



New South Wales

Randwick Local Environmental Plan 2012 (Amendment No 9)

under the

Environmental Planning and Assessment Act 1979

The following local environmental plan is made by the local plan-making authority under the *Environmental Planning and Assessment Act 1979*.

AMANDA HARVEY

As delegate for the Minister for Planning and Public Spaces

Randwick Local Environmental Plan 2012 (Amendment No 9)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Randwick Local Environmental Plan 2012 (Amendment No 9)*.

2 Commencement

This plan commences on 1 September 2023 and is required to be published on the NSW legislation website.

3 Land to which plan applies

This plan applies to land to which *Randwick Local Environmental Plan 2012* applies.

4 Maps

The maps adopted by *Randwick Local Environmental Plan 2012* are amended or replaced, as the case requires, by the maps approved by the local plan-making authority on the making of this plan.

Schedule 1 Amendment of Randwick Local Environmental Plan 2012

[1] Clause 1.2 Aims of Plan

Insert “, connections to open space” after “public spaces” in clause 1.2(2)(a).

[2] Clause 1.2(2)(h)

Insert “and resilience” after “ecological sustainability”.

[3] Clause 1.8A

Insert at the end of the clause, with appropriate subclause numbering—

The amendments made to this plan by *Randwick Local Environmental Plan 2012 (Amendment No 9)* do not apply to a development application made but not finally determined before the commencement of the plan.

[4] Land Use Table

Insert after the fourth bullet point in Zone RE1, item 1—

- To facilitate and manage public access within and between areas of open space, including the coastline, waterways, nature reserves, parks and plazas.

[5] Land Use Table, Zone C2, item 1

Omit the third bullet point. Insert instead—

- To provide for uses that are compatible with the ecological, scientific, cultural and aesthetic values of the land, including nationally significant values.

[6] Clause 4.1AA Minimum subdivision lot size for community title schemes

Omit “is not to be less than 400 square metres” from clause 4.1AA(3A)(a).

Insert instead “must not be less than 275m²”.

[7] Clause 4.1A Minimum subdivision lot size for strata plan schemes in Zone R2

Omit “is not to be less than 400 square metres” from clause 4.1A(4)(a).

Insert instead “must not be less than 275m²”.

[8] Clause 4.1C Minimum lot size for dual occupancies (attached)

Omit clause 4.1C(2). Insert instead—

- (2) Development consent must not be granted to development for the purposes of dual occupancies (attached) on a lot in Zone R2 Low Density Residential unless the area of the lot is at least 550m².

[9] Clause 4.4 Floor space ratio

Omit clause 4.4(2A) and (2B).

[10] Clause 4.4A

Insert after clause 4.4—

4.4A Exceptions to floor space ratio—Zones R2 and R3

- (1) This clause applies to land in the following zones—

- (a) Zone R2 Low Density Residential,
 - (b) Zone R3 Medium Density Residential.
- (2) The maximum floor space ratio for a building used for the purposes specified in the table to this subclause is the ratio determined in accordance with the table.

Land use	Zone	Lot size	Maximum floor space ratio
Dual occupancies (attached)	Zone R2	$\geq 550\text{m}^2$ and $< 600\text{m}^2$	0.65:1
		$\geq 600\text{m}^2$	0.6:1
Dwelling houses, semi-detached dwellings	Zone R2	$\geq 275\text{m}^2$ and $\leq 300\text{m}^2$	0.65:1
		$> 300\text{m}^2$	0.6:1
	Zone R3	$> 300\text{m}^2$ and $\leq 450\text{m}^2$	0.75:1
		$> 450\text{m}^2$ and $\leq 600\text{m}^2$	0.65:1
	$> 600\text{m}^2$	0.6:1	

- (3) For a building on a lot created before the commencement of *Randwick Local Environmental Plan 2012 (Amendment No 9)*, the maximum floor space ratio for the building used for the purposes specified in the table to this subclause is the ratio determined in accordance with the table.

Land Use	Zone	Lot size	Maximum floor space ratio
Dwelling houses, semi-detached dwellings	Zone R2	$> 300\text{m}^2$ and $\leq 450\text{m}^2$	0.75:1
		$> 450\text{m}^2$ and $\leq 600\text{m}^2$	0.65:1
		$> 600\text{m}^2$	0.6:1

- (4) Clause 4.4(2) does not apply to a dwelling house or semi-detached dwelling on a lot in Zone R2 Low Density Residential or Zone R3 Medium Density Residential if the lot size is 300m^2 or less.

