PART 4 LEP ANALYSIS

This section of the Paper provides a contextual analysis of the Standard LEP Instrument, in respect to business zones, land uses and clauses with an emphasis of translating Council's current business planning controls into the equivalent Standard Instrument provision. Other matters, such as rezoning proposals, adjustment of centre boundaries, development incentives and zoning anomalies, are also discussed within this section.

4.1 Zone comparison

The following section provides a zoning comparison between RLEP business zones and the suite of business zones offered within the Standard Instrument.

4.1.1 Business zones under Randwick LEP 1998 (Consolidation)

Business centres in the Randwick LGA currently fall within two zones under the Randwick Local Environmental Plan 1998 (Consolidation), namely 3A General Business and 3B Local Business.

The 3A General Business zone applies to traditional business centres including Maroubra Junction, Randwick, Kingsford and Coogee. The objectives of this zone focus on maintaining the viability of existing business centres and to facilitate the orderly and economic development of land in centres that are in close proximity to public transport.

Council's other business zone, 3B Local Business is generally applied to all other local business centres. These include Kensington, Frenchmans Rd, Clovelly, Maroubra Beach and Matraville in addition to other smaller centres that are located within local neighbourhoods. The main objectives of this zone focus on providing opportunities for local retail and business development whilst minimising the impact of development on adjoining and nearby residential zones.

4.1.2 Business zones under the Standard Instrument

The Standard Instrument sets out a total of 34 standard zones for Councils to use when preparing a Standard Instrument LEP. Of these 34 zones, approximately eight are intended for business purposes and are listed as follows:

- B1 Neighbourhood Centre
- B2 Local Centre
- B3 Commercial Core
- B4 Mixed Use
- B5 Business Development
- B6 Enterprise Corridor
- B7 Business Park
- B8 Metropolitan Centre

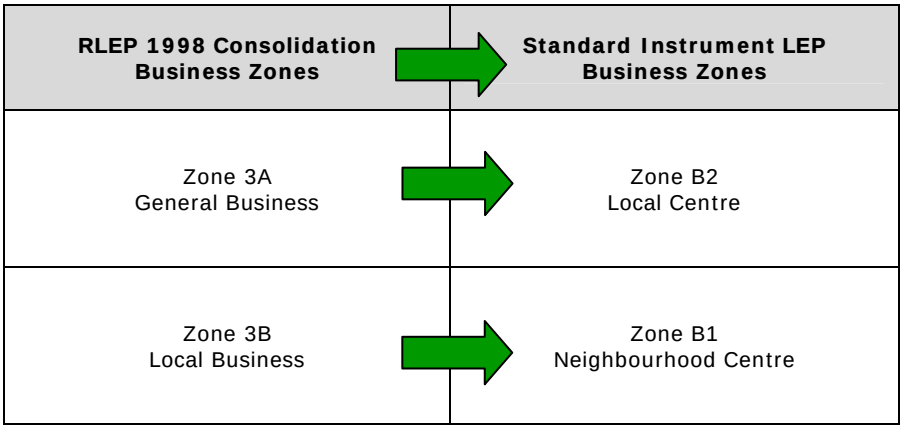
Each zone has one or more core objectives to guide development in that zone and prescribes mandated land uses that are permitted or prohibited in the zone. Council may prepare additional local objectives and can specify additional land uses are permitted and prohibited within a certain zone. Figure 35 on the following page provides an overview of the characteristics of each standard business zone and a brief comment on the suitability of the zone being applied in the Randwick LGA.

Standard Instrument zones	Description	Comment
B1 Neighbourhood Centre	This zone is intended for neighbourhood centres that include small scale convenience retail premises, business premises or community uses that serve the day to day needs of people who live or work in the surrounding neighbourhood.	Proposed to be used – The B1 zone is considered a good match for land that is currently zoned 3B Local Business. A more detailed analysis between the current 3B zone and proposed B1 zone is provided in Section 4.3 and Appendix 3.
B2 Local Centre	The zone is generally intended for centres that provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area. B2 centres typically services a wider catchment than a neighbourhood centre.	Proposed to be used – The B2 zone has similar characteristics to the current 3A General Business zone. It is envisaged that the majority of 3A zoned land will be converted into the B2 zone. A more detailed analysis is provided in Section 4.2. and Appendix 2.
B3 Commercial Core	This zone provides a wide range of retail, business, office, entertainment and community land uses that serve the needs of the local and wider community. The zone generally applies to major metropolitan centres or regional centres (eg. Bondi Junction).	Not to be used – There are no centres in Randwick that are classified as being a major employment centre.
B4 Mixed Use	The zone applies to areas where a mixture of compatible land uses is encouraged. The zone allows for the development of business, office, residential, retail, community and other suitable land uses.	Potential to be used – This zoning could apply in centres that are characterised with a diverse mix of land uses. This is discussed in the following section.
B5 Business Development	This zone caters for employment generating uses such as offices, warehouses, retail and bulky goods premises. The zone generally applies in locations that are close to and support the viability of centres.	Not to be used – This type of large format development does not exist within the Randwick LGA thus this zone is not applicable.
B6 Enterprise Corridor	The zone promotes businesses along main arterial roads by encouraging a mix of commercial and industrial land uses. The economic strength of centres is maintained as the B6 zone limits retail activity.	Not to be used – This type of commercial/industrial development does not exist within the Randwick LGA thus there is no need to use this zone.
B7 Business Park	The zone is intended for land that primarily accommodates office and light industry, including high technology industries. A range of convenience facilities and services are also permitted in this zone to support the day to day needs of workers in the area.	Not to be used - There are no business park type developments in the Randwick LGA thus this zone is irrelevant.
B8 Metropolitan Centre	This zone provide for large scale business, office, retail, entertainment and tourist premises and are to used in global strategic centres. The zone may only be used in the City of Sydney and North Sydney local government areas.	Not to be used - This zone is only applicable to City of Sydney and North Sydney LGAs.

Figure 35: Standard Instrument business zones

Given the descriptions of the existing and proposed zonings in Figure 35, it is clear that the majority of Standard Instrument business zones do not apply to the Randwick LGA.

This Paper recommends using the B1 Neighbourhood Centre and B2 Local Centre zones, which are considered to be a general conversion from the current 3B Local Business Zone and 3A General Business Zone respectively.



The translation of business zones into the Standard Instrument provides an opportunity to consider introducing the B4 Mixed Use zone in certain centres. The provisions of the B4 zone, and whether the zone is suitable for application within the context of business centres in the Randwick LGA, are examined below.

4.1.3 Analysis of B4 Mixed Use zone

The Standard Instrument introduces a mixed use zone, which may be used to complement the existing hierarchy of business centres in the Randwick LGA.

Many of Randwick's commercial centres have transformed over many years from traditional retail centres to mixed use centres with buildings for retail and commercial uses at the ground level and sometimes first floors, and levels of residential use above.

In particular, Kingsford and Maroubra Junction have clearly become mixed use centres; that is, they are being used for both commercial and residential purposes. As a result, the role and function of these centres have strengthened economically due to a stronger population catchment. The Randwick Economic Activity Study prepared by SGS Economics suggests that the commercial areas of Randwick Junction and Maroubra Junction are suited to either the B4 Mixed Use zone or the B2 Local Centre zone.

The purpose of the B4 Mixed Use Zone is to encourage a wide range of land uses to be developed in centres that are easily accessible and well serviced by public transport.

The outcomes of a mixed use centre can also be achieved with the B2 Local Centre zoning. This is also supported by the Randwick Economic Activity Study which states that the compulsory zone objectives for the B2 Local Centre zone appear to be more suitable, although additional zone objectives could be included to customise the B4 Mixed Use zone should Council wish to implement this zone.

It is important to note that there are few differences between the B2 Local Centre and B4 Mixed Use mandatory permitted uses. The B4 zone stipulates 'hotel or motel accommodation' and 'seniors housing' as mandatory land uses, whilst the B2 zone mandates 'service stations' and 'tourist and visitor accommodation' as permissible. Besides these minor disparities, both the B2 and B4 zones permit the same land uses.

The comprehensive LEP/DCP review is not seeking to introduce major changes in respect to business zonings and permitted uses in our commercial centres – it seeks primarily to transfer existing planning provisions, where these are already operating suitably, into the Standard LEP Template. Any significant changes to centres are identified during detailed town centre planning/design reviews, which are undertaken as standalone projects. Future centre reviews have been earmarked for Kingsford as a priority, and later for Randwick Junction/The Spot and Coogee.

Given that the B2 zone gives priority to business uses while allowing a range of other uses, utilising the B2 zone is recommended, to ensure the continued importance and priority of businesses in our centres.

4.2 B2 Local Centre Zone

The current 3A General Business zone corresponds well with the Standard Instrument B2 Local Centre zone. Both zones serve a wider population catchment than a neighbourhood centre and provide a greater range of retail, business, entertainment and community uses. Residential development is also a common land use within Local Centres particularly if the centre is a focus for public transport routes.

As the zone objectives and land use permissibility is generally compatible between the zones, it is proposed that land currently zoned 3A General Business will be directly converted into the Standard Instrument zone of B2 Local Centre.

4.2.1 Objectives of the zone

Zoning objectives are used to establish the key outcomes that development on land within the zone should achieve.

The Standard Instrument contains provisions which allow Council to add objectives to customise the B2 zone to local circumstances. Zoning objectives from the existing 3A General Business zone are proposed to be replicated or rephrased to accurately reflect the intended nature and character of the centres.

The mandatory and proposed objectives for the B2 zone are listed in Figure 36:

Zone B2	Mandated objectives under the Standard Instrument	Additional objectives proposed by Council
1. Objectives of zone	• To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area. • To encourage employment opportunities in accessible locations. • To maximise public transport patronage and encourage walking and cycling.	• To enable residential development that is well-integrated with, and supports the primary business function of the zone. • To facilitate a high standard of urban design and pedestrian amenity that contributes to achieving a sense of place for the local community.

Figure 36: Proposed B2 Local Centre zone objectives

4.2.2 Permitted uses

In addition to specifying the zone objectives, the land use table also specifies what land uses are permitted or prohibited within the zone.

Permitted land uses (both 'with consent' or 'without consent') are forms of development that fulfil the zone objectives and are considered suitable on land within the zone. Land uses that are prohibited are types of development that are inconsistent with the zone objectives and are not considered appropriate on land within the zone.

Land uses permitted in the B2 zone are generally compatible with the current 3A zone.

