commercial vehicle facilities.*

As part of the finalisation process, Council has requested further changes to the above clause to extend the restriction to other parts of the E4 zoned land. This matter is addressed in Section 4.1.4 below.



### 3.3.4 Department recommended changes

Following review of the final planning proposal submitted by Council, the Department recommends further changes to the proposal, as summarised below, and discussed further in Section 4.1 of this report:

- Reinstating the proposed uplift through increasing the FSR and building height controls within the Kensington North Housing Investigation Area (HIA), in line with the proposal exhibited by Council;
- Not to proceed with the rezoning of 15 cluster sites for which an appropriate assessment of flooding impacts has not been carried out by Council; this would include the omission of the proposed amendment to Schedule 1 *Additional Permitted Uses* (and associated mapping) to permit service station on three cluster sites;
- Remove three properties, being 21 Baden Street, Coogee, 3 Bishops Avenue, Randwick and 41-43 Kyogle Street, Maroubra, from proposed heritage listing based on the assessment of significance in the heritage inventory sheets prepared by Council's consultant (City Plan Heritage) that have been exhibited, and the consultant's subsequent review of the landowners' submissions;
- Omit the proposed amendments to Schedule 1 *Additional Permitted Uses* to require a site-specific DCP to be prepared in relation to land at 58-64 Carr Street, Coogee, where development for the purpose of restaurants or cafes is permitted with consent in the existing LEP;
- Amend Clause 6.18 *Affordable housing at Kensington and Kingsford town centres* of the Randwick LEP to require "co-living housing" to be subject to affordable housing contribution requirements but not "boarding houses".
- The planning proposal seeks to support night-time economy in business centres by allowing extended trading hours to 11pm, daily, of low impact uses as exempt development. The Department seeks to implement this initiative by making a local variation to section 2.46C of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 to provide that *shops, business premises* or *kiosks* on land zoned E1 Local Centre or E2 Commercial Centre under the Randwick LEP may trade until 11pm as Exempt Development.

The Department considers that the above post-exhibition changes are justified and do not require re-exhibition, as they:

- are a reasonable response to comments provided by public authorities and the community during exhibition;
- are minor or administrative in nature;
- would provide more clarity and certainty for the community and do not alter the intent of the exhibited proposal; or
- would align with higher-arching State policies or priorities.

## 4 Department's assessment

The proposal has been subject to detailed review and assessment through the Department's Gateway determination and subsequent planning proposal processes. It has also been subject to an adequate level of public consultation and engagement.

The following reassesses the proposal against relevant Section 9.1 Directions, SEPPs, Region and District Plans and Council's Local Strategic Planning Statement (LSPS). It also reassesses any potential key impacts associated with the proposal (as modified).

The planning proposal submitted to the Department for finalisation:

- Remains consistent with the regional and district plans;
- Remains consistent with Council's LSPS;
- Is consistent with all relevant Section 9.1 Ministerial Directions, except as described below;
- The inconsistency with the following Ministerial Directions is of a minor significance and is justified and addressed at the Gateway stage:
  - 1.4 Site Specific Provisions;
  - 4.5 Acid Sulfate Soil;
  - 6.1 Residential zones; and
  - 7.1 Business and Industrial Zones.
- The inconsistency with the following Ministerial Directions is of a minor significance and is justified and resolved at the finalisation, as detailed in section 4.1.1 below:
  - 3.2 Heritage Conservation;
  - 4.1 Flooding;
  - 4.4 Remediation of Contaminated Land;
  - 4.5 Acid Sulfate Soil;
  - 5.1 Integrating Land Use and Transport;
  - 5.2 Reserving Land for Public Purposes; and
  - 5.3 Development Near Regulated Airports and Defence Airfields.
- Is consistent with all relevant SEPPs, following revisions to the proposal to address the requirements in the Gateway determination.

The following tables identify whether the proposal is consistent with the assessment undertaken at the Gateway stage. Where the proposal is inconsistent with this assessment or requires further analysis or reconsideration of any unresolved matters, these are addressed in Section 4.1.

**Table 4 Summary of strategic assessment**

	Consistent with Gateway determination report Assessment	
Region Plan	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
District Plan	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
Local Strategic Planning Statement	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
Local Planning Panel (LPP) recommendation	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
Section 9.1 Ministerial Directions	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
State Environmental Planning Policies (SEPPs)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1

**Table 5 Summary of site-specific assessment**

Site-specific assessment	Consistent with Gateway determination report Assessment	
Social and economic impacts	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
Environmental impacts	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
Infrastructure	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1

## 4.1 Detailed assessment

The following section provides details of the Department's assessment of key matters and any recommended revisions to the planning proposal.

### 4.1.1 Section 9.1 Ministerial Directions

Consistency with the following Section 9.1 Ministerial Directions has been resolved since the Gateway assessment:

**Table 6 Section 9.1 Ministerial Directions**

Directions	Comments
3.2 Heritage Conservation	<p>The objective of this Direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. The Direction states that planning proposals must contain provisions that facilitate the conservation of items of environmental heritage "identified in a study of the environmental heritage of the area".</p> <p>The Department's Gateway assessment considered that the <i>Randwick Heritage Study</i> (Extent Heritage, 2021), which supported the planning proposal, did not provide sufficient justification on heritage grounds to introduce new items and was therefore inconsistent with this Direction. Condition 1e of the Gateway determination requires a detailed assessment of significance to be prepared for all new items as well as the proposed expansion of the Moira Crescent heritage conservation area.</p> <p>Council has prepared and exhibited heritage inventory sheets (City Plan Heritage, 2022), which contain a statement of significance and an assessment against the listing criteria under the NSW Heritage Office manual, <i>Assessing Heritage Significance</i>, 2001 for each proposed item. Further justification has also been included to support the expansion of the Moira Crescent HCA.</p> <p>The planning proposal and the additional studies undertaken are considered to meet the requirements of the Direction.</p> <p>However, there are three items (21 Baden Street, Coogee, 3 Bishops Avenue, Randwick and 41-43 Kyogle Street, Maroubra) for which Council's consultant (City Plan Heritage) considered as having insufficient levels of significance to warrant heritage listing.</p> <p>At the finalisation stage, Council commissioned a peer review report (Hector Abraham, 2023), which considered 21 Baden Street, Coogee to have local heritage significance. Council subsequently resolved on 23 May 2023 to endorse the listing of 21 Baden Street, Coogee but not the other two sites. The Department considers that the heritage listing of 21 Baden Street Coogee is not appropriate as part of the current planning proposal, as the peer review report contains limited background research upon which the assessment of significance is based. The Department also notes that this additional</p>

Directions	Comments
	assessment has not been subject to formal community consultation and was the subject of a decision by the L&EC to revoke the Interim Heritage Order (IHO) for the site. Further discussion of this matter is provided in Section 4.1.4 below.
4.1 Flooding	<p>The objectives of this Direction are to ensure that development of flood prone land is consistent with the NSW Government's <i>Flood Prone Land Policy</i> and the principles of the <i>Flood Development Manual 2005</i>; and ensure that the provisions of an LEP are commensurate with flood behaviour and include consideration of the potential flood impacts both on and off the subject land.</p> <p>The assessment of the proposal against this Direction is detailed in Section 4.1.2 below, which shows that some proposed sites for rezoning are suitable and other are not.</p>
4.4 Remediation of Contaminated Land	<p>The objective of the Direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.</p> <p>The planning proposal involves rezoning of land at 1903R Botany Road, Matraville<sup>6</sup> from RE1 Public Recreation to RE2 Private Recreation. The proposal identifies the site as being contaminated. The rezoning of the site to RE2 will allow it to be used for a broader range of purposes (registered clubs and take-away food and drink premises) and hence represent a more intensive use of land.</p> <p>Condition 1d of the Gateway determination requires a preliminary site investigation to be prepared in accordance with this Direction, which is to consider:</p> <ul style="list-style-type: none"> <li>• whether the land is suitable in its contaminated state (or will be made suitable after remediation) for all land uses under the RE2 zoning; and</li> <li>• if remediation is required, it can be completed before the use commences.</li> </ul> <p>As part of the finalisation document package, Council submitted a report titled <i>Remediation and validation report</i>, prepared by Geo-Logix Pty. Ltd., dated July 2019. The report was to investigate and facilitate the remediation and validation of an area of fill (containing asbestos) in the southern portion of the land at 1901 Botany Road, Matraville. Based on the site description and identification, the study area included a substantial part of the land at 1903R Botany Road, Matraville (Lot 1 DP 219847). However, the report did not fully satisfy the requirements of the Gateway condition and the Direction as:</p> <ul style="list-style-type: none"> <li>• the report did not assess the contamination potential of the whole site at 1903R Botany Road, Matraville; specifically, the northern portion of the site was excluded from the investigation; and</li> <li>• the report stated that "<i>Lot 1 is considered suitable for permissible uses under Public Recreation RE1 zoning</i>" and did not address all permissible land uses under the proposed RE2 Private Recreation zoning.</li> </ul> <p>The above issue was raised in the Department's letter to Council dated 9 January 2023. On 1 June 2023, Council submitted additional information to address the matter.</p>

<sup>6</sup> Following the registration of subdivision, the site is now known as 4 Girawah Place, Matraville. The site boundary remains unchanged. For the purposes of this report, reference to the previous address, 1903R Botany Road, Matraville, is maintained to facilitate cross-referencing to the Gateway determination documents.

Directions	Comments
	<p>Council has also confirmed the following:</p> <ul style="list-style-type: none"> <li>• A Stage 2 detailed site investigation, prepared by Geo-Environmental Engineering, dated March 2017, was prepared to support a development application for the subdivision of a broader landholding that includes the subject site. The investigation found no contamination issues in the northern portion of the site, which was not addressed in the Geo-Logix report.</li> <li>• A site audit report and a site audit statement, prepared by Ramboll, dated March 2020 were prepared that covered the entirety of the site. These documents concluded that the site is suitable for commercial and industrial uses. The site audit report states that the site is suitable for uses allowable under the RE1 zone. Permitted uses within the RE1 zone include (but are not limited to): centre-based childcare facilities, community facilities, information and education facilities, markets, recreation areas, recreation facilities (indoor, outdoor and major), respite day care centres and restaurants or cafes, etc.</li> <li>• Registered clubs and take-away food and drinks premises are two additional uses permitted in the RE2 zone but not in the RE1 zone, which may be susceptible to land contamination. Council states that for the purposes of site validation, the above uses would be categorised as commercial uses. The site audit report stated that the site was validated as being suitable for commercial uses.</li> <li>• Clause (2) of the Section 9.1 Direction requires the planning proposal authority to obtain and have regard to the findings of a preliminary site investigation. In this instance, the entire site has been the subject of staged investigations and validation beyond the requirements of the Direction. These undertakings found that all areas have been appropriately remediated and are suitable for the permissible uses in the RE2 zone.</li> </ul> <p>As such, the previously identified issues are considered to have been resolved. There are no outstanding matters that would preclude the rezoning of this aforementioned site.</p>
4.5 Acid Sulfate Soil	<p>The objective of this Direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</p> <p>This Direction applies as the planning proposal relates to land on the LEP Acid Sulfate Soils Map as follows:</p> <ul style="list-style-type: none"> <li>• Shop clusters – some sites are identified as affected by Class 5 on the Acid Sulfate Soils Map and will be rezoned (from residential to business) and subject to greater development density (increased FSR).</li> <li>• 1903R Botany Road, Matraville – the site is identified as Class 4 on the Acid Sulfate Soils Map and the rezoning (RE1 to RE2) will allow potential intensification of use.</li> </ul> <p>Council did not provide an acid sulfate soils study assessing the appropriateness of the change of land use and/or density for these sites. The proposal's inconsistency is of minor significance as:</p> <ul style="list-style-type: none"> <li>• The changes to zoning and/or density for the shop clusters (that Council confirmed as not flood prone) seek to recognise the existing commercial uses and facilitate a moderate increase to built form and density on those sites;</li> <li>• The rezoning of 1903R Botany Road, Matraville will broaden the range of permitted uses, such as take-away food and drinks premises and registered</li> </ul>

Directions	Comments
	<p>clubs; the additional uses are not considered to be of a sensitive nature in terms of environmental and occupant health and safety; and</p> <ul style="list-style-type: none"> <li>• Future development will need to address Clause 6.1 Acid Sulphate Soils of the Randwick LEP, which is considered adequate to prevent environmental damage arising from exposure of acid sulphate soils.</li> </ul>
5.1 Integrating Land Use and Transport	<p>The key objectives of the Direction are to improve access to housing, jobs and services by walking, cycling and public transport; reduce dependence on cars; support the efficient and viable operation of public transport; and provide for the efficient movement of freight.</p> <p>The proposed Housing Investigation Areas (HIAs) will deliver new dwellings in locations with ready access to public transport, employment and services, consistent with the objectives of the Direction. In accordance with the Gateway determination, Council completed and exhibited a <i>Local Transport Study</i> for the HIAs and consulted with TfNSW prior to and during the exhibition of the planning proposal. TfNSW provided technical comments and did not raise any objection to the proposal.</p> <p>The changes to land use zones and increase in development standards on the cluster and other sites will support the use and viability of public transport.</p> <p>The proposal's inconsistency with the Direction as noted in the Gateway assessment has been resolved.</p>
5.2 Reserving Land for Public Purposes	<p>The objectives of this Direction are to facilitate the provision of public services by reserving land for public purposes and removal of land reservations that are no longer required for acquisition.</p> <p>The proposal will create new and remove existing RE1 zonings and remove several existing land reservations for local open space. These are in response to landowners' rezoning requests and for administrative purposes to rationalise existing zonings.</p> <p>The proposal is consistent with this Direction subject to approval by a delegate of the Planning Secretary in the finalisation of the LEP for the following aspects:</p> <ul style="list-style-type: none"> <li>• rezoning of 1903R Botany Road, Matraville from RE1 Public Recreation to RE2 Private Recreation and removing the site from the Land Reservation Acquisition Map;</li> <li>• rezoning of the existing Light Rail Stabling Yard from RE1 Public Recreation to SP2 Infrastructure (which is already in operation) and removing the site from the Land Reservation Acquisition Map;</li> <li>• rezoning of Meeks Street Plaza, Kingsford (a Council-owned site, which is the road closure east of Anzac Parade) from B2 Local Centre to RE1 Public Recreation (no changes proposed to the Land Reservation Acquisition Map);</li> <li>• rezoning of 17R Pine Avenue, Little Bay (Lot 41 DP 270427) (a Council-owned site) from R1 General Residential to RE1 Public Recreation (no changes proposed to the Land Reservation Acquisition Map); and</li> <li>• rezoning of 5R Young Street, Randwick (part of the "Newmarket" site) (Lot 34 DP 1262464) from R1 General Residential to RE1 Public Recreation, and removing FSR, building height and lot size controls in the respective maps (no changes proposed to the Land Reservation Acquisition Map).</li> </ul>



Directions	Comments
5.3 Development Near Regulated Airports and Defence Airfields	<p>The objectives of this Direction are to ensure the effective and safe operation of regulated airports and defence airfield, that their operation is not compromised by development, and that development situated on noise sensitive land incorporates appropriate mitigation measures.</p> <p>The Department's Gateway assessment identified the proposal's inconsistency with this Direction in relation to the South Juniors site in Kingsford (558A-580 Anzac Parade, Kingsford) and the HIAs, which are affected by the Obstacle Limitation Surface (OLS) associated with Sydney Airport. The Gateway determination requires Council to consult with the Department of the Commonwealth (or their delegate) in accordance with the requirements of the Direction, and with Sydney Airport Corporation and the Civil Aviation Safety Authority during agency consultation.</p> <p>Council has consulted with these authorities in accordance with the Gateway conditions and responded to their submissions, which relate to issues to be addressed at the future DA stage. No objections from these authorities have been received.</p> <p>The proposal's inconsistency with the Direction has been resolved.</p>

## 4.1.2 Flooding

### Housing Investigation Areas (HIAs)

The planning proposal as exhibited identified five Housing Investigation Areas (HIAs) suitable for residential uplift through zoning changes and/or increases to FSR controls. Council has prepared urban design studies and commissioned flood consultants WMA Water to prepare a flood constraint review to inform the planning proposal. The five HIAs are identified to be subject to varying degrees of flood affectation.

Details of the flooding considerations for these HIAs (including the Kensington North HIA which Council resolved not to proceed) are provided in the table below:

**Table 7 Flooding considerations for HIAs sites**

HIAs and flood hazard considerations (Based on Council's Flood Constraints Review report, prepared by WMA Water)	Department's Assessment
<p><b>Kensington North</b></p> <p>(Council on resolved to exclude this HIA.)</p> <p><u>Proposal as exhibited</u>: increase building height from 12m to 16.5m/23m; increase FSR from 0.9:1 to 1.5/2:1</p>	<p>Part of the HIA is indicated as high hazard areas in the PMF event. The proposal would enable increased development for the purposes of residential accommodation, therefore may be deemed to be inconsistent with the Ministerial Direction 4.1 3(c).</p> <p>Based on the WMA Flood Constraints Review report, <u>most of the development lots east of Anzac Parade are affected by H3 to H5 hazard</u>, and the <u>roads</u> (Anzac Parade and Doncaster Avenue) are identified as extremely hazardous H6.</p> <p>According to WMA Water's assessment, "during severe flood events including the 1% AEP and larger, occupants of buildings in the area will become isolated and will not</p>

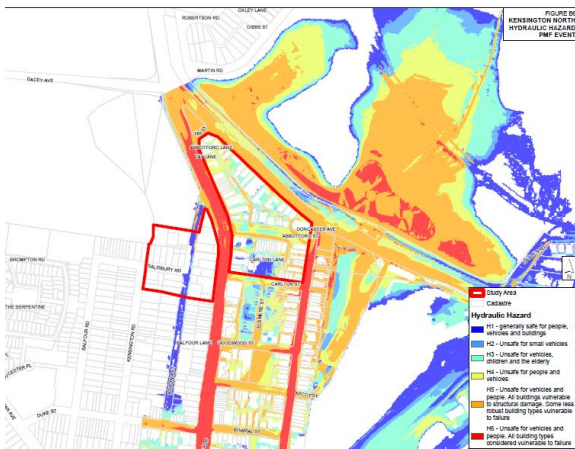
## HIAs and flood hazard considerations (Based on Council's Flood Constraints Review report, prepared by WMA Water)

## Department's Assessment



### Flood hazard categories:

- **1% AEP event** - low hazard (**H1/H2**) within the development lots; higher hazard in the roads (**H3/H4**) which would restrict access during the flood.
- **PMF event** - significantly higher hazard in most of the development lots (east of Anzac Parade) affected by **H3 to H5** hazard; and sections of extremely hazardous **H6** in the roads (due to very dangerous combinations of depth and velocity).



Hydraulic hazard in PMF event


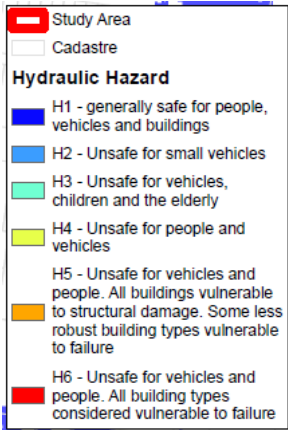
*be able to evacuate the area on foot or by vehicle. Isolation would be of relatively short duration and the risks of occupants requiring emergency evacuation or supplies during the flood would typically be low. However, some buildings will need to be structurally designed to consider extreme flood conditions up to the PMF, and possibly to provide flood-free refuge on higher floors in certain cases."*

WMA recommend sheltering in place as an appropriate strategy to address flash flooding. The proposed rezoning does not automatically permit development in floodway areas or permit development that will result in significant flood impacts to other properties. Any future development on the site needs to address any site-specific flood management requirements as part of the development application process.

WMA Water's view is that redevelopment of the low-rise dwellings to higher density provides opportunities to address the flooding risks that are affecting the areas.

Having regard to WMA's assessment, Council's further response and agencies' submissions, the Department considers that the inconsistency with Ministerial Direction is of minor significance and justified.



<b>HIAs and flood hazard considerations</b> <b>(Based on Council's Flood Constraints Review report, prepared by WMA Water)</b>	<b>Department's Assessment</b>
 <p>Enlarged image for areas identified to be affected by <b>H5</b> and <b>H6</b> hazard in PMF event. The image shows that the areas east of Anzac Pde are the most affected, with <b>H5</b> Hazard within some lots and <b>H6</b> Hazard along Anzac Pde and Doncaster Ave.</p> 	
<p><b>West Randwick</b></p> <p>(On 30 August 2022, Council resolved to exclude the northern / north-eastern part of this HIA that is zoned R3. Council's resolution did not confirm exclusion of any part of this HIA.)</p> <p><u>Proposal as exhibited:</u> Increase building height from 12m to 16.5m/25m; increase FSR from 0.9/1.8:1 to 1.8/3.6:1</p>	<p>Part of the HIA is indicated as high hazard areas in the PMF event. The proposal would enable increased development for the purposes of residential accommodation, therefore may be deemed to be inconsistent with the Ministerial Direction 4.1 3(c).</p>

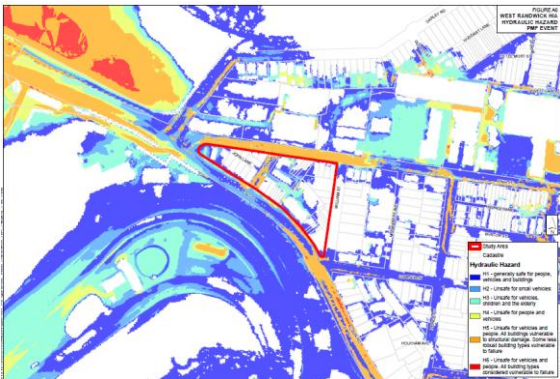
**HIAs and flood hazard considerations**  
**(Based on Council’s Flood Constraints Review report, prepared by WMA Water)**

**Department’s Assessment**

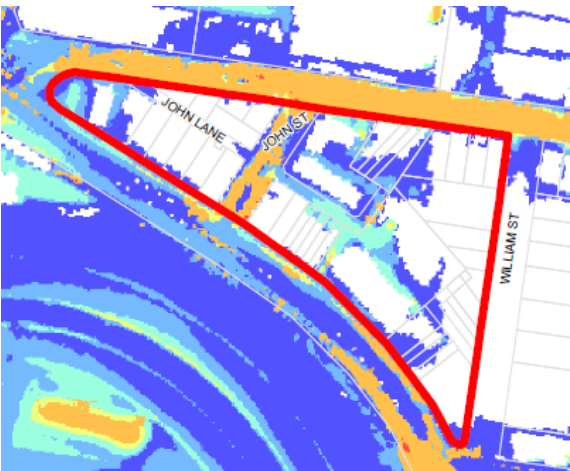


Flood hazard categories:

- **1% AEP event** - hazard classification of development lots is generally low (**H1/H2**)
- **PMF event** – significantly higher hazard (**H5**) along John Street (primarily caused by high velocity of flow).



