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Gateway determination report – PP-2021-4267

Randwick Comprehensive planning proposal

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Planning Proposal – May 2021
Addendums: Ministerial Directions and SEPP compliance table, LEP clauses, Schedule, and Map changes (2021)
Urban Design Analyses for the five Housing Investigation Areas (2021)
Draft Local Character Statements: The Bays, North Coast and South Coast Special Character Areas (2021)
Assessment of Heritage Significance: Edgumbe Estate Heritage Conservation Area (2021)
Draft Affordable Housing Plan (Council, 2021)
Data Sheets for Neighbourhood Centres and rezoning requests
Randwick Heritage Study (vol 1 and 2) (Extent Heritage, 2020)

1 Planning Proposal

1.1 Overview and objectives of planning proposal

Table 2 Planning proposal details

LGA	Randwick City
PPA	Randwick City Council
NAME	Comprehensive Planning Proposal
NUMBER	PP-2021-4267
LEP TO BE AMENDED	Randwick Local Environmental Plan (LEP) 2012
ADDRESS AND DESCRIPTION	Various sites and LGA wide
RECEIVED	2/07/2021
FILE NO.	IRF21/2462
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

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal. The objectives of the planning proposal, as stated by Council, 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 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 draft Open Space and Recreation Needs Study, including a review of the RE1 Public Recreation zone objective, land zoning maps and local provisions;*
- *Introduce Local Character into the Randwick LEP to ensure that it is considered in future development;*
- *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; and*
- *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 objectives, and intended outcomes, of this planning proposal are clear and adequate.

1.2 Explanation of provisions

The planning proposal (**Attachment A**) seeks to amend the Randwick LEP 2012 as follows:

Provision	Explanation of amendment																																
Housing																																	
Small lot housing	<p>Facilitate smaller lot housing by amending the minimum subdivision lot size, minimum lot size and/or floor space ratios (FSRs) as they apply to certain residential development in the R2 Low Density Residential zone, but not in heritage conservation areas:</p> <table border="1"> <thead> <tr> <th style="text-align: left;">Development standard (R2 zone only)</th> <th style="text-align: left;">Existing</th> <th style="text-align: left;">Proposed</th> </tr> </thead> <tbody> <tr> <td>Min subdivision lot size for all residential development (incl attached dual occupancies)</td> <td>400 m² (800 m² parent lot)</td> <td>275 m² (550 m² parent lot)</td> </tr> <tr> <td>Min lot size (development) of attached dual occupancies</td> <td>450 m²</td> <td>550 m²</td> </tr> <tr> <td>FSR for dual occupancies (R2)</td> <td>0.5:1</td> <td>Sliding scale FSR: <table border="1" style="margin-left: 20px;"> <thead> <tr> <th style="text-align: left;">Lot size m²</th> <th style="text-align: left;">FSR</th> </tr> </thead> <tbody> <tr> <td>550-600</td> <td>0.65:1</td> </tr> <tr> <td>600 or greater</td> <td>0.6:1</td> </tr> </tbody> </table> </td> </tr> <tr> <td>FSR for dwellings and semi detached dwellings (R2, R3)</td> <td> <table border="1" style="margin-left: 20px;"> <thead> <tr> <th style="text-align: left;">Lot size m²</th> <th style="text-align: left;">FSR</th> </tr> </thead> <tbody> <tr> <td>300-450</td> <td>0.75:1</td> </tr> <tr> <td>450-600</td> <td>0.65:1</td> </tr> <tr> <td>600 or greater</td> <td>0.6:1</td> </tr> </tbody> </table> </td> <td>No change</td> </tr> <tr> <td>Height</td> <td>9.5 m</td> <td>No change</td> </tr> </tbody> </table>	Development standard (R2 zone only)	Existing	Proposed	Min subdivision lot size for all residential development (incl attached dual occupancies)	400 m ² (800 m ² parent lot)	275 m ² (550 m ² parent lot)	Min lot size (development) of attached dual occupancies	450 m ²	550 m ²	FSR for dual occupancies (R2)	0.5:1	Sliding scale FSR: <table border="1" style="margin-left: 20px;"> <thead> <tr> <th style="text-align: left;">Lot size m²</th> <th style="text-align: left;">FSR</th> </tr> </thead> <tbody> <tr> <td>550-600</td> <td>0.65:1</td> </tr> <tr> <td>600 or greater</td> <td>0.6:1</td> </tr> </tbody> </table>	Lot size m ²	FSR	550-600	0.65:1	600 or greater	0.6:1	FSR for dwellings and semi detached dwellings (R2, R3)	<table border="1" style="margin-left: 20px;"> <thead> <tr> <th style="text-align: left;">Lot size m²</th> <th style="text-align: left;">FSR</th> </tr> </thead> <tbody> <tr> <td>300-450</td> <td>0.75:1</td> </tr> <tr> <td>450-600</td> <td>0.65:1</td> </tr> <tr> <td>600 or greater</td> <td>0.6:1</td> </tr> </tbody> </table>	Lot size m ²	FSR	300-450	0.75:1	450-600	0.65:1	600 or greater	0.6:1	No change	Height	9.5 m	No change
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Housing Investigation Areas (HIAs): West Randwick, Kensington North, Arthur Street, Kingsford South and Magill Street	<p>Enable higher density and/or new land uses in five 'Housing Investigation Areas' (HIAs):</p> <ul style="list-style-type: none"> West Randwick, Kensington North & Arthur Street - retain the R3 and/or B1 zone; Kingsford South & Magill Street - amend the land use zone from R2 to R3 and/or R2 to B1; and All HIAs - increase heights and FSRs. <p>Further detail for each HIA is in Appendix A, which also includes five land-owner rezoning requests in those HIAs.</p> <hr/> <p>Department Comment: The Department's Urban Design Unit undertook an urban design peer review of the proposal, which concludes that further testing is required to ensure the proposed FSRs can be accommodated in the proposed height standards, while achieving appropriate built form, landscape and amenity outcomes (Refer to Section 4.1 & Appendix A for details).</p>																																
Affordable Housing Contributions Scheme	<p>Introduce a new local provision to levy contributions for affordable housing in the HIAs:</p> <ul style="list-style-type: none"> the percentage floor area (3% or 5%)* used for residential development to which a development application relates to in each HIA (the Draft Plan allows 																																

(A Draft Affordable Housing Plan for the Housing Investigation Areas accompanies the planning proposal)	<p>for in-kind, monetary or a combination of both, subject to the provisions of the Plan);</p> <ul style="list-style-type: none"> • for development which cannot be subdivided such as a boarding house under State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP) or purpose-built student accommodation, a monetary contribution applies. • The applicable monetary contribution is a dollar value per m² of the total floor area used for residential purposes as follows: <ul style="list-style-type: none"> • \$356.25 per m² (3%); or • \$593.75 per m² (5%) <p><i>*Note: A rate of 5% applies only to the Kensington North HIA and the R3 zone in West Randwick HIA. Everywhere else a 3% rate applies.</i></p>
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Environmental Resilience	
LEP Aims (Clause 1.2) and Zone objectives	<p>Amend the following aims and objectives to:</p> <ul style="list-style-type: none"> • Aims of LEP - include reference to 'resilience'; • E2 Environmental Conservation zone – recognise areas that are nationally significant in this zone (e.g. presence of critically endangered ecological communities listed under the <i>Environment Protection and Biodiversity Conservation Act 1999</i>); • RE1 Public Recreation zone – address public access and connections to open space (e.g. coastlines, waterways, nature reserves, parks and plazas)
Stormwater management (CI 6.4)	<p>Amend stormwater management clause to require development to 'improve' (not just minimise impacts) stormwater quality leaving the site and incorporate water sensitive urban design principles (if practicable).</p> <p>Department Comment: These amendments will not overlap with the NSW Government's recently gazetted Flood Prone Land package and amendments to the standard instrument LEP clause.</p>
Design excellence (CI 6.11)	<p>Require large sites (10,000m² or more) or key sites (land which requires a Development Control Plan (DCP)) to consider urban heat island mitigation and renewable energy sources (onsite or near site) to address the effects of urban heat.</p>
Development requiring a DCP (CI 6.2)	<p>Require large sites (10,000m² or more) or key sites to consider the use of dual reticulation systems for potable and non-potable water sources to address water security and management.</p> <p>Department comment: There is no objection in principle to the amendments which seek to enhance water recycling and reuse to address future security. However, Council are advised that the amended wording currently does not specifically require the 'non-potable' water pipes to be connected to a recycled water source. Council may therefore wish to consider wording that includes reference to opportunities for recycled water sources (supply) in addition to the delivery mechanisms (non-potable pipes). No Conditions are needed.</p>
Terrestrial Biodiversity maps	<p>Amend the Terrestrial Biodiversity map to include core protected areas of high biodiversity value on 9 sites (public or private owned) to reflect the Department's mapping layer (January 2021) under the <i>Biodiversity Conservation Act 2016</i> (NSW; BC Act). No change is proposed to Clause 6.5 which gives effect to the LEP map.</p>

Department comment: There is no objection, in principle, should Council wish to update the LEP map to reflect the Department’s Biodiversity Values (BV) map. Council are advised that these maps were prepared for a specific purpose under the BC Act and Councils are not required to align the LEP map for strategic planning purposes.

The proposed LEP map amendment will include sites owned by the La Perouse Local Aboriginal Land Council (LALC). These sites are already mapped under the Department’s BV Map, however, a **Gateway condition** is recommended to require consultation with the LALC.

