

Appendix F: Comparison of Existing and Proposed LEP Clauses

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20A Exempt and complying development (1) Development of minimal environmental impact listed as exempt development in Table A of <i>Development Control Plan—Exempt and Complying Development</i>, as adopted by the Council on 25 September 2007 is exempt development, despite any other provision of this plan. (2) Development listed as complying development in Tables B, C and D of <i>Development Control Plan—Exempt and Complying Development</i>, as adopted by the Council on 25 September 2007 is complying development if: (a) it is local development of a kind that can be carried out with consent on the land on which it is proposed, and (b) it is not an existing use as defined in section 106 of the Act. (3) Development is exempt or complying development only if it complies with the development standards and other requirements applied to the development by <i>Development Control Plan—Exempt and Complying Development</i>, as adopted by the Council on 25 September 2007. (4) A complying development certificate issued for any complying development is to be subject to the conditions for the development specified in <i>Development Control Plan—Exempt and Complying Development</i>, adopted by the	3.1 Exempt development [compulsory] Note. Under section 76 of the Act, exempt development may be carried out without the need for development consent under Part 4 of the Act or for assessment under Part 5 of the Act. The section states that exempt development: (a) must be of minimal environmental impact, and (b) cannot be carried out in critical habitat of an endangered species, population or ecological community (identified under the <i>Threatened Species Conservation Act 1995</i> or the <i>Fisheries Management Act 1994</i>), and (c) cannot be carried out in a wilderness area (identified under the <i>Wilderness Act 1987</i>). (1) The objective of this clause is to identify development of minimal environmental impact as exempt development. (2) Development specified in Schedule 2 that meets the standards for the development contained in that Schedule and that complies with the requirements of this Part is exempt development. (3) To be exempt development, the development: (a) must meet the relevant deemed-to-satisfy provisions of the <i>Building Code of Australia</i> or, if there are no such relevant provisions, must be structurally adequate, and (b) must not, if it relates to an existing building, cause the building to contravene the <i>Building Code of Australia</i>, and (c) must not be designated development, and

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Council, as in force when the certificate is issued. Note. <u>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</u> specifies exempt and complying development under the Policy. The Policy has State-wide application and commenced on 27 February 2009. If any development specified by the Policy is the same as the development specified by <i>Development Control Plan for Exempt and Complying Development</i> approved by the Council on 25 September 2007, the Development Control Plan will no longer apply to that development.	(d) must not be carried out on land that comprises, or on which there is, an item that is listed on the State Heritage Register under the <u>Heritage Act 1977</u> or that is subject to an interim heritage order under the <u>Heritage Act 1977</u>. (e) (Repealed) (4) Development that relates to an existing building that is classified under the <i>Building Code of Australia</i> as class 1b or class 2-9 is exempt development only if: (a) the building has a current fire safety certificate or fire safety statement, or (b) no fire safety measures are currently implemented, required or proposed for the building. (5) To be exempt development, the development must: (a) be installed in accordance with the manufacturer's specifications, if applicable, and (b) not involve the removal or pruning of a tree or other vegetation that requires a permit or development consent for removal or pruning, unless that removal or pruning is undertaken in accordance with a permit or development consent. Note. A permit for the removal or pruning of a tree or other vegetation may be granted under this Plan. A development consent for the removal of native vegetation may be granted where relevant under the <u>Native Vegetation Act 2003</u>. (6) A heading to an item in Schedule 2 is part of that Schedule.

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	3.2 Complying development [compulsory] Note. Under section 76A of the Act, development consent for the carrying out of complying development may be obtained by the issue of a complying development certificate. The section states that development cannot be complying development if: (a) it is on land that is critical habitat of an endangered species, population or ecological community (identified under the <i>Threatened Species Conservation Act 1995</i> or the <i>Fisheries Management Act 1994</i>), or (b) it is on land within a wilderness area (identified under the <i>Wilderness Act 1987</i>), or (c) the development is designated development, or (d) the development is on land that comprises, or on which there is, an item of environmental heritage (that is listed on the State Heritage Register or in Schedule 5 to this Plan or that is subject to an interim heritage order under the <i>Heritage Act 1977</i>), or (e) the development requires concurrence (except a concurrence of the Director-General of the Department of Environment, Climate Change and Water in respect of development that is likely to significantly affect a threatened species, population, or ecological community, or its habitat identified under the <i>Threatened Species Conservation Act 1995</i>), or (f) the development is on land identified as an environmentally sensitive area. (1) The objective of this clause is to identify development as complying development.

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	(2) Development specified in Part 1 of Schedule 3 that is carried out in compliance with: (a) the development standards specified in relation to that development, and (b) the requirements of this Part, is complying development. Note. See also clause 5.8 (3) which provides that the conversion of fire alarms is complying development in certain circumstances. (3) To be complying development, the development must: (a) be permissible, with development consent, in the zone in which it is carried out, and (b) meet the relevant deemed-to-satisfy provisions of the <i>Building Code of Australia</i>, and (c) have an approval, if required by the <i>Local Government Act 1993</i>, from the Council for an on-site effluent disposal system if the development is undertaken on unsewered land. (4) A complying development certificate for development specified in Part 1 of Schedule 3 is subject to the conditions (if any) set out or referred to in Part 2 of that Schedule. (5) A heading to an item in Schedule 3 is part of that Schedule.

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20B MINIMUM ALLOTMENT SIZE (1) The minimum allotment size for allotments resulting from the subdivision of land, other than for the purpose of public utility undertakings or roads, within Zone No 2A is 400 square metres and each allotment must have a frontage of at least 12 metres. (2) The minimum allotment size for allotments resulting from the subdivision of land, other than for the purpose of public utility undertakings or roads, within Zone No 2B or 2C is 325 square metres and each allotment must have a frontage of at least 9 metres. This requirement does not apply to development for the purposes of multi-unit housing. (3) The minimum allotment size for the erection of a dwelling house within Zone No 2A is 400 square metres and the allotment must have a frontage of at least 12 metres. (4) The minimum allotment size for an attached dual occupancy within Zone No 2A is 450 square metres and the allotment must have a frontage of at least 15 metres. (5) This clause does not prohibit the erection of a dwelling house within Zone No 2A, 2B or 2C on an allotment of land that existed as a separate allotment on the appointed day. Purpose: To establish minimum requirements for the subdivision of land within residential zones in order to protect and improve local amenity.		4.1 MINIMUM SUBDIVISION LOT SIZE [OPTIONAL] (1) The objectives of this clause are as follows: (a) <i>[set out objectives of the clause]</i> (2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan. (3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land. Direction. An exception to the minimum size shown on the Lot Size Map may be provided in certain circumstances, for example, in the case of land that is to be used for attached dwellings. (4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.

