



Mr Arthur Kyron  
General Manager  
Waverley Council  
PO Box 9  
Bondi Junction NSW 1355

16/02691

Dear Mr Kyron

**Planning Proposal to amend Waverley Local Environmental Plan 2012**

I am writing in response to your Council's letter dated 29 January 2016 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) in respect of the planning proposal to amend the Waverley Local Environmental Plan 2012. The proposal seeks to make housekeeping amendments.

As a delegate of the Greater Sydney Commission, I have determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

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 9 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 Commission may take action under section 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

If you have any further enquiries about this matter, please contact Ms Belinda Morrow of the Department of Planning and Environment on telephone number (02) 9228 6589.

Yours sincerely

  
**Karen Armstrong**  
**Director, Sydney Region East**  
**Planning Services**

Encl. – Gateway determination

## Gateway Determination

**Planning proposal (Department Ref: PP\_2016\_WAVER\_001\_00):** to amend the Waverley Local Environmental Plan 2012 to make housekeeping amendments, including the introduction of a design excellence clause, policy amendments to the objectives of the architectural roof features, height of buildings, floor space ratio and the B1 Neighbourhood centre zone and correct the description of several heritage items.

I, the Director, Sydney Region East at the Department Planning and Environment, as delegate of the Greater Sydney Commission, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) that an amendment to *Waverley Local Environmental Plan 2012* to make the above housekeeping amendments, should proceed subject to the following conditions:

1. Prior to public exhibition, Council is to update the planning proposal to clearly identify which land the new design excellence clause will apply to and remove any reference to sub-regional strategies in the proposed B1 Neighbourhood Centre zone objectives.
2. Community consultation is required under sections 56(2)(c) and 57 of the EP&A Act as follows:
  - (a) the planning proposal is classified as routine as described in *A Guide to Preparing LEPs* (Department of Planning & Infrastructure 2013) and 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* (former Department of Planning & Infrastructure 2013).
3. Consultation is required under section 56(2)(d) of the EP&A Act with the Office of Environment and Heritage.

Office of Environment and Heritage 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 EP&A 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 **9 months** from the week following the date of the Gateway determination.

Dated

*7<sup>th</sup>*

day of

*March*

2016.

*K Armstrong*

**Director, Sydney Region East  
Planning Services  
Department Planning and Environment  
Delegate of the Greater Sydney Commission**