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Gateway determination report – PP-2023-2235

Randwick Junction Town Centre

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Acknowledgment of Country

The Department of Planning, Housing and Infrastructure 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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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Randwick Junction Planning Strategy (2020), Randwick City Council
Randwick Junction Town Centre Urban Design Report (2023), Randwick City Council
Randwick Junction Heritage Conservation Review (2015), City Plan Heritage
Heritage Assessment Randwick Junction Planning Strategy (2023), City Plan Heritage
Randwick Junction Affordable Housing Plan (2023), Randwick City Council
Randwick Junction Architectural Competition Guidelines (2023), Randwick City Council
Randwick Junction Planning Strategy Consultation Outcomes Summary (2020), Randwick City Council
Local Transport Study – Randwick Junction and HIAs – Final Report (2022), Stantec
South East Sydney Transport Strategy (2020), Transport for NSW
Council Meeting Agenda 19 September 2023
Council Minutes 19 September 2023
Randwick Local Planning Panel Agenda 8 June 2023
Randwick Local Planning Panel Minutes 8 June 2023
Shadow Study, Winter Solstice (2023), Randwick City Council
Draft LEP Maps

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Randwick
PPA	Randwick City Council
NAME	Randwick Junction Town Centre (400 homes, 450 jobs)
NUMBER	PP-2023-2235
PROPOSAL CATEGORY	Standard
LEP TO BE AMENDED	Randwick Local Environmental Plan 2012
ADDRESS/DESCRIPTION	Multiple properties in Randwick Junction Town Centre
RECEIVED	17/10/2023
FILE NO.	IRF23/2798
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that explain the intent of the proposal.

The objective of this planning proposal is to amend the Randwick LEP 2012 to deliver sustainable growth in employment, homes (including notably affordable housing) and public benefits in the Randwick Junction Town Centre (RJTC). The intended outcome is a statutory framework that:

- enhances the liveability, sustainability and economic prosperity of RJTC
- supports development that is compatible with, and sensitive to the heritage values and significance of the Randwick Junction Heritage Conservation Area
- protects employment floor space and supports vibrant commercial activity by applying an active street frontage provision to ground floor uses
- supports moderate increases in height and FSR across the centre
- identifies key strategic sites where additional height and FSR may be achievable subject to heritage considerations, and to the delivery of affordable housing and design excellence
- encourages sustainable building design
- facilitates an attractive and comfortable public realm.

The objectives of the planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to facilitate redevelopment of the Randwick Junction Town Centre and implement Council's Planning Strategy. To achieve the stated objectives, the planning proposal seeks to amend the Randwick LEP 2012 per the changes identified in **Table 3**.

The amendments are estimated to create up to 400 additional homes, including 31 affordable housing dwellings, and 450 jobs.

Table 3 Current and proposed controls

Control	Site (shown in Figure 3)	Current	Proposed
Land Use Zone	Strategic Sites	R3 Medium Density Residential E2 Commercial Core	E2 Commercial Core
	Infill Sites	R3 Medium Density Residential E2 Commercial Core	R3 Medium Density Residential (no change) E2 Commercial Core RE1 Public Recreation
	Certain heritage items and contributory buildings	R3 Medium Density Residential E2 Commercial Core	No change
Maximum height of buildings	Strategic Sites	12m	18 – 34m (5 – 10 storeys)
	Infill Sites		15 – 18m (4 – 5 storeys)
	Certain heritage items and contributory buildings		No change
Floor space ratio (FSR)	Strategic Sites	0.9:1 – 2:1	2.5:1 – 4:1
	Infill Sites		0.9:1 – 2.75:1
	Certain heritage items and contributory buildings		No change
Non-residential FSR	Strategic Sites only	N/A	0.7:1 – 1.7:1
Active street frontages	Certain street frontages	N/A	Alison Road, Belmore Road, Avoca Street, Elizabeth Street, Silver Street, Arthur Lane, Waratah Avenue, Arthur Street, High Street, Short Street and proposed through-site connections.

Control	Site (shown in Figure 3)	Current	Proposed
Design Excellence	Certain Strategic Sites	N/A	New design excellence clause requiring a competitive design process for redevelopment of existing shopping centre sites.
Affordable housing	Strategic Sites	N/A	3-9% or equivalent monetary levy
	Infill Sites	N/A	2-3% or equivalent monetary levy
	Certain heritage items and contributory buildings	N/A	N/A

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

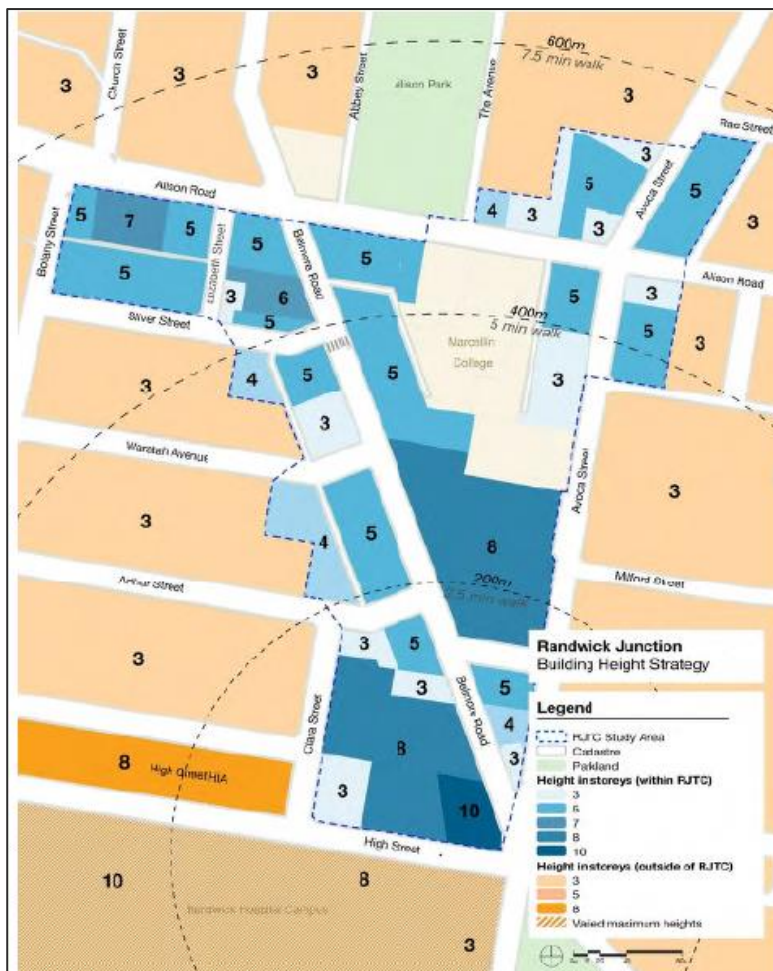


Figure 1 Proposed Building Heights in storeys (Source: Planning proposal, 2023)



Figure 2 Modelling of proposed building heights – west view (Source: Planning proposal, 2023)

