



RANDWICK CITY COUNCIL

RANDWICK OPEN SPACE AND ENVIRONMENT DISCUSSION PAPER

May 2011



Table of Contents

EXECUTIVE SUMMARY	3
Overview	3
Structure of the Paper	3
Scope of the Paper	3
Background	4
Key Recommendations	6
Comprehensive LEP	6
Comprehensive DCP	8
PART 1 INTRODUCTION	9
Overview of Open Space Land in Randwick City	9
Overview of Relevant Land Use Zones	12
Open Space Zoned Land – Public and Private	12
Environmental Protection Zoned Land	12
National Park Zoned Land	12
PART 2 BACKGROUND	14
Methodology and Consultation	14
Planning Policy and Context	15
State Government Planning Framework	15
Local Planning Framework	23
Other Legislation and Guideline Documents	26
PART 3 ANALYSIS OF SITES AND ISSUES	28
Specific sites	28
1) Sites used as open space but not zoned open space	28
2) Road Reserves	29
3) Sites zoned but not used for open space	32
4) Sites zoned public open space but privately owned	35
5) Major investigation sites	38
Key Issues	50
Acid Sulphate Soils	50
Additional uses	51
Biodiversity	52
Coastal Environment	53
Coastal Walkway	55
Contamination	57
Development in open space zones	58
Flood Planning	59
Heritage	60
Land Classification	61
Sustainability	62
Stormwater Management	63
Trees/Urban Forest	64
Water Courses	66
PART 4 RECOMMENDATIONS	67
Comprehensive LEP	67
LEP Aim/Objectives	67
LEP Zones	67
Investigation sites	68
Comprehensive LEP Clauses	70
LEP Maps	72
Comprehensive DCP	72
Conclusion	73

APPENDICES (See separate document for appendices)

Appendix 1 Open Space Investigation Sites

Appendix 2 Comparison of Existing and Proposed Land Use Zoning Tables

Appendix 3 Comparison of Existing and Proposed LEP Clauses

Appendix 4 Summary of stakeholder submissions

Appendix 5 Summary of resolutions relevant to the Comprehensive LEP

References

EXECUTIVE SUMMARY

Overview

Randwick City Council is reviewing its Local Environmental Plan (LEP) and Development Control Plans (DCP) to create a new comprehensive LEP and DCP, based on the NSW Metropolitan Strategy and State Government planning reforms, including the gazettal of the Standard Instrument LEP (Standard Instrument or Standard Template).

The comprehensive LEP/DCP will review all zoning and planning controls across Randwick City, including those for the open space and natural environment land. The intention is to review each zone, provide analysis of the implications of translating the existing Randwick LEP into the Standard Instrument LEP, and provide a range of planning recommendations.

This Open Space and Environment Discussion Paper (the Paper) is one of six LEP/DCP review papers being prepared. The other papers include:

- Industrial
- Special Uses
- University and Hospital Specialised Centre
- Commercial/Town Centre
- Residential/Housing

Structure of the Paper

This Paper has four main parts:

- Part 1 – Introduction: provides an overview of land currently zoned Open Space, Environmental Protection and National Parks
- Part 2 – Background: outlines the methodology and consultation framework as well as the State and local planning context guiding this land use review and the comprehensive LEP/DCP
- Part 3 – Analysis of Sites and Issues: presents the findings of a land use audit of open space and environment land and an analysis of key planning and environmental considerations
- Part 4 – Recommendations: details recommendations for drafting the new Comprehensive LEP and DCP.

Scope of the Paper

This Paper recognises the continued importance of land zoned for open space and natural environment uses in our City and recommends these areas be maintained and protected in suitable zones where possible and identifies further areas to be formally acknowledged under open space, environmental protection and national parks zones.

Randwick City currently has 1,118 hectares (ha) of land zoned for open space, environmental protection and national parks. The majority of these areas will be translated to the equivalent Standard Instrument zones without significant changes. Some specific sites are proposed to be rezoned based on a land use audit. This Paper proposes an overall increase of about 31 ha of land, with the total area zoned for recreation and conservation purposes increasing to approximately 1,149 ha in our City.

Background

Randwick City encompasses an area of 3,742 ha and almost 30% of this area (1,118 ha) is currently zoned for open space and environmental purposes (see Figure 1.1).

The majority of this land is public open space (parks, coastal reserves and beaches), ranging in size from small neighbourhood parks to regional scale parks such as Heffron and Centennial Parks. It also includes significant areas of National Park (Botany Bay National Park in La Perouse and proposed park within part of Malabar Headland), and private open space (primarily golf and bowling clubs and part of Malabar Headland). There are also small but important areas of environmentally sensitive land across our City (the largest parcel being Randwick Environment Park).

This significant provision of open space comprises almost 70% of the open space provision in the eastern suburbs. Over the next 20 years, Randwick City's population will continue to benefit from the high existing provision of open space in the City. Nevertheless, open space will be increasingly under pressure given a number of factors such as increasing demand for a variety of recreation and leisure pursuits, increasing participation levels, growth in the local population and visitors from the rest of Sydney as well as interstate and international tourism.

Part 2 of the Paper outlines the methodology and consultation framework for the preparation and exhibition of this Paper and the Comprehensive LEP/DCP. Government agencies and neighbouring councils were consulted to provide information. All submissions received as part of this preliminary consultation have been reviewed, with responses summarised in Appendix 4.

Part 2 also provides an overview of the State and local planning framework and other legislation and guidelines relating to this Paper. The NSW Government's Metropolitan and draft East Subregional Strategies identify directions for the East Subregion over the next 20 years to 2031, for maintaining and protecting open space and environmental land. The draft East Subregional Strategy recognises that 'the main focus for the subregion is to improve the accessibility and quality of existing open space' and 'emphasis will also be given to managing access to areas of high conservation and environmental value'.

The Council's 20 year plan - Randwick City Plan - supports these State directions and expands on these with directions for maximising the quantity and quality of the City's open space for a range of cultural, sporting and leisure activities, ensuring safe and convenient links to and from recreation resources, such as walking and cycle paths, and ensuring protection of the City's biodiversity and natural heritage.

Part 3 of the Paper analyses key planning and environmental issues in relation to the State and local planning policy context. A land use audit was undertaken on all land currently zoned or potentially to be zoned Open Space, Environmental Protection and National Parks. An inventory of these sites has been developed using data collected from the Council's property information system, geographical information system and site visits (see Appendix 1).

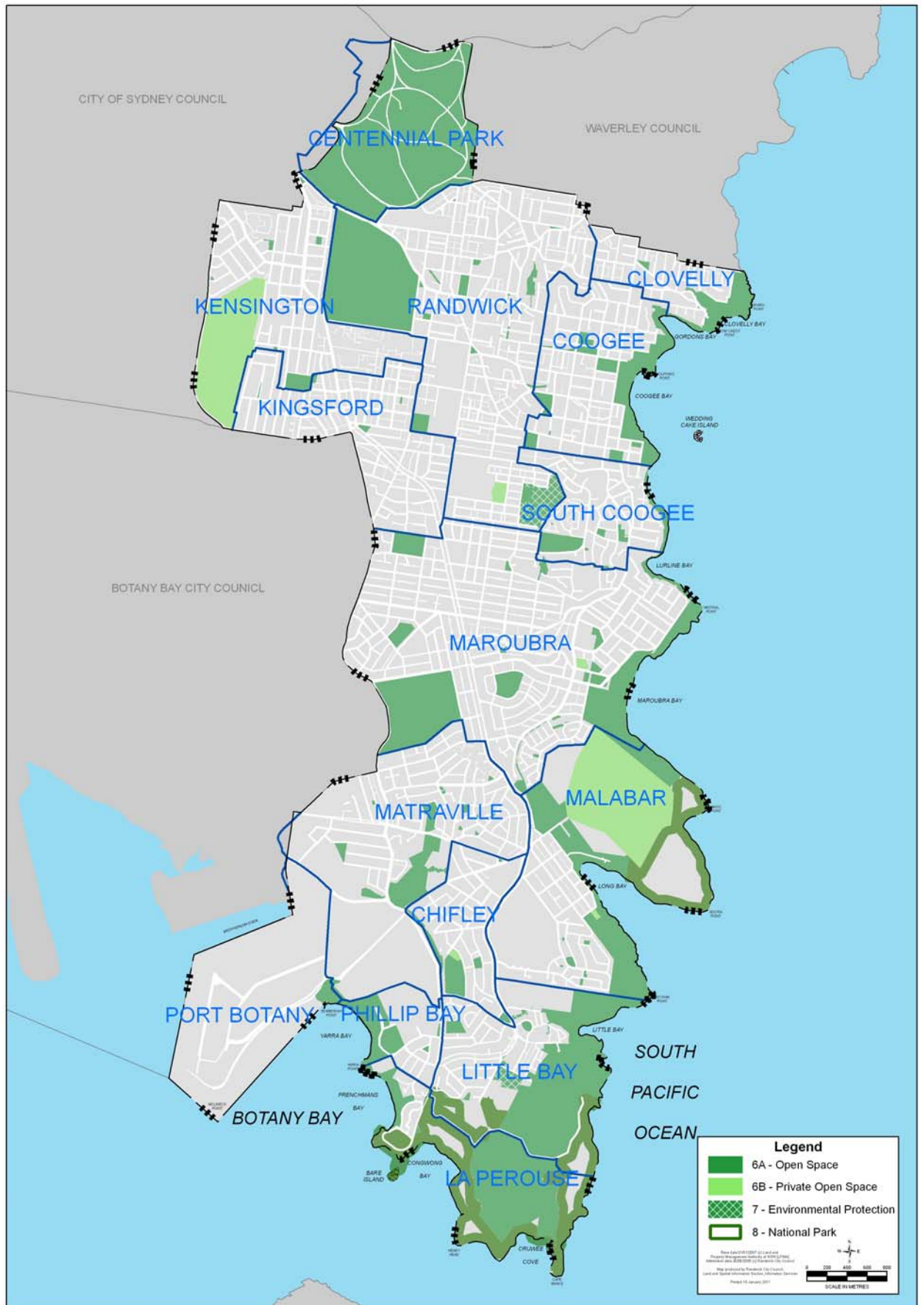


Figure 1.1 Sites currently zoned Open Space, Environmental Protection and National Park in Randwick City

Key Recommendations

Part 4 of the Paper summarises the key recommendations for drafting the Comprehensive LEP and DCP.

In translating the existing zones into the Standard Instrument (Template) zones, the Paper intends to maintain or strengthen the recreation and environmental objectives related to these zones and to ensure uses and development consent requirements are appropriate to these zones. The Paper also identifies past anomalies in the zoning, such as land zoned for public open space which is privately owned.

The Paper reviews key strategic open space sites in detail, to identify their suitable zones and planning controls and explore opportunity sites which could be formally acknowledged as public open space. Malabar Headland is one of the major investigation sites for which the open space and national park values are proposed to be strengthened. The road reserves along Bunnerong road, Chifley, are also proposed to be formalised for public recreation, recognising its potential for enhancing walking/cycling networks and protecting significant vegetation.

The Paper also addresses submissions received from open space/environmental land owners to date to correct or clarify the zoning of their land (Appendix 4).

Key issues that may affect open space and natural environment land are also addressed, such as flooding, coastal planning and climate change, with relevant LEP clauses and DCP controls proposed for the drafting of the Comprehensive LEP and DCP.

In Summary, this Paper makes the following LEP and DCP recommendations:

Comprehensive LEP

LEP Aims/Objectives

- To include the existing Randwick LEP aim in the Comprehensive LEP to promote, protect and enhance environmental qualities of Randwick City.

LEP Zones

- The majority of the sites currently zoned *Open Space, Environmental Protection and National Parks* will be translated to the equivalent zones within the Standard Template as follows:

Randwick LEP Zone		Standard Instrument LEP Zone
6A Open Space Zone	→	RE1 Public Recreation
6B Private Open Space Zone	→	RE2 Private Recreation
7 Environmental Protection – Natural Heritage Areas Zone	→	E2 Environmental Conservation
8 National Parks Zone	→	E1 National Parks and Nature Reserves

- A number of sites (included in Appendix 1) are proposed to be rezoned to a compatible zone to reflect their actual land uses and ownership, based on the following situations:
 - o Sites that are used and maintained as open space, but are zoned for other uses. These areas are proposed to be rezoned from residential, special uses or unzoned to an open space zone;
 - o Road reserves and closed roads that are being used or suitable to be formally acknowledged as open space. These areas, mostly unzoned land, are proposed to be zoned *Public Recreation*;
 - o Sites that are zoned open space, but are being (or will be) used for residential, special uses or commercial purposes. These sites are proposed to be rezoned to compatible zones to reflect their land uses.
 - o Sites zoned public open space but privately owned. These sites are proposed to be zoned *Private Recreation* consistent with their ownership status.
 - o One property along the coastal walkway at 49 Cuzco Street, is proposed to be zoned Public Recreation and identified on the Land Reservation Acquisition Map for future acquisition purpose by Council, given that it is a critical link for the walkway between South Coogee and Lurline Bay.
- In addition, major sites have been investigated for the most suitable zone/s, including:
 - o Malabar Headland. The site comprises three lots (north-western, central and eastern). The north western lot is proposed to be zoned from primarily *2B (Residential B)* to *E1 (National Parks and Natural Reserves)*, as recently agreed between the Federal and NSW Governments. The central lot is proposed to be rezoned from *6B (Private Open Space)* to *RE1 (Public Recreation)*, to become publicly accessible open space after the issues of remediation and relocation of the shooters have been resolved. The eastern lot is already suitably zoned *8 National Parks* and is therefore proposed to be translated to the equivalent *E1 National Parks and Natural Reserves* zone.
 - o Chinese Market Gardens. The site is proposed to be rezoned from *2B (Residential B)* to *RU4 (Primary Production Small Lot)* to preserve its primary agricultural use along with the State significant heritage and scenic character of the site;
 - o Former UNSW site at Little Bay. The site is proposed to be rezoned from *5 (Special Uses)* to reflect an existing approval for residential redevelopment. The proposed zones include *RE1 (Public Recreation)*, *E2 (Environmental Conservation)* and residential zones; and
 - o Bunnerong Road land at Chifley. The land is proposed to be zoned *RE1 (Public Recreation)*, which not only protects the valuable natural vegetation, but also enables the future uses of the area for public open space purposes.

LEP Clauses

- Relevant clauses are proposed to be included in the Comprehensive LEP to provide clear controls and guidelines for the use and development of open space and natural environment land in Randwick City on a range of issues, including acid sulphate soils, additional uses, biodiversity, coastal environment, coastal walkway, flood planning, heritage, land classification, storm water management, tree preservation and water courses.

LEP Maps

- Maps are proposed, where required in the relevant LEP clauses, including the Land Reservation Acquisition Map, Natural Resources – Biodiversity Map, Natural Resources – Water Map, Flood Planning Map and Acid Sulfate Soils Map.

Comprehensive DCP

- To review and incorporate relevant guidelines for ecological sustainable development (ESD);
- To introduce specific guidelines for preservation of trees and other vegetation, especially species identified in the Council's Significant Tree Register;
- To include specific assessment criteria (currently prescribed in Clause 38 of the Randwick LEP) for any development proposals in open space zones;
- Where relevant, to introduce specific development controls for new development relating to flooding; and
- To review and update the Council's Land Contamination Policy.

PART 1 INTRODUCTION

Randwick City has a significant provision of recreation spaces. The open space and environment land in our City is currently identified under four zones, being 6A (*Open Space Zone*), 6B (*Private Open Space Zone*), 7 (*Environmental Protection – Natural Heritage Areas Zone*) and 8 (*National Parks Zone*). An overview of these areas and zones is provided below:

Overview of Open Space Land in Randwick City

Randwick City encompasses an area of 3,742 ha, with a total population of 122,173 (2006 Census). Located in the eastern suburbs of Sydney, Randwick City extends from Centennial Park and Clovelly in the north along the eastern coastline to La Perouse and Port Botany in the south.

While Randwick City is a highly urbanised inner city council area, it also has significant recreation spaces. Almost 30 percent (29.88%) or 1,118 ha of the City is designated for open space and natural areas (see Figures 1.2). This significant network contains a diverse range of features, including:

- The Eastern Suburbs Coastal Walkway;
- Nine beaches and a number of coastal pools;
- Foreshore areas of Botany Bay;
- Rocky headlands including Malabar Headland;
- 243 ha of remnant bushland areas that are home to indigenous plants and native terrestrial animals;
- Botany Bay National Park in the south;
- Areas of national historical and Aboriginal cultural significance including Yarra Bay and La Perouse;
- A variety of public open space ranging in size from pocket parks to regional parks (such as Centennial Park and Heffron park), and a range of park facilities, such as children's playgrounds and a skate park; and
- A number of large open space areas privately owned or with restricted public access, including the Randwick Racecourse, golf courses and Malabar Headland.

These open space and natural areas in Randwick City provide health, social, environmental, cultural and economic benefits and opportunities for:

- unstructured outdoor recreation activities such as walking, family outings, picnics, bike riding and general relaxation as well as a range of organised sporting activities
- conservation and biodiversity-protection of natural features and development of natural habitats;
- environmental management including air quality improvements and water retention;
- showcasing cultural heritage items, maintaining the indigenous people's ongoing affiliation with the land and providing a place for cultural events and activities to occur;
- pedestrian and cycle linkages and networks;
- improved amenity through greening the urban environment; and
- tourism and the local economy.

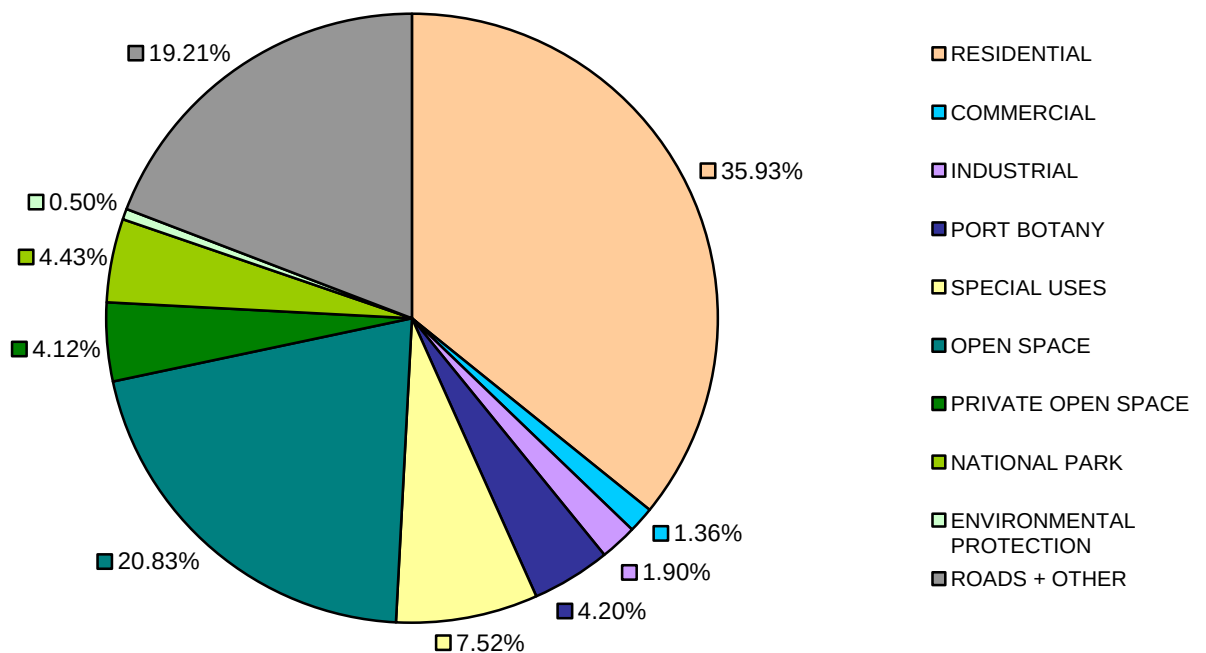


Figure 1.2 Land use zoning in Randwick LGA. Source: Randwick Local Environmental Plan 1998 (Consolidation).

It is worth noting that in addition to these 1,118 ha of areas designated/zoned for open space and environmental purposes, there are a wide range of informal open space areas across our City, providing recreational and leisure opportunities for residents, students, workers and visitors. Most of these areas are incorporated as a landscaping component of various sites zoned for residential, commercial and special uses, such as public plazas in town centres, landscaped areas in UNSW and other institutional sites and the landscape strips in the middle of Anzac Parade.

Randwick City retains a wide variety of flora and fauna species. Throughout the City, more than 500 species of local native plant have recently been recorded, accounting for a quarter of all species in the Sydney Basin. More than 300 individual patches of original vegetation remain in Randwick City, with varying sizes from small patches of around 600 m² to large areas up to 17 ha. These patches constitute about 243 ha (or 6.5%) of the total area of Randwick City. About 70 ha of these bushland areas is covered by Eastern Suburbs Banksia Scrub (ESBS) remnants, recognised as being endangered at both national and state levels.

Open space and environment land in Randwick City contributes almost 70% of the open space provision in the eastern suburbs. There is a total of 1,674 ha of open space within the eastern suburbs, comprising 804 ha of passive parklands, 486 ha of golf courses, 234 ha of active sports, 100 ha of bushland and 50 ha of other areas¹.

The open space provision in Randwick City is approximately 9.15 ha per 1,000 people², which is well above the provision in the neighbouring and similar local government areas (LGA) and the recognised standard of 2.83ha per 1,000

¹ Source: Open Space inventory, Department of Planning and Infrastructure.

² $(1,118 / 122,173) * 1000 = 9.15 \text{ ha/1,000 people}$. Source: Randwick LEP and ABS 2006 Census.

people³ (see Figure 1.3). Population growth of our City is expected to range from approximately 10,000 to 15,000 to 2031⁴. With the overall open space areas anticipated to increase from 1,118 ha to 1,149 ha based on the recommendations of this Paper (as detailed later), this provision in Randwick City would then range from 8.4 to 8.7 ha per 1,000 people which would still remain high relative to the recognised standard and neighbouring councils.