Open space	<p>Amend the land zoning, height, FSR and lot size maps to rationalise the zoning and/or remove development standards for three existing public open spaces:</p> <ul style="list-style-type: none"> • Meeks Street plaza, Kingsford – B2 Local Centre to RE1 Public Recreation, • 17R Pine Avenue, Little Bay – R1 General Residential to RE1 Public Recreation, • 5R Young Street, Randwick – R1 General Residential to RE1 Public Recreation, and remove FSR, building height and lot size controls.
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Economic Development

Zone objectives	Introduce a new objective in the B1 Neighbourhood Centre and B2 Local Centre zones to support a diverse, safe and inclusive day and night-time economy.
Business premises, office premises, restaurants or cafes and shops in residential zones (Cl 6.13)	<p>Permit (with consent) ‘information and education facilities’ in existing commercial buildings in residential zones (R1, R2 and R3) to enable the continued use of small-scale business, such as galleries and maker spaces.</p> <p>Department comment: The planning proposal requires further explanation of what type of uses are included as ‘maker spaces’ and a Gateway condition is recommended.</p>
Exempt development (Schedule 2)	<p>Introduce a new exempt development provision in the LEP to:</p> <ul style="list-style-type: none"> • require non-hosted short term rental accommodation (STRA) for max. 90 days per calendar year <p>Amend existing exempt development provisions in the LEP to permit (without consent):</p> <ul style="list-style-type: none"> • low impact uses (shops, business premises or kiosks) to trade from 7am to 11pm without development consent in B1 and B2 zones. This would not apply to food or drink premises, gyms or licensed venues; • ‘markets’ that take place on a road, place of public worship, hospital, other public land or land in a recreation or special purpose zone (except a school); and • small scale cultural activities in shops, office premises, restaurants, cafes or community facilities in neighbourhood and local centres (B1 and B2 zones). A definition will be included: <i>small scale cultural activities means an activity involving live entertainment, including the presentation of music, film, theatre, spoken word, comedy or dance, or an event associated with an exhibition of art, craft, design, media, image or technology, with no more than 100 participants.</i>
	<p>Department Comment:</p> <p><i>Short term rental accommodation</i></p>

The proposed exempt development provisions for non-hosted STRA vary from the provisions which are set to commence across (most of) NSW in November 2021 in the Affordable Rental Housing (ARH) SEPP or future Housing SEPP. The SEPP will prevail to the extent of any inconsistency, rendering any LEP amendment redundant.

Small Scale cultural activities

The proposed exempt development provisions for small scale cultural activities (referred to in the proposal) in the B1 and B2 zones may not have captured all other low-impact uses or activities which may also suitably qualify as exempt development. This means those uses or activities may require development consent, and could include the following situations:

- 'small scale cultural activities' in other potentially appropriate land use zones, (e.g. RE2 Private Recreation zone) in which community facilities, restaurants and cafes are permissible;
- these activities to be carried out in other land uses permissible under the B1 or B2 zone, such as recreation facilities (indoor) and educational establishment; and
- any other low-impact cultural activities to occur in the B1 and B2 (and any other appropriate zones) that are not captured in the proposed definition (e.g. book signing in a shop).

The Department does not object to the proposal encouraging flexibility in the planning controls to support small scale cultural activities. Council will be advised to consider whether the proposed control is the best means to achieve its aim taking into account any submission on this element. The new definition is consistent with the Standard Instrument LEP approach to allow a definition to be introduced if it is solely for the purpose of interpreting a local provision and in the relevant clause (not the Dictionary).

<p>Shop clusters, Randwick (Prince of Wales) Hospital, Randwick Racecourse (Maps and Schedule 1)</p>	<ul style="list-style-type: none"> • Formalise the zoning, permissible uses and built form to protect 20 existing shop clusters; • Permit with consent service stations on 3 sites within the shop clusters; • Rationalise the zoning, height and floor space ratios of the campus expansion area to reflect the approved 'Integrated Acute Services' building and be consistent with the Randwick Hospital site: SP2 Infrastructure (Health Services Facility) with no height or FSR limit; and • Rationalise the zoning for the Light Rail Stabling Facility (Randwick Racecourse) to reflect the current use, i.e. changing from RE1 Public Recreation to SP2 Infrastructure.
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Department comment: Randwick Racecourse Light Rail Stabling Facility

The Randwick Racecourse Light Rail Stabling Facility comprises three lots (Figure 1) under split ownership by Centennial Park and Moore Park Trust, Randwick Racecourse Trust and Transport for NSW (as confirmed by Council). The rezoning of the Light Rail Stabling Facility does not result in a net loss of public open space because the site is used as state transport infrastructure and is therefore unlikely to be redeveloped in the near future.

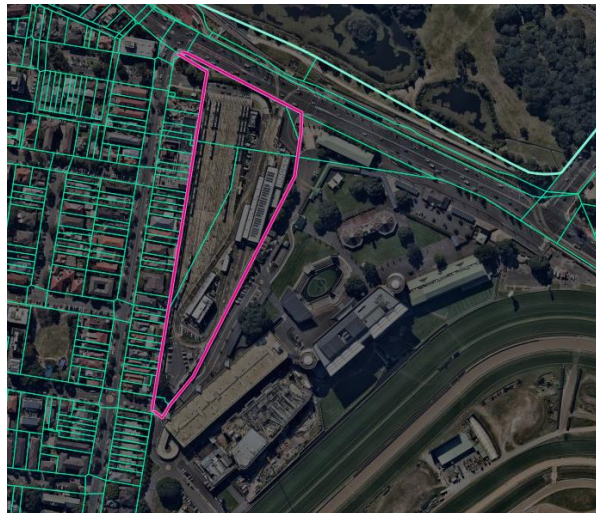


Figure 1. Subject site (approximate) outlined in pink with lot boundaries in green. Source: NearMap 2021.

Rezoning Requests

<p>Landowner requests</p>	<p>Respond to various landowner rezoning requests to rezone or amend height, alternative building height or FSR for certain sites, including sites within the Kensington and Kingsford (K2K) Town Centres:</p> <ul style="list-style-type: none"> • 1903R Botany Road, Matraville, from RE1 to RE2; • 558A-580 Anzac Parade, Kingsford (South Juniors Club); • 1401-1409 Anzac Parade, Little Bay; and • 59A-71 Boronia Street and 77-103 Anzac Parade, Kensington. <p>The first is detailed in this Report and the latter 3 are detailed further in Appendix A.</p>
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Department comment: 1903R Botany Road, Matraville

The site is privately owned however is zoned RE1 Public Recreation and Council has an obligation to acquire the land under the Land Reservation Acquisition Map in the LEP. The exact size of the site is not specified in the proposal but is estimated to be approximately 3,355m²(as calculated from an aerial map). It comprises a vacant lot surrounded by Port Botany industrial uses (IN1; west and south), low scale residential (R2; north) and land zoned for public open space (RE1; east) (Figure 2).



Figure 2. 1903R Botany Road, Matraville. Source: ePlanning Spatial Viewer 2021.

The planning proposal states the proposed rezoning from RE1 to RE2 will permit some additional uses to occur while allowing the site to retain a recreational zone. Council provided further information that it is not in a position to purchase the site from the

landowner at this time. Despite this, Council's financial position is not a relevant planning consideration.

The proposed RE2 zone will permit (with consent), among other uses, takeaway food and drink premises, environmental facilities and registered clubs, the latter of which enables development for the purposes of 'seniors housing' (as per the SEPP (Housing for Seniors or People with a Disability) 2004). Therefore, the proposed zoning may reduce the likelihood and potential for future delivery as open space. Notwithstanding, the RE2 zone and its objectives do not guarantee public access to any open space or recreation facilities that may be provided.

The size and location of the site adjacent to RE1 land indicates the potential for future consolidated public open space (Figure 2) for the benefit of the local residents. The retention of RE1 land would also offer a continued buffer to the residential area from the Port Botany industrial uses in the south-west.

There is insufficient justification in the proposal to demonstrate that:

- the proposal would not result in a net loss of existing and/or potential public or publicly-accessible open space, both across the LGA and for the locality; and
- there is no longer a need for Council to acquire the site for the purposes of local open space to support the open space and recreation needs for existing and future population.

Further discussion on the proposal's merits are in Sections 3.2 and 3.4 of this Report.

Heritage	
Randwick Heritage Study (HCA Review & community nominations)	<p>Implement the findings of the Randwick Heritage Study to:</p> <ul style="list-style-type: none"> • introduce 57 new heritage items, • expand the Moira Crescent Heritage Conservation Area (HCA), which includes 4 new individual heritage items; and • other administrative amendments to existing heritage items. <p>Department comment: further justification (which includes a full assessment against the listing criteria in the NSW Heritage Office Guideline, an inventory sheet and statement of significance) is required to support the introduction of new heritage items and the expansion of the existing HCA.</p>
Randwick Junction Heritage Study	<p>Amend Schedule 5 and/or LEP heritage maps to:</p> <ul style="list-style-type: none"> • Introduce 5 new heritage items, and • Correct anomalies for various items, including grouping and consolidating items, extending curtilages, correcting the property information, addresses or item descriptions, and removing an item that has been demolished.
Edgecumbe Estate HCA Heritage Study	<p>Introduce a new Edgecumbe Estate HCA, which encompasses 10 properties, 5 of which are existing heritage items.</p> <p>Department comment: This item was deferred from a previous finalisation relating to the Edgecumbe Estate planning proposal (heritage items and HCA) in July 2020 pursuant to section 3.36(4) of the <i>Environmental Planning and Assessment Act</i>, due to insufficient justification. Council's current heritage study (2021) concludes that the HCA should be included in the LEP and the deferred matter has now been addressed, which are: an assessment of significance against the NSW Heritage Office Guideline; further analyses including a comparative analysis; and a statement of significance.</p>

Miscellaneous / housekeeping	<p>Amend Schedule 5 and the LEP heritage map to address housekeeping matters:</p> <ul style="list-style-type: none"> Align HCA boundaries with the State Heritage Register or to exclude contemporary development, Correct names or addresses of heritage items or HCAs; and Correct a zoning anomaly for part of the Newmarket site (162-166 Barker Street).
Local Character	
Local character overlay	<p>Introduce a new local character overlay (clause, map and definition) to give effect to 3 'special character areas' and their character statements when considering development applications. The 3 areas are The Bays, North Coast and South Coast character areas.</p> <p>Department Comment: The Department exhibited an explanation of intended effect (EIE) for local character from November 2020 to January 2021 which proposes an LEP model clause referring to Local Character Areas Statement. Submissions from the exhibition revealed mixed feedback on the local character clause. Decision on the EIE has not been made. Currently there is no Department-endorsed statutory pathway to include local character in LEPs. As such, this element is not supported at this time. However, references to, and mapping of, local character areas may be included in Council's Development Control Plan (DCP).</p> <p>Certain character areas include sites owned by the La Perouse LALC, and Council are encouraged to consult with the LALC if the local character maps and statements are included in the DCP.</p>

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

Appendix A contains a more detailed assessment for the HIAs and landowner rezoning requests to complement this Report.

The Department exhibited a proposal '*Employment Zones Reform*' from 20 May to 30 June 2021 to simplify the employment zones framework. It is currently proposed that the existing zones (which are relevant to this proposal) will be translated as follows:

- **B1 Neighbourhood Centre** and **most B2 Local Centre** to E1 Local Centre zone;
- B3 Commercial Core and **potentially larger B2** to E2 Commercial Centre; and
- B4 Mixed Use and **some B2** to MU Mixed Use.

Certain amendments in this proposal relate to the B1 and B2 zones, including new zone objectives, rezoning certain sites for business and/or increasing commercial floorspace, exempt development provisions for low impact business to extend trading hours and permit small scale cultural activities. This may in future impact on the existing and proposed business zonings.