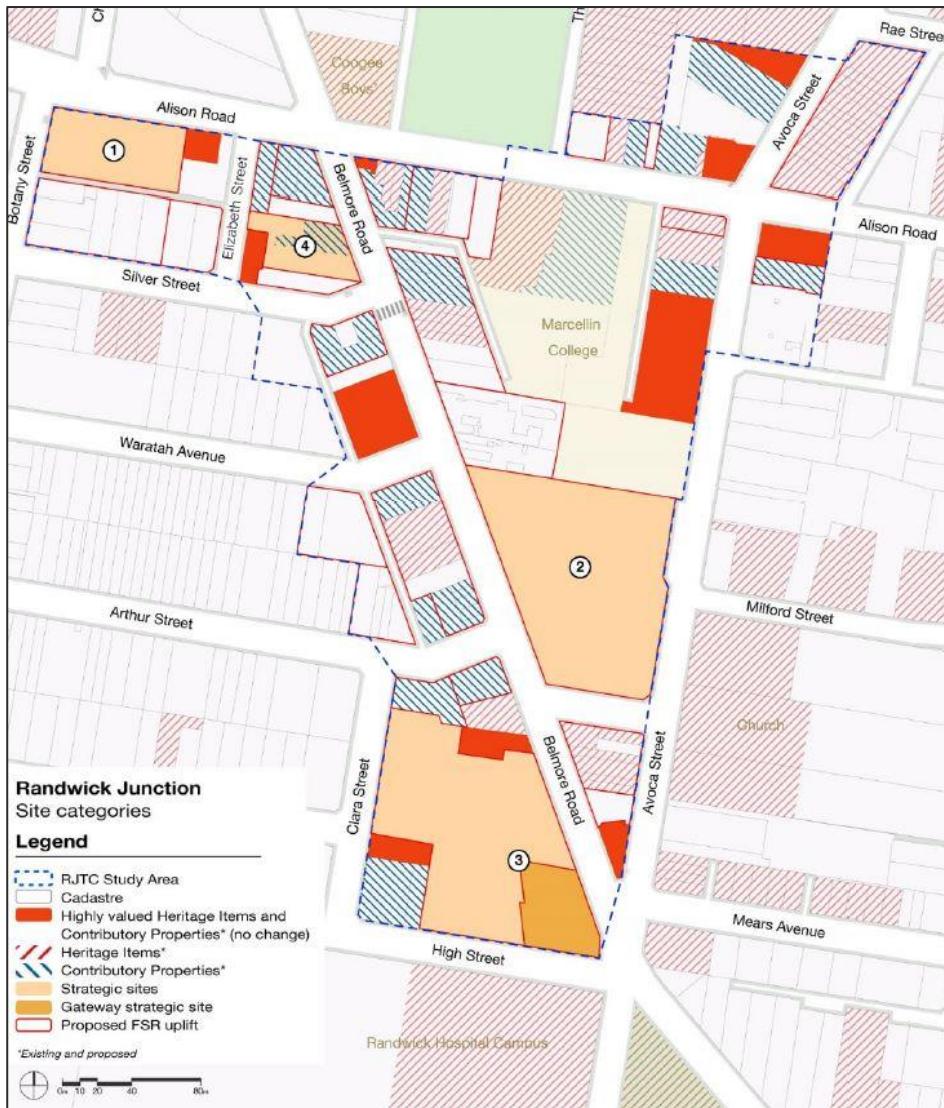


Figure 3 Site categories (Source: Planning proposal, 2023)

1.3.1 Height and Floor Space Ratio

The proposed height and floor space ratio provisions are informed by the Randwick Junction planning strategy and supporting modelling. The significant work and fine grain detail underpinning the strategy and modelling is acknowledged.

The Department supports a fine-grain approach to inform the development of planning provisions in principle. The planning proposal seeks to change from a consistent height and FSR across blocks to a proposed fine grain, often lot specific, heights and FSRs.

For clarity during consultation, the planning proposal should be updated to explain the rationale for the proposed heights and FSRs, including:

- the alignment between the proposed heights and FSRs
- how it achieves the intended outcomes and enables flexibility for lot amalgamation, design excellence
- how the transition to fine grain heights and FSRs is the simplest way to achieve the desired result
- reasoning for certain contributory buildings not being identified for uplift
- that the proposal does not unintentionally limit future development potential by being overly prescriptive.

The Gateway determination is conditioned to this effect.

1.3.2 Affordable Housing Contribution Scheme

A key objective of the planning proposal is to deliver affordable housing in the Randwick Junction Town Centre. To enable this, the planning proposal seeks to introduce a local provision for affordable housing contributions with 5 contribution rates proposed to apply across the centre (between 2% and 9%) (**Table 4** and **Figure 14**), delivering 31 affordable housing units.

Table 4: Proposed affordable housing contribution rates

Area	Proposed contribution rate	Proposed FSR
Area 1 – various sites	2%	1.1 – 2.5:1
Area 2 – various sites	3%	1.5 – 3:1
Area 3 – 2 sites (corner of Elizabeth Street and Silver Street, High Street)	4%	2:1 – 2.75:1
Area 4 – 2 sites (Randwick Club site and strategic site on Belmore Road)	7%	3:1
Area 5 – 1 site (Gateway site on corner of Belmore Road and High Street)	9%	4:1

The planning proposal is supported by a proposed Affordable Housing Contribution Scheme (AHCS) and the economic and feasibility analysis prepared by SGS Economics and Planning (March 2022 and October 2024).

Section 7.32 of the EP&A Act allows councils to levy contributions for affordable housing if a State environmental planning policy (SEPP) identifies a need for affordable housing in the LGA. In February 2019, SEPP 70 was expanded to include all LGAs across the state. SEPP 70 has since been repealed with same provisions incorporated into the SEPP (Housing) 2021.

Under section 7.32(3)(b) of the EP&A Act, a condition imposed on a development consent must be authorised to be imposed by a LEP and be in accordance with an affordable housing contribution scheme for dedications or contributions set out in, or adopted by, the LEP.

The Department's *Guideline for Developing an Affordable Housing Contribution Scheme* sets out the process and requirements councils must take into consideration when developing an affordable housing contribution scheme. It requires councils to provide evidence that the contribution rates are viable and explain how they were determined. This information must be consistently and transparently applied and be made publicly available to be assessed and examined.

There is significant inconsistency between Council's planning proposal and the viability findings by SGS. The FSRs sought under the planning proposal are inconsistent with those tested by SGS in the viability report. The planning proposal is not supported by testing demonstrating the viability of the proposed contribution rates at all correlating FSRs and is therefore inconsistent with the Guideline.

The draft AHCS has not sufficiently demonstrated consistency with Department guidelines or that the proposed contributions rates are viable. A Gateway condition is recommended to remove the elements that are inconsistent with the Guideline from the draft AHCS and delete its application from any site where testing has shown that the rate and correlating FSR is not viable.

Where sites may require a staged approach or deferred commencement to reflect the results of current or future feasibility testing, this needs to be represented in the updated scheme and planning proposal.

1.3.3 Active Street Frontages

The planning proposal seeks to apply an active street frontages provision to Alison Road, Belmore Road, Avoca Street, Elizabeth Street, Silver Street, Arthur Lane, Waratah Avenue, Arthur Street, High Street, Short Street and proposed new road/lane connections (**Figure 12**).

Whilst the active street frontages provision will support orderly development and centre viability on the main streets of Belmore Road, Alison Road, High Street and Avoca Street, there is insufficient justification for its application on secondary roads and proposed through-site accessways. Active street frontages should be applied where they are most appropriate with regard to road hierarchy and feasibility.

Prior to community consultation, the planning proposal should be updated to remove the active street frontages provision from secondary roads and proposed through site links. A Gateway condition is recommended to this effect.

Council may wish to consider addressing street activation of frontages on secondary roads and through-site links within the Randwick DCP 2013.

1.4 Site description and surrounding area

The Randwick Junction Town Centre is in the Randwick LGA, approximately 8km from the Sydney CBD.

'A Metropolis of Three Cities' and the Eastern City District Plan identify Randwick as a strategic centre and health and education precinct. The area contains the University of NSW, Randwick Hospital, Royal Randwick Racecourse and town centres at Kensington, Kingsford, Randwick Junction and the Spot.

The planning proposal applies to the area shown in **Figure 4** bounded by Avoca Street to the east, Alison Road to the north and High Street to the south. Belmore Road transects the centre, north-south. The Randwick light rail stop and Prince of Wales Hospital adjoin the centre to the south.

Existing development comprises 2-3 storey buildings which are mostly shop top housing, two 8-storey buildings and two shopping centres, the Royal Randwick Shopping Centre and Randwick

Plaza Shopping Centre. Health consulting rooms and health related businesses are a common use in the centre resulting from the close proximity to the hospital.

The centre is a local Heritage Conservation Area (HCA) (Randwick Junction HCA) and contains 32 heritage items, including two state heritage items (Sandgate Cottage at 128 Belmore Road (I301) and Easts House at 124 Alison Road, the former Post Office (I274)).



Figure 4 Site context (source: Nearmap, 2023)

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the following maps:

- Land Use Zoning Map
- Height of Building Map
- Floor Space Ratio Map
- Non-residential FSR Map
- Active Street Frontages Map
- Special Provisions Area Map.