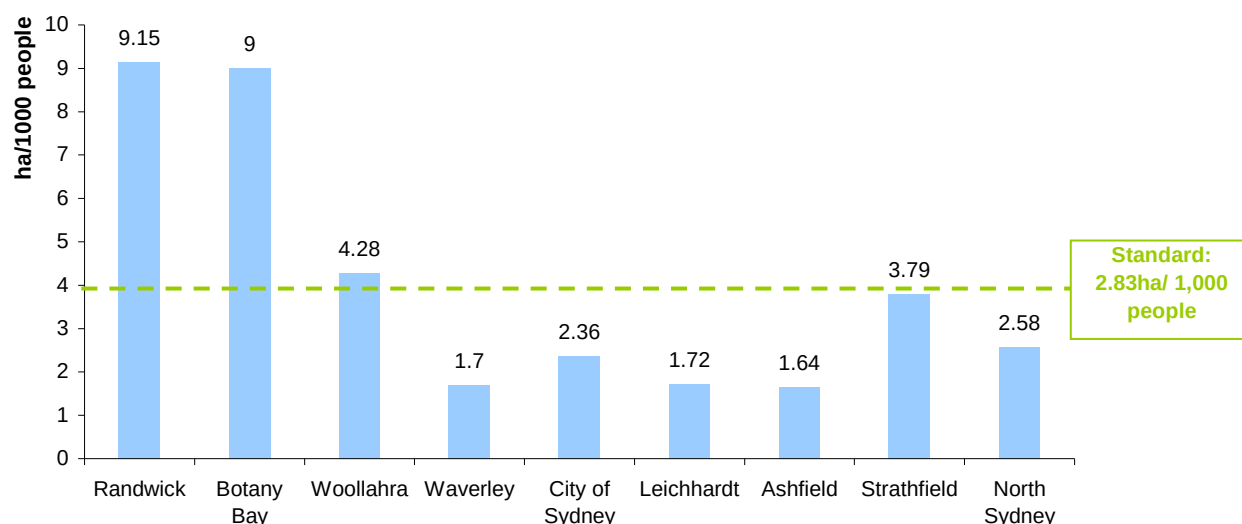


Figure 1.3 Comparison of open space provision (ha/1,000 persons) among Sydney LGAs (2006). Source: 2005/06 State of Environment Report and Randwick's Recreation Needs Study 2008.

Randwick City is facing increasing pressures in catering for the open space and recreation demands of local residents and visitors, due to population growth occurring and expected across the Sydney metropolitan region, increasing interest in recreation and a variety of activities especially for health and well being benefits, and increasing recreational visitors (from across the subregion, Sydney, NSW and overseas) given the attractive and varied open spaces across our City. There are limited opportunities to significantly increase the amount of open space in Randwick City. The solution for providing passive and active open space for an increasing and changing population therefore relies primarily on strategies to increase the diversity, quality and accessibility of existing open space.

For further information on Randwick City demographics, recreation needs and opportunities, see the Randwick Recreation Needs Study (2008).

³ This standard of 2.83 ha/1000 people is derived from the British 7 acres per 1000 standard from the early 1900s. It is based on the original British idea of providing adequate space for play and gymnastics for children. This standard is the most widely accepted standard in Australia for the provision of local open space within a Metropolitan urban context (*Outdoor Recreation and Open Spaces Planning Guidelines*, Published by the NSW Dept. of Planning, in 1992).

⁴ Source: Population projection provided in Randwick City Plan and NSW SLA Population Projections, 2001 to 2031 by Department of Planning and Infrastructure.

Overview of Relevant Land Use Zones

Open space and environmental land in Randwick City, as shown in Figure 1.1, is identified under four zones in the current Randwick Local Environmental Plan 1998 (Consolidation) (hereafter referred to as 'RLEP'). These are:

- 6A (*Open Space Zone*),
- 6B (*Private Open Space Zone*),
- 7 (*Environmental Protection – Natural Heritage Areas Zone*) and
- 8 (*National Parks Zone*).

Open Space Zoned Land – Public and Private

Areas of open space are currently zoned either 6A (*Open Space Zone*) or 6B (*Private Open Space Zone*) under the RLEP, generally reflecting the ownership of the open space.

There is approximately 933.5 ha of land (or 25% of the City) zoned 6A and 6B in Randwick City, with 779.5 ha (or 20.8%) designated for public open space and 154 ha (or 4.1%) for private open space.

Environmental Protection Zoned Land

There are two sites zoned *No 7 (Environmental Protection – Natural Heritage Areas Zone)* under the RLEP, accounting for about 18.5 ha or 0.5% of the City's total land area:

- Randwick Environmental Park (13 ha of parkland, located within the Bundock Street defence site, Randwick). This park has a focus on conservation of natural significance and is identified as a heritage conservation area under the RLEP. It includes an ephemeral wetland area and 7 patches (or 3.6ha) of Eastern Suburbs Banksia Scrub (ESBS) remnants (all in relative good condition).
- Prince Henry Site. Around 5 ha of the Prince Henry Site at Little Bay is zoned *7 (Environmental Protection)* under the RLEP. The site contains 4 patches (or 3.8 ha) of ESBS remnants in varying condition.

National Park Zoned Land

Approximately 165.7 ha (or 4.4%) of land within Randwick City is currently zoned *8 (National Parks Zone)*, comprising the Botany Bay National Park and the eastern section of Malabar Headland.

- The eastern portion of Malabar Headland, with an area of 54.3 ha, is currently under the Commonwealth ownership and is currently proposed for a future National Park. It is listed as a State heritage item (together with the western end) and identified as a heritage conservation area under the RLEP. This eastern portion covers 3 patches (or 14.8 ha) of ESBS remnants. Detailed consideration of the proposed zoning for the Malabar Headland site is provided in Part 3.
- The Botany Bay National Park straddles the two headlands at the entrance of Botany Bay and features a unique combination of natural and cultural heritage. The park is owned and managed by the NSW Government

National Parks and Wildlife Service, a division of the Office of Environment and Heritage. The northern sector of the Park, as shown in Figure 1.4, is located in Randwick City within the suburb of La Perouse, extending from the southern end of Frenchmans Bay, Bare Island, Cape Banks to Little Bay Golf Course.



Figure 1.4 The La Perouse and Kurnell sectors for Botany Bay National Park.
Source: Office of Environment and Heritage

In summary, the current open space and environmental zones in Randwick City comprise:

Zones	Area	% of the City area
6A Open Space	779.5 ha	20.83%
6B Private Open Space	154.1 ha	4.12%
7 Environmental Protection – Natural Heritage Areas	18.5 ha	0.5%
8 National Parks	165.7 ha	4.43%
Total	1,118 ha	29.88%

PART 2 BACKGROUND

This Part of the Paper outlines the methodology and consultation framework and provides an overview of the State and local planning context and other legislation and guidelines relating to this Paper.

Methodology and Consultation

This Paper is being prepared within a framework containing four broad stages of development and consultation as follows.

Stage 1: Research and development

- Policy and statutory framework
- Key inputs – Studies, land use and site investigations
 - Submissions of government agencies, neighbouring councils and land owners

State 2: Drafting

- Draft Paper

Stage 3: Public consultation and finalisation

- Council briefing and report
- Public Consultation
- Finalisation

Next Steps

- Preparation of the draft Comprehensive LEP and DCP
- Further detailed consultation process

Planning Policy and Context

The key State and local planning directives and considerations guiding the preparation of this Paper and the Comprehensive LEP/DCP are discussed below:

State Government Planning Framework

Metropolitan Strategy for Sydney

The Metropolitan Strategy for the Sydney Metropolitan Region is a long-term planning framework to sustainably manage Sydney's growth while enhancing the region's unique lifestyle and environment. The Metropolitan Strategy 2005 is used for the purpose of this comprehensive LEP/DCP review, planning for the next 20 years to 2031. An updated strategy, called the Sydney Metropolitan Plan 2010 extends and updates the plan for the next 25 years to 2036, and is integrated with a new Metropolitan Transport Plan.

The Metropolitan Strategy 2005 has seven key sub-strategies. The following are relevant and provides direction to this Paper:

Open Space

In relation to parks and public places, the Metropolitan Strategy includes the following broad key objectives:

- Increase access to quality parks and public places
- Provide a diverse mix of parks and public places
- Improve Sydney's major sporting and cultural event facilities

Environment

The key objectives in relation to natural environment are:

- Establish targets for sustainable growth (at a Metropolitan scale)
- Protect Sydney's natural environment
- Achieve sustainable use of natural resources
- Protect valuable rural activities and resource lands

The Sydney Metropolitan Strategy and its five year review and update (Metropolitan Plan) can be viewed on the Department of Planning and Infrastructure's website www.planning.nsw.gov.au.

Draft East Subregional Strategy

Subregional planning is an important step in translating the Metropolitan Strategy to the local level. The draft East Subregional Strategy 2007 applies to Randwick, Botany Bay, Woollahra and Waverley Councils. The key directions and actions identified in the draft Subregional Strategy relating to open space and environment are outlined below, including broad actions specific to Randwick City.

Open Space

The following actions relate to open space in Randwick City:

- Improve the quality of regional open space
- Improve access to waterways and links between bushland, parks and centres
- Improve the quality of local open space
- Investigate future options for open space provision and maintenance
State and local governments to work with Commonwealth Government to investigate the long-term use of Malabar Headland for future open space and conservation purposes, as well as options for public use of sporting facilities within Randwick Barracks.
- Provide for urban civic space in planning for centres
- Improve Sydney's major sporting and cultural event facilities

Environment

The following actions relate to the environment in Randwick City:

- Improve health of waterways, coasts and estuaries
- Protect Sydney's unique diversity of plants and animals
- Protect Aboriginal cultural heritage
- Councils to identify natural hazards and risk management measures in Principal LEPs related to climate change

State Planning Policies

Relevant state policies for Randwick City include:

State Environmental Planning Policy (SEPP) No 19 – Bushland in Urban Areas

SEPP 19 aims to protect and preserve bushland within urban areas, as part of the natural heritage or for recreational, educational and scientific purposes. The SEPP requires the Council shall have regard to the aims and objectives of this Policy and give priority to retaining bushland when preparing LEPs.

SEPP No.55 – Remediation of Land

SEPP 55 and accompanying guidelines must be considered where there is a change in land use zones. Council is required to consider the likelihood of land contamination in the rezoning process. Any zoning changes must be supported by information demonstrating that the land is suitable for the proposed use or can be made suitable, by remediation.

SEPP (Infrastructure) 2007

The SEPP contains specific planning provisions and development controls for 25 types (sectors) of infrastructure, including parks and public reserves.

Approval and assessment requirements for infrastructure proposals are included in the SEPP. The SEPP also identifies an expanded range of infrastructure works of minimal environmental impact as exempt/complying development or as permissible without consent. The SEPP provisions override LEP provisions where it streamlines infrastructure development.

SEPP No 71 – Coastal Protection

SEPP 71 applies to the NSW coast in areas identified as 'coastal zone'. The SEPP provides for a consistent and strategic approach to coastal planning and management and a clear development assessment framework for the coastal zone.

The policy applies to a strip of coastal area in Randwick City extending from Clovelly to La Perouse (see Figure 2.1), as also defined in the NSW Coastal Protection Act 1979. The majority of this area is zoned open space and includes beaches, parkland, golf courses and national park. There are also a number of residential properties located within this area which are adjacent to Clovelly Bay, Gordons Bay, Lurline Bay, Little Bay and Long Bay. Consideration of SEPP 71 on these residential properties will be included in the Residential Discussion Paper.

The SEPP identifies key matters for consideration when Council prepares a draft LEP including:

- maintaining existing and providing new public access to and along the coastal foreshore
- suitability and impact of development on the coastal foreshore
- measures to conserve animals, plants, fish and marine vegetation
- likely impacts of development on wildlife corridors, coastal waterbodies, coastal processes and coastal hazards
- conservation and preservation of items of heritage, archaeological or historic significance

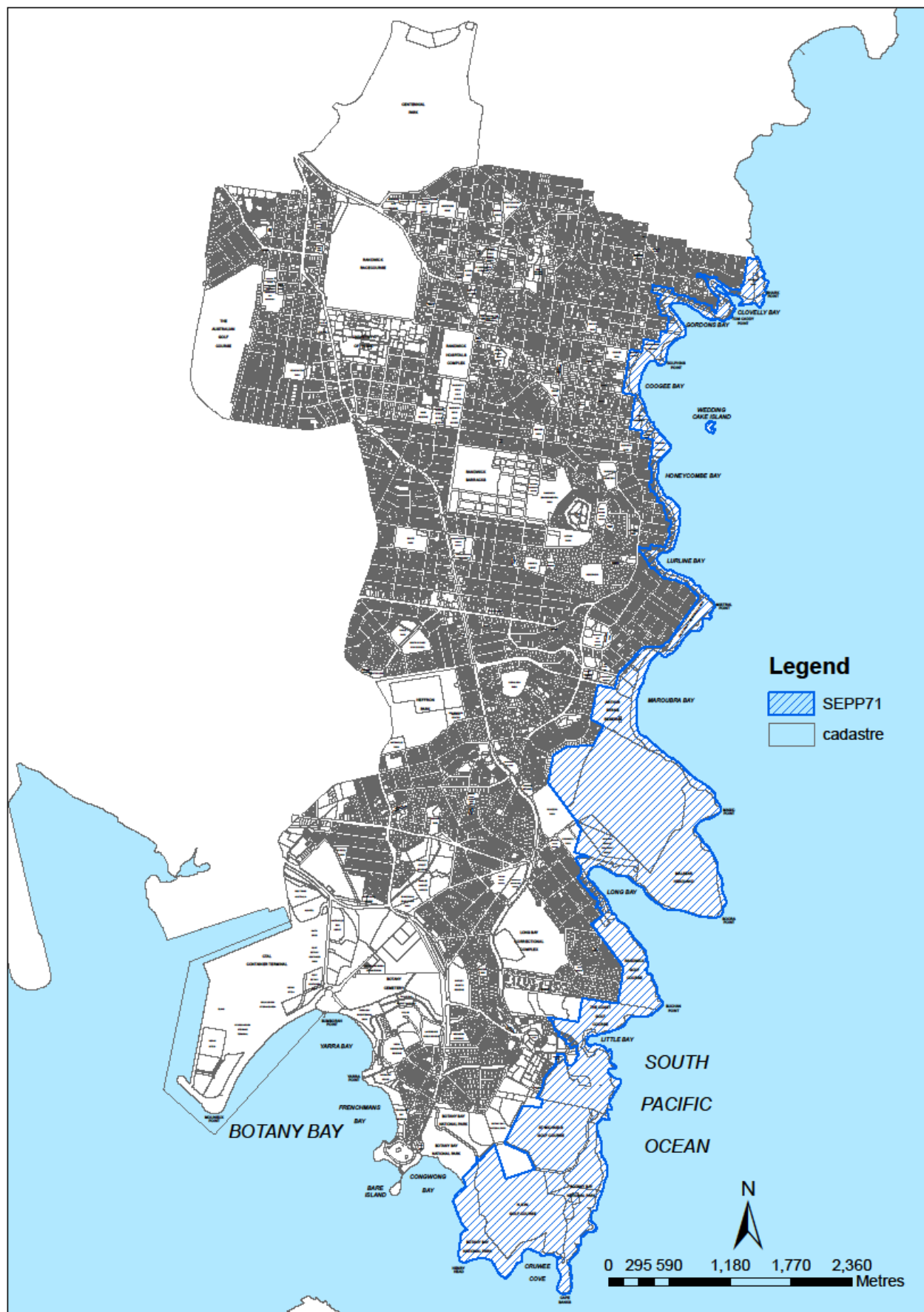


Figure 2.1 Coastal zone of Randwick City under SEPP 71

Ministerial Directions - Section 117(2)

The Minister for Planning, under section 117(2) of the EP&A Act, may issue directions in relation to the preparation of LEPs.

The current directions relevant to this Discussion Paper include the following:

2.1 Environmental Protection Zones

This direction requires that draft LEPs facilitate the protection and conservation of environmentally sensitive areas; and shall not reduce the environmental protection standards that apply to land within an environmental protection zone.

2.2 Coastal Protection

This direction requires that draft LEPs applying to land within the coastal zone must be consistent with the NSW Coastal Policy, the Coastal Design Guidelines and the NSW Coastline Management Manual.

2.3 Heritage Conservation

This direction requires that draft LEPs contain provisions that facilitate the conservation of items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

4.1 Acid Sulfate Soils

This direction applies to land having probability of containing acid sulfate soils. Councils must consider and be consistent with the Department of Planning and Infrastructure's Acid Sulfate Soils Model LEP and Planning Guidelines. Generally, for any proposed intensification or change of land use on this land, councils must first consider an acid sulfate soil study.

4.3 Flood Prone Land

This direction requires that draft LEPs proposed for flood prone land be consistent with NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005.

6.2 Reserving Land for Public Purposes

This direction provides that where a public authority or a council proposes to reserve land for a public purpose in a draft LEP, the council shall reserve the land in an appropriate zone and identify the relevant acquiring authority of the land.

Standard Instrument (Local Environmental Plan) Order 2006

Introduced by the NSW Government in 2006 as part of its planning reforms, the Standard Instrument (SI) or Standard LEP Template aims to give uniformity for all new principal (or comprehensive) LEPs in NSW. The Standard Instrument specifies the structure of comprehensive LEPs including standard zones and zone objectives, mandates certain uses as permitted or prohibited in certain zones, and identifies compulsory and optional provisions (or clauses). Councils must adopt the Standard Template as the basis to prepare their own Comprehensive LEPs and can add other provisions relevant to local planning circumstances.

Relevant Standard Zones

Under the Standard Template, there are five zones that relate to open space, national parks and environmental land in Randwick City:

- RE1 Public Recreation;
- RE2 Private Recreation;
- E1 National Parks and Nature Reserves;
- E2 Environmental Conservation;
- RU4 Primary Production Small Lot.

LEP Practice Notes

LEP practice notes and planning circulars provide State level guidance to councils on issues relating to the implementing the Standard Instrument. The following practice notes relate to this Paper:

Environment Protection Zones PN 09–002

This practice note provides guidance to councils on environmental protection zones in the standard instrument and how they should be applied in the preparation of local environmental plans. Of particular relevance to councils is the advice for areas with high ecological, scientific, cultural or aesthetic values outside national parks and nature reserves. It suggests that the *E2 Environmental Conservation zone* should generally be applied to land containing endangered ecological communities.

Natural Resource Management (NRM) (Draft)

The practice note provides guidance on applying the natural resources clauses in the Standard Instrument.

Standard Clauses

The Standard Instrument identifies clauses for inclusion in comprehensive LEPs, which are either **compulsory**, **compulsory if applicable** or **optional** clauses.

The following SI clauses are related to open space and environmental lands in Randwick City. These will replace many of the current clauses in the RLEP.

- Clause 2.5 Additional permitted uses for particular land [**compulsory**]
- Clause 3.3 Environmentally sensitive land excluded [**compulsory**]
- Clause 5.1 Relevant acquisition authority [**compulsory**]
- Clause 5.2 Classification and reclassification of public land [**compulsory**]
- Clause 5.5 Development within the coastal zone [**compulsory if applicable**]
- Clause 5.7 Development below mean high water mark [**compulsory if applicable**]
- Clause 5.9 Preservation of trees or vegetation [**compulsory, except subclause (9) optional**]
- Clause 5.9AA Trees or vegetation not prescribed by development control plan [**compulsory**]
- Clause 5.10 Heritage Conservation [**compulsory**]
- Clause 5.11 Bush fire hazard reduction [**compulsory**]

The application of these clauses to Randwick City is covered in Part 3 and a full copy of the clauses is contained in Appendix 3.

Model local clauses

The Department of Planning and Infrastructure publishes model local clauses (or provisions) from time to time, which councils can adopt 'as is' where possible or adapt these to suit local circumstances. Those relevant to Randwick City are shown below:

Acid Sulfate soils

This clause applies to land having probability of containing acid sulfate soils as mapped in an LEP. It requires an acid sulphate soils management plan or a preliminary assessment to be carried out with development proposals.

Biodiversity (Terrestrial) (draft)

This clause provides for the mapping of areas of high biodiversity significance including habitat for threatened species and endangered ecological communities. The Natural Resources – Biodiversity map is then part of the suite of LEP maps.

Coastal Risk Planning (draft)

This clause refers to coastal risks associated with coastal erosion and tidal inundation, including exacerbation of risks as a result of sea level rise.

This model clause requires coastal risk areas as identified by councils through a coastal hazard assessment process to be provided within a Coastal Risk Planning LEP Map.

Contaminated Land (draft)

There is no model clause proposed for this issue. Any LEP provision for land contamination and remediation must be in accordance with SEPP 55 and its 'Managing Land Contamination' Planning Guidelines.

Flood Planning

This model clause applies to identified flood planning areas and contains considerations for development proposals within these areas.

Riparian land and waterways (draft)

This clause applies to identified watercourses and land within 40m. It requires the consent authority for development to consider the potential hydrological and ecological impacts. It should be noted that there are a range of statutory requirements, public authorities and programs that influence water management outside of the planning system, to be considered when drafting the LEP.

Stormwater Management (Urban Zones) (draft)

This clause provides assessment criteria for development proposals for the consideration of stormwater impacts on the land and adjacent properties and receiving environments. The draft clause applies to all Residential, Business and Industrial land areas.

The above model local clauses are further discussed in Part 3 and are contained in Appendix 3, for proposed inclusion in the comprehensive LEP.

Local Planning Framework

The Randwick City Plan

The Randwick City Plan (adopted in 2006 and updated in 2010) sets out Council's long term, 20 year strategic directions for Randwick City. The Plan has six broad interrelated themes: *Responsible Management*; *A Sense of Community*; *Places for People*; *A Prospering City*; *Moving Around*; and *Looking After Our Environment*. There are a range of actions and outcomes relating to environment and open space as outlined below.

Open Space

Two themes in the Randwick City Plan relate to open space: '*Places for People*' and '*Moving Around*'. The key outcomes and actions include:

- Outcome 5: Excellence in recreation and lifestyle opportunities
5a Maximise opportunities for residents and visitors to enjoy both active and passive open space uses.
5b A range of sporting and leisure activities.
5c New open space is created as opportunities arise.
- Outcome 9: Integrated and accessible transport
9a A network of safe and convenient walking paths and cycle ways linking major land uses and recreation opportunities.

Environment

One theme in the City Plan relates to the natural environment: '*Looking After Our Environment*'. The key outcomes and actions include:

- Outcome 10: A healthy environment
10b. Environmental risks and impacts are strategically managed
10c. Land use planning and management enhances and protects biodiversity and natural heritage

Randwick Local Environmental Plan 1998 (Consolidation)

Randwick Local Environmental Plan (LEP) 1998 (Consolidation) (or RLEP) is the statutory planning instrument that currently applies to Randwick City.

