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Department Generated Correspondence (Y)

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Our ref: PP_2011_RANDW_002_00 (11/04716)
Your ref: F2004/06759

Mr Ray Brownlee
General Manager
Randwick City Council
30 Frances Street
RANDWICK NSW 2031

Dear Mr Brownlee,

Re: Planning Proposal to rezone Lot 4 DP 809094 on the Malabar Headland from '2B (Residential B Zone)' to '8 (National Parks Zone)'

I am writing in response to your Council's letter dated 3 march 2011 requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to amend the Randwick Local Environmental Plan 1998 to rezone Lot 4 DP 809094 on the Malabar Headland from '2B (Residential B Zone)' to '8 (National Parks Zone)'.

As delegate of the Minister for Planning, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway Determination.

It is understood that a revised boundary for Lot 102 incorporating Lot 4 and part of Lot 1 has recently been registered by the Land and Property Management Authority (LPMA). It is noted that the planning proposal does not include the additional land Council intends to include within the National Park Zone (part of Lot 1). Therefore the planning proposal is to be amended to include part of Lot 1 with Lot 4, being all of the recently registered Lot 102 to be rezoned to 8 (National Parks Zone). The planning proposal is to clearly identify the land subject to the rezoning, including existing and proposed land zones.

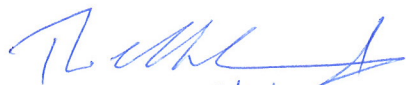
The Director General's delegate has also agreed that the planning proposal's inconsistencies with S117 Directions 3.1 Residential Zones are of minor significance. No further approval is required in relation to these Directions. However, it is noted the planning proposal did not identify or address S117 Direction 6.2 Reserving Land for Public Purposes. Council is therefore to include an assessment of this Direction in the planning proposal for exhibition purposes.

The amending Local Environmental Plan (LEP) is to be finalised within 6 months of the week following the date of the Gateway Determination. Council should aim to commence the exhibition of the Planning Proposal within four (4) weeks from the week following this determination. Council's request for the Department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Richard Roper of the Regional Office of the Department on 02 9228 6111.

Yours sincerely,



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

8/4/11

Gateway Determination

Planning Proposal (Department Ref: PP_2011_RANDW_002_00): to rezone Lot 4 DP 809094 on the Malabar Headland from '2B (Residential B Zone)' to '8 (National Parks Zone)'

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Randwick Local Environmental Plan 1998 to rezone Lot 4 DP 809094 on the Malabar Headland from '2B (Residential B Zone)' to '8 (National Parks Zone)' should proceed subject to the following conditions:

1. The planning proposal is to include the land previously within the western part of Lot 1 and incorporated into the recently registered Lot 102. The planning proposal is therefore to be amended to rezone Lot 102 from 6A (Open Space Zone) and 6B (Private Open Space Zone) and 2B (Residential B Zone) to 8 (National Parks Zone).
2. The mapping is to be updated to reflect the recent registration of Lot 102, including maps that display the existing zoning and the proposed zoning of the subject land in accordance with the Department's Standard Technical Requirements for LEP Maps.
3. Council is to address S177 Direction 6.2 Reserving Land for Public Purposes, and include the assessment in the planning proposal for exhibition purposes.
4. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning 2009)* and must be made publicly available for **14 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
5. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Aboriginal Land Council
 - Department of Environment, Climate Change and Water
 - National Parks and Wildlife Service

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

6. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

7. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated 8th day of April 2011.



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning