



Ms Therese Manns
General Manager
Randwick City Council
30 Frances Street
RANDWICK NSW 2031

Dear Ms Manns

Planning proposal PP-2021-4267 to amend Randwick Local Environmental Plan (LEP) 2012

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal for a comprehensive review of the Randwick LEP 2012 to align with the strategic directions of the Eastern City District Plan and Randwick Local Strategic Planning Statement, and to implement the recommendations of other local strategies and studies.

As delegate of the Minister for Planning and Public Spaces, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistencies with certain aspects of section 9.1 Directions - 1.1 Business and Industrial Zones, 3.1 Residential Zones, 4.1 Acid Sulfate Soils and 6.3 Site Specific Provisions are minor or justified in accordance with the terms of the Directions.

In relation to Direction - 6.2 Reserving Land for Public Purposes, I have agreed to the reduction and creation of land for public purposes for the reasons stated in the Gateway Report. This is with the exception of the reduction of land for public purposes at 1903R Botany Road, Matraville for which approval is not granted, for the reasons detailed in the Gateway Report. No further approval is required in relation to these Directions.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of section 9.1 Directions - 2.3 Heritage Conservation, 3.4 Integrating Land Use and Transport, 3.5 Development Near Regulated Airports and Defence Airfields and 4.3 Flooding. Council should ensure this occurs prior to public exhibition or the plan being made, as stipulated in the Gateway conditions.

The Department wishes to draw Council's attention to the following matters:

Employment Zones Reform

The Department recently exhibited the '*Employment Zones Reform*' package to simplify the employment zones framework, which may in future impact on existing and the proposed business zoning.

The Department has discussed with Council's planning officers regarding the potential implementation of the Employment Zones Framework ahead of the introduction of the broader reform package. A Gateway condition has been included to provide Council with the option to either exhibit the planning proposal with the requisite details, so that the new

Employment Zones Framework can be readily incorporated in the LEP at finalisation; or to include an advisory referencing the Employment Zones Reform work for the community's information.

In either case, the Department will support Council to facilitate translation into the new framework, building on the strategic work that has already been undertaken.

Housing Investigation Areas (HIAs)

The Department commends Council on the strategic studies undertaken for the Housing Investigation Areas and proactively identifying opportunities for housing delivery and improved affordability.

The Department considers the proposal will benefit from further urban design testing following consideration of submissions and prior to finalisation of the LEP. This will ensure alignment between the proposed floor space ratios and height standards while achieving appropriate built form, landscape and amenity outcomes.

The Department is aware that Council is preparing a Local Transport Study for the HIAs which is to be exhibited with the planning proposal. The Department supports this approach and also encourages Council to work closely with Transport for NSW to address any traffic and public transport related impacts as a result of the proposed uplifts.

Council is also required to consult with the Commonwealth Department of Infrastructure, Transport, Regional Development and Communications prior to exhibition regarding potential impact on the Obstacle Limitation Surface for the Sydney Airport, due to height controls for the South Juniors site and the HIAs.

Local Character

The Department commends Council on the preparation of local character statements for The Bays, North Coast and South Coast character areas. As you are aware, the Department exhibited an Explanation of Intended Effect for local character from November 2020 to January 2021. Submissions from the exhibition revealed mixed feedback on the local character clause. Currently there is no Department endorsed statutory pathway to include local character in LEPs, and as such the local character component could not be supported at this time. However, Council may consider incorporating the local character work into the development control plan (DCP) to provide guidance for future developments.

Certain character areas include sites owned by the La Perouse Local Aboriginal Land Council (LALC). Council is encouraged to consult with the LALC if the local character maps and statements are to be included in the DCP.

Short Term Rental Accommodation (STRA)

New planning provisions for STRA were notified on 9 April 2021 and are due to commence on 1 November 2021. These will introduce an exempt development pathway for both hosted and non-hosted STRA across the State, with the Byron Shire LGA as the only exception.

These are intended to be the only STRA provisions applicable in NSW. Non-hosted STRA is limited to 180 days across Greater Sydney and further reductions of the non-hosted day limit are not currently being considered by the NSW Government.

Small Scale Cultural Activities

The Department appreciates the intent of the proposed exempt development provisions to ensure flexibility and diversity of small scale cultural activities in local and neighbourhood centres. Council is encouraged to consider whether the proposed controls are the best means to achieve its aim, and/or to revisit the scope of the provision.

Low Rise Diversity Areas

Council is encouraged to investigate the introduction of 'Low Rise Diversity Areas', or other similar measure, to address housing diversity and achieve Priority 2 '*Diverse housing to meet the needs of the Community*' of the Randwick Housing Strategy 2020.

Council has not requested to be the local plan-making authority. I have determined not to condition the Gateway for Council to be the local plan-making authority given the nature of the proposal and the inconsistencies with certain section 9.1 Directions.

The amending LEP is to be finalised within **twelve (12) months** of 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 eight 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 section 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any enquiries about this matter, I have arranged for Ms Chloe Desgrand to assist you. Ms Desgrand can be contacted on (02) 8275 1248.

Yours sincerely



12 September 2021

Malcolm McDonald
Executive Director, Eastern Harbour City
Greater Sydney, Place & Infrastructure

Encl: Gateway determination