The RLEP designates the zoning, objectives, permissible uses and any specific clauses for the use and development of open space and natural environment land, as detailed in Appendix 2.

Land use zones

Under the current RLEP, there are four zones relating to open space, national parks and environmental land in our City, being:

- 6A (*Open Space Zone*),
- 6B (*Private Open Space Zone*),
- 7 (*Environmental Protection – Natural Heritage Areas Zone*) and
- 8 (*National Parks Zone*).

LEP Clauses

The following RLEP clauses relate to open space and environmental lands:

- Tree preservation orders (Clause 28)
- Development in open space zones (Clause 38)
- Relevant acquisition authority (Clause 40B)
- Development of land for certain additional purposes (Clause 42)
- Classification and reclassification of public land as operational (Clause 42A)
- Contaminated land (Clause 42B)
- Development in, on, or adjacent to a watercourse or wetland (Clause 42E)
- Management plan for land in Zone No 7 (Environmental Protection—Natural Heritage Areas Zone) (Clause 44)

The translation of these clauses into suitable SI clauses is detailed in Part 3.

Development Control Plans (DCPs)

Development Control Plans (DCPs) provide additional detail and guidance to the LEP for assessing development proposals. DCPs take the form of a written statement and can include maps, plans, diagram, illustrations and the like. While there are no specific DCPs in Randwick City for open space and environment zoned land, some are relevant for development in open space areas such as the Parking DCP, Outdoor Advertising DCP, and some location-based DCPs including Royal Randwick Racecourse DCP, Prince Henry Site DCP and the Defence Site (Bundock Street), Randwick DCP.

DCPs must be consistent with an LEP and if there is any inconsistency, the LEP will prevail. In preparing comprehensive LEPs, councils are also required to renew all DCPS and prepare a comprehensive DCP.

Plans of Management

The Local Government Act and Crown Lands Act require councils to prepare plans of management for land owned and/or managed by the council for public recreation and related purposes. These provide further guidance to the preferred development and also the management of parks and reserves. These plans must be consistent with the Council's LEP. The ongoing review and revision of plans of management is being undertaken in a separate council program.

Recreation Needs Study 2008

This City-wide Recreation Needs Study was endorsed by the Council in May 2008. The study has enabled the Council to gain a better understanding of the roles of open space for residents and visitors, and how these changing needs may impact upon the current and future provision of open space and sporting facilities across the City. The study provides Council and stakeholders with a framework for recreation policy development, strategic recreation planning and effective recreation facilities development.

Relevant Randwick City Council Resolutions

There are a number of Council resolutions relevant to the future uses/zoning of certain open space sites, as summarised below (see Appendix 5 and specific discussion in Part 3 of the Paper for details):

- Malabar Headland

A number of resolutions over recent years have supported progressing community access and zoning of the headland site for National Park and open space.

- 13R Denning Street, South Coogee (Garnet Street Road Reserve)

That the Garnet Street Road Reserve continue to be called Garnet Street and this area continue to be maintained as a nature strip; and as a part of the preparation of the comprehensive LEP, consideration be given to rezone this land to open space.

- Urban Forest Policy

This policy identifies principles applicable to Council's policies and environmental planning instruments to ensure the best management for Randwick's urban forest.

- Significant Tree Register

That Council adopts the Register of Significant Trees and all trees listed in that document be included in the Local Environmental Plan.

Other Legislation and Guideline Documents

Biodiversity

Threatened Species

Threatened species in NSW are covered by the *Threatened Species Conservation Act 1995* (TSC Act) which identifies and protects native plants and animals in danger of becoming extinct and provides for species recovery and threat abatement programs. The TSC Act also requires that threatened species be fully integrated within the strategic planning (LEP/DCP) and development control processes of the EP&A Act.

Recovery Plans

The TSC Act amendments to the EP&A Act require that relevant recovery plans are considered in assessing development proposals. Decision makers must consider known and potential habitat, biological and ecological factors and the regional significance of individual populations.

The TSC Act requires that a public authority must take any appropriate measures available to implement actions included in a recovery plan for which they have agreed to be responsible.

Two recovery plans apply to the Randwick LGA: Eastern Suburbs Banksia Scrub (ESBS) community and a wattle species *Acacia terminalis ssp. terminalis*.

Eastern Suburbs Banksia Scrub (ESBS)

Eastern Suburbs Banksia Scrub (ESBS) is listed as endangered under the TSC Act and under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999*. It is a sclerophyllous heath/scrub community that occurs on disjunct patches of nutrient poor aeolian dune sand along the Sydney coast from La Perouse to Manly.

This type of scrub has been reduced to less than 3% of its pre-1788 distribution and only 146 hectares remains in small, isolated remnants on a range of tenures including private, Local, State and Commonwealth Government land. Almost half of the remnant (43.6%) occurs in the Randwick City. The Recovery Plan was completed in 2004.

Acacia terminalis sub species terminalis

Acacia terminalis ssp. terminalis is a native wattle shrub species growing 1- 5 metres tall, with pale yellow flower heads. This species has a very restricted distribution that extends for approximately 23 km from the northern shores of Sydney Harbour to Botany Bay. It is listed as endangered under TSC Act and the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999*. The Recovery Plan for the species was finalised in April 2010.

Acacia terminalis ssp. terminalis occurs within three locations of the City: the Council's works depot (Storey Street Maroubra), Randwick Environment Park and along Bunnerong road in Chifley.

Integrating Natural Resource Management (NRM) into Local Government Operations. Volume 2: Integrating NRM into land-use planning (July 2009)

This Guideline was developed by the Local Government and Shires Association in response to the current NSW planning reforms. They support existing policies by providing principals, references and examples for all stages of planning.

Incorporating Appropriate Stormwater Management/WSUD Requirements in LEPs (June 2008)

This Guideline was developed by the Sydney Metropolitan Catchment Management Authority. It outlines a model LEP clause which addresses the potential environmental impacts of stormwater discharges on the waterways. This was superseded by a more recent model local clause - Stormwater Management (Urban Zones).

PART 3 ANALYSIS OF SITES AND ISSUES

The majority of areas currently zoned *Open Space*, *Environmental Protection* and *National Parks* will be translated to the equivalent zones within the Standard Template as follows:

- 6A (*Open Space Zone*) – to - *RE1 Public Recreation*
- 6B (*Private Open Space Zone*) – to - *RE2 Private Recreation*
- 7 (*Environmental Protection*) – to - *E2 Environmental Conservation*.
- 8 (*National Parks Zone*) – to - *E1 National Parks and Nature Reserves*.

Appendix 2 provides a comparison of the land use zoning tables in the RLEP and the proposed zoning table for the Comprehensive LEP based on the Standard Template.

Sites that will not be directly translated to the equivalent zone/s are discussed below.

Specific sites

In addition to the sites to be directly translated to the equivalent Standard Template zones, a number of open space and natural environment areas, after being investigated through a land use audit, are proposed to be rezoned to reflect their current or most suitable land use and their ownership status.

The investigation of these open space sites is based on the following categories of issues and situations:

- 1) Sites used as open space but not zoned open space
- 2) Road reserves
- 3) Sites zoned but not used for open space
- 4) Sites zoned public open space but privately owned
- 5) Major sites and sites with multiple zones

1) Sites used as open space but not zoned open space

This category includes sites that are currently used and maintained as open space, but are either unzoned or zoned for other uses in the RLEP. These sites are identified on Council's Open Space land register as recognised parks and public reserves (usually with park/reserve names).

The unzoned land is generally small parcels adjacent to roads or locations where mapped zoning boundaries have not aligned with the subdivision boundaries, etc. These sites are proposed to be zoned *RE1 Public Recreation* consistent with their land use. Refer to Group 1 of Appendix 1 for site details and rezoning recommendations.

2) Road Reserves

This category relates to roads that have been closed and are currently used and maintained as open space or are likely to be best utilised as public open space in the future. Most of these sites are not identified under any zone in the RLEP as roads are currently not zoned. The guidelines issued for the Standard Instrument LEP require all roads to be zoned in comprehensive LEPs. These sites are proposed to be zoned *RE1 Public Recreation*. Refer to Group 2 of Appendix 1 for site details and rezoning recommendations.

Other road reserves not identified in Appendix 1, which are currently used for the purposes of roadways, parking or car access to adjacent properties, are proposed to be zoned in accordance with the adjoining land, as required by the Standard Instrument.

Two specific sites are discussed in more detail below, with zoning options proposed for owner and community feedback.

Bunnerong Road, Chifley/Little Bay - Various Sites

(801-899R; 901-1283R, 1285-1293R and 1295-1301R Bunnerong Rd).

A strip of road reserve along Bunnerong Road, as outlined in the map below, has created an informal open space corridor which is proposed to provide a cycle/walkway extension and a 'green link' to the surrounding open spaces. These former tramway land are currently unzoned and are proposed to be zoned *RE1 (Public Recreation)* and formally acknowledged as public open space to facilitate and maintain this particular function.

As noted later in this Paper (see Figure 3.20), this 'green link' could be further extended northwards to the Bunnerong Equestrian Park to formalise a 1.8km open space corridor.

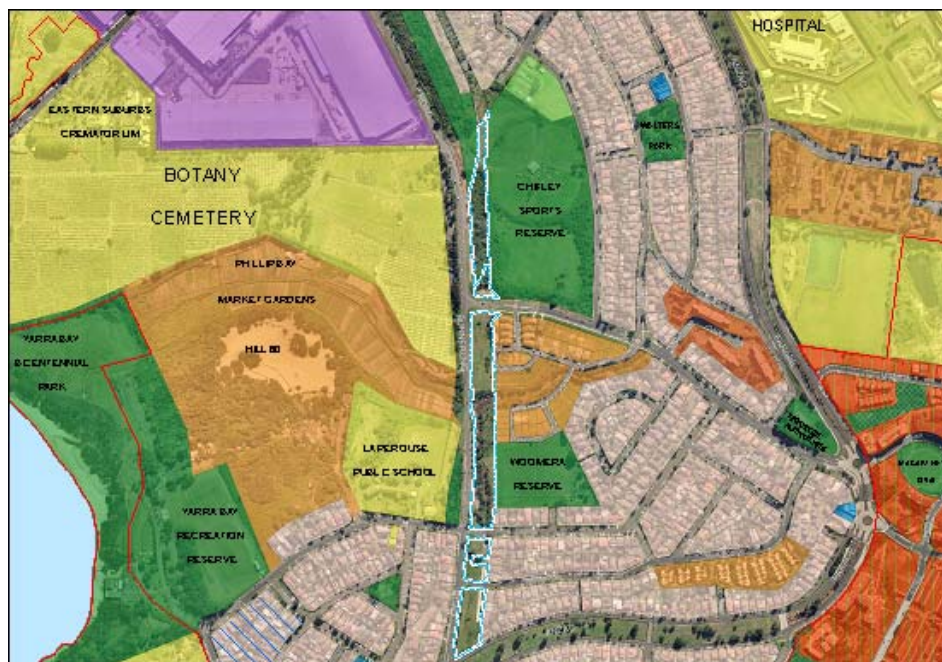


Figure 3.1 The 'green link' (part) along Bunnerong Road, Chifley

However, one private property (located at 1289 Bunnerong Road, Little Bay) currently extends uncharacteristically into the road reserves. The property is

partially zoned 2A (*Residential A*) and partially unzoned. As shown in Figure 3.3, the western portion (unzoned portion) of the land parcel extends into this proposed green corridor.

Two rezoning options are proposed for the western part of this property:

1. Zone to residential consistent with the rest of the property; or
2. Zone the western portion RE1 (*Public Recreation*).

Option 2 would require the Council to identify the western part for future acquisition, where requested by the owner. However, option 1 is preferred given that this part of the land is privately owned, provides the only access way to the property, is not essential to the proposed 'green link' and will not affect the future use and function of this green corridor.



Figure 3.2 1289 Bunnerong Road, Little Bay

31R Prince Street, Randwick

The site is located at the corner of Prince and Frances Streets, Randwick, and is currently unzoned (not identified under any zone) in RLEP. The land is owned by the State Transit Authority NSW (STA) and has an area of around 700 m². It is former tramway land and connects to the south-east with strip of former tramway land which is zoned 6A (*Open Space*). It comprises a footpath on the north eastern side adjacent to a block of flats and an unmade gravel and dirt surface used for informal car parking by residents.

Two rezoning options are proposed for this land:

1. Zone the site for public open space, to *RE1 Public Recreation*, consistent with the adjacent former tramway land; or
2. Zone the site to a residential zone compatible with the adjacent residences, recognising it as car parking associated with these residences; or

The preferred option is to zone the site *RE1 (Public Recreation)* to recognise it as a recreation park, which would not only provide an extension to the adjacent ex-tramway walking path, but also increase the amount of public open space in the locality. This suggestion needs further discussion and the agreement of the land owner.



Figure 3.3 31R Prince Street, Randwick

3) Sites zoned but not used for open space

Some sites are currently zoned public open space but used for other purposes. These sites should be rezoned to reflect their current land uses or preferred future uses. This category includes three sites, as discussed below:

2 Hurley Crescent, Matraville

This site is privately owned and has a residential dwelling on it. It is located adjacent to residential development to the north and east and open space (Hurley Reserve) to the south. The site is incorrectly zoned 6A (*Open Space*) under the RLEP. The site is recommended to be rezoned to a residential zone consistent with the neighbouring properties. More detail on the proposed residential zone will be included in the Residential Discussion Paper.



Figure 3.4 2 Hurley Crescent, Matraville

251W Franklin Street, Malabar (Malabar Sewage Treatment Plant (STP))

The northern part of Malabar STP, as shown in Figure 3.5, is currently zoned 6B (*Private Open Space*). Sydney Water, as the land owner, has requested a correction of the zoning, proposing a *SP2 Infrastructure (Sewerage System)* zone. This is consistent with the NSW Government Infrastructure SEPP (ISEPP). The site has also been included in the Special Uses Discussion Paper.

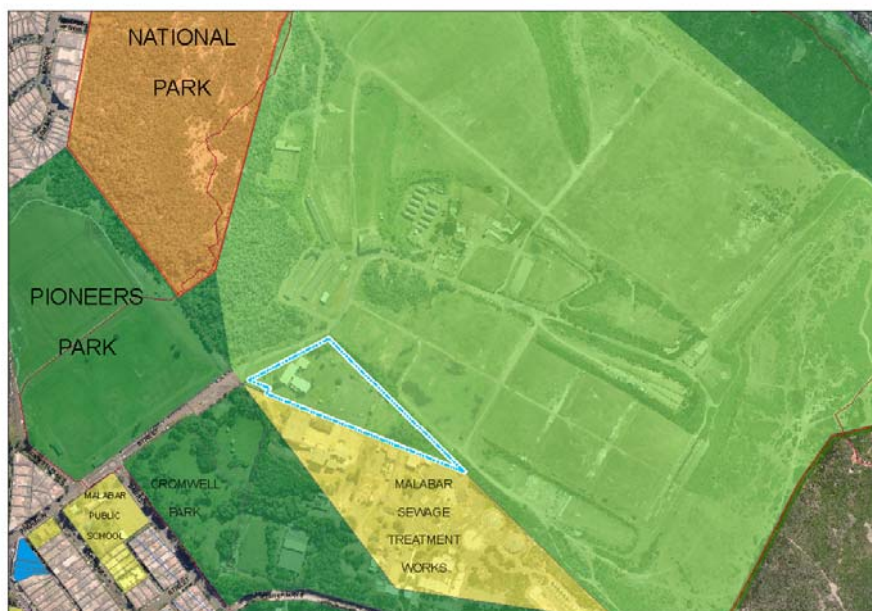


Figure 3.5 251W Franklin Street, Malabar

The western/southern part of Malabar STP as shown on Figure 3.6, is currently zoned 6A (*Open Space*). Sydney Water proposes the site retain the existing public open space zone, given that much of site and vegetation integrates with the adjacent parkland. It is therefore recommended that the site be translated to *RE1 (Public recreation)* under the Standard Template.



Figure 3.6 2 Fishermans Road, Malabar

1-11, 13-21 Rainbow Street, Kingsford (Kingsford Market Site)

Primarily zoned 6A (*Open Space*) in RLEP (with the southeast corner zoned 2A *Residential A*), the site is mainly used for commercial and community related purposes, including a Greengrocer, weekend market, offices (including community organisations) and car parking. The site currently has limited public open space function or amenity.

The car parking area (13-21 Rainbow Street, about 2,000 m²) is under Council ownership. The remaining area (1-11 Rainbow Street, about 3,500 m²) is owned by STA and leased to Council, with sub-leases and licenses to various commercial and community groups. Council understands that the STA's continued ownership of this land is based on their potential future need for bus lay-over space or other public transport facilities/infrastructure. Due to the STA's recent assessment of the condition of the site and the significant capital expenditure required to upgrade the buildings, STA has advised that vacant possession is required at the expiry of the lease (30 June 2011). Council has requested that the STA assist relocating the current uses to suitable alternative sites.

A review of this land was conducted by external independent planning consultants on behalf of STA and Randwick Council. A planning/rezoning study⁵ and a planning report⁶ have been prepared with key findings and recommendations of the review. The study suggests a commercial/business zoning for the site, to recognise its location between commercial zoned land along Anzac Parade and to better facilitate its future primary use for commercial purposes (e.g. via providing a supermarket and other commercial space to support the function of the Kingsford Town Centre). A commercial zoning will also allow for public parking and any future public transport facilities required by the STA to be provided as ancillary elements in any development.

This Paper recommends that any rezoning of this site include a requirement for a large public space/public plaza and community facilities to be incorporated into any future redevelopment. The STA's future plans for this site will need to be confirmed and more detailed discussion will be included in the Town Centres/Commercial Discussion Paper.



Figure 3.7 Kingsford Market Site

⁵ Prepared by Design Collaborative P/L on behalf of the Council and the STA.

⁶ Director Asset & Infrastructure Services Report 72/2002.

4) Sites zoned public open space but privately owned

This category identifies sites that are currently zoned public open space but are not publicly owned. These sites are recommended to be rezoned either *RE2 (Private Recreation)* or other suitable zones consistent with their ownership status and/or future intended uses.

45-51 Beach Street, Coogee (the UNSW Site)

The site currently has a split zoning: the northern/western portion is used as the UNSW research facility and zoned *Special Uses* (proposed to be zoned *SP2 Infrastructure (Educational Establishment)* in the Special Use Discussion Paper) while the eastern portion is currently zoned *6A (Open Space)*. The open space part of the land was zoned *6A* under the Eastern Beaches Regional Environmental Plan (REP) in 1988 and was later incorporated into the RLEP for the purposes of protecting the visual open space backdrop to Gordon's Bay.

The open space area is owned by the University of NSW and is not available for public access. This part of the site is therefore proposed to be zoned *RE2 (Private Recreation)* given its ownership status (not owned by a public authority) and undesirability of development (e.g. well vegetated site integrating with the adjacent coastal bushland and steep coastal location affected by Foreshore Building Line).



Figure 3.8 UNSW site, Coogee

Randwick Bowling Club site (2-4 The Avenue, Randwick)

The club site is zoned 6A (*Open Space*), while currently owned and used as a registered private club. The owners have submitted a formal request to correct this zoning. The site is therefore proposed to be zoned RE2 (*Private Recreation*) consistent with its ownership.



Figure 3.9 Randwick Bowling Club Site

La Perouse Aboriginal Land Council Land

The La Perouse Aboriginal Land Council owns a number of land parcels, mainly located in Philip Bay (the Hill 60 area), Little Bay (Jennifer Street holdings) and La Perouse (Elaroo Avenue holdings). A detailed planning review will be required of the land owner on these land holdings to identify the most suitable land uses, zones and planning provisions. An application to the NSW Government Planning Acceleration Fund has been sought and granted to assist the Land Council in undertaking the planning review work, with the funding available in late 2011. Pending this, the current zones of these sites should therefore be translated to the equivalent Standard Instrument zones in the Comprehensive LEP and amended where suitable after the detailed planning review is completed.

The Elaroo Avenue site includes land currently zoned 6A (*Open Space*), as shown in Figure 3.10. This Paper recommends that the proposed zoning and land uses be consistent with the surrounding uses while maintaining the access to the foreshore open space. The site has been remediated to a residential standard, recognising its suitable future uses for residential development.

The zoning options will be further investigated in the detailed planning review and in discussion with the La Perouse Aboriginal Land Council as land owner.

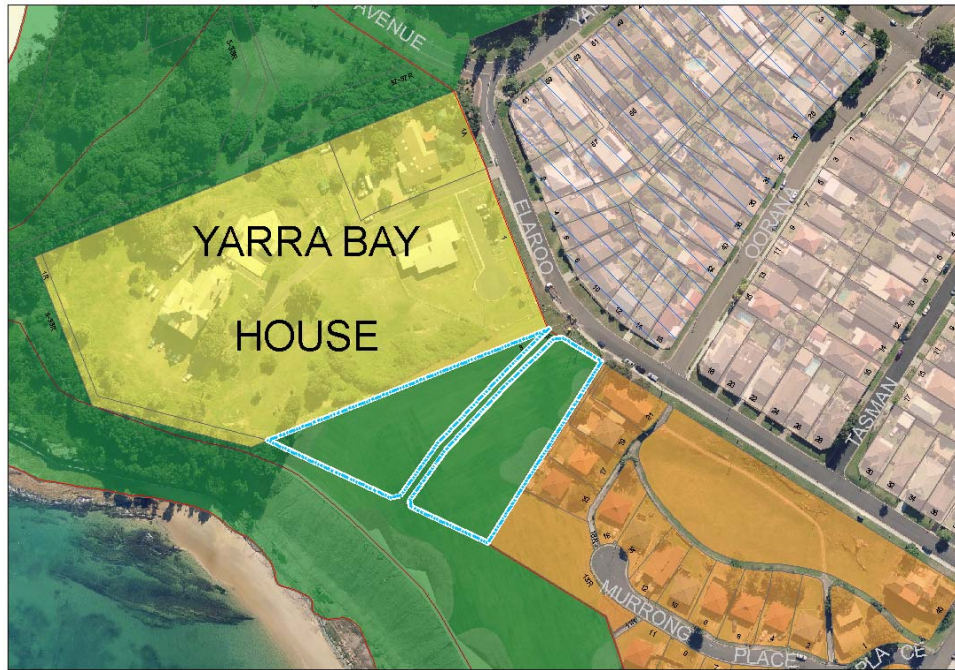


Figure 3.10 Elaroo Avenue holdings (3 and 7-11 Elaroo Avenue, La Perouse)

The Jennifer Street holdings, with an area of about 11,400 m², are currently zoned *2B (Residential B)*. This unoccupied land contains a significant amount of ESBS and the ESBS buffer zone, as identified by the Office of Environment and Heritage (requiring more detailed investigation and confirmation). The consideration of suitable zone/s should protect the valuable natural vegetation on the site.