A comparison of the current 3A zone objectives and land uses to the proposed B2 zone is provided in Appendix 2, and is listed in Figure 37:

	Mandated land uses under Standard Instrument	**Additional land uses proposed by Council**
2. Permitted without consent		Home occupations; Recreation areas
3. Permitted with consent	Boarding houses Child care centres Commercial premises Community facilities Educational establishments Entertainment facilities Function centres Information and education facilities Medical centres Passenger transport facilities Recreation facilities (indoor) Registered clubs Respite day care centres Restricted premises Service stations Shop top housing Tourist and visitor accommodation	Amusement centres; Car parks; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Helipads; Home businesses; Hostels; Markets; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (outdoor); Research stations; Residential care facilities; Residential flat buildings; Roads; Sex services premises; Signage; Veterinary hospitals; Any development not specified in item 2 or 4
4. Prohibited development		Agriculture; Airstrips; Air transport facilities; Animal boarding and training establishments; Attached dwellings; Boat launching ramps; Boat building and repair facilities; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Electricity generating works; Environmental facilities; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Highway service centres; Home industries; Home occupations (sex services); Industries; Industrial retail outlets; Industrial training facilities; Jetties; Landscaping material supplies; Marinas; Moorings; Mooring pens; Mortuaries; Multi dwelling housing; Open cut mining; Port facilities; Recreation facilities (major); Restriction facilities; Roadside stalls; Rural industries; Rural supplies; Rural workers dwellings; Secondary dwellings; Semi-detached dwellings; Seniors housing; Sewerage systems; Storage premises; Timber yards; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies

Figure 37: Proposed B2 Local Centre permitted uses

4.2.3 Location of B2 centres

There are four centres zoned 3A General Business within the Randwick LGA, namely:

- Maroubra Junction
- Randwick Junction
- Kingsford
- Coogee

These centres will be directly converted to the B2 Local Centre zone, which is considered to be the equivalent zone. The location of these centres can be found in Figure 2.

4.2.4 Proposed to be zoned B2 Local Centre – Kensington Centre

Kensington business centre is currently zoned 3B Local Business (applying to neighbourhood scale centres) yet is increasingly operating at the scale of a local centre. The general objective for the B2 Local Centre zone is to provide a range of retail, business, entertainment, employment and community uses for people who live, work or visit the area. In contrast, the mandatory objectives of the smaller B1 Neighbourhood Centre zone are to provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.

Kensington is considered to have surpassed its role in providing basic neighbourhood centre services and now provides retailing and business opportunities for a wider population catchment, given its strategic location on Anzac Parade and public transport routes. Additionally, the current Kensington Town Centre LEP/DCP controls facilitate the development of higher order retailing services such as supermarkets, larger format retail stores and other related uses. This reaffirms the position of Kensington centre as being more consistent with the objectives and uses in a local business centre than a neighbourhood centre.

To formally acknowledge the retailing role and stronger commercial nature of Kensington, it is considered appropriate to apply the B2 Local Centre zone rather than the equivalent B1 Neighbourhood Centre zone. The desired outcomes stated in the existing LEP/DCP provisions for this centre are consistent with the mandated objectives of the B2 Local Centre zone. These provisions would remain the same under with the B1 or B2 zoning, that is, all the controls such as existing maximum heights and building envelopes will not be changed.

It is important to note that the zoning of Kensington to the B2 Local Centre zone would result in several new additional land uses being permitted in this centre, subject to consent from Council. The most notable of these uses would be backpackers' accommodation and sex service premises. Backpackers' accommodation falls within the mandated land use of 'tourist and visitor accommodation'. Given that a number of similar uses are already permissible within Kensington centre (including motels, serviced apartments and boarding houses), the addition of backpackers' accommodation as a permitted land use in Kensington centre is not likely to cause major consequences. Any proposal would require a development application, community notification and development consent.

In terms of sex service premises (ie brothels), Council is required by the NSW Government to provide for sex services premises as a permissible use somewhere in the Randwick LGA; RLEP currently permits these uses in the 3A General Business zone and 4A Industrial zone. Despite the zoning allowing the development of sex service premises, these uses are generally not located at street level and have minimal street presence.

Additionally, land uses of this nature will be subject to strict merit-based assessment and is only permissible with Council consent. It is also proposed to introduce a new LEP clause that would restrict sex service premises from locations near residences, schools, churches and other community facilities. For further background, see Section 3.10 – Sex service premises.

While the majority of permissible land uses between the B1 and B2 zones are the same, the B2 zone allows for more land uses and development options given its stronger commercial base. Essentially, the key differences between the two zones are the zoning objectives and that the land uses identified below, are permissible with consent within the B2 zone (ie not permitted within the B1 zone):

- Amusement centres
- Educational establishments
- Exhibition homes
- Exhibition villages
- Helipads
- Hostels
- Recreation facilities (outdoor)
- Residential care facilities
- Residential flat buildings
- Restricted premises
- Sex service premises
- Tourist and visitor accommodation (includes backpackers' accommodation, bed and breakfast accommodation, farm stay accommodation, hotel or motel accommodation and serviced apartments)

4.2.5 Land for consideration as a B1 or B2 centre –Matraville Centre

Matraville business centre is also an evolving centre, with changes occurring in the role and function of the centre. Currently zoned 3B Local Business, the Paper recognises that Matraville centre falls between the proposed B1 Neighbourhood Centre and B2 Local Centre zones. This Paper notes that Matraville centre could either retain its equivalent B1 zoning or be rezoned to the B2 Local Centre zone via the Comprehensive LEP process.

The development controls for Matraville centre are similar to those envisioned for the larger B2 Local Centres. Rather than utilising the FSR approach, the Matraville Town Centre DCP guides development via the more detailed building envelope approach, based on a detailed planning/design review undertaken in 2005/06. This regime will be retained for Matraville, with the same height limits transferred into the Comprehensive LEP and the building envelope controls detailed within the DCP, whether or not its zoned B1 or B2.

It is important to note that the zoning of Matraville to the B2 Local Centre zone would result in several new additional land uses being permitted in this centre, subject to consent from Council. The most notable of these uses would be

backpackers' accommodation and sex service premises. Backpackers' accommodation falls within the mandated land use of 'tourist and visitor accommodation'. Given that a number of similar uses are already permissible within Kensington centre (including motels, serviced apartments and boarding houses), the addition of backpackers' accommodation as a permitted land use in Kensington centre is not likely to cause major consequences. Any proposal would require a development application, community notification and development consent.

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While the majority of permissible land uses between the B1 and B2 zones are the same, the B2 zone allows for more land uses and development options given its stronger commercial base. Essentially, the key differences between the two zones are the zoning objectives and that the land uses identified below, are permissible with consent within the B2 zone (ie not permitted within the B1 zone):

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- Educational establishments
- Exhibition homes
- Exhibition villages
- Helipads
- Hostels
- Recreation facilities (outdoor)
- Residential care facilities
- Residential flat buildings
- Restricted premises
- Sex service premises
- Tourist and visitor accommodation (includes backpackers' accommodation, bed and breakfast accommodation, farm stay accommodation, hotel or motel accommodation and serviced apartments)

Should Matraville be rezoned to the B2 Local Centre zone, the aforementioned additional land uses would become permissible within the centre (with Council consent).

Section 4.3.3 of this Paper (B1 Centre information) mirrors this section of the Paper.

4.2.6 Adjustment of centre boundaries in the B2 Local Centre zone

Council also examined the need to adjust the boundaries of some proposed B2 Local Centre zones to accurately reflect the extent of business uses and/or respond to planning and zoning requests. It was determined that in most centres, retail and commercial activity are fairly well contained within the land zoned for business purposes, except for Kensington and Kingsford.

- **Kensington Centre**

In addition to amending the zoning of Kensington, the Paper recommends that the town centre boundaries of Kensington continue to be reflected in the Comprehensive LEP.

Under the current provisions of RLEP, development for business uses can occur on land edged in heavy black on the RLEP map, which includes both business and residential zones within the centre. Schedule 2 of RLEP allows business uses on these residential zoned lands. The town centre boundary for Kensington is depicted in Figure 38.

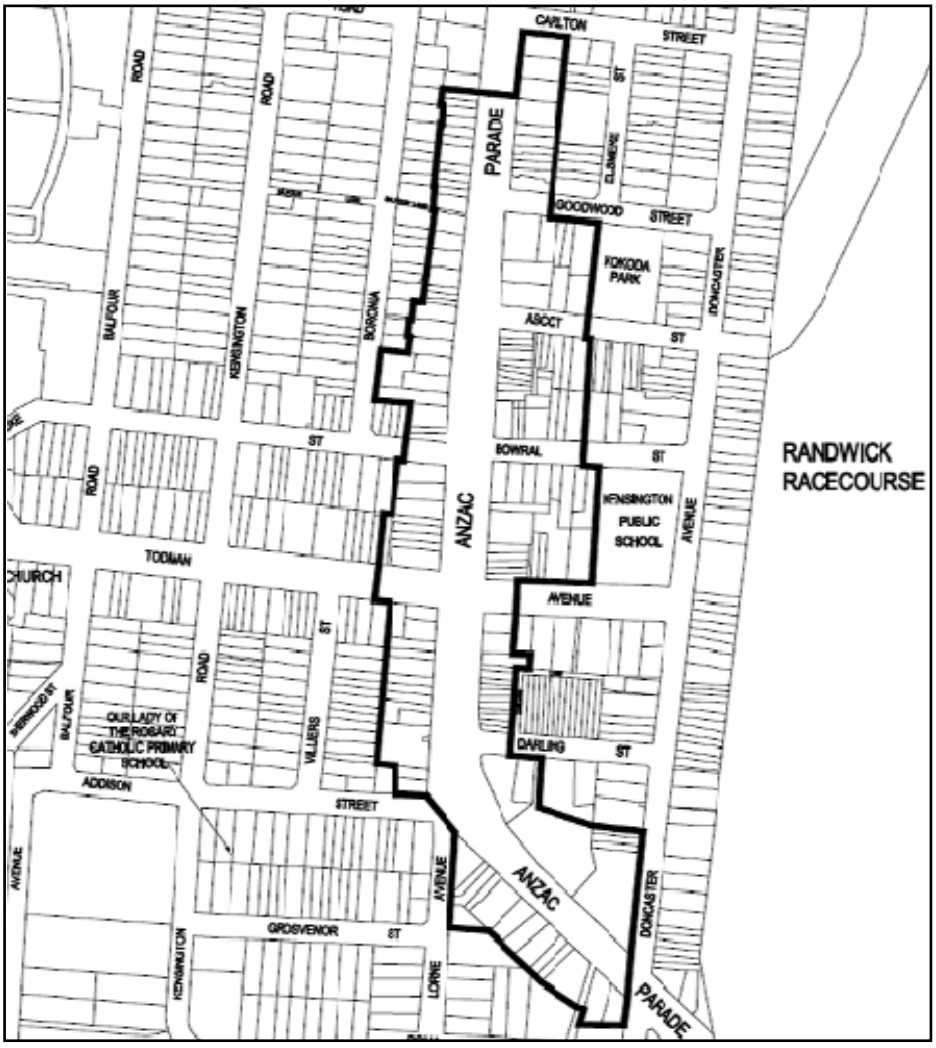


Figure 38: Kensington Town Centre boundary

As the Standard Instrument no longer facilitates this type of identification mapping, the town centre boundaries of Kensington must be distinguished another way.