The planning proposal also seeks to introduce an 'Affordable Housing Area' map. This is inconsistent with the approach taken in the LEP for Council's existing affordable housing schemes for Kensington and Kingsford town centres and the Housing Investigation Areas, and the map identified in Section 4.3 of the planning proposal. These areas are identified on the Special Provisions Area Map. The need for a new mapping approach has not been suitably demonstrated in the planning proposal. A Gateway condition is recommended to update the proposal to be

consistent with the previously adopted approach. The Special Provisions Area map should also be updated to reflect the amended AHCS.

Subject to the Gateway conditions, the planning proposal maps are suitable for consultation.

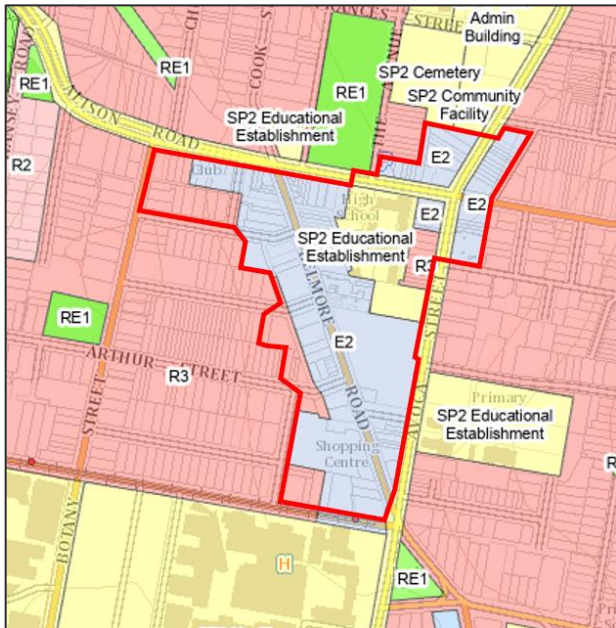


Figure 5 Current zoning map (2023)

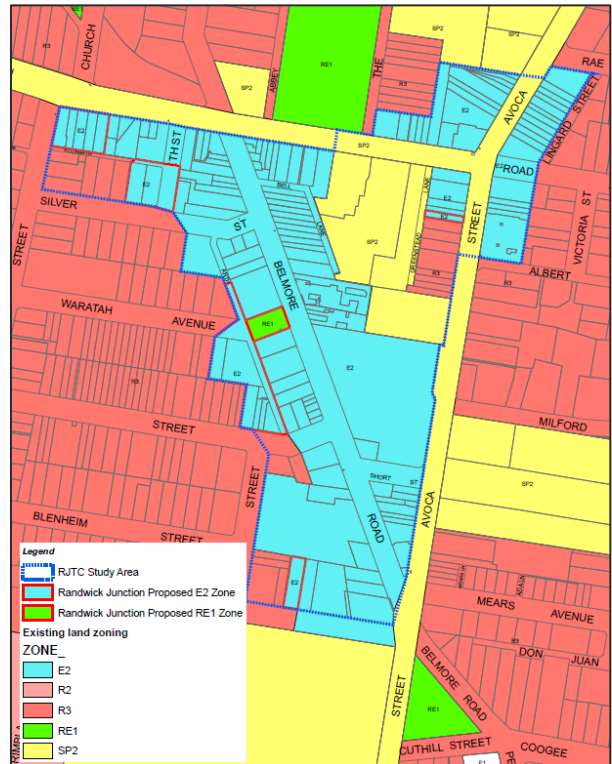


Figure 6 Proposed zoning map (Source: Planning proposal, 2023)

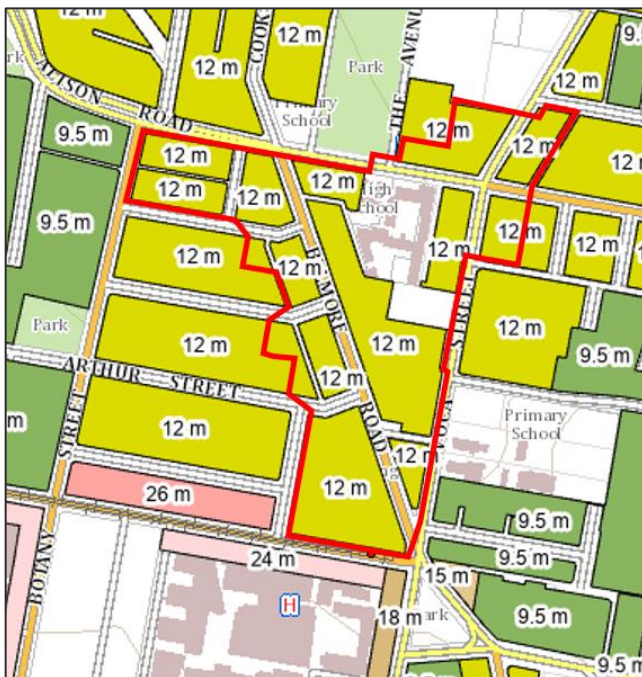


Figure 7 Current height of buildings map (2023)

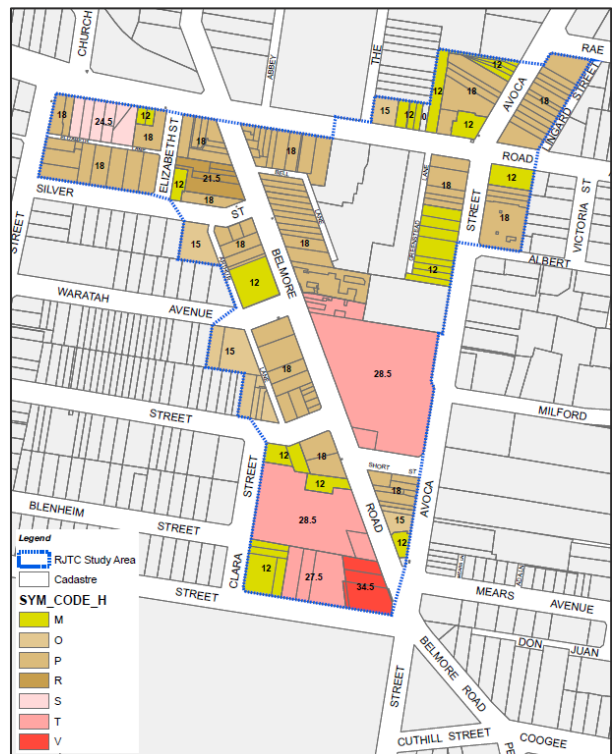


Figure 8 Proposed height of building map (Source: Planning proposal, 2023)



Figure 9 Current floor space ratio map (2023)

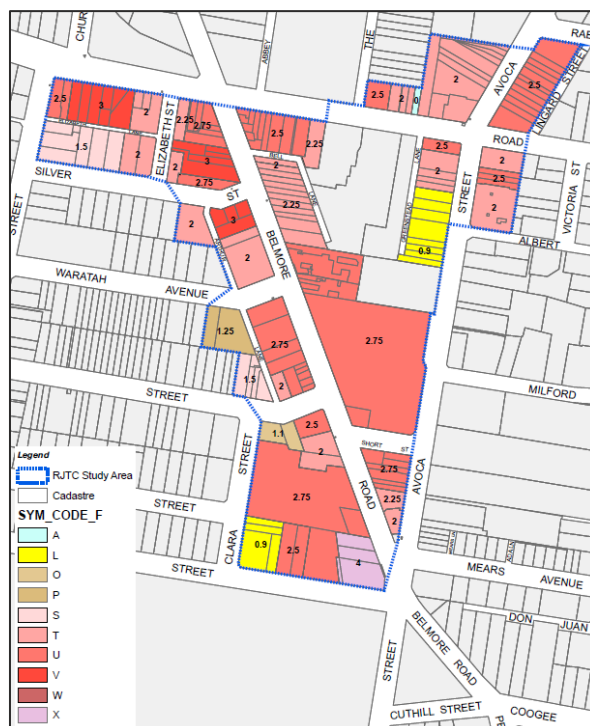


Figure 10 Proposed floor space ratio map
(Source: Planning proposal, 2023)