Hydraulic hazard in PMF event



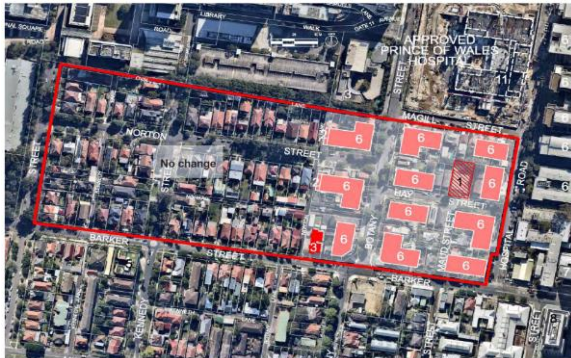

Enlarged image for areas identified to be affected by **H5** and **H6** hazard in PMF event

Based on the WMA Flood Constraints Review report, the areas identified to be H5 Hazard are along John and King Streets, i.e. roadways.

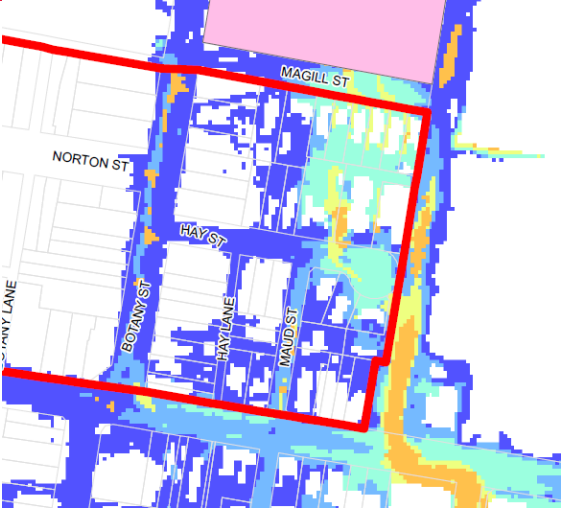

According to WMA Water’s assessment, “flood hazard during the PMF events is primarily a risk to vehicular traffic, and this hazard would not affect the buildings or people dwelling within them” and “during extreme events more intense than the 1% AEP, occupants of buildings within the HIA may become isolated and will not be able to evacuate the area on foot or by vehicle. Isolation would be of relatively short duration and the risks of occupants requiring emergency evacuation or supplies during the flood would typically be low.”

WMA recommend sheltering in place as an appropriate strategy to address flash flooding. The proposed rezoning does not automatically permit development in floodway areas or permit development that will result in significant flood impacts to other properties. Any future development on the site needs to address any site-specific flood management requirements as part of the development application process.

Having regard to WMA’s assessment, Council’s further response and agencies’ submissions, the Department considers that the inconsistency with Ministerial Direction is of minor significance and justified.

<div>HIA's and flood hazard considerations</div> <div>(Based on Council's Flood Constraints Review report, prepared by WMA Water)</div>	<div>Department's Assessment</div>
<div data-bbox="165 416 309 443"><b>Magill Street</b></div> <div data-bbox="165 468 480 495">(Council resolved to proceed)</div> <div data-bbox="165 519 751 613"><u>Proposed changes:</u> Rezone R2(/R3) to R3; increase building height from 9.5m to 19.5m; increase FSR from 0.5/0.75:1 to 1.8:1</div> <div data-bbox="165 629 738 985"></div> <div data-bbox="165 1010 432 1037"><u>Flood hazard categories:</u></div> <div data-bbox="165 1064 762 1205"><ul style="list-style-type: none"><li>• <b>1% AEP event</b> - hazards associated with overland flow path are very low (typically <b>H1</b>)</li><li>• <b>PMF event</b> - hazards are low to moderate (typically <b>H2/H3</b>), with a localised area of <b>H4/H5</b> (due to deeper and faster flow at Hay Street);</li></ul></div> <div data-bbox="165 1220 743 1606"></div> <div data-bbox="165 1630 496 1657"><p>Hydraulic hazard in PMF event</p></div>	<p>Part of the HIA is indicated as high hazard areas in the PMF event. The proposal would enable increased development for the purposes of residential accommodation, therefore may be deemed to be inconsistent with the Ministerial Direction 4.1 3(c).</p> <p>Based on the WMA Flood Constraints Review report, the areas identified to be H5 Hazard are primarily along Hospital Road/Young Street and affecting a relatively small part of some lots fronting Hay Street and Magill Street.</p> <p>According to WMA Water's assessment, the flooding affectations mean that <i>"during extreme events more intense than the 1% AEP, occupants of buildings within the HIA within the HIA may become isolated and will not be able to evacuate the area on foot or by vehicle, particularly those relying on access/egress to Young Street or Magill Street"</i>, and <i>"isolation would be of relatively short duration and the risks of occupants requiring emergency evacuation or supplies during the flood would typically be low"</i>.</p> <p>WMA recommend sheltering in place as an appropriate strategy to address flash flooding. The proposed rezoning does not automatically permit development in floodway areas or permit development that will result in significant flood impacts to other properties. Any future development on the site needs to address any site-specific flood management requirements as part of the development application process.</p> <p>Council's urban design report illustrated the proposed building layouts for this HIA, which show new development would be located away and set back from the most flood affected areas.</p> <p>Having regard to WMA's assessment, Council's further response and agencies' submissions, the Department considers that the inconsistency with Ministerial Direction is of minor significance and justified.</p>



<b>HIAs and flood hazard considerations</b> <b>(Based on Council's Flood Constraints Review report, prepared by WMA Water)</b>	<b>Department's Assessment</b>
 <p>Enlarged image for areas identified to be affected by <b>H5</b> hazard in PMF event</p>	
<p><b>Kingsford South</b></p> <p>(Council resolved to proceed the HIA, with the LAHC site, 47-55 Bunnerong Road (outlined in white), excluded)</p> <p><u>Proposed changes:</u> Rezone R2/R3 to R3/E1; increase building height from 9.5m/12m to 16.5m/17.5m; increase FSR from 0.5/0.75:1 to 1.6/1.7:1</p>  <ul style="list-style-type: none"> <li>• Flooding primarily affects areas south of Anzac Pde, on Jacques St.</li> <li>• <b>1% AEP event</b> – very low (<b>H1</b>), apart from <b>H3/H4</b> hazard along Jacques St (which would restrict access during a flood).</li> <li>• <b>PMF event</b> - very low (<b>H1</b>), apart from major overland flow path along Jacques St, with lots affected by <b>H3 to H5</b> hazard, indicating dangerous combinations of depth and velocity</li> </ul>	<p>Part of the HIA is indicated as high hazard areas in the PMF event. The proposal would enable increased development for the purposes of residential accommodation, therefore may be deemed to be inconsistent with the Ministerial Direction 4.1 3(c).</p> <p>Based on the WMA Flood Constraints Review, the areas identified to be H5 and H6 Hazard are along Jacques Street and affecting a relatively small part of some lots fronting Jacques Street.</p> <p>According to WMA Water's assessment, the flooding affectations mean that <i>"during severe flood events including the 1% AEP and larger, occupants of buildings relying on egress via Jacques Street will become isolated and will not be able to evacuate the area on foot or by vehicle" and that "isolation would be of relatively short duration and the risks of occupants requiring emergency evacuation or supplies during the flood would typically be low"</i>.</p> <p>WMA recommend sheltering in place as an appropriate strategy to address flash flooding. The proposed rezoning does not automatically permit development in floodway areas or permit development that will result in significant flood impacts to other properties. Any future development on the site needs to address any site-specific flood management requirements as part of the development application process.</p> <p>Council's urban design report illustrated the proposed building layouts for this HIA, which show alternative</p>

## HIAs and flood hazard considerations (Based on Council's Flood Constraints Review report, prepared by WMA Water)

## Department's Assessment



Hydraulic hazard in PMF event



Enlarged image for areas identified to be affected by **H5** and **H6** hazard in PMF event

### Arthur Street

(Council resolved to proceed with this HIA, except for the area (outlined in white) - UNSW is a major landowner)

Proposed changes: increase building height from 9.5m/15m to 26m; increase FSR from 0.75:1/no FSR to 3:1

egress can be achieved via streets other than Jacques Street.

WMA Water's view is that redevelopment of the low-rise dwellings to higher density provides opportunities to address the flooding risks that are affecting the areas.

Having regard to WMA's assessment, Council's further response and agencies' submissions, the Department considers that the inconsistency with Ministerial Direction is of minor significance and justified.

Council's original proposal envisaged a contiguous block of buildings on the lots affected by floodway, which would divert flows and adversely affect the flood affectation of neighbouring lots. This issue was raised by WMA Water in the Flood Constraints Review report. Such a proposal represents an intensification of development in a flood prone area and are inconsistent with the Ministerial Direction 4.1 3(a) and (b).

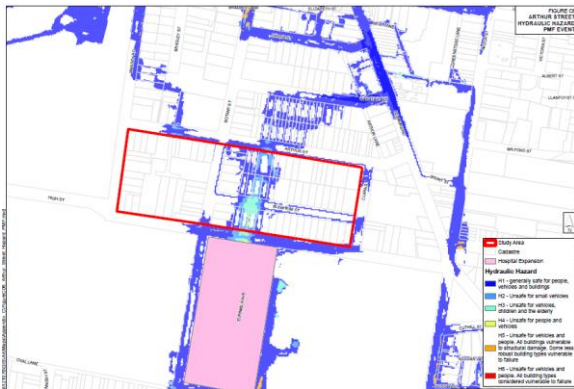
Council confirmed that the proposed urban design changes have resolved the floodway issue raised by WMA Water, via the reservation of a proposed open space across the block between Blenheim and High Streets.