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20C SITE SPECIFIC DEVELOPMENT CONTROLS (1) This clause applies to land the subject of a built form control map inset. (2) The maximum floor space ratios for development of land to which this clause applies are shown on the built form control map inset for that land. (3) The minimum landscaped areas for development of land to which this clause applies are shown on the built form control map inset for that land. (4) The maximum building and wall heights for development of land to which this clause applies are shown on the built form control map inset for that land. (5) In this clause: <i>built form control map inset</i> means an inset shown on the map and marked "Inset 1—Pindari Built Form Controls", "Inset 2—Bundock Street Built Form Controls" or "Inset 3—Prince Henry Built Form Controls". Purpose: To provide for controls in relation to the size, scale and site coverage of development on land the subject of a built form control map inset.		No equivalent clause.

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20D 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.		No equivalent clause.
20E LANDSCAPED AREA (1) Development, otherwise than for the purpose of a dwelling house, within Zone No 2A must provide a minimum of 40% of the total site area as landscaped area. (2) Development, otherwise than for the purpose of a dwelling house, within Zone No 2B or 2C must provide a minimum of 50% of the total site area as landscaped area. (3) Landscaped areas over podiums or excavated basement areas must not exceed 50% of the landscaped area requirements specified in subclauses (1) and (2). Purpose: To operate together with controls for floor space ratio and building height to limit the size, scale and site coverage of a building having regard to the environmental amenity and aesthetic character of the area.		No equivalent clause.

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20F FLOOR SPACE RATIOS (1) The maximum floor space ratios for buildings, other than buildings erected for the purpose of a dwelling house, within Zones Nos 2A, 2B and 2C is 0.5:1, 0.65:1 and 0.9:1, respectively. (2) Despite subclause (1), the maximum floor space ratio for buildings, other than buildings erected for the purpose of a dwelling house, within Zone No 2C is 0.65:1 where the site area is less than 700 square metres. (3) The maximum floor space ratios for buildings within Zones Nos 3A and 3B are shown by distinctive shading on the map. (4) The maximum floor space ratio for buildings within Zone No 4A or 4B is 1:1. (5) The maximum floor space ratio for buildings within Zone No 5 to be used for the purpose of boarding houses, dwellings or multi-unit housing (or any two or more of them) is 0.5:1. (6) The area of the access corridor for a batleaxe allotment is not to be included in the calculation of the floor space ratio of any building on the allotment. Purpose: To operate together with controls for building height and landscaped area to limit the size, scale and site coverage of a building having regard to the environmental amenity and aesthetic character of the area.	5.2	4.4 FLOOR SPACE RATIO [OPTIONAL] (1) The objectives of this clause are as follows: (a) <i>[set out objectives of the clause]</i> (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map. Direction. Different floor space ratios may be shown on the FSR map for different zones, for different land in the same zone or for different land uses within a building. This Plan may provide that, despite subclause (2), the maximum floor space ratio for a building is to be determined partly by the FSR map and partly by other means, or wholly by other means.

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206 BUILDING HEIGHTS (1) The maximum height for a building, other than a dwelling house, within Zone No 2A or 2B is 9.5 metres measured vertically from any point on ground level. (2) The maximum height for a building, other than a dwelling house, within Zone No 2C is 12 metres measured vertically from any point on ground level. (3) The maximum height for any external wall of a building, other than a dwelling house, within Zone No 2A or 2B is 7 metres measured vertically from any point on ground level. (4) The maximum height for any external wall of a building, other than a dwelling house, within Zone No 2C is 10 metres measured vertically from any point on ground level. (5) The maximum height for buildings within Zone No 3A or 3B are shown by distinctive shading on the map. (6) For the purposes of this clause, chimneys, vents and other service installations may exceed the specified height limits, but only where the Council is satisfied that they will not adversely affect the amenity of adjoining or nearby land. Purpose: To operate together with controls for floor space ratio and landscaped area to limit the size, scale and site coverage of a building having regard to the environmental amenity and aesthetic character of the area.	4.3 HEIGHT OF BUILDINGS [OPTIONAL] (1) The objectives of this clause are as follows: (a) <i>[set out objectives of the clause]</i> (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map. Direction. Different heights may be shown on the map for different zones or for different land in the same zone. This Plan may also provide for specified height restrictions to be varied or modified in certain circumstances, for example, to prevent overshadowing of public open space, for air safety reasons or for the purposes of promoting design excellence.

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No equivalent clause	4.5 CALCULATION OF FLOOR SPACE RATIO AND SITE AREA [OPTIONAL] (1) Objectives The objectives of this clause are as follows: (a) to define <i>floor space ratio</i>, (b) to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios, including rules to: (i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and (ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building, and (iii) require community land and public places to be dealt with separately. (2) Definition of “floor space ratio” The <i>floor space ratio</i> of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area. (3) Site area In determining the site area of proposed development for the purpose of applying a floor space ratio, the <i>site area</i> is taken to be: (a) if the proposed development is to be carried out on only one lot, the area of that lot, or (b) if the proposed development is to be carried out on 2 or

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	more lots, the area of any lot on which the development is proposed to be carried out that has at least one common boundary with another lot on which the development is being carried out. In addition, subclauses (4)-(7) apply to the calculation of site area for the purposes of applying a floor space ratio to proposed development. (4) Exclusions from site area The following land must be excluded from the site area: (a) land on which the proposed development is prohibited, whether under this Plan or any other law, (b) community land or a public place (except as provided by subclause (7)). (5) Strata subdivisions The area of a lot that is wholly or partly on top of another or others in a strata subdivision is to be included in the calculation of the site area only to the extent that it does not overlap with another lot already included in the site area calculation. (6) Only significant development to be included The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot. 7) Certain public land to be separately considered For the purpose of applying a floor space ratio to any proposed

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	development on, above or below community land or a public place, the site area must only include an area that is on, above or below that community land or public place, and is occupied or physically affected by the proposed development, and may not include any other area on which the proposed development is to be carried out. (8) Existing buildings The gross floor area of any existing or proposed buildings within the vertical projection (above or below ground) of the boundaries of a site is to be included in the calculation of the total floor space for the purposes of applying a floor space ratio, whether or not the proposed development relates to all of the buildings. 9) Covenants to prevent "double dipping" When development consent is granted to development on a site comprised of 2 or more lots, a condition of the consent may require a covenant to be registered that prevents the creation of floor area on a lot (the restricted lot) if the consent authority is satisfied that an equivalent quantity of floor area will be created on another lot only because the site included the restricted lot. 10) Covenants affect consolidated sites If: (a) a covenant of the kind referred to in subclause (9) applies to any land (affected land), and (b) proposed development relates to the affected land and other land that together comprise the site of the proposed development,

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	the maximum amount of floor area allowed on the other land by the floor space ratio fixed for the site by this Plan is reduced by the quantity of floor space area the covenant prevents being created on the affected land. (11) Definition In this clause, public place has the same meaning as it has in the <u>Local Government Act 1993</u>.
21 SUBDIVISION—CONSENT REQUIREMENTS (1) Land to which this plan applies may be subdivided, but only with consent. (2) However, consent is not required for a subdivision within Zone No 8, or a subdivision for the purpose only of any one or more of the following: (a) widening a public road, (b) a minor realignment of boundaries that does not create: (i) additional lots or the opportunity for additional dwellings, or (ii) lots that are smaller than the minimum size provided for by or under this plan in relation to the land concerned, (c) a consolidation of lots that does not create additional lots or the opportunity for additional dwellings, (d) rectifying an encroachment on a lot, (e) creating a public reserve, (f) excising from a lot land that is, or is intended to be, used for public purposes, including drainage purposes,	2.6 SUBDIVISION—CONSENT REQUIREMENTS [COMPULSORY] (1) Land to which this Plan applies may be subdivided, but only with development consent. Note. If a subdivision is identified as exempt development in an applicable environmental planning instrument, such as this Plan or <u>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</u>, the Act enables it to be carried out without development consent. (2) Development consent must not be granted for the subdivision of land on which a secondary dwelling is situated if the subdivision would result in the principal dwelling and the secondary dwelling being situated on separate lots, unless the resulting lots are not less than the minimum size shown on the Lot Size Map in relation to that land.