To address this, the Paper recommends zoning the residential components of the Kensington town centre to the B2 Local Centre zone as a way of ensuring their respective development controls remain in place. While the centre is predominantly zoned for business uses, a number of residential zoned allotments fall within the town centre boundaries (see details and map in Appendix 4).

Given that a substantial amount of town centre uses have eventuated on land zoned for residential purposes (particularly on land fronting Anzac Parade) it is considered appropriate to rezone land within the identified Kensington Town Centre boundaries to the B2 Local Centre zone. A proposed local clause would address development proposals which retain, redevelop or upgrade existing residential developments in these areas (see Section 4.5.4 for more information).

- **Kingsford Centre**

Two separate rezoning submissions would extend this centre via a number of properties located towards the southern boundary of the centre (see details and map in Appendix 4).

A substantial cluster of business premises (around six) currently operate on the south side of Anzac Parade, which is immediately outside the business zoned area of the Kingsford town centre. The sites are currently zoned for residential purposes and also form part of a submission from the landowners requesting a rezoning to business. Details of this request can be found in Appendix 8.

Additionally, a rezoning submission for land owned by State Transit Authority and Randwick City Council requests inclusion of the site at the corner of Rainbow Street and Anzac Parade. Details of this proposal are contained in Section 4.5.1 and Appendix 7.

It is considered appropriate that the Kingsford local centre be expanded to incorporate these properties which would create a continuous business zone linking the centre to the South Sydney Junior Rugby League Club which is already zoned 3A General Business.

4.2.7 Height and FSR / building envelope controls

This section specifically addresses height and floor space ratio/building envelope controls in the proposed B2 Local Centre zones.

RLEP currently uses both building envelope controls and floor space ratios to assess the size/scale of development in the larger commercial centres across the City. Building envelopes, number of storeys and building heights are used for the centres of Kensington and Maroubra Junction (through clauses 42C and 42D of RLEP) while maximum floor space ratios and building heights are indicated on the RLEP map (via clauses 20F and 20G) for the other commercially zoned centres.

Floor space ratios (FSR) are useful in providing an easily calculated measure and certainty to the community and land owners about the bulk and scale of development that is permissible, allowing a defined maximum floor space to be calculated based on the size of the lot. Meanwhile, a building envelope is a more detailed measure and typically calculated on a block-by-block basis and sometimes

on a site-by-site basis. Building envelopes are determined by controls such as setbacks, building width, articulation and height. Its purpose is to provide an envelope within which development may occur but not one which the development should necessarily fill. In recent years, there has been a move towards the building envelope approach for Randwick City's larger business centres, as detailed planning/design reviews are undertaken and to require/encourage quality design outcomes. These envelope controls are detailed in DCPs and operates within RLEP via specific clauses.

Council is proposing that these existing approaches to development standards be retained in the Comprehensive LEP. B2 Local Centres will continue to use the building envelope to control development outcomes. It is Council's long term goal to undertake detailed town centre studies for all larger centres including Kingsford, Randwick Junction/The Spot and Coogee, to develop building envelope controls for these centres to ensure consistency in the application of standards and quality design outcomes. It is envisaged that the FSR controls that presently apply to these centres will be eventually transferred into detailed block-by-block building envelope controls once these studies are completed. However, in the interim, these centres will retain their current FSR and height control in the comprehensive LEP.

In terms of building height, no departure from the current controls is proposed for 3A zoned centres.

Figure 39 indicates the proposed heights for B2 Local Centres and whether the centre will be covered by an FSR control or the building envelope approach. Note that this Paper does not propose to amend heights or FSR/building envelope controls for B2 Local Centres. The FSR and height controls must be mapped in the new Comprehensive LEP.

Local Centre	Existing Height	Proposed Height	Existing FSR / building envelope control	Proposed FSR / Building envelope control
Maroubra Junction	Various-site specific	Maximum heights specified in the Maroubra Junction Town Centre DCP will be carried over into the LEP map	Various-site specific	Building envelope control (to be contained in Comprehensive DCP)
Randwick Junction	12m	12m	FSR 2:1	FSR 2:1
Kingsford	24m	24m	FSR 3:1	FSR 3:1
Coogee	12m	12m	FSR 1.5:1	FSR 1.5:1
Kensington	Various-site specific	Maximum heights specified in the Kensington Town Centre DCP will be carried over into the LEP map	Various-site specific	Building envelope control (to be contained in Comprehensive DCP)

Figure 39: Comparison of existing and proposed development standards in B2 zones

4.3 B1 Neighbourhood Centre zone

Council's current 3B Local Business Zone is considered to be a direct match to the Standard Instrument's B1 Neighbourhood Centre zone. Both zones are intended for small clusters of convenience type shops that serve the day to day needs of the local community.

These neighbourhood centres in the Randwick LGA typically range from 1,000m2 to 19,000m2 in land area. Neighbourhood centres are considered to be a dynamic typology, varying from single to three storeys or more, and often characterised with a range of building forms across centres. These centres appear to be most successful where the local catchment is relatively contained or where the centre is attractive from a convenience perspective. Such factors include ease of access to walk or cycle to, proximity to bus stops and public transport routes and car parking. In some cases, neighbourhood centres are strengthened by their strategic location on arterial roads and offer a diversity of business and retail services beyond which would be required to serve the immediate local population.

4.3.1 Objectives of the zone

Zoning objectives are used to establish the key outcomes that development on land within the zone should achieve.

The Standard Instrument contains provisions which allow Councils to add objectives to customise the B1 zone. The majority of zoning objectives from the existing 3B Local Business zone will be carried over to accurately reflect the intended nature and character of the centres.

The mandatory and proposed objectives for the B1 zone are listed in Figure 40:

	Mandated objectives under the Standard Instrument	**Additional objectives proposed by Council**
1. Objectives of zone	• To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.	• To enable residential development that is well-integrated with, and supports the primary business function of the zone. • To minimise the impact of development on adjoining and nearby residential zones.

Figure 40: Proposed B1 Neighbourhood Centre zone objectives

4.3.2 Permitted uses

In addition to specifying the zone objectives, the land use table also specifies what land uses are permitted or prohibited within the zone.

Permitted land uses (both 'with consent' or 'without consent') are forms of development that fulfil the zone objectives and are considered suitable on land within the zone. Land uses that are prohibited are types of development that are inconsistent with the zone objectives and are not considered appropriate on land within the zone.

By comparing the land use tables for the current 3B Local Business zone and the proposed B1 Neighbourhood Centre, the zoning is generally compatible and there are no obvious contradictions between the permissible land uses contained within the two zones. Following a review of the 3B zoning permissibility, Figure 41 outlines what land uses will be permitted and prohibited in the B1 zone.

As the objectives and land use permissibility are generally consistent between the existing and proposed business zonings, it is proposed that land currently zoned 3B Local Business will be directly converted into the Standard Instrument zone of B1 Neighbourhood Centre.

	Mandated land uses under Standard Instrument	**Additional land uses proposed by Council**
2. Permitted without consent		Home occupations; Recreation areas
3. Permitted with consent	Boarding houses Business premises Child care centres Community facilities Medical centres Neighbourhood shops Respite day care centres Shop top housing	Bed & breakfast accommodation; Car parks; Entertainment facilities; Environmental protection works; Flood mitigation works; Food and drink premises; Function centres; Garden centres; Group homes; Hardware and building supplies; Health consulting rooms; Home businesses; Home industries; Hospitals; Hotel or Motel accommodation; Information and education facilities; Kiosks; Markets; Office premises; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation facilities (indoor), Registered clubs; Research stations; Roads; Service stations; Shops; Signage; Veterinary hospitals; Any development not specified in item 2 or 4
4. Prohibited development		Agriculture; Air strips; Air transport facilities; Animal boarding and training establishments; Amusement centres; Attached dwellings; Backpacker accommodation; Boat building and repair facilities; Boat launching ramps; Boat sheds; Bulky goods premises; Camping grounds; Caravan parks; Cemeteries; Cellar door premises; Charter & tourism boating facilities; Correctional centres; Crematoria; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupation (sex services); Hostels; Industries; Industrial retail outlets; Industrial training facilities; Jetties; Landscaping material supplies; Marinas; Moorings; Mooring pens; Mortuaries; Multi dwelling housing; Open cut mining; Plant nurseries; Port facilities; Recreation facilities (outdoor), Recreation facilities (major); Residential flat buildings; Restricted premises; Restriction facilities; Roadside stalls; Rural industries; Rural supplies; Rural worker's dwellings; Secondary dwellings; Semi-detached dwellings; Serviced apartments; Sex services premises; Sewerage systems; Storage premises; Timber yards; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair station; Vehicle sale or hire premises; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies

Figure 41: Proposed B1 Neighbourhood Centre permitted uses

A comprehensive comparison of the current 3B zone objectives and land uses to the proposed B1 zone is provided in Appendix 3.

4.3.3 Location of B1 centres

Currently, there are 23 centres zoned 3B Local Business within the Randwick LGA; 22 of these centres are proposed to be directly converted to the equivalent Standard Instrument B1 Neighbourhood Centre zone (with the exception of Kensington, as previously discussed in Section 4.2.4).

The existing town centres to adopt the B1 zone are listed as follows and shown on Figure 42:

1. Matraville (option to rezone to B2)
2. Maroubra Beach
3.The Spot
4. Frenchmans Rd
5. Clovelly
6. West Randwick
7. Malabar
8. Duffys Corner
9. Chifley
10. Little Bay
11. La Perouse
12. Moverly/Malabar Rd, South Coogee
13. Malabar Rd, Maroubra (Lurline)
14. Maroubra South
15. Botany St, Kingsford
16. South Coogee
17. Lexington Place, Maroubra
18. Shirley Cres, Matraville
19. Canara Ave, Phillip Bay
20. Nix Ave, Malabar
21. Snape St, Kingsford
22. Maroubra Road West, Maroubra

4.3.4 Land for consideration as a B1 or B2 centre – Matraville centre

Out of these 22 existing centres, Matraville is the largest neighbourhood centre. Matraville, as discussed in Part 3 Centre Profiles and Section 4.2.5, is evolving with changes in the role and function of the centre. The Paper recognises that Matraville falls between the proposed B1 Neighbourhood Centre and B2 Local Centre zones, that is, it can be considered as either a large neighbourhood centre, or a small local centre. To reflect this planned future growth, Matraville can either retain its equivalent Standard Instrument B1 zoning or be rezoned to the B2 Local Centre zone via the Comprehensive LEP process.

The development controls for Matraville centre are similar to those envisioned for the larger B2 Local Centres. Rather than utilising the FSR approach, the Matraville Town Centre DCP guides development via the more detailed building envelope approach, based on a detailed planning/design review undertaken in 2005/06. This regime will be retained for Matraville, with the same height limits transferred into the Comprehensive LEP and the building envelope controls detailed within the DCP, whether or not its zoned B1 or B2.