[11] Part 6 Additional local provisions

Insert after clause 6.1—

Division 1 Local provisions

[12] Clause 6.4 Stormwater management

Omit clause 6.4(1). Insert instead—

- (1) The objectives of this clause are—
 - (a) to minimise the impacts of stormwater on land to which this clause applies and on adjoining properties, native bushland and receiving waters, and
 - (b) to improve water quality of runoff from the land to which this clause applies for the benefit of nearby waterways and receiving waters, which include coastal beaches and Botany Bay.

[13] Clause 6.4(3)(d)

Insert at the end of clause 6.4(3)(c)—

, and

- (d) incorporates, if practicable, water sensitive design principles.

[14] Clause 6.4(4)

Insert after clause 6.4(3)—

- (4) In this clause—

water sensitive design principles means—

- (a) protection and enhancement of water quality, by improving the quality of stormwater runoff from urban catchments, and
- (b) minimisation of harmful impacts of development on water balance and on surface and groundwater flow regimes, and
- (c) integration of stormwater management systems into the landscape in a way that provides multiple benefits, including water quality protection, stormwater retention and detention, public open space and recreational and visual amenity.

[15] Clause 6.11 Design excellence

Omit “and resource, energy and water efficiency” from clause 6.11(4)(d).

Insert “, resource, energy and water efficiency, renewable energy sources and urban heat island effect mitigation”.

[16] Clause 6.12 Development requiring the preparation of a development control plan

Insert “the urban heat island effect,” after “climate change,” in clause 6.12(4)(m).

[17] Clause 6.12(4)(n)

Omit “opportunities to apply integrated natural water-cycle design”.

Insert instead “opportunities to incorporate integrated natural water-cycle design, including dual reticulation systems for potable and non-potable water use,”.

[18] Clause 6.12(4)(o)

Insert after clause 6.12(4)(n)—

- (o) the capacity of, and opportunity for connection to, existing areas of open space to accommodate the needs of the growing local population.

[19] Clause 6.13

Insert “information and education facilities,” before “office premises” wherever occurring.

[20] Clause 6.18 Affordable housing at Kensington and Kingsford town centres

Omit the clause.

[21] Clause 6.24 and Part 6, Division 2

Insert after clause 6.23—

6.24 Use of certain land at Maroubra

- (1) This clause applies to land identified as “Area 4” on the Special Provisions Area Map.

- (2) Development consent must not be granted to development for the purposes of serviced apartments unless the consent authority is satisfied the development is part of a mixed use development.

Division 2 Affordable housing

6.25 Definitions

- (1) In this division—
excluded development means development for the purposes of residential accommodation that will—
- (a) result in the part of the building used for residential accommodation having a total floor area of less than 100m², or
 - (b) be used to provide affordable housing, public housing or group homes.
- total floor area** means the sum of the areas of each floor of a building within the outer face of external enclosing walls, including balconies, but excluding the following—
- (a) columns, fins, sun control devices, awnings and other elements, projections or works outside the general lines of the outer face of the external walls,
 - (b) the parts of balconies in excess of the minimum area required for the balcony by the consent authority,
 - (c) the area of the maximum amount of car parking permitted by the consent authority, including associated internal vehicular and pedestrian access to the car parking,
 - (d) areas used for the loading and unloading of goods,
 - (e) the part of the building that is excluded development.
- (2) This division applies in relation to the total floor area of a building—
- (a) whether the floor area was in existence before, or is created after, the commencement of this division, and
 - (b) whether or not the floor area replaces an existing floor area.
- (3) To avoid doubt, the demolition of a building, or a change in the use of land, does not give rise to a claim for a refund of a contribution.

6.26 Affordable housing contributions for Kensington and Kingsford town centres

- (1) This clause applies to development, other than excluded development, on land identified as “Area 1” on the Special Provisions Area Map.
- (2) When granting development consent to development to which this clause applies, the consent authority may impose a condition requiring an affordable housing contribution equivalent to 5% of the total floor area of the part of the building intended to be used for residential accommodation (the **contribution**).
- (3) A condition imposed under this clause must permit a person to satisfy the contribution by—
- (a) for development for the purposes of co-living housing or serviced apartments—a monetary contribution paid to the Council, or
 - (b) for other development—

- (i) a dedication, in favour of the Council, of land comprising 1 or more dwellings, each having a gross floor area of at least 50m², and
 - (ii) if the dedication under subparagraph (i) does not meet the requirement under subclause (2)—a monetary contribution of the remainder paid to the Council.
- (4) A monetary contribution must be calculated in accordance with the *Kensington and Kingsford Town Centres – Affordable Housing Plan* adopted by the Council on 10 December 2019.

