

Gateway Determination

Planning proposal (Department Ref: PP-2021-3272): to prepare a new Waverley Local Environmental Plan that implements the policy directions of the Waverley Local Strategic Planning Statement and makes other minor amendments.

I, the Director, Eastern and South Districts 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 a proposal to prepare a new Waverley Local Environmental Plan (LEP) that implements the policy directions of the Waverley Local Strategic Planning Statement and makes other minor amendments should proceed subject to the following conditions:

1. The planning proposal (including relevant attachments) is to be revised prior to public exhibition to address the matters set out below:
 - i. include an advisory upfront in the “Discussion of Proposed Changes” document that the draft clauses are indicative only and will be subject to drafting by Parliamentary Counsel should the planning proposal progress to finalisation;
 - ii. include an advisory note referencing the Department’s *Employment Zones Reform* work and note that based on the exhibition package, the B2 Local Centre zone would likely align with the exhibited ‘E1 Local Centre’ zone, and the B4 Mixed Use zone with the ‘MU1 Mixed Use’ zone;
 - iii. include an advisory note referencing the Department’s draft *State Environmental Planning Policy (Housing) 2021* and consider any changes to the proposed R2 Low Density Residential Zone objective regarding boarding houses;
 - iv. revise the draft local character objective clauses for the R3 Medium Density Residential and R4 High Density Residential zones to delete the proposed changes to the mandated Standard Instrument LEP zone objectives. New objectives should be separate and underneath mandated objectives;
 - v. include an advisory note referencing the Department’s Explanation of Intended Effect (EIE), “*Varying Development Standards: A Case for Change*”, and acknowledge the proposal’s inconsistency with part of the exhibited EIE that states councils will no longer be able to exclude provisions from the operation of clause 4.6;
 - vi. provide further justification for the proposed amendment to extend Active Street Frontages to streets in B1 Neighbourhood Centre zoned land;
 - vii. remove the proposed amendment to extend clause 6.12 Development on certain land in Bondi Junction to the B3 Commercial Core zone;

- viii. amend the proposed waste minimisation and recycling local provision to reframe it as an overarching clause setting out aims and objectives and remove the detailed design requirements;
 - ix. provide additional information around the types of development the proposed future ready development clause is intended to apply to and amend to explain the relationship with the *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*;
 - x. confirm whether clauses 5.1 and 5.1A of the LEP are proposed to be amended to reflect the updated Land Reservation Acquisition Map;
 - xi. remove the proposed amendments to the Flood Planning Maps;
 - xii. remove the proposed zone and development standards changes to the Diamond Bay, Vaucluse precinct;
 - xiii. remove the incorrect reference to proposed changes to a Design Excellence Map; and
 - xiv. update the project timeline to reflect the timeframe allowed to complete the LEP.
2. 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).
3. 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:
 - Department of Primary Industries (Agriculture)
 - Environment, Energy and Science (EES) Group of the Department
 - Environment Protection Authority
 - Sydney Water Corporation
 - Transport for NSW
 - Randwick City Council
 - 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.
4. 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).

5. Given the nature of the planning proposal, Council is not authorised to be the local plan-making authority to make this plan.
6. The planning proposal must be placed on exhibition no later than 3 months from the date of the Gateway determination.
7. The planning proposal must be reported to council (or Planning Panel) for a final recommendation no later than 7 months from the date of the Gateway determination.
8. The time frame for completing the LEP is to be **10 months** following the date of the Gateway determination.

Dated 19 day of August 2021.



Laura Locke
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Infrastructure
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning
and Public Spaces