## HIAs and flood hazard considerations (Based on Council's Flood Constraints Review report, prepared by WMA Water)

## Department's Assessment



- **1% AEP event** - very low (typically H1)
- **PMF event** - generally low (typically H1/H2 with a localised area of H3 due to deeper flooding in the Blenheim Street sag point).



Hydraulic hazard in PMF event



Enlarged image for lots affected by floodway

The Department notes the low hazard classifications for this HIA as identified by WMA Water.

WMA Water's view is that the proposed rezoning does not automatically permit development in floodway areas or permit development that will result in significant flood impacts to other properties. Any future development on the site needs to address any site-specific flood management requirements as part of the development application process.

Having regard to WMA's assessment, Council's further response and agencies' submissions, the Department considers that the inconsistency with Ministerial Direction is of minor significance and justified.

The planning proposal includes four Council-endorsed rezoning requests, 20 neighbourhood clusters, the Randwick Hospital Campus Expansion Area and the Light Rail Stabling Yard, which will be subject to zoning changes and/or increases to FSR controls.

## Neighbourhood cluster sites

### 15 flood-prone cluster sites

The Department has identified that 15 cluster sites (out of the 20 cluster sites proposed) may be flood prone; however, the proposal was not supported by any flood study in relation to these sites. Council has provided some additional information as part of the finalisation of the LEP, however there is insufficient evidence provided to demonstrate consistency with the section 9.1 Direction, or any inconsistency is of a minor significance and justified. As such, the rezoning and changes to FSR standards for these 15 clusters cannot be supported. Council should consider progressing this component via a separate planning proposal supported by appropriate flood assessment.

Having regard to the above, there is insufficient evidence provided to demonstrate consistency with the section 9.1 Direction, or whether the inconsistency is of a minor significance and justified. Consequently, the rezoning and changes to FSR standards for these 15 clusters cannot be supported by the Department. Council should consider progressing this component via a separate planning proposal supported by appropriate flood assessment.

### Other five cluster sites

Council's the flooding analysis (provided on 5 June 2023) confirmed that the following five cluster sites are not flood prone.


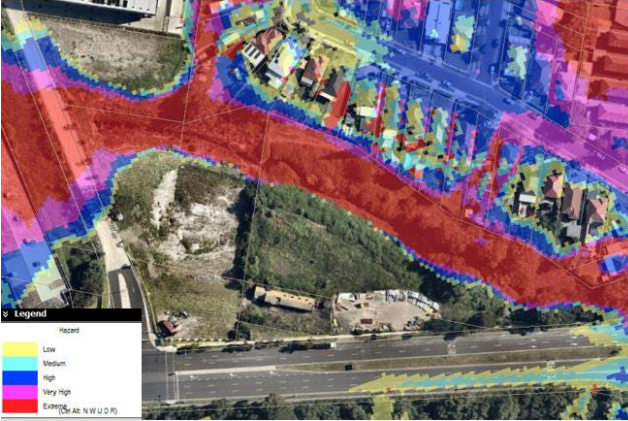
Other sites proposed to be rezoned Council's Section 9.1 assessment provided on 5 June 2023 includes flooding analysis and considerations for the four Council-endorsed rezoning requests, the Randwick Hospital Campus Expansion Area and the Light Rail Stabling Yard.

Details of Council's assessment and the Department's comments are provided in the table below:


**Table 10 Flooding considerations for other rezoning sites**



Cluster sites and Council's flooding analysis	Department's comments
<p><b>1903R Botany Road, Matraville</b></p> <p><u>Proposed changes:</u> Rezone from RE1 to RE2 – note that the RE2 zone would permit a broader range of uses, including registered clubs, take away food and drink premises, etc</p>	<p>The proposed amendments seek to recognise existing land use, facilitate greater certainty about zoning and land use permissibility.</p> <p>Council officers have prepared and submitted a draft flooding analysis which indicates the site as within FPA and PMF areas and that "<i>the northern section of the site is impacted by very high and extreme flood hazards as a result of the existing waterway that travels through the site</i>". The proposed changes would a broader range of uses, including registered clubs, take away food and drink premises, and may be deemed to be inconsistent with s9.1 Ministerial Direction 4.1 (4).</p> <p>However, the proposed changes are not expected to result in a significant increase in the dwelling density of that land. The proposed rezoning does not automatically permit development in floodway areas or permit development that will result in significant flood impacts to other properties. Any future development on the site needs to address</p>



Cluster sites and Council's flooding analysis	Department's comments
<div data-bbox="172 264 770 864"></div> <p data-bbox="165 889 379 916"><b>Flooding analysis:</b></p> <p data-bbox="165 938 790 1140"><i>Council's property database indicates that 1903R Botany Road is tagged as within PFA and PMF areas. Mapping indicates that the northern section of the site is impacted by very high and extreme flood hazards as a result of the existing waterway that travels through the site.</i></p> <p data-bbox="165 1162 790 1294"><i>The proposed rezoning from RE1 Public Recreation to RE2 Private Recreation introduces additional permitted uses including registered clubs and take away food and drinks premises.</i></p> <p data-bbox="165 1317 790 1552"><i>Further it is noted that a DA (DA/483/2022) for the development of the site for a recreation area (aquatic centre) is currently under assessment. This use is permitted under the existing RE1 zoning. A Flood Assessment has been prepared to support this DA and address any site-specific flood management requirements.</i></p> <div data-bbox="165 1570 796 1989"></div>	<p data-bbox="810 264 1396 324">any site-specific flood management requirements as part of the development application process.</p> <p data-bbox="810 347 1422 479">The Water Management Act 2000 contains requirements to protect riparian zone, which means development would not occur in areas subject to the highest flood risk.</p> <p data-bbox="810 501 1396 633">Having regard to Council's response, the Department considers that the inconsistency with Ministerial Direction is of minor significance and justified by Council.</p>



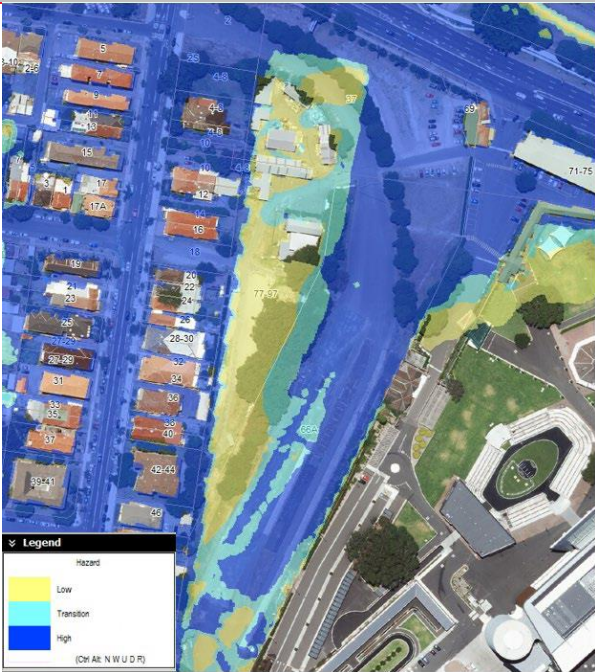
Cluster sites and Council's flooding analysis	Department's comments
<p><b>1401-1409 Anzac Parade, Little Bay</b></p> <p><u>Proposed changes:</u> Increase the FSR from 1:1 to 1.2:1 and increase the building height from 9.5m to 15m</p>  <p><u>Flooding analysis:</u></p> <p><i>Council's property database indicates that 1401-1407 Anzac Parade are not tagged as within PFA or PMF areas. However, 1409 Anzac Parade is tagged as within both FPA and PMF. The site at 1407 (understood to be 1409) Anzac Parade is marginally affected by low hazard flooding in the southern corner of the site.</i></p> <p><i>Increases to the height and FSR for this site are proposed. The majority of the site is not identified as being flood prone except for 1409 Anzac parade which contain a low-medium hazard on the south-east corner of the site.</i></p> <p><i>Site specific flooding assessments will be undertaken (if required) as part of any future DA submitted for the site, in accordance with Councils LEP and DCP requirements and relevant Flood Risk Management Study and Plan.</i></p>	<p>Council officers have prepared and submitted a flooding analysis which indicates a small section of the site (south east corner of 1409 Anzac Parade) is affected by low low-medium hazard. The proposed changes may be deemed to be inconsistent with s9.1 Ministerial Direction 4.1 (3).</p> <p>However, the proposed changes are not expected to result in a significant increase in the dwelling density of that land. The proposed rezoning does not automatically permit development in floodway areas or permit development that will result in significant flood impacts to other properties. Any future development on the site needs to address any site-specific flood management requirements as part of the development application process.</p> <p>Having regard to Council's response, the Department considers that the inconsistency with Ministerial Direction is of minor significance and justified by Council.</p>

Cluster sites and Council's flooding analysis	Department's comments
 <p><b>558A – 580 Anzac Parade, Kingsford (Souths Juniors site)</b></p> <p><u>Proposed changes:</u> Increase height on part of the site from 31m to 51m</p>  <p><u>Flooding analysis:</u></p> <p><i>Mapping indicates that this cluster is not flood prone as it is not tagged as within PFA or PMF areas</i></p>	<p>Council officers have prepared and submitted an assessment, which confirms the site is not flood prone.</p>

Cluster sites and Council's flooding analysis	Department's comments
<p><b>59A-71 Boronia Street and 77-103 Anzac Parade, Kensington</b></p> <p>Remove the FSR standard for 59A, 61, 63-65 Boronia Street and 81-85 Anzac Parade; increase the building height from 1m to 31m for the strip of land at the rear of 95, 91-93, 89, 87 and 81-85 Anzac Parade, Kensington (Part)</p> <p><i>Mapping indicates that this cluster is not flood prone as it is not tagged as within PFA or PMF areas</i></p>	<p>Council officers have prepared and submitted an assessment, which confirms the site is not flood prone.</p>
<p><b>Randwick Hospital Expansion</b></p> <p><u>Proposed changes:</u> Rezone from R2/R3 to SP2 and remove height and FSR standards</p>  <p><u>Flooding analysis:</u></p> <p><i>Mapping (below) indicates that the site is flood prone.</i></p> <p><i>The hospital expansion site has been the subject of a number of State Significant Development (SSD) applications, all of which have been approved and are currently under construction. Detailed flooding assessments were carried out as part of the SSD assessment process.</i></p> <p><i>The proposed rezoning from R2 and R3 to SP2 and removal of associated height and FSR controls is a formalisation to reflect the already approved hospital projects. The proposed rezoning aligns with SSD approval sites and does not incorporate any area outside the hospital expansion area and is consistent with the Ministerial Direction.</i></p>	<p>The proposed changes seek to reflect the existing land use on the site and health infrastructure that is currently under construction. The amendment is considered an administrative change.</p> <p>The Department considers that the inconsistency with Ministerial Direction is of minor significance and justified by Council.</p>