Figure 3.11 Jennifer Street holdings (11 Jennifer Street, Little Bay)

5) Major investigation sites

The investigation of the City's larger open space sites with potential significant zoning changes covers the following five sites:

Malabar Headland

Malabar Headland is a significant 180 ha site located south of Maroubra Beach and north of Long Bay. It is a valuable community asset with native bushland, native animals and Aboriginal and World War II cultural heritage. The site is predominantly open space containing approximately 23 ha of endangered ESBS remnants (see Figure 3.12).

Lots and zones

Malabar Headland contains three individual lots. The central lot (Lot 101)⁷ is primarily used as a rifle range and provides for a horse riding school. The eastern lot (Lot 2) and north-western lot (Lot 102)⁸ are currently listed as a State heritage item and identified as heritage conservation areas under the RLEP, to recognise their aesthetic, historic, cultural and research significance.

The current zoning of Malabar Headland is shown in Figure 3.13, including:

- North-western lot (Lot 102 DP 1162245) zoned *2B (Residential B Zone)*, *6A (Open Space)* and *6B (Private Open Space)*, 17.73ha
- Central lot (Lot 101 DP 1162245), partly zoned *6B (Private Open Space Zone)*, *6A (Open Space)* and partly unzoned, 105.1ha
- Eastern lot (Lot 2 DP809094) zoned *8 (National Parks Zone)*, 54.34ha (proposed only, given it is not yet declared as National Park)

Land transfer

Malabar Headland is currently under Commonwealth ownership and managed by the Department of Finance and Deregulation. On 1 August 2010, the Federal Labor Government announced that both Lot 4 (north-western lot) and Lot 2 (eastern lot) will be transferred to the NSW Government to be managed for conservation purposes. It was noted that Lot 4 will be transferred as a priority while Lot 2 will be transferred at the second stage, following further investigation, remediation and subject to the development of appropriate access restrictions. The central lot is also broadly agreed by all levels of governments, to become public open space in the future when the relocation of the shooters and remediation has been resolved.

The Commonwealth and NSW Governments signed an agreement on 27 February 2011 to transfer the ownership of Lot 4 from the Commonwealth to the NSW Government for national park and natural reserve purposes. This transfer recognises that Lot 4 will be conserved for its high environmental and recreation values.

The Council has actively pursued the transfer of Malabar Headland to the community for future open space and conservation purposes for many years. This is consistent with the community's aspirations to expand and improve the quality of publicly accessible open space and protect the significant bushland remnants in

⁷ Previously known as Lot 1; lot boundary adjusted recently and now referred to as Lot 101.

⁸ Formerly known as Lot 4 and referred to as Lot 102 now following the recent lot boundary adjustment.

our City. The draft East Subregional Strategy and Randwick's 20 year City Plan provide specific directions and actions to support and advocate for this.

Spot rezoning

The Council has recently prepared a Planning Proposal, seeking a one-off spot rezoning of Lot 4 (now Lot 102), Malabar Headland from *2B (Residential B)* to *8 (National Parks)*, consistent with its future intended use.

The objectives of the Planning Proposal are to:

- recognise and preserve the significant natural and cultural heritage values of the western edge of Malabar Headland;
- secure and better facilitate its future intended use for national park purposes through a suitable *National Park* zoning; and
- significantly increase the publicly accessible open space in Randwick City.

The Council is undertaking the rezoning process prior to the Comprehensive LEP, to implement the Commonwealth and NSW Governments transfer and ensure public certainty over the current and future protection of the site.

Lot boundary adjustment

As part of the transfer of Lot 4, the Commonwealth and State Government have agreed to extend Lot 4 to include the western part of Lot 1 that covers the ESBS. This would assure the western ESBS remnants be fully protected and managed in a consistent manner.

Following the lot boundary amendment, a further 3 ha of vegetated land from Lot 1 (registered as Lot 101 now) will be transferred to the NSW Government and added to Lot 4 (registered as Lot 102 now). Lot 4 was 14.77 ha and the new Lot 102 contains 17.73 ha of land.

Various Council reports have provided analyses on key issues (including ESBS, State Heritage Listing, Odour Buffer Zone, and contamination, etc.) and clear recommendations for the zoning of the Malabar Headland (see Appendix 5 for a list of relevant Council resolutions).

Recommendation

Based on the commitments of the Federal Government and NSW Government and the Council's position, the north-western and eastern lots (being Lot 102 and Lot 2 respectively) are proposed to be zoned *E1 National Parks and Natural Reserves* in the Comprehensive LEP. A *National Park and Natural reserves* zoning would secure the unique natural and built heritage values and would significantly increase the quantity of accessible open space in our City. The central lot (Lot 101) is proposed to be rezoned *RE1 Public Recreation*, pending agreement of the Federal Government as the current owner and recognising the future intention to transfer the land to the NSW Government or Council for public open space purposes.



Figure 3.12 ESBS map for Malabar Headland (Source: Office of Environment and Heritage)

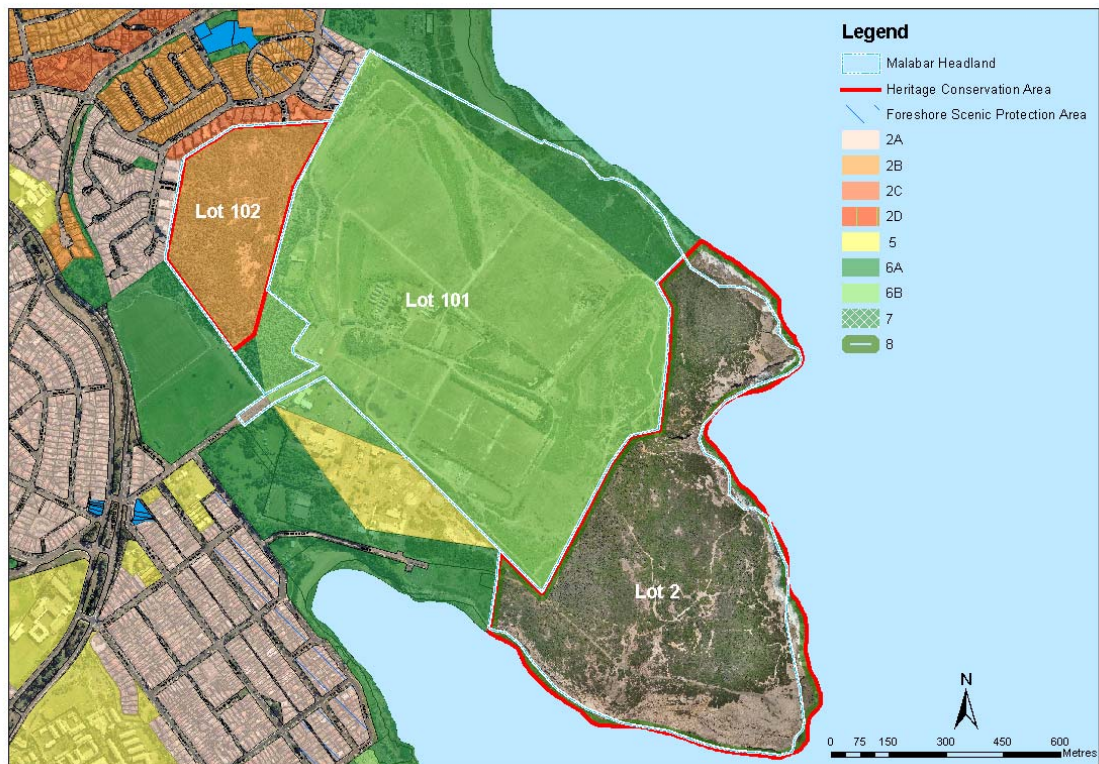


Figure 3.13 Current LEP zoning map for Malabar Headland

Chinese Market Gardens

The subject site covers an area of 7 ha and is bounded by Bunnerong Road to the east, Botany Cemetery to the north, Bicentennial Park to the west and Hill 60 (undeveloped land owned by the La Perouse Aboriginal Land Council) to the south. It is Crown land managed by the Crown land division of the Department of Primary Industries (formerly known as Land and Property Management Authorities) zoned *2B (Residential B)* under the RLEP (see Figure 3.14).

The site is currently used for market gardens as it has been historically used for over 150 years. These market gardens are listed as a heritage item of State significance on the State Heritage Register. The market gardens provide a valuable community resource with significant heritage, cultural, ecological, aesthetic and agricultural values.

In response to an expansion proposal of Botany Cemetery and a draft assessment of the site's future uses by the LPMA, the Council prepared a submission strongly supporting the retention of these 7 ha to remain as heritage-listed Chinese Market Gardens.

The Council noted in its submission that the Cemetery expansion proposal is not supported because, in summary, of:

- State Heritage Significance of the Chinese Market Gardens
- Susceptibility of flooding on site and high water table
- Importance to preserve local agricultural production
- Biodiversity preservation

The submission also recommended that, of the three suitable land uses⁹ identified in the assessment report, agriculture is the most suitable use and zone for the subject site. The Council has received extensive community support for its position in recognising the value of the Chinese Market Gardens.

The Council is aware of the frequent flooding occurring on the site, which brings into question any suitability for cemetery purposes. The flooding issues will be investigated as part of the Yarra Bay catchment study (proposed for 2013-14) under the Council's flood study program¹⁰.

The Council understands that the Eastern Suburbs Memorial Park Trust has submitted a request to the NSW Government for an authorisation to proceed with a Part 3A Concept Plan for the site as an extension to the Botany Cemetery. This would then be subject to the Minister's approval (rather than Council's). Following the recent announcement (4 April 2011) of the new NSW Government, Part 3A of the EP&A Act will be repealed and no new Part 3A applications for private residential, commercial, retail or coastal development will be accepted from 4 April. The Council has written to the new NSW Government, seeking clarification of the status of this Part 3A request and reiterating Council's position and the community support for the continued use and protection of this 7 ha site as Chinese Market Gardens.

⁹ Environmental protection, agriculture and nature conservation.

¹⁰ As reported to Council's Works Committee on 14 September 2010.

Recommendation

Due to its uniqueness in terms of local food production, biodiversity, heritage and scenic values, the site is proposed to be rezoned *RU4 Primary Production Small Lot* to preserve the primary agricultural use on the site, while protecting the State significant heritage and scenic character of the land.

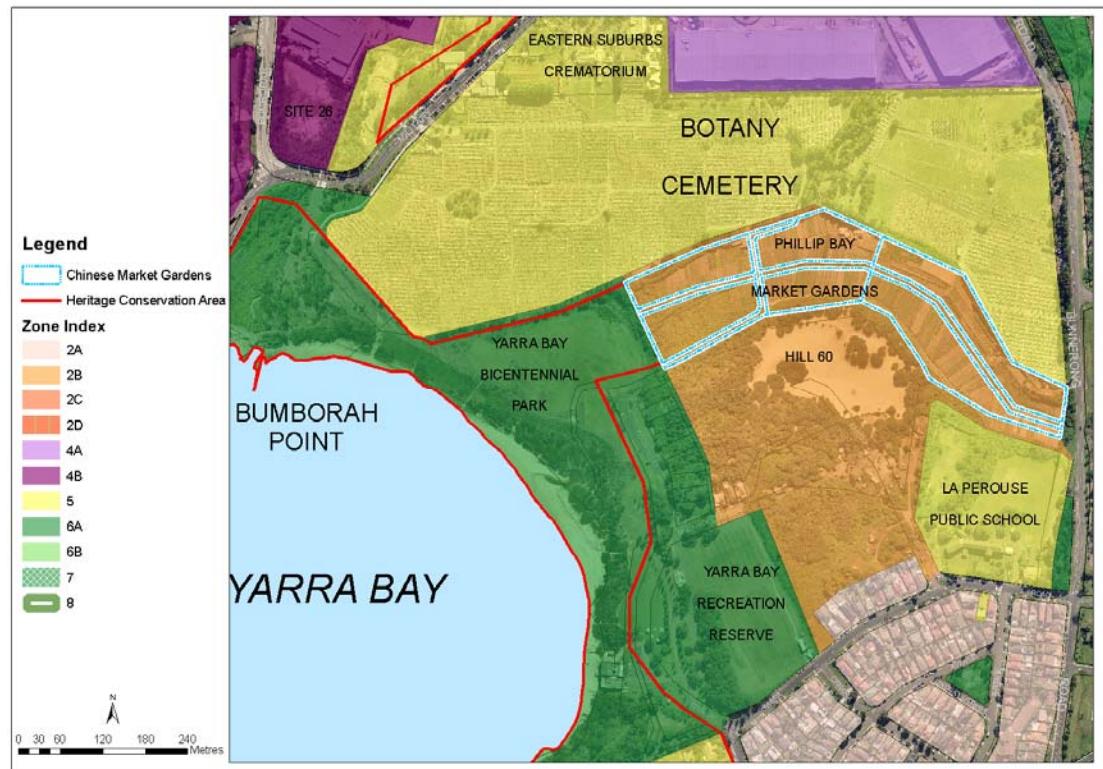


Figure 3.14 Current LEP zoning map for Chinese Market Gardens Site

Former UNSW site (1406R, 1408, 1412R Anzac Parade, Little Bay)

The site is located on the eastern side of Anzac Parade at Little Bay and currently zoned 5 (*Special Uses*) under RLEP, see Figure 3.15. The land, with a total area of 17 ha, was formerly owned by UNSW and previously used for sporting fields and research purposes.

The site is partially covered by the Prince Henry heritage conservation area and contains 0.62 ha of ESBS remnants and a registered Ochre Site currently harvested by Aboriginal communities.

In 2007, the site was subdivided into three lots referenced as Lots 10, 11 and 12 in DP 1127716. In 2008, Lots 10 and 11 were sold while Lot 12 remains in the ownership of UNSW¹¹.

- Lot 10 (11.42 ha) - A Staged DA (DA/264/2007/1) has been approved to develop Lot 10 into a residential area with associated building envelopes, car parking and open space. The rezoning issues of the residential lots in Lot 10 will be addressed in the Residential Discussion Paper. Two open space lots in Lot 10 (as outlined in Figure 3.16) will be discussed in this Paper.
- Lot 11 (2.17 ha) – Lot 11, located in the centre of the former UNSW site, consists of an existing creek corridor and Ochre/Miocene site. The Ochre Site is a protected Aboriginal site under the *NPWS Act 1974*.
- Lot 12 (3.41 ha) – Lot 12 contains the majority of ESBS remnants on the site (see Figure 3.17, a small portion of the ESBS is located on the eastern edge of Lot 10) and forms part of the adjoining golf course under a 99-year lease from UNSW.

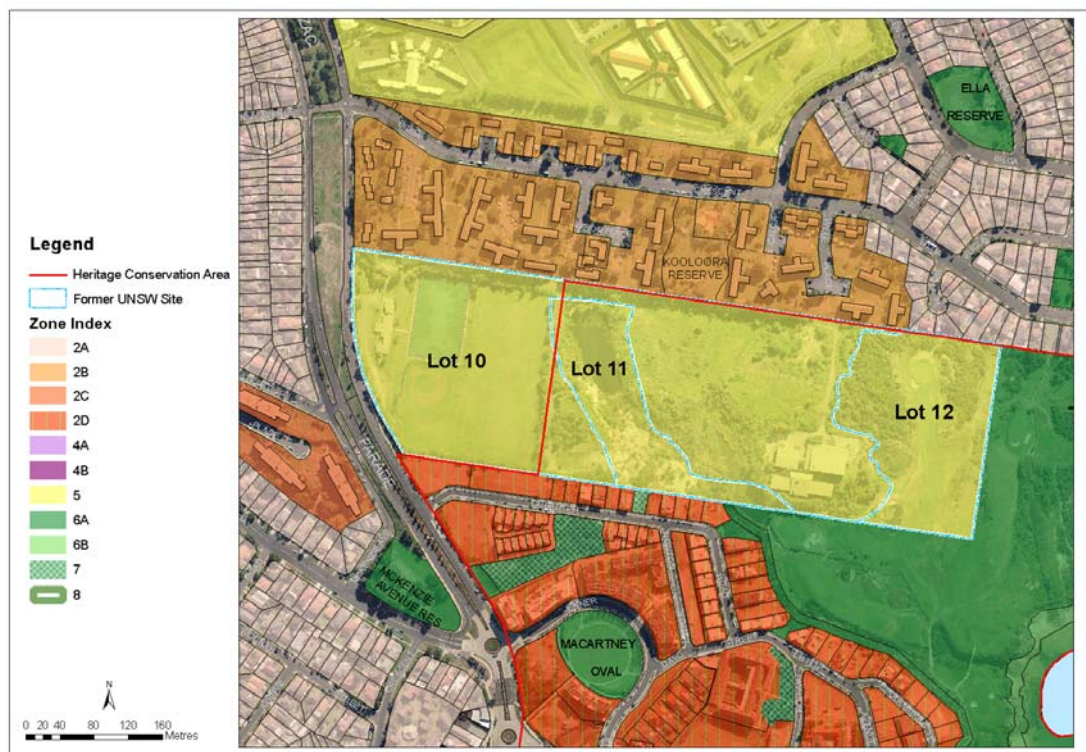


Figure 3.15 Current LEP zoning map of the former UNSW site at Little Bay

¹¹ Lot 12 is owned to UNSW but leased to the Coast Golf and Recreation Club as part of its golf course.

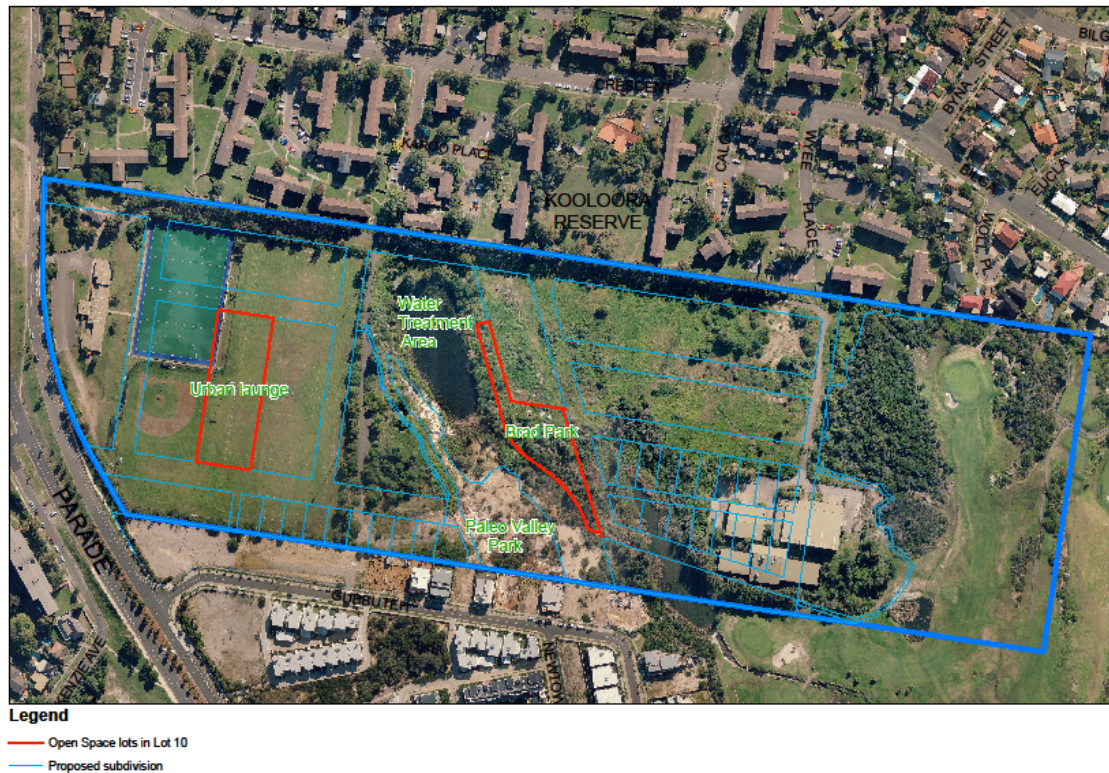


Figure 3.16 Proposed subdivision of the site

(Note: The proposed subdivision provided by the developer has not been registered with the LPMA. Two proposed open space lots are outlined in red –Urban Lounge and Brad Park.)



Figure 3.17 ESBS map of the former UNSW site at Little Bay (Source: Office of Environment and Heritage)

Recommendation

Two open space parks within Lot 10 (including Urban Lounge and Brad Park, as highlighted in Figure 3.17), will be dedicated to the Council and are proposed to be zoned *RE1 Public Recreation*. The remaining areas, as noted above, will be discussed in the Residential Discussion Paper.

Two zoning options have been proposed for Lot 11: the lot is recommended to be zoned *E2 Environmental Conservation* if it remains in private ownership; if dedicated to the Council, a *RE1 Public Recreation* zoning will be introduced to protect its natural and aboriginal values. Both zones will enable some recreation uses of Lot 11.

Lot 12 is proposed to be zoned *E2 Environmental Conservation*. The ESBS remnants on the site covers two different lots (Lot 10 and 12, while predominantly in Lot 12) based on the current subdivision. The lot boundary between Lot 10 and 12 is recommended to be adjusted to ensure the entire ESBS remnants be fully contained in Lot 12 and protected with an *Environmental Conservation* zoning.

The current land owner of Lot 10 and 11 has provided a submission, noting that any rezoning of the site should be confirmed once the final subdivision layout is registered. This would appear to be reasonable. See Appendix 4 for detail.

Bunnerong Road sites, Chifley (various NSW Government owned land)

The subject site is located between Wassell and Eyre Streets at Chifley, covering an area of approximately 9.8 ha. As shown in Figure 3.18, it is bounded by Bunnerong Equestrian Park to the north, industrial land to the west, residential areas to the east and Botany Cemetery and Chifley Sports Reserve to the south. It includes 20 individual lots, containing 1.79 ha of ESBS remnants and 1.8 ha of *Acacia terminalis* ssp. *terminalis* (Figure 3.19).