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rural fire brigade or other emergency service purposes or public toilets.		Note. The definition of <i>secondary dwelling</i> in the Dictionary requires the dwelling to be on the same lot of land as the principal dwelling.
27 AIRCRAFT NOISE (1) This clause applies to land where the ANEF contour exceeds 20. (2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the proposed development meets the requirements of AS 2021 regarding interior noise levels relevant to the particular type of development. (3) In this clause: ANEF means a relevant Australian Noise Exposure Forecast contour map showing the forecast of aircraft noise levels that is expected to exist in the future produced in accordance with the <i>Guidelines for the Production of Noise Contours for Australian Airports</i> published by Airservices Australia. AS 2021 means AS 2021—2000, <i>Acoustics—Aircraft noise intrusion—Building siting and construction</i>. Purpose: To ensure that development for the purposes of residential accommodation, places of worship, hospitals, educational establishments or other noise sensitive		7.6 DEVELOPMENT IN AREAS SUBJECT TO AIRCRAFT NOISE (1) The objectives of this clause are to: (a) prevent certain noise sensitive developments from being located near the [Name] Airport and its flight paths, (b) assist in minimising the impact of aircraft noise from that airport and its flight paths by requiring appropriate noise attenuation measures in noise sensitive buildings, (c) to ensure that land use and development in the vicinity of that airport do not hinder or have any other adverse impacts on the ongoing, safe and efficient operation of that airport. (2) This clause applies to development that: (a) is on land that: (i) is near the [Name] Airport, and (ii) is in an ANEF contour of 20 or greater, and (b) the consent authority considers is likely to be adversely affected by aircraft noise. (3) Before determining a development application for development to which this clause applies, the consent authority: (a) must consider whether the development will result in an increase in the number of dwellings or people affected by aircraft noise, and (b) must consider the location of the development in relation to

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buildings are not adversely affected by aircraft noise.	the criteria set out in Table 2.1 (Building Site Acceptability Based on ANEF Zones) in AS 2021-2000, <i>Acoustics-Aircraft noise intrusion - Building siting and construction</i>, and (c) must be satisfied that the development will meet AS 2021—2000, <i>Acoustics- Aircraft noise intrusion - Building siting and construction</i> with respect to interior noise levels for the purposes of: (i) if the development will be in an ANEF contour of 20 or greater - child care centres, educational establishments, entertainment facilities, hospitals, places of public worship, public administration buildings or residential accommodation, and (ii) if the development will be in an ANEF contour of 25 or greater – business premises, hostels, hotel or motel accommodation, office premises or retail premises. (3) In this clause: airport means civil, military or joint civil and military airport. ANEF contour means a noise exposure contour shown as an ANEF contour on the Australian Noise Exposure Forecast Contour Map for that airport endorsed by the Department of the Commonwealth responsible for airports.
29 FORESHORE SCENIC PROTECTION AREA (1) The foreshore scenic protection area is shown on the map. (2) The consent authority may only grant consent to a	No equivalent clause. However a similar worded clause (local provision) will be prepared in consultation with the Department of Planning and Infrastructure.

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building within the foreshore scenic protection area after it has considered the probable aesthetic appearance of the proposed building in relation to the foreshore. Purpose: To protect and improve the visual qualities of visually prominent areas along the coast.		
30 CONVERSION OF FIRE ALARMS (1) This clause applies to a fire alarm system that can be monitored by New South Wales Fire Brigades or by a private service provider. (2) The following development may be carried out, but only with consent: (a) converting a fire alarm system from connection with the alarm monitoring system of New South Wales Fire Brigades to connection with the alarm monitoring system of a private service provider, (b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider, (c) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring system of the same private service provider. (3) Development to which subclause (2) applies is complying development if it consists only of: (a) internal alterations to a building, or		5.8 CONVERSION OF FIRE ALARMS [COMPULSORY] (1) This clause applies to a fire alarm system that can be monitored by Fire and Rescue NSW or by a private service provider. (2) The following development may be carried out, but only with development consent: (a) converting a fire alarm system from connection with the alarm monitoring system of Fire and Rescue NSW to connection with the alarm monitoring system of a private service provider, (b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider, (c) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring system of the same private service provider. (3) Development to which subclause (2) applies is complying development if it consists only of: (a) internal alterations to a building, or (b) internal alterations to a building together with the

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(b) internal alterations to a building together with the mounting of an antenna, and any support structure, on an external wall or roof of a building so as to occupy a space of not more than 450mm x 100mm x 100mm. (4) A complying development certificate for any such complying development is subject to a condition that any building work may only be carried out between 7.00 am and 6.00 pm on Monday to Friday and between 7.00 am and 5.00 pm on Saturday, and must not be carried out on a Sunday or a public holiday. (5) In this clause: private service provider means a person or body that has entered into an agreement that is in force with New South Wales Fire Brigades to monitor fire alarm systems.		mounting of an antenna, and any support structure, on an external wall or roof of a building so as to occupy a space of not more than 450mm x 100mm x 100mm. (4) A complying development certificate for any such complying development is subject to a condition that any building work may only be carried out between 7.00 am and 6.00 pm on Monday to Friday and between 7.00 am and 5.00 pm on Saturday, and must not be carried out on a Sunday or a public holiday. (5) In this clause: private service provider means a person or body that has entered into an agreement that is in force with Fire and Rescue NSW to monitor fire alarm systems.
34 BOARDING HOUSES (1) This clause applies to a building or place that is used for the purpose of a boarding house and includes any vacant building or part of a building that, when last used or occupied, was used or occupied as a boarding house. (2) The consent of the Council is required in respect of a building or place to which this clause applies: (a) to a different use of the building or place resulting from a change of the use of the building or place to another use not being a boarding house, or (b) to demolish the building or place, or (c) to make any alterations or additions to the building or place.		No equivalent clause. Nb: Similar provisions covered in the Affordable Rental Housing SEPP.