It is important to note that the zoning of Matraville to the B2 Local Centre zone would result in several new additional land uses being permitted in this centre, subject to consent from Council. The most notable of these uses would be backpackers' accommodation and sex service premises. Backpackers' accommodation falls within the mandated land use of 'tourist and visitor accommodation'. Given that a number of similar uses are already permissible within Kensington centre (including motels, serviced apartments and boarding houses), the addition of backpackers' accommodation as a permitted land use in Kensington centre is not likely to cause major consequences. Any proposal would require a development application, community notification and development consent.

In terms of sex service premises (ie brothels), Council is required by the NSW Government to provide for sex services premises as a permissible use somewhere in the Randwick LGA; RLEP currently permits these uses in the 3A General Business zone and 4A Industrial zone. Despite the zoning allowing the development of sex service premises, these uses are generally not located at street level and have minimal street presence.

Additionally, land uses of this nature will be subject to strict merit-based assessment and is only permissible with Council consent. It is also proposed to introduce a new LEP clause that would restrict sex service premises from locations near residences, schools, churches and other community facilities. For further background, see Section 3.10 – Sex service premises.

While the majority of permissible land uses between the B1 and B2 zones are the same, the B2 zone allows for more land uses and development options given its stronger commercial base. Essentially, the key differences between the two zones are the zoning objectives and that the land uses identified below, are permissible with consent within the B2 zone (ie not permitted within the B1 zone):

- Amusement centres
- Educational establishments
- Exhibition homes
- Exhibition villages
- Helipads
- Hostels
- Recreation facilities (outdoor)
- Residential care facilities
- Residential flat buildings
- Restricted premises
- Sex service premises
- Tourist and visitor accommodation (includes backpackers' accommodation, bed and breakfast accommodation, farm stay accommodation, hotel or motel accommodation and serviced apartments)

Whether Matraville is zoned either B1 or B2, the bulk of permissible land uses would be identical. However, should Matraville be rezoned to the B2 Local Centre zone, the aforementioned additional land uses would become permissible within the centre (with Council consent).

The eventual zoning of Matraville centre will be assisted by community feedback on this Paper.

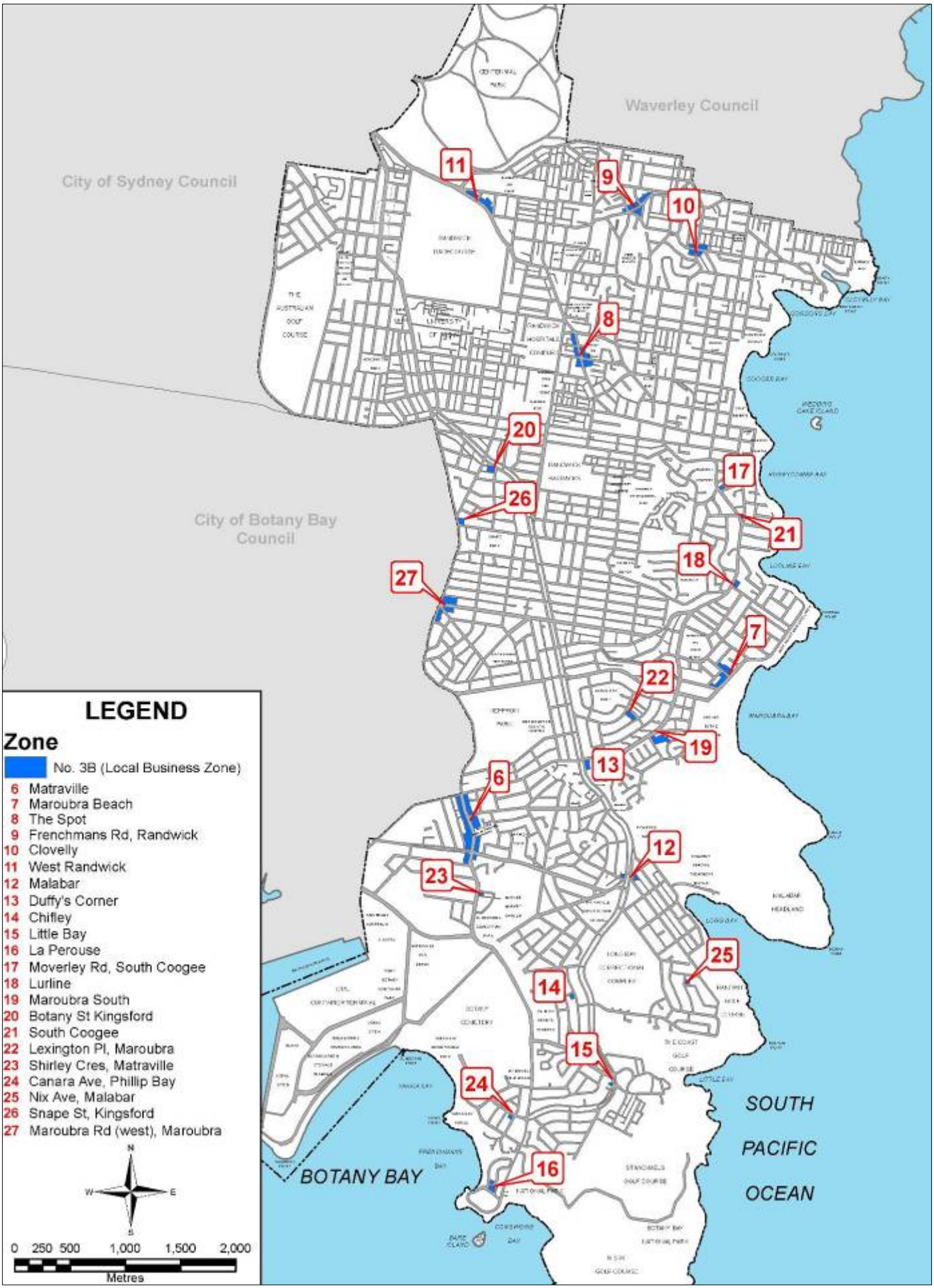


Figure 42: Current 3B zoned centres to be rezoned B1 Neighbourhood Centre

4.3.5 Land proposed to be zoned to B1

New B1 centres

A review of land uses and zoning mismatches was undertaken as part of this Paper. Of particular relevance to this Paper is the investigation of locations currently utilised for business and retail purposes however, not zoned accordingly.

A number of small business centres within the LGA are zoned for residential purposes yet have evolved over time to become well established centres. These centres are typically well serviced with public transport or located along key collector or local roads.

The general methodology for the identification of suitable centres for a neighbourhood centre zoning included investigations based on the following criteria:

- whether there is a sufficient cluster of shops (minimum of five premises),
- whether the centre provides local retail/business services to people who live or work in the immediate locale,
- whether the centre fulfils the overall objectives of the B1 zone, and
- whether the centre is designated as a neighbourhood centre in the NSW Government's draft Sydney East Subregional Strategy.

Using the aforementioned criteria, an additional nine (9) centres have been earmarked as being suitable for the B1 zoning and are listed as follows, and as shown on Figure 43:

1. Clovelly Road (and Earl Street), North Randwick
2. Arden Street (and Clovelly Road), Clovelly
3. Carrington Road (and Clovelly Road), Coogee
4. Alison Road (and Carrington Road), Coogee
5. Bream Street (and Carrington Road), Coogee
6. Byron Street (and Coogee Bay Road), Coogee
7. Havelock Avenue (and Dudley Street), Coogee
8. Barker Street, Kingsford
9. Flower Street (and Maroubra Road), Maroubra

It is important to note that these centres are existing, however are not formally recognised in RLEP as a zoned business centre.

The rezoning of the above sites to a business zone in the Comprehensive LEP will acknowledge and reinforce the role of these centres in meeting the convenience needs of the surrounding population, whilst ensuring land is zoned appropriately and future land use proposals accurately reflect the intent of the zone. The desired future role and function of these neighbourhood centres are largely influenced by existing built form and the nature of the surrounding area. The proposed B1 zone and development controls would seek to preserve and enhance existing qualities.

The sites proposed for a B1 Neighbourhood Centre zoning are already utilised for business purposes under the current LEP. The zoning change would merely reflect the land uses already there. The proposed business zoning would provide for greater transparency in what can be developed on the site. Overall, given the established built form and existing business operation of these centres, the

introduction of a business zoning is envisaged to have negligible impacts on the adjoining area.

In some instances, one or a few sites within these proposed centres (or at the edges) still have a residential use, yet are proposed in the business zone to achieve a better urban design outcome in relation to creating a unified centre streetscape. These residential uses may continue, nevertheless under the new B1 zone and there are no implications for the owner (eg. the property rates remain as for residential use).

The location of these proposed B1 zoned centres is provided in Figure 43 on the following page. A comprehensive datasheet and analysis of each site proposed to be zoned to the B1 Neighbourhood Centre zone can be found in Appendix 5.