Council may also wish to consider whether the new definition for '*creative industries*' and the relevant land use zones (where it is a mandated or optional use), apply to the provisions for small scale cultural activities, and galleries and maker spaces (identified by Council as 'information and education facilities'). The proposed definition for 'creative industries' is to include *a building or place mainly used to produce arts, crafts, design, media or other creative products, and includes artists' studios, recording studios and set design and production facilities.*

The Department and Council have discussed the potential implementation of the Employment Zones Framework ahead of the introduction of broader reform package. A **Gateway Condition** is recommended to allow Council the option to either:

- exhibit the planning proposal with relevant details, such as land use permissibility, intended changes to the local provisions and mapping, explaining how it would translate and implement the new Employment Zones Framework so that it could be readily incorporated in the LEP at finalisation; or
- include an advisory referencing the Employment Zones Reform work noting the proposed translation of employment zones as it relates to the proposed amendments.

The Department will work closely with Council post-Gateway to address any implications or issues for either option.

1.3 Site description and surrounding area

The planning proposal applies to land within the Randwick LGA and to specific land use zones, areas or sites, as detailed throughout this Report and in the planning proposal (**Attachment A**).

1.4 Mapping

The planning proposal includes mapping showing the proposed changes to LEP maps which are suitable for community consultation:

- land use zone,
- height of buildings,
- floor space ratio,
- lot size,
- heritage,
- terrestrial biodiversity,
- key sites,
- alternative building heights,
- additional permitted uses,
- land reservation acquisition,
- special provisions area, and
- new local character area map*.

*The local character area map is to be deleted by a **Gateway Condition**, as detailed above.

2 Need for the planning proposal

The planning proposal is a comprehensive amendment to the LEP to align with the Eastern City District Plan and Randwick Local Strategic Planning Statement (LSPS) priorities and actions, and to progress the findings and recommendations of local strategies and studies, including the:

- Randwick Housing Strategy,
- Randwick Environment Strategy,
- Randwick Economic Analysis Report,
- Randwick Night-time Economy Study (draft), and
- Randwick Open Space and Recreation Needs Study (draft) and
- various heritage studies.

The proposal responds comprehensively to landowner rezoning requests and housekeeping matters (e.g. to correct anomalies or errors) that have arisen during the operation of the LEP.

A planning proposal is the best means of achieving the objectives and intended outcomes as an LEP amendment is the only mechanism to alter existing clauses in response to policy changes, and to amend the zoning and development standards to accommodate new land uses, higher density residential and commercial uses and smaller lot housing. A planning proposal is also required for councils to levy affordable housing contributions under *SEPP70 - Affordable Housing (Revised Schemes)*.

Regarding the introduction of a local approach to non-hosted STRA provisions and a Local Character LEP overlay, these amendments are not supported (at this point in time) for the reasons

detailed in Section 1.2. These provisions are to be removed from the proposal as per the recommended **Gateway conditions**; and

The proposal's objective to "address the key relevant outcomes of the draft Open Space and Recreation Needs Study, including a review of the RE1 Public Recreation zone objective, land zoning maps and local provisions" is noted. In relation to the proposed rezoning of 1903R Botany Road, Matraville from RE1 to RE2 zone, the above draft Study does not indicate that relinquishing the site from Council's acquisition obligations and delivery as public open space are appropriate. As detailed in Section 3.2 and 3.4, there is insufficient justification as to why the subject site is no longer needed to contribute to public open space and recreation needs in the LGA nor that the rezoning will result in no net loss of existing or future potential public or publicly-accessible open space.

3 Strategic assessment

3.1 Premier's Priorities

In March 2019, the NSW Premier announced a series of Premier's Priorities, which represent the NSW government's commitment to making a significant difference to enhance the quality of life for the people of NSW. Premier's Priority 11 *Greener Public Places: Increase the proportion of homes in urban areas within 10 minutes' walk of quality green, open and public space by 10 per cent by 2023* demonstrates the NSW Government's intention to increase access to high quality open space across NSW.

Priority 11 is relevant to the planning proposal which, among other things, seeks to rezone land for public recreation, and also to remove Council's obligation to acquire a site at 1903R Botany Road, Matraville by rezoning it from RE1 Public Recreation to RE2 Private Recreation. The planning proposal does not provide sufficient justification to demonstrate consistency with Priority 11 and how the rezoning would impact the quantity, quality, and distribution of future potential public or publicly accessible open space. As such, the rezoning for the land in Botany Road is not supported at this time.

3.2 District Plan

The site is within the Eastern City District and the Greater Sydney Commission released the Eastern 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 *Environmental Planning and Assessment Act 1979*. The following table includes an assessment of the planning proposal against relevant directions and actions.

Table 3 District Plan assessment

District Plan Priorities	Justification
Infrastructure and Collaboration	
E1 Planning for a city supported by infrastructure	The planning proposal is consistent with Priority E1, which seeks to align increased residential and commercial density with access to and use of existing infrastructure (including cultural, education, health, community and water infrastructure), jobs and services.
E2 Working through collaboration	The proposal gives effect to aspirations from the Randwick Collaboration Area program by rationalising the LEP controls to facilitate improvement to the Randwick Hospital campus (refer to Section 3.4).
Liveability	
E3 Providing services and social infrastructure to meet people's changing needs	<p>The proposal is consistent with this priority because it:</p> <ul style="list-style-type: none"> • Co-locates and concentrates new housing and commercial uses in close proximity to transport and other services (e.g. hospitals and education), to improve accessibility, social inclusion and economic participation; • seeks to retain and protect continued use of social infrastructure assets (such as transport, hospitals, and open space), and • encourages new large developments to plan for open space as a fundamental consideration. <p>The proposed rezoning of 1903R Botany Road, Matraville, is inconsistent with this Priority, as explained in E18 in this Section of the Report.</p>
<p>E4 Fostering healthy, creative, culturally rich and socially connected communities.</p> <p>E6 Creating and renewing great places and local centres, and respecting the District's heritage</p>	<p>In addition to the reasons stated above, the proposal is consistent with Priorities E4 & E6 because it:</p> <ul style="list-style-type: none"> • adopts a place-based approach to housing and jobs which is sensitive to character, amenity, and heritage conservation; • encourages socio-economic and household diversity, including the retention of 'key workers' near jobs, services and transport; • seeks to protect and enhance day and night-time business, employment and diverse culture and entertainment activities in and around centres. This would enhance a sense of place, vibrancy and a more connected community. <p>The above will progress the following E4 and E6 Actions:</p> <ul style="list-style-type: none"> • 10, to create healthy and inclusive places for people of all ages by providing walkability and activation,

	<ul style="list-style-type: none"> • 14, to facilitate opportunities for artistic and creative expression and participation (with minimum regulatory burden); and • 18 and 21, to encourage a place-based approach to deliver great places by providing land use mix, prioritising public realm and open spaces as organising design principles and celebrating character and people. <p>The proposal also seeks to enhance local character of three ‘special character areas’ which is consistent with this Priority but cannot be introduced into the LEP at this time for the reasons in Section 1.2.</p> <p>The loss of public recreation land at 1903R Botany Road, is inconsistent with Priority E4 and E6, as will be detailed in E18 of this Section of the Report</p>
<p>E5 Providing housing supply, choice and affordability, with access to jobs, services and public transport.</p>	<p>The proposal is consistent with this Priority because it:</p> <ul style="list-style-type: none"> • employs diverse housing measures to deliver on the medium term (6-10 years) housing supply targets identified in the Randwick Local Strategic Planning Statement (LSPS) and Housing Strategy of 4,300 new dwellings by 2026. • responds to the need for housing choice and affordability with access to transport, shops, services and employment (e.g. the Randwick Health and Education Cluster) (see Section 4.1). This includes the introduction of an Affordable Rental Housing Scheme which progresses Action 17 to prepare affordable rental housing target schemes. • some minor rezonings from residential land to open space, hospital or transport uses are administrative in nature. <p>The proposal will technically reduce the number of residential lots available for housing by introducing larger lot sizes for attached dual occupancies in R2 zones, and rezoning parcels of residential land to other uses. However, the effect of these would be more than compensated by the housing delivery initiatives in the proposal (refer to further discussion below).</p>
<p>Productivity</p>	
<p>E7 Growing a stronger and more competitive Harbour CBD; E8 Growing and investing in health and education precincts and the Innovation Corridor; E11 Growing investment, business opportunities and jobs in strategic centres; E13 Supporting growth</p>	<p>The proposal is consistent with Priorities E7, E8, E11 and E13 because it seeks to protect, enhance and concentrate housing, business activity, employment and entertainment activities (as explained in E4 & E6) in and near strategic, local and neighbourhood centres which would:</p> <ul style="list-style-type: none"> • support the growth of key industries and provide housing for key workers, particularly around the Randwick Health and Education Precinct, • contribute to job targets, and • enhance visitor experiences and the tourism economy. Despite this, the proposed non-hosted STRA provision varies from the state wide approach to STRA and requires deletion by way of a Gateway Condition as detailed previously.

of targeted industry sectors	
E10 Delivering integrated land use and transport planning and a 30-minute city	<p>The proposal is consistent with this Priority and Action 33, which encourages integrated land use and transport to deliver a 30-minute city, as it:</p> <ul style="list-style-type: none"> • provides opportunities for concentrated housing growth near existing centres and transport. • Seeks to strengthen the local economy by diversification and flexibility of uses to provide opportunities for social and economic participation in employment, leisure and entertainment close to homes.
Sustainability	
E14 Protecting and improving the health and enjoyment of Sydney Harbour and the District's waterways; E15 Protecting and enhancing bushland and biodiversity; E16 Protecting and enhancing scenic and cultural landscapes; E17 Increasing urban tree canopy cover and delivering Green Grid connections; E19 Reducing carbon emissions and managing energy, water and waste efficiently; E20 Adapting to the impacts of urban and natural hazards and climate change	<p>The proposal adopts a holistic approach to encourage resilience and adaptability of the urban environment and a circular economy, as per Priorities E14-17, E19 and E20 by:</p> <ul style="list-style-type: none"> • prescribing these considerations into the LEP aims and zone objectives; • recognising and encouraging consideration of biodiversity and ecological processes that are nationally significant, of high value and/or critically endangered (e.g. Kamay Bay National Park). This progresses Action 62 to protect and enhance biodiversity such as bushland and remnant vegetation; • encouraging 'improvement' rather than merely 'management' of stormwater quality and water security which progresses Actions 58 and 60 to improve waterway health from cumulative development (e.g. Botany Bay); and • encouraging new large developments to adopt more sustainable approaches that mitigate the contribution to cumulative urban heat, water consumption and pollution, and energy consumption. This includes retention and expansion of urban tree canopy.
E18 Delivering high quality open space	<p>Certain aspects of the proposal are inconsistent with this Priority and Action 67 <i>protect, enhance and expand public open space by providing opportunities to expand a network of diverse, accessible, high quality open spaces that responds to the needs and values of communities as populations grow.</i></p> <p><u>1903R Botany Road, Matraville</u></p> <p>The Priority notes the limitations on increasing open space quantity and the emphasis to improve the quality, management and use of existing open space. The proposal does not contain sufficient evidence to demonstrate</p>

appropriate consideration of open space provision in terms of quality, quantity and distribution because it:

- does not demonstrate why Council's obligation to acquire the site for a local park/public open space is no longer required to support the open space and recreation needs of the community;
- does not demonstrate that there will be no net loss of public open space nor publicly-accessible open space (quantity), or why a loss is appropriate in terms of a needs-based assessment;
- does not demonstrate how public access to the site would be maintained with the RE2 zone; and
- is unclear how the proposed rezoning would address existing and prospective residents' proximity and access to diverse open space in the future (quality and distribution).