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(3) When determining an application required by this clause, the Council may grant its consent only where it has made an assessment of and considered the implications of: (a) the need to retain the particular type of housing in relation to any identified needs of the local area, and (b) the accumulated impact that the loss of the building or place for use as a boarding house will have on the supply of that type of housing in the local area, and (c) any building and fire safety requirements, and (d) the financial viability of the continued use of the building or place as a boarding house, and (e) whether arrangements have been made or will be made to assist residents who may be displaced by the development, and (f) the availability of other buildings suitable for use as affordable housing, having regard to their location, type, size, rent levels and available services, and (g) any adverse social and economic effects caused by the development on affordable housing stocks and on households in the local community on very low, low or moderate incomes who are spending 30% or greater of gross incomes on rent or home purchase expenses. Purpose: To make provision for the assessment of the cumulative loss of boarding house accommodation. 35 BUSINESS PREMISES IN RESIDENTIAL ZONES Despite clauses 10, 11 and 12, the Council may grant consent to the development of land within Zone No 2A, 2B or 2C for the purpose of business premises, but only if the		No equivalent clause. However a similar worded clause (local provision) will be prepared in consultation with the Department of Planning and Infrastructure.

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Council is satisfied that the proposed use: (a) is to be situated in a building, or part of a building, that was originally designed or constructed (or both) for use as business premises, and (b) does not occupy more than 100 square metres of floor space. Purpose: To provide for the establishment and continued operation of small scale business development in residential zones		
35A CERTAIN NON-RESIDENTIAL USES IN ZONE NO 2D Despite clause 12A, the consent authority may grant consent to development for the purpose of business premises, neighbourhood shops or medical centres on land within Zone No 2D, but only if it is satisfied that the development: (a) is located on land identified as an activity strip in a development control plan for the land, approved by the Council, and (b) is limited to: (i) in the case of land to which <i>Prince Henry Site Development Control Plan</i> approved by the Council on 27 July 2004 applies, ground floor non-residential uses and first floor non-residential uses, and (ii) in any other case, to ground floor non-residential uses, and		No equivalent clause. However a similar worded clause (local provision) will be prepared in consultation with the Department of Planning and Infrastructure.

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	(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 a development control plan.		
	40A SITE SPECIFIC DEVELOPMENT CONTROL PLANS (1) The consent authority must not grant consent to a development application made in respect of a site area consisting of more than 10,000 square metres of land unless a site specific development control plan for the development of that land has been prepared in accordance with this clause. (2) A site specific development control plan is to be prepared following consultation with the Council and is to address, illustrate and explain, where appropriate, proposals in relation to the land covering the following range of matters (but is not limited to them): (a) design principles drawn from an analysis of the site and its context, (b) phasing of development, (c) distribution of land uses, including public open space and environmental protection areas, (d) subdivision pattern, (e) building envelopes and built form controls, (f) heritage conservation, including both Aboriginal and European heritage,		No equivalent clause. However a similar worded clause (local provision) will be prepared in consultation with the Department of Planning and Infrastructure.

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	(g) infrastructure provision, (h) remediation of the site, (i) pedestrian, cycle and road access and circulation network, with particular regard to public transport servicing, (j) parking provision, (k) provision of public facilities, (l) impact on, and improvements to, the public domain, (m) provision of open space, its function and landscaping, (n) identification and conservation of native flora and fauna habitat on the site, including any threatened species, populations or ecological communities, (o) the principles of ecologically sustainable development, (p) identification, extent and management of buffer areas, (q) identification, extent and management of water courses, wetlands and riparian lands, whether identified on the map or not, (r) identification, extent and management of habitat corridor, (s) identification, extent and constraints of acid sulfate soils, (t) opportunities to apply integrated natural water cycle design, (u) opportunities to apply integrated renewable energy design, (v) provision of housing mix and tenure choice, including affordable housing. (3) A proposal referred to in subclause (2) must conform to the requirements for development of the site made by this plan and any other environmental planning instrument. (4) The consent authority may waive the requirement for		

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a development control plan, but only if it is satisfied: (a) that the proposed development is of a minor nature only or is ancillary to the current use of the land, or (b) that adequate guidelines and controls applying to the land are already in place. Purpose: To require the development of large sites to be in the context of a site specific development control plan.		
42 DEVELOPMENT OF LAND FOR CERTAIN ADDITIONAL PURPOSES Despite the provisions of this plan, a person may, with the consent of the Council, carry out development on land described in Column 1 of Schedule 2 that is specified in Column 2 of that Schedule, subject to any conditions that may be specified in Column 3 of that Schedule. Purpose: To make provision for additional uses of land in certain specified circumstances, where those uses are not permissible under the existing zoning of the land.		2.5 ADDITIONAL PERMITTED USES FOR PARTICULAR LAND [COMPULSORY] (1) Development on particular land that is described or referred to in Schedule 1 may be carried out: (a) with development consent, or (b) if the Schedule so provides—without development consent, in accordance with the conditions (if any) specified in that Schedule in relation to that development. (2) This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan. Direction. While this clause and Schedule 1 are compulsory, it is not compulsory to include any items in the Schedule when the Plan is first made.

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43 HERITAGE CONSERVATION (1) Objectives The objectives of this clause are: (a) to conserve the environmental heritage of Randwick City, and (b) to conserve the heritage significance of heritage items and heritage conservation areas including associated fabric, settings and views, and (c) to conserve known or potential archaeological sites, and (d) to conserve places of Aboriginal heritage significance. (2) Requirement for consent Development consent is required for any of the following: (a) demolishing or moving a heritage item or a building, work, relic or tree within a heritage conservation area, (b) altering a heritage item or a building, work, relic, tree or place within a heritage conservation area, including (in the case of a building) making changes to the detail, fabric, finish or appearance of its exterior, (c) altering a heritage item that is a building, by making structural changes to its interior, (d) disturbing or excavating a known or potential archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed, (e) disturbing or excavating a heritage conservation area that is a place of Aboriginal heritage significance, (f) erecting a building on land on which a heritage item is	5.10 HERITAGE CONSERVATION [COMPULSORY] Note. Heritage items (if any) are listed and described in Schedule 5. The Heritage Map may also show the location of a heritage item. Heritage conservation areas (if any) must be shown on the Heritage Map as well as being described in Schedule 5. The location and nature of Aboriginal objects and Aboriginal places of heritage significance may be described in Schedule 5 and shown on the sheet of the Heritage Map marked "Aboriginal Heritage Map". (1) Objectives The objectives of this clause are as follows: (a) to conserve the environmental heritage of [<i>Name of local government area or other relevant name</i>], (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views, (c) to conserve archaeological sites, (d) to conserve Aboriginal objects and Aboriginal places of heritage significance. (2) Requirement for consent Development consent is required for any of the following: (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance): (i) a heritage item,

