

17/03106

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

Dear Mr Brownlee

**Planning proposal to amend Randwick Local Environmental Plan (LEP) 2012**

I am writing in response to Council's request for a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to amend height and floor space ratio controls and introduce new LEP provisions for the Kensington and Kingsford Town Centres.

Firstly, I would like to congratulate Council on its strategic approach and comprehensive background work on the planning proposal for the Kensington and Kingsford Town Centres. I note that Council's work has been recognised in a number of awards including the Greater Sydney Commission Great Plan Award for the K2K Urban Design Competition and most recently the Planning Institute of Australia Planning Excellence Award for the Kensington and Kingsford Planning Review.

As delegate of the Greater Sydney Commission, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

The importance of the NSW Government's investment in the CBD and South East Light Rail to increase accessibility and unlock the potential for employment growth and urban renewal is highlighted in the draft Sydney Region Plan and the Revised draft Eastern City District Plan. It is acknowledged that the area presents an opportunity to deliver significant economic benefits through the agglomeration of health, research and education and the surrounding mixed-use precinct within the Kensington to Kingsford corridor will support the area's growth and liveability for workers, residents and students.

As discussed with Council officers, the Department of Planning and Environment considers that the transition occurring within the area as part of the construction of the light rail infrastructure provides the opportunity to ensure an uplift in density is determined consistent with the transport capacity available, subject to suitable design and development outcomes.

In the consideration of Council's planning proposal, the Department has met regularly with Council to seek to resolve outstanding issues prior to issuing a Gateway determination. The Department has undertaken a rigorous assessment including seeking an independent peer review of the urban design component of the planning

proposal, feasibility testing, consultation with Transport for NSW and aligning the proposal with the current legislative framework and Government policy for Development Contributions.

In progressing the proposal to issue a Gateway determination, I have conditioned the Gateway to require Council to investigate opportunities to accommodate additional dwellings within the Kensington and Kingsford Town Centres study area.

This condition requires Council to investigate the additional capacity within the boundary of the current planning proposal (B2 zoned land), which can accommodate increased density, while providing for well-designed and vibrant town centres. Council should also note that FSR increases should be considered where height increases can be attained through design excellence. This is particularly relevant where an additional two storeys are permitted with design excellence, however the same FSR applies.

A copy of the peer review of the planning proposal is attached for your information. However, it is a matter for Council to identify which sites are proposed for additional height and/or density.

I have also required the removal of the community infrastructure contribution clause from the planning proposal. The Department considers that Council should investigate funding for local infrastructure through the application of a Section 94 plan. The proposed mechanisms to collect infrastructure contributions is inconsistent with the Act and supporting policies for levying development contributions.

In relation to Affordable Housing Contributions, it should be noted that the inclusion of the affordable housing provision is contingent on the amendment of State Environmental Planning Policy No.70 - Affordable Housing (Revised Schemes) (SEPP 70) prior to or concurrently with the finalisation of the plan.

Council is also encouraged to consider the land surrounding the B2 Local Centre zone to provide an appropriate transition between the controls proposed on land zoned B2 Local Centre and R2/R3 residential zoned land as part of a separate planning proposal process. In undertaking this work, Council is encouraged to identify opportunities for increased density around the Carlton Street light rail stop.

I have considered the nature of Council's planning proposal and have decided not to issue an authorisation for Council to exercise delegation to make this plan.

The amending LEP is to be finalised within 12 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department to draft and finalise the LEP should be made six weeks before 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. To meet these commitments, the Greater Sydney Commission may act under section 54(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any queries regarding this matter, I have arranged for Ms Catherine Van Laeren, Director, Sydney Region East, to assist you. Ms Van Laeren can be contacted on (02) 9274 6512.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Marcus Ray', with a stylized flourish at the end.

**Marcus Ray**  
**Deputy Secretary**  
**Planning Services**

Encl: Gateway Determination  
Peer review of planning proposal

12/12/2017