Cluster sites and Council's flooding analysis	Department's comments
	
<p><b>Light Rail Stabling Yard</b></p> <p><u>Proposed changes:</u> Rezone from RE1 to SP2 and remove the site from land reservation map</p>  <p><u>Flooding analysis:</u></p> <p>Mapping (below) indicates that this site is flood prone as it is tagged as being within FPA and PMF areas.</p> <p>The light rail stabling yard has been approved and developed as part of the larger State Significant Infrastructure (SSI) project for the light rail corridor. The proposed rezoning from RE1 to SP2 is a formalisation to reflect the already approved and operational stabling yard and is consistent with the Ministerial Direction.</p>	<p>The proposed changes seek to reflect the existing land use and recognise important infrastructure on the site. The amendment is considered an administrative change.</p> <p>The Department considers that the inconsistency with Ministerial Direction is of minor significance and justified by Council.</p>

Cluster sites and Council's flooding analysis	Department's comments
	

#### 4.1.3 State Environmental Planning Policies (SEPPs)

Consistency with the following SEPP(s) has been resolved since the Gateway assessment:

##### SEPP (Housing) 2021

The SEPP (Housing) also incorporates the provisions of the SEPP No 70 – Affordable Housing (Revised Schemes), which aims to promote delivery and maintenance of affordable housing and establishes a mechanism for the imposition of conditions relating to affordable housing contribution (as per S7.32 of the EP&A Act). The Gateway determination includes two conditions (1j and 1k) requiring confirmation of certain aspects of Council's feasibility analysis for the Affordable Housing Plan. The Department is satisfied that these conditions have been met upon further review of the feasibility analysis report (by Hill PDA).

At its Extraordinary meeting of 30 August 2022, Council resolved to increase the proposed affordable housing contribution rate from part 3% / part 5% to 10% for all HIAs. This 10% contribution rate has not been tested to be viable. Specifically, Council's feasibility analysis (by Hill PDA) has considered market conditions and individual site's capacity for growth and indicates that higher contribution rates (including 5% and 7%) would not be viable under the proposed planning controls. Hence an increase to the 10% contribution rate is expected to be unviable and is inconsistent approach of the *Greater Sydney Region Plan and the Department's Guideline for Developing an Affordable Housing Contribution Scheme*.

The Department wrote to Council on 9 January 2023, among other matters, raising the above issue and advising that it would support the 3%/5% contribution rates, which have been subject to feasibility testing and exhibited, but not the Council resolved 10% contribution rate. In response to this issue, Council at the Ordinary Meeting of 23 May 2023 resolved to revert the contribute rates to 3% and 5 % as exhibited. As a result, the inconsistency with the SEPP and the *Department's Guideline for Developing an Affordable Housing Contribution Scheme* has been resolved.

SEPP 65 Design Quality of Residential Apartment Development (SEPP 65)

Condition 2(a) of the Gateway determination requires further testing of the HIAs to ensure that the proposed FSRs can be accommodated in the proposed height standards, and that an appropriate urban design outcome and capability of future development to satisfy the Apartment Design Guide (ADG).

To be consistent with the aims of SEPP 65 to improve the design quality of residential apartment development in NSW, Council's post-exhibition report (page 42) states that verification testing for all five HIAs that has been completed. As discussed in detail in Council's report, the testing was to ensure that the proposed maximum density and height of buildings can be achieved while considering various factors, such as setbacks, heritage properties, transition in scale, overshadowing impacts, pedestrian links, flood constraints, resident amenity, and design guidelines. Additionally, a conservative conversion rate of 70% from gross building footprint to net GFA was used by Council, allowing architects and designers flexibility in articulating architectural elements and introducing variety within the proposed building envelope.

On 1 June 2023, Council provided a formal response to the matters outlined in the Department's letter dated 9 January 2023 and included the testing results for the four HIAs (except Kensington North HIA) that Council resolved to proceed.

On the above basis, the Department considers that Gateway Condition 2(a) has been satisfied. Any future development will also be subject to further consideration of SEPP 65 and the ADG at the DA stage.

SEPP (Exempt and Complying Development Codes) 2008

SEPP (Exempt and Complying Development Codes) 2008 (the Codes SEPP) aims to streamline the assessment processes for development that meets specific standards. It achieves this by providing State-wide exempt and complying development codes that allow certain types of low impact development to proceed without the need for development consent.

To ensure consistency with the Codes SEPP, the following post exhibition changes to the proposal were made by Council:

- Remove the proposed exempt provision relating to small scale cultural activities; and
- Remove reference to the maximum area of temporary structures from the provision relating to event in Schedule 2 Exempt Development.

The planning proposal seeks to support night-time economy in business centres by allowing extended trading hours of low impact uses as exempt development. This initiative is being implemented by a local variation to section 2.46C of the Codes SEPP.

Details of the above amendments are further discussed in section 4.1.4 below.

Consistency with the SEPPs will be subject to detailed consideration as part of the development assessment process.




## 4.1.4 Post exhibition changes



### Post-exhibition changes made by Council


A summary of post-exhibition changes made by Council and their reasoning and the Department's evaluation is provided in the following table:


**Table 11 Assessment of Council's post exhibition changes**

Council's post exhibition changes	Council's reason	DPE's comments
<b>Housing</b>		
<p>Not proceed with changes to the maximum height of buildings (HOB) and floor space ratio (FSR) in two sub-areas within the Housing Investigation Areas:</p> <p>a. <b>Arthur Street HIA (below)</b> – area west of Botany Street for further analysis and discussion with UNSW (majority landowner) and other landowners. This area (outlined in white below) is currently identified on the Key Sites Map of the Randwick LEP.</p> 	<p>There are in response to submissions from UNSW and LAHC. Council states that:</p> <p><u>Arthur Street HIA</u></p> <p><i>“A submission was received from UNSW requesting the proposed changes to the western block of the Arthur Street HIA, where UNSW is the majority landowner, be deferred from the CPP to allow for further investigation around its strategic development potential. UNSW notes that this block is of strategic importance as it is located adjacent to the campuses of UNSW and Randwick Hospitals and well serviced by public transport. As such the development outcome (of lot consolidation) envisaged in Council's HIA work cannot be supported and achieved.”</i></p> <p><u>LAHC site, Kingsford South HIA</u></p> <p>The proposed changes to development standards for 47-55 Bunnerong Road, Kingsford, located within the Kingsford South HIA was in response to a submission from LAHC (refer to discussion in section 3.2 in this report).</p> <p>Council has resolved to include the site on the Key Sites Map, which will be referenced in clause 6.12 <i>Development requiring the preparation of a development control plan</i> of the Randwick LEP. This will require a site-specific DCP to be prepared prior to any development consent being issued for the site.</p>	<p><u>Arthur Street HIA</u></p> <p><b>Supported</b></p> <p>The Arthur Street HIA was originally envisaged to support capacity for 158 additional dwellings that could support Council's 6 to 10-year housing target. The removal of the western portion would reduce this to a 44 net dwelling yield for the HIA.</p> <p>Notwithstanding, there is merit for a separate and later detailed planning investigation for this urban block to determine the most appropriate mix of uses to complement the functions of the UNSW.</p> <p><u>LAHC site, Kingsford South HIA</u></p> <p><b>Excluding the proposed HOB and FSR changes – Supported.</b></p> <p><b>Identifying the site on the Key Site Map – Not supported.</b></p> <p>It is LAHC's intent to progress a separate planning proposal to pursue uplift on this site in the near future.</p>
<p>b. <b>Kingsford South HIA (below)</b> - 47-55 Bunnerong Road, Kingsford (outlined in white</p>		



Council's post exhibition changes	Council's reason	DPE's comments
<p>below) that is under the single ownership of LAHC; include this site on the Key Sites Map of the LEP.</p> 		<p>The listing of the LAHC site on Key Sites Map is not supported as part of the subject planning proposal. The inclusion of the land on the Key Sites Map is not necessary at this stage as changes to the development standards are no longer proposed. It is more appropriate for this matter to be considered in detail as part of a site-specific planning proposal.</p>
<p>Rezoning of the land at the north-western corner of Anzac Parade and Botany Street (632-634 Anzac Parade, Kingsford, circled in white below) in the Kingsford South HIA from R2 Low Density Residential to E1 Local Centre.</p> 	<p>A zoning change for 632-634 Anzac Parade, Kingsford was referenced in condition 2(b) of the Gateway determination.</p>	<p><b>Supported</b></p> <p>Condition 2(b) of the Gateway determination requires Council to consider the merit of rezoning the existing commercial uses at this site from a residential to business zone. The rezoning will reflect the existing use and built form.</p>

Council's post exhibition changes	Council's reason	DPE's comments
<p><b>Removal of the Kensington North HIA.</b></p> <p>(This HIA was proposed to deliver approximately 105 net new dwellings)</p> 	<p>This was resolved at Council's Extraordinary Meeting of 30 August 2022. The removal of this HIA was reaffirmed in the Council resolution at its Ordinary Meeting of 23 May 2023. The above resolutions are contrary to the officer's original recommendation (in the report to the Extraordinary Meeting of 30 August 2022).</p>	<p><b>Not supported.</b></p> <p>The Department considers that there is sufficient merit to progress this HIA. Refer to detailed discussions in Table 12 below.</p>
<p>Removal of the proposed height and FSR uplift in the R3 Medium Density Residential zoned portion of the West Randwick HIA.</p> <p>(This portion of the HIA was proposed to deliver approximately 13 net new dwellings.)</p>	<p>This was resolved at Council's Extraordinary Meeting of 30 August 2022, contrary to the officer's original recommendation (in the report to the Extraordinary Meeting of 30 August 2022).</p> <p>At its Ordinary Meeting of 23 May 2023, Council resolved to confirm its resolution at the Extraordinary Meeting of 30 August 2022 to exclude the Kensington North HIA only (not the R3 portion of the West Randwick HIA).</p>	<p><b>Removal of the proposed height and FSR uplift in the R3 portion of the HIA (as resolved by Council on 30 August 2022) - Not supported</b></p> <p>The Department considers that there is sufficient merit to progress this HIA as exhibited (including the R3 portion of the HIA), considering that:</p> <ul style="list-style-type: none"> <li>• The HIA has high amenity due to its location close to the light rail, Centennial Park, Randwick Racecourse and the UNSW and TAFE campuses.</li> <li>• The eastern side of William Street is already predominantly characterised by residential flat buildings of 4 to 5 storeys, and the northern side of King Street is</li> </ul>