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located or that is within a heritage conservation area, (g) subdividing land on which a heritage item is located or that is within a heritage conservation area. (3) When consent not required However, consent under this clause is not required if: (a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development: (i) is of a minor nature, or is for the maintenance of the heritage item, known or potential archaeological site, or a building, work, relic, tree or place within a heritage conservation area, or (ii) would not adversely affect the significance of the heritage item, known or potential archaeological site or heritage conservation area, or (b) the development is in a cemetery or burial ground and the proposed development: (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and (ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to a place of Aboriginal heritage significance, or (c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or (d) the development is exempt development.	(ii) an Aboriginal object, (iii) a building, work, relic or tree within a heritage conservation area, (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item, (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed, (d) disturbing or excavating an Aboriginal place of heritage significance, (e) erecting a building on land: (i) on which a heritage item is located or that is within a heritage conservation area, or (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance, (f) subdividing land: (i) on which a heritage item is located or that is within a heritage conservation area, or (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance. (3) When consent not required However, development consent under this clause is not required if: (a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is

Randwick LEP 1998	Comprehensive RLEP 2011
(4) Effect on heritage significance The consent authority must, before granting consent under this clause, consider the effect of the proposed development on the heritage significance of the heritage item or heritage conservation area concerned, including (where the proposed development involves a building) consideration of: (a) the pitch and form of the roof, if any, and (b) the style, size, proportion and position of the openings for windows or doors, if any, and (c) the colour, texture, style, size and type of finish of the materials to be used on the exterior of the building. This subclause applies regardless of whether a heritage impact statement is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6). (5) Heritage impact assessment The consent authority may, before granting consent to any development on land: (a) on which a heritage item is situated, or (b) within a heritage conservation area, or (c) within the vicinity of land referred to in paragraph (a) or (b), require a heritage impact statement to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.	satisfied that the proposed development: (i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and (ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or (b) the development is in a cemetery or burial ground and the proposed development: (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and (ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or (c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or (d) the development is exempt development. (4) Effect of proposed development on heritage significance The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

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(6) Heritage conservation management plans The consent authority may require, after considering the significance of the heritage item or heritage conservation area and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause. (7) Archaeological sites The consent authority must, before granting consent under this clause to the carrying out of development on a known or potential archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order applies): (a) notify the Heritage Office of its intentions to grant consent, and (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent. (8) Places of Aboriginal heritage significance The consent authority must, before granting consent under this clause to the carrying out of development in a place of Aboriginal heritage significance: (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place, and (b) notify the local Aboriginal communities (in such a way as it thinks appropriate) about the application and take into consideration any response received within 28 days after the notice is sent.	(5) Heritage assessment The consent authority may, before granting consent to any development: (a) on land on which a heritage item is located, or (b) on land that is within a heritage conservation area, or (c) on land that is within the vicinity of land referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned. (6) Heritage conservation management plans The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause. (7) Archaeological sites The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the Heritage Act 1977 applies): (a) notify the Heritage Council of its intention to grant consent, and (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

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(9) Demolition of item of State significance The consent authority must, before granting consent for the demolition of a heritage item identified in Schedule 3 as being of State heritage significance (other than an item listed on the State Heritage Register or to which an interim heritage order under the Heritage Act 1977 applies): (a) notify the Heritage Council about the application, and (b) take into consideration any response received within 28 days after the notice is sent. (10) Conservation incentives The consent authority may grant consent to the development for any purpose of a building that is a heritage item, or of the land on which such a building is erected, even though development for that purpose would otherwise not be allowed by this plan if the consent authority is satisfied that: (a) the conservation of the heritage item is facilitated by the granting of consent, and (b) the proposed development is in accordance with a heritage conservation management plan that has been approved by the consent authority, and (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage conservation management plan is carried out, and (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, and (e) the proposed development would not have any significant adverse impact on the amenity of the	(8) Aboriginal places of heritage significance The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance: (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent. (9) Demolition of nominated State heritage items The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item: (a) notify the Heritage Council about the application, and (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent. (10) Conservation incentives The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that: (a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and

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	surrounding area.		(b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.
	No equivalent clause		4.6 EXCEPTIONS TO DEVELOPMENT STANDARDS [COMPULSORY] (1) The objectives of this clause are as follows: (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances. (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause. (3) Development consent must not be granted for development that contravenes a development standard unless

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	the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating: (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and (b) that there are sufficient environmental planning grounds to justify contravening the development standard. (4) Development consent must not be granted for development that contravenes a development standard unless: (a) the consent authority is satisfied that: (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and (b) the concurrence of the Director-General has been obtained. (5) In deciding whether to grant concurrence, the Director-General must consider: (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and (b) the public benefit of maintaining the development standard, and (c) any other matters required to be taken into consideration by the Director-General before granting concurrence. (6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4

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		Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if: (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard. (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3). (8) This clause does not allow development consent to be granted for development that would contravene any of the following: (a) a development standard for complying development, (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated, (c) clause 5.4. Direction. Additional exclusions may be added.
No equivalent clause	5.5	DEVELOPMENT WITHIN THE COASTAL ZONE (CLAUSE 5.5) [compulsory if land to which Plan applies includes land in the coastal zone]

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	(1) The objectives of this clause are as follows: (a) to provide for the protection of the coastal environment of the State for the benefit of both present and future generations through promoting the principles of ecologically sustainable development, (b) to implement the principles in the NSW Coastal Policy, and in particular to: (i) protect, enhance, maintain and restore the coastal environment, its associated ecosystems, ecological processes and biological diversity and its water quality, and (ii) protect and preserve the natural, cultural, recreational and economic attributes of the NSW coast, and (iii) provide opportunities for pedestrian public access to and along the coastal foreshore, and (iv) recognise and accommodate coastal processes and climate change, and (v) protect amenity and scenic quality, and (vi) protect and preserve rock platforms, beach environments and beach amenity, and (vii) protect and preserve native coastal vegetation, and (viii) protect and preserve the marine environment, and (ix) ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and (x) ensure that decisions in relation to new development consider the broader and cumulative impacts on the catchment, and (xi) protect Aboriginal cultural places, values and customs, and

Randwick LEP 1998	Comprehensive RLEP 2011
	(xii) protect and preserve items of heritage, archaeological or historical significance. (2) Consent must not be granted to development on land that is wholly or partly within the coastal zone unless the consent authority has considered: (a) existing public access to and along the coastal foreshore for pedestrians (including persons with a disability) with a view to: (i) maintaining existing public access and, where possible, improving that access, and (ii) identifying opportunities for new public access, and (b) the suitability of the proposed development, its relationship with the surrounding area and its impact on the natural scenic quality, taking into account: (i) the type of the proposed development and any associated land uses or activities (including compatibility of any land-based and water-based coastal activities), and (ii) the location, and (iii) the bulk, scale, size and overall built form design of any building or work involved, and (c) the impact of the proposed development on the amenity of the coastal foreshore including: (i) any significant overshadowing of the coastal foreshore, and (ii) any loss of views from a public place to the coastal foreshore, and (d) how the visual amenity and scenic qualities of the coast,

Randwick LEP 1998	Comprehensive RLEP 2011
	including coastal headlands, can be protected, and (e) how biodiversity and ecosystems, including: (i) native coastal vegetation and existing wildlife corridors, and (ii) rock platforms, and (iii) water quality of coastal waterbodies, and (iv) native fauna and native flora, and their habitats, can be conserved, and (f) the cumulative impacts of the proposed development and other development on the coastal catchment. (3) Consent must not be granted to development on land that is wholly or partly within the coastal zone unless the consent authority is satisfied that: (a) the proposed development will not impede or diminish, where practicable, the physical, land-based right of access of the public to or along the coastal foreshore, and (b) if effluent from the development is disposed of by a non-reticulated system, it will not have a negative effect on the water quality of the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform, and (c) the proposed development will not discharge untreated stormwater into the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform.