Bunnerong Road sites are primarily zoned 2A (*Residential A*) and 6A (*Open Space*) under the RLEP, with areas of the road reserves unzoned. These sites are vacant land with no development nor any streets created. They are owned by a number of government agencies, including the LPMA, STA, and Roads and Traffic Authority (RTA). The various land owners have recognised the environmental and open space values of these sites, particularly for a walking/cycle link.

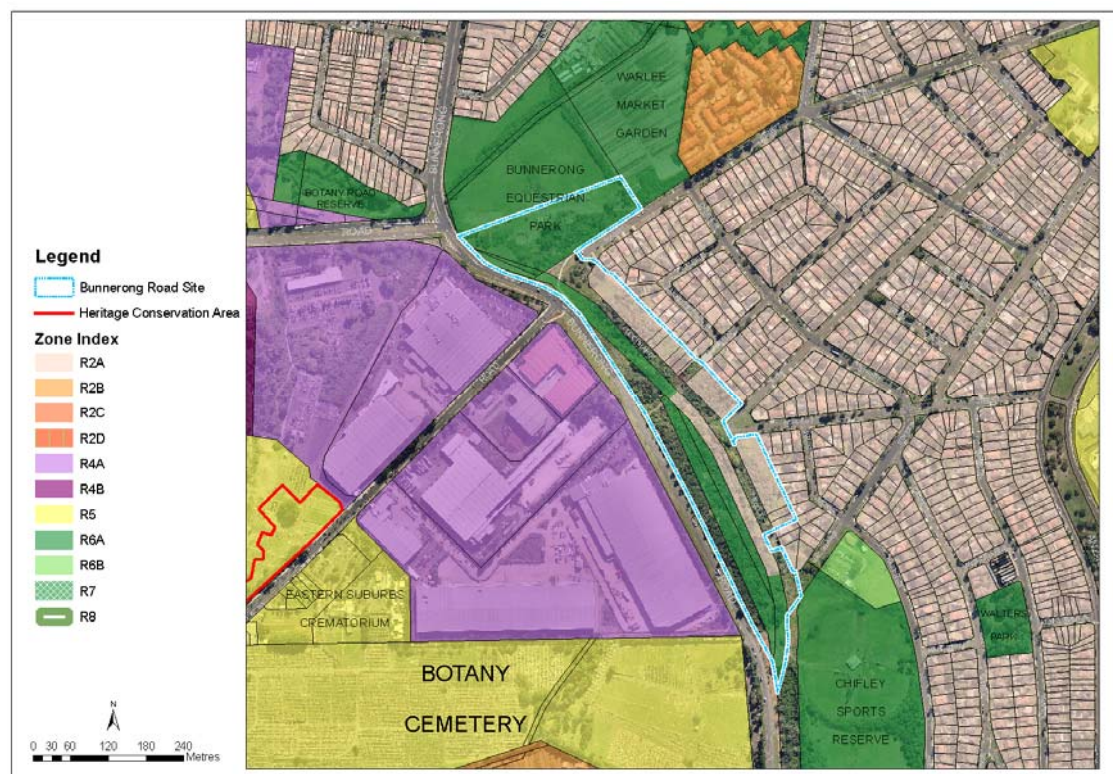


Figure 3.18 Current LEP zoning map of Bunnerong Road site, Chifley



Figure 3.19 ESBS map of Bunnerong Road site, Chifley (Source: Office of Environment and Heritage)

Recommendation

Three rezoning options have been proposed for the site:

- Option 1: The sites could be zoned partly *RE1 Public Recreation* and partly *E2 Environmental Conservation*, to protect the high ecological and natural values of the areas containing ESBS and *Acacia terminalis ssp. terminalis*, while recognising the important role of the remaining areas for future walk/cycleway uses. The boundaries of the zones would be difficult to determine as the ESBS and *Acacia terminalis ssp. terminalis* may spread over time.
- Option 2: To ensure the full protection of all the ESBS remnants and *Acacia terminalis ssp. terminalis*, the whole area could be zoned *E2 Environmental Conservation*, as instructed in the ESBS Recovery Plan¹².
- Option 3: The sites contain a significant amount of ESBS and *Acacia terminalis ssp. terminalis*, but not across the whole area. Therefore, a third option is to zone the whole site generally as *RE1 (Public Recreation)*. This is a preferred solution, as a *Public Recreation* zoning not only enables and encourages the future uses of the site for public recreation purposes, but also protects the valuable natural vegetation on the sites. The sites, in conjunction with a strip of unzoned road reserve areas to the south (as mentioned above on Page 30), would form a 1.8km open space

¹² The ESBS Recovery Plan prepared by Office of Environment and Heritage suggests the Crown lands containing ESBS at Bunnerong Road, Chifley be reserved for Environmental Conservation where appropriate.

corridor for a cycle/walkway extension and a 'green link' to the open spaces to both the north and the south, with a consistent zoning throughout this network (see Figure 3.20).



Figure 3.20 The 'green link' along Bunnerong Rd, Chifley

Royal Randwick Racecourse

Royal Randwick Racecourse is a significant 79 ha site, owned by the AJC Trust. This Paper recommends the existing public open space zoning be retained on the site to recognise its long-term and desired future use.

66A Doncaster Avenue, Randwick (former part of the Royal Randwick Racecourse site)

Located at the north-western corner of the racecourse, the subject site (see Figure 3.21) was previously owned by the STA as former tramway land and is now owned by a private developer, with development consent for residential development. The site is proposed to be identified with a residential zone consistent with the development consent. However, the rezoning should only occur once the consent is implemented. Detail on the proposed residential zoning will be included in the Residential Discussion Paper.



Figure 3.21 Former part of Racecourse site (66A Doncaster Avenue, Randwick)

Additional land uses

The Education and Health Specialised Centre Discussion Paper also addresses the site and indicates that some additional land uses, such as student accommodation and university/research facilities could be permissible along parts of the High Street frontages of the racecourse.

Key Issues

The Council's current RLEP contains a range of clauses addressing specific issues to be considered in the assessment of proposals for a change in land use and for development. These are discussed below, along with suggestions for revising, updating or replacing these clauses and using the Standard Instrument clauses, where applicable. See Appendix 3 for a comparison of the existing RLEP clauses and proposed clauses.

Acid Sulphate Soils

Acid Sulphate Soils (ASS) contain iron sulphides that, when exposed to oxygen from drainage or excavation works, produce sulphuric acid. They occur in low lying coastal areas less than 5m above the high tide level. When disturbed, the increased acidity can cause environmental damage and damage to infrastructure, particularly steel and concrete.

Where possible, ASS should not be disturbed, otherwise they should be managed by neutralising the acid produced, preventing any acid water from leaving the site and using acid resistant construction materials. The NSW Department of Planning and Infrastructure's ASS Manual requires management plans with DAs in these areas or an assessment confirming that no ASS is present on the site.

The Department of Natural Resources has mapped areas within Randwick City where ASS may be found.

Implications

The RLEP does not contain any specific ASS controls. Section 117 (2) Direction directs councils to include consideration of ASS when making LEPs and assessing applications. The Model Local Clause - Acid Sulphate Soils, developed by the Department of Planning and Infrastructure for councils affected by ASS, is suggested to be included in the Comprehensive LEP.

Additional uses

In some instances, an additional permitted land use to the list of uses permitted in a particular zone may apply for an individual site. The RLEP currently contains a clause which allows for individual sites to have additional permitted land uses (refer to Cl. 42 - Development of land for certain additional purposes). The sites currently identified for 'additional uses' in Schedule 2 of the RLEP mostly relate to land zoned 2A (*Residential A*). However, four sites zoned 6A (*Open Space*) or 6B (*Private Open Space*) are also permitted for additional uses:

- Part of 69R Military Road, Matraville (land adjacent to Botany Cemetery) - development for the purpose of a stonemasons yard for use in conjunction with the Eastern Suburbs Memorial Park
- Wylie's Baths, Coogee - development for the purpose of functions within the meaning of the Liquor Act 1982.
- Blenheim Park (part) - access way between Oberon Street and Rainbow Street
- Argyle Crescent, Randwick (for adjacent residences only) - defence purposes and public use and access. Public use of the oval for active recreation subject to the operational needs of the army and a plan of management for the oval.

Implications

The new Comprehensive LEP will contain the Standard Instrument Clause - Cl. 2.5 - Additional permitted uses for particular land – which is equivalent to the current RLEP Cl. 42. The above listed sites are recommended to be included in the equivalent LEP Clause.

Biodiversity

It is essential to identify the high value biodiversity areas in the City and provide ongoing management to ensure adequate awareness and hence the protection of species contained within these areas.

Threatened Species

As previously discussed, the Randwick LGA includes areas of endangered ESBS ecological communities and the threatened *Acacia terminalis ssp. terminalis*, both of which are listed under the State and Federal legislation.

Habitat Corridors

The following habitat corridors have been identified for the City in the Biodiversity Strategy:

- The coastal corridor - it is significant in regional terms as it provides for movement of the majority of the bird species. This corridor contains a number of bushland areas within Council parks. These are Burrows Park at Clovelly, Gordons Bay Reserve at Coogee, South Coogee Coast from Neptune St to Jack Vanny Reserve (including Lurline Bay) in Maroubra, Bay Parade at Malabar and Endeavour Avenue at La Perouse. A significant portion of this habitat corridor takes in 4 golf courses and the Botany Bay National Park extending from Malabar to La Perouse.
- The wetland corridor- it connects to Botany Bay and includes the Botany Wetlands system, extending from Botany Bay in the south (Botany Bay LGA) to Centennial Park in the north. The Randwick Environment Park forms part of this corridor to the east.
- The Botany Bay corridor – it connects to the coastal corridor and takes in the bushland at Chifley and the market gardens at Yarra Beach through to the market gardens in Wassell Street.

Implications

The Standard Instrument includes a draft Model Local Clause – Biodiversity (Terrestrial). This clause requires the identification and mapping of areas of high biodiversity significance. It also requires the consent authority to be satisfied that impacts on those biodiversity values are avoided or minimised by any proposed development.

This clause is proposed to be introduced in the Comprehensive LEP. In accordance with the clause, the areas with high biodiversity values¹³ will be identified on an LEP Natural Resource – Biodiversity map.

In addition, this model clause requires management issues be addressed to avoid or minimise potential adverse environmental impacts, which has the same effect as the existing RLEP Cl. 44 - Management Plan for Land in Zone No 7 *Environmental Protection*. The model local clause is therefore suggested to replace the current RLEP clause to address such an important issue.

¹³ Including endangered species and communities as well as habitat corridors within the LGA.

Coastal Environment

Section 117 Direction 2.2 – Coastal Protection – applies to land in the coastal zone and directs that a draft LEP shall include provisions that give effect to and are consistent with relevant coastal policies and guidelines.

NSW Coastal Policy 1997

The *NSW Coastal Policy 1997* requires councils to consider the impacts of natural coastal processes and hazards and the potential effects of climate change in the planning and management of coastal development.

Implications

The Standard Instrument includes a compulsory clause for “Development within the Coastal Zone”, which will be included in the Comprehensive LEP. This clause requires a consent authority to consider the impact of a proposed development on the surrounding natural scenic quality and amenity, conservation of biodiversity and ecosystems, and the impact of coastal processes and coastal hazards, including sea level rise. It also encourages the protection of public access to coastal foreshores.

NSW Government's Sea Level Rise Policy Statement 2009

This policy statement outlines the NSW Government's commitment and approach to adapting to the rising sea levels. The projected sea level rise benchmarks, according to the policy statement, are an increase of 40 cm by 2050 and 90 cm by 2100 (above 1990 mean sea levels).

Implications

The Council has received a Commonwealth Climate Change Adaptation Pathways grant to complete a climate change adaptation risk assessment and action plan in accordance with the Climate Change Impacts & Risk Management Guide for Business and Government 2006. This action plan is now completed and guides the Council's actions towards climate change adaptation. Relevant to the LEP is the program of flood studies which must incorporate these benchmarks and address the coastal processes and risks and when completed, will inform any flood provisions in the Comprehensive LEP/DCP (as detailed under the section of “Flooding Planning”).

The Draft NSW Coastal Planning Guideline – Adapting to Sea Level Rise

The draft Coastal Planning Guideline - Adapting to Sea Level Rise supports the NSW Government's Sea Level Rise Policy Statement and benchmarks. The guideline describes how to determine coastal risk areas resulted from coastal erosion based on coastal flood studies and the sea level rise planning benchmarks.

Implications

The draft Model Local Clause - Coastal Risk Planning is proposed to be included in the Comprehensive LEP for land in coastal areas that is currently subject to coastal processes or is subject to significant risk from coastal processes. As the Council is yet to undertake a coastal hazard assessment, no risk areas have been identified. Once identified, any areas will be shown on the Coastal Risk Planning Map.

Development below High Water Mark

The Standard Instrument introduces a compulsory clause for “Development below the High Water Mark” if land to which the LEP applies contains tidal waters. The objective of this clause is to ensure development on land covered by tidal waters and development on any land below the mean high water mark of any body of water subject to tidal influence be carried out with appropriate environmental assessment and development consent respectively.

Implications

This SI clause is applicable to Randwick City and therefore is to be contained in the Comprehensive LEP.

Coastal Walkway

The Eastern Beaches Coastal Walkway is a significant public asset, with an ongoing program of extensions and upgrades funded largely by Randwick City Council and often with support of State Government grant funding.

With 29km of coastline in our City, the Coastal Walkway stretches continuously along the coastline from Clovelly to Maroubra Beach and covers some large sections in the southern part of the City. Figure 3.22 shows the existing and proposed routes of the coastal walkway in Randwick LGA. The walkway overlooks the spectacular views of the coast and provides insights into Randwick's social and environmental history. It is a link for beaches, protected foreshores and scattered bushland remnants.

Extending and linking the coastal walkway further south to La Perouse and Yarra Bay not only would enhance the City's current walking opportunities but also enable better linkages between the open spaces located along the coast and enhance recreation and tourism in the area.

One of the challenges that the Council faces in relation to building a continuous walkway is that some inaccessible sections along the coast are on private land. A key location is Lurline Bay (see Figure 3.22) where the coastal walkway must revert to suburban streets for some distance. The Council has compared various options in terms of cost, feasibility and other practical issues and identified the only suitable option to extend the walkway around Lurline Bay is to acquire one property located at 49 Cuzco Street, South Coogee.

The SI Clause – Development within the Coastal Zone, as previously discussed, is relevant to this matter. The clause requires that before granting a consent to development within coastal zone, the consent authority must ensure that existing public access to and along the coastal foreshore is maintained and where possible, improved and opportunities for new public access is identified.

Implications

The property mentioned above is proposed to be zoned *RE1 Public Recreation* and identified as 'Local open space' on the Land Reservation Acquisition Map for future acquisition purposes by Council. This identification for site acquisition also requires development consent for any interim development on the property prior to acquisition.

The Council has informally approached the landowner previously and Council is amenable to have further discussions to ensure a just and fair acquisition process.

Cl. 5.1 – Relevant Acquisition Authority is a compulsory clause within the Standard Instrument where property acquisition is identified, which is equivalent to the current RLEP clause (Cl. 40B) and will be included in the Comprehensive LEP.

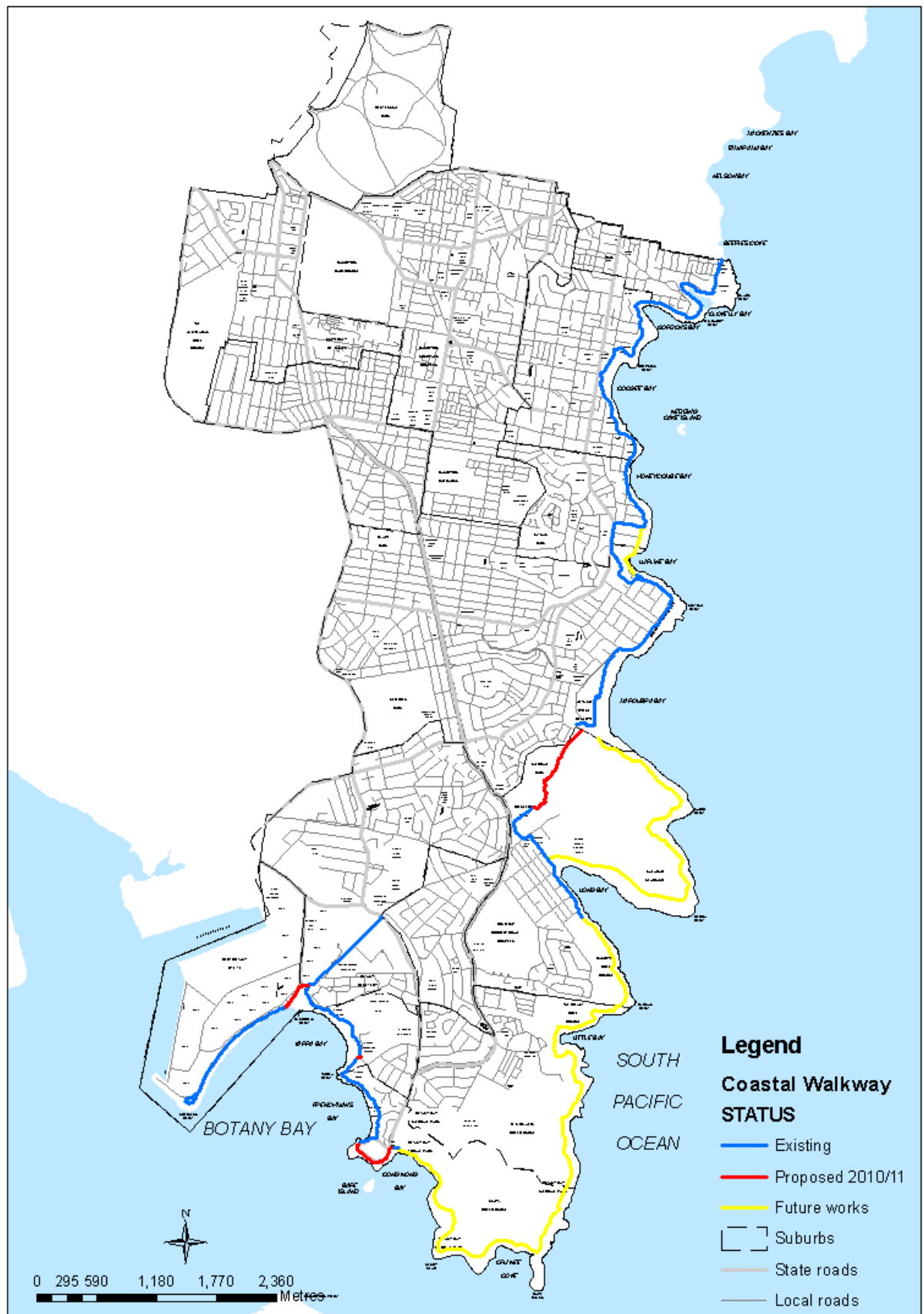


Figure 3.22 Existing and proposed sections of coastal walkway along Randwick's coastline

Contamination

A change of land use may trigger *SEPP 55 – Remediation of Land* and the *Council's Land Contamination Policy*. Generally, a preliminary site contamination investigation will be required to confirm that a site is suitable for the proposed land use.

A number of Council's open space and park areas are located on land which has previously been used as a landfill site. Council has an on-going remediation program for these sites as also required in the Plans of Management for the open space and park areas.

The *Unhealthy Building Land Policy* has been adopted to ensure that any contaminated land specified in Schedule 2 under the former *Unhealthy Building Land Act 1990* (repealed now) is identified as contaminated in any planning certificate and development of that land is managed in accordance with the requirements of current legislation¹⁴. This policy ceases to apply if the Council has assessed the land in accordance with SEPP 55 and the Guidelines¹⁵ and is satisfied that land is suitable to be used for the purposes for which it is zoned. These properties specified under Schedule 2 are identified as contaminated in S149 (planning) certificates and where necessary, planning controls and provisions relating to these properties will be considered as part of the Comprehensive DCP.

Implications

Cl.42B – Contaminated Land of the RLEP requires that land is remediated to a suitable level for any new proposed use. This in effect mirrors the requirements of the SEPP. As noted in the draft Model Local Provision – Contaminated Land, any LEP provision with regards to land contamination and its remediation should be guided by SEPP 55 and the Guidelines and should not repeat the SEPP requirements. A contamination clause is thus not proposed in the Comprehensive LEP. Council's Land Contamination Policy will be reviewed for inclusion of relevant guidance as part of the preparation of the Comprehensive DCP.

¹⁴ Including Contaminated Land Management Act 1997, the EP&A Act and the Protection of the Environment Operations Act 1997, State Environmental Planning Policy No. 55 - Remediation of Land and Managing Land Contamination: Planning Guidelines 1998.

¹⁵ Managing Land Contamination Planning Guidelines.

Development in open space zones

The RLEP currently contains a clause for development in open space zones (Cl. 38). The clause establishes criteria for the assessment of applications for development in open space zones, and provides for greater flexibility for recreation and leisure activities (including business premises) in open space zones where there is an adopted management plan under the *Local Government Act 1993* (LG Act).

This Clause also notes that, while Centennial Park is within Randwick City, all development assessment in the Park is directed by the Centennial Park and Moore Park Trust Act 1993.

Implications

There is no equivalent clause to Cl.38 in the Standard Instrument. The Department of Planning and Infrastructure has advised that this RLEP clause is not warranted in the LEP but can be included in the DCP. The assessment criteria contained in RLEP Cl. 38 is thus recommended to be included in the Comprehensive DCP to address such an issue. As both public and private recreation zones permit restaurant, cafe and business premises as ancillary development (e.g. an office within a recreation facility), the flexibility to allow businesses in their own right is no longer required. Also, the reference to Centennial Park legislation is not required as it is now contained in the Infrastructure SEPP.

Flood Planning

The NSW Government's *Flood Prone Land Policy* and *Floodplain Development Manual 2005* (the Manual) allows Council to manage flooding through the adoption of strategic plans outlining the actions to be undertaken to manage existing and future flood problems.

There are 10 major catchments within the Randwick LGA for which the floodplain management process needs to be implemented. The Council has a program for flood studies in all these catchments and flood studies are currently underway in Kensington, Maroubra and Coogee Bay catchments to identify flood prone land in these areas.

The Unhealthy Building Land Policy (Schedule 1) specifies low-lying land declared under the former *Unhealthy Building Land Act 1990*. It applies to councils which have not adopted or implemented floodplain risk management plans. The purpose of the Policy is to ensure inclusion of relevant information in any planning certificate for low-lying land and consideration of the suitability of development proposed to be carried out on that land. Where relevant, specific development controls for these properties identified under Schedule 1 will be considered as part of the Comprehensive DCP.