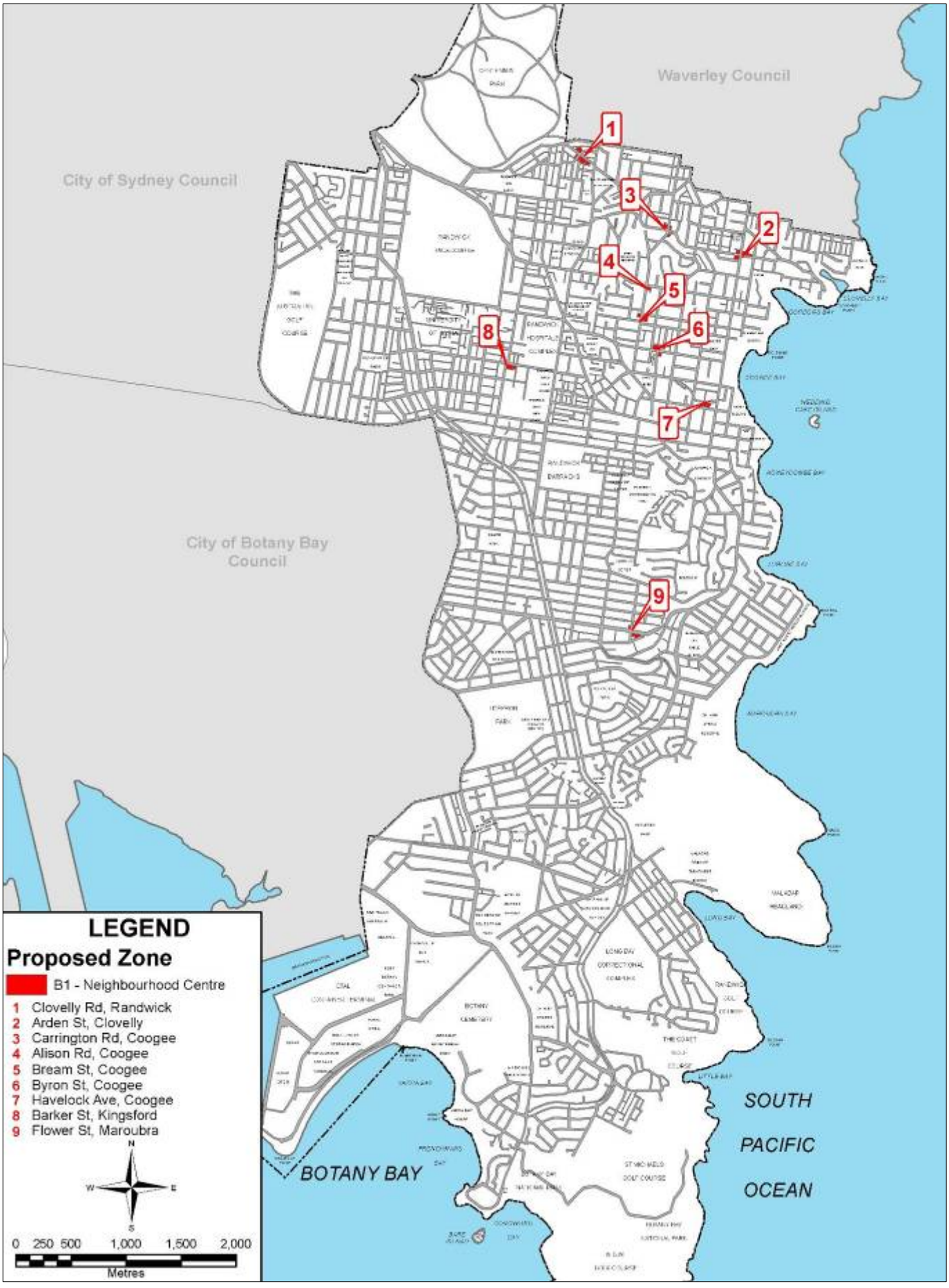


Figure 43: Location of proposed B1 centres

4.3.6 Adjustment of B1 zoned centre boundaries

In addition to the identification of new B1 zoned centres, this Paper also identifies the potential to adjust the boundaries of already zoned local business centres (see Figure 42). This involved examining land adjacent to zoned centres that is being used for business purposes. It was determined that in most centres, retail and commercial activity are fairly well contained within the land zoned business except for Frenchmans Rd, Little Bay, Matraville, Maroubra Beach and the Moverly Rd centre.

This Paper recommends that the zoned boundaries of these five centres be amended to correct these land use inaccuracies and to reflect the actual extent of business land uses. A number of these sites proposed for zoning change were raised via a submission from a landowner requesting a rezoning.

Further site details on these centres/boundaries, and the addresses of land proposed to be rezoned to the B1 zone, and any rezoning request, is provided in Appendix 6 and 8, however a brief analysis of these centres is provided as follows:

- **Frenchmans Road**

A substantial cluster of business premises (five) currently operate on the south side of Clovelly Road, near the intersection with Frenchmans Road. These businesses are located outside the business zoned area of the Frenchmans Rd centre.

The zoning of these commercial properties, and the Duke of Gloucester Hotel, as residential appears to be an anomaly. It is considered appropriate that the B1 Zone at Frenchmans Rd centre be expanded to incorporate these properties.

- **Little Bay**

The properties are located at the Anzac Parade intersection with Pine Avenue which is currently being developed into a ‘gateway’ neighbourhood centre for Little Bay as part of the Prince Henry site redevelopment. There are approximately two business premises that immediately adjoin the current business centre (of three premises), however they are not zoned accordingly. The centre is located adjacent to the Little Bay bus terminus.

The sites have a mix of shops and houses and the zone does not reflect the current use. Linking the business uses in this area through a consistent B1 zoning would help strengthen the economic base of this centre and its ability to provide both competing and complimentary shops to those opposite, within the Prince Henry site. It is thus considered appropriate that the Little Bay centre be expanded to incorporate these properties.

- **Matraville**

Whether this centre is zoned B1 or B2, the Paper recommends that the town centre boundaries of Matraville be updated as part of the Comprehensive LEP. Under the current provisions of RLEP, development for business uses can occur on land edged in heavy black on the RLEP map, which includes a mixture of business, residential and special uses zones within the centre. As the Standard Instrument no longer facilitates this type of identification mapping, the town centre boundaries of Matraville must be distinguished by the zone boundary.

To ensure the development controls contained within the Matraville Town Centre DCP remain in place, some land within the centre boundary will be rezoned to a business zoning. More specifically, the Matraville RSL Club and lots fronting Baird Avenue should adopt a business zone (see Figure 44). The recreation facilities (eg tennis courts, bowls lawn, car park etc) at the Matraville RSL Club are proposed to retain their residential zoning as these land uses remain permissible in their corresponding Standard Instrument residential zoning. In respect to St Agnes Primary School, which is predominantly zoned Zone 5 Special Uses under RLEP, the site should follow the recommendation as per the Special Uses Discussion Paper which is to rezone the site to a business zone or the adjacent or compatible zone.

Figure 44: Proposed zoning of Matraville centre

- **Maroubra Beach**

A zoning request applies to a small cluster of business premises that currently operate on land that is zoned for residential purposes (on McKeon Street). The sites immediately adjoin the western business zone boundary of the Maroubra Beach centre.

The sites have a mix of businesses, including a dry cleaner, café/green grocer, home business and a small group of residential flat buildings. The sites are directly linked to the businesses along McKeon Street and the application of a consistent B1 zoning would help strengthen the economic base of this centre.

It is considered appropriate that the B1 Zone centre be expanded at Maroubra Beach centre to incorporate these properties. Note that the Maroubra Beach centre is currently being investigated under the Maroubra Beach Urban Design review, however these sites are not being considered as part of this process as they do not fall within the defined study area.

- **Moverly Rd, South Coogee**

The Moverly Rd centre, located at the intersection with Malabar Rd, South Coogee has extended outside its business zoned boundaries. While the majority of land within the current business zoned area is used for residential purposes, the opposite side of Malabar Road comprises several business and retail uses, which are zoned residential.

To correctly reflect the extent of this centre, it is recommended that the property on the opposite side of Malabar Road be rezoned to the B1 Neighbourhood Centre zone, reflecting the use of the shop top building for commercial purposes.

4.3.7 Height and FSR controls

This section addresses height and floor space ratio (FSR) controls in areas proposed to be zoned B1 Neighbourhood Centre.

RLEP currently uses a maximum FSR and maximum height to assess the size and scale of development in neighbourhood centres, apart from Matraville, which has building envelopes rather than FSR. These controls were based on a detailed planning/design review undertaken in 2005/06. (See also Section 4.3.4 which addresses Matraville controls).

Controls pertaining to heights and FSR are useful in controlling built form whilst providing certainty to the community and land owners about the bulk and scale of development that is permissible. These controls need to be appropriate for a site and area; just as community confidence can be eroded by excessive height and FSR limits, the same can occur if the maximum is set so low that it stifles acceptable development opportunities, or does not reflect the existing building typology.

As a result, a review of height and FSR in existing centres was undertaken to ensure these core planning controls are relevant and set appropriately. Generally speaking, 3B zoned centres currently fall within three categories of height and FSR depending on the scale and intensity of the centre, as detailed below:

- Large-scale local business centres have a maximum FSR of 2.1:1 and a maximum height control of 12m (Maroubra Beach)
- Medium-scale local business centres have a maximum FSR of 1.5:1 and a maximum height control of 12m (The Spot, Frenchmans Rd, West Randwick, Clovelly)
- Small-scale local business centres have a maximum FSR of 1:1 and a maximum height control of 9 metres (eg. La Perouse, Malabar)

It is suggested that this hierarchy of development controls for B1 centres should be generally maintained with no changes proposed to maximum FSR.

However the Paper recommends introducing a modest amendment in height for the small-scale centres. Small-scale local business centres presently have a height limit

of 9m, which is less than the height limit on surrounding low-medium density residential areas (9.5m). As the Paper recommends the zoning of new B1 Neighbourhood Centres (from such residential zones and height control), this would effectively result in permissible building heights being decreased by 0.5m in many of these centres. For the purposes of consistency, the Paper suggests applying a blanket 9.5m maximum height limit to all smaller-order Zone B1 centres. This modest increase in height will better accommodate shop-top buildings and is not expected to result in significant impacts given that adjoining residential development has a maximum height control of 9.5 metres.

Figures 45 and 46: Example of building heights in Zone B1 centres (Lurline and Duffys Corner)

In terms of the nine proposed new B1 centres, the proposed height and FSR for these centres should predominantly correspond with the existing built form. The height and bulk of the area surrounding the centre was taken into consideration in formulating an appropriate height and FSR to ensure the new controls promote development that will be consistent and compatible with adjoining land uses. The majority of these centres should adopt a height limit of 9.5m and 1:1 FSR (six centres), with the remaining three (Havelock Ave, Byron St, Bream St, Coogee) should have a height limit of 12m and 1.5:1 FSR to reflect the existing building density of the site and built form of land surrounding the centre.

Figure 47 colour codes and provides an overview of this proposed neighbourhood centre typology. It also provides a comparative analysis of the height and FSR controls proposed for B1 centres.

In summary, the Paper recommends the hierarchy of development controls for B1 Neighbourhood Centres as follows:

1. Larger B1 centres that are characterised with four storey buildings should retain the height limit of 12m and current FSR of 1.5:1. This would apply to the centres of Frenchmans Rd, Clovelly, The Spot and West Randwick.
2. The new centres of Havelock Ave, Byron St and Bream St are also appropriate for this above category considering existing built form and current height control of 12m.
3. Smaller B1 centres that are situated in low-medium density residential environments should have a 9.5m height limit and retain the current FSR of 1:1. This would apply to all the other B1 centres that are not listed in the points above.

Neighbourhood Centre	Existing FSR	Proposed FSR	Existing height	Proposed height
1. Maroubra Beach	2:1	2:1	12m	12m
2. Frenchmans Rd 3. Clovelly 4. West Randwick 5. The Spot	1.5:1	1.5:1	12m	12m
6. Havelock Ave, Coogee	0.9:1		12m	
*7. Byron St, Coogee** *8. Bream St, Coogee**	0.65:1 and 0.9:1		9.5m and 12m	
9. Chifley 10. Little Bay 11. La Perouse 12. Maroubra South 13. South Coogee 14. Lurline 15. Malabar 16. Duffys Corner 17. Lexington Place, Maroubra 18. Maroubra Rd (West), Maroubra 19. Botany St, Kingsford 20. Shirley Cres, Matraville 21. Canara Ave, Phillip Bay 22. Nix Ave, Malabar 23. Snape St, Kingsford 24. Moverly Rd, South Coogee	1:1	1:1	9m	9.5m
25. North Randwick	0.5:1	1:1	9.5m	9.5m
*26. Arden St, Clovelly**	0.5:1 and 0.65:1		9.5m	
27. Alison Rd/Carrington Rd, Coogee	0.65:1		9.5m	
*28. Flower St, Maroubra**	0.5:1 and 0.65:1		9.5m	
*29. Carrington/Clovelly Rd, Randwick**	0.5:1 and 0.65:1		9.5m	
30. *Barker St, Kingsford*	0.5:1		9.5m	

Figure 47: Proposed height and FSR for all Zone B1 Neighbourhood Centres
(Centres depicted in italics are proposed new centres)
(denotes centres that are split over two residential zones, hence the different controls)*

Note that the planning/design review underway for the Maroubra Beach centre may suggest amended controls.