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	5.4 CONTROLS RELATING TO MISCELLANEOUS PERMISSIBLE USES [COMPULSORY] (1) Bed and breakfast accommodation If development for the purposes of bed and breakfast accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than <i>[insert number not less than 3]</i> bedrooms. Note. Any such development that provides for a certain number of guests or rooms may involve a change in the class of building under the <i>Building Code of Australia</i>. (2) Home businesses If development for the purposes of a home business is permitted under this Plan, the carrying on of the business must not involve the use of more than <i>[insert number not less than 30]</i> square metres of floor area. (3) Home industries If development for the purposes of a home industry is permitted under this Plan, the carrying on of the home industry must not involve the use of more than <i>[insert number not less than 30]</i> square metres of floor area. (4) Industrial retail outlets If development for the purposes of an industrial retail outlet is permitted under this Plan, the retail floor area must not exceed: (a) <i>[insert number not more than 67]</i>% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or (b) <i>[insert number not more than 400]</i> square metres, whichever is the lesser. (5) Farm stay accommodation If development for the purposes of farm stay accommodation is

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	permitted under this Plan, the accommodation that is provided to guests must consist of no more than <i>[insert number not less than 3]</i> bedrooms. (6) Kiosks If development for the purposes of a kiosk is permitted under this Plan, the gross floor area must not exceed <i>[insert number not less than 10]</i> square metres. (7) Neighbourhood shops If development for the purposes of a neighbourhood shop is permitted under this Plan, the retail floor area must not exceed <i>[insert number not less than 80]</i> square metres. (8) Roadside stalls If development for the purposes of a roadside stall is permitted under this Plan, the gross floor area must not exceed <i>[insert number not less than 8]</i> square metres. (9) Secondary dwellings If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater: (a) 60 square metres, (b) <i>[insert number]</i>% of the total floor area of the principal dwelling.
CONTAMINATED LAND (CLAUSE 42B) 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	SEPP 55 – REMEDIATION OF LAND contains this provision.

Randwick LEP 1998		Comprehensive RLEP 2011
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.		
No equivalent clause		DRAFT MODEL LOCAL PROVISION – COASTAL RISK PLANNING (1) The objectives of this clause are: (a) to maintain existing coastal processes and to avoid significant adverse impacts from those coastal processes; and (b) to enable safe evacuation of coastal risk areas in an emergency; and (c) to avoid significant adverse effects on the environment, and (d) to ensure uses are compatible with coastal risks, including projected sea level rise. (2) This clause applies to land shown as "coastal risk area" on the XXX Council Local Environmental Plan Coastal Risk Planning Map. (3) Consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:

Randwick LEP 1998	Comprehensive RLEP 2011
	(a) will not adversely affect coastal processes resulting in detrimental increases in coastal risk exposure of other development or properties; and (b) will not significantly alter coastal processes to the detriment of the environment; and (c) will make provision for safe evacuation of the land; (d) if located seaward of the immediate hazard line, will avoid or minimise exposure to coastal processes; and (e) makes provision for relocation, modification or removal of the development if required to adapt to coastal processes and projected sea level rise. (4) In this clause: coastal risks include coastal erosion and tidal inundation. immediate hazard line is the line identified on the Coastal Risk Planning Map which represents the estimated extent of beach erosion from a design storm event (as outlined in the draft <i>Coastal Risk Management Guide 2009</i>). projected sea level rise means the 2050 and 2100 sea level rise planning benchmarks as specified in the NSW Government's <i>Sea Level Rise Policy Statement 2009</i>.

	Randwick LEP 1998		Comprehensive RLEP 2011
	No equivalent clause		DRAFT MODEL LOCAL PROVISION – STORMWATER (1) The objective of this clause is to minimise the impacts of urban stormwater on the land to which the development applies, adjoining properties, native bushland and receiving waters. (2) This clause applies to all land zoned Residential, Business and Industrial land uses. (3) Before granting consent to development to which this clause applies the consent authority must be satisfied that the development: (a) is designed to maximise the use of water permeable surfaces on the site having regard to the soil characteristics affecting on-site infiltration of water, (b) include, where practical, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water; and (c) avoids, or where an impact cannot be avoided, minimises and mitigates, the disturbance and impacts of stormwater runoff on adjoining properties, native bushland and receiving waters.
	No equivalent clause		MODEL LOCAL PROVISION – ACID SULFATE SOILS (1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.

Randwick LEP 1998	Comprehensive RLEP 2011
	(2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works. Class of Land Works 1) Any works. 2) Works below the natural ground surface. Works by which the watertable is likely to be lowered. 3) Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface. 4) Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface. 5) Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land. (3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority. (4) Despite subclause (2), development consent is not required under this clause for the carrying out of works if:

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	(a) a preliminary assessment of the proposed works prepared in accordance with the Acid Sulfate Soils Manual indicates that an acid sulfate soils management plan need not be carried out for the works, and (b) the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works. (5) Despite subclause (2), development consent is not required under this clause for the carrying out of any of the following works by a public authority (including ancillary work such as excavation, construction of access ways or the supply of power): (a) emergency work, being the repair or replacement of the works of the public authority required to be carried out urgently because the works have been damaged, have ceased to function or pose a risk to the environment or to public health and safety, (b) routine maintenance work, being the periodic inspection, cleaning, repair or replacement of the works of the public authority (other than work that involves the disturbance of more than 1 tonne of soil), (c) minor work, being work that costs less than \$20,000 (other than drainage work). (6) Despite subclause (2), development consent is not required under this clause to carry out any works if: (a) the works involve the disturbance of less than 1 tonne of soil, such as occurs in carrying out agriculture, the construction or maintenance of drains, extractive industries, dredging, the

	Randwick LEP 1998		Comprehensive RLEP 2011
			construction of artificial water bodies (including canals, dams and detention basins) or foundations or flood mitigation works, or (b) the works are not likely to lower the watertable. (7) Clause 10 of State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development does not apply to development that requires development consent under this clause.
No equivalent clause			MODEL LOCAL PROVISION – FLOOD PLANNING (1) The objectives of this clause are as follows: (a) to minimise the flood risk to life and property associated with the use of land, (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change, (c) to avoid significant adverse impacts on flood behaviour and the environment. (2) This clause applies to: (a) land that is shown as "Flood planning area" on the Flood Planning Map, and (b) other land at or below the flood planning level. Drafting direction Councils know of some areas that flood and those areas are mapped as "flood planning area", but there are other areas where accurate mapping is not possible. Consequently, the wording of this subclause captures the land that can be

	Randwick LEP 1998	Comprehensive RLEP 2011
		accurately mapped and the land that cannot. Such unmapped land includes the "flood planning area" (as defined in the Floodplain Development Manual) up to the "flood planning level". (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development: (a) is compatible with the flood hazard of the land; and (b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and (c) incorporates appropriate measures to manage risk to life from flood, and (d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding. (4) A word or expression used in this clause has the same meaning as it has in the NSW Government's Floodplain Development Manual published in 2005, unless it is otherwise defined in this clause. (5) In this clause: flood planning level means the level of a 1:100 ARI (average recurrent interval) flood event plus [insert number 0.xx] metre freeboard. Flood Planning Map means the [Name] Local Environmental Plan 2010 Flood Planning Map.