Implications

These areas, subject to flood studies may be identified as 'flood planning area' on the LEP Flood Planning Map in accordance with the Department's draft Model Local Clause – Flooding Planning. The model local clause is proposed to be included in the Comprehensive LEP and the Flood Planning Map will be produced and updated as studies are completed. In addition, specific development controls relating to flooding will be included in the Comprehensive DCP.

Heritage

Many open spaces in our LGA contain heritage items or are located in the heritage conservation area/s (e.g. Lot 2 and 4 of Malabar Headland). It is essential to provide specific heritage provisions to ensure the conservation and protection of:

- the environmental heritage of Randwick City,
- the heritage significance of heritage items and heritage conservation areas,
- the archaeological sites, and
- the places of Aboriginal heritage significance.

Implications

The Standard Instrument includes a compulsory clause for Heritage Conservation, which will be included in the Comprehensive LEP. The existing RLEP clause (Cl. 43) contains a comprehensive range of heritage provisions; no significant changes have been proposed by the Standard Instrument clause to the RLEP clause.

Land Classification

All Council owned public land must be classified by Council as either 'community' or 'operational' land under the Local Government Act (LG Act). The main effect of classification is to restrict the alienation and use of the land. 'Operational' land has no special restrictions other than those that may apply to any piece of land and generally applies to uses such as depots, car parks, etc. Land that is classified as 'community' land reflects the importance of the land to the community because of its use or special features. It is generally land intended for public access or use such as parks and reserves. Community land must have a plan of management prepared for it.

Reclassification of Council owned land from 'operational' to 'community' may be carried out by a Council resolution and public notice under the LG Act. Reclassification of the Council owned land from 'community' to 'operational' is undertaken through the preparation of a LEP. The LG Act also requires a public hearing following exhibition of the draft LEP for any such reclassifications, to provide for further community consultation and feedback.

Implications

Cl. 5.2 (Classification and reclassification of public land) in the Standard Instrument will be included in the Comprehensive LEP to replace the existing equivalent Cl. 42A under the RLEP.

The Kingsford Market Site, as previously discussed under the section of 'specific sites', is proposed to be rezoned from open space to a commercial/business zone and reclassification would be required from 'Community' to 'Operational' as part of the Comprehensive LEP.

Sustainability

Cl. 1.2 of the Standard Instrument LEP enables councils to specify the particular aims of the LEP. These are overarching aims and guiding principles for the entire LEP.

The following existing RLEP aim relates to this Paper:

- (g) To promote, protect and enhance environmental qualities of the City,

Implications

This existing RLEP aim is proposed to be incorporated in the Comprehensive LEP. Additionally, more specific guidelines and principles are suggested to be included in the Comprehensive DCP to promote ecological sustainable development (ESD).

Stormwater Management

The management of urban stormwater is a key issue in the protection and enhancement of water quality within our beaches and waters of Botany Bay.

The Standard Instrument contains a draft local model clause for stormwater management in urban areas. This draft model clause provides specific criteria for the assessment of a development application to ensure:

- consideration of the impacts of urban stormwater on the subject land and adjoining properties; and
- the environmental and water quality impacts on native bushland and receiving waters.

Implications

The draft model clause is proposed to be introduced in the Comprehensive LEP to promote improved urban stormwater management.

Trees / Urban Forest

Urban Forest Policy

Urban forest is defined as the combination of trees and shrubs on all public land in and around urban areas (including bushland, parkland, gardens and street trees) and is measured as a canopy cover percentage of the local area.

The Council adopted an urban forest policy in September 2007. This policy integrates the management of street, park and private trees through planning instruments and management policies.

In accordance with this policy, the Council is committed to maintaining and increasing open spaces areas within the city.

Implications

This policy will be implemented in the comprehensive LEP and DCP through:

- A tree preservation clause (LEP), and
- the significant tree register (DCP)

Tree Preservation Orders

The Tree Preservation Orders Clause (Cl.28 under the RLEP) establishes the procedures for the proper management of trees in order to minimise the unnecessary loss of significant tree resources. The clause requires that a person must not ringbark, cut down, top, lop, remove, injure or destroy any tree covered by the tree preservation order without the consent of the Council. Exceptions may occur where it can be demonstrated to the satisfaction of the Council that the tree is dying, dead or has become dangerous or where the tree is dealt with in accordance with a permit granted by the Council.

Before granting a consent or permit, an assessment of the importance of the tree is to be made in relation to:

- Soil stability and prevention of land degradation,
- Scenic or environmental amenity, and
- Vegetation systems and natural wildlife habitats.

Implications

The compulsory SI clause, Cl.5.9 - Preservation of Trees or Vegetation, which is equivalent to the RLEP clause, will be included in the Comprehensive LEP. This SI clause will provide controls to preserve species or kinds of trees or other vegetation that will be prescribed in the Council's Comprehensive DCP (consent required for changes, such as cut down, top, lop, remove, etc).

The compulsory SI clause, Cl. 5.9AA - Trees or Vegetation not Prescribed by Development Control Plan, will also be included in the Comprehensive LEP (no consent required).

Significant Tree Register

On 11 September 2007, the Council adopted a Significant Tree Register which identifies and recognises the importance of significant trees in the Randwick landscape and resolved to include all significant trees in Council's Local Environmental Plan (see Appendix 5). This Register lists trees of significance growing on both public and private lands which have been recognised as having helped shape Randwick's cultural landscape and character.

These landscape elements have been identified in accordance with the Burra Charter, a nationally consistent approach to heritage identification and assessment which is applied to all types of heritage places and items.

This Register of Significant Trees document prepared by LandArc Pty Limited in 2007 suggests that trees assessed as significant at the LGA and/or Regional level be listed as heritage items in the RLEP. This Significant Tree Register has listed a total of 903 significant trees in the Randwick LGA.

Implications

The SI Cl. 5.9 provides for the protection of species or kinds of trees or other vegetation that are prescribed in a DCP. Consistent with the SI required approach for tree preservation, the list of significant trees is therefore proposed to be included in the Comprehensive DCP, along with those covered by Council's Tree Preservation Orders. This will ensure suitable heritage protection of these trees in both LEP and DCP controls.

Water Courses

The Standard Instrument includes a draft Model Local Clause – Riparian Land and Waterways, which requires the consent authority to consider impacts of that development on watercourses and riparian land as identified on a LEP Natural Resources – Water Map.

The RLEP contains a similar clause for development in, on or adjacent to a watercourse or wetland (Cl.42E) identified on the LEP map. The clause requires appropriate measures for ongoing management of these natural areas.

Works near riverbanks are regulated by the *Water Management Act 2000* where development (as defined by the EP&A Act), or the removal or deposition of material or vegetation within 40m of a river requires approval from the NSW Office of Water under the *Water Management Act 2000* as a “controlled activity”.

Under this legislation, a river is defined as any watercourse, whether perennial or intermittent and whether comprising a natural channel or a natural channel artificially improved.

Implications

Both the model local clause and RLEP clause require watercourses to be mapped and classified. It is therefore recommended that watercourses in the LGA be identified on a LEP Natural Resource - Water Map. Watercourses have been mapped on the current RLEP Map for the Prince Henry Site only, based on specialist advice from the Office of Environment and Heritage. Future investigations (i.e. the flood studies) may identify further watercourses and the map will be finalised as such investigations are completed.

The model local clause applies to land situated within 40 metres of the top of the bank of watercourses while the subject land to which the RLEP clause applies covers land located within 20 metres of the top of the bank of watercourse or wetland. The model local clause is therefore proposed to be adjusted consistent with the RLEP clause and then incorporated in the Comprehensive LEP, subject to any further advice from Department of Planning and Infrastructure and the Office of Environment and Heritage.

PART 4 RECOMMENDATIONS

The following recommendations are made for consideration when drafting the new Comprehensive LEP/DCP, in accordance with the Standard Instrument and directions under section 117(2) of the EP&A Act. These in effect, summarise the discussions earlier in this Paper. See Appendix 2 for a comparison of Council's current RLEP and the proposed comprehensive LEP wording.

Comprehensive LEP

LEP Aim / Objectives

The existing RLEP aim relevant to this Paper is proposed to be included in the Comprehensive LEP to promote, protect and enhance environmental qualities of Randwick City.

LEP Zones

The majority of the land currently zoned for open space and natural environment uses will be converted to the equivalent Standard Instrument zones, as shown in Table 4.1.

Table 4.1 The conversion table between RLEP zones and SI zones

<i>Randwick LEP Zone</i>		<i>Standard Instrument LEP Zone</i>
6A Open Space Zone	→	RE1 Public Recreation
6B Private Open Space Zone	→	RE2 Private Recreation
7 Environmental Protection – Natural Heritage Areas Zone	→	E2 Environmental Conservation
8 National Parks Zone	→	E1 National Parks and Nature Reserves

Investigation sites

Based on the land use audit and rezoning recommendations, the total area zoned for open space and environmental purposes in Randwick LGA, is proposed to increase from 1,118 ha to approximately 1,149 ha (as detailed below). This represents an increase in open space provision from 29.88% to 30.7% of the city area.

	Existing	Proposed
RE1 - Public Recreation	779.5 ha	865.6 ha
RE2 - Private Recreation	154.1 ha	68.3 ha*
E1 - National Parks & Nature Reserves	165.7 ha	183 ha
E2 - Environmental Conservation	18.5 ha	24 ha
RU4 - Primary Production Small Lot	0	7.9 ha
Total	1,118 ha	1,148.8 ha

(* This reduction primarily relates to the rezoning of the central lot of Malabar Headland from private open space to public recreation).

A number of sites are proposed to be rezoned to a compatible zone to reflect their actual land use and ownership, based on the following situations in summary (see Table 4.2):

Table 4.2 Four general saturations/categories for open space review

Situations	Current/potential land uses	Current RLEP zoning	Proposed zoning
1 - Sites used as open space but not zoned open space	Currently used and maintained as open space	Unzoned or zoned for other uses	<i>RE1 Public Recreation</i>
2 - Road reserves	Closed roads, being used or suitable to be acknowledged as open space	Unzoned	<i>RE1 Public Recreation</i>
3 - Sites zoned but not used for open space	Currently used for other purposes (e.g. residential, Commercial, etc.)	<i>Public or Private Open space</i>	To be rezoned to a compatible zone
4 - Sites zoned public open space but privately owned	Privately owned open space	<i>Public Open Space</i>	<i>RE2 Private Recreation</i>

In addition, five major sites have been investigated for the most suitable zone/s, as summarised in Table 4.3.

Table 4.3 Major Investigation Sites

Major investigation sites		Ownership	Current land uses	Biodiversity/heritage values	Current RLEP zoning	Proposed zoning
1 - Malabar Headland	Lot 101	Commonwealth	Rifle range & horse riding school	ESBS	Primarily <i>Private Open Space</i>	<i>RE1 Public Recreation</i>
	Lot 2	Commonwealth – to be transferred to State Government	Rifle range and associated exclusion zone, bushland	ESBS, heritage conservation area, State Heritage Item	<i>National Park</i>	<i>E1 National Parks and Natural Reserves</i>
	Lot 102	Commonwealth – to be transferred to State Government		ESBS, heritage conservation area, State Heritage Item	Primarily <i>Residential B</i>	<i>E1 National Parks and Natural Reserves</i>
2 - Chinese Market Gardens		LPMA	Market Gardens	Heritage item listed on the State Heritage Register	<i>Residential B</i>	<i>RU4 Primary Production Small Lot</i>
3 - Former UNSW site at Little Bay	Lot 10	Previously UNSW, now under private ownership	Previously used for sporting fields and research	ESBS, partially in a heritage conservation area	<i>Special Uses</i>	Primarily Residential zone/s, with two dedicated parks zoned <i>RE1 Public Recreation</i>
	Lot 11	Previously UNSW, now under private ownership				<i>E2 Environmental Conservation</i>
	Lot 12	UNSW				<i>E2 Environmental Conservation</i>
4 - Bunnerong Road site at Chifley		Various NSW Government owned land	Maintained as bushland for conservation/recreation purposes	ESBS, <i>Acacia terminalis</i> ssp. <i>terminalis</i>	<i>Residential A, Public Open Space and unzoned land</i>	<i>RE1 Public Recreation</i>
5 – Royal Randwick Racecourse		AJC Trust	Racecourse	Heritage conservation area with social significance	<i>Open Space</i>	<i>RE1 Public Recreation</i>

Comprehensive LEP Clauses

The following clauses are proposed to be included in the Comprehensive LEP, given their relevance to the land use issues in the City:

- **Standard Instrument clauses (SI clauses):**

- o Clause 2.5 Additional permitted uses for particular land

This **compulsory** SI clause, which is equivalent to RLEP Clause 42, will be included in the Comprehensive LEP, to allow for individual sites to have additional permitted land uses.

- o Clause 3.1 Exempt development, Clause 3.2 Complying development and Clause 3.3 Environmentally sensitive areas excluded

These two **compulsory** SI clauses for exempt and complying development will be included, which apply across the City and across different zones, including open space and environmental zones. Cl. 3.3, which is related to these two clauses will also be incorporated in the Comprehensive LEP.

- o Clause 5.1 Relevant acquisition authority

A **compulsory** SI clause within the Standard Instrument, which is equivalent to RLEP Clause 40B, will be included in the Comprehensive LEP, to identify relevant authority to acquire land reserved for certain public purposes.

- o Clause 5.2 Classification and reclassification of public land

This **compulsory** SI clause will be included in the Comprehensive LEP to enable the Council to classify and reclassify public land as 'operational land' or 'community land' in accordance with the Local Government Act. This SI clause will replace the existing equivalent Cl. 42A under the RLEP.

- o Clause 5.5 Development within the coastal zone

This **compulsory** SI clause will be included in the Comprehensive LEP, in order to provide provisions for the protection of coastal environment through promoting the principles of ecologically sustainable development.

- o Clause 5.7 Development below mean high water mark

This **compulsory [if applicable]** SI clause is applicable to Randwick City, therefore will be contained in the Comprehensive LEP to ensure appropriate environmental assessment for development carried out on land covered by tidal waters.

- o Clause 5.9 Preservation of trees or vegetation

This **compulsory** SI clause will replace the existing RLEP Clause 28 and be incorporated in the Comprehensive LEP. The clause will apply to species or kinds of trees or other vegetation to be prescribed in the Comprehensive DCP based on the Council's Significant Tree Register.

- o Cl. 5.9AA - Trees or vegetation not prescribed by development control plan

The **compulsory** SI clause will be incorporated to provide for trees and vegetation not covered in Council's Comprehensive DCP (no consent required).

- o Clause 5.10 Heritage Conservation

This **compulsory** SI clause will be included in the Comprehensive LEP to replace the RLEP Clause 43 – Heritage conservation, to provide specific heritage provisions. No significant changes, however, have been introduced by the SI clause to the existing RLEP clause.

- o Clause 5.11 Bush fire hazard reduction

This is a **compulsory** SI clause and will be included in the Comprehensive LEP. It notes that bush fire hazard reduction works authorised by the *Rural Fires Act 1997* may not require development consent.

- **Model local clauses**

- o Acid Sulfate Soils

This model local clause is proposed to be included in the Comprehensive LEP to provide specific ASS controls.

- o Biodiversity (Terrestrial) - draft

This draft model local clause is suggested to be introduced in the Comprehensive LEP to identify the high value biodiversity areas in the City and ensure management issues be addressed properly to avoid or minimise potential adverse environmental impacts. This model clause is proposed to replace the existing RLEP Clause 44 – Management plan for land in zoned No 7 to address the management issues.

- o Coastal Risk Planning - draft

This draft model local clause is proposed to be included in the Comprehensive LEP for land in coastal areas that is currently subject to coastal processes or is subject to significant risk from coastal processes.

- o Flooding Planning

This model local clause is suggested to be incorporated in the Comprehensive LEP to ensure proper management of existing and future flood problems. 'Flood planning area' will be identified on the Flood Planning Map based on the Council's flood studies.

- o Riparian land and waterways - draft

This draft model local clause is suggested to be adjusted in accordance with the RLEP Clause 42E in terms of the definition/clarification of subject land to which the clause applies and then incorporated in the Comprehensive

LEP. This clause requires watercourses in the LGA be identified on the Natural Resource - Water Map.

o Stormwater Management (Urban Zones) -draft

The draft model clause is proposed to be introduced in the Comprehensive LEP to promote improved urban stormwater management.

LEP Maps

In accordance with the above Standard Instrument clauses and model local clauses, the following maps are suggested to be produced/updated:

- To update the Land Reservation Acquisition Map with one additional site located at 49 Cuzco Street, South Coogee.
- To adopt the Acid Sulphate Soil Map produced by the Office of Environment & Heritage;
- To produce the Natural Resource-Biodiversity Map, including endangered species and communities as well as habitat corridors within the LGA;
- To produce the Natural Resource-Water Map and identify watercourses within the LGA; and
- To produce the Flood Planning Map based on the Council's flood studies.

Comprehensive DCP

This Paper also recommends that more specific level of controls be incorporated in the Comprehensive DCP to address the following issues:

- Promoting the principles of ecological sustainable development (ESD)
- Contamination guidelines
- Assessment criteria for development in open space zones
- Any flooding controls for new development
- Preservation of trees and other vegetation, especially species identified in the Council's Significant Tree Register.

Endorsement of the above recommendations will form the basis for the preparation of the open space and environment components of the comprehensive LEP/ DCP which will then also have a formal exhibition and further public consultation.

Conclusion

The Open Space and Environment Discussion Paper is one of six discussion papers being prepared to inform the development of the new Randwick Comprehensive LEP and DCP.

The Discussion Paper explains the requirement for Council to prepare a new Comprehensive LEP based on the Standard Instrument LEP and recommends land use zones and clauses relevant to the current RLEP zones: 6A (*Open Space*), 6B (*Private Open Space*), 7 (*Environmental Protection – Natural Heritage Areas*) and 8 (*National Parks*). The paper also discusses other planning and environmental considerations which may have an impact on the future planning of open space and environmental lands.

Council welcomes feedback on the proposed new land use zones, permissible uses and recommended zoning for the open space sites listed in Appendix 1.

Written submissions or comments should be

Marked: Open Space and Environment Discussion Paper.

Mailed to: General Manager
Randwick City Council
30 Frances Street
Randwick NSW 2031

Or

Emailed to: LEPreview@randwick.nsw.gov.au



RANDWICK CITY COUNCIL

RANDWICK OPEN SPACE AND ENVIRONMENT DISCUSSION PAPER

APPENDICES

May 2011



Table of Contents

Appendix 1 Open Space Investigation Sites.....	- 2 -
Appendix 2 Comparison of Existing and Proposed Land Use Zoning Tables.....	- 15 -
Appendix 3 Comparison of Existing and Proposed LEP Clauses	- 21 -
Appendix 4 Summary of stakeholder submissions	- 36 -
Appendix 5 Summary of resolutions relevant to the Comprehensive LEP.....	- 39 -
References	- 44 -

Appendix 1 Open Space Investigation Sites

Note: the following tables cover five categories of situations:

- Group 1: Sites that are used as open space but not zoned open space, and are proposed to be zoned Public Recreation.
- Group 2: Closed roads that are being used or suitable to be acknowledged as open space, and are proposed to be zoned Public Recreation.
- Group 3: Sites that are currently zoned public open space but used for other purposes, and are proposed to be rezoned to a compatible zone.
- Group 4: Sites that are currently zoned public open space but privately owned, and are proposed to be zoned Private Recreation.
- Group 5: Major sites or sites with multiple zones.

