

## Gateway Determination

***Planning proposal (Department Ref: PP\_2019\_WAVER\_002\_00): to protect and promote commercial floor space in Bondi Junction Strategic Centre.***

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 protect and promote the delivery of commercial floor space in Bondi Junction Strategic Centre should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be revised to:
  - (a) remove the proposed provision relating to prohibiting **hotel and motel accommodation** in B3 Commercial Core zone.
  - (b) update any references and maps relating to the affected land to ensure accurate, clear and consistent descriptions of the land to which the planning proposal applies.
  - (c) rationalise the terms used in the planning proposal to clearly specify the types of uses intended to be protected and promoted, and ensure these terms are used coherently in the document.
  - (d) remove the proposed local provision and replace it with a plain English explanation of the proposed provision. The explanation of provisions is to:
    - I. make clear the types of non-residential uses to be subject to the proposed provision;
    - II. be consistent with the planning proposal's objectives, ensuring it addresses intended outcomes for both knowledge intensive and health related uses; and
    - III. adopt the Standard Instrument definitions, including group terms, wherever possible. If there are other special terms which are deemed necessary to be included in the planning proposal, such terms should be defined, explained and justified in the proposal; and
    - IV. provide more details in relation to the operation of the proposed local provision.
  - (e) update the proposed mapping changes and include a legible map to clearly identify the area to which the proposed local provision will apply.
  - (f) 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. 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, Industry and Environment, 2018).
4. No consultation is required with public authorities/organisation under section 3.34(2)(d) of the Act.
5. 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).
6. 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.
7. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated 11<sup>th</sup> day of March 2020.



**Amanda Harvey**  
**A/ Executive Director, Eastern Harbour City**  
**Greater Sydney, Place and Infrastructure**  
**Department of Planning, Industry and**  
**Environment**

**Delegate of the Minister for Planning and**  
**Public Spaces**