Council's post exhibition changes	Council's reason	DPE's comments
		<p>occupied by institutional buildings of the UNSW and TAFE.</p> <ul style="list-style-type: none"> <li>The 4 to 5-storey scale within the R3 portion of the HIA, as envisaged in Council's Urban Design Study, represents a moderate growth scenario.</li> <li>DCP controls could be developed to ensure future built form is modelled to suit the streetscape.</li> </ul>
<p>Amend Clause 4.4 Floor space ratio to:</p> <ul style="list-style-type: none"> <li>Retain the sliding scale FSR controls for dwellings houses and semi-detached dwellings in the R2 Low Density Residential zone under existing subclause (2A) and (2B) to only apply to lots that were created prior to this LEP taking effect; and</li> <li>Apply a sliding scale FSR control for dwellings and semi-detached dwellings in the R2 Low Density Residential zone on lots created after this LEP taking effect, as follows: <ul style="list-style-type: none"> <li>if the lot is between 275sqm and 300 sqm - 0.65:1, or</li> <li>if the lot is more than 300 sqm - 0.6:1.</li> </ul> </li> </ul>	<p>Council's report of 30 August 2022 provides discussions regarding this change, which are summarised as follows:</p> <p>Currently, when submitting a development application for concurrent construction and subdivision of an attached dual occupancy, the development is classified as a 'semi-detached dwelling' instead of a 'dual occupancy (attached).'</p> <p>The existing clause 4.4 contains a sliding scale FSR for dwellings and semi-detached dwellings in the R2 zone that are less restrictive than the 0.5:1 FSR and the proposed dual occupancy sliding scale FSRs. This acknowledges existing dwellings and semi-detached dwellings in the Randwick LGA that do not comply with the 0.5:1 FSR, making alterations, additions, or redevelopment challenging.</p> <p>To maintain the intended sliding scale FSR for attached dual occupancy, it is proposed to 'grandfather' the existing semi-detached dwelling FSR controls, which continue to apply to lots existing before the gazettal of the LEP amendments. Any application submitted after the gazettal of the LEP amendments is subject to the new FSR sliding scale controls.</p>	<p><b>Supported.</b></p> <p>The Department considers this change and Council's justification reasonable, noting that the proposed change seeks to establish consistency in the FSR controls for developments of similar scale within the same land use zone, while also acknowledging existing developments and their constraints.</p>

Council's post exhibition changes	Council's reason	DPE's comments
<b>Heritage</b>		
Remove one property (5 Severn Street, Maroubra) previously proposed to be listed as an archaeological site	This was in response to a community submission indicating that the building has been modified significantly from its original form both externally and internally.	<b>Supported.</b>
Remove two properties (20 and 22 Marcel Avenue, Randwick) previously proposed to be included in the extended boundary of the Moira Crescent HCA	This was in response to a community submission. Council's heritage consultant has advised that the historical criterion for inclusion of these properties into the Moira Crescent HCA was found to be incorrect.	<b>Supported.</b>
Rename the Botany Bay National Park Heritage Conservation Area to the Kamay Botany Bay National Park Heritage Conservation Area	The renaming to reflect the current name of the National Park and to acknowledge the traditional owners of this land, the Gweagal, is in line with the suggestion from the Environment Heritage Group of the Department.	<b>Supported.</b>
<b>Environmental resilience</b>		
<p>Amend Clause 1.2 to make reference to 'connections to open space', as well as 'resilience' in addition to ecological sustainability and shown below (in red):</p> <p><i>(a) to foster a liveable city that is accessible, safe and healthy with quality public spaces, <b>connections to open space</b> and attractive neighbourhoods and centres,</i></p>	In response to submission from Greater Sydney Parklands.	<b>Supported.</b>

Council's post exhibition changes	Council's reason	DPE's comments
<b>Economic development</b>		
Include a new local provision requiring any new development in the E1 Local Centre Zone to consider existing character and retention of the fine grain village character of development located within neighbourhood centres.	To ensure that the character of neighbourhood centres continues to be maintained.	As part of the Employment Zones reform, Clause 6.22 <i>Development in local centres</i> has been introduced to the Randwick LEP to address Council's intent for this proposed change.
<p>Deletion [from permitted use - land use table] or local provision prohibiting Freight Transport Facilities</p> <p>Amend clause 6.23 <i>Articulated vehicle limit—Perry Street, Matraville</i> to apply to the entire E4 General Industrial Zone .</p>	<p>To protect the adjoining residential area from amenity impacts as a result of the Codes SEPP amendments in 2021 introducing 24 hour operations and the amalgamation of the light and general industrial zones in the Matraville Industrial area.</p> <p>In April this year, the land previously zoned IN2 Light Industrial within the Randwick LGA was changed to the new E4 General Industrial Zone as part of the Employment Zones Reform.</p> <p>The Reform also introduced a new clause 6.23 <i>Articulated vehicle limit—Perry Street, Matraville</i> to the Randwick LEP, which applies restriction on the use of articulated vehicles to 'freight transport facilities' and 'warehouse or distribution centres'. The clause was developed based on Council's discussions with DPE's Employment Zones team, to address concerns over impacts on residential amenity associated with these land uses. In the previous IN2 Light Industrial Zone, 'freight transport facilities' were a prohibited use, whereas 'warehouse or distribution centres' were permissible. Both of these land uses are now permissible under the current E4 Zone.</p> <p>Council has raised additional concerns that Clause 6.23, which currently applies only to certain areas of the industrial zone (being land fronting or accessible from Perry Street), does not provide adequate coverage to protect the residential area from the impacts of heavy vehicles. Council further requested the</p>	<p><b>Not supported.</b></p> <p>'Freight transport facilities' are a mandated use permitted with development consent in the E4 General Industrial Zone. As such, Council's request to prohibit this land use cannot be supported.</p> <p>The Department considers any further change to Clause 6.23 should be the subject of public exhibition as part of a future planning proposal, noting that:</p> <ul style="list-style-type: none"> <li>• Clause 6.23 has already commenced. The exhibited planning proposal did not include any provisions specifically restricting 'freight transport facilities' or 'warehouse or distribution centres'. Community, including the owners of the affected land, should be given the opportunity to comment on any further changes to the existing controls;</li> <li>• The Department's Employment Zones team has considered Council's request and did not support the expansion of clause 6.23 as part of the Employment Zones Reform;</li> </ul>



Council's post exhibition changes	Council's reason	DPE's comments
	clause be extended to apply to the entire E4 Zone as part of this planning proposal.	<ul style="list-style-type: none"> <li>Clause 6.23 also applies restriction on the use of articulated vehicles to 'warehouse or distribution centres', which is more stringent than the previous IN2 zoning.</li> </ul>
Remove the proposed exempt provision relating to small scale cultural activities	To avoid misalignment with the soon to be updated State Environmental Planning Policy (Exempt and Complying Development Code).	<b>Supported.</b>
Remove subclause (3) of <i>Special events, markets and temporary use of land (including erection of associated temporary structures such as stalls, shade structures, marquees, stages, etc)</i> in Schedule 2 Exempt Development, which relates to size restriction of temporary structures	To avoid misalignment with the State Environmental Planning Policy (Exempt and Complying Development Code)	<b>Supported.</b>  See discussion further in the report regarding additional changes recommended by the Department to this clause.
<b>Housekeeping</b>		
Clause 4.1AA Minimum subdivision lot size for community title schemes <ul style="list-style-type: none"> <li>Amend the minimum lot size of 400 square metres outlined in subclause (3A)(a) as follows:  <i>(a) the size of each lot resulting from the subdivision is not to be less than 400 275 square metres</i> </li> </ul>	To ensure consistency with the proposed changes to Clause 4.1 (which seeks to reduce the minimum lot size control under for all land zoned R2 Low Density Residential from 400sqm to 275sqm, excluding land within a HCA)	<b>Supported.</b>  The Department supports this change, recognising Council's intent to establish consistency in planning controls.

Council's post exhibition changes	Council's reason	DPE's comments
<p>Clause 4.1A Minimum subdivision lot size for strata plan schemes in Zone R2</p> <ul style="list-style-type: none"> <li>Amend the minimum lot size of 400 square metres outlined in subclause (4) (a) as follows:  <del>(a) the size of each lot resulting from the subdivision is not to be less than 400 square metres, the area of the strata lot, measured at ground level, must be no less than 275 square metres, and</del></li> </ul>	<p>To ensure consistency with the proposed changes to Clause 4.1 (which seeks to reduce the minimum lot size control under for all land zoned R2 Low Density Residential from 400sqm to 275sqm, excluding land within a HCA) and <i>to clarify the meaning of 'lot' to remove confusion relating to the size of the land verse the site [size] of a strata lot.</i></p>	<p><b>Supported</b> (change to the minimum subdivision standard).</p> <p>The Department supports this change, recognising Council's intent to establish consistency in planning controls.</p> <p><b>Not supported</b> – suggested wording change</p> <p>The Department considers that Council's post exhibition changes to the meaning of 'lot' and/or how it is measured under subclause (4) should be considered in detail as part of a separately and supported by appropriate evidence.</p> <p>This proposed change affects a model clause included in the Template LEP; hence any changes to this clause would have to be considered for the template LEP also with PCO. While the Department acknowledges the issued raised through a recent L&amp;EC case that deals with the interpretation of this clause, given the reasons for implications for the Standard LEP template and changing a mandatory clause, it is not appropriate at this time to amend the wording of this clause.</p> <p>The Department will continue to work with Randwick Council to determine desirability and appropriateness of this proposed change, including to ascertain the practical effect of unilateral changes to the Template LEP.</p>



Council's post exhibition changes	Council's reason	DPE's comments
<p>Minimum lot size map</p> <ul style="list-style-type: none"> <li>Remove the minimum lot size of 400sqm for the cluster sites that are to be rezoned from R2 Low Density Residential to E1 Local Centre;</li> <li>Remove the minimum lot size of 400sqm for several sites that are to be rezoned from R2 Low Density Residential to R3 Medium Density Residential (HIAs) and to SP2 Health Services Facility (Randwick Hospital campus expansion);</li> <li>Remove the minimum lot size of two sites (582-584 and 586-592 Anzac Parade, Kingsford) that are currently zoned E2 Commercial Centre.</li> </ul>	<p>To ensure that the minimum lot size is only applied to the remaining R2 zoned areas and to maintain a consistent approach for the employment zones (no minimum lot size standards)</p>	<p><b>Supported</b></p> <p>The Department supports these changes, recognising Council's intent to ensure consistency in minimum lot size requirements and rectify anomalies in the existing planning controls.</p>

### Department's recommended changes

The Department has recommended further changes to the proposal as a result of the drafting process and consultation with Council, as detailed in the following table. Other changes that are not discussed below are minor, mechanical or administrative in nature that have arisen during the drafting process.

