



Randwick Local Environmental Plan 1998 (Amendment No 23)

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S02/01644/S69)

DIANE BEAMER, M.P.,

Minister Assisting the Minister for Infrastructure
and Planning (Planning Administration)

2003 No 281

Clause 1 Randwick Local Environmental Plan 1998 (Amendment No 23)

Randwick Local Environmental Plan 1998 (Amendment No 23)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Randwick Local Environmental Plan 1998 (Amendment No 23)*.

2 Aims of plan

The aims of this plan are:

- (a) to amend provisions of *Randwick Local Environmental Plan 1998* as they relate to the City of Randwick, and
- (b) to rezone certain land at Bundock Street, Kingsford, being Lots 11, 13, 14, 16, 17 and 18 in DP 1042814, for residential purposes, open space and environmental protection purposes.

3 Land to which this plan applies

- (1) This plan applies to all land within the City of Randwick.
- (2) In so far as it rezones land, this plan applies to land known as the Department of Defence site Bundock Street, Randwick, being land shown edged in heavy black on the map marked "Randwick Local Environmental Plan 1998 (Amendment No 23)" deposited in the office of Randwick City Council.

4 Amendment of Randwick Local Environmental Plan 1998

Randwick Local Environmental Plan 1998 is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 4)

[1] Clause 8 Zones

Insert in appropriate order in the table to the clause:

Zone No 2D (Residential D—Comprehensive Development Zone)—coloured medium pink with green vertical hatching

Zone No 7 (Environmental Protection—Natural Heritage Areas Zone)—coloured grey-green

[2] Clause 12A

Insert after clause 12:

12A Zone No 2D (Residential D—Comprehensive Development Zone)

- (1) The objectives of Zone No 2D are:
 - (a) to allow the comprehensive redevelopment of land for primarily residential and open space purposes, and
 - (b) to enable development that is not inconsistent with a master plan adopted under clause 40A, and
 - (c) to allow a range of community facilities to be provided to serve the needs of residents, workers and visitors, and
 - (d) to enable residential development in a variety of density and housing forms, where such development does not adversely affect the amenity and function of surrounding areas, and
 - (e) to allow people to carry out a range of activities from their homes, where such activities are not likely to adversely affect the environment of the locality, and
 - (f) to allow a limited range and scale of non-residential uses, that are compatible with residential amenity on land identified for those uses within a master plan adopted under clause 40A.

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- (2) Development for the purpose of the following does not require development consent:

Bushfire hazard reduction; Recreation.
Public utility undertakings;

- (3) Demolition, remediation or development for the purpose of the following requires development consent:

Bed and breakfast accommodation;	Home activities;
Boarding houses;	Multi-unit housing;
Car parks (ancillary to primary land use);	Outdoor advertising;
Child care facilities;	Places of worship;
Communication facilities;	Public transport;
Dwelling houses;	Recreation facilities;
Educational establishments;	Restaurants;
Group homes;	Residential care facilities;
Health consulting rooms;	Roads;
	Serviced apartments.

- (4) Any development not included in subclause (2) or (3) is prohibited.

[3] Clause 19A

Insert after clause 19:

19A Zone No 7 (Environmental Protection—Natural Heritage Areas Zone)

- (1) The objectives of Zone No 7 are:
- (a) to identify, protect, conserve and enhance land of natural heritage value, and
 - (b) to enable the sustainable management of land with natural heritage value over time, and
 - (c) to prohibit development that could adversely affect natural heritage values and significance, and
 - (d) to enable public access and passive recreation where appropriate, and

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- (e) to provide for appropriate buffer areas, and
 - (f) to identify, protect, conserve and enhance land that acts as a habitat corridor, and
 - (g) to enable public utility undertakings that are compatible with natural heritage values where appropriate.
- (2) Development for the purpose of the following does not require development consent:
- Bushfire hazard reduction; Public utility undertakings;
Environmental management works; Recreation.
- (3) Development that, in the opinion of the consent authority, is consistent with the objectives of this Zone and is defined as appropriate in an approved plan of management for the land requires development consent.
- (4) Any development not included in subclause (2) or (3) is prohibited.