Legend (colored based on the proposed zones):



Name of land owners:

Abbreviations	Full names of land owners
RCC	Randwick City Council
LPMA	Land and Property Management Authority
DOFD	Department of Finance and Deregulation
STA	State Transit Authority
RTA	Roads and Traffic Authority
UNSW	University of New South Wales

Group 1

ID (on the map)	Owner	Site	Address	Suburb	Current Use	RLEP Zone	Proposed Zone	Category
1	RCC	Les Bridges Playground	1R Virginia Street	Kensington	Playground	2A	RE1	Sites to be zoned public open space
4	RCC	Adventure Children Playground	2-10R Randwick Street,	Randwick	Playground	2C	RE1	Sites to be zoned public open space
5	RCC	Part of Donnellan Circuit Reserve	6-18R Donnellan Circuit	Clovelly	Public Reserve	Unzoned	RE1	Sites to be zoned public open space
11	LPMA	Part of Kensington Park	23R Edward Avenue,	Kingsford	Part of Kensington Park	2A	RE1	Sites to be zoned public open space
14	RCC	Elphinstone Road Park	5R Elphinstone Road,	South Coogee	Elphinstone Road Park	2C	RE1	Sites to be zoned public open space
15	RCC	Emily McCarthy Park	21R Elphinstone Road,	South Coogee	Emily McCarthy Park	2C	RE1	Sites to be zoned public open space
16	RCC	St Andrews Church amenities	1220R Anzac Parade,	Malabar	Anzac Pde (St Andrews Church) – Amenities	Unzoned	RE1	Sites to be zoned public open space
18	RCC	Hereward Reserve	9R Hereward Street,	Maroubra	Playground	2C	RE1	Sites to be zoned public open space

20	LPMA	Trenerry Reserve (part)	1R Wolseley Road,	Coogee	Public reserve	Unzoned	RE1	Sites to be zoned public open space
20	LPMA	Trenerry Reserve (part)	1RR Wolseley Road,	Coogee	Public reserve	Unzoned	RE1	Sites to be zoned public open space
21	LPMA	Benvenue Street Reserve	11R Benvenue Street,	Maroubra	Pocket park	2A	RE1	Sites to be zoned public open space
30	RCC	Simeon Pearce Park	121-123R Middle Street,	Kingsford	Pocket park	2A	RE1	Sites to be zoned public open space
32	LPMA	Franklin Street Closure	140-148R Franklin Street,	Matraville	Pocket park	Unzoned	RE1	Sites to be zoned public open space
33	LPMA	Barwon Park	8-36R Barwon Crescent	Matraville	Part of Barwon park	Unzoned	RE1	Sites to be zoned public open space
37	RCC	Randwick Peace Park (Stephen Street closure)	32R Avoca Street	Randwick	Pocket park	2A and unzoned land	RE1	Sites to be zoned public open space
40	RCC	Kensington Rotary Reserve	140-154R Gardeners Road,	Kingsford	Pocket park	5	RE1	Sites to be zoned public open space
41	RCC	Pillars Place Reserve	10R Pillars Place,	Matraville	Pocket park	2B	RE1	Sites to be zoned public open space
43	RCC	Coastal Walkway reserve	1R Bunya Pde	South Coogee	Coastal Walkway reserve	Unzoned	RE1	Sites to be zoned public open space

44	LPMA	Ryan Ave Park	16R Ryan Avenue,	Maroubra	Park	2A	RE1	Sites to be zoned public open space
45	LPMA	Holmes St Park	34R Holmes Street,	Kingsford	Park	2A	RE1	Sites to be zoned public open space
50	LPMA	Randwick Golf Club	119RR Bilga Crescent,	Malabar	Unformed Crown Road	2A	RE1	Sites to be zoned public open space (as recommended by LPMA)
50	LPMA	Randwick Golf club	119R Bilga Crescent,	Malabar	Unformed Crown Road	2A	RE1	Sites to be zoned public open space (as recommended by LPMA)
51	LPMA	Randwick Golf club	85R Bilga Cresent	Malabar	Unformed Crown Road	2A	RE1	Sites to be zoned public open space (as recommended by LPMA)
53	RCC	Coastal reserve	17R Marine pde	South Coogee	Coastal Walkway Reserve	Unzoned	RE1	Sites to be zoned public open space
55	LPMA	Part of Jack Vanny Memorial Park	11R Marine Pde	South Coogee	Public reserve and part of drainage reserve	Unzoned	RE1	Sites to be zoned public open space
58	RCC	Lurline Bay Reserve	2R Waterside Ave	Maroubra	Public reserve	Unzoned	RE1	Sites to be zoned public open space
59	RCC	Malabar Road Closure	447R Beauchamp Rd,	Maroubra	Road closure	Unzoned	RE1	Sites to be zoned public open space
60	RCC	Allawah Park	2-4R Boomerang St	Maroubra	Public reserve	2A	RE1	Sites to be zoned public open space

62	LPMA	Jennifer Street Reserve	16R Jennifer Street	Little Bay	Public reserve	2A	RE1	Sites to be zoned public open space
66	LPMA	Maroubra Beach Carpark	3P Marine Pde	Maroubra	Public car park	Unzoned	RE1	Sites to be zoned public open space
67	RCC	Gordons Bay Reserve	2-46R Cliffbrook Pde	Clovelly	Coastal Walkway Reserve	Unzoned	RE1	Sites to be zoned public open space
24	RCC	Cromwell Park (north)	245R Franklin Street	Malabar	Park	Unzoned	RE1	Sites to be zoned public open space
64	RCC	Maroubra Surf Live	7RR Marine Pde	Maroubra	Road Reserve/closure – footpath	Unzoned	RE1	Sites to be zoned public open space
34	Private ownership	Private property	49 Cuzco Street	South Coogee	Single dwelling	2A	RE1	Sites to be zoned public open space

Group 2

ID (on the map)	Owner	Site	Address	Suburb	Current Use	RLEP Zone	Proposed Zone	Category
3	RCC	Old Tramway Reserve	86R Melody Street,	Coogee	Pocket park	Unzoned	RE1	Road Reserve/closure
6	RCC	Glebe Street Closure	120R Clovelly Road,	Clovelly	Pocket park	Unzoned	RE1	Road Reserve/closure
7	RCC	Figtree Avenue Closure	17R Gilderthorpe Avenue,	Randwick	Pocket park	Unzoned	RE1	Road Reserve/closure
9	RCC	Game Reserve	1R Walker Avenue,	Clovelly	Game reserve	Unzoned	RE1	Road Reserve/closure
10	RCC	Albi Pl Closure	16R Albi Place,	Randwick	Pocket park	6A and Unzoned	RE1	Road Reserve/closure
13	RCC	Garnet Street Road Reserve/closure	13R Denning Street,	South Coogee	Road closure	Unzoned	RE1	Road Reserve/closure
17	RCC	Solander Street Reserve	8R Solander Street,	Matraville	Pocket park	Unzoned	RE1	Road Reserve/closure
19	RCC	Boyce Road Closure	98R Boyce Road,	Maroubra	Pocket park	Unzoned	RE1	Road Reserve/closure
31	RTA	Prince St Closure	31R Prince Street,	Randwick	Informal car parking	Unzoned	RE1	Road Reserve/closure
35	RCC	Bunnerong Rd Closure	1285-1293R Bunnerong Road,	Little Bay	Road closure	Unzoned	RE1	Road Reserve/closure

36	RCC	Bunnerong Rd Closure	1295-1301R Bunnerong Rd	Little Bay	Road closure	Unzoned	RE1	Road Reserve/closure
38	RCC	Melrose Parade Closure	59R Melrose pde	Clovelly	Road closure	Unzoned and 2A	RE1	Road Reserve/closure
39	RCC	Bella Street Closure	249R Darley Road,	Randwick	Pocket park	Unzoned	RE1	Road Reserve/closure
42	RCC	Wisdom Street Closure	45R Denning Street,	South Coogee	Pocket park	Unzoned	RE1	Road Reserve/closure
46	LPMA	Broadarrow Reserve (part)	290R Fitzgerald Ave	Maroubra	Road closure	Unzoned	RE1	Road Reserve/closure
47	RCC	Giles Street closure	29R Eyre Street,	Chifley	Road closure	Unzoned	RE1	Road Reserve/closure
48	RCC	Wells Street closure	23R Eyre Street,	Chifley	Road closure	Unzoned	RE1	Road Reserve/closure
49	RCC	The Boulevarde Reserve	74R Prince Edward Street,	Malabar	Pocket park	Unzoned	RE1	Road Reserve/closure
52	RCC	Bunnerong Rd Roadside Reserve	901-1283R Bunnerong Rd	Little Bay	Road closure	Unzoned	RE1	Road Reserve/closure
54	RCC	Cuzco Street Closure	58R Cuzco St	South Coogee	Road closure	Unzoned	RE1	Road Reserve/closure
56	RCC	Liguria Street Closure No.2	39R Liguria St	Maroubra	Road closure	Unzoned	RE1	Road Reserve/closure
57	RCC	Liguria Street Closure No.1	33R Liguria St	Maroubra	Road closure	Unzoned	RE1	Road Reserve/closure

Group 3

ID (on the map)	Owner	Site	Address	Suburb	Current Use	RLEP Zone	Proposed Zone	Category
2	STA	Kingsford Market Site	1-11 Rainbow Street	Kingsford	Greengrocer, market, office and carparking	6A	Commercial/Business zone (Review as part of Town Centres Discussion Paper)	Sites zoned but not used for open space; to be rezoned to a commercial zone
2	RCC	Kingsford Market Site	13-21 Rainbow Street	Kingsford	public car park	6A and 2A	Commercial/Business zone (Review as part of Town Centres Discussion Paper)	Sites zoned but not used for open space; to be rezoned to a commercial zone
22	Sydney Water	Part of Malabar Sewage Treatment Plant No.2	251W Franklin Street,	Malabar	Water sewage treatment plant	6B	SP2 (Sewerage System), see also Special Uses Discussion Paper	Sites zoned but not used for open space; to be rezoned to a SP2 zone
23	Private ownership	Hurley Crescent site	2 Hurley Crescent,	Matraville	Residential	6A	Residential (Review as part of Residential Discussion Paper)	Sites zoned but not used for open space; to be rezoned to a residential zone

Group 4

ID (on the map)	Owner	Site	Address	Suburb	Current Use	RLEP Zone	Proposed Zone	Category
12	Randwick Bowling Club Ltd	Randwick Bowling Club	2-4 The Avenue,	Randwick	Bowling Club	6A	RE2	Sites zoned public open space but privately owned
63	UNSW	Eastern portion of UNSW site	45-51 Beach Street (eastern part)	Coogee	Open Space	6A	RE2	Sites zoned public open space but privately owned

Group 5

ID (on the map)	Owner	Site	Address	Suburb	Current Use	RLEP Zone	Proposed Zone	Category
8	Private ownership	Former part of Randwick Racecourse site	66A Doncaster Avenue	Randwick	Development consent for residential	6A	Residential (Review as part of Residential Discussion)	Part of the major site - Royal Randwick Racecourse
25	Commonwealth (DOFD)	Part of Malabar Headland	3R Brown Road	Malabar	Bushland	2B, 6A & 6B	E1	Major site - to be zoned National Parks and Natural Reserves
26	Commonwealth (DOFD)	Part of Malabar Headland	271R Franklin street	Malabar	Rifle range and horse riding school	6A, 6B & unzoned	RE1	Major site - to be zoned public open space
27	Private ownership	Part of former UNSW site	1408 Anzac Parade	Little Bay	Creek corridor and Ochre/Miocene site	5	E2	Major site - to be zoned Environmental Conservation
28	UNSW	UNSW site	1412R Anzac Parade	Little Bay	Part of the golf course	5	E2	Major site - to be zoned Environmental Conservation
29	LPMA	Chinese Market Gardens	1-19 Koorooera Ave	Philip Bay	Market gardens	2B	RU4	Major site - to be zoned Primary Production Small Lot
29	LPMA	Part of road and drainage within Chinese Market Gardens	1R Koorringai Ave	Philip Bay	Part of road and drainage	2B	RU4	Major site - to be zoned Primary Production Small Lot

29	LPMA	Chinese Market Gardens	1002-1100 Bunnerong Rd	Philip Bay	Market gardens	2B	RU4	Major site - to be zoned Primary Production Small Lot
29	LPMA	Chinese Market Gardens	21-39 Koorooera Ave	Philip bay	Market gardens	2B	RU4	Major site - to be zoned Primary Production Small Lot
61	LPMA	Chifley Sports Fields (part) (previously Leichhardt Street Road Reserve/closure)	801-899R Bunnerong Road	Chifley	Road closure	Unzoned	RE1	Major site - green corridor - to be zoned public open space
61	LPMA	Leichhardt Street Reserve	24R Leichhardt Street	Chifley	Public reserve	2A	RE1	Major site - green corridor - to be zoned public open space
61	LPMA	Leichhardt Street Reserve	2-22R Leichhardt Street	Chifley	Public reserve	2A	RE1	Major site - green corridor - to be zoned public open space
61	RTA	Bunnerong Road Closure	652RR Bunnerong Road	Matraville	Road closure	Unzoned	RE1	Major site - green corridor - to be zoned public open space
61	STA	Bunnerong Road Reserve/closure	629-697R Bunnerong Road	Chifley	Road closure	Unzoned	RE1	Major site - green corridor - to be zoned public open space
61	LPMA	Leichhardt Street Reserve	74R Leichhardt Stree	Chifley	Public reserve	2A	RE1	Major site - green corridor - to be zoned public open space

61	LPMA	Warburton Street Closure	45-49R Warburton Street	Chifley	Public reserve	2A	RE1	Major site - green corridor - to be zoned public open space
61	LPMA	Warburton Street Closure	45-49R Warburton Street	Chifley	Road closure	Unzoned	RE1	Major site - green corridor - to be zoned public open space
61	LPMA	Leichhardt Street Reserve	26-28R Leichhardt Street	Chifley	Public reserve	2A	RE1	Major site - green corridor - to be zoned public open space
61	LPMA	Leichhardt Street Reserve	50-70R Leichhardt Street	Chifley	Public reserve	2A	RE1	Major site - green corridor - to be zoned public open space
61	STA	Bunnerong Road Reserve/closure	629-697R Bunnerong Road	Chifley	Road closure	2A	RE1	Major site - green corridor - to be zoned public open space
61	LPMA	Leichhardt Street Reserve	30R Leichhardt Street	Chifley	Public reserve	2A	RE1	Major site - green corridor - to be zoned public open space
61	RTA	Bunnerong Road Reserve/closure	703R Bunnerong Road	Matraville	Road closure	Unzoned	RE1	Major site - green corridor - to be zoned public open space
61	LPMA	Leichhardt Street Reserve	72R Leichhardt Street	Chifley	Public reserve	2A	RE1	Major site - green corridor - to be zoned public open space

61	RCC	Leichhardt Street Closure	1-79R Leichhardt Street	Chifley	Road closure	Unzoned	RE1	Major site - green corridor - to be zoned public open space
61	LPMA	Leichhardt Street Reserve	32R Leichhardt Street	Chifley	Public reserve	2A	RE1	Major site - green corridor - to be zoned public open space
61	LPMA	Leichhardt Street Reserve	34R Leichhardt Street	Chifley	Public reserve	2A	RE1	Major site - green corridor - to be zoned public open space

Appendix 2 Comparison of Existing and Proposed Land Use Zoning Tables

CI	Randwick LEP 1998 (CONSOLIDATION)	CI	Comprehensive RLEP 2011 (based on Standard Instrument LEP)
18	ZONE 6A (OPEN SPACE ZONE) (1) Objectives: (a) to identify publicly owned land used or capable of being used for public recreational purposes, and (b) to allow development that promotes, or is related to, the use and enjoyment of open space, and (c) to identify and protect land intended to be acquired for public open space, and (d) to identify and protect natural features that contribute to the character of the land, and (e) to enable the sustainable management of the land. (2) Development for the purpose of the following does not require development consent: Works (but not buildings) involved in landscaping, gardening or bushfire hazard reduction; Public utility undertakings; Recreation. (3) Development for the purpose of the following requires development consent: Buildings ordinarily incidental or ancillary to landscaping, gardening or bushfire hazard reduction; Car parks; Child care centres; Clubs; Communication facilities; Community facilities; Earthworks; Helicopter landing sites; Markets; Outdoor advertising; Public transport; Recreation facilities; Restaurants; Roads. (4) Any development not included in subclause (2) or (3) is prohibited.		ZONE RE1 PUBLIC RECREATION Direction. <i>The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:</i> <i>Environmental facilities, Environmental protection works, Roads</i> 1 Objectives: ▪ To enable land to be used for public open space or recreational purposes. ▪ To provide a range of recreational settings and activities and compatible land uses. ▪ To protect and enhance the natural environment for recreational purposes. 2 Permitted without consent Environmental facilities; Environmental protection work; Flood mitigation works; Horticulture; Roads. 3 Permitted with consent Animal boarding or training establishments; Boat launching ramps; Boat sheds; Car parks; Child care centres; Community facilities; Helipads; Information and education facilities; Jetties; Kiosks; Markets; Passenger transport facilities; Plant nurseries; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Recreation facilities (major); Registered clubs; Restaurants or cafes; Signage; Take away food and drink premises; Water recreation structures. 4 Prohibited Any development not specified in item 2 or 3.

* Black text in the column for Comprehensive RLEP 2011 indicates compulsory provisions while **red text** indicates the Council's recommended inclusions. The land use table does not provide an exhaustive list of all uses that may be permissible in a particular zone. Other uses may be provided for in other planning instruments (i.e. ISEPP).

CI	Randwick LEP 1998 (CONSOLIDATION)	CI	Comprehensive RLEP 2011 (based on Standard Instrument LEP)
19	ZONE 6B (PRIVATE OPEN SPACE ZONE) (1) The objective of Zone No 6B is to enable private recreation facilities to be provided on privately owned land. (2) Development for the purpose of the following does not require development consent: Works (but not buildings) involved in landscaping, gardening or bushfire hazard reduction; public utility undertakings; recreation. (3) Development for the purpose of the following requires development consent: Buildings ordinarily incidental or ancillary to landscaping, gardening or bushfire hazard reduction; Car parks; Child care centres; Clubs; Communication facilities; Community facilities; Earthworks; Helicopter landing sites; Markets; Outdoor advertising; Public transport; Recreation facilities; Restaurants; Roads. (4) Any development not included in subclause (2) or (3) is prohibited.		ZONE RE2 PRIVATE RECREATION Direction. <i>The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:</i> <i>Environmental facilities, Environmental protection works, Roads</i> 1 Objectives of zone ▪ To enable land to be used for private open space or recreational purposes. ▪ To provide a range of recreational settings and activities and compatible land uses. ▪ To protect and enhance the natural environment for recreational purposes. 2 Permitted without consent Environmental protection works; Horticulture. 3 Permitted with consent Animal boarding or training establishment; Car parks; Child care centres; Community facilities; Environmental facilities; Flood mitigation works; Helipads; Information and education facilities; Kiosks; Markets; Passenger transport facilities; Plant nurseries; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Restaurants or cafes; Roads; Signage; Take away food and drink premises. 4 Prohibited Any development not specified in item 2 or 3.

* Black text in the column for Comprehensive RLEP 2011 indicates compulsory provisions while **red text** indicates the Council's recommended inclusions. The land use table does not provide an exhaustive list of all uses that may be permissible in a particular zone. Other uses may be provided for in other planning instruments (i.e. ISEPP).

CI	Randwick LEP 1998 (CONSOLIDATION)	CI	Comprehensive RLEP 2011 (based on Standard Instrument LEP)
19A	ZONE NO 7 (ENVIRONMENTAL PROTECTION - NATURAL HERITAGE AREAS) (1) The objectives of Zone No 7 are: (a) to identify, protect, conserve and improve natural heritage areas, and (b) to enable the sustainable management of natural heritage areas, and (c) to prohibit development that could adversely affect natural heritage values, and (d) to enable public access and passive recreation, and (e) to provide for buffer areas, and (f) to identify, protect, conserve and improve land that is a habitat corridor. (2) Development for the purpose of the following does not require development consent: Bushfire hazard reduction; Environmental management works; Public utility undertakings; Recreation. (3) Development that, in the opinion of the consent authority, is consistent with the objectives of this Zone and is described in an adopted management plan for the land requires development consent. (4) Development for the purposes of the following requires development consent: Earthworks. (5) Any development not included in subclause (2), (3) or (4) is prohibited.		ZONE E2 ENVIRONMENTAL CONSERVATION Direction. The following must be included as either “Permitted without consent” or “Permitted with consent” for this zone: Environmental protection works. 1 Objectives of Zone ▪ To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values. ▪ To prevent development that could destroy, damage or otherwise have an adverse effect on those values. ▪ To enable public access and passive recreation. ▪ To provide for buffer areas and protect habitat corridors. 2 Permitted without consent Environmental protection works 3 Permitted with consent Car parks; Community facilities; Environmental facilities; Flood mitigation works; Information and education facilities; Recreation areas; Roads. 4 Prohibited Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3.

* Black text in the column for Comprehensive RLEP 2011 indicates compulsory provisions while red text indicates the Council's recommended inclusions. The land use table does not provide an exhaustive list of all uses that may be permissible in a particular zone. Other uses may be provided for in other planning instruments (i.e. ISEPP).

CI	Randwick LEP 1998 (CONSOLIDATION)	CI	Comprehensive RLEP 2011 (based on Standard Instrument LEP)
20	ZONE NO 8 (NATIONAL PARKS ZONE) (1) The objectives of Zone No 8 are: (a) to identify land dedicated or reserved under the <i>National Parks and Wildlife Act 1974</i>, and (b) to allow for the management and use of that land. (2) Development for the purpose of the following does not require development consent: Any building, work, place or land use authorised by or under the <i>National Parks and Wildlife Act 1974</i>, including any incidental or ancillary building, work, place or land use. (3) Any development not included in subclause (2) is prohibited.		ZONE E1 NATIONAL PARKS AND NATURE RESERVES 1 Objectives of zone - To enable the management and appropriate use of land that is reserved under the <i>National Parks and Wildlife Act 1974</i> or that is acquired under Part 11 of that Act. - To enable uses authorised under the <i>National Parks and Wildlife Act 1974</i>. - To identify land that is to be reserved under the <i>National Parks and Wildlife Act 1974</i> and to protect the environmental significance of that land. 2 Permitted without consent Uses authorised under the <i>National Parks and Wildlife Act 1974</i>. 3 Permitted with consent Nil 4 Prohibited Any development not specified in item 2 or 3.
	No equivalent zone.		ZONE RU4 PRIMARY PRODUCTION SMALL LOTS Direction. <i>The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone: Extensive agriculture, Farm buildings, Intensive plant agriculture, Roads, Roadside stalls</i> 1 Objectives of zone - To enable sustainable primary industry and other compatible land uses. - To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature. - To minimise conflict between land uses within this zone and land uses within adjoining zones.

CI	Randwick LEP 1998 (CONSOLIDATION)	CI	Comprehensive RLEP 2011 (based on Standard Instrument LEP)
			2 Permitted without consent Environmental protection works; Home occupations; Horticulture 3 Permitted with consent Car parks; Dwelling houses; Extensive agriculture; Farm buildings; Flood mitigation works; Intensive plant agriculture; Plant nurseries; Roads; Roadside stalls 4 Prohibited Any development not specified in item 2 or 3.

* Black text in the column for Comprehensive RLEP 2011 indicates compulsory provisions while **red text** indicates the Council's recommended inclusions. The land use table does not provide an exhaustive list of all uses that may be permissible in a particular zone. Other uses may be provided for in other planning instruments (i.e. ISEPP).