4.4 Other clauses

This section provides an outline of other clauses that may apply to business zoned land within the City. These clauses range from other relevant Standard Instrument clauses, Model Local Clauses which are issued by the Department of Planning and Infrastructure, and existing clauses from the current LEP which will need to be transferred into the Comprehensive LEP.

4.4.1 Standard Instrument clauses

The Standard Instrument has other clauses which may be relevant in the context of business centres. These clauses are discussed as follows:

- *Development within the coastal zone (Clause 5.5)*

The objective of this clause is to provide for the protection of the coastal environment for the benefit of both present and future generations through promoting the principles of ecologically sustainable development and via the implementation of the NSW Coastal Policy.

This clause is compulsory if land is identified as being within the coastal zone, under the NSW Coastal Policy.

- *Architectural roof forms (Clause 5.6)*

This is an optional clause that encourages variety, visual interest and architectural design excellence in the roof form. The maximum heights identified in the LEP can be exceeded by architectural roof features which are decorative elements on the upper most portion of the building. These roof forms are not advertising structures, do not include floor space area and will not cause overshadowing.

The use of this clause would encourage design excellence and variety from flat roof forms, and is recommended.

- *Heritage conservation (Clause 5.10)*

Heritage conservation is a compulsory clause which includes the consent requirements for development relating to heritage items and areas identified in the LEP. This clause seeks to conserve environmental heritage, heritage items and heritage conservation areas, archaeological heritage and places of Aboriginal heritage significance.

This clause will be included in the Comprehensive LEP and will have particular relevance in centres such as The Spot and Randwick Junction that are heritage conservation areas, as well as to all heritage items located within centres. This clause mirrors the existing clauses in RLEP.

4.4.2 Model Local Clauses

Additional provisions, also commonly referred to as ‘local provisions’ or ’model local clauses’ are optional clauses that have been settled by the State Government Parliamentary Counsel’s Office which address common topics raised by councils during their preparation of the Standard Instrument LEP. The use of such settled clauses reduces the time required to draft a Standard Instrument LEP.

It is recommended that the model local clauses be adopted 'as is' wherever possible, but Council may request minor alterations to suit specific circumstances with appropriate justification. The following model provisions are deemed relevant in the context of Randwick's business centres:

- *Clause 2.6B Temporary use of land*

The objective of this clause is to allow the temporary use of land if the use does not compromise future development of the land, or have a detrimental economic, social, amenity or environmental impact on the land. Development consent may be granted for development on land in any zone for a temporary purpose for a maximum period of 52 days and must not adversely impact on any adjoining land or the amenity of the neighbourhood (amongst other factors).

This clause mirrors Council's existing RLEP Clause 41 and should be incorporated into the new LEP as it allows for temporary uses, such as community or Council events, on any land, including those within commercial zones, operating in a similar manner to clause 41 in the existing RLEP. The number of days, in the 12 month period, may vary from 52 days, subject to the Department's concurrence. However, as this is the same as Clause 41, no variation is proposed.

- *Clause 7.1 Acid sulfate soil*

The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage. Given the occurrence of potential acid sulfate soils across Randwick City, it is recommended that this clause be included in the Comprehensive LEP.

- *Clause 6.6 Restriction on consent for particular sex services premises*

The objective of this clause is to ensure development for the purposes of sex services premises is appropriately separated from residential areas (excluding high density residential areas) and sensitive land uses such as schools, community uses, public recreation areas or places of public worship.

Council must provide for sex services premises as a permissible use somewhere in the LGA. Currently defined in RLEP as brothels, these are permissible subject to consent in the 3A General Business zone and 4A Industrial zone only.

In terms of industrial land, SEPP (Major Development) 2005 covers the majority of the City's industrial area while the IN1 General Industrial zone prohibits sex service premises. This leaves only a small area of proposed IN2 Light Industrial zoned land for the location of these uses. It is suggested that these two zones continue to permit sex services, and to ensure any proposals, if accepted, are suitably located.

The Model Local Clause rules out sex services premises operating on land adjoining, or opposite, residential zoned land and other sensitive land uses. Given the characteristics of the City's 3A centres (to be zoned B2 Local Centre), which adjoins residential zones and contains residential land uses, the use of this clause would effectively prohibit sex service premises within most parts of these centres. Whilst sex service premises must be made a permissible use somewhere within the LGA, this clause will provide additional guidance as to where these uses can be located.

- *Clause 7.X Active street frontages*

The purpose of this clause is to encourage people-oriented street frontages through continuous business or retail land uses that open directly to the footpath. This is seen to enhance public security and passive surveillance whilst improving the public domain by encouraging pedestrian activity. A building is considered to have an

active street frontage if any part of the ground floor of the building facing the street is used for the purposes of business premises or retail premises.

The provision may not apply across any one zone, but only along the key streets (or parts of streets) and pedestrian links where a concentration of business and/or retail is encouraged. The Department of Planning and Infrastructure has advised that this model clause is suitable for the B3 Commercial core and B4 Mixed Use zones, however the inclusion of this clause for B2 Local Centre zones could be achieved if soundly justified by Council. This clause may be particularly useful in areas that are within the commercial heart of a centre (eg the sites at the road junction at Maroubra Junction). It is recommended that Council seek to use this clause within its Comprehensive LEP.

- *Clause 7.3 Flood planning*

The objective of this clause is to minimise the flood risk to life and property associated with the use of land, to allow development on land that is compatible with the land's flood hazard and to avoid significant adverse impacts on flood behaviour and the environment. This model clause applies to flood planning areas and contains considerations for development proposals within this area.

The town centre of Maroubra Junction has identified 'flood prone land' subject to a Council policy at Shepherd Street. This will be mapped as will other areas as the flood studies and any flood levels are completed. The identification of flood planning areas, and the preparation of the respective Comprehensive LEP Flood Planning Map will be produced and updated as flood studies are completed. As such, this clause should be included in the Comprehensive LEP.

- *Clause 7.6 - Development in areas subject to aircraft noise*

The objective of this clause is prevent certain noise sensitive developments from being located near airports and its flight paths, to assist in minimising the impact of aircraft noise by requiring appropriate noise attenuation measures in noise sensitive buildings, and to ensure that land use and development do not hinder or have any other adverse impacts on the ongoing, safe and efficient operation of that airport.

The clause sets requirements to ensure that development for the purposes of child care centres, educational establishments, entertainment facilities, hospitals, places of public worship, public administration buildings or residential accommodation, business premises, hostels, hotel or motel accommodation, office premises or retail premises in areas exposed to aircraft noise will address noise requirements stipulated under AS 2021—2000 Acoustics- Aircraft noise intrusion- Building Siting and Construction.

A very small portion of the Kingsford Town Centre is within the area affected by aircraft noise as depicted in the Federal Government's ANEF contour map, but outside the ANEF contours that require noise mitigation/insulation in new developments. This model provision will not apply to any business centres.

Please note that this clause will be applied to affected areas that are not zoned for business purposes – see the Residential Discussion Paper for more information).

4.4.3 Local clauses contained in Randwick LEP 1998

- *Clause 40A Site specific development control plans*

RLEP Clause 40A requires the development of large sites to occur in the context of a site specific development control plan (including a masterplan for the site). The Clause is instrumental in guiding the planning and design of master planned sites and includes a range of matters that should be addressed in a DCP including built form, design, heritage considerations, affordable housing, ecologically sustainable development, open space etc.

Clause 40A has been used to achieve good urban design outcomes by guiding the preparation of a number of DCPs including Prince Henry and Bundock Street as well as other non-residential sites including UNSW and Randwick Racecourse.

The Standard Instrument does not contain an equivalent to *Clause 40A – Site Specific Development Control Plans*. Given its importance in terms of planning and design of master planned sites into the future, the Department of Planning and Infrastructure has indicated support for this Clause (or equivalent) for its inclusion in the Comprehensive LEP as a local provision.

- *Clause 42C Kensington Town Centre*
- *Clause 42D Maroubra Junction Town Centre*
- *Clause 42DA Matraville Town Centre*

Clauses 42C, 42D and 42DA in RLEP provide a statutory link to various Town Centre DCPs which provides detailed objectives, planning provisions and mandates height controls and building envelopes for the centres of Kensington, Maroubra Junction and Matraville. The Paper recommends that these clauses be transferred into the Comprehensive LEP to maintain this relationship between the two documents, however the inclusion of these local clauses will be subject to advice from the Department of Planning and Infrastructure. All the heights will nevertheless, be mapped on the LEP Height Map.

The purpose of these clauses is to foster high quality design in all new development, encourage a vibrant and active town centre, provide opportunities for redevelopment, ensure environmental heritage is conserved, encourage environmentally sustainable approaches and improve the overall environmental quality of the Kensington, Maroubra Junction and Matraville town centres.

The clauses work in conjunction with their respective development control plan (DCP), namely Kensington Town Centre DCP, Maroubra Junction Town Centre DCP and Matraville Town Centre DCP which will be incorporated in the Comprehensive DCP. The DCPs sets out specific block by block controls such as maximum number of storeys, maximum height of development, minimum frontage for development and minimum allotment size for development.

4.4.4 RLEP Additional permitted uses

Schedule 2 of the current LEP contains provisions for additional uses of land in certain specified circumstances, where those uses are not permissible under the existing zoning of the land. For business zoned land within the Randwick LGA, the sites that have additional permitted uses are outlined as follows:

- *1, 3, 5, 7, 9 and 11 Adams Avenue, Malabar*

The abovementioned land is currently zoned 3B Local Business and development for the purposes of multi unit housing is identified as a permitted land use despite the zoning prohibition (unless in association with commercial development). The conditions stipulated for this form of development is that it can only involve buildings that existed at the appointed day and no additional floorspace is provided.

Multi dwelling housing will remain a prohibited land use in the equivalent B1 Neighbourhood Centre zone. Despite this, this additional land use will no longer be required seeing that the land use will fall under the provisions of the proposed 'Residential development in centres' clause, as discussed in Section 4.5.4.

- *Maroubra Beach Town Centre*

This applies to land comprising the Maroubra Beach Town Centre within the 3B Local Business zone. The development of 'serviced apartments' is listed as an additional permitted use, and must be developed in conjunction and attached to buildings used for purposes which are permissible within the zone. This clause only applies to land zoned 3B within the Maroubra Beach town centre boundaries.

