

Gateway Determination

Planning proposal (Department Ref: PP_2019_WAVER_001_00):
Housekeeping proposal.

I, the Acting 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 Waverley Local Environmental Plan (LEP) 2012 to undertake housekeeping matters, create a new local heritage item and rezone land should proceed subject to the following conditions:

1. Based on the item reference numbers in the Department's Gateway Report and prior to community consultation the planning proposal is to be amended to:
 - (a) Remove the clauses provided for Item 1, Item 2 and Item 3 under explanation of provisions and replace them with a plain English explanation of intent;
 - (b) Provide further explanation and justification as to why the identified zones, and only the identified zones, in Item 4 are appropriate for the proposed objectives;
 - (c) Remove Item 5 and Item 16 from the planning proposal;
 - (d) Update the Lot and DP reference for Item 7 to Lot 1 DP 337556;
 - (e) With regard to Item 8:
 - i. Remove Site I8A from the planning proposal or update this proposed amendment to add this site to the terrestrial biodiversity map and remove references to its rezoning to E2 Environmental Conservation;
 - ii. Provide confirmation that the Eastern Suburbs Banksia Scrub is still located at site I8B through an updated study or similar and provide a map showing its current extent; and
 - iii. Provide updated mapping for I8B to show the area to be rezoned using a more regular shape.
 - (f) With regard to Item 9:
 - i. Update to include only land that is not privately owned; and
 - ii. Provide updated mapping to show the area to be rezoned using a more regular shape.
 - (g) Update Item 11 to confirm the brick fence described in heritage item I376 no longer extends into the area proposed to be excluded from the listing;

- (h) Update Item 13 to indicate it is a mapping change only;
 - (i) Include indicative Land Zoning, Lot Size and Heritage maps that show the proposed mapping changes; and
 - (j) Update the project timeline.
- 2. Prior to community consultation the revised planning proposal is to be submitted to the Department of Planning, Industry and Environment for endorsement.
- 3. Consultation is required with following public agencies under section 3.34(2)(d) of the Act:
 - (a) Office of Environment and Heritage;
 - (b) Roads and Maritime Services; and
 - (c) Centennial Park and Moore Park Trust.

Each public agency 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. Consultation is required with all landowners who own land that is subject to this planning proposal.
- 5. 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 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2018).
- 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. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

8. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
- (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
 - (b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.

Dated 3rd day of October 2019.



Ann-Maree Carruthers
A/Executive Director, Eastern Harbour City
Greater Sydney, Place and Infrastructure

Delegate of the Minister for Planning and
Public Spaces