The remaining aspects of the proposal are consistent with this Priority:

Light Rail Stabling Facility

- The rezoning will not result in a net loss of open space, as detailed previously, and therefore does not conflict with Priority E18.

Other provisions – zone objectives and Clause 6.12

- The proposal is consistent with the Priority and progresses Action 67, to maximise use of existing open spaces and protect, enhance and expand open space by prescribing these considerations into zone objectives, site-specific considerations for large development and land zone changes.

3.3 Randwick Collaboration Area Place Strategy

The Randwick Collaboration Area Place Strategy (Greater Sydney Commission, 2018) identifies the vision and shared objectives for the Randwick Health and Education Precinct and sets out priorities and actions to realise this vision. The Precinct contains the University of NSW Kensington campus, the Royal Randwick Racecourse, the Prince of Wales Hospital and research institutions.

The planning proposal provides opportunities for more housing (including for key workers), protection of existing open space and more diverse business activity which will help support its function as a Health and Education Precinct, and progresses the Place Strategy actions:

- Action 11 – providing ~79 affordable rental dwellings (by 2036) near the Collaboration Area;
- Action 22 – requiring new large developments and key sites to consider renewable energy sources.

3.4 Local

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

Table 4 Local strategic planning assessment

Local Strategies	Justification
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Local Strategic
Planning Statement
– Vision 2040

The discussion in *Section 3.1 Eastern City District Plan* largely applies here as the LSPS gives effect to District Plan priorities. The planning proposal is consistent with the following priorities, for the reasons detailed above:

1 Provide diverse housing options close to employment, services and facilities.

The proposal progresses the following actions:

- Action 1.1 to implement the planning controls to deliver 6-10-year housing supply.
- Action 1.3 to introduce local STRA provisions, however, these are to be removed as explained above.
- Action 1.4 states that council will work with Land and Housing Corporation (LAHC) on a staged approach to the renewal of social housing estates (and is reiterated in Priority 23). Priority 1 also states that any future renewal of social housing stock must ensure an increase to social and affordable housing on these sites to meet population growth and need. The Kingsford South HIA contains a social housing estate and therefore a **Gateway condition** requires consultation with LAHC along with other agencies.
- The proposal is inconsistent with this Priority as it relates to the proposed rezoning of 1903R Botany Road, Matraville from public to private recreation. The LSPS Structure Plan identifies areas in and near Matraville for '*Low Density Housing Growth (0-10 year)*' and there is insufficient justification to demonstrate that the land is no longer required to support open space and recreation needs for existing and future residents, and that there is no net loss of public or publicly-accessible open space.

2 Increase the supply of affordable rental housing stock to retain and strengthen our local community.

- It delivers on Action 2.2 by introducing an affordable housing contributions scheme in areas of housing growth;

3 Encourage development that responds to the local character and desired future character of our neighbourhoods

- Despite consistency with Action 3.2 to implement local character areas in the LEP, these provisions are encouraged to be located in the DCP at this time (see Section 1.2)

4 Conserve and protect our unique built cultural heritage.

- The proposal and supporting heritage studies implement Action 4.1, which seeks to undertake an LGA-wide heritage review (Action 4.1);

- 6 Support the delivery of social infrastructure to meet the needs of our diverse community; 7 Provide greater access and opportunities for walking and cycling;
- 8 Plan for and support strong connections to support a 30 minute city;
- 9 Focus economic development, innovation and jobs growth in strategic centre;
- 10 Support the long-term economic viability of our town and neighbourhood centres;
- 11 Develop a diverse, thriving and inclusive night time economy;
- 12 Manage and enhance the tourism and visitor economy;
- 14 Provide high quality open space and recreational facilities;
- This Priority identifies that growth in Randwick’s population and across the Eastern City District will place pressure on existing open space and recreation assets and increase demand for additional provision and access. It also identifies the role of the (draft) Open Space and Recreation Needs Study and (adopted) Strategy to guide future open space and recreation planning in the LGA. The proposal, as it relates to 1903R Botany Road, Matraville, is inconsistent with this Priority as there is insufficient justification to demonstrate that the subject site is no longer required to support Randwick’s open space and recreation needs, and that there will be no net loss in public- or publicly-accessible open space.
- 15 Implement the Green Grid;
- 16 Increase tree canopy cover;
- 17 Protect areas of bushland and biodiversity,
- It progresses Action 17.3 to review the LEP Terrestrial Biodiversity Map to reflect the Department’s Biodiversity Values Map;
- 18 Reduce the consumption of energy and water and 19 Manage our waste efficiently,
- It progresses Action 18.2 which encourages new development to incorporate best practice sustainability measures, which is captured in the amendments to Clause 6.11 and 6.12;
- 20 Better manage our coastal environments and waterways;
- 22 Align planned growth with infrastructure delivery; and
- 23 A collaborative approach to guide and manage future growth in Randwick City.

Randwick Housing Strategy (HS) 2020

The Housing Strategy was approved by the Department on 23 June 2021, subject to Council satisfying certain requirements in the Approval and advisory notes. The proposal addresses relevant requirements in the approval as follows:

Housing Supply and Diversity

- The Department's approval requires Council to prepare a comprehensive planning proposal and demonstrate that the proposed provisions are the most effective application to achieve HS Priority 2 *Diverse housing to meet the needs of the community*.
- This proposal demonstrates a balanced and place-based approach through the HIAs and small lot housing, which comprise diverse typologies, tenure and affordability, including approx. 79 affordable rental dwellings by 2036, located near transport, centres and employment. The proposal has the potential capacity of 1,048 new dwellings and in conjunction with approved LEP amendments for key renewal areas (e.g. Kensington and Kingsford), it will contribute to the 6-10 years dwelling target of 4,300 new dwellings by 2021-2026 and affordable housing target of 10% of all dwellings by 2040.
- It is noted that Council resolved to remove the Low Rise Medium Density Areas (LRDAs) from the Comprehensive planning proposal. It is recommended that this be investigated to identify additional housing supply and diversity, in accordance with HS Priority 2.

Housing affordability

- The proposal gives effect to HS Action 4.2 *identify appropriate areas to apply an AHCS* by introducing an affordable housing scheme for the HIAs. The scheme requires a proportion of residential development to be dedicated as affordable dwellings or monetary contributions. Council has undertaken feasibility analysis to support the scheme.

Short term rental accommodation

- The Department's approval does not support HS Action 2.7 to introduce alternate thresholds on STRA exempt provisions. This is addressed via a **Gateway Condition**.

Local character

- The proposal seeks to introduce local character overlays in the LEP pursuant to HS Priority 5. The Department's approval encourages continual consultation with the relevant DPIE teams as it relates to local character. This matter has been discussed above.

Implementing the Housing Strategy

- Approval Requirement 2 requires that Council monitor and review housing supply pipeline and completions, and to work with the Department to address any issues in achieving the 6-10 year housing supply from the proposed delivery mechanisms.

	<ul style="list-style-type: none"> • Approval Requirement 7 requires Council engage with LAHC on future social housing renewal as part of a collaborative implementation approach for the HS. Additionally, Priority 7 includes a target for 10% of all dwellings being affordable by 2040 (2.5% affordable rental and 7.5% social housing stock), and 1,918 social housing dwellings by 2036. <ul style="list-style-type: none"> ○ Action 7.1 specifically requires an increase in social and affordable rental housing in any future redevelopment of social housing estates, and 7.2 requires Council to work with LAHC to develop a staged approach to the renewal of social housing estates. • As a social housing estate is located within the Kingsford South HIA, consultation with LAHC will be required by a Gateway condition.
Open Space and Recreation Strategy (adopted)	<p>The Randwick Open Space and Recreation Needs Strategy sets out the 20-year vision for how Council will deliver the variety of open space and recreational facilities for its community, including objectives, strategic approaches and intended outcomes.</p> <p>The planning proposal is generally consistent with the Strategy, for the reasons detailed previously in this Report, with the exception of the proposed rezoning at 1903R Botany Road, Matraville (subject site).</p> <p>Outcome 1 – Open Space grows and changes with the community.</p> <p>Objective: <i>Every home in Randwick City will have open space of 1000m² within 800m by 2031</i></p> <p>Strategy 1.4 <i>Identify opportunities for acquisition or repurposing of land for open space</i></p> <p>The proposed rezoning of the subject site does not provide sufficient justification that it is no longer required to support the current and future open space needs of the community. It is therefore inconsistent with Outcome 1 and Strategy 1.4.</p>

(Draft) Randwick Open Space and Recreation Needs Study (2020)

The Randwick Open Space and Recreation Needs Study (2020) provides the evidence-base and 5 Directions for future planning for open space and recreation in the Randwick LGA. The Study has been finalised to inform the Open Space and Recreation Needs Strategy, however, is not endorsed by Council as it is a background document.

The planning proposal is generally consistent with the Study, for the reasons detailed previously in this Report, with the exception of the proposed rezoning at 1903R Botany Road, Matraville. There is insufficient justification to demonstrate the loss of public recreation land in favour of private recreation can achieve the Study's principles of *quantity, proximity and access*, and *hierarchy and size*, Direction 1 *connect and enhance open spaces and public spaces* and Direction 3 *to activate and improve amenity and quality*.