**Table 12 Department's recommended changes**

Proposed amendment	Reason
<b>Housing</b>	
Housing Investigation Areas (HIAs) – reinstatement of Kensington North HIA	<p><u>Council's reasons for not progressing the HIA</u></p> <p>While the Council Resolution of 30 August 2022 did not elaborate on the reasons why the Kensington North HIA should be removed, this matter was discussed at the meeting and Council staff provided a summary of the key issues raised:</p> <ul style="list-style-type: none"> <li>• <i>Kensington North HIA is located near the intersection of Allison Road and Anzac Parade. This intersection was identified within the Local Transport Study as poor performing.</i></li> <li>• <i>There is a plan to build a metro through Kensington and potentially through Kingsford Maroubra and Little Bay - it makes sense to consider the Kensington North HIA at a later stage.</i></li> <li>• <i>Kensington Public School is already at capacity.</i></li> <li>• <i>There are 1,053 new dwellings proposed on the Randwick Barracks site, which have not been included in the net new dwellings figures.</i></li> <li>• <i>Considering the 2,070 new dwellings in K2K as well as the additional dwellings in the Newmarket development, there is a lot of new development happening in the Kensington and Kingsford area, there is no need for an additional HIA.</i></li> <li>• <i>The Kensington North HIA should be delayed until such time as buildings within the K2K corridor, Newmarket and other HIAs have been built, then further decisions can be made as to whether additional uplift is required to provide housing.</i></li> <li>• <i>There will be opportunities in the future to review the timing and staging of the HIAs that have been removed.</i></li> <li>• <i>Summarised as traffic concerns and overcrowding, with too much development too quickly.</i></li> </ul> <p><u>Housing target in the Randwick Housing Strategy</u></p> <p>The Randwick Housing Strategy identifies a 6 to 10-year (2021-2026) housing target for the LGA of 4,300 dwellings. Under this planning proposal, the 5 HIAs and reduced lot sizes in the R2 zone would contribute to meeting this medium-term housing target, alongside other planning controls already made, such as the Kensington and Kingsford Town Centres.</p> <p>The projected 6 to 10-year net dwelling yield of the HIAs is summarised below (source: Council):</p>

Proposed amendment	Reason		
	HIA	Exhibited Proposal	Final Council Resolution
	Kensington North	105	0 <sup>7</sup>
	West Randwick	52	52 <sup>8</sup>
	Arthur Street	158	44 <sup>9</sup>
	Magill Street	76	76
	Kingsford South	183	175 <sup>10</sup>
	<b>Total</b>	<b>574</b>	<b>347</b>
The projected 6 to 10-year net dwelling yield in the Randwick LGA, based on Council’s resolutions, is summarised below (source: Council):			
<b>Components</b>		<b>Estimated housing yield (6-10 year)</b>	
General infill (already permissible under current planning controls)		800	
4 x HIAs		347	
Minimum lot size provisions in the R2 zone		474	
Kensington and Kingsford Town Centres (LEP already amended)		2,070	
Major sites (based on existing planning controls for the Newmarket and Little Bay sites)		546	
Bundock Street Defence site		503	
<b>Total</b>		<b>4,740</b>	
Council states that it is on track to meet the 6 to 10-year housing target of 4,300 dwellings based on the proposed amendment to the LEP, town centres and kev sites that have already been rezoned. in			

<sup>7</sup> Removal of the Kensington North HIA was resolved by Council on 30 August 2022, with the decision reaffirmed on 23 May 2023.

<sup>8</sup> The R3 portion of the West Randwick HIA was resolved by Council for removal on 30 August 2022, and later reinstated by Council on 23 May 2023.

<sup>9</sup> Removal of the western portion of the Arthur Street HIA was resolved by Council on 30 August 2022.

<sup>10</sup> Removal of the LAHC site at 47-57 Bunnerong Road, Kingsford was resolved by Council on 30 August 2022.

Proposed amendment	Reason
	<p>conjunction with development proposals for the Bundock Street Defence site in Randwick.</p> <p>The development proposals for the Bundock Street Defence site comprise the Bundock Street Housing Development (68 dwellings in total) and Live-in Accommodation (991 single-bedroom accommodation in total). The Department notes that the Live-in Accommodation proposal is not progressing at this time, as advised on the Australian Government website. Additionally, these developments seek to provide residential accommodation for Defence personnel only and is not open to the public.</p> <p>If the projected dwelling yield from Defence housing (based on Council's estimate) is excluded, the projected housing yield to the year 2026 would be reduced to 4,237 dwellings, being 63 dwellings below the housing target. Further this projected yield is based on take up of this development.</p> <p><u>Response to Council's concerns</u></p> <p>The following provides a response to each of the concerns raised at the Council Meeting of 30 August 2022:</p> <ul style="list-style-type: none"> <li>• The Kensington North HIA is in proximity to the confluence of two light rail routes and within walking distance to light rail stops. This component of the planning proposal was consulted with TfNSW, who has raised no objections. While the performance and constraints of the Allison Road and Anzac Parade intersection (located to the north of the Kensington North HIA) is acknowledged, there is adequate merit for this HIA to proceed, due to the location of the Kensington North HIA, which is highly accessible to light rail services and local facilities.</li> <li>• The long-term transport infrastructure upgrades in the South East Sydney Transport Strategy (SESTS) are subject to business cases and investment decisions by the Government. Currently, there is no confirmed commitment to implement these initiatives. Both the Kensington North and West Randwick HIAs are in close proximity to light rail services that are already in operation.</li> <li>• School Infrastructure does not object to the proposed HIAs. With regard to the projected dwelling delivery of each of the HIAs, SINSW advises that: <i>"..the enrolment demand resulting from the proposed development can likely be accommodated within the LGA's existing schools. SINSW will investigate appropriate solutions for those schools which cannot accommodate an expansion of capacity due to site and environmental constraints (e.g. Kensington Public School)."</i></li> </ul> <p>They also state that existing assets could be optimised through: realigning school intake areas, monitoring enrolments, renewing existing assets, increase functionality and amenity of existing schools, using temporary classrooms, identifying operational actions and securing land through VPAs, etc.</p>

Proposed amendment	Reason
	<ul style="list-style-type: none"> <li>The propensity to meet the 6 to 10-year housing target does not mean that areas suitable for uplift should be deferred or not proceed. Any additional capacity could contribute to meeting the 10+ year housing needs of the community.</li> </ul> <p>In summary, the Department considers there is sufficient merit to progress the Kensington North HIA as part of the finalisation, as:</p> <ul style="list-style-type: none"> <li>The urban design study undertaken by Council staff has demonstrated the suitability of this HIA for uplift, given its proximity to the light rail, Centennial Park and local services;</li> <li>The HIAs, including Kensington North, are a key initiative in the planning proposal to provide new housing that would contribute to meeting the 6- to 10-year housing target. The exclusion of this HIA will reduce this potential supply by 105 dwellings, putting the achievement of the GCC's housing target at risk;</li> <li>The HIA would provide opportunities to provide additional affordable housing; and</li> <li>To the Department's knowledge, there are no unresolved objections from agencies regarding this HIA.</li> </ul>
Exclude the proposed changes for the 15 neighbourhood cluster sites	As discussed above, an adequate flood assessment has not been undertaken to support the rezoning and increase to FSR standard for these clusters. As such, this component of the planning proposal cannot be supported.

## Heritage

Exclude the following 3 sites from the proposed local heritage listing:

- 21 Baden Street, Coogee
- 3 Bishops Avenue, Randwick
- 41-43 Kyogle Street, Maroubra

These items were identified in an earlier Heritage Study by Extent Heritage, and were later peer reviewed by City Plan Heritage who recommended that they not be listed.

Contrary to the Council staff's recommendation, Council at its Extraordinary Meeting of 30 August 2022 resolved to heritage list all three sites.

On 23 May 2023, Council at its Ordinary Meeting resolved to proceed with the listing of 21

### Gateway

Council commissioned the Randwick Heritage Study (by Extent Heritage) to peer review potential heritage items nominated by the community and review heritage conservation areas within the LGA. The report makes the following recommendations:

- 21 Baden Street, Coogee – recommends the listing of the site subject to further detailed assessment.
- 3 Bishops Avenue, Randwick – recommends further investigation to determine whether it should be listed.
- 43 Kyogle Street, Maroubra – recommends listing alongside 41 Kyogle Street, subject to further detailed assessment.

The Department did not consider the above study as having sufficient justifications and evidence to support new heritage listings. This was because the report did not include a detailed assessment of significance against the Heritage Office manual and its recommendations included qualifications that additional investigation was required. As such, the Gateway determination requires further justification, including a detailed assessment of significance, for all proposed items.

Proposed amendment	Reason
Baden Street, Coogee, but not the other two sites.	<p><u>Exhibition</u></p> <p>The exhibited heritage inventory sheet (by City Plan Heritage) for 21 Baden Street, Coogee expressly states in the statement of significance that the site “does not meet the criteria for listing as a heritage item of State or Local significance”. Additionally, the assessment of significance in the inventory sheet states that the site does not meet any of the seven listing criteria under the Heritage Office manual.</p> <p>The exhibited inventory sheets for 3 Bishops Avenue, Randwick and 41-43 Kyogle Street, Maroubra state that those sites are of local heritage significance,</p> <p><u>Post-Exhibition</u></p> <p>City Plan Heritage was retained by Council to review heritage related submissions. In its review, the heritage consultant recommended that 21 Baden Street be removed from the potential items list as “the subject flat building has been modified significantly from its original form both externally and internally (being originally single-storey residence then converted into a flat building) and not meet the threshold for heritage listing”.</p> <p>The consultant’s review of submissions concluded that 41-43 Kyogle Street, Maroubra should be removed from the proposed heritage list, given the setting to the semi-detached houses have been substantially altered. The review also recommended 3 Bishops Avenue, Randwick not to be listed due to the fact that the external facades are not original.</p> <p>In the staff report to the Extraordinary Council Meeting of 30 August 2022, all three sites were not on the list recommended for heritage listing. However, Council resolved at its Meeting of 30 August 2022 to proceed with the heritage listing of all three sites, contrary to the staff’s recommendation.</p> <p><u>Finalisation</u></p> <p>On 9 January 2023, the Department wrote to Council advising that there is insufficient evidence to demonstrate that 21 Baden Street, Coogee, along with 3 Bishops Avenue, Randwick and 41-43 Kyogle Street, Maroubra meet the threshold for listing.</p> <p>Council staff subsequently commissioned another heritage consultant (Hector Abraham and Associates) to prepare a Peer Review of Heritage Assessments in relation to 21 Baden Street, Coogee, 3 Bishops Avenue, Randwick and 41-43 Kyogle Street, Maroubra. This additional study (Peer Review) was not requested by the Department. The review has included an assessment against the listing criteria under the Heritage Office manual and concluded that 21 Baden Street, Coogee meets the criteria for listing, but not the other two sites.</p> <p>On 22 May 2023, the landowner of 21 Baden Street wrote to the Department and provided a copy of a heritage report (by Weir Phillips) stating that the site “does not fulfil any of the seven criterion of Heritage NSW and should not be listed as a heritage item...” On 14 June 2023, the landowner’s legal representatives wrote to the Department requesting the removal of the site as a heritage item from this planning</p>