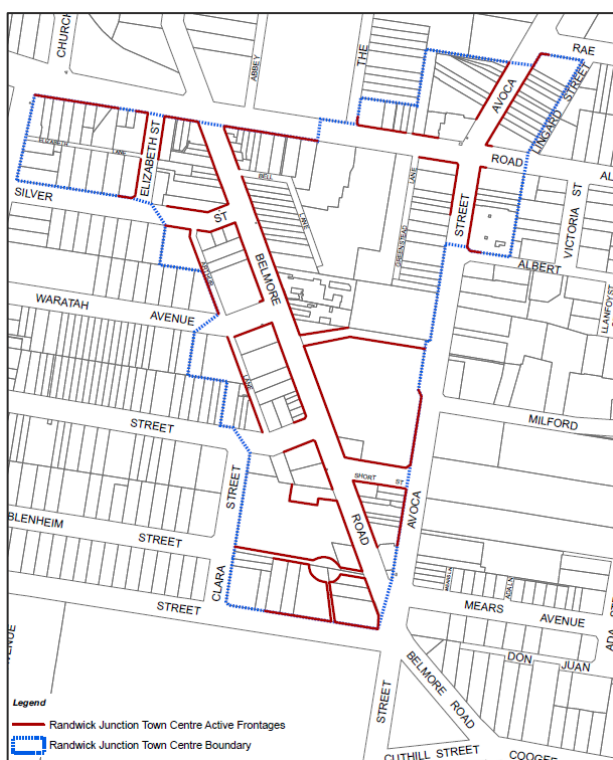


Figure 11 Proposed active frontages map (Source: Planning proposal, 2023)



Figure 12 Proposed non-residential FSR map (Source: Planning proposal, 2023)



Figure 13 Proposed Affordable Housing Levy Area map (Source: Planning proposal, 2023)

Note: This will be introduced through the Special Provisions Area Map (Figure 14).

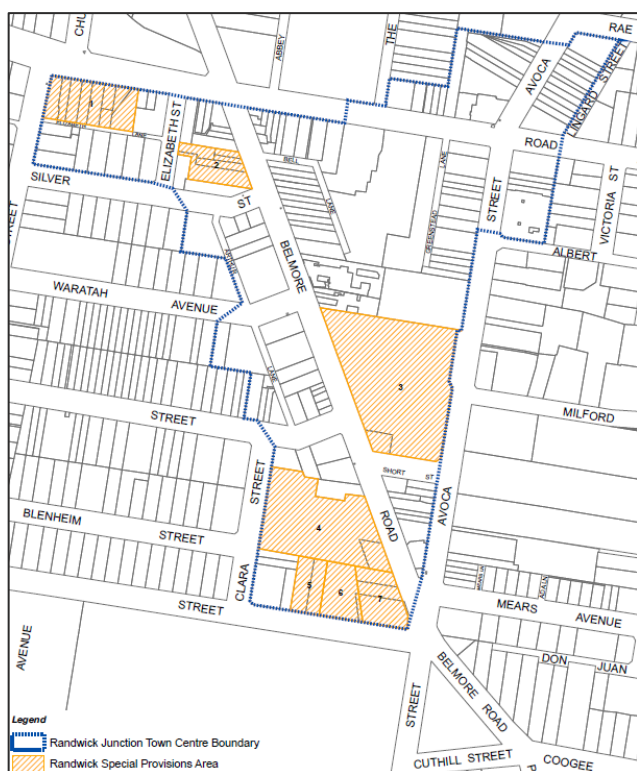


Figure 14 Proposed Special Provision Area map (Source: Planning proposal, 2023)

1.6 Background

The following table provides a summary of the planning proposal and the recent planning investigations which informed its preparation.

Table 5 Proposal timeline

Date	Event
June 2016	Council endorsed an Issues Paper which identified a range of planning, urban design and public domain challenges affecting the centre.
March 2018	Randwick Junction Town Centre identified in the Region Plan as a 'health and education precinct' and 'collaboration area'.
11 November to 8 December 2020	Public exhibition of Randwick Junction Planning Strategy.
27 April 2021	Council resolved to defer the Strategy for further feasibility analysis and fine grain urban design modelling with consideration of heritage.
23 May 2023	Council endorsed the draft planning proposal for submission to the Randwick Local Planning Panel (LPP) for advice and requested that the Panel consider further measures to ensure the integrity of heritage and contributory buildings is protected.
8 June 2023	The LPP advised that it supported the proposal in principle but there was insufficient time to provide a response to Council's request in their resolution. See Section 3.4 of this report for more detail.

Date	Event
26 July 2023	LPP site visit. LPP advised Council it supported the proposal in principle and recommended considering the feasibility of a heritage floorspace transfer scheme. See Section 3.4 of this report.
22 August 2023	Council resolved to defer consideration of the planning proposal.
12 September 2023	Councillor briefing.
19 September 2023	Council resolved to submit the planning proposal for Gateway determination.
17 October 2023	Planning proposal submitted for Gateway assessment.
11 March 2024	DPHI sent letter to Council detailing issues and requesting additional information to ensure the AHCS is consistent with the Guidelines.
4 June 2024	DPHI sent further letter to Council requesting that Council provide a response.
7 June 2024	Council provided additional justification for AHCS submitted.
19 October 2024	Council submitted an additional information to support the AHCS.

2 Need for the planning proposal

The planning proposal implements the Randwick Junction Town Centre Strategy (2020) prepared in response to actions in the Randwick Local Strategic Planning Statement (see Section 3.3 of this Report). The planning proposal also responds to the improved accessibility provided by the light rail and seeks to balance development with local character and heritage conservation.

The planning proposal seeks to rezone land and increase development standards within the centre to facilitate redevelopment and enable the delivery of up to 400 dwellings, including 31 affordable housing, and 450 jobs to meet current and anticipated demand within the Randwick LGA.

Rezoning and amending development standards require an amendment to the LEP. Accordingly, a planning proposal is the best means of achieving the objectives and intended outcomes for the Randwick Junction Town Centre.

3 Strategic assessment

3.1 Regional Plan

The Greater Sydney Region Plan – *A Metropolis of Three Cities* (the Region Plan), released by the NSW Government in 2018, integrates land use, transport and infrastructure planning and sets a 40-year vision for Greater Sydney as a metropolis of three cities. The Region Plan contains objectives, strategies and actions which provide the strategic direction to manage growth and change across Greater Sydney over the next 20 years.

Randwick Junction is identified as a strategic centre and health and education precinct. The planning proposal provides strategic alignment with the Region Plan by facilitating residential and commercial growth in an area identified for significant economic growth.

Under section 3.8 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* a planning proposal is to give effect to the relevant District Plan. By giving effect to the District Plan, the

proposal is also consistent with the Regional Plan. Consistency with the District Plan is assessed in section 3.2 below.

3.2 District Plan

The site is within the Eastern City District and the former Greater Sydney Commission released the Eastern Harbour City District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability in the plan as outlined below.

The Department is satisfied the planning proposal gives effect to the District Plan in accordance with section 3.8 of the EP&A Act. The following table includes an assessment of the planning proposal against relevant directions and actions.

Table 6 District Plan assessment

District Plan Priorities	Justification
Planning Priority E1 – Planning for a city supported by infrastructure	The planning proposal will facilitate efficient land use by increasing density close to a Light Rail stop and the Randwick Health and Education Precinct. The proposal is consistent with this priority.
Planning Priority E2 – Working through collaboration	The planning proposal is broadly consistent with the vision of the plan and is unlikely to significantly impact the implementation of the plan. The RJTC Planning Strategy that underpins the planning proposal was prepared in consultation with key stakeholders. Further consultation with the community and agencies in relation to the planning proposal is discussed in section 5.2 of this Report. The proposal is consistent with this priority.
Planning Priority E4 – Fostering healthy, creative, culturally rich and socially connected communities	The planning proposal will facilitate an increase in homes and jobs within the Randwick Junction strategic centre which is serviced by public transport infrastructure. The planning proposal also enables Council to increase public open space in the centre and to promote public domain improvements and through site connections to improve walkability. The proposal is consistent with this priority.
Planning Priority E5 – Providing housing supply, choice and affordability, with access to jobs, services and public transport	The proposed LEP amendments will facilitate additional capacity for up to 400 dwellings, within walking distance to public transport and in proximity to a range of services and infrastructure. It includes a provision for affordable housing, facilitating up to 31 affordable housing dwellings. This will contribute to the housing targets for the Randwick LGA. The proposal is consistent with this priority.

