



Planning

Office of the Director-General

Contact: Richard Roper
Phone: (02) 9228 6202
Fax: (02) 9228 6244
Email: richard.roper@planning.nsw.gov.au
Postal: GPO BOX 39 Sydney NSW 2001

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

Our ref: S09/02020
Your ref: F2009/00435

Dear Mr Brownlee,

Re: Planning Proposal to amend the definition of 'restaurant' in the Randwick LEP 1998 to make the provision and consumption of food the primary purpose and the service of alcohol auxiliary

I am writing in response to your Council's letter dated 6 October 2009 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 Randwick Local Environmental Plan 1998 to amend the definition of 'restaurant' to make the provision and consumption of food the primary purpose and the service of alcohol auxiliary.

As delegate of the Minister for Planning, I have now issued a Gateway Determination, which is attached. The Determination is that the matter should not proceed for the reasons listed in the attached Determination schedule.

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

Yours sincerely,

Sam Haddad
Director-General

5/11/2009

Gateway Determination

Planning Proposal (Department Ref: S09/02020): To amend the definition of 'restaurant' in the Randwick LEP 1998 to make the provision and consumption of food the primary purpose and the service of alcohol auxiliary.

I, the Director General as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment of the Randwick Local Environmental Plan 1998 to amend the definition of 'restaurant' to make the provision and consumption of food the primary purpose and the service of alcohol auxiliary **should not proceed** for the following reason(s):

1. There is insufficient strategic justification given in the Planning Proposal for the proposed change in the 'restaurant' definition.
2. The proposed definition of 'restaurant' is inconsistent with the definition contained in the Standard Instrument (LEPs) Order 2006. Council should not be employing a definition different in meaning to that in the Standard Instrument which applies state-wide.
3. The proposed definition appears to impose a restriction on the operation of restaurants which is contrary to a function permissible under the NSW liquor licensing laws.

Dated

5th day of November 2009.



Sam Haddad
Delegate for the Minister for Planning