Appendix G: Dwelling numbers

Refer to Chapter 5 for discussion on this matter.

1.0 Dwelling Targets

The Sydney Metropolitan Strategy (2005) and associated draft Sydney East Subregional Strategy (2007) set 25 year dwelling targets for the overall Sydney Metropolitan region, each subregion and each local government area. Although meeting these targets is not mandatory, they must be considered in local planning processes.

For Randwick City, a target of an additional 8400 dwellings between 2005 and 2031 is identified in the draft Sydney East Subregional Strategy.

1.1 Approach

Randwick City's planning and policy approach in terms of meeting current and future housing needs, is to focus the majority of new dwellings in and around town centres (within walking distance of shops, jobs, public transport, facilities and services) as well as within carefully planned master planned developments on large surplus sites.

1.2 Analysis

The following analysis of dwellings completed since 2004-05, and likely growth to 2031 shows that the dwelling target for Randwick City will be able to be met without significant changes to current planning controls.

1.2.1 Dwellings completed 2004 – 2010

Since 2004-05, approximately 3300 additional dwellings have been constructed in Randwick City. The data in the table below from the Department of Planning and Infrastructure's Metropolitan Urban Development Program (MUDP) calculates additional dwellings recorded from new Sydney Water connections.

This method is used by the MUDP across the Sydney Metropolitan area to record and track new dwelling completions. Some categories of dwellings may not be captured through this method (eg: where individual water connections are not installed), such as some student housing.

Information provided by the MUDP on the overall number of additional dwellings completed between 2004 and 2010 indicates around 3300 have been completed in total.

To date a breakdown of this data by location is available up to the year 2008-09. Table 1 shows a total of 2474 new dwellings completed between 2004-05 and 2008-09, and the distribution is illustrated on Map 1.

Table 1: Dwellings completed between 2004/5 and 2008/9 based on new Sydney Water connections (Source: MUDP – NSW Department of Planning and Infrastructure)

Year	Infill Areas					Business Centres	Specialised Centre	Major Sites
	1 Dwelling	2-10	11-50	51-100	101+			
2004-05	13	47	30			183	29	34
2005-06	49	71	88	93		286	18	11
2006-07	33	42	77		110	367	34	13
2007-08	60	58	41			184	40	170
2008-09	32	45				117	34	65
TOTAL	187	263	236	93	110	1137	154	293

1.3 Commentary

1.3.1 Dwellings in infill locations

Infill locations cover all areas in Randwick City excluding town centres, large master-planned sites or the Randwick Education and Health Specialised Centre. From Table 1, an average of 178 additional infill dwellings per year have been completed over a 5 year period, but shows a high degree of variation from year to year, ranging from a low figure of 77 dwellings per year to a high figure of 301 in 2008/09 and 2005/06 respectively).

Infill development shown in Table 1 is broken down by development type and size:

- Additional single dwellings capture dual occupancy developments and new single houses (eg: on vacant lots or new subdivisions). These primarily occur in the southern part of the LGA
- 2-10 dwellings captures townhouse or smaller scale flat buildings (eg: replacing older single houses on large blocks)
- 11-50 dwellings commonly includes 3 to 4 storey walk-up flat buildings that can be accommodated on larger single sites, or amalgamated lots; and
- Larger developments of over 50 dwellings in infill locations are infrequent, but some examples are included in the snapshot of recently completed developments below.

1.3.2 Examples of completed developments

The table below provides a snapshot of a range of residential developments completed since 2004/05 in a range of locations across Randwick City, including larger developments in business centres and surplus sites, student accommodation and medium density walk-up residential flat building developments.

Table 2: Examples of completed residential developments between 2004/5 and 2010

Location/Address	Dwelling number	Notes
Major Development sites		
Bundock Street Randwick	51	
Prince Henry site, Little Bay	317	
Business Centres		
737 Anzac Pde Maroubra	263	Pacific square phase 2
892-906 Anzac Pde Maroubra	104	Cnr Maroubra road
438 Anzac Pde Kingsford	74	Castellorizian site
305 Anzac Pde Kingsford	47	Boarding house
159-171 Anzac Pde Kensington	55	Unilodge site
268-270 Anzac Pde Kensington	164	Capella site
14-18 Darling St Kensington	68	Corner Anzac Parade
36 McKeon St Maroubra Beach	30	
178-180 Marine Pde Maroubra Bch	47	
Specialised Centre		
UNSW Village, High Street	303	303 units, 1013 beds. Completed 2010
New college, UNSW	260	319 beds
Barker lodge UNSW	65	Completed 2010
Infill/other		
30-36 Dangar St Randwick	115	Montefiore (276 aged care beds)
88-96 King Street Randwick	93	Former brickworks site
68-76 Wentworth Ave Randwick	22	Pindari (stage 1)

1.4 Future Dwelling Estimates

1.4.1 Overview

Table 3 below shows a breakdown of where new dwellings are estimated to occur over the next 20 years, from 2011 to 2031. These figures are estimates only, and are based on an analysis of the likely dwelling capacity under existing planning controls.

When combined with the 3300 dwellings completed between 2004/05 and 2010, it shows that the dwelling target for Randwick City of 8400 is able to be met without requiring significant planning changes.

Table 3: Estimate of new dwellings between 2011 and 2031 (rounded)

Locations	Estimated Dwellings 2011 - 2031	
	Low	High
Business Centres	1500	1800
Randwick Education & Health Specialised Centre	1500	1500
Major Development (ie: master-plan) sites	1100	1700
▪ Prince Henry site, Little Bay (500 - 600)		
▪ Bundock Street, Randwick (50 - 450)		
▪ Charter Hall site, Little Bay (450)		
▪ Endeavour House site, Randwick (140)		
Infill areas	1000	2500
TOTAL	5100	7500

1.5 Dwelling Demand

1.5.1 Factors affecting demand

While the population growth rate in Randwick City itself is projected to remain generally low, the continued fall in average household size coupled with demographic changes (such as an ageing population) and decline in housing affordability indicates that the demand for dwellings is set to continue in the years to come.

