



New South Wales

# **Randwick Local Environmental Plan 2012 (Amendment No 8)**

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*.

**MALCOLM McDONALD**

As delegate for the Minister for Planning and Public Spaces

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### **1 Name of Plan**

This Plan is *Randwick Local Environmental Plan 2012 (Amendment No 8)*.

### **2 Commencement**

This Plan commences on the day on which it is 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, including certain land known as Kensington and Kingsford town centres.

### **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] Clauses 6.17–6.21

Insert after clause 6.16—

#### 6.17 Community infrastructure height of buildings and floor space at Kensington and Kingsford town centres

- (1) The objectives of this clause are as follows—
  - (a) to allow greater building heights and densities at Kensington and Kingsford town centres where community infrastructure is also provided,
  - (b) to ensure that those greater building heights and densities reflect the desired character of the localities in which they are allowed and minimise adverse impacts on the amenity of those localities,
  - (c) to provide for an intensity of development that is commensurate with the capacity of existing and planned infrastructure.
- (2) Despite clauses 4.3 and 4.4, the consent authority may consent to development on a site that results in additional building height or additional floor space, or both, in accordance with subclause (4) if the development includes community infrastructure on the site.
- (3) In deciding whether to grant development consent, the consent authority must—
  - (a) be satisfied that the development is consistent with the objectives of this clause, and
  - (b) be satisfied that the community infrastructure is reasonably necessary at Kensington and Kingsford town centres, and
  - (c) take into account the nature of the community infrastructure and its value to the Kensington and Kingsford town centres community.
- (4) Under subclause (2), a building on land in any of the areas identified on—
  - (a) the Alternative Building Heights Map—is eligible for an amount of additional building height determined by the consent authority but no more than that which may be achieved by applying the maximum height specified in relation to that area, and
  - (b) the Alternative Floor Space Ratio Map—is eligible for an amount of additional floor space determined by the consent authority but no more than that which may be achieved by applying the maximum floor space ratio specified in relation to that area.
- (5) In this clause—

**community infrastructure** means development for the purposes of community facilities, recreation areas, recreation facilities (indoor), recreation facilities (outdoor), public roads or drainage.

#### 6.18 Affordable housing at Kensington and Kingsford town centres

- (1) This clause applies to land identified as “Area 1” on the Special Provisions Area Map known as Kensington and Kingsford town centres.
- (2) The consent authority may, when granting consent to the carrying out of development (other than development that is excluded development) impose a

condition requiring a contribution equivalent to the *affordable housing levy contribution*, being—

- (a) for a development application lodged from 13 August 2020 and up to and including 13 August 2022—3% of so much (if any) of the total floor area of the development that is intended to be used for residential purposes, and
  - (b) for a development application lodged after 13 August 2022—5% of so much (if any) of the total floor area of the development that is intended to be used for residential purposes.
- (3) The floor area of any excluded development is not to be included as part of the total floor area of a development for the purposes of calculating the applicable affordable housing levy contribution.
- (4) A condition imposed under this clause must satisfy the affordable housing levy contribution—
- (a) by way of a dedication in favour of the Council of land comprising 1 or more dwellings (each having a total gross floor area of no less than 50 square metres) with any remainder being paid as a monetary contribution to the Council, or
  - (b) by way of a monetary contribution to the Council, but only for the purposes of boarding houses and serviced apartments.
- (5) The rate at which monetary contribution is taken to be equivalent to floor area for the purposes of this clause is to be calculated in accordance with the *Kensington and Kingsford Town Centres Affordable Housing Plan* adopted by the Council on 10 December 2019.

**Note.** The plan is made available by the Council on its website ([www.randwick.nsw.gov.au](http://www.randwick.nsw.gov.au)).

- (6) To avoid doubt—
- (a) it does not matter whether the floor area, to which a condition under this clause relates, was in existence before, or is created after, the commencement of this clause, or whether or not the floor area concerned replaces a previously existing area, and
  - (b) the demolition of a building, or a change in the use of the land, does not give rise to a claim for a refund of any contribution.

- (7) In this clause—  
*excluded development* means development for the following purposes—

- (a) residential accommodation that will result in the creation of less than 100 square metres of total floor area,
- (b) residential accommodation (excluding boarding houses) that is to be used to provide affordable housing, public housing or group homes.

*total floor area* means the total of the areas of each floor of a building within the outer face of the external enclosing walls and 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) any area of a balcony that is more than the minimum area required by the consent authority in respect of the balcony,

- (c) the maximum ancillary car parking permitted by the consent authority and any associated internal vehicular and pedestrian access to that car parking,
- (d) space for the loading and unloading of goods.

#### **6.19 Non-residential floor space ratios at Kensington and Kingsford town centres**

- (1) The objective of this clause is to ensure that a suitable level of non-residential floor space is provided to promote commercial and retail activity within the Kensington and Kingsford town centres.
- (2) Despite clause 4.4, development consent must not be granted for development on land in any area identified on the Non-Residential Floor Space Ratio Map unless the non-residential floor space ratio is at least the non-residential floor space ratio shown on the map in relation to that area.
- (3) In this clause, *non-residential floor space ratio* means the ratio of the gross floor area of that part of a building used or proposed to be used for any purpose other than a residential purpose in a building on the site to the site area.

#### **6.20 Active street frontages at Kensington and Kingsford town centres**

- (1) The objective of this clause is to promote uses that attract pedestrian traffic along certain ground floor street frontages within the Kensington and Kingsford town centres.
- (2) This clause applies to land identified as “Active street frontage” on the Active Street Frontages Map.
- (3) Development consent must not be granted to the erection of a building on land to which this clause applies unless the consent authority is satisfied that all premises on the ground floor of the building facing the street are to be used for the purposes of commercial premises after the erection of the building.
- (4) Development consent must not be granted to a change of use of premises on the ground floor of a building on land to which this clause applies unless the new use is for the purposes of commercial premises.

#### **6.21 Design excellence at Kensington and Kingsford town centres**

- (1) The objective of this clause is to ensure that development exhibits design excellence that contributes to the natural, cultural, visual and built character values of Kensington and Kingsford town centres.
- (2) This clause applies to development involving the erection of a new building or external alterations to an existing building on land identified as “Y1” or “Y2” on the Alternative Building Heights Map.
- (3) Development consent must not be granted to development to which this clause applies unless the consent authority considers that the development exhibits design excellence.
- (4) In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters—
  - (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,
  - (b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,
  - (c) whether the development detrimentally impacts on view corridors and landmarks,

- (d) how the development addresses the following matters—
  - (i) the suitability of the land for development,
  - (ii) existing and proposed uses and use mix,
  - (iii) heritage issues and streetscape constraints,
  - (iv) the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,
  - (v) bulk, massing and modulation of buildings,
  - (vi) street frontage heights,
  - (vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,
  - (viii) the achievement of the principles of ecologically sustainable development,
  - (ix) pedestrian, cycle, vehicular and service access and circulation requirements,
  - (x) the impact on, and any proposed improvements to, the public domain,
  - (xi) whether the building meets sustainable design principles in terms of sunlight, natural ventilation, wind, reflectivity and resource, energy and water efficiency,
  - (xii) visual and acoustic privacy and safety and security of the building.
- (5) Development consent must not be granted to the development to which this clause applies unless a competitive design process has been held in relation to the proposed development.
- (6) A competitive design process is not required under subclause (5) if the consent authority is satisfied that such a process would be unreasonable or unnecessary in the circumstances of that development.
- (7) Despite clause 4.3, if—
  - (a) the design of a new building, or an external alteration to an existing building, is the winner of a competitive design process, and
  - (b) the consent authority is satisfied that the building or alteration exhibits design excellence,the consent authority may grant development consent for development to which this clause applies with a building height that exceeds the maximum height shown for the land identified as “Y1” or “Y2” on the Alternative Building Heights Map by up to 6 metres.
- (8) Despite clause 4.4, if the consent authority considers the development exhibits design excellence and the proposed development includes community infrastructure, the amount of floor space of the community infrastructure is to be excluded from the total gross floor area of the development.
- (9) In this clause—

**community infrastructure** means development for the purposes of recreation facilities (indoor), recreation facilities (outdoor) and community facilities.

**competitive design process** means an architectural design competition carried out in accordance with procedures approved by the Planning Secretary.

**[2] Dictionary**

Insert in alphabetical order—

*Active Street Frontages Map* means the Randwick Local Environmental Plan 2012 Active Street Frontages Map.

*Alternative Floor Space Ratio Map* means the Randwick Local Environmental Plan 2012 Alternative Floor Space Ratio Map.

*Kensington and Kingsford town centres* means the land identified as “Area 1” on the Special Provisions Area Map.

*Non-Residential Floor Space Ratio Map* means the Randwick Local Environmental Plan 2012 Non-Residential Floor Space Ratio Map.

*Special Provisions Area Map* means the Randwick Local Environmental Plan 2012 Special Provisions Area Map.