[4] Clause 21 Subdivision

Insert “12A” after “12,”.

[5] Clause 21

Insert “, 19A” after “19”.

[6] Clauses 30A and 30B

Insert after clause 30:

30A Development of certain Land in Zone No 2D

- (1) This clause applies to land within Zone No 2D (Residential D—Comprehensive Development Zone).
- (2) The maximum floor space ratio for development of land within Zone No 2D is identified in the built form control maps applicable to the land supporting this plan.
- (3) The minimum landscaped area for development of land within Zone No 2D is identified in the built form control maps applicable to the land supporting this plan.

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- (4) The maximum building and wall height for development on land within Zone No 2D is identified in the built form control maps applicable to the land supporting this plan.

30B Traffic and transport measures for Zone No 2D

- (1) This clause applies to land within Zone No 2D (Residential D—Comprehensive Development Zone).
- (2) Despite any other provision of this plan, the Council must not grant consent to development of land within Zone No 2D unless it is satisfied that any relevant traffic or transport measures that may apply will be met.

[7] Clause 35A

Insert after clause 35:

35A Certain non-residential uses in Zone No 2D

Despite clause 12A, the Council may grant consent to development for the purpose of business premises, local shops, medical centres or restaurants on land within Zone No 2D if it is satisfied that the development:

- (a) is located on land identified as an activity strip on the built form control maps supporting this plan, and
- (b) is limited to ground floor non-residential uses, and
- (c) is consistent with residential amenity, and
- (d) primarily serves the local community.

Purpose: To provide for the establishment of small scale businesses and services with active street frontages in locations identified in an adopted master plan.

[8] Clause 40A Master plans

Insert after clause 40A (5) (o):

- (p) identification, extent and management of buffer areas,
- (q) identification, extent and management of habitat corridor,
- (r) identification, extent and constraints of acid sulfate soils,
- (s) opportunities to apply integrated natural water cycle design,

- (t) opportunities to apply integrated renewable energy design.

[9] Clause 40A (13)

Insert after clause 40A (12):

- (13) Subclause (5) (p), (q), (r), (s) and (t) do not apply:
 - (a) to a draft master plan lodged with the Council before the day on which *Randwick Local Environmental Plan 1998 (Amendment No 23)* commenced, or
 - (b) to a master plan adopted by the Council pursuant to subclause (7) before the day on which *Randwick Local Environmental Plan 1998 (Amendment No 23)* commenced.

[10] Clause 42B

Insert after clause 42A:

42B Contaminated land

Despite any other provisions of this plan, the Council must not grant consent to the development of contaminated land within any zone unless the Council is satisfied:

- (a) that the contaminated land will, after being remediated, be suitable for the purpose for which development is proposed to be carried out, and
- (b) that the contaminated land will be remediated before the land is used for that purpose, and
- (c) that the use of the land for that purpose is permissible in the zone.

Purpose: To ensure land will be suitable after remediation for the purpose for which the development is proposed and that the land will be remediated to that suitable standard before it is used.

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[11] Part 4A

Insert after Part 4:

Part 4A Natural heritage provisions

Purpose: To establish sustainability provisions relating to the protection, conservation, enhancement and management of areas of natural heritage over time.

48A Plan of management for land in Zone No 7 (Environmental Protection—Natural Heritage Areas Zone)

