



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

14/20172

Dear Mr Kyron

Planning Proposal to amend Waverley Local Environmental Plan 2012

I refer to Council's letter 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 proposed amendment seeks to amend clause 6.7 Solar access to public spaces in Bondi Junction.

As a delegate of the Minister for Planning, I have determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.


The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has accepted this delegation. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending 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 to draft and finalise the LEP should be made directly to the Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment for administrative purposes.

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 Minister 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, I have arranged for Mr Wayne Williamson of the Metropolitan Delivery office of the Department of Planning and Environment to assist you. Mr Williamson can be contacted on telephone number (02) 8575 4121.

Yours sincerely


Lee Mulvey
Director, Metropolitan Delivery
Planning Services

19/12/14

Gateway Determination

Planning proposal (Department Ref: PP_2014_WAVER_005_00): to amend the Waverley Local Environmental Plan 2012 (Waverley LEP 2012) by amending clause 6.7 Solar access to public spaces in Bondi Junction.

I, the Director, Metropolitan Delivery at the Department Planning and Environment, as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* that an amendment to the Waverley Local Environmental Plan (LEP) 2012 to amend clause 6.7 Solar access to public spaces in Bondi Junction, should proceed subject to the following conditions:

1. 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 low impact as described in *A Guide to Preparing LEPs* (former Department of Planning & Infrastructure 2013) and must be made publicly available for a minimum of **14 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).
2. Consultation is required with Transport for NSW under section 56(2)(d) of the EP&A Act.

Public authorities are 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.
3. 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).
4. Prior to exhibition, the planning proposal is to be revised to demonstrate consistency with *A Plan for Growing Sydney*, released on 14 December 2014.
5. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 19th day of December 2014.


Director
Metropolitan Delivery (CBO)
Planning Services
Department Planning and Environment
Delegate of the Minister for Planning



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Waverley Council is authorised to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2014_WAVER_005_00	Planning proposal to amend Waverley LEP 2012 clause 6.7 Solar access to public spaces in Bondi Junction.

In exercising the Minister's functions under section 59, the Council must comply with the Department's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 19th December 2014


Director
Metropolitan Delivery (CBD)
Planning Services
Department of Planning and Environment