6.27 Affordable housing contributions for other areas

- (1) This clause applies to development, other than excluded development, on land identified as “Area 2” or “Area 3” on the Special Provisions Area Map.
- (2) When granting development consent to development to which this clause applies, the consent authority may impose a condition requiring an affordable housing contribution equivalent to (the *contribution*)—
 - (a) for land in “Area 2” on the Special Provisions Area Map—5% of the total floor area of the part of the building intended to be used for residential accommodation or serviced apartments, or
 - (b) for land in “Area 3” on the Special Provisions Area Map—3% of the total floor area of the part of the building intended to be used for residential accommodation or serviced apartments.
- (3) A condition imposed under this clause must permit a person to satisfy the contribution by—
 - (a) for development for the purposes of co-living housing, seniors housing or serviced apartments—a monetary contribution paid to the Council, or
 - (b) for other development—
 - (i) a dedication, in favour of the Council, of land comprising 1 or more dwellings, each having a gross floor area of at least 50m², and
 - (ii) if the dedication under subparagraph (i) does not meet the requirement under subclause (2)—a monetary contribution of the remainder paid to the Council.
- (4) A monetary contribution must be calculated in accordance with the *Housing Investigation Areas – Affordable Housing Plan* adopted by the Council on 20 June 2023.
- (5) For subclause (3)(a), the reference to development for the purposes of seniors housing does not include subdivision of land.

[22] Schedule 1 Additional permitted uses

Omit clause 3.

[23] Schedule 2 Exempt development

Omit **Special events and temporary use of land (including erection of associated temporary structures such as stalls, shade structures, marquees, stages, etc)**, heading.

Insert instead “**Erection of temporary structures such as stalls, shade structures, marquees, stages, etc**”.

[24] Schedule 2, Erection of temporary structures such as stalls, shade structures, marquees, stages, etc, as amended by Sch 1[23]

Omit subclauses (1)–(4).

Insert instead—

- (1) Must be for the purposes of a community activity, event, function or market.
- (2) Must take place on only the following—
 - (a) a road,
 - (b) the grounds of a school,
 - (c) a place of public worship,
 - (d) a hospital,
 - (e) other public land,
 - (f) land in a recreation zone,
 - (g) land in a special purpose zone.
- (3) Despite subclause (2), a market must not take place on the grounds of a school.

[25] Schedule 5 Environmental heritage

Omit item nos I18, I141, I144, I466, I356 and I450 from Part 1.

[26] Schedule 5, Part 1, item no I295

Insert “and 25 Waratah Avenue” after “48–60 Belmore Road”.

[27] Schedule 5, Part 1

Insert in appropriate order—

Coogee	“Ambassador Flats”, inter-war residential flat building	289 Arden Street	SP 15225	Local	I536
Coogee	Federation house	293 Arden Street	Lot 5, DP 79451	Local	I475
Coogee	Inter-war residential flat building	142–144 Beach Street	SP 10265; SP 14056	Local	I476
Coogee	Inter-war Californian bungalow	5 Berwick Street	Lot C, DP 313214	Local	I477
Coogee	“Brook Court”, inter-war residential flat building	122 Brook Street	SP 8598	Local	I478
Coogee	“Edwardton Flats”, inter-war residential flat building	124 Brook Street	SP 2821	Local	I479
Coogee	“Medina Court”, inter-war residential flat building, including shops	127–131 Coogee Bay Road	SP 13088	Local	I480