- (1) The objectives of this clause are to ensure that natural heritage is sustainably managed over time and that management practices are consistent with the objectives of Zone No 7.
- (2) The Council must not determine an application for consent to carry out development of land within Zone No 7 unless the Council has approved a plan of management for the land that complies with this clause.
- (3) For the purposes of this clause, a plan of management is a document (consisting of written information, maps and diagrams), prepared by a suitably qualified person. Where appropriate and applicable, a plan of management for land within Zone No 7 must address (but need not be limited to) the following:
 - (a) any natural heritage studies that include the land,
 - (b) the natural heritage significance and value of the land,
 - (c) scale maps of natural heritage attributes and values,
 - (d) consistency of the plan of management with relevant Commonwealth, State or local plans and policies,
 - (e) consistency of the plan of management with relevant Council policies, plans and guidelines,
 - (f) the identification and management of threatening processes,
 - (g) the identification and management of buffer areas,
 - (h) a schedule of environmental management works,
 - (i) the provision and management of any public utility undertakings,
 - (j) any financial funding arrangements,

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- (k) any restrictive covenants on the land,
 - (l) performance monitoring and review criteria.

Purpose: To approve a management plan for environmental protection zones that will ensure the protection, conservation and enhancement of natural heritage over time.

[12] Clause 49 Definitions

Insert in alphabetical order in clause 49:

acid sulfate soils (ASS) means soils that contain iron sulfides that are stable and do not cause an environmental or economic problem when waterlogged, but when exposed to air, after drainage or excavation, rapidly form sulfuric acid.

biodiversity (or biological diversity) means the variety of life: the different plants, animals and micro-organisms, the genes they contain and the ecosystems of which they form a part.

buffer area means an area of land that is managed in a way that ensures the protection, conservation and enhancement of natural heritage, rare species and threatened items, over time.

building height means the vertical distance from the highest point on the building to the ground level and includes ancillary services, installations and works (including works to conceal and integrate services) unless the Council is satisfied that they will not adversely affect the amenity of adjoining or nearby land.

contaminated land has the same meaning as in Part 7A of the Act.

ecologically sustainable development (ESD) means development that uses, conserves and enhances the community's resources so that ecological processes, on which life depends, are maintained, and the total quality of life, now and in the future, can be increased. These principles of ESD relate to precautionary decision making, intergenerational equity, conservation of biodiversity and improved valuation of resources.

environmental management works means a structure or work identified in a plan of management for Zone No 7 that provides the following:

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- (a) nature study or display facilities such as walking tracks, board walks, observation decks, interpretation signage, bird hides, or the like,
- (b) ongoing environmental management work such as bush restoration, wetland restoration, erosion and run off prevention works, bank stabilisation, dune restoration, bushfire hazard reduction, or the like,
- (c) passive recreation areas such as picnic grounds and structures incidental to the functioning of the area, such as picnic shelters, play equipment, sheds and toilet facilities, roads and their maintenance,
- (d) provision and management of public utility undertakings.

ground level, in relation to land shown edged heavy black on the map marked “Randwick Local Environmental Plan 1998 (Amendment No 23)”, means the ground level that exists after completion of earthworks and re-contouring of the site as determined by the applicable Commonwealth works approval or by any development consent issued for the land. Any variation will require the approval of Council.

habitat corridor means an area of habitat that enables migration, colonisation, interbreeding within populations of native plants and animals, between two areas of habitat. Habitat corridors may consist of a sequence of discontinuous areas of habitat, such as feeding trees, caves, wetlands and roadside vegetation.

local shop means a building or place used for selling, exposing or offering for sale by retail, goods, services, merchandise or materials primarily to serve the needs of the surrounding residents.

natural heritage areas means land with natural heritage values that may include but are not limited to:

- (a) species, populations, ecological communities and habitats,
- (b) ecological and environmental processes,
- (c) natural or modified wetlands,
- (d) groundwater,
- (e) the soil and all its components, including seed banks,

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- (f) ground surface features, including bush rock, etc,
 - (g) geological and topographical features, both above and below ground.

natural heritage item or natural heritage conservation area means heritage items or conservation areas with natural heritage significance and values listed in Schedule 3 (Heritage Items) or included as a conservation area on the maps supporting this plan.

natural water cycle design means the application of a wide variety of design and management practices that are complementary to the natural water cycle, minimise disturbance to natural water courses, minimise on-site water usage and maximise rainwater harvesting opportunities, such as water sensitive urban design and water smart design.