Appendix 3 Comparison of Existing and Proposed LEP Clauses

	Randwick LEP 1998		Comprehensive RLEP 2011
28	TREE PRESERVATION ORDERS (CLAUSE 28) (1) The Council may, by resolution, make a tree preservation order. (2) A tree preservation order may prohibit the ringbarking, cutting down, topping, lopping, removal, injuring or destroying of trees without the consent of the Council. (3) A tree preservation order comes into force on the day a notice stating that the order has been made is first published in a newspaper circulating at least once weekly in the City of Randwick. (4) A tree preservation order, and the notice referred to in subclause (3), must specify the types or sizes of trees, or identify the locations of the trees, that are covered by the order and may apply to the whole or any part of the City of Randwick. (5) Where a tree preservation order is in force, a person must not, on land to which it applies, ringbark, cut down, top, lop, remove, injure or destroy any tree covered by the order without the consent of the Council. (6) Subclause (5) does not apply where it can be demonstrated to the satisfaction of the Council that the tree is dying, dead or has become dangerous or where the tree is dealt with in accordance with a permit granted by the Council. (7) Before granting a consent or permit referred to in subclause (5) or (6), the Council must make an assessment of the importance of the tree or trees concerned in relation to: (a) soil stability and prevention of land degradation, and (b) scenic or environmental amenity, and (c) vegetation systems and natural wildlife habitats. (8) This clause does not apply to work carried out under section 48 of the Electricity Supply Act 1995. Purpose: To establish procedures for the proper management of trees in order to minimise the unnecessary loss of significant tree resources.	5.9	PRESERVATION OF TREES OR VEGETATION (CLAUSE 5.9) [compulsory, except subclause (9) optional] (1) The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation. (2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council. Note. A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner. (3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by: (a) development consent, or (b) a permit granted by the Council. (4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought. (5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna. (6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property. (7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation: (a) that is or forms part of a heritage item or that is within a heritage conservation area, or (b) that is or forms part of an Aboriginal object or that is within an Aboriginal place of heritage significance, unless the Council is satisfied that the proposed activity: (c) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area, and (d) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area. Note. As a consequence of this subclause, the activities concerned will

	Randwick LEP 1998		Comprehensive RLEP 2011
			require development consent. The heritage provisions of clause 5.10 will be applicable to any such consent. (8) This clause does not apply to or in respect of: (a) the clearing of native vegetation: (i) that is authorised by a development consent or property vegetation plan under the Native Vegetation Act 2003, or (ii) that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or (b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the Native Vegetation Act 2003) that is authorised by a development consent under the provisions of the Native Vegetation Conservation Act 1997 as continued in force by that clause, or (c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the Forestry Act 1916, or (d) action required or authorised to be done by or under the Electricity Supply Act 1995, the Roads Act 1993 or the Surveying and Spatial Information Act 2002, or (e) plants declared to be noxious weeds under the Noxious Weeds Act 1993. Note. Permissibility may be a matter that is determined by or under any of these Acts. (9) Subclause (8) (a) (ii) does not apply in relation to land in Zone R5 Large Lot Residential, E2 Environmental Conservation, E3 Environmental Management or E4 Environmental Living. Direction. This subclause is an optional provision.
	No equivalent clause	5.9A A	TREES OR VEGETATION NOT PRESCRIBED BY DEVELOPMENT CONTROL PLAN (CLAUSE 5.9AA) [compulsory] (1) This clause applies to any tree or other vegetation that is not of a species or kind prescribed for the purposes of clause 5.9 by a development control plan made by the Council. (2) The ringbarking, cutting down, topping, lopping, removal, injuring or destruction of any tree or other vegetation to which this clause applies is permitted without development consent.

	Randwick LEP 1998		Comprehensive RLEP 2011														
40B	RELEVANT ACQUISITION AUTHORITY (CLAUSE 40B) (1) The objective of this clause is to identify, for the purposes of section 27 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991 (the owner-initiated acquisition provisions). Note. If the landholder will suffer hardship if there is any delay in the land being acquired by the relevant authority, section 23 of the Land Acquisition (Just Terms Compensation) Act 1991 requires the authority to acquire the land. (2) The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the Land Reservation Acquisition Map (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions). <table><tr><th>Type of land shown on Map</th><th>Authority of the State</th></tr><tr><td>Zone No 6A Open Space Zone and marked "Open space"</td><td>Council</td></tr></table> (3) Development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose. Note. If land, other than land specified in the Table to subclause (2), is required to be acquired under the owner-initiated acquisition provisions, this instrument is required to be amended to designate the acquiring authority for that land (see section 27 of the Act). The Minister for Planning is required to take action to enable the designation of the acquiring authority under this instrument. Pending the designation of the acquiring authority for that land, the acquiring authority is to be the authority determined by order of the Minister for Planning (see section 21 of the Land Acquisition (Just Terms Compensation) Act 1991).	Type of land shown on Map	Authority of the State	Zone No 6A Open Space Zone and marked "Open space"	Council	5.1	RELEVANT ACQUISITION AUTHORITY (CLAUSE 5.1) [compulsory] (1) The objective of this clause is to identify, for the purposes of section 27 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991 (the owner-initiated acquisition provisions). Note. If the landholder will suffer hardship if there is any delay in the land being acquired by the relevant authority, section 23 of the Land Acquisition (Just Terms Compensation) Act 1991 requires the authority to acquire the land. (2) The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the Land Reservation Acquisition Map (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions). <table><tr><th>Type of land shown on Map</th><th>Authority of the State</th></tr><tr><td>Zone RE1 Public Recreation and marked "Local open space"</td><td>Council</td></tr><tr><td>Zone RE1 Public Recreation and marked "Regional open space"</td><td>The corporation constituted under section 8 of the Act</td></tr><tr><td>Zone SP2 Infrastructure and marked "Classified road"</td><td>Roads and Traffic Authority</td></tr><tr><td>Zone E1 National Parks and Nature Reserves and marked "National Park"</td><td>Minister administering the National Parks and Wildlife Act 1974</td></tr></table> Direction. Land is required to be shown on the Land Reservation Acquisition Map if it is expressly set apart by the Plan exclusively for a public purpose referred to in section 26 (1) (c) of the Act. However, any such land that is held by an authority of the State, or by a public company or a subsidiary of a public company (within the meaning of the Corporations Act 2001 of the Commonwealth) is not required to be shown on that Map. An authority of the State is to be listed for all land shown on the Land Reservation Acquisition Map, but the land is not to be so reserved and the authority listed unless the authority consents to its being listed.	Type of land shown on Map	Authority of the State	Zone RE1 Public Recreation and marked "Local open space"	Council	Zone RE1 Public Recreation and marked "Regional open space"	The corporation constituted under section 8 of the Act	Zone SP2 Infrastructure and marked "Classified road"	Roads and Traffic Authority	Zone E1 National Parks and Nature Reserves and marked "National Park"	Minister administering the National Parks and Wildlife Act 1974
Type of land shown on Map	Authority of the State																
Zone No 6A Open Space Zone and marked "Open space"	Council																
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Zone RE1 Public Recreation and marked "Local open space"	Council																
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Zone SP2 Infrastructure and marked "Classified road"	Roads and Traffic Authority																
Zone E1 National Parks and Nature Reserves and marked "National Park"	Minister administering the National Parks and Wildlife Act 1974																

	Randwick LEP 1998		Comprehensive RLEP 2011
			(3) Development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.
42	DEVELOPMENT OF LAND FOR CERTAIN ADDITIONAL PURPOSES (CLAUSE 42) 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.
42A	CLASSIFICATION AND RECLASSIFICATION OF PUBLIC LAND AS OPERATIONAL (CLAUSE 42A) The public land described in Schedule 5 is classified, or reclassified, as operational land for the purposes of the Local Government Act 1993.	5.2	CLASSIFICATION AND RECLASSIFICATION OF PUBLIC LAND (CLAUSE 5.2) [compulsory] (1) The objective of this clause is to enable the Council to classify or reclassify public land as “operational land” or “community land” in accordance with Part 2 of Chapter 6 of the Local Government Act 1993. Note. Under the Local Government Act 1993, “public land” is generally land vested in or under the control of a council (other than roads, Crown reserves and commons). The classification or reclassification of public land may also be made by a resolution of the Council under section 31, 32 or 33 of the Local Government Act 1993. Section 30 of that Act enables this Plan to discharge trusts on which public reserves are held if the land is reclassified under this Plan as operational land. (2) The public land described in Part 1 or Part 2 of Schedule 4 is classified, or reclassified, as operational land for the purposes of the Local Government Act 1993. (3) The public land described in Part 3 of Schedule 4 is classified, or reclassified, as community land for the purposes of the Local

	Randwick LEP 1998		Comprehensive RLEP 2011
			Government Act 1993. (4) The public land described in Part 1 of Schedule 4: (a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land. (5) The public land described in Part 2 of Schedule 4, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except: (a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 4, and (b) any reservations that except land out of the Crown grant relating to the land, and (c) reservations of minerals (within the meaning of the Crown Lands Act 1989). Note. In accordance with section 30 (2) of the Local Government Act 1993, the approval of the Governor to subclause (5) applying to the public land concerned is required before the description of the land is inserted in Part 2 of Schedule 4.
	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] (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

	Randwick LEP 1998		Comprehensive RLEP 2011
			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 (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, including coastal headlands, can be protected, and

	Randwick LEP 1998		Comprehensive RLEP 2011
			(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.
	No equivalent clause	5.7	DEVELOPMENT BELOW MEAN HIGH WATER MARK (CLAUSE 5.7) [compulsory if land to which Plan applies contains tidal waters] (1) The objective of this clause is to ensure appropriate environmental assessment for development carried out on land covered by tidal waters. (2) Development consent is required to carry out development on any land below the mean high water mark of any body of water subject to tidal influence (including the bed of any such water).
	No equivalent clause	5.11	BUSH FIRE HAZARD REDUCTION (CLAUSE 5.11) [compulsory] Bush fire hazard reduction work authorised by the Rural Fires Act 1997 may be carried out on any land without development consent.

	Randwick LEP 1998		Comprehensive RLEP 2011
			Note. The Rural Fires Act 1997 also makes provision relating to the carrying out of development on bush fire prone land.
	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 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.		SEPP 55 – REMEDIATION OF LAND contains this provision.
42E	DEVELOPMENT IN, ON, OR ADJACENT TO A WATERCOURSE OR WETLAND (CLAUSE 42E) (1) Despite any other provisions of this plan, the Council must not grant consent to development in, on, or adjacent to a watercourse or wetland identified on the map unless the Council is satisfied that: (a) appropriate measures have been identified for ongoing protection, conservation and management of the watercourse or wetland and its riparian land over time, and (b) the width of the riparian land maximises and enhances its potential to serve as a habitat corridor, and (c) the riparian land retains and incorporates within it, wherever possible, existing areas of remnant native vegetation, and (d) the provision of public access is to be located and designed to minimise disturbance to the habitat corridor and existing remnant native vegetation.		DRAFT MODEL LOCAL PROVISION – RIPARIAN LAND AND WATERWAYS This clause applies to any development that requires consent and requires the consent authority to consider the hydrological and ecological impact of that development on a watercourse and riparian land. (1) The objective of this clause is to protect and maintain: (a) water quality within waterways, (b) stability of the bed and banks of waterways, (c) aquatic and riparian habitats, and (d) ecological processes within waterways and riparian areas. (2) This clause applies to land identified as a watercourse on the [Name] Local Environmental Plan [Year] Natural Resource – Water Map and situated within 40 metres of the top of the bank of those watercourses. (3) In assessing a development application, the consent authority must

	Randwick LEP 1998		Comprehensive RLEP 2011
	(2) For a watercourse or wetland that is shown on the map: (a) as a category 2 watercourse or a category 2 wetland—land is taken to be part of the riparian land for that watercourse or wetland if it satisfies one or both of the following: (i) the land is within 20 metres of the top of the bank of the watercourse or wetland, (ii) the land contains remnant native vegetation that adjoins the watercourse or wetland, or (b) as a category 3 watercourse or a category 3 wetland—land is taken to be part of the riparian land for that watercourse or wetland if the land is within 10 metres of the top of the bank of the watercourse or wetland.		take into consideration the following matters: (a) the identification of potential adverse impacts on: (i) water quality within the watercourse, (ii) aquatic and riparian habitats and ecosystems, (iii) stability of the bed, shore and banks of the watercourse, and (iv) free passage of fish and other aquatic organisms within or along the watercourse, (b) the likelihood that the development will increase water extraction from the watercourse, and (c) any proposed measures to minimise or mitigate those impacts (4) Before granting consent to development to which this clause applies the consent authority must be satisfied that: (a) the development is sited, designed and managed to avoid potential adverse environmental impacts, or (b) where an impact cannot be avoided, and having taken into consideration feasible alternatives, the proposed design, construction and operational management of the development will mitigate and minimise those impacts to a satisfactory extent.
	RLEP Clause 44 – Management plan for land in zone NO 7 has similar provisions to this draft model local clause.		DRAFT MODEL LOCAL PROVISION – BIODIVERSITY (TERRESTRIAL) (1) The objective of this clause is to maintain terrestrial biodiversity, including: (a) protecting native flora and fauna, (b) protecting the ecological processes necessary for their continued existence, and (c) encouraging the recovery of native flora and fauna, and their habitats. (2) This clause applies to land identified on the [Name] Local Environmental Plan [Year] Natural Resource – Biodiversity Map (3) When assessing a development application, the consent authority must consider potential adverse impacts from the proposed development on: (a) the condition and significance of the vegetation on the land and whether it should be substantially retained, (b) the importance of the vegetation in that particular location to

	Randwick LEP 1998		Comprehensive RLEP 2011
			native fauna (c) any potential to fragment, disturb or diminish the biodiversity values of the land, and (d) the condition and role of the vegetation as a habitat corridor, and any proposed measures to minimise or mitigate those impacts (4) Before granting consent to development to which this clause applies the consent authority must be satisfied that: (a) the development is sited, designed and managed to avoid potential adverse environmental impacts, or (b) where an impact cannot be avoided, and having taken into consideration feasible alternatives, the proposed design, construction and operational management of the development will mitigate and minimise those impacts to a satisfactory extent.
	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: (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

	Randwick LEP 1998		Comprehensive RLEP 2011
			(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>.
	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

	Randwick LEP 1998		Comprehensive RLEP 2011
			disturb, expose or drain acid sulfate soils and cause environmental damage. (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: (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

	Randwick LEP 1998		Comprehensive RLEP 2011
			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 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.

	Randwick LEP 1998		Comprehensive RLEP 2011
			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 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 4 Summary of stakeholder submissions

Submission by	Issues raised	Response / Comment
NSW Land and Property Management Authority	LPMA has advised of the appropriate land use zonings under the Standard Template for a number of LPMA land holdings.	Supported. All those sites have been reviewed as part of the land use audit. Zoning recommendations for these sites are outlined in Appendix 1.
	Chinese Market Gardens No official/formal response has been received from LPMA regarding the future uses of the Chinese Market Gardens. The site investigation and assessment is still in progress. The Council has received extensive community support for its position in recognising the value of the Chinese Market Gardens.	The Council strongly supports the retention of these 7 ha to remain as heritage-listed Chinese Market Gardens and proposes to rezone it from Residential B to Primary Production Small Lots to preserve the primary agricultural use on the site, while protecting the heritage and scenic character of the land.
Sydney Water	Sydney Water has advised of appropriate land use zonings under the Standard Template for a number of Sydney Water land holdings in Randwick LGA. Two of these sites are relevant to this Paper, which are: <i>Malabar Sewage Treatment Plant No. 2 (251W Franklin Street, Malabar) - Sydney Water suggests that this part of the site be rezoned from 6B (Private Open Space) to SP2 Infrastructure (Sewerage System) to reflect its current land use.</i> <i>2 Fishermans Road, Malabar, part of Malabar Sewage Treatment Plant – Sydney Water suggests the site adopt the appropriate adjacent land use and therefore be zoned Public Recreation, which is consistent with its current zoning (6A, Public Open Space).</i>	Supported. Both sites have been reviewed as part of the land use audit. Zoning recommendations for these sites are outlined in Appendix 1.

UNSW	Little Bay site (1406-1408 Anzac Parade, Little Bay) UNSW has advised that the appropriate zone for Lot 12 of the UNSW site at Little Bay should be RE2 Private Recreation given that the land is used as a private golf course.	Noted. The Lot contains a significant amount of ESBS remnants, thus is proposed to be zoned E2 Environmental Conservation.
	Coogee site (45-51 Beach Street, Coogee) UNSW suggests the whole Coogee campus be rezoned from part 5 Special Uses and part 6A Open Space to SP2 Infrastructure (Research Station).	Noted. The split zoning is suggested to be retained, with the western portion to be zoned SP2 (Educational Establishment) and the eastern portion to be rezoned RE2. The open space area is proposed to be zoned Private Recreation to reflect its ownership and undesirability of development (e.g. steep location and Foreshore Building Line restriction) while protecting this well vegetated site and the visual open space backdrop to Gorden's Bay.
Urbis Pty Ltd on behalf of the owners of 1406-1408 Anzac Parade, Little Bay (subject to a masterplan approved for residential, roads and open space parks)	No changes in zoning of any part of the site from 'Special Uses' should be introduced at this stage as the site has not been further subdivided. It is not practicable to apply different zonings to parts of a single lot. Any open space or environmental conservation zone could be formalised once the final subdivision layout is registered.	Supported. The site contains three individual registered lots at the moment and is currently covered by one single zoning – 5 Special Uses, which does not reflect the approved land uses on the site. Even though further subdivision has yet been registered, the rezoning recommendations from this Paper are based on the existing subdivision, with Lot 10 to be rezoned Residential and Lot 11 & 12 to be rezoned Environmental Conservation. This rezoning would be reviewed in accordance with any subdivision approvals when the comprehensive LEP is being prepared.

Appendix 5 Summary of resolutions relevant to the Comprehensive LEP

Resolutions: Malabar Headland

Date	Recommendation	Reference
22 February 2011	a) Council resolve to commence preparation of a local environmental plan as an amendment to the Randwick LEP 1998 (Consolidation) to rezone Lot 4, Malabar Headland, from 2B Residential to National Park, in accordance with S54 of the Environmental Planning and Assessment Act 1979; b) a planning proposal to this effect be prepared in accordance with S55 and forwarded to the Minister for Planning requesting a Gateway determination in accordance with S56 of the Act; c) the Member for Maroubra be requested to facilitate achieving the Gateway determination; and d) Council seek the Commonwealth's urgent modification of the boundary of the Headland's Lot 4 to include that western part of Lot 1 that covers the ESBS and the potential locations of a western walking track.	Ordinary Council meeting
23 November 2010	a) note and endorse the Maroubra Beach Precinct Committee's resolution of 22 November that Council approach the Commonwealth Government seeking their agreement as land owner to commence a rezoning process for the Headland's Lots 2 and 4; b) write to the local member, Mr Peter Garrett, seeking his support for the proposed spot rezoning; c) respond to the Precinct's request for more information on the consultation process for the proposed western walking track; and d) erect a new warning sign at the Maroubra rock pools, in relation to swimming after rainfall events.	Ordinary Council meeting
9 September 2008	That Council: Writes to the Maroubra and Kingsford Smith MP's confirming Council's commitment that the zoning of the western side of Malabar headland must be changed from Residential to National Park and request details on the progress of changing the zoning.	Ordinary Council meeting

27 November 2007	That Council: write to the new Rudd Government and congratulate the Prime Minister Elect and the Australian Labor Party on their resounding victory, such correspondence to note that over sixty percent of Randwick City Electors supported Mr Rudd and that some of the progressive programs of the new government include environmental sustainability, action on climate change, aboriginal reconciliation, workplace fairness, education reforms and the proper funding basis for health services. These have all been particular areas of concern for our community. The correspondence to also note that the new Government's policies sit perfectly with the ideals of Randwick City Council of sustainability and community building and we especially welcome the commitment to return Malabar Headland to the people of New South Wales. We also appreciate and support the new Government's proposals for local government constitutional recognition.	Ordinary Council meeting
26 June 2007	That Council write to the Federal Minister for Finance, The Hon Nick Minchin, requesting: 1. Completion of Part 2 of the Facilities Management Plan currently underway; 2. That the NSW Government honour its commitment to the relocation of shooting activities currently conducted on the Malabar Headland 3. Confirmation that \$9 million allocated from the Federation Fund in 1998 is still available to be utilised as previously announced by Finance Minister John Fahey for the relocation of the shooters and the provision of open space on the Malabar headland; 4. Recommencement of discussions with the NSW Government without delay to bring about the relocation of shooting activities currently conducted on the Malabar Headland; and 5. That the NSW Government immediately ensure the return of Malabar Headland to the people of NSW for its use as National Park and public open space.	Ordinary Council meeting
26 June , 2007	That: 1. Council direct the Director of City Planning to re-investigate the rezoning of the western portion of the Malabar Headland, currently zoned 2B residential to a National Park.	Ordinary Council meeting

11 April 2006	That Council: 1. give its 'in principle' support to the Critical Habitat Identification Report, subject to the resolution of issues raised in the submission; 2. the Department of Environment and Conservation be invited to work with Council to update the mapping to accord with current works and approvals; 3. Council advise DEC that the Critical Habitat identification for 11-27 Jennifer Street, Little Bay, should not proceed until direct consultation and agreement has been reached with the La Perouse Local Aboriginal Land Council; and 4. Council advise DEC to write to the Commonwealth Minister responsible for the Environment Protection Biodiversity Conservation Act and Malabar Headland, Senator Ian Campbell and the Hon Gary Nairn MP, seeking their support for a Critical Habitat Declaration under the Commonwealth legislation and bi-lateral agreement which complements the SBS Recovery Plan.	Planning Committee meeting
22 March 2005	That: 1. Council endorse the Notice of Intention from the NSW Heritage Office to consider listing Malabar Headland on the State Heritage Register; and 2. Council write to the NSW Heritage Office: a. advising of Council's full and unequivocal support for the nomination and listing of Malabar headland on the State Heritage Register; b. advising the Heritage Office to contact the Department of Finance and Administration regarding the draft background reports on flora and fauna, European heritage and Aboriginal heritage, which may assist the assessment of significance; and c. advising the Heritage Office that it is prepared to offer the Heritage Office any assistance it can in the listing of this matter on the State Heritage Register	Ordinary Council meeting

Resolutions: General

Date	Recommendation	Reference
14 April 2009 (Re: Garnet Street)	That: a) the Garnet Street road reserve continue to be called Garnet Street and this area continue to be maintained as a nature strip; and b) as a part of the preparation of the comprehensive LEP, consideration be given to rezone this land to open space	Works Committee Meeting
11 September 2007 (Re: Significant Tree Register)	That: (a) Council adopts the Register of Significant Trees and that all trees listed in that document be included in Council's draft Local Environmental Plan 2007, after considering the recommendations of the Greening Randwick Committee as reported by the Deputy Mayor; and (b) The trees on the Endeavour House site be assessed for inclusion in the Register of Significant Trees at a future date.	Works Committee Meeting
11 September 2007 (Re: Urban Forest policy)	That: a) Council adopt the Urban Forest Policy after considering the recommendations of the Greening Randwick Committee as reported by the Deputy Mayor; and b) A report be brought back to the Green Randwick Committee detailing the cost and resources needed to implement the following two programs, with the hope of pursuing them in the current financial year; · Street Tree Inventory/Database · GIS Mapping of Council tree assets	Works Committee Meeting

References

- [1] Department of Planning & Infrastructure (2010). Sydney Towards 2036.
- [2] Department of Planning & Infrastructure (2005). City of Cities: A Plan for Sydney's Future.
- [3] Department of Planning & Infrastructure (2007). East Subregion Draft Subregional Strategy.
- [4] Randwick City Council (2010). The Randwick City Plan (adopted in 2006, updated in 2010).
- [5] Randwick City Council and Stratcorp Consulting (2008). Randwick City Recreation Needs Study.
- [6] Office of Environment & Heritage (2004). Eastern Suburbs Banksia Scrub Endangered Ecological Community Recovery Plan.