The proposal is inconsistent with the above and does not sufficiently consider the future recreation needs of the community because:

- There is insufficient justification that there will be no net loss of future public or publicly-accessible open space, as the RE2 zone objectives do not guarantee 'public access'. This is relevant as the draft Study demonstrates the overall amount of open space per person is falling across the Randwick LGA, including in Matraville and Chifley; and
- It is unclear why the acquisition of the subject site for a local park is no longer needed to contribute to the community's recreation and open space needs. The reasons provided relate to Council's financial position, which is not a relevant planning consideration. The Study's 'walking catchment analysis' appears to have included the subject site into its analysis of residents' proximity and access to publicly-accessible open space (Figure 3) indicating it may form part of the current network.
- The proposal also states that the RE2 zone will yield an acceptable open space outcome. As detailed in Section 1.2 of this Report, the land uses permitted in RE2 do not guarantee the delivery of publicly accessible open space.

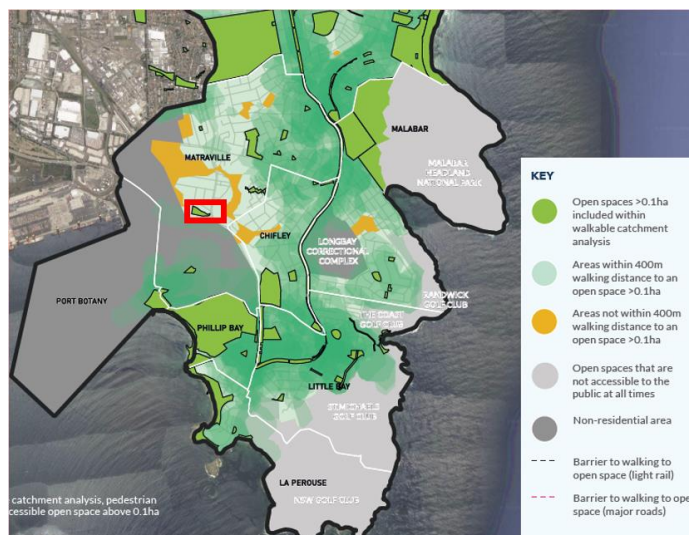


Figure 3. Walkable catchment analysis pedestrian access to publicly-accessible open space above 0.1ha. Source: Figure 26, Draft Randwick Open Space and Recreation Needs Study (2020).

Other local studies and strategies

The planning proposal is informed by several planning studies and the amendments give effect to the following actions, directions and outcomes of those studies:

- Draft Randwick Night-time Economy Study 2019 – to introduce new zone objectives for B1 and B2, and exempt development for hours of operations for low impact businesses and small-scale cultural activities.
- Randwick Environment Strategy 2020 – Outcome 2 *Climate Change*, Outcome 3 *Conserve Resources* and Outcome 4 *Coastal Protection*, by introducing provisions which encourage consumption of renewable energy sources, water reuse and improved water quality, and mitigating urban heat island impacts.

3.5 Randwick Local Planning Panel recommendation

The Randwick Local Planning Panel (RLPP) considered and provided recommendations for the proposal at various meetings from February 2019 to May 2021. The RLPP generally supports the planning proposal for the reasons stated in the Council reports, except the non-hosted STRA provisions. Additional recommendations and comments by the RLPP are summarised as follows:

Meeting topic	Date	Recommendations and comments
Edgecumbe Estate HCA	14 February 2019	<ul style="list-style-type: none"> • Further review should consider whether 5 Edgecumbe Avenue should be included in the new Edgecumbe Heritage Conservation area. • Address all strategic directions in the District Plan.
Housing Report - Housing Investigation Areas	8 March 2021	<p>RLPP recommended for the Housing Investigation Areas:</p> <ul style="list-style-type: none"> • prepare and consider urban design studies for the proposed controls and transitions to surrounding areas and exhibit with the planning proposal. • prepare and exhibit detailed controls in a DCP, or finalise before the gazettal of the LEP. • consider new LEP controls for minimum allotment sizes, frontages, incentives for consolidation, and incentives for affordable housing (possibly beyond the 3%). • consider areas in the HIAs that propose no increase in density based upon market analysis as opposed to strategic merit.
Randwick Heritage Review	6 April 2021	No further comments provided.
Local Character	6 April 2021	<ul style="list-style-type: none"> • Further consideration as to how the Local Character Areas (LCAs) are incorporated into the LEP and whether this should be limited to only the Northern Coast, Southern Coast and The Bays LCAs. • Local Character Statements will need to clearly articulate existing character, desired future character and specific principles for new development.
Environmental Resilience	13 April 2021	<ul style="list-style-type: none"> • Consider a new provision for landscape area in the LEP to address tree canopy and deep soil planting.

Meeting topic	Date	Recommendations and comments
Economic Development	13 April 2021	<p>Did not support the change to the day limit for non-hosted short-term rental accommodation as there is not sufficient evidence to justify a variation from the ARH SEPP and EP&A Regulation. The day limit should be monitored and reviewed to determine implications.</p> <p>The RLPP recommended the following:</p> <ul style="list-style-type: none"> • Minor changes to small scale cultural facilities and late-night trading provisions to clarify the criteria for exempt development. • Further review of the hospital perimeter heights to ensure appropriate transitions.
Rezoning Requests (by Landowners)	13 April 2021	<p>Further investigate / consider:</p> <ul style="list-style-type: none"> • <i>1903R Botany Road, Matraville & 27 Jennifer Street, Little Bay</i> – the most appropriate zoning for these sites to reflect their surrounding context, constraints and values. • <i>59A-71 Boronia Street & 77-103 Anzac Parade, Kensington</i> - the appropriate height to best reflect the desired future character of the area.
Affordable housing contributions scheme	18 May 2021	<p>Reiterates its previous advice from 8 March 2021 meeting regarding HIAs.</p> <p>Recommends:</p> <ul style="list-style-type: none"> • The urban design studies should be developed into a DCP and be exhibited with the draft LEP, and reiterates its advice from 8 March 2021 regarding DCPs. • The proposed HIA heights and FSRs are only available if standards in the LEP such as minimum allotment size, minimum frontage, consolidation of sites and affordable housing are achieved. • A consistent 3% affordable housing rate should apply throughout the Housing Investigation Areas. This percentage should be reviewed within 2 years of the new LEP being made.
Markets and other heritage (Randwick Junction and misc.)	18 May 2021	<p>The RLPP did not support the changes to the Chinese Market Gardens heritage item I246 until Heritage NSW is consulted. (Note: this item has been removed from the proposal.)</p>

3.6 Section 9.1 Ministerial Directions

The planning proposal is consistent with the relevant section 9.1 Directions, except as detailed below:

Table 5 9.1 Ministerial Direction assessment

Directions	Consistent / Not Applicable	Reasons for Consistency or Inconsistency
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1.1 Business and Industrial Zones	Inconsistent - minor and justified	<p>Direction 1.1 aims to encourage employment growth, protect industrial and employment lands and support the viability of identified centres. This direction applies to the planning proposal as it will affect land within existing and proposed business zones.</p> <p>The proposal will rezone land at Meeks Street plaza from business (B2) to public open space (RE1), thereby reducing potential employment floor space. The inconsistency is minor as the rezoning seeks to formalise the existing use of the site as open space and is justified by the <i>Kensington and Kingsford Town Centres Strategy</i>, which identifies this area as open space.</p> <p>The remaining aspects of the proposal are consistent with the aims of the direction by creating new and increasing the density of existing business zones.</p>
2.3 Heritage Conservation	Consistent	<p>Direction 2.3 requires that a planning proposal contain provisions which facilitate the conservation of items, places, buildings, works, relics, moveable objects or precincts of environmental heritage of the area.</p> <p>This Direction applies as the proposal seeks to introduce new items and an additional HCA, expand existing HCA boundaries, correct errors and anomalies, remove heritage items which have been demolished, and locate housing growth (Housing Investigation Areas) near existing items and HCAs.</p> <p><u>Randwick Junction, Edgecumbe Estate, Housing Investigation Areas and State items</u></p> <p>The proposal is consistent with the Direction as follows:</p> <ul style="list-style-type: none"> the provisions strengthen heritage conservation by implementing the recommendations of the <i>Randwick Junction Town Centre Heritage Review</i> (City Plan Heritage, 2015) and <i>Edgecumbe Estate HCA Heritage Study</i> (Council, 2021). These studies are supported by heritage data sheets which include an assessment against the NSW Heritage Office Guideline and statements of significance. The HIAs have adopted appropriate development standards to manage transition in scale to nearby HCAs, and items both within the growth areas or in the vicinity. A Gateway condition is recommended to require consultation with Heritage NSW, particularly regarding administrative amendments to various State heritage items (which are in and around the Prince Henry Hospital) and the Botany Bay National Park HCA.

	<p>Unresolved and further justification required (Gateway Condition)</p>	<p><u>HCA Review and Community Nominated Items</u></p> <p>The <i>Randwick Heritage Study</i> (Extent Heritage, 2021) is a high-level review and does not provide sufficient justification on heritage grounds to introduce new items, and is therefore inconsistent with the aims of this Direction. This is except for amendments which are administrative in nature (e.g. where items are to be consolidated or separated, or to correct property addresses). A Gateway condition is recommended to require each new item to be justified by:</p> <ul style="list-style-type: none"> • A detailed assessment against the NSW Heritage Office Guideline, including the assessment criteria for heritage listing; and • A statement of significance. <p>Further justification is also required to support the expansion of the Moira Crescent HCA, as the revised boundary is not explained in the Study.</p>
<p>2.6 Contamination of land</p>	<p>Inconsistent but not relevant (rezoning not supported and to be removed by Gateway Condition)</p>	<p>Direction 2.6 aims to reduce the risk of harm to human health and the environment from contaminated land.</p> <p>This Direction applies as the planning proposal identifies that 1903R Botany Road, Matraville, which is proposed to be rezoned from public recreation (RE1) to private recreation (RE2), is contaminated or potentially contaminated land. It states future development will be subject to an assessment under SEPP 55, however, the relevant provisions of this SEPP were replaced by this Direction on 17 April 2020.</p> <p>The rezoning to RE2 will intensify the potential uses on the site (e.g. registered clubs, environmental facilities, take-away food and drink premises). Council would therefore be required to consider the matters below and prepare a preliminary site investigation:</p> <ul style="list-style-type: none"> • whether the land is suitable in its contaminated state (or will be suitable after remediation) for all land uses in the RE2 zone; and • if remediation is required, it can be remediated before the use commences. <p>Despite this, the proposed rezoning is not support and therefore no preliminary site investigation is required at this time. A Gateway Condition is recommended requiring the proposed rezoning to be deleted.</p>

