



PLANNING PROPOSAL

Proposed amendment to Randwick Local
Environmental Plan 1998:
Clarifying the definition of '*restaurant*'

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Planning Proposal

Part 1 – Objectives/ Intended Outcomes

To amend the definition of 'restaurant' in the Randwick Local Environmental Plan (LEP) 1998 to clarify that the primary role of a restaurant is to serve food and that the service of alcohol is auxiliary to its primary role.

Part 2 – Explanation of Provisions

Part 5 of the Randwick LEP 1998 contains the following definition for 'restaurant':

restaurant means a building or a place for the provision of food or drink (or both), whether or not for consumption on the premises or for takeaway

This planning proposal seeks to amend the definition to:

restaurant means a building or place concerned with the primary role of providing food whether or not for consumption on the premises or for takeaway, and with the auxiliary role of the provision of alcohol with a meal

This will clarify that the intent of a 'restaurant' is to primarily serve food and that the service of alcohol is auxiliary to its primary role.

Part 3 – Justification

A1. Is the planning proposal the result of any strategic study or report?

This proposal arises from the endorsement of a Motion Pursuant to Notice at Randwick Council's 22 September 2009 Ordinary Council Meeting. The resolution (Councillor Matson/ Belleli) was:

That Council endorse the preparation of a planning proposal in accordance with the new plan-making process of the EP&A Act, to be forwarded to the Minister for Planning for determination, in relation to amending the definition of restaurants in the Randwick LEP 1998 to read as follows:-

"Restaurant means a building or place concerned with the primary role of providing food whether or not for consumption on the premises or for takeaway, and with the auxiliary role of the provision of alcohol with a meal."

There has not been a formal planning study prepared in relation to this proposal.

A2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

As the existing definition is contained within the Randwick LEP 1998, an amendment to the LEP is the only option available. Changes to the definition can not be achieved via a DCP, guidelines or conditions of consent.

A3. Is there a net community benefit?

This proposal does not involve a rezoning and therefore the Net Community Benefit Test is not applicable.

B1. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The planning proposal is consistent with the vision, land use strategy, policies, outcomes or actions of the Metropolitan Strategy or the draft East Subregional Strategy.

B2. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

This Randwick City Plan was adopted in 2006 and establishes a strategic framework for the next 20 years. This planning proposal is consistent with the vision 'a sense of community' and the relevant key outcomes, being:

- Outcome 4: Excellence in urban design and development
- Outcome 5: Excellence in recreation and lifestyle opportunities
- Outcome 6: A liveable City
- Outcome 7: A strong local economy

B3. Is the planning proposal consistent with applicable state environmental planning policies?

This planning proposal is consistent with all applicable state environmental planning policies. Refer to Appendix 1.

B4. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

This planning proposal is consistent with all applicable s.117 directions. Refer to Appendix 2. The relevant directions are:

Direction 1.1 Business and Industrial Zones

While this planning proposal will affect activity in business zones, the proposal does not reduce the area or the potential size of any business or employment use, nor does it change the objectives of any existing business zone.

Direction 7.1 Implementation of the Metropolitan Strategy

The planning proposal is consistent with the vision, land use strategy, policies, outcomes or actions of the Metropolitan Strategy or the draft East Subregional Strategy.

C1. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

Amending the definition for 'restaurant' has no impact on any ecological community.

C2. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Amending the definition for 'restaurant' has no other environmental impact.

C3. How has the planning proposal adequately addressed any social and economic effects?

Amending the definition for 'restaurant' will neither affect existing approved restaurants nor any future application for a business with the primary role of serving food. Randwick LEP 1998 continues to permit a range of businesses (bars, hotels, etc) that primarily serve alcohol in the business zones and therefore it is not expected to have any social or economic impact.

D1. Is there adequate public infrastructure for the planning proposal?

The proposal has no impact on public infrastructure.

D2. What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the planning proposal?

Given the nature of this planning proposal, it is not intended that any other State or Commonwealth agency will be directly consulted.

Part 4 – Community Consultation

Council proposes that the planning proposal will be exhibited in accordance with the requirements of section 57 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and/ or any other requirements as determined by the Gateway process under section 56 of the EP&A Act.

This is considered a 'low impact planning proposal' requiring an exhibition period of 14 days. Public notification of the exhibition will include a notice in the local newspaper and a notice on Council's website.

Given the minor nature of the planning proposal, it is not intended to directly notify any business, land owner or other State or Commonwealth agency.

During the exhibition period, the planning proposal, gateway determination and other relevant documentation will be available on Council's website and hard copies will be available at Council's Administration Building and libraries.

State Environmental Planning Policies (at 1 October 2009)

Policy	Comment
SEPP (Affordable Rental Housing) 2009	N/A
SEPP (Exempt and Complying Development Codes) 2008	N/A
SEPP (Infrastructure) 2007	N/A
SEPP (Temporary Structures and Places of Public Entertainment) 2007	N/A
SEPP (Major Development) 2005	N/A
SEPP (Building Sustainability Index: BASIX) 2004	N/A
SEPP (Housing for Seniors or People with a Disability) 2004	N/A
SEPP No. 71 - Coastal Protection	N/A
SEPP No. 65 - Design Quality of Residential Flat Development	N/A
SEPP No. 64 - Advertising and Signage	N/A
SEPP No. 55 - Remediation of Land	N/A
SEPP No.32 - Urban Consolidation (Redevelopment of Urban Land)	N/A
SEPP No.19 - Bushland in Urban Areas	N/A
SEPP No.33 - Hazardous and Offensive Development	N/A
SEPP No.4 - Development Without Consent (Clause 5B)	N/A
SEPP No.1 - Development Standards	N/A
Deemed SEPP - Sydney Regional Environmental Plan (Sydney Harbour Catchment Area)	N/A

Appendix 2: Section 117 (2) Directions (at 1 October 2009)

Direction	Comment
1. <i>Employment and Resources</i>	
1.1 Business and Industrial Zones	Consistent
1.2 Rural Zones	N/A
1.3 Mining, Petroleum Production and Extractive Industries	N/A
1.4 Oyster Aquaculture	N/A
1.5 Rural Lands	N/A
2. <i>Environment and Heritage</i>	
2.1 Environment Protection Zones	N/A
2.2 Coastal Protection	N/A
2.3 Heritage Conservation	N/A
2.4 Recreation Vehicle Areas	N/A
3. <i>Housing, Infrastructure and Urban Development</i>	
3.1 Residential Zones	N/A
3.2 Caravan Parks and Manufactured Home Estates	N/A
3.3 Home Occupations	N/A
3.4 Integrating Land Use and Transport	N/A
3.5 Development Near Licensed Aerodromes	N/A
4. <i>Hazard and Risk</i>	
4.1 Acid Sulfate Soils	N/A
4.2 Mine Subsidence and Unstable Land	N/A
4.3 Flood Prone Land	N/A
4.4 Planning for Bushfire Protection	N/A
5. <i>Regional Planning - Not applicable to the Randwick City LGA</i>	
6. <i>Local Plan Making</i>	
6.1 Approval and Referral Requirements	N/A
6.2 Reserving Land for Public Purposes	N/A
6.3 Site Specific Provisions	N/A
7. <i>Metropolitan Planning</i>	
7.1 Implementation of the Metropolitan Strategy	Consistent