Proposed amendment	Reason
	<p>proposal. This letter indicated that an interim heritage order (IHO) was issued by Council for the site on 19 May 2023, following the lodgement of a development application for the site by the landowner on 13 April 2023. The letter further noted that a request to the Minister for Heritage has been made on behalf of the landowner, for the IHO on the site to be revoked.</p> <p>The Peer Review was included in the staff's report to the Ordinary Council Meeting of 23 May 2023, at which the Council resolved to endorse the heritage listing of 21 Baden Street, Coogee but not the other two sites.</p> <p>The heritage inventory sheet for 21 Baden Street, Coogee that supported the planning proposal during exhibition clearly states that the site does not satisfy the criteria for heritage listing. The Department has also advised Council staff that there is insufficient evidence for this site to be listed. The Peer Review was commissioned by Council at the finalisation stage and completed in April 2023 (final version dated 22 April 2023). Although this peer review was included in the Business Papers for the 23 May 2023 Council Meeting, it has not been subject to a proper community consultation process in the form of exhibition. There was a lack of appropriate opportunity for the community to make comments on the findings of the Peer Review.</p> <p>The Department also queries whether the Peer Review contains adequate background research upon which the assessment of significance is based. In its assessment against <i>criterion (c) aesthetic significance</i>, the Peer Review states "<i>it is ostensibly intact</i>". It is unclear if a physical inspection has been undertaken to inform the assessment and whether the assessment considered the alterations already made to all windows on the street elevation of the building. It has not discussed the integrity of the building in sufficient detail.</p> <p>Added to this, the landowner for this site appealed the IHO on the site through the Land &amp; Environment Court. The court recently decided to revoke the IHO citing that the property did not have heritage significance.</p> <p>Having regard to the above, the Department considers that it is inappropriate to include 21 Baden Street in the heritage listing as part of the finalisation. Any potential heritage listing of this site should be subject to a separate planning proposal, supported by sufficient justifications and evidence.</p>
<b>Economic development</b>	
<p>Exclude the following proposed changes:</p> <ul style="list-style-type: none"> <li>Amend Schedule 1 to permit (with development consent) service station for the following 3 sites, <ul style="list-style-type: none"> <li>341-347 Avoca Street, Randwick</li> </ul> </li> </ul>	<p>These three sites form part of the 20 clusters that the planning proposal seeks to rezone to B1 Neighbourhood Centre (now E1 Local Centre) - Malabar Road Cluster, Avoca Street Cluster and Carrington Road Cluster. They are among the 15 clusters which may be flood prone. As discussed above, an adequate flood assessment has not been undertaken to support the rezoning and increase to FSR standard for these clusters. As such, this component of the planning proposal cannot be supported.</p>

Proposed amendment	Reason
<ul style="list-style-type: none"> <li>○ 33-37 Carrington Road, Randwick</li> <li>○ 169-173 Malabar Road, South Coogee</li> <li>• Identify the above sites in the Additional Permitted Uses Map</li> </ul>	<p>The proposed amendment to Schedule 1 would be unnecessary, if these sites are to be rezoned to E1 Local Centre, as service stations would be automatically permit with development consent under the proposed zone.</p> <p>The Department is satisfied that this matter can be resolved after further investigations are undertaken for the cluster sites.</p>
<p><u>Trading hours</u></p> <p>Amend the Codes SEPP to allow extended trading of low impact uses within business centres as Exempt Development to achieve the planning proposal's intent to support night-time economy.</p>	<p>The planning proposal seeks to amend the Randwick LEP to:</p> <ul style="list-style-type: none"> <li>• Allow extended trading hours from 7am to 11pm, daily for shops, business premises or kiosks on land zoned E1 Local Centre or E2 Commercial Centre.</li> <li>• Specify hours for loading, delivery and waste collection.</li> <li>• Include matters relating to noise and waste management.</li> </ul> <p>Exempt Development for trading houses is specified in subdivision 23B <i>Hours of operation and trading</i> of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (the Codes SEPP), which allows trading up to 10pm in various zones, including E1 Local Centre and E2 Commercial Centre.</p> <p>As advised by the Department's Codes Team, it is appropriate for a local variation to be made to section 2.46C of the Codes SEPP to extend the trading hours beyond 10pm by one hour for the nominated uses in the E1 and E2 zones (instead of amending the Randwick LEP sought by the planning proposal).</p> <p>The proposed exempt trading from 7am is not supported as section 2.46C of the Codes SEPP already allows trading to start at 6am.</p> <p>Council's proposed hours for loading, delivery and waste collection and noise and waste management measures are more restrictive or beyond what is currently provided for in the Codes SEPP. As per the Codes Team's advice, the above element is not supported.</p>
<p>Amend item <i>Special events, markets and temporary use of land (including erection of associated temporary structures such as stalls, shade structures, marquees, stages, etc)</i> in Schedule 2 Exempt Development, to allow markets to be carried out as Exempt Development (as per the planning proposal's intent) and to remove existing requirements relating to events that are unnecessary to be regulated in the LEP.</p>	<p>'Temporary events' are not separately characterised in the standard instrument and may ordinarily take place as a part of a primary lawful land use.</p> <p>In the case of Council reserves and facilities, the primary lawful land use is usually recreation area or community facility, as defined in the standard instrument. Recreation areas and community facilities may be the subject of a development consent or may have the benefit of ongoing lawful use under section 4.68 of <i>the Environmental Planning and Assessment Act 1979</i>.</p> <p>An event that is consistent with a community land plan of management will generally meet the relevant standard instrument definition and require no further planning approval. Section 68 approval under the <i>Local Government Act 1993</i> may be required unless the event is exempt under a Local Approvals Policy.</p> <p>In addition, recreation areas and recreation facilities (outdoor) carried out by or on behalf of council in a council reserve are permissible</p>

Proposed amendment	Reason
	<p>without development consent under Part 2.3, Division 12 of State Environmental Planning Policy (Transport and Infrastructure) 2021. Should council wish to update a community land plan of management it would be possible to carry out a Part 5 assessment of these land uses at the same time. There are also a range of structures that are exempt development under Division 12, including ‘temporary structures’ to further support councils in their management of council reserves.</p> <p>Notwithstanding above, in consultation with Council and Parliamentary Counsel, the existing clause has been amended to permit temporary structures for markets a exempt for on a road, place of public worship, hospital or other public land or land that is in a recreation zone or a special purpose zone and remove some existing requirements that are unnecessary to be regulated in the LEP. Council should undertake a detailed review of the operation of its LEP exempt development provisions for a future housekeeping amendment to ensure consistency with other legislation and instruments, including the Code SEPP.</p>
<b>Housekeeping</b>	
<p><u>Clause 6.18 Affordable housing at Kensington and Kingsford town centres</u></p> <p>Amend clause 6.18 to provide that boarding house is not subject to affordable housing contribution requirement under this clause; however, co-living housing is subject to a monetary contribution under this clause.</p>	<p>The State Environmental Planning Policy (Housing) 2021 (Housing SEPP) has introduced provisions relating to affordable housing (including “boarding houses”) and diverse housing (including “co-living housing”), among other things.</p> <p>Clause 6.18 - <i>Affordable housing at Kensington and Kingsford town centres</i> in Randwick LEP sets out requirements for affordable housing contributions for development within the Kensington and Kingsford centres. This clause was introduced prior to the Housing SEPP taking effect and requires “boarding houses” to be subject to affordable housing contributions. However, “boarding houses” in this context was intended to mean a land use that is equivalent to the current “co-living housing” (which is not deemed a type of affordable housing) under the Housing SEPP.</p> <p>“Boarding house” and “co-living” are now defined in the Standard Instrument LEP.</p> <p>To align the terminology used in the Housing SEPP and Clause 6.18 of the Randwick LEP, and to require “co-living housing” to be subject to affordable housing contributions, the Department seeks to make an administrative change to the clause. Council has advised that it does not object to this change.</p>
<p><u>Schedule 1 Additional permitted uses</u></p> <p>Replace Clause 3 with a new local provision to provide that development consent must not be granted for the purposes of ‘serviced apartments’ on certain</p>	<p>On 26 April 2023, amendments to the Randwick LEP to give effect to the Department’s employment zones reform commenced. As part of the amendments, the zoning of the land bounded by Fenton Avenue, Marine Parade, McKeon Street and Mons Avenue, Maroubra (the Maroubra Beach Commercial Centre, as referred to in Clause 3 of Schedule 1 Additional permitted uses of the Randwick LEP 2012) changed from B1 Neighbourhood Centre to E1 Local Centre. Services</p>

Proposed amendment	Reason
sites at Maroubra unless the development is part of a mixed use development.	<p>apartments, which were prohibited under the B1 zone, are permissible (with development consent) under the E1 zone.</p> <p>As a result of the employment zones reform amendments, clause 3 which permits serviced apartment (that is part of a mixed-use development) with development consent becomes obsolete. In addition, Clause 3 refers to 'B1 Neighbourhood Centre' which is no longer relevant.</p> <p>Replacing Clause 3 with a new local provision at Clause 6,23 will achieve the same policy intent and outcome as this original clause provided.</p>

## 5 Post-assessment consultation

The Department consulted with the following stakeholders after the assessment.

**Table 13 Consultation following the Department's assessment**

Stakeholder	Consultation	The Department is satisfied with the draft LEP
GIS	<p>The planning proposal involves migration of all existing LEP PDF maps, including those without material changes, to the NSW Planning Portal Spatial Viewer. The Department's ePlanning team has prepared all the digital maps (<b>Attachment Map</b>) in consultation with Council.</p> <p>The Digital maps have been reviewed / modified by the Department's ePlanning team, which meet the relevant technical requirements.</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details
Council	<p>Council was consulted on the terms of the draft instrument under clause 3.36(1) of the <i>Environmental Planning and Assessment Act 1979</i>.</p> <p>Council provided detailed feedback throughout the drafting process (<b>Attachment S</b>). Council's requests has been considered and addressed in this report.</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details
Parliamentary Counsel's Opinion	On 17/08/2023 , Parliamentary Counsel provided the final Opinion that the draft LEP can legally be made.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details

## 6 Recommendation

It is recommended that the Minister's delegate as the local plan-making authority determine to make the draft LEP under clause 3.36(2)(a) of the Act because the draft LEP:

- it is consistent with the Eastern City District Plan, Council's local strategic plans and studies, and relevant SEPPs;
- it will give effect to the priorities and actions in the Randwick LSPS and Local Housing Strategy as approved by the Department;
- it provides additional opportunities to contribute to housing supply that is more diverse and affordable;
- it will promote heritage conservation, design excellence, a diverse and vibrant local economy, and liveable and socially connected places;
- it will introduce provisions to promote environmental sustainability;
- is consistent with the Gateway Determination; and
- adequately addresses issues raised during community consultation, and there are no outstanding public agency objections.



18 August 2023

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