3.1 Residential Zones	Inconsistent - minor and justified	<p>Direction 3.1 aims to encourage a variety of housing types, make efficient use of infrastructure and service and minimise the impact of residential development on the environment and resource lands.</p> <p>There are several aspects of the proposal where this Direction applies which are inconsistent (minor or justified) as outlined below:</p> <p><u>Miscellaneous rezonings:</u> The proposal will rezone residential zoned land currently used for local shops, the Randwick Hospital campus expansion area and public open space. While this reduces potential lots for residential development, the inconsistency is minor because:</p> <ul style="list-style-type: none"> • it formalises the existing uses on those sites, • the rezoning of some local shops from residential to B1 will allow continuation of existing shop-top housing, • it will ensure that housing continues to have appropriate access to infrastructure and services, which achieves the objectives of the Direction. <p><u>Housing Investigation Areas:</u> The rezoning of two R2 lots to B1 in the HIAs is minor as it is offset by residential uplift in all HIAs.</p> <p><u>Small lot housing:</u> The increase in the minimum lot size for the development of attached dual occupancies in R2 zones reduces permissible residential density despite no change to the land zone. The inconsistency is justified by the Randwick Housing Strategy, which considers the Direction's objectives, and is a minor inconsistency as housing choice (supply and diversity) may still be achieved:</p> <ul style="list-style-type: none"> • Council states the amendments would theoretically remove 4,282 lots with a frontage of 15m or more (or 2,141 potential dwellings) for attached dual occupancy development, leaving 3,890 lots with a frontage of 15m or more (or 1,946 potential dwellings). However, Council's DA analysis (2018-2021) indicates that 78% of approved dual occupancies are constructed on lots of 550m² or more, suggesting limited uptake of dual occupancies on smaller lots. • Council's DA analysis and an urban design peer review by the Department's Urban Design Unit indicate the proposed lot sizes, subdivision lot sizes and FSRs for dual occupancies would achieve good design and amenity outcomes. Further design controls would form part of a comprehensive DCP review. • The amendments will encourage uptake of low-rise medium density housing, and facilitate diversity in housing typology and tenure, as it will be easier to subdivide dual occupancies for separate ownership. The harmonisation of subdivision and construction lot sizes will allow for a single DA to be submitted. • The reduced subdivision lot size will also facilitate subdivision and separate ownership of other residential typologies (e.g. dwelling houses, semi-detached dwellings).
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		<ul style="list-style-type: none"> This planning proposal has an estimated yield of 1,048 new dwellings by 2026 and approx. 79 affordable dwellings by 2036. Council are adopting several measures within and outside this planning proposal to meet the 6-10 years housing supply target (4,300) and to encourage diversity and affordability (see Table below). The approval requirements of the Randwick Housing Strategy require that Council monitor and review housing supply pipeline and completions. Council will be required to work with the Department to address any issues in achieving the 6-10 year housing supply, which includes any issues in housing 'take-up' from the delivery mechanisms that are the subject of this planning proposal: <table border="1" data-bbox="612 712 1487 1106"> <thead> <tr> <th>Mechanism</th> <th>Estimated housing yield to 2026 (6-10 years)</th> </tr> </thead> <tbody> <tr> <td>This Planning Proposal <ul style="list-style-type: none"> Housing investigation areas (HIAs) Small lot housing </td> <td>Total: 1,048 dwellings: <ul style="list-style-type: none"> 574 medium-high density dwellings (79 affordable dwellings by 2036), 474 low-medium density dwellings </td> </tr> <tr> <td>Kensington to Kingsford (K2K) LEP amendments</td> <td>2,070 (200 affordable dwellings)</td> </tr> <tr> <td>Major sites</td> <td>546</td> </tr> <tr> <td>Infill under existing capacity and controls</td> <td>800</td> </tr> <tr> <td>Total</td> <td>4,464</td> </tr> </tbody> </table>	Mechanism	Estimated housing yield to 2026 (6-10 years)	This Planning Proposal <ul style="list-style-type: none"> Housing investigation areas (HIAs) Small lot housing 	Total: 1,048 dwellings: <ul style="list-style-type: none"> 574 medium-high density dwellings (79 affordable dwellings by 2036), 474 low-medium density dwellings 	Kensington to Kingsford (K2K) LEP amendments	2,070 (200 affordable dwellings)	Major sites	546	Infill under existing capacity and controls	800	Total	4,464
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Infill under existing capacity and controls	800													
Total	4,464													
3.4 Integrating Land Use and Transport	<p>As below</p> <p>Unresolved and further justification required (Gateway Condition)</p>	<p>Direction 3.4 aims to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts; improve active and public transport access; reduce car dependency and travel demand; and provide for efficient movement of freight. This Direction applies when a planning proposal is prepared that will create, alter or remove a zone or a provision relating to urban land.</p> <p>Housing Investigation Areas</p> <p>The HIAs will increase residential and commercial uses along the CBD to Southeast Light Rail alignment, with an estimated yield of approx. 574 dwellings. This approach is consistent with the 30-minute city concept to locate new housing and jobs close to existing centres and transport to facilitate greater accessibility, as per the Direction's objectives.</p> <p>The Department notes that Council is preparing a Local Transport Study for the HIAs which will be exhibited with the proposal. The Study will:</p> <ul style="list-style-type: none"> assess additional trip generation from maximum development capacity, investigate the impact of the HIAs on the local transport network and its ability to accommodate growth, and 												

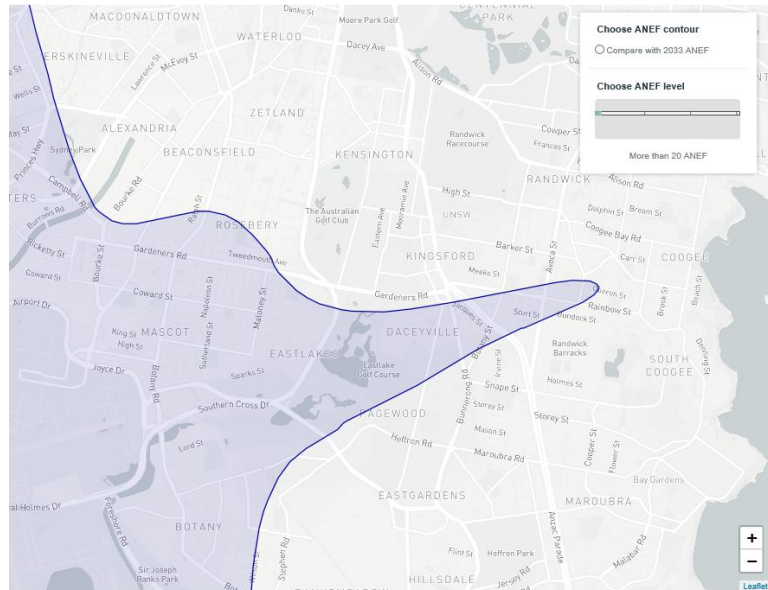


Figure 4: Sydney Airport ANEF contour 20 and greater map. Source: Sydney Airport.

Airport operations – Obstacle Limitation Surface (OLS)

The proposal may be affected by the OLS as follows:

- **South Juniors site** – the proposal seeks a 51m alternative building height, and an additional 6m for design excellence, resulting in a maximum height of 57m above ground level. The corresponding height relative to the AHD is unknown but regardless will be affected by the AHD Obstacle Limitation Surface (OLS) of approx. 51m AHD.
- **HIAs** – the proposed maximum building heights are up to 26m above ground level however the equivalent height in AHD is not given. Given the HIAs' location relative to the Sydney Airport OLS, there is potential for some or all HIAs to be affected by the surface which ranges from 51m AHD and above.

Land affected by the OLS is a 'controlled activity' and requires the preparation of appropriate development standards and permission from the Commonwealth Department of Infrastructure, Transport, Regional Development and Communications must be obtained prior to undertaking community consultation.

The inconsistencies with the Direction for the South Juniors Site and HIAs require Council to consult with the Department of the Commonwealth (or their delegate) in accordance with the requirements of Direction 3.5, and with Sydney Airport Corporation and the Civil Aviation Safety Authority (CASA) during Agency consultation.

<p>4.1 Acid sulfate soils</p>	<p>Minor inconsistency, but acknowledgment required (Gateway Condition).</p> <p>Inconsistent but not relevant (Rezoning not supported and to be removed by Gateway Condition)</p>	<p>Direction 4.1 aims to avoid significant adverse environmental impacts from land that may contain acid sulfate soils. This Direction applies as the planning proposal applies to land on the LEP Acid Sulfate Soils Map as follows:</p> <ul style="list-style-type: none"> • Shop clusters – some sites are identified as Class 5 and will be rezoned (residential to business) and subject to greater density of uses (increased FSR). The inconsistency is minor as the changes to zoning and density are administrative in nature to reflect the existing uses and built form/density on those sites. A Gateway Condition is recommended requiring acknowledgment and further commentary on this Direction as it relates to these sites. Future development will need to consider <i>Clause 6.1 Acid Sulphate Soils</i> in the LEP, which is considered adequate to prevent environmental damage arising from exposure of acid sulphate soils. It is appropriate that this work be undertaken at the development application stage given the likelihood of the presence of acid sulfate soils • 1903R Botany Road, Matraville – identified as Class 4, and the rezoning (RE1 to RE2) will allow potential intensification of use. The proposed rezoning is not supported, as detailed in the Report, and subject to a Gateway Condition requiring it to be removed from the proposal. The inconsistency with this Direction would need to be addressed in any future planning proposal for the site to demonstrate that it is minor or justified.
<p>4.3 Flooding</p>	<p>New Ministerial Direction not addressed and further justification required (Gateway condition)</p>	<p>Direction 4.3 aims to ensure appropriate consideration of flood prone land in line with government policies and plans when a planning proposal seeks to create, remove or alter a zone or a provision that affects flood prone land.</p> <p>This Direction applies as certain land in the HIAs are identified as having flood risk wherein the proposal seeks to rezone and permit more intense/dense development on land in areas identified as having flood risk. The flood risk is identified as:</p> <ul style="list-style-type: none"> • The HIA <i>Urban Design Analysis Reports</i> identify areas of 'low risk' and, to a lesser extent, 'high risk' flood hazard zones, largely along roadways and open spaces. They have varying flood depths (100-year ARI) however are not identified on the LEP flood planning area map; and • The <i>Kensington-Centennial Park Floodplain Risk Management Study and Plan</i> and <i>Birds Gully and Bunnerong Road Flood Study</i> indicate some areas may be floodways and overland flow paths