Coogee	“Douglass Buildings”, Federation free style shops	218–222 Coogee Bay Road	Lots 6, 7 and 8, DP 39445	Local	I481
Coogee	Inter-war residential flat building	230 Coogee Bay Road	Lot B, DP 302991	Local	I482
Coogee	Federation arts and crafts shops	250–252 Coogee Bay Road	Lots 6 and 7, DP 12462	Local	I483
Coogee	Inter-war functionalist residential flat building	72 Dudley Road	SP 4409	Local	I484
Coogee	Inter-war Art Deco residential flat building	90 Dudley Street	SP 42074	Local	I485
Coogee	“Myall Court”, inter-war residential flat building	5 Kurrawa Avenue	SP 12448	Local	I486
Coogee	Inter-war residential flat building	3 Nathan Street	SP 13341	Local	I487
Coogee	“Eastbourne”, Federation Queen Anne house	1 Thomas Street	Lot 3, DP 201094	Local	I488
Kensington	Federation semi-detached cottages	11 and 13 Abbotford Street	Lots 1 and 2, DP 786825	Local	I489
Kensington	Californian bungalow	10 Cottenham Avenue	Lot 148, DP 7698	Local	I490
Kensington	Inter-war house	36 Cottenham Avenue	Lot 135, Section 14, DP 7698	Local	I491
Kensington	Art Deco residential flat building	18 Day Avenue	Lot 284, DP 13208	Local	I492
Kensington	Californian bungalow	20 Day Avenue	Lot 285, DP 13208	Local	I493
Kensington	Federation house	25 Duke Street	Lot A, DP 341780	Local	I494
Kensington	Californian bungalow	24 Eastern Avenue	Lot A, DP 370592	Local	I495
Kensington	Californian bungalow	20 Inglethorpe Avenue	Lot A, DP 317859	Local	I496
Kensington	Californian bungalow	32 Mooramie Avenue	Lot 2, DP 309256	Local	I497
Kensington	Group of Art Deco residential flat buildings	1 and 3 Samuel Terry Avenue and 1–27 Todman Avenue	SP 733–740; SP 1103; SP 1104; SP 1105; SP 1107; SP 2275	Local	I141

Kensington	“Carthona”, Federation Queen Anne house	63 Samuel Terry Avenue	Lot 44, Section 12, DP 5759	Local	I498
Kingsford	Post-war functionalist house	30 Eastern Avenue	Lot 228, DP 12382	Local	I499
Kingsford	Inter-war functionalist house	32 Eastern Avenue	Lot 227, DP 12382	Local	I500
Kingsford	Inter-war Californian bungalow	34 Eastern Avenue	Lot 199, DP 12382	Local	I501
Kingsford	Late inter-war house	1 Winburn Avenue	Lot 213, DP 12382	Local	I502
Maroubra	“Maroubra House”, inter-war Spanish Mission house	10 Broome Street	Lot 1547, DP 752015	Local	I503
Maroubra	Late twentieth century post-modern house	43 Broome Street	Lot 29, DP 226181	Local	I504
Maroubra	“Crossley Court”, group of inter-war commercial and residential buildings	237–245 Maroubra Road	SP 3573	Local	I505
Maroubra	Californian bungalow	27 The Corso	Lot 49, DP 6127	Local	I506
Randwick	Group of Victorian filigree style commercial and residential terraces	167–171 Alison Road	Lot 41, DP 825774; Lots 1 and 2, DP 1160358	Local	I507
Randwick	“Montrose”, Victorian Italianate style two storey commercial and residential building	179–181 Alison Road	Lot 1, DP 194496	Local	I508
Randwick	“Rostrevor”, inter-war residential flat building	231 Avoca Street	SP 30157	Local	I509
Randwick	Inter-war Art Deco commercial building	1 Belmore Road	Lot A, DP 443061	Local	I510
Randwick	“Islington”, Victorian filigree terrace house	16 Bishops Avenue	Lot 62, DP 1189	Local	I511