This additional land use should be transferred into the new LEP for these sites.

- *Kensington Town Centre*

This clause applies to land within the Kensington Town Centre. The development of 'serviced apartments' is listed as an additional permitted use on land zoned 3B within the town centre boundaries.

The Paper suggests that Kensington be zoned to Zone B2 Local Centre. The land use 'serviced apartments' is a mandated permissible use within the B2 zone, therefore this is no longer an issue. Thus, there is no need to transfer this additional permitted use into the new LEP.

4.5 Other issues

This section provides an overview of other matters which need to be taken into consideration in the future planning of the City's business centres.

4.5.1 Rezoning of Council owned land

Council is the landowner of one site that is subject to a rezoning proposal. The subject site, 1-11 and 13-21 Rainbow St, Kingsford is classified as 'community' land under the Local Government Act 1993 and is jointly owned by Council and the State Transit Authority (STA) of NSW. The site was formerly used as a tram deport and terminus and is identified as being Crown land.

Primarily zoned 6A (Open Space) in RLEP, with the southeast corner zoned 2A Residential, the site has mainly been used for commercial and community related purposes, including a Greengrocer, weekend market, offices (including community organisations) and car parking. The site currently has no public open space functions or amenity and as such, is not reflective of its current open space zoning.

The STA's continued ownership of the land is based on their potential future need for land required for a bus lay-over 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 2012). Council has requested that the STA assist relocating the current uses to suitable alternative sites and this is currently underway.

In light of the above, a review of this property was undertaken by an independent planning consultant to determine the best possible uses of the site. The resulting study suggests that the site be rezoned to a business zoning to recognise its location between commercial zoned land along Anzac Parade and to better facilitate its future primary use for commercial purposes. The proposed zoning controls would be consistent with those of the adjacent sites. 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.

As suggested in the Open Space/Environment Discussion Paper, any rezoning of this site should include a requirement for future development to incorporate a public plaza and community facilities, providing urban space which is currently lacking in the centre.

Rezoning this land to B2 Local Centre is considered to be sound, as it will provide a continuous business streetscape along Anzac Parade. Additionally, the rezoning will better connect the northern end of the centre to the South Sydney Junior Rugby League Club which is located at the southern boundary of the centre and is also currently zoned for business uses. Despite its current open space zoning, the subject site is considered to form part of the Kingsford business centre.

Further information on this site and associated rezoning is provided in Appendix 7.

4.5.2 Rezoning requests

Council has received several requests from landowners seeking a change in zoning or an increase in development standards (namely height and FSR) in areas that are zoned business, or areas that immediately adjoin business centres.

Planning requests have been received for the following properties:

- 1-11 Rainbow Street, Kingsford (STA/Council owned land, as discussed in Section 4.5.1)
- 391-417 Anzac Parade; 17, 19 and 21 Bunnerong Road; 2, 4 and 6 Sturt Street, Kingsford
- 86 Clovelly Road, Randwick
- 131 Alison Road, Randwick
- 58-60 Carr Street, Coogee
- 129 and 131 Malabar Road, South Coogee
- 31-33 McKeon Street, Maroubra
- 772-784 Anzac Parade and 104 Gale Road, Maroubra Junction
- 950 Anzac Parade, Maroubra Junction
- 1401-1409 Anzac Parade, Little Bay

The majority of requests are located on the periphery of an existing business zoned centre and seek a change from a residential to business zoning. In most instances the existing land use is of a business/retail nature or building type was originally built for business purposes.

It is important to acknowledge that a number of rezoning requests have overlapped with Council's own analysis in reviewing town centre boundaries. As a result, the rezoning requests were considered holistically as part of the Adjustment of Centre boundaries analysis (Sections 4.2.6 and 4.3.6). The justification for the rezoning of certain sites is discussed in the aforementioned sections and a property datasheet and analysis on all the rezoning requests received in respect to business zones are provided in Appendix 8.

4.5.3 FSR incentive in certain B2 Local Centres

To facilitate site amalgamation, building renewal and redevelopment and to help improve the function, image and amenity of centres, the detailed planning/design reviews of these centres has implemented some height and/or floor space incentives, closely tied to specific quality design outcomes on specific sites (eg landmark or gateway sites).

These occur in Kensington, Maroubra Junction and Matraville centre controls. The Paper proposes that these development incentives be retained for these centres.

4.5.4 Residential development in centres

As discussed in Sections 4.2.6 and 4.3.6, the town centre boundaries of Kensington and Matraville are proposed to be updated as part of the Comprehensive LEP. Under the current provisions of RLEP, development for business uses can occur on land edged in heavy black on the RLEP map, which includes both business and residential zones within the centre. As the Standard Instrument no longer facilitates

this type of identification mapping, the Paper suggests applying a business zoning to land within the identified centre boundary.

This proposed change will result in lots currently being used for purely residential being rezoned to a business zone. Both the B1 and B2 zones do not allow for purely residential development and as a consequence, these residential uses would become a non-conforming land use under the Comprehensive LEP.

To enable the continued permissibility of purely residential development within centres and to reduce reliance on existing use rights, a new clause should be introduced in the Comprehensive LEP. The clause will essentially allow the refurbishment or minor alterations and additions to be undertaken on buildings that have an existing residential function, despite the application of the new Standard Instrument business zoning.

It is envisaged that this clause will have most relevance to the Kensington and Matraville centres and the nine proposed B1 centres which sometimes have purely residential development located between commercial/retail uses. However this clause will apply to all of Randwick City's business zoned centres and will cover buildings that are wholly used for residential purposes.

4.5.5 Design excellence

Design quality of the built environment is important for achieving a more sustainable and attractive City. Well designed buildings and spaces should be aesthetically pleasing, make a positive contribution to the streetscape and meet the contemporary needs of inhabitants. Importantly they should be environmentally sound in design and construction.

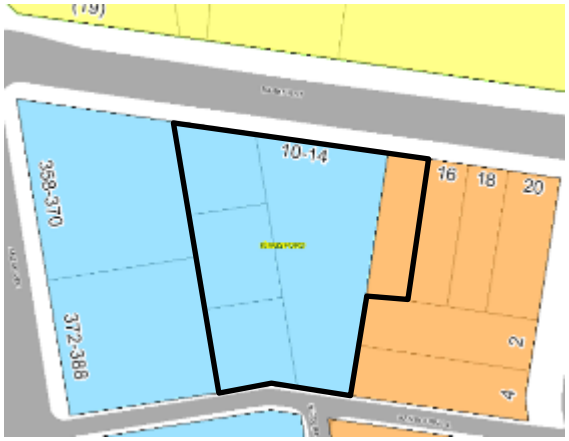
The importance of design excellence has been long recognised in Randwick City and is primarily facilitated through the state and local planning framework, namely through the application of SEPP 65 design criteria for residential flat buildings, the RLEP provisions and performance requirements contained in the Council's DCPs. Additionally under SEPP 65, the Council has to require that a registered architect verify the design, construction certification and occupation certification of residential flat development.

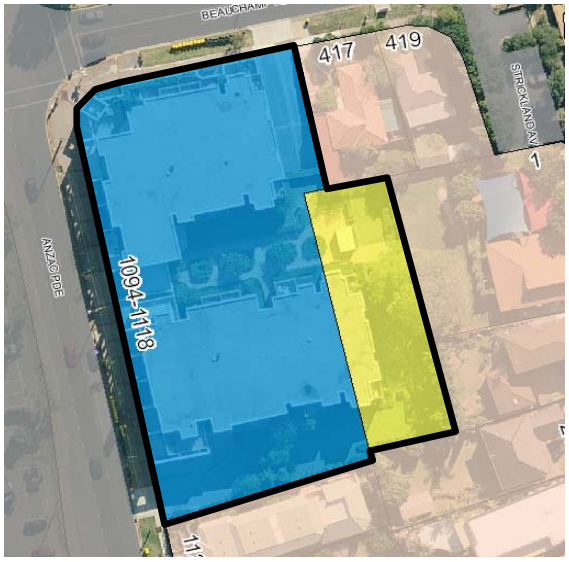
While the Standard Instrument does not include a specific design excellence clause, it is noted that other Council's have included a local provision on design excellence in their Comprehensive LEPs (namely Newcastle, City of Sydney and Wollongong Councils).

It is suggested that a clause on design excellence be included in the Comprehensive LEP to cover a range of matters to be considered in the development assessment process for large residential redevelopment sites (i.e. over 10,000m^2) including architectural design, materials, relationship with other buildings and public domain as well as view corridors, separation, urban form and amenity. This would likely relate mainly to residential development, but would be applied across the City (e.g. large business or special purpose zoned sites). The Department of Planning and Infrastructure has indicated support on the inclusion of a design excellence local clause in the Comprehensive LEP.

4.5.6 Split zonings

There are a number of sites within the Randwick LGA that have split zonings, being characterised with two different zones within the single development. These zoning anomalies often occur at the periphery of zoned centres and typically encompass a business and residential zoning. The Paper identifies the following errors that should be rectified during the preparation of the Comprehensive LEP:

Sites with split zonings	
70-72 Perouse Road, Randwick (The Spot) The site is split over two zones despite being part of the same development and is zoned half business and half residential. It is proposed that this site should be completely zoned B1 Neighbourhood Centre.	
30 Bruce St, Kingsford The site is presently used as a school and is split over two zones (business and residential). It is recommended that Lot 30 be rezoned to the adjoining residential zone (which permits schools).	
10-14 Barker St, Kingsford The site is presently owned by McDonalds and operates as a fast food restaurant. The site is split over two zones (business and residential). The portion of land zoned residential is used as part of the drive through. It is recommended that this portion of land be rezoned to the adjoining B2 Local Centre zone.	

Sites with split zonings	
210-212 Clovelly Road, Clovelly The site is split over two zones despite being part of the same development. The Paper suggests that Lot 210 be rezoned to the adjoining business zone (Zone B1 Neighbourhood Centre).	
1094-1118 Anzac Parade, Maroubra The site is used for a mixed use development. Despite being part of the same development, the site is currently split over two zones, namely the 3B Local Business and 5 Special Uses zone. The site is also flagged in the Special Uses Paper, which suggests that the special uses zoned portion of the site be rezoned to the adjoining business zone (Zone B1 Neighbourhood Centre).	
101 Doncaster Avenue, Kensington The site is used for a mixed use development. Despite being part of the same development, the site is currently split over two zones, namely the 3B Local Business and 2C Residential zone. The Paper suggests that the three residential zoned lots be rezoned to the adjoining business zone (Zone B2 Local Centre).	

4.6 Matters for the Comprehensive DCP

It is anticipated that a general chapter will be introduced in the Comprehensive Development Control Plan (DCP) for B1 Neighbourhood Centres. This will provide planning and design guidelines for development across these centres.