District Plan Priorities	Justification
Planning Priority E6 – Creating and renewing great places and local centres, and respecting the district's heritage	<p>The planning proposal implements the RJTC Strategy which aimed to balance redevelopment with heritage conservation. The strategy will enable redevelopment and public domain renewal within the centre.</p> <p>The proposal is consistent with this priority.</p>
Planning Priority E8 – Growing and investing in health and education precincts and the Innovation Corridor	<p>Randwick Junction is a strategic centre in the District Plan and also contributes to the Randwick health and education precinct. The centre is also part of the Eastern Economic Corridor.</p> <p>The planning proposal seeks to expand the centre boundary, increase residential and employment densities, and deliver public domain improvements. The proposed non-residential FSR will ensure employment floorspace is protected for health, education, research, innovation and creative industries within the centre.</p> <p>The planning proposal forecasts that it will enable the create of up to 450 jobs, contributing to the District Plan's target for an additional 9,200 jobs by 2036 in the Randwick Collaboration Area.</p> <p>The proposal is consistent with this direction.</p>
Planning Priority E10 – Delivering integrated land use and transport planning and a 30-minute city	<p>The planning proposal will facilitate co-location of homes, jobs, commercial and retail, services and public transport.</p> <p>A Gateway condition is recommended for further consultation with TfNSW in relation to traffic and transport. See section 3.6 of this report.</p> <p>The proposal is broadly consistent with this direction.</p>
Planning Priority E11 – Growing investment, business opportunities and jobs in strategic centres	<p>Randwick Junction is identified as a strategic centre in the District Plan. The vision for Randwick is set under action E8 and detailed above.</p> <p>The proposal is consistent with this direction.</p>
Planning Priority E17 – Increasing urban tree canopy cover and delivering Green Grid connections	<p>Randwick is identified as having low tree canopy cover in the District Plan. The planning proposal is supported by an Urban Design Report which details proposed public domain improvements that will facilitate additional open space and increase urban tree canopy cover in the centre.</p> <p>The proposal is consistent with this direction.</p>
Planning Priority E18 – Delivering high quality open space	<p>The planning proposal will facilitate new and upgraded open space in the centre. Specifically, the planning proposal will rezone land between Belmore Road and of the Waratah Avenue to RE1 Public Open Space to support the new Waratah Plaza which is currently under construction.</p> <p>The proposal is consistent with this direction.</p>
Planning Priority E19 – Reducing carbon emissions and managing energy, water and waste efficiently	<p>The planning proposal states that the proposed DCP to be prepared for the RJTC will include provisions to encourage new buildings and substantial alterations and additions to be designed to be net zero in operation.</p> <p>The proposal is consistent with this direction.</p>

3.3 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 7 Local strategic planning assessment

Local Strategies	Justification
<p>Randwick Local Strategic Planning Statement (LSPS) - Vision 2040</p>	<p>The planning proposal seeks to implement the RJTC Strategy which was prepared in response to the LSPS. The proposal is consistent with the priorities and actions of the LSPS as it will:</p> <ul style="list-style-type: none"> • facilitate an additional 400 dwellings, including approximately 31 affordable housing, in proximity to the Light Rail. • enable development that responds to heritage in and around the centre. • encourage economic development and job creation within the Randwick Health and Education Strategic Centre by increasing development potential, introducing a non-residential FSR and requiring active street frontages. • encourage new businesses in the area with increase new commercial floor space, public domain improvements, active laneways and public open space. <p>The proposal is consistent with the LSPS.</p>
<p>Randwick Local Housing Strategy</p>	<p>The planning proposal is consistent with Priority 3 and 4 of the Housing Strategy to focus growth in and around town and strategic centres and increase affordable rental housing. The planning proposal seeks to implement the vision of the Randwick Junction Planning Strategy and is consistent with Action 3.1 to implement strategic centre strategies to support increased densities in appropriate locations.</p> <p>The proposal will strengthen the commercial functions of the town centre, while also assisting with meeting housing targets by providing for an additional 400 dwellings in proximity to the Randwick light rail stop.</p> <p>The Housing Strategy states that low availability of affordable housing with convenient access to the workplace is impacting the economic performance of the Strategic Centre. The planning proposal responds to this demand by enabling a levy which could deliver an additional 31 affordable housing units.</p> <p>The planning proposal does not address the local housing strategy. For completeness, a Gateway condition is recommended that the planning proposal is updated in this regard.</p> <p>The Gateway determination requires the planning proposal be amended to remove the application of the proposed affordable housing contributions scheme from areas that are not supported by feasibility testing, see section 1.3.2 for discussion.</p>

3.4 Local planning panel (LPP) recommendation

On 8 June 2023, the Randwick LPP provided the following advice to Council:

A. The Panel:

1. *Advises Council that in principle it supports the objectives and intent of the planning proposal, supported by appropriate technical studies and the Panel is satisfied that it meets the strategic merit test.*
2. *Recognises the justification for revisiting controls given the improved accessibility of the town centre with the new light rail; significant development pressures and changes in precincts surrounding the town centre, and the need to balance existing character and heritage significance.*
3. *Notes that it has been asked by Council to advise on further measures to ensure that the integrity of heritage and contributory buildings that are properties not categorised as 'highly valued heritage properties' (State Heritage Inventory and local heritage items) is protected. Sufficient time has not been available to the Panel to provide a response to the level of detail required, given the breadth and complexity of the plan.*
4. *Would welcome the opportunity to provide more detailed input at a convenient time.*

B. The Panel was addressed by Brian Jarvie and recommends that the material provided by Mr Jarvie prior to and during the meeting be forwarded to Council's Heritage Officer for consideration and advice.

A further meeting was held with the Panel on 26 July 2023 which included a walking tour of Randwick Junction. The Panel provided further detailed comments to Council which are provided in the Council meeting agenda of 19 September 2023. In summary the LPP supported the objective and intent of the planning proposal and provided further commentary on:

- Preserving heritage fabric and streetscape character
- Focusing development uplift on strategic sites and prioritising public domain improvements in the heart of town centre
- Linking FSR bonus to heritage conservation, public domain improvements and site considerations
- The need for fine grain planning to be done on large strategic sites.

The comments of the LPP are addressed in the Council meeting agenda of 19 September 2023.

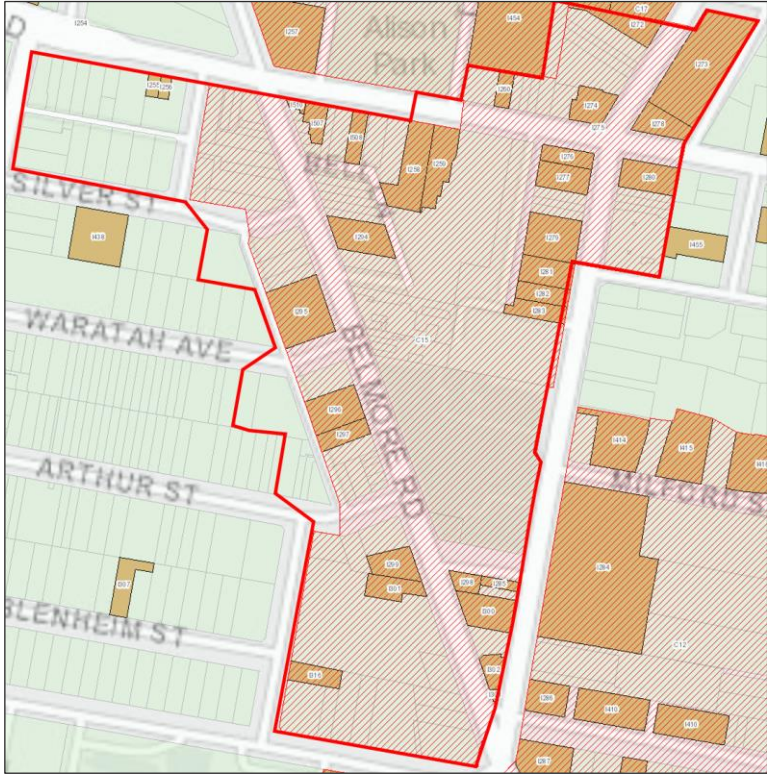
Council considered the advice of the LPP at its meeting of 19 September 2023 and resolved to forward the planning proposal for Gateway determination.