Randwick	“Corosal”, Federation Queen Anne house	20 Bishops Avenue	Lot 1, DP 300749	Local	I512
Randwick	Inter-war Art Deco residential flat building	187 Clovelly Road	SP 20588	Local	I513
Randwick	“Cinderford”, inter-war residential flat building	204 Clovelly Road	SP 68565	Local	I514
Randwick	“Tolga Flats”, inter-war residential flat building	206 Clovelly Road	SP 19866	Local	I515
Randwick	“Loree Court”, inter-war residential flat building	208 Clovelly Road	SP 13499	Local	I516
Randwick	Victorian filigree terraces	36–42 Cook Street	Lot 1, DP 1021662; Lot 1, DP 176133; Lots 11 and 12, DP 530417	Local	I517
Randwick	“Ardee”, Queen Anne revival house	69 Darley Road	Lot 14, Section 24, DP 4589	Local	I518
Randwick	Bungalow	16 Dudley Street	Lot 2, DP 936001	Local	I519
Randwick	Bungalow	18 Dudley Street	Lot A, DP 317489	Local	I520
Randwick	Bungalow	20 Dudley Street	Lot B, DP 317489	Local	I521
Randwick	Bungalow	22 Dudley Street	Lot 1, DP 963881	Local	I522
Randwick	“Glen Roy”, inter-war house	42a Fern Street	Lot 11, DP 701094	Local	I523
Randwick	Inter-war pair of Californian bungalows	20 and 22 Figtree Avenue	Lots 28 and 29, Section 1, DP 3026	Local	I524
Randwick	“Corona” and “Yamboon”, inter-war pair of residential flat buildings	16 and 18 Glebe Street	SP 15654; SP 10118	Local	I525
Randwick	Art Deco residential flat building	24 Marcel Avenue	SP 43075	Local	I526
Randwick	Inter-war residential flat building	26 Marcel Avenue	SP 32084	Local	I527

Randwick	“Don Ramon”, inter-war Spanish Mission residential flat building	44 Marcel Avenue	SP 16501	Local	I528
Randwick	Federation bungalow	7 Mears Avenue	Lot B, DP 372329	Local	I529
Randwick	“Cluneburn” and “Enni”, pair of Federation semi-detached houses	121 and 123 Perouse Road	Lots A and B, DP 329536	Local	I530
Randwick	“Tongarry Flats”, inter-war residential flat building	27 Prince Street	SP 10303	Local	I531
Randwick	Tramway Turnstile Building Complex	Royal Randwick Racecourse	Lot 2009, DP 1169042	Local	I532
Randwick	Part of terrace and cottage group	10 Stephen Street	Lot 1, DP 511401	Local	I533
Randwick	Part of terrace and cottage group	12 Stephen Street	Lot 2, DP 511401	Local	I534
Randwick	Part of terrace and cottage group	14 Stephen Street	Lot 12, Section 2, DP 3716	Local	I535
Randwick	Newmarket House	7 Young Street	Lot 38, DP 1264010	Local	I466

[28] Schedule 5, Part 1, item I165

Omit “Henry Head Fort”. Insert instead “Henry Head Fortification Complex”.

[29] Schedule 5, Part 1, items I179, I180 and I181

Omit “5R Coast Hospital Road” wherever occurring.

Insert instead “1 Coast Hospital Road”.

[30] Schedule 5, Part 1, item I177

Omit “7R Coast Hospital Road”. Insert instead “1 Coast Hospital Road”.

[31] Schedule 5, Part 2

Omit “Botany Bay National Park (Botany)”.

Insert instead “Kamay Botany Bay National Park (Botany)”.

[32] Schedule 5, Part 2

Omit “Randwick Environmental Park”.

Insert instead “Randwick Environment Park”.

[33] Schedule 5, Part 2

Insert in appropriate order—

Edgecumbe Estate Shown by red hatching and Local
labelled “C21”

[34] Schedule 5, Part 3

Insert in appropriate order—

Randwick Remnant 16 Carey Lot 19, DP Local A20
structure Street 1208

[35] Dictionary

Insert in alphabetical order—

green infrastructure means the network of green spaces, natural systems and semi-natural systems that support sustainable communities and includes waterways, bushland, tree canopy and green ground cover, parks and open spaces.

urban heat island effect means the effect resulting from conditions that contribute to higher temperatures in urban areas, including—

- (a) use of roads, car parks, pavements, roofs, walls and other hard and dark surfaces, and
- (b) activities that generate heat, including waste air from mechanical cooling systems, and
- (c) reduction in green infrastructure.

Schedule 2 Amendment of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Schedule 2 Exempt development codes—variations

Insert at the end of the table—

All of the land in the local government area of Randwick	The General Exempt Development Code is varied in its application by omitting clause 2.46C(2)(a) and inserting the following instead— <ul style="list-style-type: none">(a) in Zones E1 and E2—<ul style="list-style-type: none">(i) for business premises, kiosks and shops—6am–11pm,(ii) for all other premises—6am–10pm,(aa) in Zone E3, B1, B2, B3, B5, B6, B7, B8, IN4, SP1, SP2, SP3, SP5 or W4—6am–10pm,
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