



Gateway Determination

Planning proposal (Department Ref: PP-2021-4267) for a comprehensive review of the Randwick Local Environmental Plan (LEP) 2012 to align with the strategic directions of the Eastern City District Plan and Randwick Local Strategic Planning Statement (LSPS), implement the findings and recommendations of other local strategies and studies, and consider landowner rezoning requests and miscellaneous amendments.

I, the Executive Director, Eastern Harbour City at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Randwick Local Environmental Plan 2012 to align with the strategic directions of the Eastern City District Plan and Randwick LSPS, implement the findings and recommendations of other local strategies and studies, and consider landowner rezoning requests and miscellaneous amendments should proceed subject to the following conditions:

1. The planning proposal and supporting documentation are to be revised prior to public exhibition to address the following:
 - a) Include information relating to the Department's Employment Zones Reform Framework by either:
 - i. Incorporating relevant details, such as land use permissibility, intended changes to the local provisions and mapping, and explaining the translation and implementation of the Framework so that it could be readily incorporated in the LEP at finalisation; or
 - ii. Including an advisory referencing the Employment Zones Reform work noting the proposed translation of employment zones as it relates to the proposed amendments.
 - b) Remove the proposed exempt development provision for non-hosted short-term rental accommodation.
 - c) Remove the proposed local character provision, mapping and local character statements.
 - d) Remove the proposed rezoning of the land at 1903R Botany Road, Matraville from RE1 Public Recreation to RE2 Private Recreation.
 - e) Provide further justification for the proposed heritage items, including a detailed assessment against the NSW Heritage Office Guideline, *Assessing Heritage Significance*, 2001 and a statement of significance for each new item; and provide an explanation for the expanded boundary of the Moira Crescent Heritage Conservation Area.
 - f) Provide further commentaries to address consistency with section 9.1 Direction – 3.4 Integrating Land Use and Transport, to be informed by Council's *Local Transport Study* (for the Housing Investigation Areas)

upon completion. The Study is to be exhibited with the planning proposal.

- g) Provide commentaries to address consistency with section 9.1 Direction – 4.1 Acid Sulfate Soils as it relates to all sites identified on the Acid Sulfate Soils map.
 - h) Provide commentaries to address consistency with section 9.1 Direction – 4.3 Flooding (issued 14 July 2021) as it relates to the Housing Investigation Areas.
 - i) Provide commentaries to address consistency with section 9.1 Direction – 6.2 Reserving Land for Public Purposes as it relates to the Randwick Racecourse Light Rail Stabling Facility.
 - j) Confirm the floor space ratios (FSRs) for the West Randwick and Kingsford South Housing Investigation Areas (HIAs) and correct any discrepancies between the planning proposal and urban design reports. Confirm that the feasibility analysis for the Draft Affordable Housing Plan relates to the accurate FSRs.
 - k) Explain whether development costs, such as developer contributions, rates, land taxes and construction costs, have been factored into the feasibility analysis that informs the Draft Affordable Housing Plan for the HIAs.
 - l) Clarify the term ‘maker spaces’ and the type of uses it would encompass.
2. Prior to finalisation, the planning proposal is to be revised to:
- a) For the Housing Investigation Areas, undertake further testing to ensure the proposed FSRs can be accommodated in the proposed height standards, while achieving appropriate built form, landscape, and amenity outcomes. The testing is also to demonstrate the future built forms are capable of satisfying the Apartment Design Guide, including solar access to future development and adjoining properties. The above specifically relates to the Kensington North, Arthur Street, Magill Street and Kingsford South HIAs.
 - b) Consider the merit of rezoning the existing commercial uses at 632-634 Anzac Parade, Kingsford (within the Kingsford South HIA) from a residential to business zone.
 - c) Where the development potential for the HIAs are revised post-exhibition, undertake an updated feasibility analysis and amend the draft Affordable Housing Plan and the planning proposal accordingly.
3. Prior to community consultation, consultation is required with the Commonwealth Department of Infrastructure, Transport, Regional Development and Communications or its delegate in accordance with section 9.1 Ministerial Direction – 3.5 Development Near Regulated Airports and Defence Airfields.

4. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the planning proposal 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 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).

5. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
 - Commonwealth Department of Agriculture, Water and Environment,
 - Environment, Energy and Science (EES) Group of the Department of Planning, Industry and Environment,
 - Centennial Park and Moore Park Trust,
 - Randwick Racecourse Trust,
 - Transport for NSW,
 - Land and Housing Corporation,
 - La Perouse Local Aboriginal Land Council,
 - Heritage NSW,
 - Sydney Water Corporation,
 - Ausgrid,
 - Sydney Airport Corporation, Airservices Australia and the Civil Aviation Safety Authority (CASA),
 - Bayside Council,
 - Waverley Council, and
 - Woollahra Municipal Council.

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.

6. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the 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. Given the nature of the planning proposal, Council is not authorised to be the local plan-making authority to make this plan.
8. The planning proposal must be exhibited no later than 2 months from the date of the Gateway determination.
9. The planning proposal must be reported to council for a final recommendation no later than 9 months from the date of the Gateway determination.

10. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

12 September 2021



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City
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Delegate of the Minister for Planning
and Public Spaces