

## Gateway Determination

**Planning proposal (Department Ref: PP\_2016\_WAVER\_003\_00):** to amend height and floor space ratio controls for 194-214 Oxford Street and 2 Nelson Street, Bondi Junction.

I, the Executive Director, Regions, Planning Services at the Department of Planning and Environment as delegate of the Greater Sydney Commission, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Waverley Local Environmental Plan (LEP) 2012 to amend height and floor space ratio controls for 194-214 Oxford Street and 2 Nelson Street, Bondi Junction should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be updated as follows:
  - (a) to demonstrate consistency with the draft Central District Plan, released on 21 November 2016;
  - (b) the proposed LEP mapping and planning proposal be updated to reflect the correct SP2 Infrastructure zoning identified on the corner of Syd Einfield Drive and York Street;
  - (c) remove the proposed design excellence local provision including bonus provision scheme for undertaking a design competition;
  - (d) provide a statement of intent regarding a local provision for an architectural design competition to apply to this site, conducted in accordance with the Design Excellence Guidelines as issued by the Secretary and amended from time to time, and addressing:
    - overshadowing of surrounding area including Centennial Park;
    - the impact on heritage items in the vicinity of the site; and
  - (e) a site specific draft DCP is to be exhibited with the planning proposal.
2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
  - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
  - (b) the relevant planning 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 5.5.2 of *A Guide to Preparing LEPs* (NSW Department of Planning and Environment 2016).
3. Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant section 117 Directions:
  - Woollahra Council;

- Randwick Council;
- Office of Environment and Heritage;
- Transport for NSW;
- Roads and Maritime Services;
- Energy Australia;
- Sydney Water;
- Department of Education and Communities,
- NSW Ministry of Health; and
- Centennial Park and Moore Park Trust

Each public authority 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.

4. A public hearing is not required to be held into the matter by any person or body under section 56(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).
5. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated *22nd* day of *December* 2016



**Stephen Murray**  
**Executive Director, Regions**  
**Planning Services**  
**Department of Planning and Environment**

**Delegate of the Greater Sydney Commission**

Arthur Kyron  
General Manager  
Waverley Council  
55 Spring Street  
Bondi Junction NSW 2022

Our ref: PP\_2016\_WAVER\_003\_00 (16/01614)

Dear Mr Kyron

### **Planning proposal to amend Waverley Local Environmental Plan 2012**

I am writing in response to your 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 FSR controls at 194-214 Oxford Street and 2 Nelson Street, Bondi Junction.

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.

Council may still need to obtain the agreement of the Department's Secretary to comply with the requirements of relevant Section 117 Directions, particularly with regard to Direction 2.3 Heritage Conservation. Council should ensure this occurs prior to the plan being made.

In accordance with the recommendations of the Panel as part of the Pre-Gateway review, it is agreed that the planning proposal provides an opportunity to address improvements to the intersection of Oxford and York Streets and access between Bondi Junction and Centennial Park. This relates to the consideration of traffic and public domain improvements. Council is requested to consider this issue and undertake relevant consultations to address this matter.


Plan making powers were delegated to councils by instrument of delegation dated 14 October 2012. It is noted that Council has accepted this delegation. 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, as the proposal involves a number of policy matters.

The amending Local Environmental Plan (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 of Planning and Environment to draft and finalise the LEP should be made 6 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 Greater Sydney Commission may take action under section 54(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Ms Charlene Nelson of the Department's regional office to assist you. Ms Nelson can be contacted on (02) 9274 6570.

Yours sincerely

 22 December 2016  
**Stephen Murray**  
**Executive Director, Regions**  
**Planning Services**

Encl: Gateway Determination