Dwelling demand will be also be driven by other factors such as the City's positive attributes including:

- The aesthetic, natural and cultural characteristics of the LGA such as foreshore areas and parks
- Proximity to employment centres including the Sydney CBD and the Randwick Education and Health Specialised Centre

- Access to educational and health facilities including the University of New South Wales, Randwick TAFE and Randwick Health (Hospitals) Campus
- The extent and accessibility to public transport infrastructure (particularly near the town centres)

The table above shows a range of figures to account for the unpredictable nature of development activity. Factors that can affect the rate of development include:

- General economic conditions and market variables affecting development feasibility (e.g. value of some properties may be higher as a single dwelling compared to town houses)
- Site constraints and availability of suitable land (eg: location, lot size and ownership)
- Local demand factors and demographic trends; and
- Willingness of owners to redevelop.

1.6 Business Centres

Dwellings in business centres relate to the areas currently zoned for business uses. All Randwick City's business centres permit residential uses, which helps to provide for dwellings close to transport connections, jobs and local services.

Approximately 1200 additional dwellings were completed between 2004/05 and 2010 in our business centres (over 1/3 of total new dwellings). A large majority of these were located in Maroubra Junction.

An analysis of the remaining capacity for additional dwellings in our centres between 2011 and 2031 shows that between 1500 and 1800 could be likely. This analysis considered actual residential growth in each centre over the last 5 years, and reviewed the remaining capacity for additional dwellings on a block-by-block basis under the existing planning controls. Estimated growth rates were based on historical trends, with reduced growth rates applied to sites requiring amalgamation, or with fragmented ownership patterns. Properties with strata, institutional or government ownership (e.g. schools) were excluded from calculations.

The majority of additional dwellings over the next 20 years will continue to be in larger centres and/or centres that have undergone detailed planning reviews such as Maroubra Junction, Kensington, Kingsford and Matraville. These centres are estimated to have a total likely capacity of around 1200 to 1500 additional dwellings over the next 20 years, with around 300 distributed in other town and neighbourhood centres.

1.7 Randwick Education and Health Specialised Centre

The Randwick Education and Health Specialised Centre is identified in the draft Sydney East Subregional Strategy as a strategic centre of excellence in tertiary education, research and health. It is Randwick City's largest employment centre, and provides services and economic benefits to the local community and surrounding town centres.

This Centre is considered in detail in a separate Discussion Paper, which identifies the importance of providing housing for students and key workers close to their place of study or work. It is estimated that the Centre could accommodate an additional 1500 dwellings over the next 20 years.

1.8 Major Development Sites

These sites are commonly large government or institutional lands that have been identified by their owners as surplus to their needs. The sites below have undergone a detailed planning review and have approved master-plans or staged development applications (DAs), which identify the maximum number of dwellings possible. Each site is at a different stage of the development process: partially complete, under construction, or at the detailed development approval phase.

- **Prince Henry Redevelopment, Little Bay:** This site comprises a major urban renewal of the former Prince Henry Hospital at Little Bay into a mix of single dwellings, townhouses, multi-unit dwellings and seniors housing. The gross potential for the site is about 989 dwellings (including seniors housing). A total of 317 dwellings have been completed and occupied since 2006.
- **Bundock Street, Randwick:** Former Defence Site bounded by Avoca Street and Bundock Streets. Approved master plan and DCP allows up to 600 single and multi-unit dwellings at completion. Part of Stage 1 is complete and occupied equating to a total of 51 dwellings.
- **Former University of New South Wales land, Little Bay (Charter Hall site):** this site is located adjacent to the Prince Henry site. An approved Stage 1 development application has capacity for 450 dwellings.
- **Endeavour House Redevelopment, South Coogee:** This former Defence land is located on Moverley Road. The site is under construction for around 140 single dwellings.

An analysis of the dwellings likely to be completed for these sites over the next 20 years indicates a range, recognising that some sites may not be fully developed. In particular, the Bundock Street site has developed relatively slowly to date. The Department of Defence is currently reviewing its future needs in this location, and dwelling estimates consider that only a small number of additional dwellings may be provided here.

1.9 Infill

The large range of additional dwellings estimated for infill locations is consistent with the variation seen in the last 5 years. Estimates for the next 20 years are based on a low average rate of 50 additional dwellings per year, and a high average rate of 125 additional dwellings per year (2.5 times higher).

This range recognises the highly unpredictable nature of development in this category. The average growth rate estimates indicated are lower than historical trends, recognising that many of the larger sites suitable for redevelopment have already been developed. Remaining sites are often constrained by high land values limiting feasibility of redevelopment, strata ownership, smaller lot sizes, or difficulties in site amalgamation.

1.10 Other Dwellings

1.10.1 Future major redevelopment sites

Specific estimates are not identified for additional dwellings that may be provided through future major redevelopment (master-planned) sites. This includes the Inglis Newmarket site, which is subject to a current planning proposal. It also includes land owned by the Aboriginal Land Council in La Perouse, which will be the subject of a future detailed study.

- **Inglis Newmarket site:** Located on Barker Street, Randwick. The site is subject to a current rezoning proposal to allow mixed density residential and neighbourhood uses on the 5ha site. Technical studies prepared by the applicant will assist in determining the suitable density for the site and will be reported to Council prior to formal public exhibition of the proposal. No dwelling numbers have been formally considered at this time.
- **La Perouse Aboriginal Lands Council Land:** Located at Anzac Parade, La Perouse (Karoo Ave); Jennifer Street; and Elaroo Street. Council has successfully obtained a grant through the NSW Planning Reform Fund to clarify the suitable land uses and density for 14ha of La Perouse Aboriginal Lands Council owned lands. This grant will enable a partnership approach with the land owners and consultation with the La Perouse community to investigate environmental constraints.

The capacity for any additional dwellings on these two sites will be confirmed following completion of these activities.

1.11 Affordable Housing

It is difficult to predict how many new dwellings will be taken up under the Affordable Rental Housing SEPP, which operates outside of local planning controls and permits new dwellings such as granny flats and floor space bonuses for affordable rental housing.

1.12 Current dwelling approvals

The table below provides a snapshot of existing approved residential developments, either with development consent or under construction, but not completed at this time. This is not a comprehensive list, and does not include smaller scale approvals such as small groups of townhouses, single dwellings or dual occupancy developments, but provides an indication of known larger developments likely to occur over the coming years.

Table 4: Snapshot of approved dwellings (source: MUDP, Department of Planning 2011)

Location/Address	Dwelling number	Notes
Specialised Centre		
13-17 Botany St Randwick	53	Former vet site
201-207 Barker St Randwick	117	Former car showroom
Business Centres		
495-503 Bunnerong Rd, Matraville	111	Theos site
390 Anzac Pde Kingsford	36	
57-75 Anzac Pde Kensington	14	Peters of Kensington; townhouses
112-124 Anzac Pde Kensington	62	
165 Maroubra Rd, Maroubra	22	Corner of Anzac Parade
Major Development sites		
Bundock St	514	Total approval 600. 35 completed prior to 2005. 51 completed between 2005 and 2010
Charter Hall	450	
Prince Henry	672	Total approval 989. 317 completed since 2006 (includes seniors housing)
Endeavour House	140	
Infill/other		
66A Doncaster Ave	82	Former STA land at Randwick Racecourse.
1-81 Little Bay Road, Little bay	47	New subdivision; single dwellings
645-651 Anzac Pde Maroubra	15	

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