

RANDWICK CITY COUNCIL

Gateway Alteration Submission Comprehensive Planning Proposal

05 November 2021

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Executive Summary

This submission supports Randwick City Council's request for a Gateway Alteration of the Gateway Determination dated 12 September 2021 for the Comprehensive Planning Proposal.

The Comprehensive Planning Proposal (the Planning Proposal) has been prepared to update the Randwick Local Environmental Plan 2012 in accordance with the policy approach of the State Government's Standard Instrument LEP, which encourages Councils to undertake a comprehensive update of planning instruments to ensure they are in line with the strategic directions and planning priorities of the Greater Sydney Region Plan (A Metropolis for Three Cities), Eastern City District Plan and Randwick Local Strategic Planning Statement (LSPS).

Council requests the amendment of the following Gateway Conditions for the reasons summarised below:

- Condition 8 relating to the commencement of public exhibition within in 2 months of the Gateway Determination. A Gateway Alteration is requested to commence public exhibition in February 2022 to allow appropriate time for the preparation of exhibition materials and additional consultant studies, and to prevent exhibition coinciding with the end of year holiday period and other major Council activities.
- Condition 9 relating to reporting back to Council for a final recommendation no later than 9 months of the Gateway Determination. A Gateway Alteration is requested to allow reporting to Council at the end of June 2022 to align with the scheduled Council meeting dates.

This submission justifies our request to amend the above Gateway Determination conditions.

A separate Gateway Review has been submitted concurrently in response to Condition 1.b) Short term rental accommodation, Condition 1.c) Local character provision and Condition 1.d) 1903R Botany Road, Matraville.

Introduction

On 12 September 2021, the Department of Planning, Industry and Environment issued a Gateway Determination for the Randwick Comprehensive Planning Proposal (Department Ref: PP_2021_4267).

The Planning Proposal seeks to amend the the Randwick Local Environmental Plan (LEP) 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.

Council received a copy of the Gateway Determination on 13 September 2021. On 26 October 2021, Council endorsed the submission of the Gateway Review at its Ordinary Council meeting. In response to this Resolution, Council requests the amendment of the following Gateway Conditions, via a Gateway Alteration:

- Conditions 8 – timing of public exhibition
- Condition 9 – timing of final reporting to Council.

Recent discussions with the Department have indicated that the Gateway Alteration process could be utilised to amend Conditions 8 and 9, provided adequate timeframes for review by Parliamentary Counsel is allowed for and the final LEP completion date of 12 September 2022 can be met. This submission justifies our request to amend the above Gateway Determination conditions.

A separate Gateway Review has been submitted concurrently in response to the following conditions:

- Condition 1.b) Short term rental accommodation
- Condition 1.c) Local character provision
- Condition 1.d) 1903R Botany Road, Matraville.

Except for the conditions listed above, the remaining conditions of the Gateway Determination are noted and accepted by Council.

Gateway Conditions Requested to be Amended

Planning Proposal Timing

Condition 8 The planning proposal must be exhibited no later than 2 months from the date of the Gateway determination

Condition 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.

Conditions 8 and 9 of the Gateway Determination set out timeframes for the next stages of the Planning Proposal process and include dates for the completion of stages, based on the date of the Gateway Determination, being 12 September 2021 as follows.

- Condition 8 requires commencement of public exhibition no later than 2 months from the date of the Determination, being 12 November 2021.
- Condition 9 requires reporting to Council for a final recommendation no later than 9 months from the date of Determination, being 12 June 2022.

Gateway Review justification

Council raises concern with Condition 8 requiring public exhibition commence in mid-November 2021. While an end of year public exhibition period was initially considered for the Planning Proposal (see timeline below) a number of matters have arisen that present risks to an end of year exhibition as follows:

- The Planning Proposal includes significant changes to the existing planning controls that need to be communicated clearly and effectively to the residents and stakeholders of Randwick City. A detailed Community Consultation Plan has been prepared that reflects this. Given the level of consultation required, additional time is needed to develop and prepare effective communication materials and resources. This is critical to ensure successful and meaningful community consultation.
- The uncertainty of Covid-19 restrictions has required the development of additional materials that the community can engage with online. Additional time is required to develop and prepare these online communication materials and resources. This is critical to ensure successful and meaningful community engagement with all members of the community.
- A number of the Gateway conditions have required additional consultant studies to be undertaken. Additional time is required to ensure these studies are prepared and completed with adequate time to include the outcomes of these studies within the consultation materials.
- While the Gateway Determination requires a minimum exhibition period of 28 days, Council typically prefers to exhibit significant planning proposals for 6 weeks. A 6-week consultation period that commences in mid-November would be carried out in the lead up to the end of year holidays, and would conclude during the Christmas holiday period. This timing conflict would result in lower levels of engagement with the community and is not in line with Councils Community Consultation Principles and Planning Guide, which places a moratorium on consultation activities within the end of year holiday period.
- Ideally, significant public exhibition periods do not coincide with other major Council activities. The re-scheduling of local government elections means that the public exhibition period would be carried out in the lead up to local government elections, and the election date on 4 December would coinciding with the public exhibition period.

Council also raises concern with Condition 9 requiring reporting to Council for a final recommendation by 12 June 2022. The adopted 2022 Schedule of Council meetings lists the June Council meeting for 28 June, 16 days after the 12 June deadline. A review of this condition is therefore sought to allow for the final recommendation to be reported to the June Council meeting.

Recommendation

A revised project timeline has been developed that outlines amended timeframes for the public exhibition and final recommendation of the Planning Proposal (Table 1). Council contends that the amendment of timing for the exhibition and final reporting will not hinder the requirement that the LEP be completed no later than 12 months of the Determination (12 September 2022). It is on this basis that Council recommends Conditions 8 and 9 are amended to align with the revised timeline outlined in Table 1.

Recent discussion with the Department have revealed that it is possible for the Department to alter the Gateway Determination without a Gateway Review, but via a Gateway Alteration. This administrative amendment process could be utilised to amend Conditions 8 and 9, provided adequate timeframes for review by Parliamentary Counsel is allowed for and the final LEP completion date of 12 September 2022 can be met.

Table 1: Revised Planning Proposal Timeline

No.	Step	Original timeframe	DPIE timeframe	Revised timeframe
1	Council request for Gateway Determination	June 2021	-	June 2021
2	Gateway Determination	August / September 2021	12 September 2021	September 2021
3	Completion of required technical information and report	October 2021	-	October / November 2021
4	Public consultation of Planning Proposal	October / December 2021	12 November 2021	February 2022
5	Government Agency consultation	October 2021	-	February 2022
6	Public Hearing following public consultation of Planning Proposal	November 2021	N/A	N/A
7	Consideration of submissions	January 2022	-	March/April 2022
8	Report to Council on submission to public exhibition	March 2022	12 June 2022	28 June 2022
9	Referral to Parliamentary Counsel and notify DPIE	May 2022	-	July 2022
10	Plan is made	June 2022	12 September 2022	12 September 2022

Conclusion

Council has undertaken a comprehensive planning review to guide the future growth and development of Randwick City in a manner that protects residential amenity, housing availability and affordability and preserves local character.

The Planning Proposal has been prepared to update the Randwick Local Environmental Plan 2012 to ensure it aligns with the strategic directions and planning priorities of the Greater Sydney Region Plan (A Metropolis for Three Cities), Eastern City District Plan and Randwick LSPS.

A Gateway Alteration is requested to amend Condition 8 to commence public exhibition in February 2022 to allow appropriate time for the preparation of exhibition materials and additional consultant studies, and to prevent exhibition coinciding with the end of year holiday period and other major Council activities. The Alteration also requests Condition 9 be amended to allow reporting to Council at the end of June 2022 to align with the scheduled Council meeting dates.

A separate Gateway Review has been submitted concurrently in response to Condition 1.b) Short term rental accommodation, Condition 1.c) Local character provision and Condition 1.d) 1903R Botany Road, Matraville.