		<p>It is noted that Council intends to manage flooding impacts with existing or new LEP and DCP flood management controls, and further addressed in Council's DCP and at the DA stage.</p> <p>A new Direction 4.3 has been released (14 July 2021) since the proposal was submitted for Gateway Determination and further justification is needed to address the terms of the new Direction. This includes further justification that the intensification of development is appropriate with the flood hazard. A Gateway condition is recommended accordingly.</p>
6.2 Reserving land for public purposes	<p>Consistent but acknowledgment required (Gateway Condition).</p> <p>Not supported, subject to removal by Gateway Condition</p>	<p>This Direction relates to the administrative processes behind the creation, removal or alteration of publicly-zoned land. Under this Direction, a planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Secretary of the Department.</p> <p>The proposal will create new, and remove existing, RE1 zonings in response to land-owner rezoning requests and for administrative purposes to rationalise existing zonings. The proposal states that new RE1 land will be subject to the acquisition requirements under Clause 5.1 of the LEP.</p> <p>Aspects of the proposal are consistent with this Direction as the amendments:</p> <ul style="list-style-type: none"> • have been endorsed by Council (1 June 2021) and • will be approved by a delegate of the Planning Secretary, subject to a favourable Gateway Determination and any subsequent finalisation of the LEP. <p>Despite the consistency, the proposal does not acknowledge this Direction as it relates to the Light Rail Stabling facility (RE1 to SP2) and a Gateway Condition requires commentary to be provided.</p> <p><u>1903R Botany Road, Matraville:</u></p> <p>The aspects of the planning proposal relating to 1903R Botany Road are not consistent with this Direction as the loss of RE1 land in favour of RE2 is not supported by the delegate of the Secretary. A Gateway Condition recommends this aspect be deleted from the planning proposal.</p>

6.3 Site specific provisions	Minor inconsistency	<p>Direction 6.3 aims to discourage unnecessarily restrictive site-specific controls. The Direction applies as the proposal seeks to introduce local provisions that impose additional development standards and/or requirements to that already contained in the relevant land zone or LEP. The consistencies are assessed as follows:</p> <p><u>Additional permitted uses</u></p> <ul style="list-style-type: none"> • An additional permitted use will be applied to 3 sites to allow existing service stations (with consent) that will also be rezoned from residential to business (B2). • This is inconsistent with this Direction. The inconsistency is minor as it seeks to formalise the existing use of the site while applying a land zone that is consistent with the desired future character of the area. • It will also require any future redevelopment to undergo Council's typical merit-based development assessment, rather than relying on the application of 'existing use rights'.
	Minor inconsistency	<p><u>Additional local provisions</u></p> <ul style="list-style-type: none"> • The proposal is inconsistent with Part (c) of the Direction as it seeks to introduce additional provisions for certain development types or sites, including the introduction of an affordable housing contributions scheme in the HIAs and additional requirements for larger sites (>10,000m²) and key sites. • The inconsistency is minor as the provisions are consistent with the Aims of the LEP and the objectives of the planning proposal to enhance sustainable development, encourage housing mix, tenure and affordability, protect and enhance the environmental qualities of Randwick, and foster a liveable, accessible, safe and healthy environment.
	Not applicable	<p><u>Local Character</u></p> <p>As detailed in this Report, no further assessment is required at this time.</p>

3.7 State environmental planning policies (SEPPs)

With exception of Affordable Rental Housing (ARH) SEPP, the planning proposal is consistent with all relevant SEPPs as discussed in the table below.

Table 6 Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Proposal	Complies
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Affordable Rental Housing SEPP (or future Housing SEPP)	The NSW Government has endorsed the inclusion of a new statewide exempt development pathway for short term rental accommodation (STRA) commencing November 2021. The provisions will allow for non-hosted STRA in a dwelling 180 days per year in Greater Sydney, amongst others.	The proposed local approach to non-hosted STRA imposes more onerous requirements than the endorsed statewide provisions. To the extent of any inconsistency, the SEPP prevails over an LEP and therefore the proposed provisions are unenforceable / redundant. Notwithstanding, the introduction of local approaches to STRA are not supported at this time. A Gateway Condition requires the proposed STRA exempt provisions to be deleted from the proposal.	No, Condition required
SEPP 70 – Affordable Housing (Revised Schemes)	SEPP 70 promotes the 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 proposal is consistent with the requirements of SEPP 70 as it generally complies with the <i>Guidelines for Developing an Affordable Housing Contribution Scheme</i> and the EP&A Act. However, further clarification of the overall viability assessment is required as recommended before exhibition by Gateway Condition. This includes clarification of the discrepancies in the stated FSRs and demonstration that other costs (e.g. developer contributions, land tax, building costs/quality and rates) have been considered in the overall feasibility analysis.	Yes, subject to a Condition
Exempt and Complying SEPP	Exempt development Codes (Part 2) offer a pathway for low-impact development that does not require planning approval. Complying development Codes rely upon the minimum lot size and subdivision lot size in the LEP (if specified) to construct a dwellings or construct and subdivide an attached dual occupancy.	The various proposed exempt development provisions within the LEP will not conflict with the operation of this SEPP. The amended lot sizes and subdivision lot sizes will affect the operation of the SEPP however there is no objection as the amendments are not inconsistent with the aims of the SEPP, as detailed in Section 3.7 of this Report.	Yes

SEPP 65	Aims to improve the design quality of residential apartment development in NSW.	The proposal will enable residential apartment development at the following areas/sites:	Yes, subject to Conditions
		<p><u>Housing Investigation Areas</u></p> <p>Urban Design Analyses (Randwick Council, 2021) state that the proposed building envelopes are capable of achieving the Apartment Design Guide (ADG) requirements for building separation, solar access and natural cross-ventilation, subject to more detailed considerations at the DA stage.</p> <p>The urban design peer review by the Department's Urban Design Unit has indicated that further testing and investigations are required before LEP finalisation (see Section 4.1 & Appendix A). Gateway conditions are recommended.</p> <p><u>Souths Juniors site</u></p> <p>The Urban Design Report (by AJ+C) from the landowner concludes that the proposal can achieve the ADG requirements for solar access, natural ventilation and building separation. Compliance with the SEPP and ADG will be further addressed at the DA stage.</p>	

4 Site-specific assessment

4.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal, except flooding, contamination, acid sulfate soils and traffic which are in Section 3.6.

Table 7 Environmental impact assessment

Environmental Impact	Assessment
Biodiversity and habitat	The proposal will encourage the protection of biodiversity and habitats of national significance, which are critically endangered and core protected areas of high biodiversity value.
Water and energy management	The proposal encourages efficient and sustainable resource uses, which will facilitate improved water cycle management, resilience of the hydrological cycle and waterway health, and reduced carbon emissions and cumulative urban heat impacts.

Environmental Impact	Assessment
Local Character	<p>The proposed character statements for The Bays, North Coast and South Coast special character areas have been prepared according to the Department's <i>Local Character and Place Guideline</i> and <i>Local Character Explanation of intended effect</i>. Despite this, the character statements are not to be referenced in the LEP, and may be included in the DCP, for the reasons detailed in Section 1.2 of this Report.</p>
<p>Urban design and amenity</p> <p>(Further analysis in Appendix A)</p> <p>(Further analysis in Appendix A)</p>	<p>Small lot housing</p> <p>Council has provided an analysis of development applications for semi-detached dwellings and attached dual occupancies, which concludes that the proposed lot size and FSR standards will allow for feasible redevelopment, and adequate outcomes in terms of residential amenity, bulk/scale, streetscape, landscaping and private open space. The Department concurs with Council's assessment.</p> <p>Housing Investigation Areas</p> <p>The Department's Urban Design Unit undertook an urban design peer review of the proposed building envelopes and Council's urban design analyses. There are no concerns that would warrant the proposal not progressing (see Appendix A); however certain matters should be considered further:</p> <ul style="list-style-type: none"> • further testing to ensure the proposed FSRs can be accommodated in the proposed height standards, while achieving appropriate built form, landscape and amenity outcomes, particularly in the Kensington North, Arthur Street, Kingsford South, and Magill Street HIAs; • opportunities to improve solar access for adjoining properties and proposed open space, particularly in the Kensington North, Arthur Street, and Magill Street HIAs; • further investigate height and scale transitions to surrounding context in the Arthur Street HIA; • Correct mismatched data in the stated proposed FSRs between the planning proposal, urban design reports and other documents. <p>Gateway Conditions are recommended accordingly.</p> <p>Randwick Prince of Wales Hospital campus expansion area</p> <p>As detailed in Appendix A, there is no objection (in principle) to the proposed rezoning and removal of the height (including perimeter heights) and FSR development controls for the hospital campus expansion area because it is consistent with the state significant development approval for the site, the development controls for adjoining hospital and university developments, the emerging character of the Health and Education Precinct and desired future character for the higher density Magill Street HIA (19.5m).</p>

Environmental Impact	Assessment
(Further analysis in Appendix A)	<p>Local shop clusters</p> <p>The increase in FSRs for existing local shop clusters are consistent with the existing density and scale on those sites, and would achieve an appropriate urban design outcome.</p> <p>Landowner requests</p> <p>Various land-owner rezoning requests have been considered by Council having regard to recent strategic planning and urban design strategies, existing surrounding development and desired future character. The Department concurs with Council's assessment of the landowner rezoning requests and the proposed controls put forward by Council, as detailed in Appendix A.</p>

4.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with certain aspects of the proposal.

Table 8 Social and economic impact assessment

Social and Economic Impact	Assessment
Economic	<p>The proposal is supported by Council's planning studies which identify the need to diversify the local economy and encourage wider social and economic participation in employment, entertainment, and cultural activities. These aims are supported by the proposed provisions which:</p> <ul style="list-style-type: none"> • protect and intensify commercial uses in well-located areas to facilitate increased access to jobs and services; • encourage diversification and flexibility in business activity, including the creative and artistic industries. This may provide more opportunities for jobs in the creative, entertainment and leisure sectors; • encourage the night-time economy, to suit the varying schedules and needs of residents, workers and tourists. <p>The above provisions promote economic development while balancing amenity impacts by regulating the location, intensity and frequency of activity, built form and other considerations (such as fire safety and noise) via new or existing standards.</p>
Social	<p>The proposal supports housing supply to meet the 6-10 years housing target (in the Housing Strategy) in a manner that encourages diversity of typology and density, ownership and tenure, and affordability. The delivery of low and medium density housing, and affordable rental dwellings, adopts a place-based approach that considers accessibility to transport, employment and other services.</p>

Open Space – 1903R Botany Road, Matraville

There is insufficient justification provided in the planning proposal to demonstrate that the rezoning would result in no net loss of public open space, nor is the site no longer required to meet the community's need for open space, as detailed previously. The proposed RE2 zone and its objectives do not guarantee public access to any open space that may be provided on the site. This element is not supported and a **Gateway Condition** is recommended.