3.5 Section 9.1 Ministerial Directions

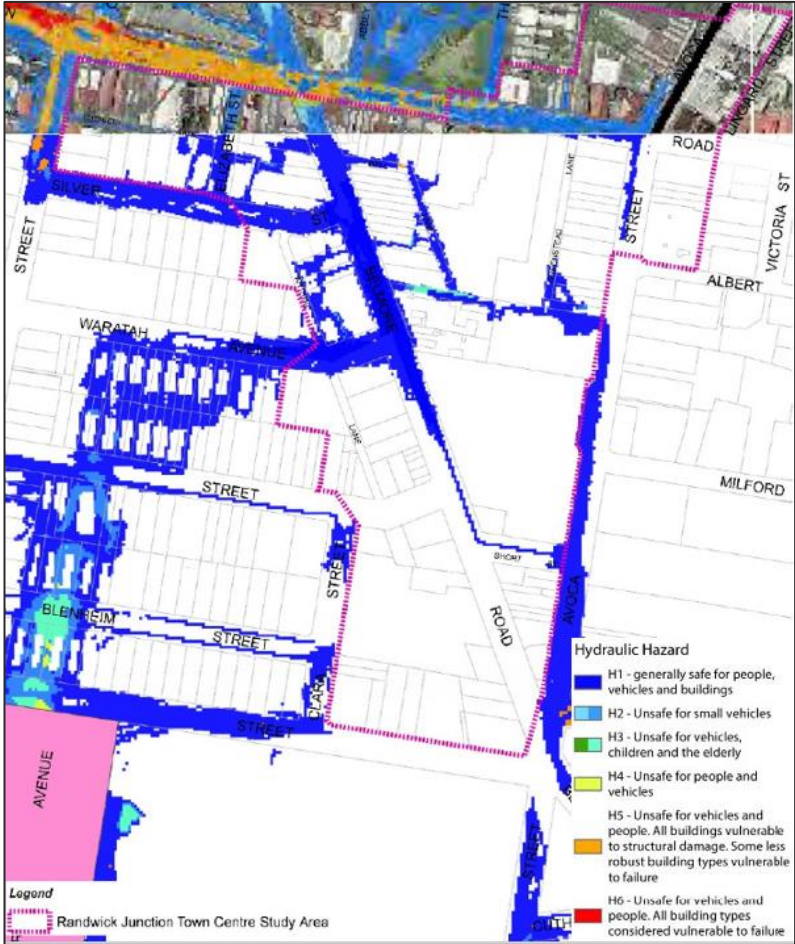
The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 8 9.1 Ministerial Direction assessment

Directions	Consistent/ Inconsistent/ Unresolved	Reasons for Consistency or Inconsistency
1.4 Site Specific Provisions	Inconsistent	<p>This direction seeks to discourage unnecessarily restrictive site-specific planning controls.</p> <p>The proposal to include a non-residential FSR for strategic sites in the RJTC is justified as it provides certainty of the delivery and protection of commercial floor space in a strategic centre.</p> <p>The planning proposal also seeks to introduce a new design excellence clause requiring a competitive design process for redevelopment of the two existing shopping centre sites.</p> <p>Whilst redevelopment of the shopping centres could involve a residential component, the new clause is considered overly onerous given the scale of development proposed (6 and 8 storeys), and the time and cost required to undertake these processes.</p> <p>The planning proposal has insufficient justification as to why a competitive design process is required. Existing heritage conservation (cl 5.10) and design excellence provisions (cl 6.11) in the LEP provide mechanisms for achieving the conservation, design excellence and public domain objectives of the planning proposal.</p> <p>A Gateway condition is recommended to require the planning proposal be updated to remove the new design excellence clause. Subject to this change, the remaining inconsistency is justified in accordance with the terms of the Direction.</p>
3.2 Heritage Conservation	Consistent	<p>The objective of Direction 3.2 is to conserve items, areas, objectives and places of environmental heritage significance and indigenous heritage significance.</p> <p>There are 32 heritage items in the centre (identified in brown in Figure 15 below), including 2 state heritage items and most of the centre is within a heritage conservation area (HCA) (identified in red hatching in Figure 15 below).</p>

Directions	Consistent/ Inconsistent/ Unresolved	Reasons for Consistency or Inconsistency
		 <p>Figure 15: Heritage map (2023) (Local and State Heritage items identified in brown, Heritage Conservation Area identified in red hatching)</p> <p>The planning proposal is supported by Randwick Junction Heritage Conservation Review (2015) and Heritage Assessment Randwick Junction Planning Strategy (2023), prepared by City Plan Heritage.</p> <p>The planning proposal has a strong focus on heritage conservation and ensuring new development is sensitively designed. The Department supports this approach in principle noting that continued viable use of these items helps retain and sustain them into the future for the community. Skilled designs that provide new or revitalised uses can reduce the impact of an infill buildings and restore heritage fabric whilst adding a new contribution to the ever-evolving built environment. Clause 5.10 of the LEP ensures that heritage conservation is a consideration during development assessment.</p> <p>With regard to the 12 additional contributory buildings proposed to be identified in the DCP (City Plan Heritage 2023), it is noted that several of these sites have not been identified for uplift while other heritage sites have, such as sites with deep lots. As discussed in section 1.2 of this report, for clarity, the planning proposal should be updated to explain the rationale for the proposed heights and FSRs.</p> <p>The map of heritage items in the planning proposal does not reflect the amendments made as part of the Comprehensive LEP which</p>

Directions	Consistent/ Inconsistent/ Unresolved	Reasons for Consistency or Inconsistency
		<p>commenced on 1 September 2023. A Gateway condition is recommended to require that the planning proposal is updated.</p> <p>As there are State heritage items within the Town Centre, consultation with Department of Climate Change, Energy, the Environment and Water – Heritage NSW is conditioned on the Gateway.</p> <p>The proposal does not seek to amend the heritage listings in the LEP or reduce the ongoing application of existing LEP provisions for heritage conservation.</p> <p>The proposal is consistent with this Direction.</p>
4.1 – Flooding	Unresolved	<p>This Direction seeks to ensure development of flood prone land is consistent with the Flood Risk Management Manual and ensure LEP provisions are commensurate with the flood behaviour and consider the potential impacts on and off the land.</p> <p>This direction applies as the proposal seeks to alter development standards that apply to a site identified as flood prone.</p> <p>The site and surrounding area are identified as being flood prone in 1% AEP and PMF flood events. The Town Centre is within a highly urbanised environment and the planning proposal would facilitate growth that can be reasonably expected in strategic centre. Council has policies for managing flood risk and emergency evacuation.</p> <p>The urban design report submitted with the planning proposal contains preliminary flooding analysis. The planning proposal states that a detailed flooding constraints analysis will be commissioned for the centre.</p> <p>The requirements of this Direction need to be addressed in the planning proposal prior to community consultation, with consideration to the NSW Flood Planning Framework, the findings and recommendations of the 2022 NSW Flood Enquiry, and evacuation and access for emergency services.</p> <p>Consistency with this Direction remains unresolved until the planning proposal is updated. Council should seek the agreement of the Secretary that consistency with the Direction has been resolved prior to making the LEP.</p>

Directions	Consistent/ Inconsistent/ Unresolved	Reasons for Consistency or Inconsistency
		 <p>Figure 16 Hydraulic hazards level PMF event map (Source: Planning proposal, 2023)</p>
4.4 Remediation of Contaminated Land	Consistent	<p>The objective of this 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 seeks to rezone residential land to employment which will permit a change of land uses. Chapter 4 of SEPP (Resilience and Hazards) 2021 contains suitable provisions to ensure consideration of whether land is contaminated to be adequately assessed as part of a future development application.</p> <p>Whilst the planning proposal seeks to permit a change of land uses, the planning proposal is consistent with this Direction as the E2 Commercial Centre zone also permits residential development.</p> <p>Notwithstanding, the planning proposal should be updated to demonstrate that Council has considered the terms of the Direction in preparation of the planning proposal for clarity during the exhibition period.</p>