plan of management means a plan of management approved by Council, for land within an Environmental Protection or Open Space Zone. It can include any plan of management, management plan or management statement adopted under the *Local Government Act 1993*, the *Crown Lands Act 1989*, the *National Parks and Wildlife Act 1974*, the *Threatened Species Conservation Act 1995*, the *Fisheries Management Act 1994*, the *Environment Protection and Biodiversity Conservation Act 1999* of the Commonwealth or the *Rural Fires Act 1997*, or prepared on behalf of a landowner.

rare species means those species identified as rare species in *Rare or Threatened Australian Plants* (1995) by Briggs & Leigh, or in Appendix 8 of the Council's most current State of the Environment Report.

renewable energy means alternative (non-fossil fuel) energy sources, such as solar technology for hot water heaters and lighting in open space areas.

residential care facilities means accommodation for older people, including hostels and nursing homes, that includes:

- (a) meals and cleaning services, and
- (b) personal care or nursing care, or both, and

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- (c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,

not being a dwelling, hospital or psychiatric facility.

threatened items means those species, populations and ecological communities listed as endangered or vulnerable in the schedules of the *Threatened Species Conservation Act 1995*, the *Fisheries Management Act 1994* and the *Environment Protection and Biodiversity Conservation Act 1999* of the Commonwealth.

threatening processes means processes that threaten, or have the capability to threaten, the survival or evolutionary development of species, populations or ecological community. Threatening processes include those identified as threatening processes in the appendices of Council's most current State of the Environment Report and threatening processes identified as 'key threatening processes' under the *Threatened Species Conservation Act 1995*, the *Fisheries Management Act 1994* and the *Environment Protection and Biodiversity Conservation Act 1999* of the Commonwealth.

wall height means the vertical distance from the highest point on an external wall to the ground level of that wall. Each external wall height measurement must include gable ends and attic walls with an area over 6 metres² and dormer windows that protrude horizontally from the roof more than 2.5 metres.

wetland means:

- (a) natural wetland including marshes, mangroves, backwaters, billabongs, swamps, sedgelands, wet meadows or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with fresh, brackish or salt water, and where the inundation determines the type and productivity of the soils and the plant and animal communities, or
- (b) artificial wetland, including marshes, swamps, wet meadows, sedgelands or wet heathlands that form a shallow water body (up to 2 metres in depth) when

inundated cyclically, intermittently or permanently with water, and are constructed and vegetated with wetland plant communities.

[13] Clause 49, definition of “gross floor area”

Omit the definition. Insert instead:

gross floor area means the sum of the areas of each level of a building where the area of each level is taken to be the area within the inner face of the external enclosing walls and the area of any attic measured at 2.1 metres above the floor level of the attic excluding:

- (a) columns, fin walls, shading devices, awnings, balconies and any other elements, projections or works outside the general lines of the outer face of the external wall, and
- (b) lift towers, cooling towers, machinery and plant rooms, and air-conditioning ducts, and
- (c) associated car parking and any internal vehicular or pedestrian access to that parking (to ground level), and
- (d) space for the loading and unloading of goods.

[14] Clause 49, definition of “landscaped area”

Omit the definition. Insert instead:

landscaped area means the part of a site area that is used, or capable of being used, for outdoor recreation or garden areas (such as lawns, gardens, unroofed swimming pools, clothes drying areas, barbecue areas, footpaths and the like) and includes landscaped podium areas and water tanks located at ground level. It does not include areas used for parking, driveways, balconies, rooftop gardens or areas used for garbage or recycling material storage or sorting.

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[15] Clause 49, definition of “the map”

Insert in appropriate order:

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[16] Schedule 2 Development of land for certain additional purposes

Insert at the end of the Schedule:

Land within Zone No 6B, as shown coloured light green on the map entitled “Randwick Local Environmental Plan 1998 (Amendment No 23)”.	Defence purposes and public use and access	Public use of the oval for active recreation subject to the operational needs of the army and as identified in a plan of management for the oval.
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BY AUTHORITY