5 Consultation

5.1 Community

Council proposes a community consultation period of 28 days. The exhibition period proposed is considered appropriate, and forms a condition of the Gateway determination.

5.2 Agencies

The proposal does not specifically raise which agencies will be consulted. It is recommended the following agencies / organisations be consulted on the planning proposal and given 21 days to comment:

- Commonwealth Department of Agriculture, Water and Environment (as the proposal relates to sites identified under the *Environment Protection and Biodiversity Conservation Act 1999* on the Terrestrial Biodiversity maps),
- Environment, Energy and Science (EES) Group of the Department,
- Centennial Park and Moore Park Trust and Randwick Racecourse Trust, as it relates to the proposed rezoning of the Light Rail Stabling Facility,
- Transport for NSW (to demonstrate consistency with section 9.1 Direction 3.4 *Integrating land use and transport*, and address public transport services, impacts on State roads and general transport matters; and with regards to the rezoning of the Light Rail Stabling Facility,
- Land and Housing Corporation,
- La Perouse Local Aboriginal Land Council,
- Heritage NSW,
- Sydney Water Corporation,
- Ausgrid,
- Commonwealth Department of Infrastructure, Transport, Regional Development and Communications*, Sydney Airport Corporation, Airservices Australia and the Civil Aviation Safety Authority (CASA) (in accordance with section 9.1 Direction 3.5 *Development near regulated airports and defence airfields*), and
- Adjoining Councils

*Note: the Department of Infrastructure, Transport, Regional Development and Communications is to be consulted prior to exhibition in accordance with the section 9.1 Direction 3.5.

6 Timeframe

Council proposes a 12- month time frame to complete the LEP. The Department agrees to this timeframe. It is recommended that if the Gateway is supported it also includes conditions requiring

council to exhibit and report on the proposal by specified milestone dates. A condition to the above effect is recommended in the Gateway determination.

7 Local plan-making authority

Council has not requested delegation to be the Local Plan-Making Authority. The Department recommends that Council not be authorised to be the local plan-making authority for this proposal because:

- the nature of the planning proposal is a comprehensive LGA wide review that seeks to align the LEP with District and local strategic plans; and
- some of the proposed changes are not consistent with certain section 9.1 Directions and further justifications are required.

8 Assessment Summary

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

- 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 Housing Strategy;
- it will 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; and
- it will introduce provisions to promote environmental sustainability.
- The proposed rezoning of 1903R Botany Road, Matraville, is not supported as there is insufficient justification to demonstrate the site is no longer needed for public open space to meet the community's demand and that there will be no net loss of public or publicly-accessible open space. This is addressed by a **Gateway Condition**.

As discussed in the previous sections 4 and 5, the proposal should be updated to:

- Include information relating to the Department's Employment Zones Reform by either:
 - Incorporating relevant details, such as land use permissibility, intended changes to the local provisions and mapping, and explaining the translation and implementation of the Framework so that it could be readily incorporated in the LEP at finalisation; or
 - Including an advisory referencing the Employment Zones Reform work noting the proposed translation of employment zones as it relates to the proposed amendments;
- Remove the proposed provisions for non-hosted short term rental accommodation (exempt development) and the local character provisions, mapping and statements;
- Remove the proposed rezoning of the land at 1903R Botany Road, Matraville from RE1 to RE2;
- Provide further justification for proposed heritage items, including detailed assessment and a statement of significance, and an explanation for the expanded Moira Crescent HCA;
- Provide commentaries to address consistency with certain section 9.1 Ministerial Directions, being 3.4 Integrating Land Use and Transport*, 4.1 Acid Sulfate Soils, 4.3 Flooding and 6.2 Reserving Land for Public Purposes. *Note: This includes the completion and concurrent exhibition of the Local Transport Study for the HIAs (currently under preparation by Council) with the planning proposal;
- Clarify the term 'maker spaces' and types of uses it would encompass.
- For the Housing Investigation Areas (HIAs) –

- confirm the proposed floor space ratios (FSRs) and correct discrepancies between the planning proposal and urban design reports, and confirm the feasibility analysis for the Affordable Housing Contributions Scheme relates to the accurate FSRs;
- undertake further testing to ensure the proposed FSRs and height standards align, while achieving appropriate built form, landscape, and amenity outcomes, and can achieve the Apartment Design Guide requirements;
- consider the merit of rezoning the existing commercial uses at 632-634 Anzac Parade, Kingsford (Kingsford South HIA) from a residential to business zone.
- For the Affordable Housing Contributions Scheme and draft Affordable Housing Plan –
 - explain whether certain development costs have been factored into the feasibility analysis which informs the draft Plan for the HIAs, and
 - prior to finalisation, update the feasibility analysis for the Scheme and amend the Plan where there are post-exhibition changes to development potential for the HIAs;

The **Gateway conditions** below specify whether the above are to be addressed prior to exhibition or finalisation.

9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with certain aspects of section 9.1 Directions - 1.1 Business and Industrial Zones, 3.1 Residential Zones, 4.1 Acid Sulfate Soils and 6.3 Site Specific Provisions are minor or justified;
- Note that any inconsistency with section 9.1 Direction 2.6 Remediation of Contaminated Land, 4.1 Acid Sulfate Soils and 6.2 Reserving Land for Public Purposes, as it relates to land at 1903R Botany Road, Matraville, is not minor or justified, and is not to proceed by way of Gateway Condition; and
- Note that the consistency with certain aspects of section 9.1 Directions - 2.3 Heritage Conservation, 3.4 Integrating Land Use and Transport, 3.5 Development near Regulated Airports and Defence Airfields and 4.3 Flooding is unresolved and will require justification.

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

1. The planning proposal and supporting documentation are to be revised prior to public exhibition to address the following:
 - a) Include information relating to the Department's Employment Zones Reform Framework by either:
 - i. Incorporating relevant details, such as land use permissibility, intended changes to the local provisions and mapping, and explaining the translation and implementation of the Framework so that it could be readily incorporated in the LEP at finalisation; or
 - ii. Including an advisory referencing the Employment Zones Reform work noting the proposed translation of employment zones as it relates to the proposed amendments;
 - b) Remove the proposed exempt development provision for non-hosted short-term rental accommodation.
 - c) Remove the proposed local character provision, mapping and local character statements.
 - d) Remove the proposed rezoning of the land at 1903R Botany Road, Matraville from RE1 Public Recreation to RE2 Private Recreation.

- e) Provide further justification for the proposed heritage items, including a detailed assessment against the NSW Heritage Office Guideline, *Assessing Heritage Significance*, 2001 and a statement of significance for each new item; and provide an explanation for the expanded boundary of the Moira Crescent Heritage Conservation Area.
 - f) Provide further commentaries to address consistency with section 9.1 Direction – 3.4 Integrating Land Use and Transport, to be informed by Council’s *Local Transport Study* (for the Housing Investigation Areas) upon completion. The Study is to be exhibited with the planning proposal;
 - g) Provide commentaries to address consistency with section 9.1 Direction – 4.1 Acid Sulfate Soils as it relates to all sites identified on the Acid Sulfate Soils map.
 - h) Provide commentaries to address consistency with section 9.1 Direction – 4.3 Flooding (issued 14 July 2021) as it relates to the Housing Investigation Areas (HIAs).
 - i) Provide commentaries to address consistency with section 9.1 Direction – 6.2 Reserving Land for Public Purposes as it relates to the Randwick Racecourse Light Rail Stabling Facility.
 - j) Confirm the floor space ratios (FSRs) for the West Randwick and Kingsford South Housing Investigation Areas (HIAs) and correct any discrepancies between the planning proposal and urban design reports. Confirm that the feasibility analysis for the Draft Affordable Housing Plan relates to the accurate FSRs.
 - k) Explain whether development costs, such as developer contributions, rates, land taxes and construction costs, have been factored into the feasibility analysis that informs the Draft Affordable Housing Plan for the HIAs.
 - l) Clarify the term ‘maker spaces’ and the type of uses it would encompass.
2. Prior to finalisation, the planning proposal is to be revised to:
- a) For the Housing Investigation Areas, undertake further testing to ensure the proposed FSRs can be accommodated in the proposed height standards, while achieving appropriate built form, landscape, and amenity outcomes. The testing is also to demonstrate the future built forms are capable of satisfying the Apartment Design Guide, including solar access to future development and adjoining properties. The above specifically relates to the Kensington North, Arthur Street, Magill Street and Kingsford South HIAs.
 - b) Consider the merit of rezoning the existing commercial uses at 632-634 Anzac Parade, Kingsford (within the Kingsford South HIA) from a residential to business zone.
 - c) Where the development potential for the HIAs are revised post-exhibition, undertake an updated feasibility analysis and amend the draft Affordable Housing Plan and the planning proposal accordingly.
3. Consultation is required with the Commonwealth Department of Infrastructure, Transport, Regional Development and Communications or its delegate prior to exhibition, in accordance with section 9.1 Ministerial Direction 3.5 – Development Near Regulated Airports and Defence Airfields.
4. Consultation is required with the following public authorities:
- Commonwealth Department of Agriculture, Water and Environment,
 - Environment, Energy and Science (EES) Group of the Department of Planning, Industry and Environment,
 - Centennial Park and Moore Park Trust,
 - Randwick Racecourse Trust,
 - Transport for NSW,

- Land and Housing Corporation,
 - La Perouse Local Aboriginal Land Council,
 - Heritage NSW,
 - Sydney Water Corporation
 - Ausgrid,
 - Sydney Airport Corporation, Airservices Australia and the Civil Aviation Safety Authority (CASA),
 - Bayside Council,
 - Waverley Council, and
 - Woollahra Municipal Council.
5. The planning proposal should be made available for community consultation for a minimum of 28 days.
 6. The planning proposal must be exhibited 2 months from the date of the Gateway determination.
 7. The planning proposal must be reported to council for a final recommendation 9 months from the date of the Gateway determination.
 8. The timeframe for completing the LEP is to be 12 months from the date of the Gateway determination.
 9. Given the nature of the proposal, Council should not be authorised to be the local plan-making authority.



9 August 2021

Simon Ip
Manager, Place and Infrastructure



7 September 2021

Laura Locke
Director, Eastern and South Districts



12 September 2021

Malcolm McDonald
Executive Director, Eastern Harbour City

Assessment officer

Chloe Desgrand
Acting Senior Planning Officer, Eastern and South Districts
(02) 8275 1248