Directions	Consistent/ Inconsistent/ Unresolved	Reasons for Consistency or Inconsistency
5.1 Integrating Land Use and Transport	Consistent	<p>This direction encourages sustainable transport, reduced dependency of private vehicles, reduced travel demand, and the use of public transport.</p> <p>The planning proposal seeks to expand and intensity land uses in the Randwick Junction Centre which is serviced by public transport. It seeks to implement the RJTC Strategy.</p> <p>The planning proposal is consistent with the terms of this Direction.</p>
6.1 Residential Zones	Inconsistent	<p>This Direction aims to encourage housing choice, make efficient use of infrastructure and services, and minimise the impact of residential development on environment and resource lands. The Direction also encourages a broad variety of housing types to be available.</p> <p>The planning proposal seeks to rezone certain sites on the edge of the exiting centre from R3 Medium Density Residential to E2 Commercial Core. Certain types of residential will no longer be permitted with consent in the proposed zone, such as attached dwellings, dual occupancies and dwelling houses. This reduction of permitted housing types is considered inconsistent with the objectives of the direction.</p> <p>Despite the above, the E2 zone permits shop top housing and the planning proposal also seeks to increase development potential by increasing height and FSR development standards.</p> <p>The planning proposal is consistent with the terms of the direction as it:</p> <ul style="list-style-type: none"> creates capacity of up to additional 400 dwellings. will not reduce the permissible residential density of the land as residential uses such as shop top housing, are permissible within the E2 zone and the proposal would allow uplift on the sites proposed to be rezoned. facilitates housing choice and affordable housing. facilitates higher density outcomes to make efficient use of existing infrastructure and services. Is consistent with the District Plan and LSPS as identified in Sections 3.2 and 3.3 of this report. <p>The inconsistency with the Direction is adequately justified.</p>
7.1 – Business and Industrial Uses	Inconsistent	<p>This direction encourages and protects employment land and supports the viability of identified centres.</p> <p>The planning proposal gives effect to the objectives of this direction as it retains and extends employment zoned land and increases total potential floor space for employment uses. The proposed non-residential FSR will ensure commercial space is delivered on strategic sites within the RJTC.</p> <p>The proposal to rezone Waratah Plaza from E2 Commercial Core to RE1 Public Recreation is inconsistent with the terms of the direction.</p>

Directions	Consistent/ Inconsistent/ Unresolved	Reasons for Consistency or Inconsistency
		However, given the land is currently a road reserve, the rezoning will not result in any material loss of commercial floor space and reflects the current use of the land. The proposed rezoning is consistent with the RJTC Strategy which increases jobs and homes in the centre, the plaza is a key public domain improvement to support the proposed uplift. The rezoning is supported and the inconsistency with this Direction is justified.

3.6 State environmental planning policies (SEPPs)

The planning proposal does not contain any provisions which would contravene or hinder the application of the SEPP. The planning proposal is consistent with all relevant SEPPs as discussed in the table below.

Table 9 Assessment of planning proposal against relevant SEPPs

SEPPs	Consistent/ Inconsistent/ Unresolved	Reasons for Consistency or Inconsistency
State Environmental Planning Policy (Housing) 2021	Consistent	<p>The SEPP seeks to provide diversity in housing and encourage affordable and rental housing. It also seeks to provide residents with a reasonable level of amenity.</p> <p>Section 7.32 of the EP&A Act allows for the collection of contributions for affordable housing where a need is identified in a planning instrument. Section 14 of the Housing SEPP identifies Randwick LGA as an area in need of affordable housing.</p> <p>The planning proposal seeks to introduce a local provision for affordable housing contributions for a contribution levy between 2 and 9%, delivering 31 affordable housing units in the town centre. It is supported by the Randwick Junction Economic and Feasibility Analysis Report prepared by SGS Economics and Planning (2023). The proposed affordable housing levy is applied on a sliding scale to sites where there is a proposed uplift in density.</p> <p>An Affordable Housing Contributions Scheme has been submitted with the planning proposal. The planning proposal has not adequately demonstrated that the proposed Scheme is viable. See section 1.3.2 of this report for discussion.</p> <p>The NSW Government has released Low- and Mid-Rise (LMR) Housing reforms (currently in draft form) which would lead to mid-rise apartment blocks within 400m of the E2 Commercial Core zone boundary. However, these reforms are yet to be finalised at the time of assessment.</p>

SEPPs	Consistent/ Inconsistent/ Unresolved	Reasons for Consistency or Inconsistency
		<p>Where the planning proposal boundary overlaps with the LMR Housing reforms, the proposed reforms would prevail.</p> <p>The planning proposal does not contain any provisions which would contravene or hinder the application of the SEPP, including the in-fill affordable housing reforms that permit floor space ratio bonuses of 20-30% for development within 800m of a light rail stop that include at least 10-15% affordable housing.</p>
State Environmental Planning Policy (Transport and Infrastructure) 2021	Consistent	<p>The SEPP aims to facilitate the effective delivery of infrastructure across the state and establishes requirements for development that is likely to increase demand for infrastructure, services and facilities.</p> <p>Section 2.118 of the SEPP seeks to ensure that new development does not compromise the operation and function of classified roads. Referral to TfNSW will be required for future development applications.</p> <p>Council has undertaken consultation with TfNSW in relation to the RJTC Strategy, a Gateway condition is recommending further consultation in relation to the planning proposal. See assessment of Section 9.1 Directions in Section 3.6 of this report.</p> <p>The planning proposal does not contain any provisions that will impede the operation of the SEPP.</p>


4 Site-specific assessment


4.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal.

Table 10 Environmental impact assessment

Environmental Impact	Assessment
Building Height and Density	<p>The proposed increase to building heights and densities intends to respond to context of the site within a strategic centre and a heritage conservation area. The planning proposal provides an opportunity to accommodate additional density and height that can achieve amenity for future residents, workers and the community.</p> <p>The proposed built form envelopes have been developed with detailed consideration for future demand, heritage, environmental constraints and flooding, pedestrian links, the relationship with surrounding development and opportunities to enhance the public domain.</p> <p>The 3D modelling supporting the proposal demonstrates the heights and massing that the proposed LEP provisions could facilitate. It shows development of up to 5 storeys</p>

Environmental Impact	Assessment
	<p>across the majority of the centre, and up to 10 storeys across 4 strategic sites. Strategic Site 3, on the corner of High Street and Belmore Road has the tallest element in the centre, with a 3 storey podium stepping back to a tower of up to 10 storeys (Figure 18). This design approach is intended to maintain the existing streetscape character and respond to heritage.</p>  <p>Figure 17: Modelling of proposed built form on southwest corner (Source: Planning proposal, 2023)</p> <p>The proposal aims to preserve the existing character of the streetscape, support heritage conservation, and minimise impacts on views of the sky. Height transitions, street wall heights and setbacks are key mechanisms the proposal uses to achieve these outcomes.</p> <p>The Department has reviewed the proposed heights and FSRs and considers that there may be additional capacity to increase height and FSR controls whilst being sympathetic to heritage items, including the potential for:</p> <ul style="list-style-type: none"> • A gateway interface on the corner of Alison Road and Belmore Road to bookend Belmore Road, and • Additional height along Belmore Road where lot depths would allow sufficient setbacks to mitigate any visual impact from the street. <p>Given the need to respond to the housing crisis and the centre's status as a strategic centre, Council should reconsider the planning controls in these two areas, subject to heritage assessment. The increase in height and FSR may also assist with ensuring that affordable housing is viable.</p> <p>Council may also wish to consider simplifying these controls to encourage lot amalgamation and allow for flexibility in design outcomes.</p> <p>Gateway conditions are recommended to the give effect to the above.</p>

Environmental Impact	Assessment
Solar Access and Overshadowing	<p>The planning proposal states that the proposed built form is capable of compliance with solar access requirements of the Apartment Design Guide.</p> <p>The planning proposal is supported by a Shadow Study prepared by Council (2023). It shows that during the winter solstice the proposed built form would have some overshadowing impact within the centre and on the adjoining residential area but also that, given the north-south orientation of the centre, adequate solar access is generally achievable on sites in and around the centre.</p> <p>Some overshadowing is expected in a strategic centre where uplift is most appropriate. The Department is satisfied that proposal does not prevent further consideration of overshadowing impacts when a detailed design is assessed by the consent authority at the development application stage.</p>  <p>Figure 18: Winter Solstice 9am (Source: Planning proposal, 2023)</p>

Environmental
Impact

Assessment



Figure 19: Winter Solstice 12pm (Source: Planning proposal, 2023)