Controls to be considered will include public interface and domain, car parking, building facades and articulation, external finishes, design elements and landscaping amongst other issues.

It is recommended that the town centre DCPs for Kensington, Maroubra Junction and Matraville be retained as they result from relatively recent detailed planning/design reviews and contain the detailed building envelope controls and design guidelines for these centres.

Centre-specific DCPs also currently exist for Randwick Junction, The Spot and Maroubra Beach (currently under separate review). It is envisaged that the primary planning controls within these documents will be transferred into the Comprehensive DCP until a detailed town centre planning/design study is also undertaken for these centres. Until such time, these centres (plus Coogee, which presently has no additional DCP controls) will retain their current controls.

Land-use based DCPs, which covers topics such as outdoor dining and car parking in centres, will also be reviewed as part of this process. Pertinent and relevant controls will similarly be transferred into the Comprehensive DCP.

Other issues, such as disabled access, accessibility, sustainability and design excellence will be addressed via the Comprehensive DCP. The DCP will contain performance requirements to aid urban design analysis in support of the LEP and guidelines reflecting the State Government's Draft Centres Design Guidelines.

PART 5 RECOMMENDATIONS

The following recommendations should be taken into consideration while planning for Randwick City's business centres, and during the drafting of the Comprehensive LEP/DCP. This section essentially summarises the discussions contained within earlier sections of this Paper.

5.1 Summary of key directions

The Business Centres Discussion Paper recommends the translation of current planning controls for centres into the equivalent Standard Instrument zone/clause, with some changes to correct anomalies or better reflect existing conditions. Areas of suggested change are listed as follows:

Comprehensive LEP aims:
The Paper recommends that the Comprehensive LEP should contain a broad objective which recognises the importance of fostering economic development and the role of business centres.

Comprehensive LEP Recommendations:
In terms of zoning, the Paper recommends the direct translation of current planning controls for centres into the equivalent Standard Instrument zone/clause, with some changes to correct anomalies or better reflect existing conditions. The LEP recommendations are summarised as follows:

1. Transfer all 3A General Business centres into the equivalent B2 Local Centre zone;
2. Transfer all 3B Local Business centres into the equivalent B1 Neighbourhood Centre zone (except for Kensington, and potentially Matraville);

RLEP 1998 Consolidation Business Zones	Standard Instrument LEP Business Zones
Zone 3A General Business	Zone B2 Local Centre
Zone 3B Local Business	Zone B1 Neighbourhood Centre

3. Change the zoning of Kensington from B1 Neighbourhood Centre to B2 Local Centre to better reflect the size and nature of this centre;
4. Consider the zoning of Matraville, which could either be a B1 Neighbourhood Centre or a B2 Local Centre;
5. Apply the B1 Neighbourhood Centre zone to nine additional centres that already exist and have a business/retail function;
6. Adjust some zone boundaries to accurately reflect existing business uses in centres and correct split zones within a single development;

7. Respond to specific rezoning submissions;

In terms of development standards, the Paper makes the following recommendations:

8. Maintain the current maximum height limit imposed in all business centres, except for lowest-order B1 Neighbourhood Centres where heights should be increased from 9m to 9.5m to match the height of surrounding residential areas;
9. Transfer height limits currently stipulated in the Kensington, Maroubra Junction and Matraville Town Centre DCPs into the LEP mapping format;
10. For the nine new B1 Neighbourhood Centres, the maximum height limit is to complement surrounding development;
11. Retain the building envelope approach currently used for Kensington, Maroubra Junction and Matraville to address bulk/scale limits;
12. Maintain the current floor space ratio (FSR) for centres that presently have a FSR control to address bulk/scale limits;
13. For six of the nine proposed new B1 Neighbourhood Centres, apply a FSR of 1:1 and a height limit of 9.5m, which is the lowest FSR and height available for business centres;
14. For the remaining three new B1 Neighbourhood Centres (namely Havelock Ave, Byron St and Bream St, Coogee), apply a FSR of 1.5:1 and a height limit of 12m to correspond and reflect the existing built form of the site and adjoining area;

Comprehensive DCP Recommendations:
In preparing a Comprehensive DCP, the Paper makes the following recommendations:

15. Retain the town centre DCPs for Kensington, Maroubra Junction and Matraville as they were based on extensive planning and design reviews with community consultation when prepared;
16. Retain DCPs for other centres, namely Randwick Junction, Kingsford, and Maroubra Beach (currently under separate review);
17. Repeal *DCP 6 Land bounded by Kemmis Street, Frenchmans Road and Clovelly Road, Randwick* (1986) and *DCP 22 The Spot & Surrounds* (1995) on the basis that these DCPs are no longer consistent with current planning controls; and
18. Review all other town centre DCPs for conversion into a generic Zone B1 Neighbourhood Centre DCP chapter for inclusion in the Comprehensive DCP.

5.2 Planning recommendations

The following table provides an overview of the current and proposed zone, height and FSR for business centres in Randwick.

	Centre	Classification *(under Metropolitan Strategy)*	Current planning controls *(RLEP 98)*			Proposed planning controls *(Comprehensive RLEP)*		
			Zone	Height	FSR	Zone	Height	FSR
1	Alison Rd/Carrington Rd, Coogee	Neighbourhood Centre	2B Residential	9.5m	0.65:1	B1 Neighbourhood Centre	9.5m	1:1
2	Arden St/Clovelly Rd, Clovelly	Neighbourhood Centre	2A Residential 2B Residential	9.5m	0.5:1 0.65:1	B1 Neighbourhood Centre	9.5m	1:1
3	Barker St, Kingsford	Neighbourhood Centre	2A Residential	9.5m	0.5:1	B1 Neighbourhood Centre	9.5m	1:1
4	Botany St, Kingsford	Neighbourhood Centre	3B Local Business	9m	1:1	B1 Neighbourhood Centre	9.5m	1:1
5	Bream St, Coogee	Neighbourhood Centre	2B Residential 2C Residential	9.5m 12m	0.65:1 0.9:1	B1 Neighbourhood Centre	12m	1.5:1
6	Byron St, Coogee	Neighbourhood Centre	2B Residential 2C Residential	9.5m 12m	0.65:1 0.9:1	B1 Neighbourhood Centre	12m	1.5:1
7	Canara Ave, Phillip Bay	N/A	3B Local Business	9m	1:1	B1 Neighbourhood Centre	9.5m	1:1
8	Carrington/Clovelly Rd, Randwick	Neighbourhood Centre	2A Residential 2B Residential	9.5m	0.5:1 0.65:1	B1 Neighbourhood Centre	9.5m	1:1
9	Chifley	Neighbourhood Centre	3B Local Business	9m	1:1	B1 Neighbourhood Centre	9.5m	1:1
10	Clovelly	Small Village	3B Local Business	12m	1.5:1	B1 Neighbourhood Centre	12m	1.5:1
11	Coogee	Village	3A General Business	12m	1.5:1	B2 Local Centre	12m	1.5:1
12	Duffys Corner	Neighbourhood Centre	3B Local Business	9m	1:1	B1 Neighbourhood Centre	9.5m	1:1

	Centre	Classification *(under Metropolitan Strategy)*	Current planning controls *(RLEP 98)*			Proposed planning controls *(Comprehensive RLEP)*		
			Zone	Height	FSR	Zone	Height	FSR
13	Flower St, Maroubra	N/A	2A Residential 2B Residential	9.5m	0.5:1 0.65:1	B1 Neighbourhood Centre	9.5m	1:1
14	Frenchmans Rd	Small Village	3B Local Business	12m	1.5:1	B1 Neighbourhood Centre	12m	1.5:1
15	Havelock Ave, Coogee	Neighbourhood Centre	2C Residential	12m	0.9:1	B1 Neighbourhood Centre	12m	1.5:1
16	Kensington	Village	3A General Business 2C Residential	Various – Site specific DCP	N/A	B2 Local Centre	No change from heights specified in DCP	No change from building envelope control in DCP
17	Kingsford	Village	3A General Business	24m	3:1	B2 Local Centre	24m	3:1
18	La Perouse	Neighbourhood Centre	3B Local Business	9m	1:1	B1 Neighbourhood Centre	9.5m	1:1
19	Lexington Place, Maroubra	Neighbourhood Centre	3B Local Business	9m	1:1	B1 Neighbourhood Centre	9.5m	1:1
20	Little Bay	Neighbourhood Centre	3B Local Business	9m	1:1	B1 Neighbourhood Centre	9.5m	1:1
21	Lurline, South Coogee	Neighbourhood Centre	3B Local Business	9m	1:1	B1 Neighbourhood Centre	9.5m	1:1
22	Malabar	Small Village	3B Local Business	9m	1:1	B1 Neighbourhood Centre	9.5m	1:1
23	Maroubra Beach	Small Village	3B Local Business	12m	2:1	B1 Neighbourhood Centre	12m	2:1
24	Maroubra Junction	Town Centre	3A General Business	Various – Site specific DCP	N/A	B2 Local Centre	No change from heights specified in DCP	No change from building envelope control in DCP
25	Maroubra Road West, Maroubra	Neighbourhood Centre	3B Local Business	9m	1:1	B1 Neighbourhood Centre	9.5m	1:1

	Centre	Classification *(under Metropolitan Strategy)*	Current planning controls *(RLEP 98)*			Proposed planning controls *(Comprehensive RLEP)*		
			Zone	Height	FSR	Zone	Height	FSR
26	Maroubra South	Small Village	3B Local Business	9m	1:1	B1 Neighbourhood Centre	9.5m	1:1
27	Matraville	Small Village	3A General Business	Various – Site specific DCP	N/A	B1 Neighbourhood Centre or B2 Local Centre	No change from heights specified in DCP	No change from building envelope control in DCP
28	Moverly Rd, South Coogee	Neighbourhood Centre	3B Local Business	9m	1:1	B1 Neighbourhood Centre	9.5m	1:1
29	Nix Ave, Malabar	N/A	3B Local Business	9m	1:1	B1 Neighbourhood Centre	9.5m	1:1
30	North Randwick	Neighbourhood Centre	2A Residential	9.5m	0.5:1	B1 Neighbourhood Centre	9.5m	1:1
31	Randwick Junction	Town Centre	3A General Business	12m	2:1	B2 Local Centre	12m	2:1
32	Shirley Cres, Matraville	N/A	3B Local Business	9m	1:1	B1 Neighbourhood Centre	9.5m	1:1
33	Snape St, Kingsford	Neighbourhood Centre	3B Local Business	9m	1:1	B1 Neighbourhood Centre	9.5m	1:1
34	South Coogee	Neighbourhood Centre	3B Local Business	9m	1:1	B1 Neighbourhood Centre	9.5m	1:1
35	The Spot	Small Village	3B Local Business	12m	1.5:1	B1 Neighbourhood Centre	12m	1.5:1
36	West Randwick	Neighbourhood Centre	3B Local Business	12m	1.5:1	B1 Neighbourhood Centre	12m	1.5:1