Figure 20: Winter Solstice 3pm (Source: Planning proposal, 2023)

Environmental Impact	Assessment
Heritage	The centre is part of a HCA and contains 32 heritage items, including two state heritage items. Heritage conservation is assessed in Section 3.6 of this report.
Visual Impact	<p>The proposed built form of up to 8-10 storeys is appropriate within a strategic centre. The Heritage Assessment Report submitted with the planning proposal states that adhering to a consistent setback will help manage the visual impact of development on the significant heritage fabric of the town centre.</p> <p>Whilst the proposed 8-10 storey towers will have moderate visual impacts on view corridors to heritage items, the proposal seeks to transition heights and increase setbacks to minimise visual impacts to heritage items and maintain the visual character of the town centre. It is also noted that clause 5.10 of the LEP ensures that heritage conservation and the impact of development on heritage is considered at the development assessment stage.</p> <p>The planning proposal states that a future DCP will also contain public domain requirements including landscaping and street activation which will provide some mitigation of visual impact.</p> <p>The visual impacts are acceptable in the context of a strategic centre.</p>
Biodiversity	The planning proposal seeks to redevelop an existing centre in a highly urbanised environment with significant built form and hard surfaces. The planning proposal does not affect any critical habitat or threatened species, populations or ecological communities, or their habitats.
Flooding	An assessment against the provisions of Section 9.1 Direction 4.1 Flooding is in Section 3.6 of this report.

4.2 Social and economic

The planning proposal seeks to provide 400 dwellings and 450 jobs. The following table provides an assessment of the potential social and economic impacts associated with the proposal.

Table 11 Social and economic impact assessment

Social and Economic Impact	Assessment
Social	<p>The proposed affordable housing contribution is generally consistent with the target set in the Region Plan and considered appropriate, given the uplift proposed. Further discussion on the proposed affordable housing contribution scheme can be found against Section 9.1 Direction 6.1 Residential zones in Section 3.6 of this report.</p> <p>Council recently constructed a new urban plaza in the centre of RJTC on Waratah Avenue which is part of the road reserve. The plaza comprises 800m² of landscaped space and provides improved pedestrian and cycle access to Belmore Road and opportunities for public art and activations.</p> <p>The Department is satisfied that the proposal will have a positive social impact by enabling homes and jobs and encouraging urban renewal.</p>

Economic

Randwick Junction is identified as a strategic centre and health and education precinct in the Region and District Plans. The planning proposal will create capacity for additional jobs and additional commercial and retail floor space in the centre.

The planning proposal is supported by technical studies, including feasibility testing that have informed the proposed increase in height and FSR. The planning proposal states that the proposed non-residential FSR was informed by the feasibility analysis prepared by SGS. The Gateway determination requires the Affordable Housing Contribution Scheme be amended to remove elements that are not supported by adequate viability testing.

The Department is satisfied that the proposal has adequately addressed economic impacts associated with the proposal.

4.3 Infrastructure

The site is located within an established urban area which is serviced by water, sewer services, electricity, gas and telecommunications. Consideration of servicing requirements for any proposed expansion and intensification within the Randwick Junction Centre will be subject to detailed assessment at DA stage.

However, as the planning proposal will result in an intensification of development on the subject site, the Department recommends that the relevant utility providers, including Sydney Water and Ausgrid be consulted. This forms a condition of the Gateway.

The Department notes that the planning proposal states that Council is currently undertaking a review of the Randwick City s7.12 Plan to ensure local infrastructure needs in the LGA are met.

5 Consultation

5.1 Community

The planning proposal is categorised as a standard under the LEP Making Guidelines (August 2023). However, given the scale of the proposal a community consultation period of 30 working days is recommended to allow time for people to review the proposal. This forms part of the conditions to the Gateway determination.

5.2 Agencies

It is recommended the following agencies be consulted on the planning proposal and given 30 working days to comment:

- Transport for NSW
- Department of Climate Change, Energy, the Environment and Water – Heritage NSW
- NSW Health – South Eastern Sydney Local Health District
- University of NSW
- Relevant utility providers, including Sydney Water and AusGrid.

6 Timeframe

Council proposes a 9 month time frame to complete the LEP.

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as a standard.

The Department recommends an LEP completion date of 14 November 2025 to allow sufficient time for the proposal to be updated and consultation to occur. A condition to the above effect is recommended in the Gateway determination.

7 Local plan-making authority

As the planning proposal is a local planning matter and the culmination of significant planning undertaken by Council, and that the proposal is consistent with the relevant strategic plans, the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- It is consistent with the strategic planning framework and gives effect to the District Plan and Randwick City Council's LSPS.
- It is generally consistent with the relevant section 9.1 Directions, noting the justifiable inconsistency with Directions 1.4 Site Specific Provisions, 6.1 Residential Zones and 7.1 Employment Zones, and that consistency with Direction 4.1 Flooding remains unresolved until the planning proposal is updated.
- It is consistent with relevant SEPPs.
- It will facilitate job growth within a strategic centre and support the ongoing viability of the Randwick Junction Town Centre.
- It is consistent with the NSW Government commitment to housing affordability and will facilitate up to 400 dwellings, including 31 affordable housing.
- the proposal has given consideration to the likely environmental, social and economic, and infrastructure.

9 Recommendation

It is recommended the delegate of the Secretary:

1. Agree that any inconsistency with section 9.1 Directions 1.4 Site Specific Provisions, 6.1 Residential Zones and 7.1 Employment Zones is justified and in accordance with the terms of the Directions.
2. Note that consistency with section 9.1 Direction 4.1 Flooding remains unresolved until the planning proposal is updated.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to conditions.

The following conditions are recommended to be included on the Gateway determination:

1. Prior to community consultation, the planning proposal is to be updated to:
 - a) Provide a plain English explanation of the rationale for the proposed heights and FSRs, including:
 - i. the alignment between the proposed heights and FSRs
 - ii. how it achieves the intended outcomes and enables flexibility for lot amalgamation and design excellence
 - iii. how the transition to fine grain heights and FSRs is the simplest way to achieve the desired result
 - iv. reasoning for certain contributory buildings not being identified for uplift

- v. that the proposal does not unintentionally limit future development potential by being overly prescriptive.
 - b) Review proposed height and FSR controls for the following areas to identify additional capacity, whilst being sympathetic to heritage items, on sites:
 - i. in the block closest to the intersection of Alison Road and Belmore Road
 - ii. along Belmore Road where lot depths would allow sufficient setbacks to mitigate any visual impact from the street.
 - c) Amend the planning proposal and draft Affordable Housing Contribution Scheme to be consistent with the Department's *Guideline for Developing an Affordable Housing Contribution Scheme*. It should be supported by information demonstrating that the proposed contribution rates are viable at the proposed FSRs.
 - d) Remove the proposed requirement for Active Street Frontages from secondary roads and proposed new through-site links.
 - e) Remove references to the proposed new 'Affordable Housing Area' LEP map and update the Special Provisions Area map to reflect changes to the draft Affordable Housing Contribution Scheme required to meet Condition 1(c).
 - f) Address the Randwick Local Housing Strategy.
 - g) Remove the proposed new design excellence clause.
 - h) Update heritage mapping to reflect changes made as part of the Comprehensive LEP which came into effect on 1 September 2023.
 - i) Address Ministerial Direction 4.4 Remediation of Contaminated Land.
 - j) Address consistency with Ministerial Direction 4.1 Flooding, with consideration to the NSW Flood Planning Framework, the findings and recommendations of the 2022 NSW Flood Enquiry, and evacuation and access for emergency services.
2. Prior to exhibition, the planning proposal is to be amended in accordance with Condition 1 and forwarded to the Minister under s 3.34(6) of the Act.
 3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:
 - Transport for NSW
 - Department of Climate Change, Energy, the Environment and Water – Heritage NSW
 - NSW Health – South Eastern Sydney Local Health District
 - University of NSW
 - Relevant utility providers, including Sydney Water and AusGrid.

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 working days to comment on the proposal.
 4. The planning proposal should be made available for community consultation for a minimum of 30 working days.

As this is a local planning matter and the proposal is consistent with the relevant strategic plans, it is recommended that Council is authorised to be the local plan-making authority and that an LEP completion date of 14 November 2025 be included on the Gateway.



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31 January 2025

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